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02/05/2024

DR Brian Zeman
1 / 24 - 25 The Strand STRA
Dee Why NSW 2099
[REDACTED]

RE: DA2024/0421 - 24 - 25 The Strand DEE WHY NSW 2099

There are several issues and concerns about this application.

1. If this is approved, the strata arrangements and agreement between the residential and commercial sides of the building would seem likely to need legal rewriting and agreement of both parties and there is no legal opinion or arrangement made about this in the application. This may include voting rights, appointment of strata manager, and issues related to which owner of the proposed new commercial arrangement etc. Currently the agreement does not fit usual strata arrangements and issues of dispute resolution, responsibilities for different matters is not clearly spelt out. Legal opinion on this should have been provided and presumably approval from both commercial and residential committees.

2. At present, neither of the shops has a letterbox or arrangement for delivery of mail or parcels, this should not be up to the residents to provide this.

3. Since the pictures provided in the application, there have been further developments in the adjacent block 20 with further shops and residential development resulting in more traffic and blockages in the driveway access.

4. Item 6.4 refers to access. In the application is said that this claims does not need to comply as the existing access, driveways and layback remain unchanged. However, there are significant issues that indicate lack of compliance currently. There is no passing bay every 30 metres to and there is no widening of the driveway to 5 m for a distance of at least 30 m with obstruction from various large commercial rubbish bins etc. Another issue is that the current shop usually parks in the back across the access to residential garbage bins for example. There is no parking provided for this shop otherwise. On the provided figure, there does not appear to be any parking for the southern shop. The parking space garage is now proposed for the northern shop.

5. The pictured garage parking is proposed for the shop but the garage building of this has not formally been approved by council. It abuts the residential car parking and has only a partial wall between which is covered by cloth. The car park garage proposed for use by the shop is very narrow and will have difficulty parking for any commercial vehicle. This can actually be seen in picture provided as the car is not shown to be in the garage but only halfway. If this garage is used for the shop, any activities will go across several residential garage driveway areas used by residents.

6. Stormwater arrangements are not changed yes but there have issues with stormwater during storms and the current business owner has said that it is the residential owners responsibility without clear arrangements between residential and commercial groups.

7. In relation to utility services: access to the electrical room has been an issue and arrangements for emergency plumbing etc for shops another an issue and unclear services and arrangements by the commercial side for this.

Overall, the proposal will have a detrimental impact on the residential properties. This proposal was not discussed with the residential committee and residents.

Finally as I have only recently seen this application and am overseas until 11th May 2024, I will ask for an extension for further and more detailed comments