



TRANSCRIPT OF MEETING

RE: MIXED USE DEVELOPMENT WITH IN-FILL AFFORDABLE HOUSING AT 4 DELMAR PARADE AND 812 PITTWATER ROAD, DEE WHY (SSD-68230714)

STONY RANGE REGIONAL BOTANIC GARDEN COMMITTEE STAKEHOLDER MEETING

PANEL: MICHAEL CHILCOTT (CHAIR)
SUELLEN FITZGERALD

OFFICE OF THE IPC: BRAD JAMES
OLIVER COPE

STONY RANGE REGIONAL BOTANIC GARDEN COMMITTEE REPRESENTATIVES: GRAHAM WEST
EDWARD (TED) SHAW

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 2:00PM – 3:00PM
THURSDAY, 12th DECEMBER 2024

<THE MEETING COMMENCED

5 **MR CHILCOTT:** All right. Thank you, gentlemen. Good afternoon. In which case, if you're ready, we'll proceed. I've just got a bit – an opening statement to go through and then we'll get onto the discussion, if you'll be good enough to bear with us.

10 So good afternoon, my name is Michael Chilcott, I'm the Chair of this panel appointed by the Chair of the Independent Planning Commission. I'm joined today by my fellow Commissioner, Suellen Fitzgerald who will raise her hand, there's Suellen. We're also joined by Brad James and Oliver Cope who are from the Office of the Independent Planning Commission.

15 Before we begin, I'd just acknowledge that I'm joining you from the lands of Gundungurra and Darug, peoples in the Blue Mountains, and acknowledge both the traditional owners of the lands on which I am as well as those on which you're joining us from. I pay my respects to Elders past, present and emerging.

20 Today's meeting is to discuss the proposed Mixed use development at 4 Delmar Parade and 812 Pittwater Road in Dee Why. The Commission refers to it as SSD-68230714. And the project is currently before the Commission for determination.

25 The Applicant, which is Landmark Group Australia, proposes to construct a mixed use development comprising commercial tenancies and residential flat buildings that contain a total of 280 apartments, including 43 in-fill affordable units. The site, as you well know, is located in the Northern Beaches Local Government Area and is currently under construction in relation to an existing Consent that was
30 issued by the Sydney North Planning Panel in July 2023.

In the interests of openness and transparency and to ensure a full capture of everything that we discuss today, the meeting today will be recorded and a complete transcript will be produced and made available on the Commission's
35 website.

The meeting is part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base
40 its determination.

We will of course potentially during the meeting ask questions. If we ask a question of you and you're not in a position to answer it today, please feel free to take the question on notice and provide additional information in writing if that's helpful, which we will then put up on our website.

45 And as you do speak, if you'll be good enough in the first instance when you make an utterance, to identify your voice, who you are, for the benefit of the transcript. Thank you very much.

That's all the formalities. Gentlemen, my colleagues were good enough to circulation an agenda for today's meeting. Are you comfortable with that agenda?

5 **MR SHAW:** Yes.

MR WEST: Yes.

10 **MR CHILCOTT:** All right. Thank you. And I can tell you that we've read your submission in relation to the matter in terms of your particular interest in relation to the reserve and the potential impacts there and are keen to hear from you more in relation to that.

15 The way we've structured the agenda is to deal with three potential areas, although you may wish to address them in some other order or in some more integrated fashion, but particularly overshadowing and visual impacts, the issues in relation to the picnic/rest area facilities, and engagements that you and your committee have had the Applicant in relation to the current application.

20 And I just point out for reference that whilst we acknowledge that there is an existing application, what we're dealing with is an application in the first instance, fresh. So, what's gone before in some ways is not a matter in which a great weight is given in these proceedings. We are dealing with this matter in its own right.

25 So that's by way of background. Could I invite you perhaps to introduce formally onto the transcript, and if you have any opening remarks to make, to make those.

30 **MR SHAW:** Okay. So, my name is Ted Shaw and I'm the Chairman of the Committee at Stony Range Botanic Gardens. And I'll ask Graham to introduce himself, and Graham is the one who has actually written the submission and done a lot of the work for Stony Range on this, and so he'll be the one mainly speaking on our behalf today.

35 **MR CHILCOTT:** Thank you.

MR WEST: Okay, yes. Well, I'm Graham West. Yes, as you've seen in our submissions, we have some issues with the approval and the application. I'm not sure whether those issues will be resolved, but we have to speak up for and protect the public space that we operate.

40 **MR CHILCOTT:** Thank you.

MR WEST: Yes, that's all.

45 **MR CHILCOTT:** No, thank you, and I can tell you that we did undertake a site inspection earlier this week. We did both view the current state of the site or sites, and we took a walk up and around through the car park at the higher and southern end of the site that is used for access to the reserve. We were also able to take a

walk through the reserve and take note of the various location of points of interest in there.

5 So, we have that background, if that's useful. But we're happy to hear from your perspective at the moment and just again, take it that we've read your written submission, but things you wish to convey to us in particular at this point.

MR SHAW: Okay.

10 **MR WEST:** Okay, well I suppose overshadowing is the first agenda item and it's probably the main issue. And let's start with the barbecue area, picnic and barbecue area which will be basically overshadowed for five months of the year in the cooler months, which is a time when a lot of people use it. If there's sunshine, they want to get out, they don't want to go to the beach because it's too cold, they
15 come down to Stony Range and they have a lunchtime barbecue. So yes, the current approval basically overshadows that for five months of the year.

We were looking at having a complementary area and we were looking at an area that is close to the entry so that people didn't have to carry their food and other
20 things too far. And an area that was basically unshaded and flat and had a minimum of trees that needed to be removed. There was only one area that kind of met those parameters, and we talked to Landmark about that, and they were happy to help us with the establishment of the picnic area. And the idea was to have just a picnic area, and the people would use the currently installed barbecue and take
25 their food to the nearby picnic area.

Under the current plan, that area will be shaded at 12 and 1, and we only have the shadow diagrams for mid-winter, so we don't know how many months of the year that will apply. But it kind of makes it a little bit more difficult to establish that as
30 a nice sunny cooler month barbecue area or picnic area. So, you know, we're a little bit disappointed with Landmark didn't talk to us before they put the application in, and we could have discussed the issue with them. But that's not your problem, yes, so, but that's where that stands. If the increased height goes through as it is, we might just have to give up on having a cooler month sunny
35 area for people to have lunch.

MR CHILCOTT: Are you able to – and I'm not sure I understand where it is you've had that discussion about providing an alternate or additional facility. I'm not sure I've seen that, and excuse me if I can't recall it, on a map. Have you, in
40 your submission, did that include that?

MR WEST: No, no it didn't. Basically, the area is, if you went into the garden, you would have seen a big pond with a, on one side a square with a few seats on it, and on the other side a large roof which we call the Stage. And the area that we
45 selected was just on the north of that. And we were going to build a bridge over – there's a stormwater moat just around that area, and next to the path we were going to build a bridge from the path to the area so that people could cook their food on the barbecue and walk over the bridge and sit down in a sunnier spot.

MR CHILCOTT: I see. Thank you. No, I think I understand where you're referring to.

5 **MR WEST:** Okay. I mean, that's the barbecue area. It's kind of a simple matter but, you know, we don't know if our objection to that carries any weight. So, the other site is the play area, the children's play area which is next to the barbecue area, which this increased height doesn't really impact, it's going to be shaded, it is shaded now, but it gets a bit of sun in winter, and in future it'll be just shaded.

10 The issue we have that is that in the Flora and Fauna Assessment, the consultant raised the issue of likely increased soil moisture, not in that area, but in another area. But the play area is in a part of the garden which is low lying and quite shaded, so that's an area that the soil moisture is likely to increase. And we're just
15 concerned that the increased soil moisture will attract mosquitoes, leeches, any other little creepy-crawlies that like shaded wet areas. And it's not really a good idea to have children running around in those areas. But again, you know, your application doesn't really apply to that, but we thought we'd raise it anyway.

20 **MR CHILCOTT:** No, it's fine. And just to be clear, it's not our application, we're just determining it.

MR WEST: That's right.

25 **MR CHILCOTT:** It's somebody else's application all the way through.

MR WEST: And the other area which the application does apply to is the area close to the pavilion near the entry where there's some tables and benches for people to sit. And the volunteers use those tables at morning tea time, and other
30 groups use them at morning tea time, and other individuals use it at morning tea time, and under the increased application, the two tables on the northwest side of the pavilion will be overshadowed between 9 and 11, I think it is. So, yes, it kind of cuts that out at a nice place to sit in the sun in winter.

35 And people do have meetings there too, people that book the pavilion sometimes like to go and sit in the sun on those tables and benches. Yes, and then there's another single table and bench on the eastern side of the pavilion which will be slightly less overshadowed under the increased height.

40 Yes, so again, these are all things that reduce the amenity of the garden, you know, it's a public green space, it's a community facility, and they're facilities that people use, and they've gotten used to using them in the cooler months in the sunlight.

45 All right, okay. What else do we have?

MS FITZGERALD: Michael, I might ask ...

MR CHILCOTT: Yes, Suellen.

MS FITZGERALD: The location of the playground.

5 **MR WEST:** Yes.

MS FITZGERALD: Mr West, is that where that cubby was?

10 **MR WEST:** Yes. Yes.

MS FITZGERALD: We saw a cubby there.

MR WEST: Yes. It's a nature play area immediately west of the barbecue area.

15 **MS FITZGERALD:** Okay, yes, and it's got all those cottonwoods or ...

MR WEST: Yes.

20 **MS FITZGERALD:** ... hibiscus around it. Right.

MR WEST: Yes, that's correct, yes. And then, yes, and there's areas, kind of play facilities with ropes and, you know, there's ladders and things that people could climb up, and the cubby house as we say, we leave palm fronds and things like that there for the kids to make their own cubby houses.

25 **MS FITZGERALD:** Yes. Yes, thanks, Michael.

MR CHILCOTT: Thank you. Did you have any other questions, Suellen, at this point? I'll come back ...

30 **MS FITZGERALD:** No, no. Only to say that at our site visit, Michael, we saw the community was using the reserve quite heavily. There was a school group there, wasn't there?

35 **MR CHILCOTT:** There was.

MS FITZGERALD: And people having lunch exactly in that area that you mentioned.

40 **MR WEST:** Yes, yes, that's right, that's what happens, and that's why it was put there. Because it was the only area that was suitable back in 2000 and something when it was installed.

45 **MR CHILCOTT:** All right, thank you. Are you able to tell us something of the engagements you've had with the Applicant in this case? You made reference to certain engagements but then I think you expressed disappointment in relation to the most recent application. But can you just tell us a little bit about the nature of that, and where it ended up?

MR WEST: Yes, well, you know, we've found them quite reasonable, you know, they're quite pleasant people. And we've discussed various issues. Yes. And it's like as I kind of touched on, that they've offered to help us to build new facilities like the new picnic area. They also offered to help us build an outdoor classroom on the eastern side of the picnic area, which we haven't proceeded with because we're just not quite sure of what's happening with all this.

Apart from that, I mean, we had discussions about various other things that, you know, we came up with a list of things that we might like some help with, like including a better security fencing, but I don't think they were too keen on that, it's a bit too expensive.

Also, you know, the consultation was – we did have consultation about the car park. And this is a thing that's – it's a big hassle. We're not ... We're extremely unhappy that they've taken over half the car park as a construction zone. There's 25 spaces in the car park, they've taken 13 of them.

On Tuesdays when all the volunteers are there, if all the volunteers who drive arrive, they take up at least 12 spaces and more than 12 spaces, they have to squeeze into the construction zone. Or, as happened this Tuesday, we had to let them drive into the garden and park in various places in the garden. And at the same time, that restricts visitors from parking.

While I was in my various times of wandering through the car park on Tuesday, I saw at least six cars come in and go straight out because there was no parking for them. Well, not all of those would have been visitors to the garden, because other people park in our car park. But we know one family group who, the mother and children got off in the car park and the husband drove to a nearby parking space. We're not happy with them taking half the car park as a working zone, and that's part of the agreement – I think the Council agreed to that.

MR CHILCOTT: And the car park was a council car park, rather than a reserve car park?

MR WEST: The car park is approximately two-thirds Stony Range land and the rest of it is pedestrian right-of-way to the pathway that goes up the hill. Between Stony Range and the worksite. So, it's Stony Range land and the only reason the car park is there is to service Stony Range. Now, other people park there which is okay, most of the time it's okay, but if there's too many people parking there and the people that are using Stony Range, including people who book the pavilion for meetings, can't park, that reduces the amenity of the garden.

So, you know, we'd like to get that parking agreement changed so that there is sufficient space for volunteers and visitors to park.

MR SHAW: So, that's what we're seeing now and that's what we're experiencing now. And even on Tuesday, we had a concrete truck coming in and, well, trucks

coming in and out to service the Landmark site. And that didn't make it easy either for people parking there.

5 So, we've got this immediate problem of actually allowing parking access for visitors and for volunteers. But we're seeing a much more, probably more serious long-term issue with the parking in the overflow from the Landmark site. As people move in, there will be overflow into the Stony Range car park as well.

10 But that always happens, and we understand that there's some talk about reducing by 35 parking spaces, the amount that Landmark had applied to have from their SSD application. And there was some talk of reducing that application, 35 parking spaces out of that, which means more overflow to Stony Range as well.

15 **MR CHILCOTT:** Right. So, what I'm hearing is that that is not an outcome that you would support – the reduction of car spaces in the development?

MR SHAW: No. No. We can only see that that will impact us.

20 **MR WEST:** Yes. Yes. So, we have 25 spaces, and if 280 apartments go in, it won't take many of those people that have more cars than there are allocated to them, and where will they park? They'll come into Stony Range. So, we're having a little bit of an intense discussion with the Council about that to get them to work out ways to manage that, and they're not being very cooperative at the moment.

25 **MR CHILCOTT:** All right. No, thank you for that submission. Just going back to the picnic and barbecue facilities and so forth. You indicated that there was a second site that you had in mind and you felt was being constrained. I've got two questions in relation to that. Firstly, is that the only place that an alternate facility could be located within Stony Range if the Applicant were to continue its, as you represented, support for assisting in the establishment of such an area?
30

MR WEST: It's the only suitable space that we were able to find that met all our requirements. There are probably other areas, but they're too far away from the car park and the entry to be suitable.
35

MR CHILCOTT: Thank you. But there are other areas that may be, while not the most desirable, nevertheless possible in some circumstance – is that correct?

40 **MR WEST:** Well, you know, if you were going for a barbecue somewhere and there was a car park there, how far would you want to carry our food and eskies and perhaps chairs? How far would you want to carry them? That's ...

MR CHILCOTT: I won't speculate on an answer to that ...

45 **MR WEST:** Yes.

MR CHILCOTT: But I'll take it as a rhetorical question. Thank you.

5 **MR WEST:** Yes. And the other thing that we haven't mentioned in our submission with that is that there's, within our current picnic/barbecue area, there's two garbage bins. They're not emptied by the Council contractors, we have to cart those other to a central collection area at the front gate. So, you know, any barbecue area/picnic area which is further away from the entry is going to cost us more time that we could be using on maintaining the garden.

10 **MR CHILCOTT:** Thank you. And can I – my second question is, and I don't know the degree to which you've examined and/or have access to any overshadowing diagrams in relation to the current proposal.

15 There is, I think, material, and Brad, I'll just check in with you. The material that the Applicant has provided to us in its most recent, which shows the overshadowing of a compliant scale development versus the current proposal, that will go up on the Commission's website?

MR JAMES: Yes, that's correct, Michael. We received that info yesterday, so we'll be making it available on our website.

20 **MR CHILCOTT:** Okay. Gentlemen, have you had a view of that sort of information, showing that in relation to the current capacity to put in a compliant building on there, what it's impact would be versus the current proposal at all? Have you viewed that?

25 **MR WEST:** No, no. We've only seen the shadow diagrams which were part of the Flora and Fauna Assessment, which were for mid-winter, and it was, I think, 9, 11 and 1. So yes, that was a lot less than we saw for the original application.

30 **MR CHILCOTT:** That's fine. I mean, you may wish to avail yourself the opportunity to have a look at that material. And if you did wish to provide a comment on it, happy to take that. I think we're probably, in terms of timeframes, I'll look to Brad again to – if there were any follow up to today's meeting and a timeframe for providing it back to us, what that requirement might be, Brad? What might be ...

35 **MR JAMES:** I think by Tuesday the 17th, close of business, 5 p.m. is appropriate.

MR CHILCOTT: And that material is up already, is it?

40 **MR JAMES:** It's yet to go up, so Michael, if you're happy with this, we can make sure it goes online and then send Ted and Graham an email letting them know it's available.

45 **MR CHILCOTT:** Thank you. Thanks. Have a look at it – the observation I'd make is, and I make this just as a statement of fact from what we've seen, and we're happy to receive your input and any comments you want to make on it. But it appears to illustrate, and Suellen, if I state something that you think is different, do let me know. But the observation, I think, we've made is that a compliant-built

5 form to the current statutory framework which includes the Housing SEPP, which
people have different views I would imagine in terms of whatever's in that. But
given that this is the law, a compliant building envelope would extend further than
the shadow of the proposed building that's before us. So, the building doesn't go
as far as a compliant building envelope might cast a shadow. I just make that as an
observation from what we've had before us, but invite you to have a look at it and
question it from your perspective. And if you do wish to make a comment, then by
Tuesday, I think at 5 o'clock, if you're able and willing and interested in providing
a submission, we'd be happy to receive that.

10 **MR WEST:** Thank you.

MR SHAW: Okay.

15 **MR CHILCOTT:** Suellen, is that a representation of what we've seen, from your
perspective?

MS FITZGERALD: Yes, it is.

20 **MR CHILCOTT:** Thank you. I just draw that to your attention, gentlemen, so
that you're aware of the circumstances in which we're dealing with the application
currently before us.

MR SHAW: Yes, we don't envy your task.

25 **MR CHILCOTT:** Thank you. No sympathy is required. We take it on willingly,
in some strange way. So look, gentlemen, thank you. Those were my questions.
Suellen, did you have any other questions to put to Mr West and Mr Shaw at this
point?

30 **MR FITZGERALD:** I don't think so, Michael. We had a good site visit a couple
of days ago, and I had a good look at the parking and again saw it in action with
construction underway. So, I feel we've covered all the issues that we had – that I
had in my mind.

35 **MR CHILCOTT:** All right. Thank you. Gentlemen, is there anything further you
wish to put before us at this time?

40 **MR WEST:** Okay, well, you know, part of the agenda was visual impact, which, I
mean, the current application doesn't really change the visual impact all that
much, it just makes it worse. You know, from our point of view, having tall
buildings next to bushland is totally out of place. But obviously, the law doesn't
see it that way. So that's just a comment that we'll make.

45 So, apart from the other and that ... Okay. So, yes, you would have seen the last
section of our submission where we were talking about our campaign to improve
the legal protection of botanic gardens. So I'll just say that that's happening and
everyone we've talked to so far is totally on board and we'll be talking to other

people. So, you know, yes, whether that's ...

MR CHILCOTT: We did read that, thank you.

5 **MR WEST:** Whether that makes any difference, probably not, but we'll say it
anyway. The other thing which, you know, we don't know about its impact, is
we've been advised by the Council that they have a new LEP going, well, it's with
the Department at the moment, and included in that is a change of our status from
10 Recreation RE1 to Conservation C2. The Council has told us that that change
won't offer us any greater protection than the previous status, but we don't know,
so you might want to just look at that.

15 **MR CHILCOTT:** All right, thank you. Brad, would you be good enough to
extract that material to the extent it's available and make sure it's available to
Suellen and I, please?

MR JAMES: Yes, not a problem, Michael.

20 **MS FITZGERALD:** Michael, one thing I might add is in relation to, it might be
useful to look at the Landscape Plan as part of the revised package from the
proponent. I'm thinking there in relation to access for people parking in the car
park and how easy or not it would be to access the development from that car
park. So, I think looking at the Landscape Plan there might be helpful for you,
25 Graham and Ted, to just get a clear view of how that might work or not work.

30 **MR WEST:** All right, okay. I mean, our understanding from the approved
development that there was going to be a fence between the car park and the
development. I don't know whether that's any different with the current
application.

MR CHILCOTT: I don't believe it's changed.

MS FITZGERALD: Yes.

35 **MR CHILCOTT:** So, there's no proposal to provide access through the site.

MR WEST: Yes, yes. There are some people who would like that access, some
people that live in the area.

40 **MR CHILCOTT:** Yes, I understand, I think, from the Applicant's presentation
that there was an informal route that some people used previously through the site,
but it was not one that was underpinned by a right-of-way or formal legal
instrument through the site. It just happened to be a convenient thing that nobody
45 took offence to at that point.

MR WEST: Yes, yes.

MR SHAW: Can I just say, I'm really pleased that you came and paid a visit last

week. That was really good, to put everything in perspective, and we're really pleased that you did that. That was great. Thank you.

5 **MR CHILCOTT:** No, thank you, and compliments on the work you do there, it's – notwithstanding that we're on business, I think it's fair to say we enjoyed the walk through the facility and what was on offer in the gardens. It's a wonderful community facility, so congratulations on your management of it really.

10 **MR SHAW:** Thank you.

MR CHILCOTT: All right, thank you. Anything else, gentlemen, at this point?

MR WEST: I'll turn back to my notes and see if there's anything else.

15 **MR CHILCOTT:** That's fine. I'm not trying to wrap you up.

MR WEST: No, that's all right.

20 **MR CHILCOTT:** I just wanted to keep the meeting moving along.

MR WEST: Yes. There's nothing really that's pertinent to this application. There's an ongoing thing with the Queensland Tree Waratahs at the entrance to the garden, which will be shadowed by the current approval. But it's not something for you to decide on, so won't worry about that.

25 **MR CHILCOTT:** Thank you.

MR SHAW: We're in a bit of a hard place here because, you know, we're got climate change, things are going to get warmer, for us, what we would actually plant in the garden, we may have to be planting species that are more heat tolerant and things like that, so we've got that happening in one hand. And then we've got the Landmark issue with the other, so we sort of – we're caught up between the two things at the moment. So we're just not quite sure ahead, so it's creating that uncertainty for us as well.

35 **MS FITZGERALD:** Yes.

MR CHILCOTT: All right. No, well, I ... You expressed the fact that you didn't envy our task earlier. I don't think our envy yours either, but good luck with that. Thank you.

MR SHAW: Thank you.

45 **MR CHILCOTT:** All right. Well, look, if there's nothing further, gentlemen, thank you very much for your time. We have taken the opportunity because you are a significant stakeholder adjacent to the property with community interest, that we brought you in for this discussion. I appreciate it's taken some of your time, but I very much value the time you've put into meeting with us. So, thank you.

MR WEST: Thank you for your invitation.

MR SHAW: Thank you. We appreciate it.

5

MR CHILCOTT: Good afternoon.

MR SHAW: Good afternoon. Thank you.

10

MS FITZGERALD: Bye.

MR COPE: Thanks, Graham. Thanks, Ted.

MS FITZGERALD: Thank you.

15

>THE MEETING CONCLUDED