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# City of Parramatta

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<b>To:</b>	Sydney Central City Planning Panel	<b>Date:</b>	2 March 2018
<b>From:</b>	Shaylin Moodliar Senior Development Assessment Planner	<b>Through:</b>	Mark Leotta Manager, Development & Traffic Services
<b>Subject:</b>	2017SWC007 – 12 Station Road & 4-10 Wentworth Avenue, Toongabbie (City of Parramatta ref: DA/1281/2016) Demolition, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) at the 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works.		

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Council provided the original assessment report to the Sydney Central City Planning Panel, which was considered at the public meeting of 6 December 2017. At the Sydney Central City Planning Panel meeting, the Panel deferred the determination of the application and resolved the following at that meeting:

- 1. A briefing has occurred between the Council and Applicant in which the flooding experts of each part endeavour to reach a consensus. If a consensus cannot be reached, the Panel may request an independent expert to assess the flooding concerns on the Panel's behalf.*
- 2. The Applicant is to make a written response to be provided to both Council and the Panel which addresses the 34 reasons of refusal listed in the Council assessment report.*
- 3. The Applicant is required to provide to Council and the Panel, in writing, a justification of the height breach.*
- 4. The Applicant is to address the Panel's concerns regarding the development's interface with the adjoining residential flat building to the south-west.*

*When this information has been received, the panel will hold a supplementary public determination meeting.*

On 8 February 2018, a meeting was held between Council's flood engineer/experts and the applicant along with their representatives. Discussions focussed on the design of the residential care facility (RCF) and the flood events along Girraween Creek. The applicant group advised Council they had not conducted any pre-development, post-development, 100-year flood and larger flood events modelling within the site and across the catchment. The applicant group stated there will be fill between 0.8m to 1.2m above the natural ground level across the development site including the carpark and landscaped areas which covers approximately 4,887.4m<sup>2</sup> of flood-prone land resulting in substantially modified ground levels above the natural ground level. The applicant group contended that the break out of flood water from the existing channel during 100-year flood was unlikely to occur and reaffirmed their view that at greater events the facility would be entirely self-sufficient to enable shelter-in-place. Council maintains a contrary view.

On 20 February 2018, Council sent the Department of Planning the addendum report, original assessment planning report, cover sheet and original clause 4.6 written request for the deferred meeting scheduled for 7 March 2018. Council had not received any

additional/amended information from the applicant in the previous thirteen (13) months since the DA was lodged. No amended architectural, landscape, engineering plans or new documentation was provided to Council from the applicant.

On 23 February 2018, the applicant sent additional information including a response to the deferred matters numbered 2-4 to Council and the Department of Planning including:

- Cover letter response to SCCPP reasons for deferral;
- Flood Report, prepared by Molino Stewart;
- Response to the flooding reasons for refusal in the original assessment report;
- Stormwater and flooding matter response, prepared by Henry & Hymas Consulting Engineers Pty Ltd;
- Response to the biodiversity reasons for refusal, prepared by Cumberland Ecology
- Amended Clause 4.6 justification to the height breach under Clause 40(4) of SEPP (Housing for Seniors or People with a Disability) 2004, prepared by BBC Planning Consultants; and
- Set of amended architectural plans, prepared by Calder Flower Architects.

It is noted that Council is not supporting the proposed RCF as this site is within flood prone land and unreasonably creates too many risks and the proposed RCF on this site knowingly puts vulnerable frail-aged people (staff, occupants, visitors and emergency response) in a dangerous situation.

The submitted flood reports, prepared by Molino Stewart and Henry & Hymas Consulting Engineers Pty Ltd, and additional information up to 85 pages have not been fully reviewed given the short time available. However, this material appears after first inspection to confirm that the proposal is to fill much of the development site by 1-1.5 metres and this is not acceptable. The information appears to document the position and opinions put to Council at the 8 February 2018 meeting with the applicant group. That being the case, Council does not feel that any further information overcomes the inherent hurdle of a sensitive land use in the floodplain, especially when the RCF would be isolated in the event of a 100-year flood. In line with accepted catchment management practices, Council does not allow fill in the floodplain as this creates a loss of flood storage or flood conveyance capacity elsewhere either upstream or downstream with harmful impacts on the community and adjacent land.

The proposed RCF is a *sensitive land use* and, according to the floodplain matrix within the PDCP 2011, NSW Flood Plain Development Manual 2005 and Parramatta City Council's Floodplain Risk Management Policy (version 2, approved 27 October 2014), sensitive land uses (such as RCFs, child care centres, schools, hospitals and seniors housing) on flood risk land are *unsuitable* and are to be avoided.

The site is significantly constrained wherein the location of the creek which runs along the 219 metre western boundary length of the site, poses significant and life-threatening flood mitigation challenges which cannot be supported and therefore deems the site as unsuitable for the proposed RCF. Furthermore, the NSW State Emergency Service (SES) does not support a residential care facility within this site due to unsuitability of shelter-in-place, placement of a vulnerable population within a high flood risk area, difficulty of rescue operations, increased complexity of response operations and demand on emergency services, lack of evacuation strategy and the potential for displacement of floodwaters onto neighbouring properties due to bulk landfill as part of the development.

As per the original assessment report and the addendum report, it is recommended that the Sydney Central City Planning Panel (SCCPP) refuse the application.