
Sent: 29/06/2023 10:45:38 PM
Subject: Re: DA2022/0145 Submission
Attachments: 0528_001.pdf;

Dear Sir/Madam

Please see attached my submission by way of objection to DA2022/0145.

Stony Range Regional Botanic Gardens is Dee Why's Green Gem started by my Grandfather and others in 1957. I have seen this special area developed over the past 65 years to an amazing asset for the people of Dee Why and the rest of Sydney. So many volunteers over the years have constructed, weeded, planted, watered so many special areas within the Gardens.

Unfortunately, the proposed development to the north (DA2022/0145) has been designed and planned to be constructed in a way that will adversely impact the many visitors and its wonderful volunteers both throughout its construction and after completion. Far more emphasis has been placed on "assisting to attain the goal of Council's housing target" at the expense of the adverse impacts on Stony Range.

The attached submission identifies eight main areas of concern and provides some suggestions that I hope can be adopted by the Sydney North Planning Panel to achieve a far better outcome than is currently likely if the DA is approved in its current form.

I would be pleased to discuss any of the matters raised in my submission, noting I will not be available after 14 July 2023 due to family travel commitments.

KInd Regards

Rob Corkery

**Submission to Sydney North Planning Panel re. DA 2022/0145
for 4 Delmar Parade / 812 Pittwater Road, Dee Why**

Introduction

From 1957 to 1963, I enjoyed many outings to my “Grandpa’s Park”, now the Stony Range Regional Botanical Gardens (Stoney Range) at Dee Why. My grandfather, (Councillor) Joe Corkery, was instrumental in the early development of Stony Range. Since, its opening in 1961, the flora and fauna within Stony Range have been rejuvenated by a wonderful team of volunteers who have worked tirelessly to create, maintain and enhance Dee Why’s Green Gem. The transformation of this 3.64ha area is clearly obvious when comparing the aerial photos of 1943 and 2022. I noted Council’s Heritage Officer’s brief history of Stony Range on Page 23 of Council’s Assessment Report.

My attention has recently been drawn to the above DA for a proposed 5 to 8 storey building immediately north of Stony Range. This proposal in its current form distresses me greatly as so little emphasis is placed upon the value of the Green Gem with far more emphasis placed upon “assisting to attain the goal of Council’s housing target”. I have read or skimmed through a number of the documents accompanying the DA and as a result, I need to strongly object to the DA in its current form.

I have set out below a range of comments regarding eight main issues that I respectfully request that the Planning Panel review and accordingly require some amendments to the DA (and the proposed conditions) prior to its approval to limit the adverse impacts of the Proposal upon Stony Range during the construction stage and after completion.

1. Uninformative Statement of Environmental Effects

The Statement of Environmental Effects (SoEE) prepared by Sutherland & Associates Planning does not provide all of the information required to be in such a document. A SoEE should:

- fully describe a Project Site and its context and the proposed development;
- fully describe the likely impacts of the proposed development during both construction and after completion;
- the mitigation measures to be adopted to avoid or minimise impacts of the proposed development.

The SoEE for the proposed development does not provide this information. Rather, it presents a brief overview of the proposed development with no figures or plans, incorporates a range of generalised statements and merely identified the range of supporting documents.

No attempt has been made to draw together the key environmental issues, mitigation measures and impacts addressed in the supporting documents, as it should do. This especially relates to the construction stages for the development. As a consequence, the SoEE is uninformative and leaves readers to locate most of the relevant information about the proposed development from the supporting documents.

2. Shadowing from Building B over Stony Range

Shadow diagrams prepared for the proposed development show that during winter the shadows from both Buildings A and B cover section of the northern part of Stony Range. The accompanying assessment relies upon referring to “unreasonable shadowing” and concludes that the shadow cast by Building B to be “reasonable” in this public open space, albeit that there is no information about what facilities within Stony Range would be located within the shadow area.

Had Sutherland & Associates Planning visited Stony Range during the preparation of the SoEE and the shadow diagrams, they would have seen that the shadows in winter would cover the picnic and barbecue area near the northern boundary of the Reserve. This well used area has been intentionally positioned to take advantage of the sun in that part of the reserve throughout the year, including winter. Enjoyment for visitors using this area in the sun would be lost during winter if Building B is allowed to be constructed to the maximum 24m height.

Whilst it is recognised that Building B lies within an area where the maximum building height is 24m, it does not necessarily follow that a building should be constructed to that maximum height if the resultant shadowing creates an adverse impact on the adjoining land. To suggest the extent of shadowing over Stony Range was anticipated and that is now acceptable when the Height of Buildings Map was produced in 2011 is somewhat unlikely. Is the Applicant seriously suggesting (or guessing) that shadow diagrams were prepared 12 years ago for the 24m height limit in this area?

The Panel is respectfully requested to approve the proposed development with Building B constructed to the same height as Building A. That said, it would have been a far better outcome had the shadow drawings been prepared early in the design of the building to enable a stepped approach to be introduced as subsequently recommended by Council’s Heritage Officer. It would be a good outcome for Stony Range, if this re-design of Building B could be undertaken whilst Building A is constructed.

Notwithstanding the request to reduce the height of Building B, it will remain that both Buildings A and B will cast shadows for long periods in the day across the visitor’s picnic and barbecue area during winter. None of the documentation supplied with the Development Application acknowledges this point. Rather, Councils’ Planner unfortunately relies upon the reference to “*no numerical requirements regarding access to sunlight of these spaces*” and that the shadow impacts would be “*onto the car park and to a lesser degree onto the reserve*” without understanding what facilities would be in the shadowed area.

It has been somewhat refreshing at this late stage in preparing my submission to read the updated report submitted by Council Landscape and Parks in Council’s Supplementary Assessment Report. I trust the Panel recognises the hitherto overlooked facts and merits of this report and seeks the modification of the buildings’ design. I also recognise that Council’s Assessment Officer when reporting upon the Visual Impact Statement recognises that “*it would be necessary to revise the built form of the proposal to increase the setbacks of the development to the southern boundary*”. The introduction of increased setbacks, a reduced height in Building B and the introduction of a stepped southern façade would overcome the long-term shadowing of regularly used areas within Stony Range EVERY winter.

3. **Parking During Construction of Building A and B**

It is noted that the Traffic Report (pages 15 and 16) refers unrealistically to “*All workers will be encouraged and expected to use public transport to travel to/from the site*”, given the absence of parking on site. This encouragement and expectation by the Applicant clearly failed during the construction of the Building at 2 Delmar Parade as the Stony Range car park was regularly occupied by tradies’ vehicles. This resulted in both visitors and volunteers being turned away. This should not be repeated for this development.

It is respectfully requested that it is made clear in the Conditions of Development Consent that at no time during the construction stage should any project-related vehicles be parked within the Stony Range car park.

4. **Access During Construction of Building B**

It is disturbing to read (only in the Traffic Report – page 14) that the Applicant proposes to gain access to the Building B site during the construction stage through the Stony Range car park and remove an unquantified number of car spaces. The Applicant should not be given access to Building B site through the Stony Range car park. Preventing access for construction traffic through the Stony Range car park would avoid interaction between heavy vehicles/tradies’ vehicles and light vehicles of visitors and volunteers and to maintain the existing parking spaces for visitors and volunteers.

It may have been more appropriate that Building B was constructed first with all traffic entering the site from Delmar Parade. That said, should approval be given for Building A to be constructed first, provision should be given to provide access to the Building B site through the Building A site. Whilst I am unsure how this could be achieved, the Applicant would be in a better position and should be requested to identify a way for this to happen and not cause substantial inconvenience to the volunteers and visitors that attend Stony Range over a considerable period of time.

5. **Impacts of Construction Activities**

The coverage of the impacts (and related mitigation measures) during the construction activities is poorly covered in the documentation for the proposed development.

- The Noise Impact Assessment only focussed upon noise issues once the construction is completed. Noise generated for example during the excavation of the sandstone with rock breakers is not addressed. This is likely to be a highly audible activity at Stony Range.
- The Traffic Report documents that at the time of preparation, “*the traffic generated by construction activities on the site is not known at this time*” and that “*the construction traffic generation is expected to be low*”. Exclusion of this information for the size of development proposed is inappropriate given the likely number of trucks removing demolition materials, excavated sandstone rubble and delivery of construction and building materials.
- The SoEE is silent on the excavation below natural ground level to create the void for two levels of car parking. Yet, the geotechnical report describes the presence of medium to high strength sandstone typically between approximately 6m to 14m thick. The removal of the sandstone will need to be undertaken with a 300kg or 600kg rock hammer attached to an excavator. The potential vibration from the rock hammering has been outlined in the Geotechnical Report, however, no reference is made to

potential preferential transmission of vibration through the rock units onto the adjoining properties such as Stony Range or other neighbours– this can happen!

It is noted that whilst the Geotechnical Report refers to “*Excavation methods should be adopted which limit ground vibration at the adjoining developments to not more than 10mm/sec*”, this limitation (at the site boundary) should be included in the Conditions of the Development Consent. It is also requested that the Applicant commissions regular monitoring to demonstrate this vibration criteria are being complied with at the site boundary with Stony Range and other property boundaries to the east.

- The SoEE is silent on air quality issues, nor there appears to be no other documentation that clearly identifies the proposed sources of air pollution, particularly dust eg on site truck traffic and rock excavation and how it will be managed to avoid any health or amenity impacts within Stony Range.

6. Heritage Issues

The coverage of heritage issues relating to Stony Range is extremely disappointing given the considerable positive excerpts about the Reserve drawn from many external sources. Far more emphasis is placed upon Council’s housing targets with little genuine consideration given to the environmental impacts upon Stony Range during the construction stage and after construction is completed. It is further noted that there was no record of any comments received from the NSW Heritage Council.

The Heritage Impact Statement unfortunately focusses repetitively upon the components of the proposed development and whilst referring to the “Stony Range Botanical Reserve Flora Reserve Conservation Area (C6)”, the document includes what can only be described as statements with little relevance to heritage such as the following.

- “*The landscaping proposed for the subject site has been designed to complement the adjacent Stony Range Botanical Reserve Conservation Area. This includes mass plantings and a planting palate that is compatible with the flora growing in the nature reserve.*” – Yet, Landscape Plan 3 (from the Landscape DA Documentation) shows only one or two small rows of shrubs adjacent to the southern boundary of Building B adjoining the Stony Range car park. This actual design hardly matches the description presented in the Heritage Impact Statement.
- “*The development makes practical use of the sites’ proximity to the nature reserve by establishing the reserve almost as the back garden for the development and for future residents to enjoy.*”
- “*A north south axis through the site maintains views towards the conservation area and provides direct access to the conservation area through the site*”.

The above three statements are relied upon when the Heritage Impact Statement concludes that “*Overall, the proposed development will respect the heritage significance of the adjacent Stony Range Flora Reserve Conservation area*”!!

Subsequent to the preparation of the Heritage Impact Assessment, Urbis was requested to address the shadow diagrams (dated 11 May 2023). Again, without understanding what facilities would be located within the shadows, Urbis concluded “*Potential overshadowing would be negligible and would not detract from the significance of the Reserve*”. This is totally inappropriate.

Overall, the coverage of heritage issues by the consultants has been extremely disappointing. Little recognition is given to the value of this Green Gem to the wider community given its “high degree of local significance” recorded in the NSW Heritage listing and the absence of nearby similar areas. Emphasis has instead been placed upon the benefits of the Stony Range to the new residents of the proposed development.

In concluding my commentary on heritage issues, it is indeed unfortunate that the opinion of Council’s Heritage Officer was only “noted” with far more emphasis placed by Council’s Planning Officer upon generalised statements without reference to what facilities are actually present within Stony Range that would be potentially affected by shadows in winter.

7. The Applicant’s Contribution to Stony Range Botanical Reserve

When reviewing the documentation for the proposed development, a standout for me were statements like the following.

- *“the design of the proposed apartments has balanced solar access to apartments with capitalising on south facing views over the Botanic Gardens”* – SoEE page 15.
- *“The development makes practical use of the site’s proximity to the nature reserve by establishing the reserve almost as the back garden for the development and for future residents to enjoy. This is considered a positive outcome that will ensure the ongoing significance of the Stony Range Flora Reserve Conservation Area for current and future generations.”* –Executive Summary from the Heritage Impact Statement.
- *“It is a large commercial site, which has the potential to further the urban renewal and revitalisation of the Dee Why commercial area”* – Council Assessment Report, page 92.

It is evident that the proposed development will benefit from the existence of the Stony Range, Dee Why’s Green Gem immediately to the south and provide future residents with the opportunity to enjoy the views over the Reserve and the opportunity to stroll through the Reserve and experience the many attributes of the Reserve. I’m sure Stony Range will also feature in the sales promotions for these properties.

There are unfortunately, as the proposed development is currently presented, no benefits for Stony Range - only adverse impacts! – the visitors and volunteers could experience traffic and parking disruptions (if not correctly conditioned); amenity issues relating to the noise, dust and vibration; and overshadowing of the picnic area during every winter.

In light of the disparity in benefits, it would seem to me to be appropriate that the Applicant, as a condition of the Development Consent, be required to pay Stony Range an amount of \$4,000 per property within the complex (payable after the sale of each property). This amount is considered miniscule compared to the likely purchase price for each property. The funds would enable the Stony Range voluntary committee to progress with a number of the programs and projects that are and/or would be planned to increase the benefit of the Reserve to the community (including the new residents in the complex) and local biodiversity.

8. Consultation

I am aghast that in 2021 or before, the Applicant considered it unnecessary to contact the voluntary committee co-managing Stony Range and discuss their proposal to re-develop the site. This is a common courtesy for neighbours, particular for such a large

development. The voluntary committee's lack of knowledge of the proposed development continued until mid-June 2023, when the committee was made aware of the DA by the Stony Range Botanic Garden Committee (as a direct result of the request from the Planning Panel, i.e. well after the formal advertising / notification of the DA for the proposed development. Had the Stony Range voluntary committee been consulted about the proposed development and kept informed about the proposed exhibition of the DA and associated documents, it is likely that many more than three submissions would have been received.

It is important for the Panel to recognise that the negligible number of submissions to the DA (when first advertised) was not a function of the actual concern in the community but rather a result of the lack of consultation by the Applicant with the Stony Range voluntary committee and little knowledge about it in the local community.

It is apparent that none of the consultants undertaking their assessments for the Applicant visited Stony Range to gain an appreciation of the Reserve's facilities and attributes. This conclusion is drawn from the fact that no consultant referred to visiting Stony Range in their reports and the only photos included in documentation supplied were either sourced from Council or taken from the car park, i.e. until the Visual Impact Assessment was conducted and reported upon in May 2023.

Invariably, when genuine consultation occurs between neighbours, there is an opportunity for issues to be discussed and potentially mitigated. Although it is recognised that not all issues can be resolved, there is often recognition to "agree to disagree".

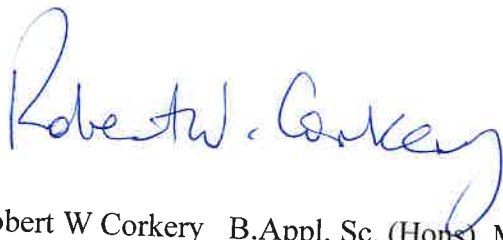
The fact that the Applicant has chosen not to consult with the Stony Range voluntary committee to date should not be the way to move forward. It would be preferable for management of the Applicant to meet with the Stony Range voluntary committee (after the DA is approved and at regular intervals thereafter) to discuss potential issues of concern and to ensure that the timing etc. for certain activities (including mitigation measures) are fully discussed with the Stony Range voluntary committee well in advance of when they are planned to occur.

Conclusion

It is recognised that the planning for the proposed development has been underway for a number of years and that it appears to offer a high standard for a mixed used development. Whilst it is accepted that the proposed development is likely to be approved, it is respectfully requested that the Conditions of the Development Consent are amended to address the matters raised above. These particularly relate to:

- Restricting the height of Building B to the height of Building A (to reduce the shadowing over Stony Range).
- Re-designing the southern sides of Buildings A and B to introduce podiums or a stepped setback (to reduce the shadowing over Stony Range). Alternatively, redesign Building B whilst Building A is being constructed.
- Preventing any Project-related construction vehicles from parking in the Stony Range car park at all times (to maintain parking for visitors and volunteers).

- Requiring all vehicles involved in the demolition and construction of Building B to enter and leave the site from Delmar Parade (to avoid interaction between heavy vehicles/tradies' vehicles and light vehicles of visitors and volunteers and to maintain the existing parking spaces for visitors and volunteers).
- Requiring monitoring of ground vibration during rock excavation to demonstrate that vibration levels of 10mm/sec are not exceeded at the site boundary (to ensure elevated ground vibration levels do not occur in the Stony Range and neighbouring properties to the east.)
- Requiring the preparation and implementation of an Environmental Management Plan that clearly outlines how noise and air quality issues will be managed throughout the entire construction program (to ensure all health and amenity impacts are correctly managed at all times).
- Requiring the payment of \$4,000 per property sold within the site complex to Stony Range Botanical Reserve in the event the identified issues are not all satisfactorily resolved (to fund projects and programs undertaken by the Stony Range voluntary committee).
- Requiring the Applicant to establish a Consultation Protocol with Council (as the Crown Land Manager) and the Stony Range voluntary committee to discuss matters of mutual interest (in order to minimise adverse impacts upon Stony Range Botanical Reserve).



Robert W Corkery B.Appl. Sc. (Hons), M. Env. Sc.

29 June 2023