
Sent: 5/08/2019 2:26:53 PM

Subject: SP35701: | Application NOTICE OF PROPOSED DEVELOPMENT

1-3 Jubilee Avenue, Warriewood NSW 2102

Attention: Kelsey Wilkes - Planner: Northern Beaches Council
DA2019/0652

Lot 27 SP 35701 27/1 Jubilee Avenue WARRIEWOOD

Use of Premises as a Dog daycare and grooming business

Dear Kelsey,

I write to you as the appointed Strata Manager for the above Strata scheme to report that I have been informed that the Applicant is already operating this business from within Lot 27 at the address of the building, without the appropriate Council Approval or the approval of the Owners Corporation.

My brief assessment of the zoning regulations that cover such applications for the area in which this scheme is located, would lead me to believe that the "spirit" of the legislation would be correctly interpreted to mean that no form of **"retail"** business is to be conducted at the address for this Industrial warehouse scheme.

None of the businesses operating in compliance within this scheme, have any form any retail exposure or direct customer service contact at all.

All of the businesses within this scheme operate on a wholesale distribution basis, where the product that they produce or import, is distributed to their wider customer base offsite, by third party transport contractors.

The business that is proposed is a dog daycare and grooming business onsite.

That business type does have a retail element to its operation, with customers already attending the property to drop off and collect their respective animals.

In summary, a number of owners have provided me with a list of their "objections" to such a business being approved. In deed it should not be operating at the present time anyway.

In no particular order the complaints are as follows;

- the Owners Corporation has been advised that the dog business is already operating without the written approval of Council or the Owners Corporation;
- the Owners Corporation's By-Laws do not permit the modification of a lot (either its structure or use), without the written permission of the Owners Corporation having first been granted.
- the Owners Corporation has not received any completed application form, that was issued earlier, from either the "Applicant" or the owners of the lot, seeking the written permission of the Owners Corporation to operate the proposed business onsite;
- the Owners Corporation therefore has not granted any approval for this proposed dog

grooming business;

- the Owners Corporation has knows that water is consumed by each lot for toiletry and hand washing facilities only. This proposed business venture would significantly increase the water consumed by the Owners Corporation, (and paid for by all other lots in terms of their respective unit entitlement), as its water supply is only metered once at the point where the service enters the parcel at the front roadside address of the scheme;
- the Owners Corporation's position with respect to the cost of the additional water is that this extra cost is an unfair financial impost on the other owners;
- the Owners Corporation would not want the "peaceful enjoyment" of the any other lot owners to be diminished by the additional traffic disturbances/incidents/noise caused by the clients dropping off and collecting their animals;
- the Owners Corporation believes that for that reason there may be parking concerns associated with the customers attending to this business;
- the Owners Corporation would not want to be exposed to any level of risk, caused as a result of a claim being lodged against it for damages in the event that one of these animals is injured or killed on the common property;
- the Owners Corporation has been advised that dogs have already been seen being taken across common property presumably to be "toileted" on the grass verge which is common property of the Owners Corporation;
- The Owners Corporation does not believe that the other lot owners and business operators should have to contend with the possibility of noise/smell/defecation anywhere onsite;
- the Owners Corporation has no way of knowing the upper limit of dogs that may be in attendance at the building. There may be only a few, or many tens more;
- the Owners Corporation has no way of knowing what sanitary arrangements have been made to keep the internal airspace of the lot clean, and prevent dog faeces from being dumped in the garbage of any other lot
- the Owners Corporation expects photographic evidence (already requested), to support the objections already lodged, to be provided in the near future; and,
- the Owners Corporation is of the view that this proposed dog grooming business is not appropriate for this scheme.

Regards,

Lee Whitney JP

Principal and Licensee: Whitney Property Group Pty Ltd
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