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Send to: Northern Beaches Council Job no. 1915 Date: 05th October 2019
 D.A: 1092/2019 Page no. 01

PROJECT: 64 Fairlight Street Fairlight NSW 2094

SUBJECT: Response to letter from Marian Hambly 66 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 29th October 2019 from Marian Hambly of 66 Fairlight Street Fairlight NSW 2094.

Prior to responding to her comments and objections on the above DA1092/2019 we would like to make it clear that Marion Hambly is a resident of Unit 2 66 Fairlight Street Fairlight and not Unit 1 66 Fairlight Street Fairlight as she claims in her objection. Unit 1 66 Fairlight Street Fairlight is owned by a woman called Lynn and is the ground floor flat not the first floor flat, and was sold to her by Adam Moore of Stone Real Estate Manly.

We believe that if the address noted as intentionally erroneously numbered her objection should be ignored as she would appear to be attempting to distance herself from the other occupant of her real apartment Unit 2 66 Fairlight Street Fairlight, Kate Farrow.

We believe this should be thoroughly investigated by Northern Beaches Council.

Thus using the same order as the email my comments are:

	66 Fairlight Street Fairlight
1.	Size The undersize refers to it being under the 250sqms area for minimum blocks The house is high in FSR due to earlier subdivision that allowed the house behind to be built The clients are entitled to ask for exemptions to the Development Standards if seeking them through the 4.56 FSR has nothing to do with water flow. Runoff on her own site can be improved by not having a solid driveway. All new and existing roof runoff will flow to the existing stormwater lines via downpipes.
2.	Swimming Pool Noise and other pollution The complainant could just as easily live 11ms from a rear yard pool – the distance is in no way a planning concern. Actually, a company called FineWorx can provide such sound reducing window treatments if she chooses to install. Happy to provide details if required. There is no planning requirement for the front yard to be made silent by the owners. Clients can currently hear the occupants of upper floor of 66 Fairlight Street speaking if their windows are open. There is currently a concrete driveway below her bedroom window, and the proposed design will incorporate landscaping for privacy and noise assistance. A fire pit is proposed and can be installed without council permission. Currently my clients are entitled to use one and also to have a bbq in their front yard. Th EPA Legislation is of no relevance in this case. How exactly can this proposal be objected to on the basis that construction will occur or some noise for part of the construction process occur?

	<p>We assume she objects to all development on this basis? Considering that the majority of people would be working during the construction period we cannot understand the rationale behind opposing the pool due to construction noise. We also note that the excavation of the pool is unlikely to take more than a few days at most.</p>
3.	Child Safety Concerns
	<p>Why has she not raised concerns about safety with an unsupervised, unapproved swing being placed on a tree on the nature strip, with any safety signage around it? How is there relevance in the number of small children in the area in discussing a swimming pool that will be on private land behind compliant fencing and screened from view by careful, and considered landscaping? Is she implying that she believes children, and or their parents/grandparents/guardians will illegally enter my clients property and illegally use their swimming pool, or supports their behaviour in doing so? The history, location, equipment installation and signage proposed for a playground, or park nearby are of no relevance to his proposed design. It is an unwarranted and emotive argument. Safety to users and the surrounding area is paramount for our clients and the front gates, stairs, pool entry gates and fences etc have all been designed with safety issues and compliance at the forefront. There is no relevance or planning prohibition on front yard pools. Most drownings occur in children's own homes and are caused by gates not being present or locked and poor or non-existent supervision by the child's guardian at the time. Again this is an emotive argument that is at odds with approvals for pools in the surrounding 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 66 Fairlight Street Fairlight at any time to discuss her concerns and the responses contained in this letter.

Sincerely

David McCrae
Principal
MM + J Architects