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Subject: Online Submission

27/11/2021

MR Paul Foster
- 31 Upper Almora ST
Mosman NSW 2088
[REDACTED]

RE: DA2021/2098 - 1 / 3 Pacific Parade MANLY NSW 2095

I am the owner of 7 Collingwood Street Manly. I object to the application on the following basis:
1) the location of the swimming pool as proposed does not comply with either the Objectives or Specific Control Requirements of the Manly DCP (2013).

2) 4.1.9 (Objective 1) of the DCP requires pools to be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties. This proposal fails against both requirements of the objective due to its non-compliance (on 3 specific criteria detailed below) in relation to setbacks and the proposed placement of pool equipment directly on the boundary of 7 Collingwood Street (rear boundary for the applicant, side boundary for 7 Collingwood Street, with the side wall of the residence at 7 Collingwood Street located 1 metre from the common boundary of the two addresses). The proposed non-compliant placement of both pool and pool equipment corresponds with the main living area and a bedroom of 7 Collingwood St, destroying the aural privacy and legal right of quiet enjoyment at 7 Collingwood St.

3) 4.1.9.2 of the DCP explicitly requires the setback of the outer edge of the pool/spa concourse from the side and rear boundaries to be at least 1m, with the water line being at least 1.5m from the boundary. The proposal fails both requirements. The outer edge of the concourse is located directly on the boundary line and the water line is 868mm from the boundary, barely more than half of the required setback under the criteria. The consequence of this non-compliance on 7 Collingwood Street is significant, given that the proposed placement of the pool (and non-compliant pool equipment placement) corresponds with the location of the main living area and a bedroom at 7 Collingwood Street. The consequence is further magnified by the applicant's proposal to place the entry step/seating within the pool at the end of the pool that sits within the non-compliant setback with 7 Collingwood Street

4) 3.9.3 of the DCP requires external mechanical plant systems for pools to be located centrally and away from living areas of neighbouring properties and side and rear boundaries. The proposed location of pool equipment directly on the boundary with 7 Collingwood Street, at a location on the boundary that corresponds with the main living area of 7 Collingwood Street (that living area being less than 1m from the boundary and therefore the pool equipment) is a manifest failure against this specific control requirement, with significant negative impact upon the neighbouring property.

There is no reason for this pool to be designed in a manner that results in multiple, significant failures against the objectives and specific control criteria of the DCP and with absolutely no regard for the significant negative impacts of these failures on the neighbouring property at 7 Collingwood Street. Orientating the pool east-west, rather than north-south or reducing its length and placing it and the pool equipment either in the middle of the yard or closer to the

house at 3/3a Pacific Parade would both result in a compliant outcome and avoid the significant negative consequences and amenity impact upon 7 Collingwood Street that would result from approval of the current non-compliant proposal.

Regards, Paul Foster