



**NAME REDACTED**

**OBJECT**

Submission ID: 219560

Organisation: <i>Stony Range Regional Botanic Garden committee</i>	Key issues: <i>Impacts to Stony Range Regional Botanical Garden</i>
Location: <i>New South Wales 2086</i>	
Attachment: <i>Attached overleaf</i>	

Submission date: 11/28/2024 10:53:28 AM

*Please consider all issues raised in the uploaded document.*

*And please visit our Garden before making a decision.*

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## **SSD-68230714: 4 Delmar Parade & 812 Pittwater Road Dee Why**

### **- Submission from Stony Range Regional Botanic Garden committee**

This submission reiterates and builds on our submission to the Department of Planning regarding this development.

Our main hope is still that consideration can be given to adjusting the heights of the buildings to avoid extra overshadowing of Stony Range's high use areas, or even to reduce overshadowing from the approved development.

Not being planning experts, we cannot present any technical arguments in favour of this hope. While some of our arguments may be outside your terms of reference, we hope you will give some time to considering the points we make.

Our only goal is to reduce the negative impacts that this development will have on our well-used and popular 60 year old Botanic Garden. We do not seek to stop the development, or to significantly reduce it.

### Overshadowing

(While we've seen overshadowing diagrams for the full year for the approved application, the SSD application only includes mid-winter diagrams. We therefore do not know the impact of extra overshadowing from this application over a full year.)

Obviously, we disagree with the Department's agreement with the developer's view that the overshadowing caused by the approved DA will be 'minor'. The fact that one Panel member recommended that the original application be declined because the overshadowing would be 'unreasonable', suggests that a proper reconsideration of this aspect may be warranted.

The applicant says that the additional overshadowing caused by the SSD application is only a minor increase. Although this is true, the increase heightens the impact of the approved overshadowing because it extends the shadow to cover the following areas in mid-winter.

#### a) The tables with benches near the Pavilion.

These are used by visitors, volunteers (at morning tea) and groups having discussions (including those who also use the Pavilion).

The approved development partly overshadows one of the two tables/benches north-west of the Pavilion between 9am and 11am. The SSD application will overshadow both tables at these times.

The table/benches east of the Pavilion are not impacted by the approved development but will be overshadowed at 10am & 11am by the SSD application.

There are only five tables with benches in Stony Range and three will be overshadowed on mid-winter mornings if the SSD application is approved without change. The other tables with benches are in the picnic/bbq area (see b) below).

While having shaded places to gather and sit is very important in summer when the sun is strongest, in winter it is pleasant to sit outside when the sun is shining.

Our belief is that the overshadowing of this area will detract from the Garden's amenity.

b) The only viable site for a second picnic area.

When we learnt that our picnic/bbq area would be overshadowed completely in winter and partially in autumn and spring, we decided to establish a second picnic area nearby which would not be impacted by the overshadowing. We discussed this with Landmark Group and they offered to help with its construction.

The only suitable area we could find will be overshadowed under the SSD application at 12pm and 1pm in winter. This makes it less attractive as a 'sunny' alternative to the picnic/bbq area. This is very disappointing as Landmark Group knew of our plans and yet proceeded to lodge this application without first consulting us to find a compromise solution.

We may just have to accept that our picnic/bbq area won't be as pleasant in the colder months.

In summary, the 'minor' increase in the approved 'minor' overshadowing will reduce the Garden's recreational amenity.

Our previous submission mentioned that section 6.4.6 of the EIS, acknowledges 'that one of the picnic areas within Stony Range Reserve will be affected by shadow in the winter. However, this is considered acceptable for the following reasons: ', but no reasons are shown.

Do you have access to those reasons? Do you consider them acceptable?

The current site for a picnic/bbq area is ideal for the purpose. It is close to the Garden's entry and is flat with a minimum of trees, particularly to its north (meaning the bulk of the area currently receives sun all day). There is no other site within Stony Range with these advantages. This was why it was developed in 2001 with a covered electric bbq, tables & benches and a lawn.

#### Overshadowing of plants

The Flora and Fauna Assessment Report discusses likely increased soil moisture on the west-facing slope east of the picnic/bbq area.

Our previous submission noted that there was no discussion of likely increased soil moisture in the area inside our northern boundary between the entry and the bbq/picnic area. This is a low-lying area which already has significant shade.

We are concerned that overshadowing from this development may cause increased soil moisture for longer periods, particularly after (the increasingly frequent) periods of heavy rainfall that we've experienced so far this decade. Any increased soil moisture may encourage the growth of weeds and the spread of mosquitoes and leaches from wetter soils.

The latter comments apply particularly to the children's play area. We don't want children who play in this area being attacked by mosquitoes and leaches. And we would prefer not to close this area after lengthy periods of heavy rain. It has also been difficult to find a suitable alternative play site.

While this issue relates to the approved development, it wasn't considered during the approval process for that development.

#### Site visit

We believe that, before deciding on this application, you should visit Stony Range and ideally meet us at Stony Range so we can show you the areas in question.

## Stony Range as a public facility and Botanic Garden

Stony Range is the only large public green space at the southern end of inland Dee Why.

The extra population coming into Dee Why due to developments underway on Pittwater Road make preservation of its amenities even more important.

### Legal protection

Our previous submission asked the Department of Planning to investigate the possibility of amending planning laws to give Botanic Gardens better protection. At the moment, they appear to have ignored that request.

We reiterate that current NSW and Australian biodiversity Acts give no protection to threatened species in our Botanic Garden because they don't occur naturally in the local area and aren't viable populations (as defined in the legislation). These descriptions could be applied to many of the plants in all Botanic Gardens.

Nor does planning legislation give any protection to Botanic Gardens.

What is the point of establishing Botanic Gardens to display and preserve plant species if they have no more protection than a suburban garden?

While this issue is likely outside your normal terms of reference, we would like you to consider it.

Since realising this deficiency in the legislation, we have contacted our local Federal and State MPs about the issue. The response has been encouraging, with promises to raise the matter with relevant Ministers. We have raised the issue separately with Tanya Plibersek, Federal Environment Minister, who is currently reforming Federal environmental laws, but have not yet had a response.

Further, we have brought the issue to the attention of Botanic Gardens Australia and New Zealand, and the Australian Association of Friends of Botanic Gardens. Both associations have made their members aware of the legal deficiency (BGANZ has over 100 Botanic Gardens in Australia as members, including 25 in NSW). Both associations have also indicated they will take up this matter, with BGANZ already talking to relevant government departments.

You can ignore this information and make your decision purely on your terms of reference and current law. Or you can take a forward-looking view. You could consider that, as a Botanic Garden, Stony Range deserves some help - in the public interest - before any change to legislation.

Remember this is a 60 year old community public space, and unchanged approval of this application will add to the negative impacts of the approved development. These impacts will last as long as the buildings stand. And consider that similar decisions made in a few years, may require Botanic Gardens to be protected.

Please also consider that this development has already been used in the campaign to close the gap in the legislation. In the future, it may be remembered as the imperfect development which lead to better legislation.

Finally, please remember that this is a long-established & popular community facility on public land. Your decision will impact many users, for many years.

Stony Range Regional Botanic Garden committee  
28 November 2024