
Sent: 5/01/2020 3:19:45 PM
Subject: DA 2019/1378 - Por. 79 Kumarna St,Duffys Forest

We are writing to Council in support of this DA but subject to the consent condition set out below and in response to Council's notification to Mrs Boland of the DA dated 16 December 2019.

The consent condition below has been discussed with the owners of the property upon which the proposed development will be located and approved by them as evidenced by the exchange of emails with the Applicant below. We are the owner and occupiers of 130 Booralie Road which shares a shortish boundary with the property subject of the DA to the south of that boundary and along that part of that property upon which (part of) the proposed Arena will be located. The consent condition which has been agreed (subject, of course to Council's approval) is:

“ No artificial lighting will be used or amplified music, voice or other noise transmitted or played within the indoor arena after the hour of 9.30pm and before the hour of 7.00am (Sydney time) on any day.”

The purpose of this condition is to avoid disturbance by lighting or noise by the use of the arena after or before reasonable “business hours” as the ordinary training of horses on the arena is often done by communication between teacher and rider by “shouting” which, these days, can be - and usually is - by direct communication to the rider's ears by a suitable device.

We also oppose the imposition of limitations on the use of the property for the keeping of domestic animals as pets by the occupiers except that the numbers of such pets (including horses) might well be limited. It would be a severe restriction on the use of our neighbours' land if the rights to keep pets were limited in the manner which has been imposed in more recent subdivisions in Joalah and Booralie Roads when existing occupiers such as ourselves and our existing neighbours are not subject to such restrictions.

yours Faithfully

Nanette Boland (Owner/Occupier) and John Boland (Occupier)

130 Booralie Road
Duffys Forest 22084

Mob. 0418 623 814

Begin forwarded message:

From: Corinne Watkins <empireperformancehorses@gmail.com>
Subject: Re: DA 2019/1378 - Por. 79 Kumarna St,Duffys Forest
Date: 29 December 2019 at 1:14:59 pm AEDT
To: John Boland <j.boland5@icloud.com>
Cc: "Sam Watkins (sam_watkins@bigpond.com)" <sam_watkins@bigpond.com>

Dear John,

Thankyou for your email. I hope you had a lovely Christmas.

With regard to your draft as setout below, we are in agreement with your proposal and wording.

Thankyou for engaging with us on these issues and we are pleased that you are in support of the development at present. We will continue to address any issues that may arise as we work through the approval process.

I hope you are enjoying the holiday season.

Warm regards,

Corinne and Sam

On Mon, 23 Dec. 2019, 10:34 John Boland, <j.boland5@icloud.com> wrote:

Ho Corinne

We have been having some internet problems so I am sending the email below again. But that does not excuse my misaddressing of it again!

John B

Sent from my iPad

Begin forwarded message:

From: John Boland <j.boland5@icloud.com>
Date: 22 December 2019 at 3:07:08 pm AEDT
To: empireperformancehorse@gmail.com
Cc: sam_watkins@bigpond.com, Nanette Boland
<nanboland@hotmail.com>
Subject: DA 2019/1378 - Por. 79 Kumarna St,Duffys Forest

Hi Corinne (and Sam)

I refer to our recent exchanges of emails and your meeting with Nanette last Thursday.

As you may be aware your neighbours have now received notification from the Council of the lodgement of your DA and inviting submissions which must be lodged by 28 January 2020. As you are not unhappy with our proposals about the arena use and its lighting as well, we propose that our submission to Council would propose the following condition of approval and indicate that it has been discussed with and approved by you. Before doing that we would be pleased if you would consider our draft and suggest any amendments to it that you think better sets out what you would prefer and let us have any comments in ample time for us to "debate" any points of difference or wording and reach agreement if you want amendment. We propose :

“No artificial lighting will be used or amplified voice, music or other noise transmitted or played within the indoor arena after the hour of 9.30pm and before the hour of 7.00 am (Sydney time) on any day.”

We do not intend to oppose the proposed development or any part of it other than requesting the proposed condition of consent above (or as it may be amended by agreement with you). We think the Council may well consider our response to be supportive. Good luck.

We appreciated your detailed response to our earlier email and your memories of things done here. Tim certainly remembers your “lessons” and commented that you were a most “attentive” and appreciative student and he is not surprised that you have carried on with your equestrian activities.

Kind Regards

John & Nanette