



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: 4 DELMAR PARADE AND 812 PITTWATER ROAD, DEE WHY
(SSD-68230714)

COUNCIL MEETING

PANEL: MICHAEL CHILCOTT (PANEL
CHAIR)
SUELLEN FITZGERALD

OFFICE OF THE IPC: BRAD JAMES
OLIVER COPE

SPEAKERS: ALEX KELLER
DANIEL MILLIKEN

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 12:00PM – 1:00PM
TUESDAY, 26TH NOVEMBER 2024

<THE MEETING COMMENCED

MR CHILCOTT: Good afternoon, everybody. My name is Michael Chilcott. I'm the chair of this Commission panel for this assessment and determination, and I'm joined today by my fellow Commissioner, Suellen Fitzgerald, is also online. We've also got Brad James and Oliver Cope from the Office of the Independent Planning Commission, who are assisting us in this matter.

I'd like to acknowledge the Traditional Owners of all the country in which we virtually meet today, pay respects to the Elders past, present and emerging.

This meeting today is convened to discuss the proposed mixed-use development at 4 Delmar Parade and 812 Pittwater Road, Dee Why, which is referenced SSD-68230714. The project's before the Commission for determination. The applicant, Landmark Group has proposed to construct a mixed-use development comprising commercial tenancies and residential flat buildings that contain a total of 280 apartments, including 43 [unintelligible 00:01:56] affordable units, and it's located in the northern region of the local government area.

That site is currently subject to a consent, which has been activated. The sites are subject to construction under that consent, which was for 219 apartments, issued by the Sydney North Planning Panel in July 2023. And there's a bit of noise in the background, I don't know if anybody can manage that. This proposal, if approved, would supplant that existing development consent, and it comes forward in accordance with Section 4.17(1)(b) and Subsection 5 of the EP&A Act 1979.

In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript of the meeting will be produced and made available on the Commission's website. The meeting is one part of the Commission's consideration of this matter, and will form one of several sources of information upon which the Commission will base its determination.

It's important for we Commissioners, Suellen and I, to ask questions of attendees, and to clarify issues whenever that's considered appropriate and required in the proceedings. If you're asked a question and are not in a position to answer it, please feel free to take the question on notice, and provide any additional information in writing, which we'll then put up on our website.

And as people participate today, if you could introduce yourselves for the record before speaking for the first time, and if I could encourage attendees to avoid speaking over the top of each other to ensure the accuracy of the transcript. So that's by way of opening comments, and I'm happy to begin.

So Daniel and Alex, you've seen the draft agenda that was circulated for the meeting today. Do you have any particular comments or changes you'd like to make to that agenda?

MR MILLIKEN: No, nothing to the agenda. Happy with that.

5 **MR CHILCOTT:** All right, thank you. So we've got a series of points there to run through, and we can run through them. Does that order make sense for you to provide input to us in relation to this project?

MR MILLIKEN: Yep, yes, it does. Yep, happy to go with that agenda. Yeah, thank you.

10 **MR CHILCOTT:** All right, and you don't have anything prepared to present to us, you're happy that we just sort of run through those points, and you'll respond to our prompts and questions?

15 **MR MILLIKEN:** Yeah, no PowerPoint presentation. I've just got some comments that I'd like to make in response to the assessment report and conditions, but otherwise, yeah, no presentation.

20 **MR CHILCOTT:** Are those comments that you can make up front so that it provides, I guess, a swifter way to getting to the nub of issues?

MR MILLIKEN: Yeah, yeah, happy to. Yep, if that would assist.

25 **MR CHILCOTT:** Why don't we take those? Suellen, you're happy to take those comments from Daniel? All right, thanks, Daniel. I'll leave it with you to give us those feedbacks.

30 **MR MILLIKEN:** All right, thank you. My name's Daniel Milliken. I'm a manager of one of the development assessment teams here at Northern Beaches Council. First of all, I'd just like to say Council supports the provision of additional housing in a location such as this. It's close to our major public transport route, and we're happy to see more affordable housing in particular.

35 I think our overall opinion is that we think the building could have been designed in a slightly better way to reduce some of the impacts. So Council's concerned about the additional overshadowing to Stony Range, the Botanical Garden, caused by development that, particularly on the upper levels, should be set back further, we think, from the southern boundary.

40 Council went to great lengths during the original DA to get the overshadowing to Stony Range to a reasonable level, and this proposal increases it in square metreage terms by around 50%. Areas such as the picnic grounds that are used by volunteers and visitors for socialisation, are going to get more shadow for more days of the year than would otherwise have been the case. And then some areas that are going to get this extra shadow that would otherwise have filtered sunlight
45 through trees are going to just have some solid shade. So Council's mainly concerned about that.

Our only other comments are around the use of the Stony Range car park for

5 construction. Now, we note the condition requiring Council's approval for that, and we note that the report mentions that there's no change in particular to the approval of the original DA. We just want to make the comment that it's unlikely that Council's going to be able to grant consent to use that car park because it is used by visitors and volunteers to Stony Range pretty much throughout the year. So we will look at whatever the applicant proposes.

10 There is an approved traffic management plan that we have in place for the existing DA, but we just wanted to raise the point that I think it's unlikely that much more of the car park, if any, will be able to be used above what's already been considered. Another point is we –

15 **MR CHILCOTT:** Can we just to clarify that a little bit, in terms of that last phrase, 'beyond what's already considered.' What is being considered and what do you view as the change to what's considered in terms of the use of the car park? Is it timeframes that it'll be out of service for and available? Because you've already accepted something, I understand.

20 **MR MILLIKEN:** Yeah, look, I'm not sure what the applicant is proposing, if any, in terms of a change to their construction management plan, and whether they need to or want to use more of the Stony Range car park. My comment is more that I don't think they will be able to. I'd have to look at the current traffic management plan in detail to know exactly what use of the car park is currently approved. So I can take that on notice if that will assist.

25 **MR CHILCOTT:** No, look, that would greatly assist. Our understanding, and I'll get Suellen to chime in if she wants to add anything, but our understanding from discussion so far and from what we understand from reading material, is that the car park usage by the applicant in this project assists in mitigating traffic impacts on Pittwater Road and Delmar Parade from the construction, and that construction of the project can proceed with those unmitigated impacts, or less mitigated impacts than would be the case if the current arrangement were to continue.

30 So that's our understanding. So it's not that it's necessary for the construction to undertake, but the impacts would be different and more significant on Pittwater Road and Delmar, and that the use of the car park which was apparently arranged that the Council would assist in mitigating those. I'm hearing that Council's unlikely to – notwithstanding what's in place for the current consent, that for this new consent that Council's unlikely to enter into similar arrangements. Is that correct? Have I summarised things correctly, Daniel?

35 **MR MILLIKEN:** Yes, yes.

40 **MS SUELLEN FITZGERALD:** Is it similar, or –

45 **MR CHILCOTT:** Suellen, if you would please add your comments [cross-talk].

MS FITZGERALD: I was going to say, is it that the Council would be unwilling

to extend the current access arrangements, or that they would be unwilling for far greater access arrangements? Is it –

5 **MR MILLIKEN:** The former. So what's currently approved in the traffic management plan, we think is the limit from our – this is feedback from our traffic engineers. So if the applicant wants any more, that might be difficult to do.

10 **MS FITZGERALD:** Okay. So the limit, as in number of trucks per hour or something?

MR MILLIKEN: Yes, the space, the amount of the car park being used, the number of vehicle movements.

15 **MS FITZGERALD:** Amount of the car park being used, okay.

MR CHILCOTT: But do I understand, just for my clarity, Daniel, excuse me if I didn't pick it up the first time, you're saying that Council therefore would be likely to enter into an agreement for the use at the current level, as agreed with the applicant for the 219 development, but unlikely to augment that with further use of space for a 280 development. Is that what you're saying?

MR MILLIKEN: Yes, correct.

25 **MR CHILCOTT:** Okay. And in terms of those arrangements, are those – this is a new consent, so it would need the reconfirmation for use of that existing car park use to be reconfirmed. That's correct?

MR MILLIKEN: Yes.

30 **MR CHILCOTT:** What does that process involve from Council's perspective? Is that a thing that can be done under delegation? Or is it a matter that requires more complicated approvals?

35 **MR MILLIKEN:** No, it's under delegation. There's just relate – it involves the submission of a traffic management plan. And that gets reviewed by the relevant sections of Council and approved, and then the applicant can go and use that. Yeah, there might be a working on reserves permit as well that goes along with that, but the traffic construction management plan is the main thing.

40 **MR CHILCOTT:** And does that require a consent to have been granted? Or is it a matter that can be secured based on the material that the applicant presents directly to Council prior to a consent being granted?

45 **MR MILLIKEN:** Look, we can consider one prior to a consent being granted. That's not a problem. I don't think we've come across a situation where one has been approved without a consent being granted, but we're happy to consider it at any time.

MR CHILCOTT: Right, that's useful information. Thanks. Suellen, any further questions on that? Sorry, Daniel, I did interrupt you, but I'll just close this off. Suellen, any further questions on that?

5 **MS FITZGERALD:** While we're on the question of Stony Ridge Regional Botanic Gardens, Michael, it might be useful just to hear where Council's at in the thinking about the current picnic ground there. And is that covered, Daniel, by your comments before about concerns about additional overshadowing of that picnic ground?

10 **MR MILLIKEN:** Yes. Yes. So visitors and volunteers use those spaces to congregate, socialise. The already approved proposal or design would have overshadowed that for some days of the year. This proposal will increase the number of days that that area gets shadow. Council's concerned about that. The
15 volunteers of Stony Range are concerned about that as well.

MS FITZGERALD: And is there an opportunity for the proponent to assist Council by providing other facilities that aren't overshadowed to that degree? Is that something that's been on the table for discussion?

20 **MR MILLIKEN:** Do you mean within Stony Range, as in [unintelligible 00:13:33]?

MS FITZGERALD: Yes, yes, within Stony Range.

25 **MR MILLIKEN:** Not that I'm aware of, I don't think that's been discussed.

MS FITZGERALD: Right, okay.

30 **MR CHILCOTT:** And the applicant has advised us that it would be willing to engage with Council to see if it could contribute to retaining the benefit of those sort of spaces for the community, either through, I would imagine, provision of another or a shift in the facility. Have you had those discussions with the applicant at all, have you? Or is this –

35 **MR MILLIKEN:** Look, I haven't.

MR CHILCOTT: – [cross-talk] a discussion down the track?

40 **MR MILLIKEN:** I haven't. Our Parks team may have, but I can relay that message to our Parks team, then they can explore with the Applicant what might be suitable.

45 **MR CHILCOTT:** Look, it would be helpful if you could. It's obviously a matter that's been raised in public submissions. And it's one, therefore, that exercises our mind to understand what might be able to be arranged to mitigate those. We haven't been on site. We will go on site next week, and we'll walk through and have a look at matters. But again, it's something we need to give consideration to

in our deliberations. Are you able to provide – following this, there may be a series of points on which Council responds back to us. Are you able to incorporate that back in a response to Council following today’s meeting?

5 **MR MILLIKEN:** Yes, I can relay that. Yep.

MR CHILCOTT: No, thank you. That would be helpful.

MS FITZGERALD: Thanks.

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MR CHILCOTT: I’ll just check with Brad. Brad, procedurally, is that okay?

MR BRAD JAMES: It’s fine, Michael.

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MR CHILCOTT: Great. Thank you very much. Thanks very much, Daniel. We did interrupt you a little bit in your flow, Daniel. So feel free to continue if there was more to continue with.

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MR MILLIKEN: That’s all right. Yeah, just a couple of last points. So we know the 35 spaces recommended to be deleted. We’re just not certain what’s going to replace them, whether the excavation that they currently sit in is going to be removed, or whether there’s going to be storage spaces. I just wasn’t certain about what is replacing those spaces.

25

MR CHILCOTT: I don’t think it’s going to remove excavation, as I understand it, since the hole’s dug. But we’ll check that out. It seems that it’s not a reduction in excavation, at least. But it’s a good question in terms of what the alternative use of the space might be, if that were to proceed.

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MR MILLIKEN: Storage spaces for units is always a positive. Units often have limited storage. So we wouldn’t object if there was additional storage spaces for especially some of the larger units that are designed for families. We don’t object to the reduction in parking spaces. We understand the location and the public transport. So that was just the point on that.

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And look, finally, we’re happy to see that the tower element on the corner is still of a reasonably good design. A lot of work was done by Council through a modification to the original consent to try and keep that element as well-designed as possible. So we support the current urban design outcome of that. And that was it for my points, so thank you.

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MR CHILCOTT: All right, thanks. And is Alex there to add any further information into the presentation?

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MR MILLIKEN: No, that’s all right. He’s just along to listen and to answer any questions that I might not know. So yeah. No, thank you.

MR CHILCOTT: Thank you very much. I think you’ve given us some useful

5 feedback. In terms of the strategic context, Council submission – and thank you very much for the written submission that you just provided – talk to the mix in the development to a degree. You’re content with the mix that’s proposed, which doesn’t seem to be particularly inconsistent with what was originally proposed, albeit for within the context of a larger building?

10 **MR MILLIKEN:** Yeah, while we always sort of want to preserve the jobs floor space in developments, we understand where this is located at the edge of the town centre. So we don’t have any other further comments on that.

15 **MR CHILCOTT:** All right, thank you. Did you have any other comments in relation to any of the other matters of built form that you wanted us to be aware of in our deliberations? The rear, the southern extent and the overshadowing, but anything else that you wish to bring to our attention?

20 **MR MILLIKEN:** Look, having read the assessment report, no, there’s nothing else. So that southern elevation, particularly on the upper levels, we would love to see it set further back to just reduce that overshadowing on Stony Range. We think getting the tower element of a really high quality design is really important. But otherwise, we understand what’s happening here and the provision of extra dwellings and affordable housing. So yeah.

25 **MR CHILCOTT:** All right, thank you. I’ll just broadly, under the label of infrastructure, ask whether you have any other questions in relation to any other aspects of infrastructure associated with the development, particularly in relation to stormwater management. Anything else that you wish to bring to our attention?

30 **MR MILLIKEN:** No, look, nothing above what’s already been agreed to. I think a lot of work was done in the DA to get that right. So we don’t have any feedback from our stormwater engineers on that aspect.

MR CHILCOTT: All right. Suellen, any comments from you in relation to any of these points?

35 **MS FITZGERALD:** Not so much on stormwater, but on traffic generally. A lot of the submissions are talking about the impact on Delmar Parade of additional traffic. And then we have been talking with the Department too about the intersection, Pittwater and Delmar Parade and right-hand turns. So Council’s view of the traffic implications on Delmar Parade first up, maybe?

40 **MR MILLIKEN:** Look, this proposal compared with the previous one, there’s not going to be a huge difference. The previous one, we were happy with. So look, no changes there. I mean, as a resident, I would love not to see another set of traffic lights in Dee Why, but yeah, I understand Delmar Parade is already busy, and that right turn into it can be a problem sometimes. But no, our traffic
45 engineers haven’t raised any fundamental issues with the proposal.

MS FITZGERALD: Okay.

MR CHILCOTT: Thank you. Anything further, Suellen?

MS FITZGERALD: No.

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MR CHILCOTT: All right. Thanks. Daniel, the other thing I wanted to raise is reading through the Council's submission, there are a number of points where you suggested some conditions in relation to point X may be useful, or we would like to see the conditions that were proposed previously in relation to matter Y or Z ought to be retained in the current submission. Have you had the opportunity to go through the Department's recommended conditions to satisfy yourself either that those things that you wanted added have been added, or those things which you wanted retained have been retained?

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MR MILLIKEN: Yeah. Apart from what I raised in terms of the works on land owned by Council, works on Stony Range, I think it's condition C2, no, the condition set is acceptable to Council as it stands.

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MR CHILCOTT: Right. No, thank you. That was a useful thing to know. Thank you very much for that. I'll just turn over to Suellen. That completes all the matters that I wanted to run through today with Council. Suellen, anything further you wish to raise?

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MS FITZGERALD: I don't think so, actually, Michael. I'm just looking through my notes on the Council's submission, and I think we've covered off on all of those. No, nothing. Oh, one final aspect is pedestrian access through that site that has been possible, I assume, under current conditions, the car park, Council's got no concerns about cutting off that pedestrian access in this development? You're not seeking more transparency through there?

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MR MILLIKEN: I think the only – it was mainly access to Stony Range, which can be achieved via the main road and by the car park. We understand this is privately owned land. It's not a public thoroughfare. So yeah, we don't have any concerns. We don't have any pressing desire to force an arcade or a pedestrian link or something like that.

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MS FITZGERALD: Okay. Okay. So it's not part of your pedestrian plans for the town centre to have any pedestrian links through there, thanks. Thank you for that. Michael, I think that was the only other thing. I think I'm done with questions for Council at the moment.

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MR CHILCOTT: All right. No, thank you. And I'm satisfied as well. Thanks, Daniel. So there's a couple of things you might get back to us on. I'll have Brad just be in contact with you to follow up on those points and make sure that they're tidied up. For your information, we're anticipating going out on site next week. Brad, just remind me again which day it is, did we finalise that?

MR JAMES: Let me check, Michael. Sorry, I'll just check my calendar.

MR CHILCOTT: I think we might have been targeting Thursday, but I wasn't sure.

5 **MR JAMES:** I think it's Monday the 9th of December.

MR CHILCOTT: Oh, Monday the 9th. My apologies. Monday the 9th, [cross-talk].

10 **MS FITZGERALD:** Yes, Monday the 9th, yep.

MR CHILCOTT: All right. Thank you. So just so you're aware, we'll be out on site having a look at it at that point.

15 **MR MILLIKEN:** Okay. Thank you.

MR CHILCOTT: All right. Thank you. Brad, Oliver, anything you need clarified at this point?

20 **MR JAMES:** Nothing for me, Michael.

MR OLIVER COPE: All good, nothing from me Michael, thanks.

25 **MR CHILCOTT:** All right, great. Thank you. In which case, everybody, thanks very much for attending this afternoon, particularly Alex and Daniel. Very much appreciate that. I'll just ask the IPC team and Suellen, my colleague on the matter, to just retain the link. But otherwise, thank you very much, Daniel and Alex.

30 **MS FITZGERALD:** Thank you.

MR MILLIKEN: Thank you. Thank you, everyone.

MR CHILCOTT: Thanks guys, thanks, bye.

35 **>THE MEETING CONCLUDED**