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**Sent:** 23/06/2019 4:48:50 PM  
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23/06/2019

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**RE: DA2019/0538 - 31 A Parr Avenue NORTH CURL CURL NSW 2099**

Dear Sir or Madam,

I am the owner of the other lot (31B) on this strata plan. As the proposed development involves a lot that is part of a strata plan, it requires approval from the owners corporation, which has not been sought or provided. In fact, the applicant has not even had a conversation with me about this proposal. This work involves a major renovation and includes changes to common property. Fair Trading rules for consent regarding major renovations to a property included in a strata plan are listed below:

Major renovations include:

- structural changes
- waterproofing
- changes affecting the outside appearance of the property, such as an access ramp
- work that needs approval under other laws (for example, council approval).

Approval for major renovations

The work needs a special resolution vote. Then the owner must give the owners corporation at least 14 days written notice before the work starts. This should describe the proposed alteration.

The owners corporation cannot delegate approval for major renovations to the strata committee.

Renovations and common property rights

If an owner needs to use part of the common property, like attaching an air conditioning unit to a common property wall, they must get approval through a common property rights by-law.

The common property by-law must state who is responsible for maintaining the common property. This responsibility would either:

- stay with the owners corporation, or
- go to an owner or owners.

Before the by-law can be passed, the lot owner or owners must first:

- agree to the by-law
- consent to maintaining the common property (if the by-law includes this).

I have spoken to Rhiannon McLardy and others from the Council's Planning division to advise them that there has been no adherence to the above procedure by the applicant and, therefore, the proposed development has not been approved by the owners corporation. Should this proposal be approved by Council, this will set a precedent for any owner of a lot that is part of a strata plan to make any modifications they like to their lot without going through the proper process as governed by the Strata Schemes Management Act 2015.

This proposed development has significant negative ramifications for my lot which includes, but it not limited to:

- reduction of sunlight on my lot and back yard. My lot is South-facing, so should this development proceed, I would only get sun on my lot for a couple of months during the height of Summer when the sun is at its highest in the sky
- impact on privacy - 31A currently has full view of my deck on the East side. The proposed development will give them full view of my entire lot, including my back yard
- there is currently no soundproofing between the two lots. It's a house where someone has drawn a virtual line to define the boundaries of the two lots. The only thing that separates the two lots are floorboards and, in some places, a thin gyprock ceiling, so every noise that is made in 31A can be heard in 31B. Increasing the size of 31A will allow for more people to live there, thus increasing the already intolerable noise from above. They have recently laid floor boards without approval and there is constant noise from the dragging of furniture across the floor boards
- my enjoyment of my lot will be severely impacted due to the lack of sunlight and the noise. I currently have a vegie garden in my back yard. This will mean it will only get sun for a couple of months a year and the added storey it will completely shadow my deck
- the value of my property will decrease significantly, as no one will want to live in a dark, cold cave-like home.

I strongly urge the Council to check the validity of this application for the reasons stated above and because it is inappropriate for its location on a multi-dwelling lot.

Yours sincerely,  
Deb Rowe