

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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General Manager
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8 October 2020

Dear General Manager,

Re: Planning Proposal (PP 2020)
Concept development application DA 2020/524
5 Smalls Road, Grasmere
Lot 201 DP 734620

Please accept this submission as being for both the Planning Proposal (PP 2020) and the Concept Development Application (DA 2020/524) which are inseparable as each relies on the other. The Concept DA cannot proceed without the rezoning addressed by PP 2020 and the Concept DA attempts to demonstrate that the maximum height increase sought in PP 2020 is conceptually compatible with the area.

We note that an earlier Planning Proposal¹ dated 17 November 2017 (PP 2018) was endorsed to go to Gateway at Council's meeting of 8 May 2018 subject to the resolution of an outstanding objection from the OEH. The NSW Department of Planning amended Camden Local Environmental Plan (LEP) map on 21 December 2018 to give effect to a spot rezoning of the site².

¹ **CAMDEN COUNCIL PLANNING PROPOSAL Amendment No. 16 – Carrington (5 Smalls Road, Grasmere)** November 2017 Available at <https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2018/BP-attach-8-May-2018-ORD01.pdf>

² NSW Department of Planning *Camden Local Environmental Plan 2010 (Amendment No 16) [NSW] Published LW 21 December 2018 (2018 No 758)* Available at <https://www.legislation.nsw.gov.au/view/pdf/asmade/epi-2018-758>

The rationale provided for this rezoning was to facilitate seniors living dwellings in the form of Independent Living Units (duplexes, townhouses and two storey apartments) and Residential Aged Care Facility (R2), services ancillary to seniors living and also accessible to the public, including a medical centre, local shop, café/restaurant, childcare centre, and wellness centre (B1) and a conservation area to ensure conservation of critically endangered vegetation and an area containing Aboriginal cultural heritage material (E2).

None of these land uses require buildings that exceed 9.5m or two storeys.



PP 2018 Indicative Plan Layout (IPL) (p 6)

PP 2018 did not seek to increase the maximum building height and stated:

The current maximum height of buildings will restrict development to a maximum of two storeys and ensure that the new development will be in keeping with the surrounding development. Lot size controls will not be amended as it is not intended that the site be subdivided. (p 7)

The Business Paper recommendation accepted by Council in endorsing the rezoning stated that:

It is not proposed to amend the current Height of Buildings (9.5m) applying to the land. This will ensure that the maximum building height is consistent with the existing residential development in Grasmere which is also 9.5m.

The rezoning change approved on 21 December 2018 was from R5 Large Lot Residential to R2 Low Density Residential (18.5ha), B1 Neighbourhood Centre (4000m²) E2 Environment Conservation (8.4ha). The PP 2018 Indicative Plan Layout above shows the current zones with R2 shaded brown, B1 shaded blue and E2 shaded green.

PP 2018 limited the maximum building height over the whole site to 9.5m.

PP 2020, lodged on 29 July 2020, does not seek to change the zones. Instead it seeks to amend the maximum height control from 9.5m up to 24m.

We object to the Planning Proposal for an increase in the maximum building height and the Concept DA (2020/524) which relies on it for the following reasons.

Missing Documentation

This Planning Proposal and Concept DA are difficult to understand. Whilst it is intrinsically complex, it was made almost unfathomable because of missing documentation. The number of documents is very few compared to many less complicated applications.

As will be noted throughout this submission, a number of documents that underpin and link PP 2018 to PP 2020, are not publicly available. These include ones that possibly evidence high level decisions made, for example by the Office of Environment and Heritage (OEH) that are fundamental to an appreciation of the proposed level of conservation of critically endangered species and Aboriginal heritage.

Also, the Statement of Environmental Effects (SOE) makes the following references to intended site works associated with PP 2020:

This application is lodged separately, but in concert with an application for bulk earthworks and a Planning Proposal to increase the heights of buildings. (p 8)

The development has been designed to take into consideration this fall, with cut and fill proposed, as shown detailed on the bulk earthworks development application, submitted separately. (p 15)

The site contains stands of vegetation. This application proposes to remove vegetation and this aspect of the proposal was addressed in the bulk earthworks development application. (p 55)

The bulk earthworks DA ((2020/348) which was lodged on 3 June 2020 was withdrawn on 9 June 2020 before its public exhibition.

The above SOE statements clearly show that information provided in this withdrawn DA is fully relevant to PP 2020 and necessary to inform submissions. According to the Statement of Environmental Effects the following documentation supported the bulk earthworks DA:

- A flora and fauna survey and impact assessment
- Contamination and remediation of land reports
- Availability of services, water & sewer, and accessibility
- Heritage impact
- Flood mitigation and detention basin, storm water
- Tree clearing, bulk earthworks, and cut and fill

The extent of earthworks and impact on the ecology, heritage, landscape and building heights is of major public concern but is not explained and documented.

The lack of supporting information with PP 2020 and the concept DA is in our opinion sufficient to require a new public exhibition that includes all necessary and relevant documentation.

Location in the Metropolitan Rural Area (MRA)

PP 2020 (p38) states *The Planning Proposal Request has had regard to the Metropolitan Rural Area requirements as detailed in the Report (5.1.2). However, the land is zoned R2 Low Density Residential.*

Whilst this statement would seem to refer to an argument that R2 zoning allows MRA values³ to be accommodated or ignored, Section 5.1.2 simply states:

Importantly, despite being in the rural conservation focussed Metropolitan Rural Area (MRA), the subject land is contiguous with rural residential development and fulfils the nominated criteria of limited expansion of such form development; namely:

“Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA”.

The second paragraph of this quote is from the Greater Sydney Commission (GSC)⁴ *A Metropolis of Three Cities*, Objective 29 under *Rural Lands*. It continues by stating

This could include the creation of protected biodiversity corridors, buffers to support investment in rural industries, and protection of scenic landscapes.

The GSC also states in Objective 29:

Urban development is not consistent with the values of the Metropolitan Rural Area.

In the *Western City District Plan*, the GSC⁵ also lists the following action (79)

Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham

³ AgEconPlus 14 February 2017 *Values of the Metropolitan Rural Area of the Greater Sydney Region Report* Available at <https://www.planning.nsw.gov.au/~/-/media/Files/DPE/Reports/values-of-the-metropolitan-rural-area-of-the-greater-sydney-region-report-2017-02-14.ashx>

⁴ **Greater Sydney Commission March 2018 *A Metropolis of Three Cities Environmental, social and economic values in rural areas are protected and enhanced Objective 29*** Available at <https://www.greater.sydney/metropolis-of-three-cities/sustainability/city-its-landscape/environmental-social-and-economic>

⁵ Greater Sydney Commission March 2018 *Western City District Plan* Available at <https://www.greater.sydney/western-city-district-plan/sustainability/city-its-landscape/better-managing-rural-areas>

It is difficult to see how PP 2020 and Concept DA is consistent with GSC planning and therefore how it could be acceptable for Gateway determination because:

- The site is within the MRA and NOT within the Urban Area or investigation areas designated by the GSC Western City District Plan.
- The Concept Plan cannot be described as proposing limited expansion of *rural residential development*. It is clearly urban in nature which the GSC states is not consistent with the MRA.
- **The proposed maximum height of buildings of 24m, is the same (except for potential spot rezoning) as that mapped for the urban area of Oran Park Town Centre (B2) which is subject to the Growth Centres SEPP.**

An added indication that MRA values are to be observed is the amendment made on 29th July 2020 to SEPP Seniors Housing to exclude its operation in MRAs. This precludes use of the SEPP to override local planning controls.

Only DAs and applications for Site Compatibility Certificates (SCC) that had already been lodged before 29 July may continue to be assessed under the SEPP⁶. No SCC was lodged and the DA was lodged after the amendment came into force⁷. However, the SEPP itself suggests that a maximum height of 24m is unacceptable due to limitations set by Clauses 40 and 45 particularly as the R2 zone does not permit residential flat buildings⁸.

We therefore understand that, short of a s 4.6 Variation, a change to the local planning controls in the way of a second spot rezoning to increase the maximum height of buildings (or by again changing the zoning on the site which would also be problematic in the MRA) is the logical path to realisation of this concept DA.

⁶NSW Department of Planning Industry, and Environment *State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment (Metropolitan Rural Areas Exemption) 2020* Published LW 29 July 2020 (2020 No 441) Available at <https://www.legislation.nsw.gov.au/view/pdf/asmade/epi-2020-441>

⁷ This amendment states 2 *Commencement This Policy commences on the day on which it is published on the NSW legislation website*. The footer states: *Published LW 29 July 2020 (2020 No 441)*. The SEPP version date can be entered at <https://www.legislation.nsw.gov.au/view/html/inforce/2020-07-29/epi-2004-0143> - the MRA exclusion is in force on 29 July but not 28 July.

⁸ The MRA exclusion in the SEPP would seem to preclude *Additional Permitted Uses* as per LEP Schedule 1

8 Use of certain land at 90 Werombi Road, Grasmere

(1) *This clause applies to land at 90 Werombi Road, Grasmere, being Lot 10, DP 845472 (Carrington).*

(2) *Development for the purposes of **residential flat buildings** and seniors housing is permitted with development consent.*

But it is clear that the proposed height increase for this site in the MRA is not consistent with GSC planning. It is consistent with urban development and an overreach far beyond generally acceptable parameters of rural character.

Area character: Low Density Residential

Seniors housing is currently a permitted land use on the site in R2, and also potentially in B1, to the site's maximum building height of 9.5m.

PP 2020 is fundamentally flawed as the height increase sought does not meet the objectives of R2 Low Density Residential and LEP 4.3 Height of Buildings. Buildings up to 24m in the concept plan would be 2.5 times higher than the maximum height standard of R2.

Such a maximum height increase cannot meet the objectives of:

- **R2 Zone**, especially of providing *for the housing needs of the community within a low-density residential environment* and *minimising conflict between land uses within adjoining zones*;
- **LEP 4.3 Height of Buildings**, especially of ensuring that *buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality*

Similarly, a retail centre of 13m height at the intersection of Werombi and Smalls Roads is not consistent with the low-density residential character of the area and, as covered above, would present as an aberration of the values of the Metropolitan Rural Area. The area of the B1 zone is 1 acre and the proposed building appears to take up much of that with parking spread into the R2 zone.

In any case, the proposed height and density of the proposed retail centre suggests an urban development inconsistent with that of a B1 Neighbourhood Centre which is described as being for small-scale retail, business and community uses.

The Development Control Plan (DCP)⁹ for Grasmere, reads:

... residential and associated development is to be designed and located to blend in with the rural residential backdrop, when viewed from the important view corridors

⁹ Camden DCP 2019 Schedule 11 Grasmere Available at <https://www.camden.nsw.gov.au/assets/Uploads/19-251640-DCP-2019-Final-Schedule-11-Grasmere.pdf>

including the vehicle entrance to Carrington hospital on the corner of Werombi and Smalls Road and is to maintain consistency with existing adjoining development.

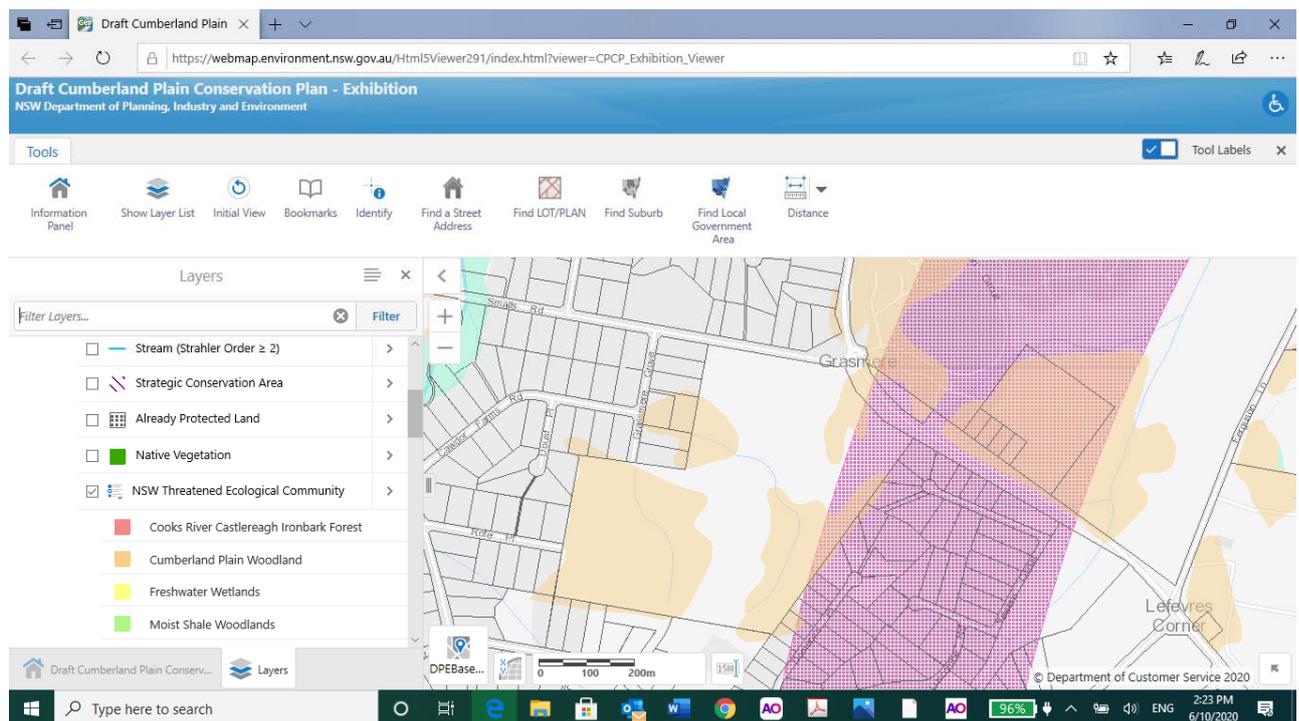
It is not possible to reasonably argue that the height and density of the proposed development would blend with its surrounds and be consistent with adjoining development.

The proposed height increase is not consistent with the LEP or DCP and is an overreach far beyond the generally accepted concept of low density.

Environmental impacts

These impacts are particularly unclear in the publicly available information.

It is understood that the location of Cumberland Plain Woodland (CPW) on the site was well known prior to PP 2018. The NSW Department of Planning¹⁰ makes the location of CPW clear in its spatial viewer accompanying the *Draft Cumberland Plain Conservation Plan*.



NSW Department of Planning 5 Smalls Road Grasmere Cumberland Plain Woodland

¹⁰ NSW Department of Planning *Draft Cumberland Plain Conservation Plan* Available at https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=CPCP_Exhibition_Viewer

The area shown in purple is the proposed corridor of the M9 tunnel which is only indicative at this stage, but may potentially have environmental impacts.

This viewer clearly shows, as reproduced above, that CPW, listed as *NSW Threatened Ecological Community*, extends well beyond the E2 zone (as shown in the above PP 2018 Indicative Plan Layout) with connections into adjoining properties. The proposed sites of the childcare centre and units on the eastern boundary of the development require removal of CPW.

The Council report and attachment submitted to Councillors on 8 May 2018 recommending endorsement in principle of PP 2018, as well as noting an OEH outstanding objection, also made observations relating to a number of specialist reports. The Concept DA and information to hand do not address many of those observations and also raise other questions about the environmental impacts of what is now proposed.

Flora & Fauna, Riparian & Bushfire Study (Offset Strategy); Conservation & Land Use Management Plan (CLUMP) and Vegetation Management Plan (VMP) dated 27 May 2016

The above Studies submitted with PP 2018 reference the previous *Threatened Species Conservation Act* but do not reference the *NSW Biodiversity Conservation Act 2016 (BC Act)*¹¹. The BC Act commenced on 25 August 2017 with Camden coming under the Act on 25 February 2018, after the date of the studies.

PP 2018 as lodged did not comply with S117 Local Planning Direction (now s9.1 (2)) of EP & A Act 1979 on protection and conservation of environmentally sensitive areas. Approximately 14.97 ha of Critically Endangered CPW¹² was identified on the site. PP 2018 had intended to conserve only approximately 7.59 ha of this vegetation within the sites Environmental Conservation zone.

Available documentation on PP 2018 shows that no agreement was reached about environmental conservation with the OEH, which also indicated it did not intend to enter into a Voluntary Conservation Agreement.

The Proponent proposed an offset within this E2 zone with protections through conditions of development consent including the implementation of the Conservation and Land Use Management Plan (CLUMP) incorporating a detailed Vegetation Management Plan (VMP) and a title instrument requiring compliance with the CLUMP and VMP.

¹¹ Available at http://classic.austlii.edu.au/au/legis/nsw/consol_act/bca2016309/

¹² Listed under both the NSW Threatened Species Conservation (TSC) Act (1995) and the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act (1999)

The OEH did not accept that these protections were secure enough. The OEH also identified concerns regarding the security and ongoing funding for the management of the E2 Environmental Conservation land and regarding the Bushfire Asset Protection Zone (APZ).

The OEH¹³ wrote on 18 January 2018 that the Indicative Layout Plan showed a large portion of E2 land is to be managed as bushfire APZ, rather than for conservation and accordingly its position remains as previously advised in May 2013 and October 2017. An APZ of approximately 60m x 300m in area (1.8 hectares) was recommended in the PP 2018 Agenda report to be moved from within the E2 Environmental Conservation zone to the residential zoned land which would increase the area of protected vegetation within E2.

It was stated in PP 2018 that

Bushfire Asset Protection Zones (APZs) will also be required to be located outside the E2 Environmental Conservation zoned land (p 9).

The 2020 Architectural Public Plans (dated 7 May 2020) shows a significant area of APZ in the E2 zone.

The extent and timing of any subsequent OEH approval is not clear from the publicly available documentation. The PP 2020 (p 24) simply states:

The subject site is largely vegetated and the majority of the vegetated areas are zoned E2 Environmental Conservation. Such area will remain largely intact, with small areas of vegetation removed. The removed vegetation is part of the BDAR¹⁴ that has been prepared for the site and was the subject of approval with OEH.

PP 2020 documentation does not include the BDA Report. Publicly available PP 2020 documents also do not provide any additional information on conservation or make mention of any definitive offsetting strategy. It is understood that biodiversity certification under the BC Act is required.

As Cumberland Plain woodland is a listed critically endangered community (reduced to less than 9% of its original extent) every effort should be made to conserve and consolidate any surviving remnants in the Camden region.

¹³ OEH 19 Jan 2018 *DOC17/646981 SC597=0217/363608*

¹⁴ Biodiversity Development Assessment Report required under the BC Act (not referenced in PP 2018).

The development footprint should be configured to conserve all existing native vegetation, and following on from the E2 conservation zoning for the western section of CPW, this remnant should be linked via vegetation corridor to the eastern remnant.

The eastern remnant (which is scheduled for removal) is well structured CPW and includes a good range of tree age classes, including some old growth mature Grey Box trees which have high habitat value. Such mature trees would take 80-100 years to reach this mature condition and provide nesting habitat. Such trees would score highly in any biodiversity assessment, and cannot be readily replaced by a tree planting program.

Long term management of the designated E2 conservation area will require a long term and enforceable Vegetation Management Plan which includes ongoing weed control and vegetation condition targets similar to a biobanking agreement.

The Vegetation Management Plan needs to ensure that maximum tree retention (consistent with RFS compliance) is achieved for this environmentally sensitive area.

It is imperative that the community sees the full flora and fauna assessment for all native vegetation at this site, which has not been made available through this current DA process.

Full transparency is required.

How is all of the Critically Endangered CPW identified in the *Draft Cumberland Plain Conservation Plan* to be conserved or at least offset?

What is the impact on CPW conservation of APZ being within the E2 zone?

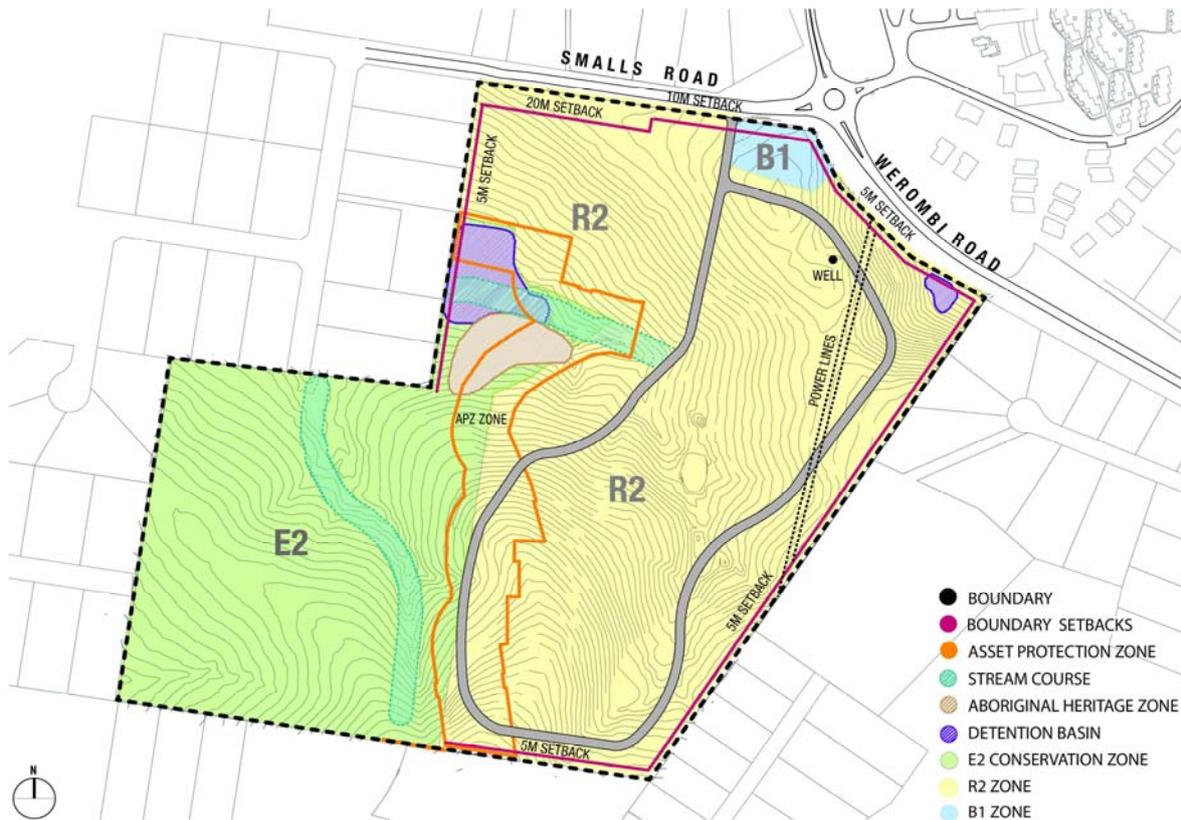
If the APZ is to fall within E2, how can fuel reduction involving removal of vegetation be ensured to be compatible with conservation of critically endangered species?

If removal of the eastern CPW vegetation is a recommended outcome, how would this vegetation loss be offset?

What arrangements have been or are to be made with OEHL on conservation of CPW?

Aboriginal Heritage Preliminary Assessment dated January 2013

This 2013 Assessment report records a number of finds, most concentrated in site C4¹⁵ which is noted as Aboriginal Heritage Zone shaded brown in the 2020 Architectural Public Plans below.



PP 2020 Architectural Public Plans (p3)

Although PP 2020 and Concept DA involve significant impacts on the site, only one reference to an Aboriginal artifact was found in the submitted documentation:

There is also an aboriginal artefact located in the E2 zoned land that will be preserved (PP 2020, p 38).

¹⁵ See Figure 14 of the 2013 Assessment, p 32

The 2013 Assessment (p 14) found that

It was generally accepted that the likely presence of Aboriginal objects within the subject area did not in itself preclude rezoning, but that ongoing involvement of the Aboriginal community will be essential in relation to any future development impact.

PP 2018 (p 10) stated that the results of this assessment, particularly the demonstration of relatively higher density and significance of Aboriginal cultural heritage material in the area of Site CR4, are to be used in any early stage concept planning so that impact avoidance can be appropriately considered.

Nevertheless, the 2020 Architectural Public Plans as shown above clearly shows that much of the Aboriginal Heritage Zone is also within the APZ which would suggest future difficulty in avoiding disturbance of much of the Aboriginal Heritage Zone.

PP 2018 (p 10) recommended that the formal Aboriginal community consultation process according to the OEH Aboriginal cultural heritage consultation requirements be continued. No reference to its continuation or its outcomes is made in PP 2020.

How can much of the Aboriginal Heritage Zone avoid disturbance being within the APZ?

Has the Aboriginal community been consulted about PP 2020 and the Concept DA as recommended?

If so, what is their response?

Historical Archaeological Assessment dated April 2016

PP 2018¹⁶ (p 32) states

DCP controls also require a report be provided with the first development application considering any impact on archaeological remains of the cottage, and provision of an archival photographic record of the underground cistern

PP 2020 (p 21) states in relation to caring for urban and natural environment, including heritage sites:

Further, the subject site is not considered to impact the immediate curtilages or visual catchments of such Item.

In addition, there is cistern that has heritage values and was addressed by Extent as part of the bulk earthworks development application. This cistern will be relocated to another part of the development site with a landscape setting.

As noted at the outset, much documentation is missing, including a Heritage Report, that was listed as included with the bulk earthworks DA that was withdrawn.

Documentation that is available does not assure the public that all heritage impacts have been carefully assessed and minimised.

Resident impacts

This proposal has generated much public disquiet. CRAG has been contacted by many residents, particularly neighbours of the proposed development.

People chose to build or purchase homes in the area knowing it was a low-density rural area. Whilst people understand that small incremental changes over time may occur, they trust that Council and its planning instruments will not allow the imposition of what amounts to a high-density new suburb centred around apartment buildings.

Invariably residents are appalled by this proposal and incredulous that shortly after approval of PP 2018 that limited the maximum height to that applicable to the area, that such a height variation request be submitted. They feel deceived by the Proponent and a planning process that allows such an extreme variation to planning instruments, trustingly relied on by the community and potential purchasers in the area, to be considered.

¹⁶ Camden Council 8 May 2018 Business Paper attachment

<https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2018/BP-attach-8-May-2018-ORD01.pdf>

A summary of their concerns, with which CRAG agrees, follows.

- **Traffic and access**

Those living in the vicinity insist that the traffic impact has been grossly downplayed by a traffic count done during Covid shutdowns and foresee significant traffic issues. They believe the 2020 traffic study only surveyed one day, Wednesday 18th March, whereas PP 2018 report found Saturday was one of the busiest days. They are also cynical that the proposal still seems to require 4 lanes at the roundabout end of Smalls Road.

Drainage is a major issue. In even minor floods, Smalls Road is cut at Sickles Creek. This means that when Sheathers Lane is cut the only exit would be via The Old Oaks Road and Burragarang Road, which created a major bottleneck last time the situation arose.

The single access point in Smalls Road will lead to trucks, heavy vehicles and ambulances all using Smalls Road, with increased traffic at the roundabout and on local roads. The right turn exit into Smalls Road is too close to the roundabout. Earlier plans had access points at Werombi Road and two on Smalls Road.

The aged care building which is positioned at the back of the site in the latest plan is of great concern as it

- is very close to neighbours which increases the impact of lights and noise;
- should be situated closer to Werombi Road for ease of evacuation.;
- is closest to the bushfire risk, furthest from the entrance, and furthest from the medical facilities.

- **Height, Density, Setbacks**

Residents object to

- impact on their rural surroundings and amenity;
- insufficient vegetation screening and setbacks;
- the detrimental visual impacts on the landscape;
- the massive scale of earthworks required which does not respect the rural landscape and natural flow of the land;
- loss of privacy and amenity due to close proximity of buildings to neighbouring R5 properties.

Many affected Grasmere residents have watched the evolution of the Proponent's intentions for this site over the years. In 2012, as shown below, the Planning Proposal presented an ILP that provided a greater buffer with neighbours and was less intrusive in the landscape.



Attachment 1

ORD04

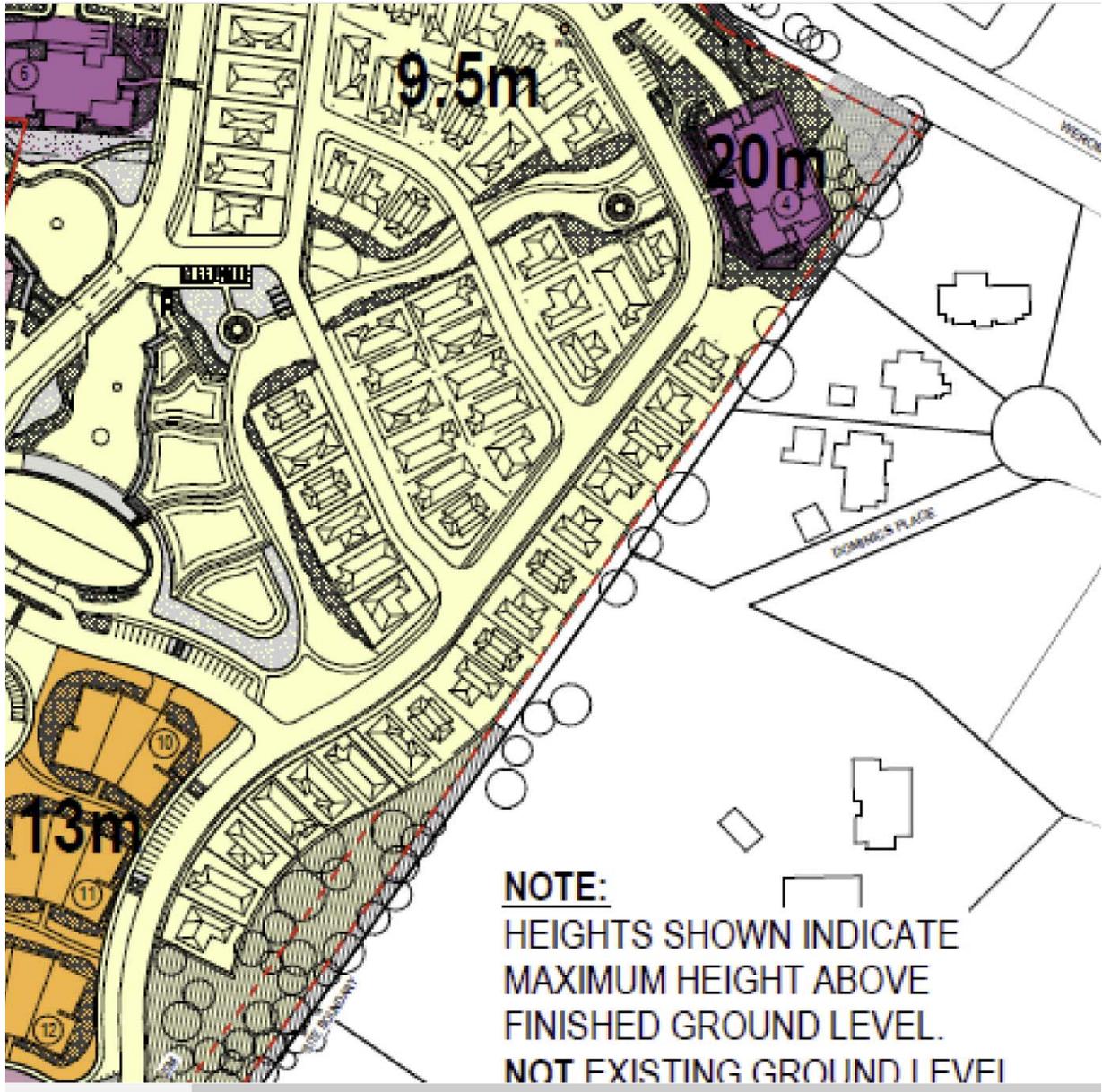
2012 Indicative Layout Plan ¹⁷

PP 2018 did not present a detailed ILP and now PP 2020 presents one that neighbours consider has the potential to significantly affect their privacy and neighbourhood amenity.

Residents are surprised and extremely concerned to find that PP 2020 involves substantial removal of CPW which is an important and highly valued aspect of the local environment. The planned removal of the threatened ecological community is confirmed by a comparison of 2020 Architectural Plans with the NSW Department of Planning spatial viewer of the site as covered under *Environmental Impacts* above.

For instance, as shown below, this Proposal plans for villas close to some residents' properties, with a nearby 20m high building on the edge of the development next to Werombi Road.

¹⁷ Camden Council 10 April 2012 *Business Paper Planning Proposal Attachment 1 ORD04* Available at <https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2012/2012-04-10-BP-file-size-reduced.pdf>



PP 2020 Extract Architectural Public Plans (p7)

As can be seen in the recent photos of a couple of these residences below, CPW is not only critically endangered but is also an important buffer and intrinsic characteristic of the semi-rural area.

Retention of any trees outside E2 is subject to a future arborist report. The proposed development is now as little as 5 metres from the rear of these Grasmere properties with dwellings being built within 10 metres. Residents understood that the previously stated limit was 20 metres. There can

be as many as 5 dwellings in a row adjoining current residents' backyards, including swimming pool areas.



Residents understood from previous iterations that most trees were to be retained, including all trees on the boundary with their properties. This understanding is corroborated by the 2012 ILP shown above.

CPW at the rear of properties is a valuable buffer zone and eco-system between the development and current residential lots. It is home to many species of fauna including prolific birdlife and many kangaroos/wallabies, echidna and reptiles.

The removal of this buffer zone, damages the environment and rural character, a main reason why current residents have made their homes in the Grasmere area.

The affected residents also point out that they have taken extensive measures in relation to the valued buffer zone and spent many dollars investing in fire protection systems for their homes as set out in the building code and deposited plans for these blocks.

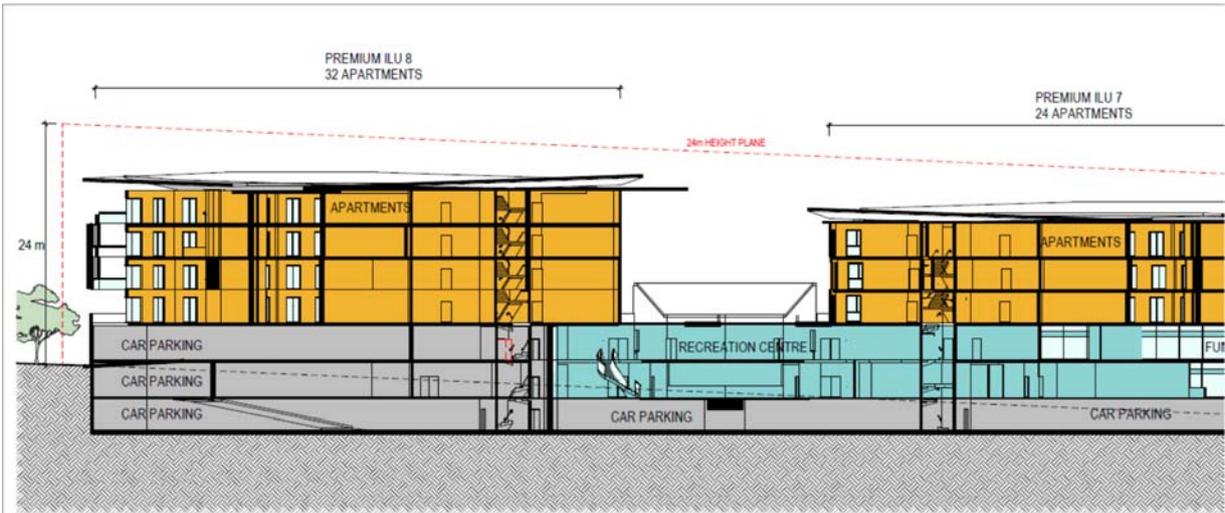
No flora and fauna impact assessment has been made publicly available. As noted elsewhere this is unusual and a serious omission. It is also highly unfair that even those most personally affected are not provided with relevant information.

Contradictory sources of information

Grasmere residents are also concerned about a letter from the CEO of the Proponent dated 28 September 2020 that contains information at variance to that in the Planning Proposal and Concept DA. This letter claims that it is the topography of the site that means that some buildings will be higher than 9.5m, and due to the undulating nature of the land that they will mainly not present as more than two-storey.

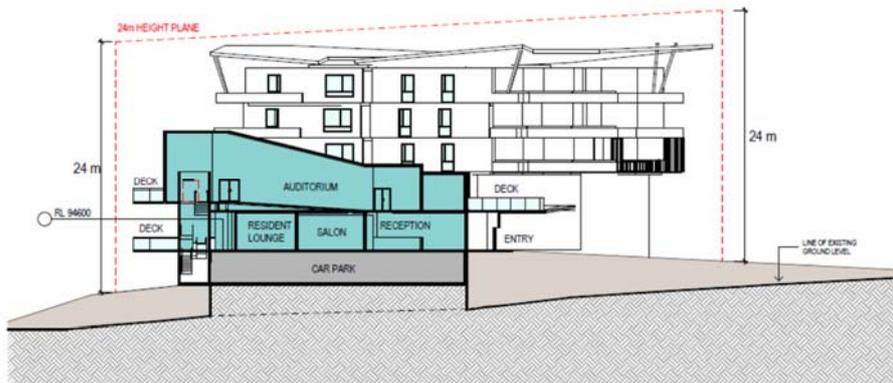
As covered above it is clear that significant earthworks are planned, although the information is not publicly available.

The Architectural Public Plans show maximum height relating to 24m as above finished ground level, not existing ground level, and the publicly available architectural diagrams, some of which are included below, clearly demonstrate the impact of building height and number of stories.

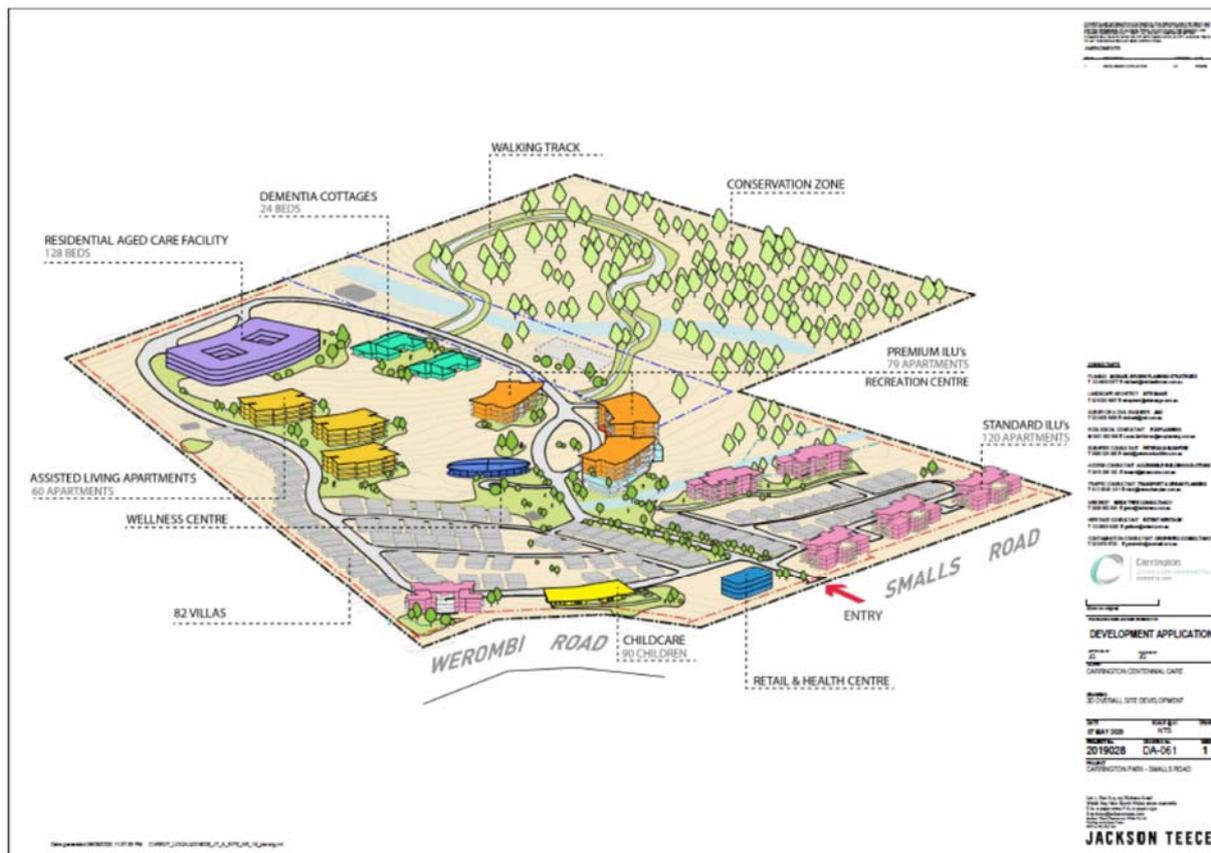


1 RECREATION CENTRE & PREMIUM ILU8 - LONG SECTION
SCALE 1:200

2 RECREATION CENTRE & PREMIUM ILU8 - SECTION 2
SCALE 1:200



2 RECREATION CENTRE & PREMIUM ILU8 - SECTION 2
SCALE 1:200



Jackson Teece 7 May 2020 Architectural Public Plans 5 Smalls Road Grasmere

- **Other issues raised**

- Residents understood that much more protection of the Cumberland Plain Woodland on site existed, and that this protection provided a safe refuge for a significant number of kangaroos/wallabies and other wildlife. They are concerned that this is reduced under the guise of ‘fire’ prevention, which also removes the scrub underneath. As it stands with a pedestrian path meandering through the E2 zone and fire prevention activities the ecology relied on by the fauna will be significantly disturbed.

They consider that the APZ should reduce the development footprint not the woodland, and that anything less is profiteering at the expense of conservation of precious environment.

- Residents do not want commercial development and shops open to the public and are concerned about establishing competition to local Camden businesses that have served the community well.
 - Residents are unhappy that this development adds in excess of 1,000 individuals in close proximity to families living in single dwellings on large lots which changes the demographics of the Grasmere community.
 - Residents foresee problems with evacuation of so many extra people during fire and flood events.
 - Residents are concerned about 24-hour lighting on the site.
 - Residents see the portrayal of size and scale of buildings as inconsistent and misleading about the impacts on the landscape and nearby properties.
 - Residents believe the Proponent has caused reputational damage to what is regarded as a local institution. Carrington is registered as a charity but much of this proposal seems purely commercially driven.
 - Residents have formed the judgment that many of the units appear to be a commercial proposition of urban-style independent living residential apartments for ‘over 55s’, with no social imperative and not associated with aged-care.
-

Conclusion

We request that Council require this Planning Proposal and Concept DA to be withdrawn.

The application needs to go back to the drawing board with due respect paid to State and local planning rules. We take this opportunity to refer to the position of NSW Department of Planning¹⁸ on the eradication of spot rezoning through individual applications, such as this one, that would significantly breach the local LEP. The requirement for Councils to update LEPs every five years is seen as obviating the need for this type of Planning Proposal.

In any case, what has been submitted for public exhibition is seriously lacking in supporting documentation to such an extent we believe that the proposal would need to be re-exhibited. We trust that it will not be assessed and not considered for referral to Gateway determination.

CRAG and most people would make no objection to seniors housing on the site, and indeed it is zoned to accommodate such housing. The community knows and appreciates that the Proponent already provides quality aged care in a peaceful rural setting. Unfortunately, the plans presented for public exhibition clearly overreach what is acceptable to the community and neighbouring residents.

We look forward to being notified of a proposal that does not require spot rezoning, limits the maximum building height to 9.5m and makes every effort to minimise its impact on neighbours and the environment.

Yours sincerely,



Glenda Davis

President

¹⁸ Jacob Saulwick and Megan Gorrey 15 May 2019 *'The culture needs to change': Stokes targets high-rise development* SMH Available at <https://www.smh.com.au/national/nsw/the-culture-needs-to-change-stokes-targets-high-rise-development-20190511-p51mel.html>