

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR PROPOSED STRATUM SUBDIVISION

LOCATED AT

24-25 THE STRAND, DEE WHY

FOR

MR GEORGE GESHOS



**Prepared
March 2024**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	The Surrounding Environment.....	10
5.0	Proposed Development	11
6.0	Zoning and Development Controls	12
6.1	State Environmental Planning Policy (Resilience and Hazards) 2021	12
6.2	State Environmental Planning Policy (Sustainable Building) 2022	12
6.3	Warringah Local Environmental Plan 2011	12
6.4	Warringah Development Control Plan	14
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979.....	17
7.1	The provisions of any environmental planning instrument	17
7.2	Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority	17
7.3	Any development control plan.....	17
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	17
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	17
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.	17
7.8	The suitability of the site for the development.....	18
7.9	Submissions made in accordance with this Act or the regulations.....	18
7.10	The public interest	18
8.0	Conclusion.....	18

1.0 Introduction

This Statement of Environmental Effects accompanies a Draft Strata Plan prepared on behalf of Mr George Geshos & Brestan Pty Limited by Warren Bee, Reference No. 94285, dated 11 December 2023 to detail the Stratum Subdivision on land at **No. 24-25 The Strand, Dee Why**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as **No. 24-25 The Strand, Dee Why** being SP 94285 and Lot 62 within Deposited Plan 1203913 and is zoned E1 Local Centre within the provisions of the Warringah Local Environmental Plan 2011.

The land is noted as being Landslip Area A, and this issue will be addressed further within this statement.

The site is identified as being within a Coastal Use Area and Coastal Environment Area as mapped within the State Environmental Planning Policy (Resilience and Hazards) 2021. This matter will be further discussed within this statement.

The site is noted as being Low and Medium Risk Flood Prone Land on the Northern Beaches Council Flood Hazard Map. This matter will also be discussed within the statement.

The site is not affected by any additional hazards.

3.0 Site Description

The subject site is located on the western side of The Strand, north of Dee Why Parade and south of the Howard Avenue. The site is irregular in shape with a total site area of 766.5m².

The site accommodates a three (3) storey mixed use residential/commercial building comprising two (2) tenancies on the ground floor (Shop 1 and Shop 2) and four (4) self-contained residential units on the first and second floor. Nine (9) car parking spaces are provided onsite.

All car parking is accessed via the right-of-carriageway to the rear of the site from Howard Avenue. The right-of way benefits the subject site over Nos. 20 and 22- 23 The Strand.

Development Application DA2015/0200 was approved on the 28 April 2015 to strata subdivide the four (4) residential units with two car parking for each unit, creating separate titles for each.

The details of the existing site are indicated on the Strata Subdivision Plan, Strata Plan Reference No. 94285, dated 11 December 2023, which accompanies the DA stratum subdivision submission.



Fig 1: Location of Subject Site
(Source: Six Maps)



Fig 2: View of northern side of subject site, looking west from The Strand



Fig 3: View of the existing site (upper floor units located either side of common central ground floor entry), looking west from The Strand



Fig 4: View of the site and the adjoining commercial strip to the south of the site, looking south-west



Fig 5: View of the existing commercial development and residential flat development to the north of the site, looking north-west



Fig 6: View of the rear north-western corner of the existing building, looking north-east



Fig 7: View of the rear elevation of the subject building, looking east



Fig 8: View looking north along the rear elevation of the building



Fig 9: View of the detached rear garage, looking north-west



Fig 9: View of the driveway access to the site via a right of carriageway from Howard Avenue, looking south

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of two and three and multi-storey retail and residential development fronting The Strand, with Dee Why Beach located east of the site and the residential portion of Dee Why located to the west.

Dee Why beach is located directly opposite the subject site.

Properties in the area enjoy local views and views towards Dee Why Beach, with no amendment to the existing view corridors for the surrounding sites as a result of the proposed Stratum Subdivision.

The site and its surrounds are depicted in the following aerial photograph:

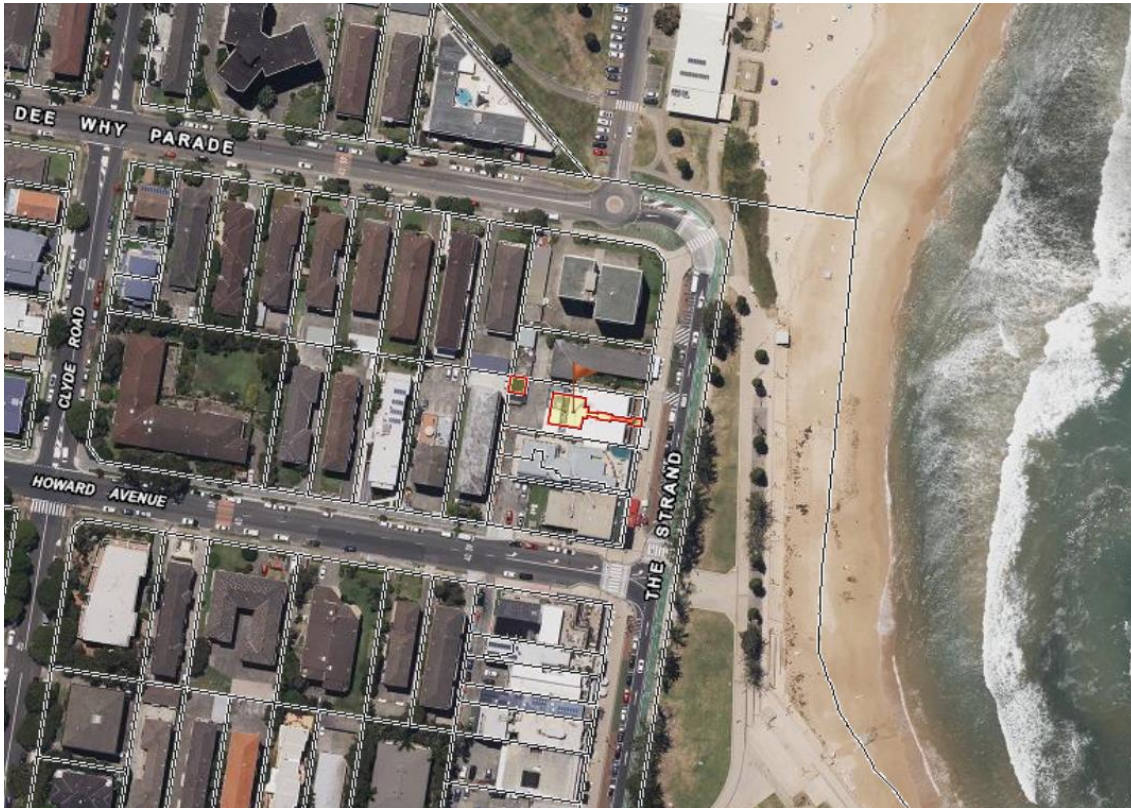


Fig 10: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

The proposal seeks approval to undertake a stratum subdivision on the properties ground floor for the two existing tenancies (Shop 1 and Shop 2). The proposal comprises of the following:

- **Lot 1:** northern tenancy
- **Lot 2 :** southern tenancy, parking space and driveway at the rear

Rights-of-carriageway way will be provided over Lot 2 for the Strata parking for the residential properties and one cap parking space for Lot 2 (see Figure 11 below).

There is no change to the existing strata titled four (4) residential units.

No physical works are proposed as part of the application. No change to the existing car parking provision onsite.

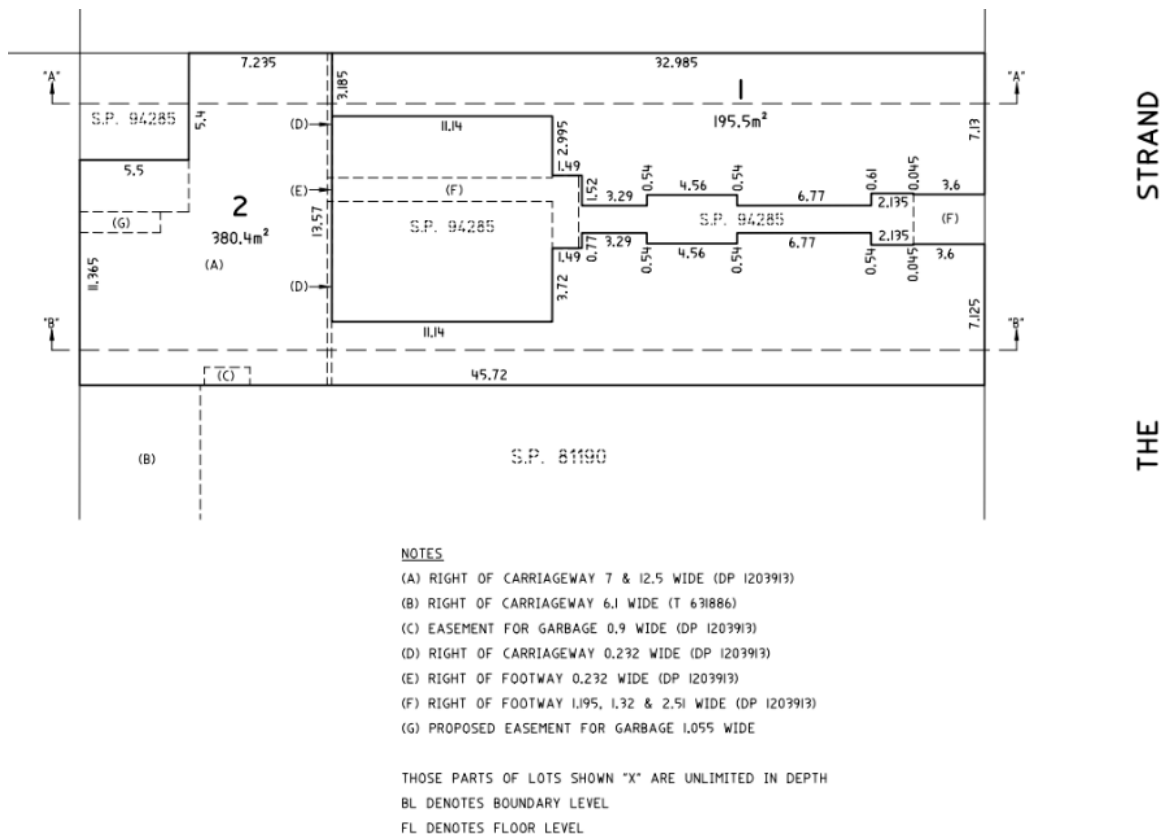


Fig 11: Proposed Stratum subdivision plan to create Lot 1 and Lot 2

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is located within the Coastal Use Area and Coastal Environment Area and thus the proposal requires assessment under Chapter 2 Coastal Management, Division 3, and 5 of the above SEPP (Resilience and Hazards) 2021.

The proposal is sited in a relatively unconstrained location that is cleared and suitably setback an effective buffer distance to Dee Why Beach. The Stratum Subdivision is not foreseen to generate any increased risk of coastal hazards on the site or surrounding coastal land.

Chapter 4 Site Contamination

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage, particularly as no works are proposed as part of the application.

6.2 State Environmental Planning Policy (Sustainable Building) 2022

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is not required to be submitted as no works are proposed as part of the application.

6.3 Warringah Local Environmental Plan 2011

The land is zoned E1 Local Centre under the provisions of the WLEP 2011.

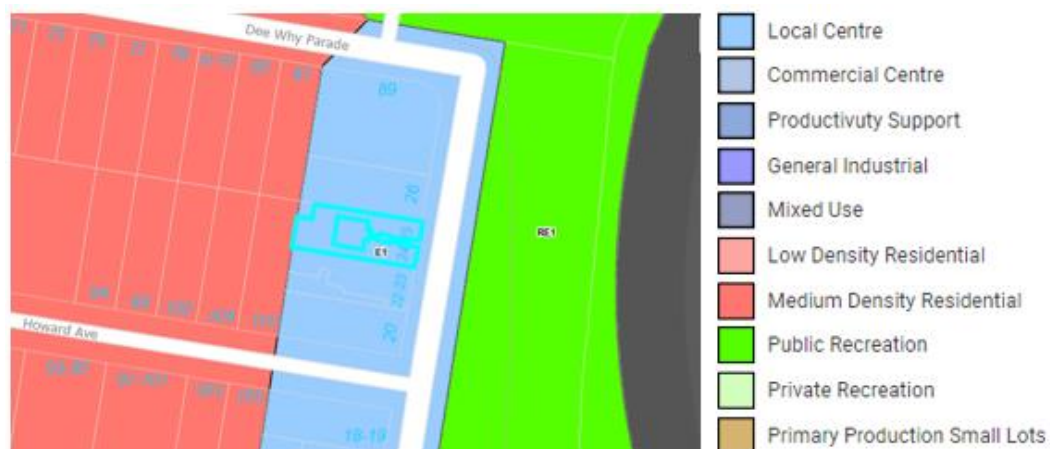


Fig 12: Zoning map extract (Source: Warringah LEP 2011)

The existing shop top housing building is defined in the Dictionary to the WLEP 2011 as:

Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Shop top housing is a permissible use under the E1 Local Centre.

2.3 Zone objectives

The development of and use of the land for residential purposes is consistent with the E1 Local Centre zone objectives, which are noted as:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

The proposal is considered to be consistent with the relevant objectives of the E1 Local Centre zone, as follows:

- The Stratum Subdivision continues to meet the retail and business needs of the community in a coastal environment.
- The Stratum Subdivision will continue to provide employment opportunities and economic growth on the ground floor of the building.
- The Stratum Subdivision will continue to provide an active street frontage and attract pedestrian traffic within an important coastal public space.

Clause 2.6 – Subdivision – consent requirements

The requirement of WLEP 2011 requires the prior consent of Council for any subdivision. Accordingly, this application seeks consent.

Clause 4.2A – Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones

The subject site is in the E1 zone and seeks a stratum subdivision of business tenancies only, and is therefore not subject to the provisions of this clause.

Clause 4.3 Height of Buildings

The WLEP 2011 prescribes a maximum building height of 13m. The Stratum Subdivision does not propose any change to this development standard as no works are proposed.

Clause 5.21 – Flooding

The site has been identified as being affected by Low and Medium Risk flooding. There are no works proposed as part of the stratum subdivision, no further detail assessment is considered to be necessary.

Clause 6.2 – Earthworks

No physical works are proposed as part of the stratum subdivision, and the proposal will not result in any disturbance of the existing site conditions.

Clause 6.4 – Development on sloping land

The site is identified as Landslip Area A.

No physical works are proposed as part of the stratum subdivision, and no geotechnical investigation is necessary in this instance.

6.4 Warringah Development Control Plan

This proposal is for Stratum Subdivision only. While there are no changes to the Built Form Controls, the stratum subdivision has been assessed against the objectives of relevant controls as follows.

Standard	Required	Compliance/Proposed
C1 – Subdivision	<p><u>Access</u></p> <p>2. Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legally constructed access to the Council's satisfaction.</p> <p>Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.</p> <p>Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions</p>	<p>As the proposal seeks to provide for stratum subdivision of shop tenancies, rather than dwellings on separate lots, these controls do not explicitly apply.</p> <p>The subject application includes the Stratum subdivision of the development as depicted on the indicative subdivision plan. All shop tenancies will continue to be separately serviced with the existing built form arrangement proposed and not altered as a</p>

	<p>at a minimum length of 1.5m and at a grade no steeper than 1:10.</p> <p>Driveways in excess of 200 metres will not be allowed for residential development.</p> <p>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</p> <p>Passing bays should have regard to sight conditions and minimise vehicular conflict.</p> <p>Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.</p> <p>Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.</p>	<p>consequence of the Stratum Subdivision.</p> <p>The existing vehicle access, driveways and layback remain unchanged and will continue to provide access to the existing parking at the rear of the site.</p> <p>Appropriate right-of-carriageway and other restrictions will be placed on title to ensure access, parking and waste is managed in accordance with existing arrangements and Councils requirements.</p>
C2 – Traffic, Access and Safety	<p>Objectives</p> <p>To minimise:</p> <ul style="list-style-type: none"> a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and f) the loss of “on street” kerbside parking. <p>Vehicular crossing to be provided in accordance with Council’s Vehicle Crossing Policy</p>	<p>The proposal will retain the existing driveway access points, with no loss of on street parking opportunity.</p>

C3 – Parking facilities	Objectives <ul style="list-style-type: none"> • To provide adequate off street carparking. • To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place. • To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces. 	The existing car parking is retained.
C4 – Stormwater	Objectives <ul style="list-style-type: none"> • To ensure the appropriate management of stormwater. • To minimise the quantity of stormwater run-off. • To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments. • To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD). <p>Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification</p>	As no new works are proposed, the existing stormwater arrangements will remain unchanged.
D21 – Provision and Location of Utility Services	Objectives <ul style="list-style-type: none"> • To encourage innovative design solutions to improve the urban environment. • To ensure that adequate utility services are provided to land being developed. <p>Utility services to be provided</p>	Normal utility services are available to the site.
E10 – Landslip Risk	Identified on map as Area B.	The proposal involves no actual works or change to the natural landform.
E11 – Flood Prone Land	Not identified on map	The proposal involves no actual works or change to the natural landform.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

In summary, the proposed development is permissible with consent pursuant to the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 relating to existing uses.

There are no other environmental planning instruments applying to the site.

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

It is considered that the proposed Stratum Subdivision design respects the desired character objectives of the DCP in that it reinforces the existing top shop housing character of the area and maintains compatibility with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for stratum title subdivision of an existing top shop housing development, will not impact upon the amenity of adjoining properties or upon the sensitive coastal attributes of the surrounding area. It is considered that the existing development is compatible with and will complement the character of the area.

7.8 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the stratum title subdivision of an existing residential flat development, without having a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.9 Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.10 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

The Council's LEP and DCP together with the existing use rights provisions of the EPA Act enable such development in this locality.

8.0 Conclusion

The proposal provides for stratum title subdivision of the two ground floor shop tenancies in an existing top shop housing development.

It is considered that the proposal provides an appropriate response to the future use and occupancy of the retail/shop part of the site that will assist in creating recreational and food service facilities in a highly utilised public area opposite Dee Why Beach.

The proposal will not require any physical change to the building and therefore will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)