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## ORDINARY COUNCIL

ORD04

**SUBJECT: PLANNING PROPOSAL TO ALLOW SENIORS HOUSING AND ASSOCIATED USES AT 5 SMALLS ROAD, GRASMERE AS AN EXPANSION TO THE CARRINGTON CENTENNIAL CARE FACILITY**

**FROM:** Director Governance

**BINDER:** Amendment No 16 Carrington

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### PURPOSE OF REPORT

The purpose of this report is for Council to consider a request to allow additional permitted uses on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) to permit a seniors living development, being an expansion of the Carrington Centennial Care facility.

### BACKGROUND

In late December 2011, Council received a request to rezone land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) to permit a seniors living development, as part of an expansion of the Carrington Centennial Care facility.

Under the previous Camden LEP 48, the site was zoned Rural 1(c), which permitted seniors housing. A masterplan DA was approved for the site (DA 639/2006) in July 2007. The consent was acted upon for the existing Carrington campus, but not for the Smalls Road land. Since that time, the masterplan for the site has been revised and would result in the need for a new Development Application.

However, Camden LEP 2010 was introduced in 29 November 2010 and the site was rezoned to R5 – Large Lot Residential. ‘Seniors housing’ is not permitted within this zone. As a result, a rezoning of the land is required in order to facilitate the proposed development of a seniors living campus as an expansion to the Carrington Centennial Care facility.

The proposed development includes a medical centre and a small amount of retail premises space in the form of a café/restaurant and neighbourhood shop. The only zone that allows all of the proposed uses is R1 – General Residential, however this zone would permit a range of other uses that would not be appropriate on this site, such as residential flat buildings. As a result, it is proposed to allow specific additional uses on the site related to the development under the provisions of Clause 2.5 and Schedule 1 of Camden LEP 2010.

### MAIN REPORT

A Planning Proposal has been prepared to allow additional uses on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) to permit a seniors living development and associated uses, as part of an expansion of the Carrington Centennial Care facility. The Planning Proposal is provided as **Attachment 1 to this report**.

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A masterplan was prepared for the site in 2006 by Ingham Planning as part of a Masterplan DA (DA 639/2006), which Council approved in July 2007. The development of the Smalls Road site was not commenced. In more recent times, the masterplan for the site has been reviewed and updated by Jackson Teece. This masterplan forms Annexure A to the Planning Proposal. However, since the introduction of Camden LEP 2010 in November 2010, the owners of the site are unable to lodge a Development Application for the proposed seniors living development, as 'seniors housing' is not permissible within the R5 – Large Lot Residential Zone.

Prior to the introduction of Camden LEP 2010, the site was zoned Rural 1(c) under the provisions of Camden LEP 48, which permitted seniors housing on the site. The Camden LEP 2010 was intended to be a 'like for like' or 'status quo' planning instrument. It was not intended to prohibit seniors housing on the site, as this was a permissible use. The land will need to be rezoned to address this anomaly. However, the owners of the site are proposing uses on the site that are broader than just 'seniors housing', resulting in the need to lodge a formal rezoning request supported by a Planning Proposal, rather than simply addressing the anomaly through a 'housekeeping' LEP amendment.

The applicants have prepared a masterplan for the site and propose the following uses:

- a residential aged care facility (RACF) that contains approximately 120 beds;
- approximately 112 Independent Living Units (ILUs), and a further 95 'apartment' style ILUs;
- a 30 place child care centre;
- a medical centre; and
- a café/restaurants/local shops.

It is proposed that the child care centre, medical centre and any café/restaurant or local shops would be available to the public to use. This would help to integrate the seniors housing development into the broader community.

The R1 – General Residential zone was proposed for the site as it would accommodate the range of uses proposed for the site, including seniors housing, health services, child care centres and retail premises. However, this zone also permits a range of other uses, such as residential flat buildings, that would not be appropriate on this site. As a result, it is proposed to allow the following specific uses on the site as "additional permitted uses for particular land" under the provisions of Clause 2.5 of Camden LEP 2010:

- seniors living;
- health services facility; and
- retail premises (for the purposes of a café/restaurant and local shop) of no more than 500 square metres of gross floor area.

A number of planning studies were prepared for the site as part of the 2007 Masterplan DA. The relevant studies have been annexed to the Planning Proposal. However, it is acknowledged that should this Proposal receive Council and Gateway Determination support, these studies will need to be reviewed and updated. Please note that Annexures A – G to the Planning Proposal (being the masterplan and technical planning reports) have not been printed for inclusion in this Council report due to their size. Electronic copies of these Annexures are available on CD upon request.

The Planning Proposal has been reviewed internally in relation to conservation, heritage and traffic issues to determine if there were any 'show stopper' issues that

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would cause Council not to proceed with permitting the proposed uses. No significant issues were identified that cannot be resolved through the preparation of revised planning studies and ultimately, as part of the Development Application process. In particular, there have been changes to the classifications of threatened species, which requires the flora and fauna studies to be updated. Additionally, the previous vegetation offsets strategy takes into account the existing Carrington campus and will require updating and re-calculation of vegetation offsets. This work will be undertaken following receipt of a Gateway Determination.

### Next Steps

If the Planning Proposal is supported by Council, it will be forwarded to the Department of Planning and Infrastructure (DPI) for a Gateway Determination in accordance with the *Environmental Planning and Assessment Act*.

If the Planning Proposal receives a favourable Gateway Determination, the next steps will be to require the applicant to review and update the existing planning studies, and if necessary, prepare new planning studies. The cost of this work is to be borne by the applicant. If the applicant does not undertake this work, the Council will not proceed further with the Planning Proposal and will advise the DPI accordingly.

Following completion of the planning study review, the Planning Proposal will be amended as required. Consultation will be undertaken with relevant State and Federal agencies as required by the Gateway Determination, and the Planning Proposal will be publicly exhibited for a period of 28 days in accordance with legislative requirements. Following conclusion of the public exhibition, a further report will be submitted to Council to allow consideration of any submissions received.

### CONCLUSION

The proposal to permit seniors housing, health services facilities and a limited amount of retail premises on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) under the provisions of clause 2.5 of Camden LEP 2010 is supported. The prohibition of 'seniors housing' on the site was an unintended consequence of transitioning the zones to those within the Standard Template LEP that Camden LEP 2010 is based on. The R1 – General Residential zone would permit the range of uses proposed for the site, but would permit other uses such as residential flat buildings that are not appropriate on this site. As a result, it is intended to allow the specific uses on the site rather than a blanket rezoning.

The proposed seniors housing development will include services and facilities that will benefit residents and the broader community. The proposed development will increase the range of housing opportunities within the Camden LGA for older people and will generate local jobs within the aged care industry.

### RECOMMENDED

**That Council:**

- i. support the proposal to allow 'seniors housing', 'health services facility' and 'retail premises up to 500 sqm of gross floor area' on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620);**

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- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
  - iii. require the applicant to prepare or update planning studies following receipt of a favourable Gateway Determination at their own cost;
  - iv. publicly exhibit the Planning Proposal in accordance with the provisions of the Gateway Determination and the *Environmental Planning and Assessment Act*, upon receipt of a favourable Gateway Determination and completion of planning studies; and
  - v. receive a further report addressing any submissions received as a result of a public exhibition of the Planning Proposal.

#### ATTACHMENTS

1. Planning Proposal

#### **ORD04 Planning Proposal To Allow Seniors Housing And Associated Uses At 5 Smalls Road, Grasmere As An Expansion To The Carrington Centennial Care Facility**

Resolution: Moved Councillor Funnell, Seconded Councillor Cagney that Council:

- i. support the proposal to allow 'seniors housing', 'health services facility' and 'retail premises up to 500 sqm of gross floor area' on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620);
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. require the applicant to prepare or update planning studies following receipt of a favourable Gateway Determination at their own cost;
- iv. publicly exhibit the Planning Proposal in accordance with the provisions of the Gateway Determination and the *Environmental Planning and Assessment Act*, upon receipt of a favourable Gateway Determination and completion of planning studies; and
- v. receive a further report addressing any submissions received as a result of a public exhibition of the Planning Proposal.

#### **ORD83/12 THE MOTION ON BEING PUT WAS CARRIED**

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. No Councillors against for the Motion. )