

## AMENDED ITEM



**Item No:** 5.3  
**Title:** Planning Proposal 81/2015 for 893 The Entrance Road, Wamberal  
**Department:** Innovation and Futures

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30 November 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14190735  
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### Amended Report

Notification was provided that that applicant of the planning proposal has withdrawn the application.

### Report purpose

To recommend refusal of Planning Proposal 81/2015 to permit a "residential care facility".

### Executive Summary

On June 2019, Council deferred consideration of this report without a determination of the Planning Proposal. This report provides an assessment of information submitted by the applicant and other actions undertaken since June 2019. The original Council report is Attachment 1.

The proposal seeks to enable a site-specific zoning change to permit a "residential care facility" on the subject property. The proposal is fundamentally inappropriate given the site's flood context, the potential impacts on a sensitive land use and unresolved potential risks.

On 1 October 2020, the Department of Planning, Industry and Environment (DPIE) directed Council to determine all Planning Proposals over four years old, which have not yet been finalised, by 31 December 2020. This Planning Proposal is one of those longstanding Proposals. Hence, this report recommends refusal of the Planning Proposal due to:

- 1 the flooding constraints on the property; and
- 2 the proposal is contrary to the gateway determination delegations; and
- 3 the gateway determination, initially issued to amend Interim Development Order 122 (IDO 122), has now lapsed hence an amendment to IDO 122 is no longer possible.

### **Innovation and Futures Recommendation**

*That Council note that this report will not be considered at the Council Meeting of 30 November 2020, as the applicant has withdrawn their application.*

### **Current Status**

Since June 2019, Council staff and the applicant have held meetings and discussions in order to give consideration to the additional flooding information. A full assessment report can be found in Attachment 2.

In July 2020, the proponent advised Council that they were discussing the status of the Planning Proposal with the DPIE Planning Delivery Unit.

On 1 October 2020, DPIE, notified Council that longstanding Planning Proposals (including this one) must be finalised by 31 December 2020.

On 19 October 2020, Councillors and staff undertook a site inspection.

On 26 October 2020, the applicant and proponent met with Council officers to discuss the Proposal. Council staff advised that the submitted information does not overcome Council's fundamental flooding concerns nor adequately address the Ministerial Direction related to flood prone land. The applicant was encouraged by staff to withdraw the proposal.

### **Report**

As detailed in the Attachments the land is affected by the Probable Maximum Flood (PMF) and "Residential Care Facilities", as a sensitive land use, is required to be located above the PMF level. The applicant proposes to fill the site to a level above the PMF however the cumulative impact of such fill within the catchment has not been satisfactorily addressed. Hence Council staff maintain their objection to this Planning Proposal.

### **Consultation**

The Proposal has not been placed on public exhibition due to the unresolved flooding issues.

### **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

- 1036/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

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The following statement is provided in response to this resolution of Council.

The direct cost to Council is the preparation of the Planning Proposal and the fee has been paid that covers this service. There is no financial impact if the Planning Proposal is refused.

#### **Central Coast Community Strategic Plan**

Theme 1: Belonging

Goal A: Our community spirit is our strength

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

#### **Central Coast Local Strategic Planning Statement**

The interim Central Coast Local Strategic Planning Statement (LSPS) was not considered when the matter was originally reported to Council as it was not in effect at that time. Priorities applicable to the Planning Proposal are identified in Attachment 2.

#### **Risk Management**

There are flood risks identified to the natural and built environment as well as to human life.

#### **Options**

The following options are available:

- 1 Refuse the planning proposal as recommended.
- 2 Support the planning proposal contrary to the recommendation. Reasons for support would need to address the technical aspects including flooding. Even if this Option was

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taken by Council, the Planning Proposal would not be able to be finalised by 31 December 2020 resulting in the DPIE making the decision to discontinue the proposal.

- 3 Defer the decision. However, if Council does not determine this Planning Proposal by 31 December 2020, the DPIE will make the decision to discontinue the proposal.

**Critical Dates or Timeframes**

If a determination is not made by 31 December 2020, the DPIE will make the decision as the Gateway delegation expired in 2019 (following multiple previous gateway extensions).

**Conclusion**

The Gateway Determination lapsed over 18 months ago and refusal of the proposal is recommended as there is no strategic merit in pursuing a residential care facility on this site due to its fundamental flooding constraints.

Residential care facilities are required on the Central Coast to meet the needs of an aging population. However, this location could result in adverse flooding impacts on property and place future resident's lives at risk as well as endanger the lives of facility staff and emergency support to assist those aged residents due to evacuations or floods.

**Attachments**

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|--------------------------------------|-----------|
| 1 Council Report of 24 June 2019     | D13494437 |
| 2 Planning Proposal Assessment       | D14291575 |
| 3 Strategic Assessment               | D14188572 |
| 4 Councillor Site Inspection Summary | D14250694 |