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PROJECT: 64 Fairlight Street Fairlight NSW 2094

SUBJECT: Response to Objection letter from Bernard Hemberger 62 Fairlight Street Fairlight NSW 2094

As the architect for the above Development Application I write on behalf of the applicants and owners Ian Donaldson and Lucy Shepherd in response to the emailed objection received on 22nd October 2019 from Bernard Hemberger of 62 Fairlight Street Fairlight NSW 2094.
 Using the same order as the email my comments are:

62 Fairlight Street Fairlight	
1.	
a	How exactly does a swimming pool with a compliant pool fence with effective compliant lock, accessible only from a pathway in front of the house, accessed through a lockable gate behind a compliant front fence constitute a hazard to children and to their grandchildren? Are they suggesting that children and their grandchildren have been taught to believe it is acceptable to trespass on other people's property to use someone else's pool? Are there numbers of young children in the area that are not being effectively supervised by their parents or guardians?
b	The proposed pool is too small to be suitable for laps, and no lap pump is to be installed. It is for enjoyment of the owners and guests. If this pool would cause a noise issue for the occupants in the bedrooms of 62 Fairlight Street I would assume that would be for the hours between 9.30pm and 6.30am? Is there likelihood that this type of pool would be used between those hours? Currently the complainant has had no issue with the owners using their front yard during these times Given the distance involved, the bin enclosure wall and landscaping and the positioning and useage we do not believe that the pool area will generate noise levels unacceptable to sleeping occupants of 62 Fairlight Street
c	Has the complainant detailed knowledge of the suggested pool pump? Has the complainant provided an acoustic report to back up such claims? The detailed plans and sections clearly note that the pool pump will be built into the rear wall of the bin enclosure and will have effective acoustic screening and this is note din documents. The last thing our clients would want even for themselves is a noisy pool pump and the location and design was developed in consideration of theirs and neighbours possible noise pollution issues.
d	How is that a concern of the neighbours? If planning regulations allow for a pool on this sized lot to occur how can there be an objection? The outdoor seating area and the firepit do not require a planning permit and the work is relevant only for the retaining walls, deck surfaces and landscaping.
2.	
a	How could a fire pit behind a fence line, hidden from general view, on another person's property be a potential hazard to children or even no. 62's grandchildren? Are they suggesting that their grandchildren have, or will, or might enter another person's property illegally and start a fire?

	If so, is the issue really not with the parents and guardians of these children to teach them the law and how to behave?
b	<p>We fail to see how the noise of people sitting around this fire pit could be any worse than the noise of people sitting around a front yard or a front yard deck.</p> <p>This is usage that can't be regulated except by noise complaint which our clients would readily address.</p> <p>Surely we would only be talking about nighttime usage, and bedrooms to neighbours at 62 are many metres away, effectively no further than the existing side deck or rear deck with bbq.</p> <p>How can, or could this, with the swimming pool fencing and the bin enclosure and associated landscaping be any more problem?</p>
c	<p>We fail to see how this point is either relevant or a condition of planning law.</p> <p>The fire pit is to be used for warming the users when sitting in the yard, and is a now very common feature in residential works and is not for cooking of any sort.</p> <p>It will be gas powered only and no other fuels – including wood will be used on it.</p> <p>There has never been any suggestion it would be for anything other than heating.</p>
3.	<p>This is a subjective statement and not based on a detailed understanding of the proposed works. Is there a level where this site would be considered overbearing?</p> <p>Essentially the main body of works will involve a new front fence, and a submerged pool and outdoor area, and then a small amount of additional bulk (mainly in the existing roof) to the main house.</p> <p>Please note that for the extra detail in the front yard the eastern yard against the complainants' property is to be softened and landscaped to be more "friendly".</p> <p>What exactly is the complainant's definition of street character?</p> <p>There appear to be many, many styles and types occurring and our proposed work is seeking to be as unobtrusive as possible within the existing house and within the local area.</p>

We would appreciate consideration of our responses when addressing these comments

The owners and I are available to meet Council and /or the owner of 62 Fairlight Street Fairlight at any time to discuss his concerns and the responses contained in this letter.

Sincerely

David McCrae
Principal
MM + J Architects