

Reference: 2017213

5 June 2023

The General Manager  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir,

**DEVELOPMENT APPLICATION 2023/0636 (PAN-327711) – APPLICATION FOR STRATUM SUBDIVISION  
874-878 PITTWATER ROAD AND 4-8 OAKS AVENUE, DEE WHY**

We refer to the development application (DA) which was lodged by The Trustee for DL Dee Why Unit Trust and the request from Northern Beaches Council, dated 26 May 2023 for a Statement of Environmental Effects (SEE) to accompany this DA.

This DA seeks consent for the stratum subdivision of the approved development, which is currently under construction. The site benefits from DA 2019/0505, which was approved on 18<sup>th</sup> December 2019 for the following:

*Demolition works and the construction of a shop top housing development with associated basement car parking, landscaping and infrastructure.*

**The Site**

The site is known as No. 874-878 Pittwater Road and No. 4-8 Oaks Avenue, Dee Why. The legal description of the land is Lots 1, 2, 3 and 4 in Deposited Plan 9900 and the site has a total area of 1,059.9m<sup>2</sup>.

Works have commenced in accordance with DA 2019/0505.

**Address:** PO BOX 954 Edgecliff NSW 2027

**Phone:** 02 9386 7000

**Website:** [www.hamptonspropertyservices.com.au](http://www.hamptonspropertyservices.com.au)

**Hamptons Property Services Pty Ltd ABN 66 141 622 433**



Figure 1: Site location, Dee Why (Source: <https://maps.six.nsw.gov.au/>)



Figure 2: Aerial photograph of subject site (Source: <https://maps.six.nsw.gov.au/>)



A543955 2-2-20

DP 9900

# PLAN OF SUBDIVISION

of lots 1 & 2, Section 16, D.P. 8172.

— Dee Why —

*Parish of Manly Cove & County of Cumberland.*

Shire of WARRINGAH

Scale:— 40 feet to An Inch

M N  
+  
|  
+  
|  
+

PITWATER ROAD

OAKS AVENUE

Section 16

D. P. 8172

3

2 124 per

3 144 per

4 144 per

5

4 144 per

5

20 per

66 feet wide (Not Aligned)

I, James Leslie Russell, of the said Sh. of Sydney,  
Surveyor General, being licensed under the Real Property Act, do hereby  
attest & solemnly declare that the boundaries and measurements  
shown in this plan are correct for the purposes of the said Act,  
and that the survey of the land to which this plan relates has  
been made by me, and I make this solemn declaration duly,  
voluntarily believing the same to be true and correct, and by  
virtue of the Statute Act, 1900.

J. L. Russell  
Surveyor General

Examined and entered before me at Sydney  
this twenty-fifth day of August, 1919.  
J. H. Jaggan

Asimuth taken from "A B".  
Surveyed 16th August 1919.

51 43 02"

It is proposed to subdivide the improvements to be erected on the land into a two-lot stratum subdivision. The stratum plan of subdivision seeks to separate the residential and non-residential components of the development, including the associated car parking, over two separate lots.

To facilitate the use of the premises, a series of easements are proposed as set out in the table below.

Table 1: Description of proposed easements

Easement Reference	Description
A	Right of carriageway (driveway)
B	Easement for access variable width (lobbies, fire stairs and lifts)
C	Easement for services variable width (pressurisation, exhaust, mechanical and service risers)
D	Easement for parking variable width
E	Easement for services variable width.

The proposed stratum subdivision aligns with the approved development in accordance with DA 2019/0505.

#### **Warringah Local Environmental Plan 2011**

The site is subject to the provisions of the Warringah Local Environmental Plan 2011 (the LEP).

Cl. 2.6 requires that consent is obtained for the subdivision as proposed and cl.1.6 identifies the Council as the consent authority.

The site is in the MU1 Mixed Use zone. The proposed stratum subdivision assists to facilitate the approved development, which is for mixed use purposes and upholds the objectives of the zone by reinforcing the approved development which contains opportunities for business, retail and office uses at the ground floor to ensure diverse, active street frontages, while providing residential use at the upper floors of the building.

The site is in the Dee Why Town Centre and therefore subject to Part 7. The proposed stratum subdivision will not alter the outcomes of the approved development having regard to this section of the LEP.

The proposal is therefore consistent with the requirements of the LEP.

#### **Warringah Development Control Plan 2011**

Section C1 addresses Subdivision. The proposed stratum subdivision is consistent with the Objectives as the proposal:

- regulates the approved density of the development in accordance with the development consent as granted and ensures that the impact of the development is managed on site in terms of elements such as access and building services
- maintains the elements of landscaping and private open space of the approval, while ensuring that all services and access to and from the site is clearly nominated through the implementation of easements



- does not alter the approved building form such that there is no change to the approved solar access arrangements for adjoining properties
- does not result in any additional impact to existing infrastructure
- does not reduce the amenity of adjoining properties as a result of the stratum subdivision, which aligns with the approved development and of which the potential impacts on adjacent properties were contemplated as part of that development consent, with no change proposed
- does not cause any risk to potential hazards such as bushfire, landslip or flooding as a result of the proposed stratum subdivision.

Access is provided into the site and to each of the basement levels via a right of carriageway identified as 'A' on the draft plan of stratum subdivision. This carriageway reflects the approved vehicular access arrangements in accordance with the development consent.

In relation to Restrictions, any specific aspects required in favour of Council would be identified as part of any future development consent.

#### **S.4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act)**

S.4.15 of the EP & A Act provides Evaluation and requires a determining authority to consider the likely impacts of the development; the suitability of the site for the development; and the public interest.

The proposal is satisfactory in this regard for the following reasons:

- by implementing the stratum subdivision of the approved development allows for appropriate titling arrangements to be implemented in accordance with the development consent as approved and thus eliminates otherwise potential adverse impacts if facilities and services are not addressed accordingly
- the stratum subdivision ensures that the approved development is implemented in accordance with the approval as deemed appropriate for the site upon the grant of the consent
- the proposal is in the public interest to ensure that suitable building management arrangements are in place by way of easements for services and access to as not to compromise public areas surrounding the site.

The proposal therefore achieves the requirements of s.4.15 of the EP & A Act.

#### **Conclusion**

The proposed stratum subdivision of the site seeks to implement the necessary legal restrictions to enable the use of the land as approved under DA 2019/0505. The proposed arrangements accord with the



development layout as approved and will ensure that easements and vehicular access is in place to facilitate the appropriate functionality of the building, upon completion.

There are no adverse impacts associated with the proposed stratum subdivision, which is permitted with development consent, in accordance with cl. 1.6 of the LEP.

On this basis, support is sought from the Council for approval of this application.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Hodgkinson', written over a faint circular line.

**Kristy Hodgkinson**  
**Director**

