

JRPP No.	2010HCC002
DA No.	09-2756
Proposed Development	144 Bed Residential Care Facility
Location	Lot 158, DP 1133334, Anambah Road, Rutherford
Applicant	HDB C/- Aged Care Rutherford
Author	Belinda Barrie - Maitland City Council

Assessment Report and Recommendation

Executive Summary

The application seeks consent for a 144 bed Residential Care Facility at Lot 158 DP, 1133334, located at Anambah Road, Rutherford. The site is zoned 2(a) Residential and is not mapped as being environmentally sensitive.

The development proposes a 144 Bed Residential Care Facility and associated amenities and is proposed to be constructed in the following stages:

- Stage 1 – Construction of the North and South Wing, and the Central Service Core, which includes 54 low care places, 36 high care places, 18 dementia places, all support facilities (including the kitchen, dining areas on each floor, common areas in each wing, common bathrooms and laundry), facilities such as a café, beautician/ hairdresser, men's shed and multi-purpose rooms, carparking and landscaping.*
- Stage 2 – Construction of the East Wing, containing the remaining 36 low care beds, as well as the balance of carparking and landscaping.*

The application is defined under Maitland Local Environmental Plan 1993 as 'Seniors Housing' which is a permissible use in the 2(a) Residential zone and is considered to be consistent with the zone objectives. The application has been lodged under State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and is considered to be compliant with the requirements of this policy. A full assessment under the SEPP is included in the body of this report.

The application was placed on public exhibition for a period of thirty days, from the 11th January 2010 to the 8th February 2010. In this period, one submission was received. The issues raised in the objection relate to the development's proximity to the Rutherford Aerodrome operational areas and the potential conflicts that this development could cause. These issues are addressed in the body of the report. It is not considered that the issues raised are sufficient to warrant refusal of the application.

The application is submitted to the Hunter and Central Coast Joint Planning Panel for determination because of the value of works being over \$10 million, therefore triggering Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005.

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions

OFFICER'S RECOMMENDATION

THAT DA 09-2756 for a 144 Bed Residential Care Facility at Lot 158, DP 1133334, Anambah Road Rutherford, be approved subject to the conditions of consent set out in the attached schedule.

BACKGROUND / SITE DESCRIPTION

The site is located on Anambah Road at Rutherford. The site is zoned 2(a) Residential having been rezoned, under Amendment No 79 of the Maitland Local Environmental Plan 1993 (gazetted 13 October 2006). The locality is characterised as an emerging residential area, with light industrial land to the west, residential land to the east, rural land to the north (identified as a Preliminary Investigation Area under the Maitland Urban Settlement Strategy) and recreation land to the south. The Rutherford Aerodrome is located 750m to the west of the site. The site has a frontage of approximately 150 metres to Anambah Road, which is a collector road joining the New England Highway at a recently constructed roundabout. Vehicular access to the site off Anambah Road is prohibited, with entry to the site being obtained off Dietrich Close.

A combined locality and zoning map have been included in the attachments of this report.



Figure 1: The site as viewed from Anambah Road, Source B Barrie 2010

Maitland currently has an ageing population, which is consistent with the population trends across Australia. The data from the Australian Bureau of Statistics indicates that 16.1% of the population in the LGA was aged 60 years or over as part of the 2006 census. The Department of Planning statistics indicate further increases in the ageing population in the future, with data indicating that 41.8% of the population will be aged 50 years and over by the year 2031.

Dementia is also a major issue within this population range as it is already the single largest cause of disability in Australians aged 65 and over, and the number of people diagnosed with dementia is projected to increase from approximately 250,000 in 2009 to 1.13 million cases by 2050.

The growth in the ageing population, and also the increasing incidence of dementia within this age group, creates demands for facilities and accommodation options for those wanting smaller dwellings or who need higher levels of care.

PROPOSAL

The development proposes a 144 Bed Residential Care Facility and associated amenities and is proposed to be constructed in the following stages:

- Stage 1 – Construction of the North and South Wing, and the Central Service Core, which includes 54 low care places, 36 high care places, 18 dementia places, all support facilities (including the kitchen, dining areas on each floor, common areas in each wing, common bathrooms and laundry), facilities such as a café, beautician/ hairdresser, men's shed and multi-purpose rooms, carparking and landscaping.
- Stage 2 – Construction of the East Wing, containing the remaining 36 low care beds, as well as the balance of carparking and landscaping.

The full development plans are provided as an attachment to this report.

PLANNING ASSESSMENT

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Local Environmental Plan

The site is zoned 2(a) Residential under Maitland Local Environmental Plan 1993 (MLEP). The application is defined as 'Seniors Housing' under MLEP, which is a permissible use in the 2(a) Residential zone with development consent. The application is considered to be consistent with the zone objectives, which are as follows:

Objectives of the zone

- (a) To provide for housing and associated facilities in locations of high amenity and accessibility.*
- (b) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*
- (c) To ensure that development does not create unreasonable demands, in the present or in the future, for the provision or extension of public amenities or services.*

The development is considered to be compatible with the character of the living area, and the bulk and scale of the development is consistent maintaining the amenity of the locality, which is developing with a distinct residential characteristic. The development is also able to be serviced by existing utility infrastructure without the need for augmentation.

Clause 17 of MLEP refers to the advertisement of certain development applications within residential zones. The Development Application was advertised in accordance with Clause 17 for a period of thirty days.

State Environmental Planning Policies

The following State Environmental Planning Policies apply to this application:

- SEPP (Major Development) 2005
- SEPP (Infrastructure) 2007
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP No. 64 – Advertising and Signage

SEPP (Major Development) 2005

The application was assessed against the criteria of the SEPP and requires determination by the Hunter and Central Coast Joint Planning Panel because of its value of works being over \$10 million, pursuant to Clause 13B(1)(a) of the Major Projects SEPP. The proposal is not defined as a Part 3A development under the *Environmental Planning and Assessment Act 1979*, therefore no further criteria under this SEPP are required to be assessed.

SEPP (Infrastructure) 2007

Due to the nature of the development and its traffic generating potential, **Schedule 3** was taken into account during the assessment of this application. The schedule does not have any formal requirements for Seniors Living developments, therefore it was considered under the 'Any other purpose' definition. Using this definition, referral of the application to the Regional Development Committee was not required on the basis that the development will not have a capacity for 200 or more motor vehicles.

The proposed development is considered to generate approximately 144 vehicle movements per day. The rationale behind this generation is provided in *Section 79C(1)(b)*. Therefore, even as a conservative estimate, it is still well under the 200 vehicles, and therefore does not require a referral to Council's Local Traffic Committee.

Anambah Road is also not categorized as a 'classified road', therefore the noise criteria clauses of the SEPP do not apply to this development. The application does not require assessment under any other clauses of the SEPP.

SEPP (Housing for Seniors or People with a Disability) 2004

This is the principal policy relating to this development. The SEPP under Clause

10 defines this proposal as a 'residential care facility', which is defined as the following:

A residential care facility is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility.

Since 'Seniors Housing' is a permissible use in the 2(a) Residential zone with Council consent, the clauses specifying locational criteria for Seniors Housing are not relevant to the consideration of the subject development.

The following table details the design requirements of the SEPP and the extent to which the proposal complies with these requirements:

Table 1: SEPP (Housing for Seniors or People with a Disability) 2004 Compliance

Requirement	Comment
Clause 18 – The facility can only be occupied by the parties defined in the clause.	The restriction on the occupation has been included as a condition of consent.
Clause 26 – The facility is required to have access to shops, banks and other commercial/ retail services, community and recreation services, as well as a General Practitioner (GP).	The facility will provide a minibus daily in order to access the Rutherford Shopping Centre and the services provided there, including GP services.
Clause 28 – The facility is required to be connected to reticulated water and have satisfactory facilities for the disposal of sewage.	A condition of consent has been included to ensure that these services have been provided to Hunter Water Corporation's requirements prior to the issue of the Construction Certificate.
Clause 25(5)(b)(i) – The proposed development is compatible with the natural environment and surrounding uses of land.	The design of the development has taken into account the site topography and type and scale of existing and potential development in the area. The proposed use is compatible with the residential amenity of the area.
Clause 25 5)(b)(iii) - The services and infrastructure to the site can meet the increased demands that the proposal will create.	The road infrastructure to the site is considered to be satisfactory with regard to the use. Services such as electricity, reticulated water, sewer and telecommunications already exist to the site.
Clause 25(5)(b)(v) – Impact of the built form of the structure in regards to uses in its vicinity.	The proposed building has been designed so as not to appear 'institutional'. The shape and location of the buildings, 'pull out' balconies and window and doorway punctuations create a building form with good articulation which helps to break down the mass of the structure. The facility will have minimal impact on the residential development around the site, particularly with the landscaping proposed which will act as a buffer between the development and future housing which will ultimately adjoin the site.

Clause 30 – A site analysis is to be prepared as part of the application.	The applicant has included a site analysis with the Development Application. This site analysis has included the information required in Clause 30 (3) and (4) and is considered to be satisfactory.
Clause 33 – The building should contribute to the streetscape and appreciate neighbourhood amenity.	The proposed facility has significant setbacks from the street and boundaries to minimise its potential impact. The form, bulk and scale of the building have been reduced by good design technique. The development proposes high quality finishes in an architectural package that presents well to the street frontages. The landscaping is an integral part of the design and will contribute significantly to the success of the design in its setting.
Clause 34 – Visual and acoustic privacy is to be considered for neighbouring properties.	As previously discussed, the landscaping and the setbacks will allow for adequate privacy for surrounding properties. A condition of consent will limit any offensive noise from the development which may affect the amenity of the neighbourhood.
Clause 35 – Solar access and appropriate design for the climate are to be considered in the design phase.	The application has included a report to indicate that the proposal is compliant with Part J of the Building Code of Australia to ensure energy efficiency. This includes the use of appropriate orientation for solar access, suitable materials to reduce heat flow and glazing.
Clause 36 – Stormwater runoff is to be managed effectively and not disturb adjoining properties.	A stormwater management plan has been included with the application providing for on site detention. This concept plan meets Council's requirements and further detail will be provided with the Construction Certificate.
Clause 37 – Appropriate design to ensure crime prevention.	The proposal has addressed crime prevention in the submitted Statement of Environmental Effects. Security features include the use of guards, perimeter fencing, CCTV in all public corridors, security doors, intercom facilities and casual surveillance with the presence of staff throughout the building 24 hours a day.
Clause 38 – Accessibility for pedestrians to public transport and parking facilities.	The development proposes satisfactory links for pedestrians from the carparks. The facility's minibus will pick up and drop off residents at the main entrance door for ease of access.
Clause 39 – Waste management provisions.	A condition of consent has been included to ensure that the proposal will have appropriate waste management. The proposal has included the provision of recycling facilities through the development when available.
Clause 40 (2) – The size of the site is to be a minimum of 1000 square metres.	The subject site has an area of approximately 10200 square metres which is well over the minimum standard.
Clause 40 (3) – The site frontage must be a minimum of 20 metres wide at the building	The site has a frontage to Anambah Road of 145 metres and frontage to Dietrich Close

line.	(its principal frontage) of approximately 40 metres, which complies with the clause.
Clause 40 (4) – The height of the building must be 8 metres or less if the zone does not permit residential flat buildings.	Residential Flat Buildings are permissible in the zone, therefore this clause does not apply.
Clause 48 (a) – The application cannot be refused if the proposed building is less than 8 metres in height.	The proposed building is around 8.4 metres in height however the height is considered appropriate having regard to the proposed building setbacks, landscaping and architectural treatment.
Clause 48 (b) – The application cannot be refused if the floor space ratio is less than 1:1.	The proposed floor space ratio has been given as 0.73:1.
Clause 48 (c) – The application cannot be refused if the landscaped area is less than 25 square metres per facility bed is provided.	The proposed landscaping covers an area of 3910 square metres, which is approximately 27 square metres per bed ensuring compliance.
Clause 48 (d) – The application cannot be refused if the following carparking is provided: 1 space per 10 beds + 1 space per two employees + 1 parking space suitable for an ambulance.	The development has provided fifty (50) spaces plus one for the use of an ambulance, which is above the minimum requirement of forty-two (42) spaces.

Overall the proposal is consistent with the aims, objectives and requirements of the SEPP.

SEPP No. 64 – Advertising and Signage

SEPP Advertising and Signage – Business Identification signage is proposed at the entrance of the development. The signage identifies the facility and is compatible with the development in terms of scale, height and location.

The signage can be defined as a 'business identification sign' as it will be identifying the proposed use, and that use only, therefore Part 3 of the SEPP is not relevant to this application.

Overall the proposal is compliant with the aims, objectives and requirements of the SEPP.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

No draft environmental planning instruments are relevant to this application.

Section 79C(1)(a)(iii) any development control plan

The following chapters of the Maitland Citywide Development Control Plan apply to this application:

- Outdoor Advertising
- West Rutherford Area Plan
- Accessible Living

- Carparking
- Residential Design
- Domestic on-site Stormwater Management
- Controls for Site Waste Management and Minimisation
- Advertisement/ Notification of Development Applications

Outdoor Advertising

The development proposes three (3) business identification signs to be located on the site. The signage is considered to be appropriate for a residential area, as it respects the amenity of the area in regards to its scale, height and location, as well as having the visual impact minimised through landscaping.

West Rutherford Area Plan

This DCP chapter outlines the overall precinct plan for development within the area. In terms of the development objectives and requirements of the plan:

- Requirements such as traffic, road design, pedestrian/ cycleway networks, subdivision design, provision of essential infrastructure, water cycle management and sediment and erosion control, as well as heritage requirements (particularly archaeological studies) were assessed as part of the parent subdivision and considered to be satisfactory.
- The application does not propose any direct vehicular access to Anambah Road. The intersection to Anambah Road and Niven Parade was upgraded as part of the subdivision works.
- A Section 50 Certificate from Hunter Water will be required prior to the issue of the Construction Certificate, which ensures that the site will be provided with reticulated sewer and water infrastructure.
- The development site is located above the level of the 1% AEP flood.
- The land is not identified as being bushfire prone.
- In regards to Acid sulphate soils, the site is mapped as Class 5 which means that it is not affected by the possibility of Acid sulphate soils, therefore this requirement does not warrant any further assessment.
- The design and scale of the proposed buildings respond to the constraints of the site, and minimise potential acoustic impacts caused by the aerodrome and the road, as well as the earthworks required. The earthworks required will be completed as part of the subdivision works.
- The bulk of the building has been broken up through articulation, balcony protrusions, the use of contrasting materials and colours, and fencing. The proposed development is considered to provide an attractive streetscape with high architectural quality and interest, particularly along Anambah Road.

- The development is considered to respond to the character and amenity of the adjoining residential development, with the proposed lot size appropriate, and potential amenity increased through future public transport links to the area once it is further developed.
- The 'pool' type fencing provides a positive contribution to Anambah Road and is visually recessive. The proposed landscaping will further integrate the fencing into the development.
- Vehicular access to the site is off Dietrich Close and is screened by landscaping, and therefore does not dominate the streetscape.
- No existing vegetation remains on site which is of any significant value. The proposed landscaping is considered to be an improvement to the existing landscape quality of the site.
- The proposed landscaping softens the visual impact on the building. Street trees also soften the impact and are provided as part of the subdivision works.
- Noise and vibration issues arising from the proximity to Anambah Road, the Rutherford Aerodrome and also Anambah Business Park (a light industrial area) have been addressed and considered to be satisfactory. It is considered that the design of the building, the proposed materials, the setbacks and the landscaping mitigate any potential noise impacts. The proposed use is considered to be compatible with the residential nature of the area. Further discussion on acoustics is provided under *Section 79C(1)(b)*.

Accessible Living

The DCP is designed to increase awareness and provide guidelines for access and mobility, particularly for new commercial buildings. The nature of the proposed use requires a high level of accessibility, which has been addressed under the Seniors Living SEPP. The conditions of the SEPP require compliance with the relevant Australian Standards, which will be provided at the Construction Certificate stage. The site comprises relatively flat topography which enables ease of access at complying grades through all outdoor open space areas and carparks.

Carparking

The proposal is defined under the DCP as 'housing for aged or disabled persons – hostel, nursing and convalescent home. This proposal has the following carparking rate: 1 space per 10 beds (visitor spaces) + 1 space per two employees + 1 space suitable for an ambulance.

Proposed Number	Rate	Spaces required	Spaces Provided	Compliance
Beds = 144	1 per 10	14.4	20	Yes
Employees =	1 per 2	27.5	30	Yes
Ambulance = 1	1 space	1	1	Yes

Overall forty three (43) carparking spaces are needed, including one space dedicated to the ambulance bay. Fifty (50) spaces are provided plus the ambulance

bay, which means the proposal exceeds the minimum requirements. Six of the spaces provided are dedicated disabled car parks.

The dimensions of the carparking spaces are consistent with the required minimums. The proposed aisle widths of 6.7m are compliant with the requirements of the chapter. It is noted that the aisle to spaces 25-36 is only 6.5m however this minor amendment has been discussed with Council officers and is considered to be satisfactory, given that there will be no through traffic in this location. The 1m blind aisle is also satisfactory.

Residential Design

This DCP chapter in this form of development is designed to supplement the standards prescribed under the Seniors Living SEPP. The proposal is considered to be consistent with the chapter's aims and objectives relating, but not limited to, private open space, site coverage, suitable landscaping design, stormwater management, well designed fencing, energy conservation (through compliance with Part J of the BCA) external appearance and accessibility and adaptable housing.

Domestic On-site Stormwater Management

The requirements of this DCP chapter have been addressed under the assessment of the Seniors Living SEPP and considered to be exceeded.

Controls for Site Waste Management and Minimisation

This DCP chapter acknowledges that waste management and minimisation at both the building construction stage and for ongoing operations is a major issue for the building industry and seeks to encourage resource efficiency. It also seeks to assist in planning for sustainable waste management through this process.

The applicant also provided detail on the proposed waste management procedures to operate in the facility. The Residential Care Facility will contract private companies to collect the waste to be generated by the facility. This includes general waste, medical waste as well as recycling.

The Waste Management Plan has also recognised the location of the bins, odour control measures and suitability for vehicle manoeuvring to collect the waste. All of the above measures are considered to be addressed within the design of the facility.

Advertisement/ Notification of Development Applications

The application was advertised and notified in accordance with this DCP chapter from the 11th January 2010 to 8th February 2010. One submission was received during this exhibition period. The issues raised in the submission have been addressed in *Section 79C(1)(d)*.

Overall the proposal is considered to be consistent with the aims, objectives and requirements of the relevant DCP chapters.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The site is not affected by the NSW Government's Coastal Policy, therefore no further assessment is required in regards to this policy.

No demolition is involved with this proposal.

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Access and Traffic

Given the proposed use, this was taken into account with the assessment. As previously indicated, the proposal did not trigger the requirements of SEPP (Infrastructure) 2007, and therefore did not require referral to the Local Traffic Committee or the Regional Development Committee.

The applicant has used the RTA's *Guide to Traffic Generating Development* in order to assess the requirements for this form of development. Under the guide, housing for aged and disabled persons has rates of 1-2 daily vehicle trips per dwelling and 0.1-0.2 evening peak hour vehicle trips per dwelling. The applicant has justified the use of the lower figures given that the high level of care proposed implies that it is designed for residents who are unlikely to be able to drive. Based on the figure of 1 trip per dwelling, 144 vehicle movements have been estimated each day, which matches the number of beds provided.

The original Statement of Environmental Effects (SEE) submitted with the application indicated traffic levels of 114 movements per day, that being 110 for the 55 staff and 4 for deliveries. These movements were considered to be overestimated for staff as it was based on 55 staff being employed full time, which is not necessarily the case. Also, the traffic movements did not take into account shift workers, and therefore would be spread throughout the day, however the applicant has advised that these were conservative figures. The applicant provided additional information in regards to visitor movements given that the original SEE did not address this. Given that the facility is estimated to generate 144 traffic movements, the applicant maintains that 30 of these movements will constitute visitor movements.

In terms of access, the facility is to be accessed off Dietrich Close with no direct vehicular access to Anambah Road. An AUR (auxiliary right lane turn treatment) intersection was constructed at Niven Parade and Anambah Road as part of the residential subdivision. This intersection is considered to have the capacity to accommodate additional traffic generated by this development, and the overall road network is considered to have the capacity to accommodate this use. The ambulance access to the site is also considered to be satisfactory.

Design

The overall design of the development is considered to be appropriate in terms of the height, bulk and scale of the proposed buildings, particularly in considering its function and is suitable within the residential context. The proposed buildings are to employ design treatments consistent with the architectural theme of the existing buildings, as well as setting a high architectural standard for the emerging character of the area.

The building footprint translates to a reasonably well defined and articulated roof form and the use of neutral, contemporary colours, as well as rendering provide a modern look without being 'institutional'. The 'pull out' features also provide articulation, while the balconies create shadow lines on the building.

The height of the development is two storeys with maximum height of 8.41m. This height is considered appropriate for the locality given that as a guide, the Residential Design DCP chapter has a maximum height requirement of 8m for the 2(a) Residential zone, and two storey dwellings are able to be constructed in the locality. The proposed height is considered to be a minor variation and appropriate given the additional height is limited to some small sections of the roofline and located central to the site thereby representing minimal impact on adjoining lots. Also, the proposed height will ensure that the development will not dominate the skyline.

Overshadowing onto neighbouring properties is not considered to be a significant issue given that the submitted shadow diagrams indicate that the major shadow impact on the winter solstice will be onto Anambah Road, with the neighbouring residential properties maintaining significantly more than the minimum 3 hours of solar access to living areas and principal private open space. The large setbacks off the property boundaries contribute to this.

In terms of internal solar access, the shadow diagram does indicate that 30 rooms (26 single and 4 double rooms) which maintain little solar access on the winter solstice. The applicant has provided justification as follows:

- The southern facing units have the earliest morning sunlight available post winter equinox and also are the last to have exposure to the sun until post autumn equinox.
- The southern facing units are positioned away from undesirable positions in terms of their orientation (the architect has identified undesirable positions as being southeast 30 degrees and northwest 30 degrees south of the east/ west line) and enjoy a balanced exposure of morning and afternoon sun which is easily controlled with roof shading during the late morning midday sun position.
- All rooms have one window available, while the corner rooms have a secondary window which allows for direct east/ west sunlight.
- The landscaping, vehicle and facility requirements impact on ideal unit positioning, however all rooms do manage exposure to sunlight at various times of the year.
- The common outdoor area facilities provide sunlight to all residents at all times of the year.
- The southern units have superior positioning as they overlook the detention basin to uninterrupted distant views, the detention basin provides an additional noise barrier for adjoining noise sources and full privacy is ensured as there are no adjoining residential lots on that boundary.

In taking into consideration the solar access available to these rooms, it should be noted that the Seniors Living SEPP does not provide any minimal number of dwellings to have adequate solar access for rooms for Residential Care Facilities, unlike Self Contained Dwellings which require a minimum of 70% suitable solar access. However, in using this as a guide, there are only 30 rooms subject to this restriction in solar access, and therefore approximately 75% of the rooms maintain adequate solar access. Council considers that the proposed design is satisfactory,

mainly considering that there are common facilities available to all residents which provide suitable solar access opportunities.

The landscaping treatments proposed are considered to be appropriate and compliment the design of the buildings. The site is currently devoid of any vegetation bar the casuarinas on the northern boundary, so the proposed landscaping will provide an improved visual result for the site. The taller trees compliment the scale of the building and also assure that the development does not appear out of scale for the site. The applicant has included privacy screen plantings with a maximum height of 750mm along the Anambah Road frontage. This will allow for residents to view out of the development, but will eliminate direct sight lines into the development from those walking along Anambah Road.

Safer by Design has been addressed in the submitted SEE. Safer by Design features include suitable fencing design, appropriate lighting particularly for communal areas, natural surveillance opportunities across the development, limited traffic flow as the development is located in a cul de sac and active maintenance of the site.

Acoustic concerns

The development site is located in close proximity to Rutherford Aerodrome and Anambah Business Park, as well as being located along Anambah Road, which is a collector road for the emerging residential precinct. It was due to the potential cumulative effects of these factors that acoustic concerns were highlighted as requiring addressing within the Development Application. Given that the site was located out of the 20 ANEF noise contours and that industrial development was yet to occur directly across the road from the site, in discussions with the applicant, it was deemed that a full acoustic report was not required.

The applicant has provided a desktop review conducted by Spectrum Acoustics in regards to the potential noise impacts to the proposal. The main points of their review are as follows:

- In NSW, noise emissions from aircraft, road traffic and industry are each considered separately.
- The proposed development is outside the ANEF zones identified for Rutherford Aerodrome and residences in this type of locality would typically not require any specific acoustic assessment or treatment.
- In terms of road traffic, a general indication of potential impacts from local traffic for a standard residential receiver at a distance of 20m from the road indicate that there could be up to 600 vehicles per hour past the site before the daytime noise criterion is exceeded. Under the same circumstances there could be up to 200 vehicles per hour per night.
- Previous data measured by the company on another project at the corner of the New England Highway and near Anambah Road had night time noise levels of 61 dB(A) Leq (9hr) at a point 40m from the edge of the highway. Using this data, and the location of this development 600m away from the highway, it was determined that the noise level at this development would be less than 50dB(A) Leq (9 hr) at the façade, using a simplistic distance loss calculation of 3dB per doubling of distance.

- The measured day time noise level at the same location was 64 dB(A) Leq (15hr). Using similar calculations to the night time levels in this location resulted in a conservative noise level of 52 dB(A) Leq (15 hr).
- These estimated noise levels comply with the RTA's requirements of 55 dB(A) Leq (15hr) during the day and 50dB(A) Leq (9 hr) at night.
- The RTA publication 'Environmental Noise Management Manual' (ENMM) outlines guidelines to achieve satisfactory noise levels in residences applying minimum architectural modifications to existing or proposed residences. This document indicates that for all building types with windows open sufficient to satisfy the requirements of the BCA can achieve a noise level reduction of 10 dB(A), and that a internal noise reduction of up to 25dB(A) would typically be achieved for a masonry building with windows closed.
- The above point was related to areas of occupancy which have a direct line of sight to the New England Highway (which this development achieves). Any shielding by existing or proposed buildings, topography or fences or any areas of occupancy with no direct exposure to the New England Highway will experience lower levels of received noise and therefore lower internal noise levels.
- In regards to noise emissions from the nearby Anambah Business Park it is reasonable to assume that an existing or future industrial or commercial premises operating within the Park would be complying with the guidelines and requirements of the NSW Industrial Noise Policy (INP).
- There are currently residential receivers as close, or closer to Anambah Business Park than the proposed aged care units. It is also reasonable to assume that noise emissions from all industrial or commercial premises (either existing or future) will comply with the appropriate noise criteria at those existing receivers, which then automatically implies that noise emissions from Anambah Business Park would be in compliance with all relevant criteria at the proposed units.
- Once noise goals are set, there is no requirement for the assessment of cumulative noise impacts from industry and traffic. As such, there is very little potential for any cumulative noise impact at the proposed aged care units and no further assessment is warranted.

In terms of the submitted report, it is noted that the site is located outside of the 20 ANEF zone, however that does not automatically assume that the site would not be affected by aerodrome noise. It should be noted that a developer to the west of the aerodrome is currently in negotiations to relocate a runway 200m to the east, which will increase the potential impact of the site in regards to noise, however it is expected to remain outside the ANEF contours.

It is also correct to assume that any development across Anambah Road will require compliance with the INF. Given the zoning (4 (b) Light Industrial), and its proximity to residential receivers, excessively noisy developments are not expected to be located there. Also, developments proposed along the north and eastern portions of the park would require acoustic assessments and compliance with the NSW Industrial Noise Policy.

Also, Council considers that the use of face brick will assist in the attenuation of noise.

Obstacle Height Limitations

Rutherford Aerodrome operates in the vicinity of subject site with a 750m separation distance between the site and the east/west runway. The parent subdivision application and also the rezoning application took into account the potential impact of the aerodrome, particularly as it is located on the eastern approach to the main east/west runway. The maximum height of the proposed building is 8.41m and given its location away from the aerodrome runways, the obstacle height limitation is considered to not be a significant concern. It should be noted that Anambah Business Park to the east of the aerodrome has maximum height limitation of 12m for industrial buildings within the estate and it is located adjacent to the aerodrome and the runways.

Landscaping Buffer to Anambah Road

As part of the West Rutherford Area Plan, a landscaping buffer was required along the frontage to Anambah Road. A 5m landscaping buffer and timber lapped paling fence was approved with the subdivision DA with the CC plans for the subdivision indicating a 3.5m landscaping buffer and a 2.5m shared path provided along Anambah Road. The shared path is located partially over the property boundary. This will be dedicated to Council with the registration of the stage.

This application proposes a 1.5m high 'pool type' fence on a 1m high timber retaining wall as part of this development. The retaining wall is required as part of the subdivision works. In order to overcome the poor soil quality, a substantial amount of fill is required for the site.

Council had concerns in regards to the timber wall from both an urban design and structural perspective. The 'pool' fence is supported as it allows for an improved streetscape as opposed to a long, solid fence, but a masonry wall was considered to be an improved urban design option.

In discussing potential options with the applicant, it became known that the timber retaining wall was to be provided under the subdivision works and as part of the sale of the lot. A timber retaining wall is supported on the basis that the vertical 'in-ground' supports comprise galvanized structural steel. This has been noted on the proposed landscaping plans.

Lot Layout

It was determined during the course of the application that the proposed site plan was not consistent with the boundaries of the approved subdivision. The main differences are the removal of a cul-de-sac head and a slight amendment to the size of a neighbouring lot, along with the consolidation of the relevant allotments. The following figures show the current approved subdivision layout and the proposed layout.

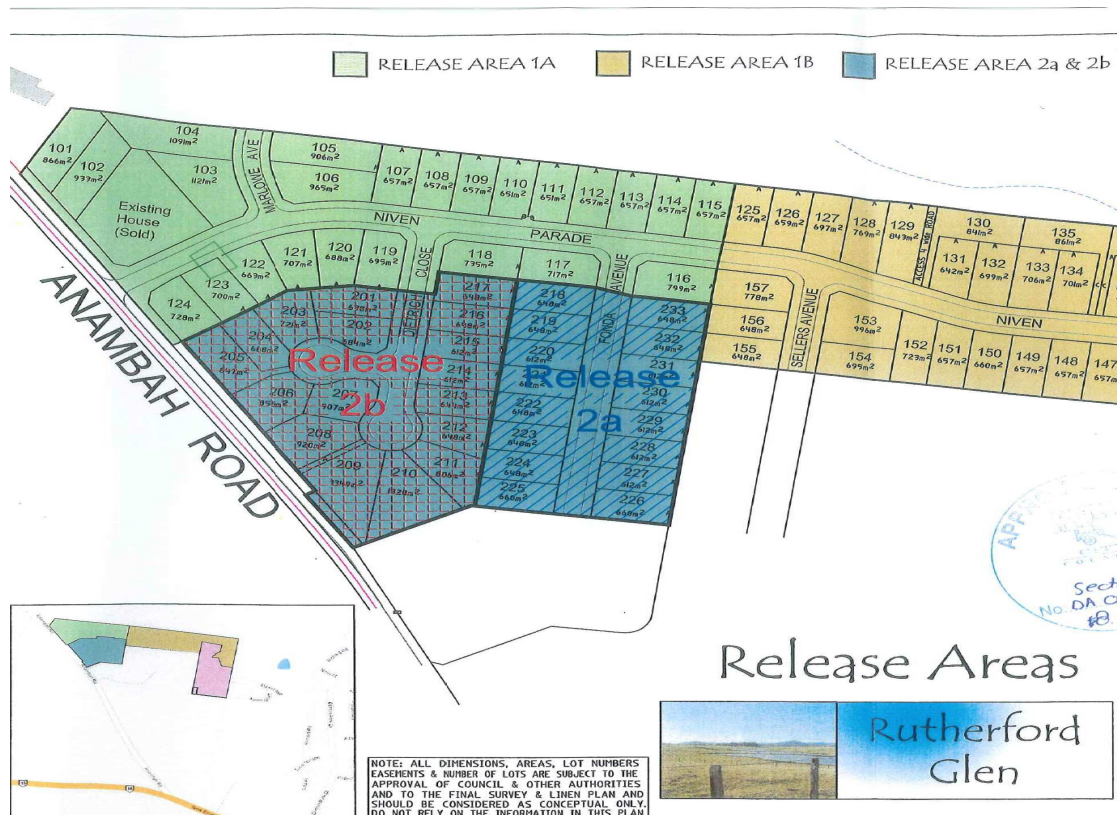


Figure 2: The approved subdivision layout under DA 05-3453. The lots in question are located within 'Release 2b'. Source HDB.

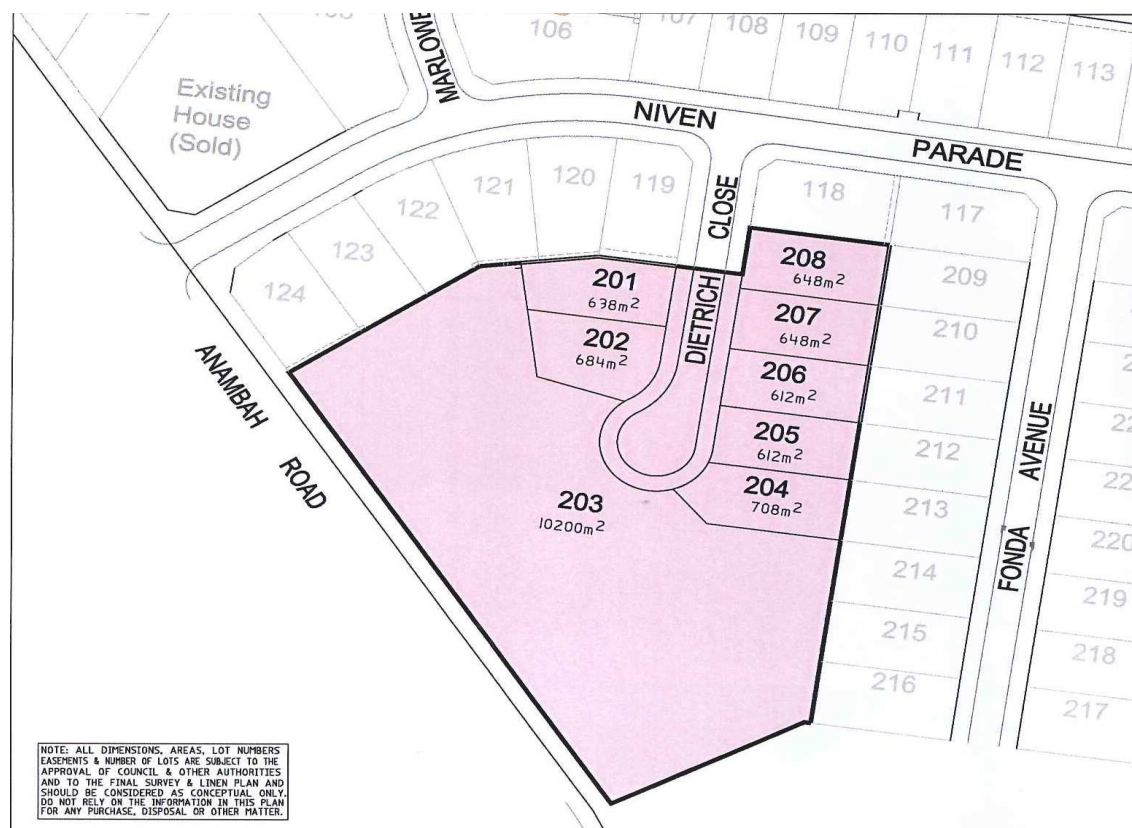


Figure 3: The proposed subdivision layout. Source HDB.

The issue of inconsistent lot layouts was raised in the JRPP briefing. This has been discussed with the applicant, who was not comfortable with amending the subdivision layout prior to this application being determined given that the proceeding of the project is not yet guaranteed. As an alternative approach, the applicant has proposed that if this application proceeds to a Construction Certificate phase, then prior to the issue of a Construction Certificate, the Section 96 application is lodged to amend the subdivision layout in order for it to be consistent with this proposal.

In assessing the applicant's submission, Council has concluded that a consent condition requiring the subdivision layout to be amended to correspond with the layout of this development is required to be approved prior to the issue of the Construction Certificate, and that the registration of the subject lot is required prior to the issue of the Occupation Certificate for Stage 1. This allows the applicant flexibility to proceed with this development and still allow for the engineering works to be conducted concurrently.

Stormwater

Council initially raised concerns with the stormwater design for the development. The concern was that the subdivision layout proposed a detention basin in the south-west corner of this site which has not been included on the subject plans, and that this detention basin is considered to be the best location for on-site detention along with the best discharge location to the south of the site.

The applicant was advised of Council's concerns and amended the plans to include the detention basin area into the subject site, and as such a redesign of the stormwater management has occurred. The applicant has provided a proposed stormwater plan which details the levels, stormwater runoff capture and release into the local drainage works which has been considered as satisfactory. A detailed drainage plan will be provided at Construction Certificate stage.

Section 94 Contributions

The applicant originally requested a variation to the Maitland Section 94 Contributions Plan Citywide 2006 (the plan). Previously Council levied a contribution under the Plan for this type of development based on the number of beds provided. Under this Plan, the development would have been levied \$6025 per person resulting in a total contribution of \$861,575. The applicant requested a contribution of \$74,350 for the development based on 10 x 3 bedroom dwellings and only including Road and Traffic Facilities and admin charges. Following a formal amendment to the Plan in regards to Seniors Living developments, Council will be levying a S94A contribution of \$170,000 in accordance with the Section 94A Levy Contributions Plan.

Section 79C(1)(c) the suitability of the site for the development

The site is considered suitable for this type of development in terms of topography, the road network, vegetation and surrounding land uses. The site is located in a rapidly developing urban release area with a population expected to rise significantly in the near future and will not place increased traffic demands on the existing or future road network. The subject land is well located with regard to shopping, health and recreational services.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified for a period of thirty days from 11th January 2010 to 8 February 2010 in accordance with the Act, the Regulations and the Advertisement/ Notification of Development Applications DCP chapter. In this period, 1 submission was received. The issues raised in the submission are addressed as follows:

Issue 1: The development's proximity to Rutherford Aerodrome's operational areas

The submission from the Royal Newcastle Aero Club raises objection to the development for the following reasons:

1. The location of the proposed development is only just outside the 20 ANEF noise contour of the aerodrome.
2. Most prospective residents will approach the development from the Newcastle/Maitland direction so they will not be aware of the close proximity of the aerodrome.
3. An increase in noise complaints is expected as research has shown that persons newly exposed to noise are more sensitive to noise than those who have been exposed to it for a long period.
4. The effectiveness of the aerodrome's Community Operational Undertaking (COU) is compromised if residential development is permitted to encroach further on the aerodrome.

Comment

It should be noted that this was the same objection submitted for the parent subdivision of the site (DA 05-3453). Council's comments in regards to the points raised in the submission are as follows:

1. The adopted contours and the Community Operational Undertaking for the RNAC involved substantial community consultation and detailed assessment prior to adoption by Council in order to arrive at a reasonable planning framework which could be used to help determine the distribution of future urban growth areas to the west of the city. The ANEF contours were used as a basis for the rezoning of the land and the subsequent DCP and the subdivision proposal was consistent with these planning policies. This application will not alter this situation.
2. Based on the planning that has gone into the development of the subject land it is expected that the final subdivision would be delivered in a form which provides a satisfactory level of residential amenity to future occupiers. Prospective residents of the facility should undertake their own 'due diligence' enquiries before committing to their contract to reside in the premises. Also, as addressed under *Section 79C(1)(b)*, acoustics have been addressed as part of this application and considered satisfactory.

3. As stated above, the proposed development is located outside the recognised 20 ANEC contour. This approach is consistent with the relevant standards for co-location of residential areas in the vicinity of an airfield.
4. The proposed development should not negatively impact the COU. In addition, the Aerodrome Consultative Panel (ACP) has been established to address operational concerns raised by the community.

The applicant has responded to the submission and the following offers the key points from their letter:

1. The subject site is located outside of the 20 ANEF contour line and is therefore considered that the airport does not present a noise constraint to the site. Also, the issue of noise disturbance from the aerodrome was considered during the rezoning phase with the resulting studies indicating that the proposed site and surrounding land is suitable for residential development.
2. Typically potential purchasers research their chosen area to assess the suitability of the area and the services available, with nothing to indicate that this would not happen in this case.
3. The issue of noise exposure has been considered above, and it has been established that the site is considered suitable for residential development and therefore the proposed aged care facility should not result in an increase of aircraft related noise complaints.
4. The use of the land as an aged care facility plays an important role in the local community and it is not considered there would be any impact on the effectiveness of the Community Operational Undertaking.

Submissions from Public Authorities

The application was not required to be referred to any public authorities.

Section 79C(1)(e) the public interest

The proposal is considered consistent with the public interest as it is providing additional facilities for an ageing population. The development also represents employment opportunities both during the construction phase and once completed in the health sector on an on-going basis.

The proposal is considered competent with regard to Environmentally Sustainable Development Principles.

The proposal is also considered to be consistent with the aims and requirements of the Lower Hunter Regional Strategy. This strategy recognises that the Lower Hunter is characterised by a population which is older than, and is continuing to age at a rate faster than the NSW average. The projections indicate that a much greater proportion of the population will be aged 65 and over in the future, and this sector of the population requires different types of housing options. This proposal assists in providing the necessary housing for future demand.

CONCLUSION

The proposal will have a positive social and economic impact on the community and provides services for a growing sector of the population. The application is compliant with the requirements of State Environmental Planning Policy (*Housing for Seniors or People with a Disability*), the main policy regulating this form of development.

An assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

Signed (Assessing Officer) _____ **Date:** _____
Belinda Barrie
Town Planner

Reviewed (Supervising Officer) _____ **Date:** _____
Stephen Punch
Principal Planner

Authorised for submission to JRPP _____ **Date:** _____
Leanne Harris
Group Manager
Service Planning and Regulation

Schedule of Conditions DA 09-2756

Reason for Conditions

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

- 1a.** The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Plan Reference	Sheet Nº	Revⁿ Nº	Revⁿ Date	Prepared by:
Rutherford Glen 9508	01-18	-	Dec 2009	Angelo Pernazza Architects and Planners
Concept Landscape Plan	01-06	B	06.04.10	HDB
Proposed Stormwater 09/38	1	-	10.3.10	HDB
Proposed Site Levels 09/38	1	-	10.3.10	HDB
Carparking IA9508	03.05	-	-	Angelo Pernazza Architects and Planners

- 1b** The development shall be undertaken in the stages as proposed in the submitted Statement of Environmental Effects produced by HDB dated December 2009.
- 1c** The development shall be constructed and operated in accordance with SEPP (Housing for Seniors and People with a Disability) 2004.

CONTRIBUTIONS & FEES

- 2.** Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the Maitland S94A Levy Contributions Plan 2006, a contribution of **\$170,000** shall be paid to the Council.

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland City Council S94A Levy Contributions Plan 2006.

Payment of the above amount shall apply to Development Applications as follows:

- *Building work only - prior to issue of the Construction Certificate.*
- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*

- Where no construction certificate is required - prior to issue of an Occupation Certificate.

The above "contribution" condition has been applied to ensure that:

- i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94 of the Environmental Planning and Assessment Act, 1979.
- ii) Council's administration expenses are met with respect to the processing of the application.

CERTIFICATES

- 3. **Prior to the commencement of works for each stage** an application for a **Construction Certificate** shall be submitted to, and be approved by, the Accredited Certifier.
- 4. **Prior to the issue of an Occupation Certificate for each stage** all conditions of development consent shall be complied with.
- 5. Prior to occupation of the building an **Occupation Certificate** shall be issued by the Principal Certifying Authority for each stage of development.
- 6. **Prior to issue of the Construction Certificate for each stage**, a certificate of compliance under Section 50 of the *Hunter Water Act 1991* for this development, shall be submitted to the Accredited Certifier.

LANDSCAPING

- 7. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

CARPARKING

- 8. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
- 9. All parking bays shall be delineated with line-marking and/or signposting.

VEHICLE ACCESS

- 10. **Prior to commencement of construction** of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee.

11. **Prior to issue of the Occupation Certificate for Stage 1** the driveway layout and profile, from the road pavement to the vehicle parking area shall be constructed as “heavy duty”, in accordance with an engineer’s design or Council’s standard drawings SD007, SD008, SD009, SD010 & SD012 in the *Manual of Engineering Standards*, (also with reference to Council’s information document “*Footway Crossings – Driveways*”).

STORMWATER DRAINAGE

12. **Prior to issue of the Occupation Certificate for Stage 1**, a stormwater drainage system providing:
- i) On-Site Detention (OSD) of stormwater, and
 - ii) an emergency overland flow path for major storm events,
 - iii) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,
 - iv) conveyance of stormwater through the site from upstream catchments, (including roads and adjoining properties),
 - v) detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system,
- shall be constructed in accordance with a design prepared by a suitably qualified person and Council’s *Manual of Engineering Standards*.
13. **Prior to issue of the Occupation Certificate for Stage 1**, the stormwater-control system shall be constructed in accordance with approved plans.

EROSION CONTROLS

14. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or “vehicle tracking”.

BUILDING CONSTRUCTION

15. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
16. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
17. The applicant shall submit to Council, “Notice of Commencement” at least two days prior to the commencement of construction works.
18. Hours of Work:
- Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to

Fridays and 7.00am to 5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

SERVICES & EQUIPMENT

19. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.
20. At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).
- Such statements shall be prepared in accordance with Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.
21. A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
22. A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

SITE CONSIDERATIONS

23. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
- Where a retaining wall is planned for this purpose and such wall exceeds 1.0m in height at any point from finished ground level, plans and specifications of the construction SHALL BE APPROVED BY COUNCIL BEFORE WORKS COMMENCE. Plans and specifications of retaining walls greater than 1.0m in height MUST BE CERTIFIED BY A PRACTICING PROFESSIONAL ENGINEER. Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

- 24.** All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.
- 25.** If the work:
- i)** is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii)** involves the enclosure of a public place
a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- 26.** A sign must be erected in a prominent position on the work:
- (i)** stating that unauthorised entry to work site is prohibited, and
 - (ii)** showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.
- Any such sign is to be removed when the work has been completed.
- This condition does not apply to:
- (i)** building work carried out inside an existing building, or
 - (ii)** building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 27.** Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
- 28.** The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
- 29.** No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
- 30.** Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ACCESS & EGRESS

- 31.** Access for disabled persons must be provided in accordance with DP1, DP2, and DP8 of the Building Code of Australia. Compliance with Part D3 of the Building Code of Australia satisfies this requirement. All elements are to meet

the requirements of Australian Standard AS1428.1 "Design for Access & Mobility".

32. It is the Applicants responsibility to ensure compliance with the requirements of the Disability Discrimination Act, 1992 (DDA).
Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

FOOD PREMISES

33. The food preparation areas and kitchens are to be designed and fitted out to comply with the requirements of the Australian Standard AS4674-2004 'Design, Construction and Fit-out of Food Premises', the *Food Act 2003* and the Food Safety Standards.

LAND TITLE

34. A restriction as to user shall be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation within the facility to the following classifications:
- (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.
35. The authority empowered to release, vary or modify restrictions and covenants on the use of the land required by this consent, shall be nominated as "Maitland City Council".

LOT LAYOUT

36. **Prior to the issue of the Construction Certificate for Stage 1**, the subdivision layout is to be amended under DA 05-3453 to be consistent with the proposed site plan of this development.
37. **Prior to the issue of the Occupation Certificate for Stage 1**, the amended lot layout is to have been registered.

WASTE MANAGEMENT

38. **Prior to the issue of the Occupation Certificate for Stage 1**, a waste management plan shall be prepared, including the management and disposal of all medical waste. Such plan shall be prepared in consultation with the NSW Department of Health and the NSW Department of Environment and Climate Change.

39. The applicant shall enter into an agreement for the removal of all waste from the site with a private contractor. This agreement shall be in place prior to occupation of the development. All waste collection shall occur on-site at all times. No bins are to be placed on the street frontage. The collection of the waste from the site at no times shall cause nuisance to adjoining properties.

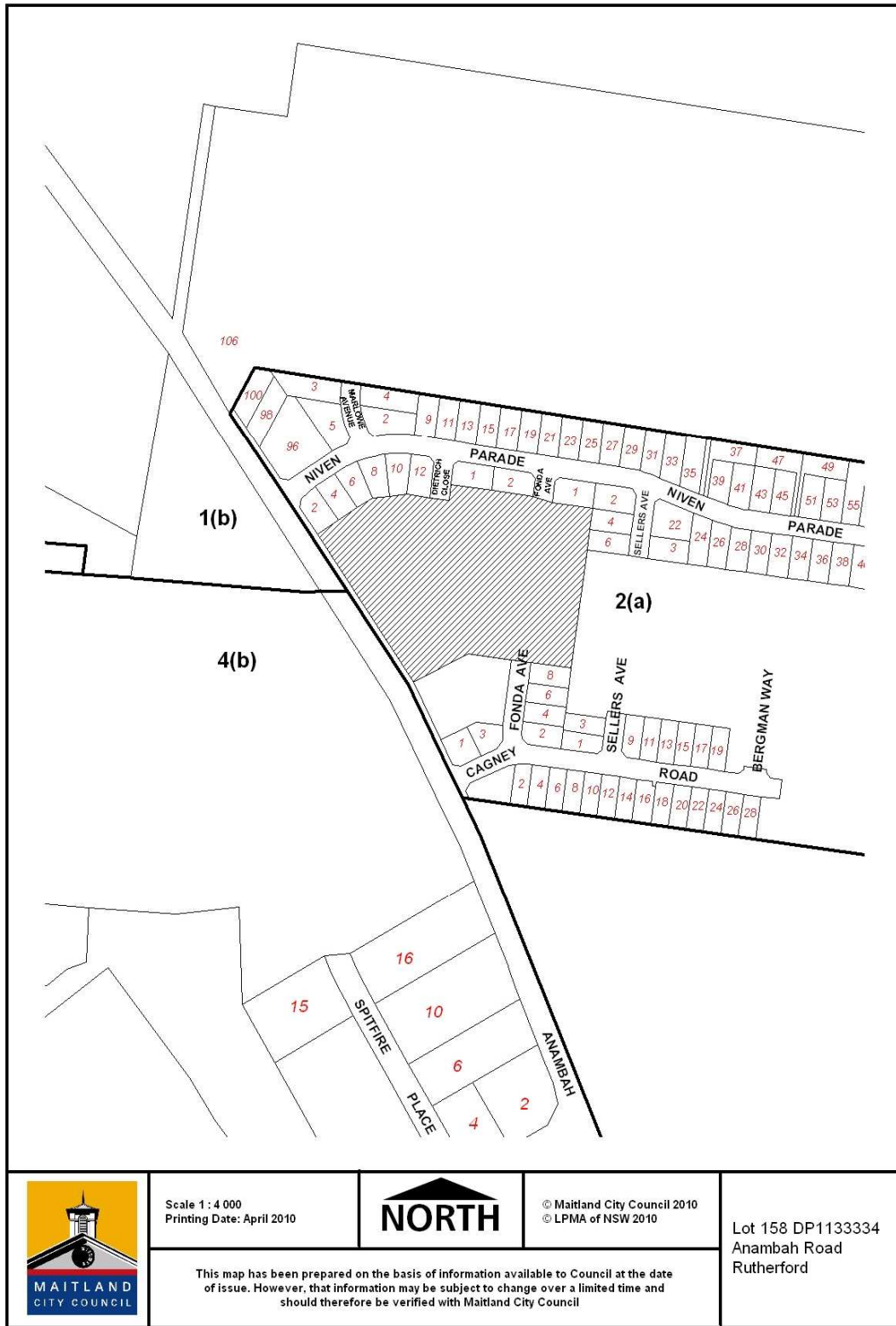
AMENITY

40. Vehicles being loaded or unloaded are to stand wholly within the premises and within loading bays designated on the approved plans. Vehicles are not to be loaded or unloaded at the kerbside or across the public footpath.
41. The use and occupation of the premises including all plant and equipment installed therein, shall not give rise to any offensive noise as defined under the *Protection of the Environment Operations Act, 1997*.
42. The signs are to be located so that they do not interfere with safe traffic movement.

ADVICES

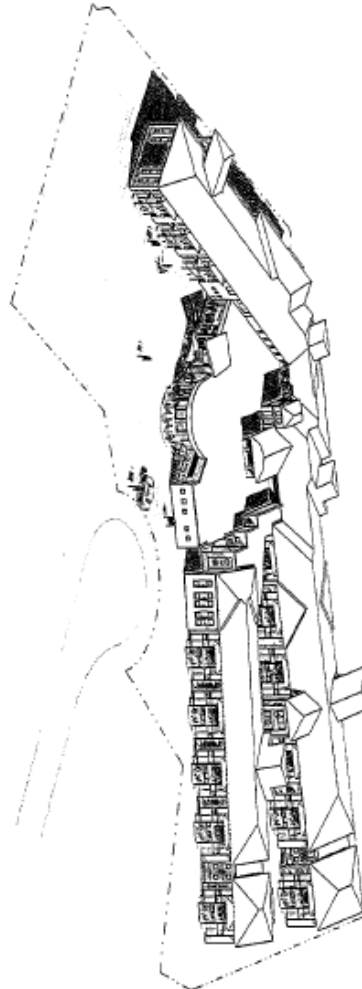
- A You are advised that, prior to submitting an application for an **Occupation Certificate** for each stage of the development, the applicant should ensure that all relevant conditions of development consent have been complied with.
- B You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the **Protection of the Environment & Operations (POEO)** Act and may incur infringement fines.
- C You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any **covenant or easement** applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

ATTACHMENT A: LOCALITY AND ZONING PLAN



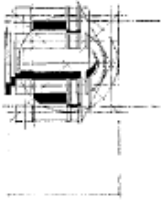
ATTACHMENT B: DEVELOPMENT PLANS

RUTHERFORD GLEN



PREPARED BY
 Illum Enterprises Pty Ltd
 Angelo Perinazzo Architects and Planners
 5/27 Ranier Crescent
 Varsity Lakes QLD 4226

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UNIVERSAL CITY MANAGEMENT



VISIONDUIT
MARKETING AND SALES



HDB
 Town Planning & Design

December 2009

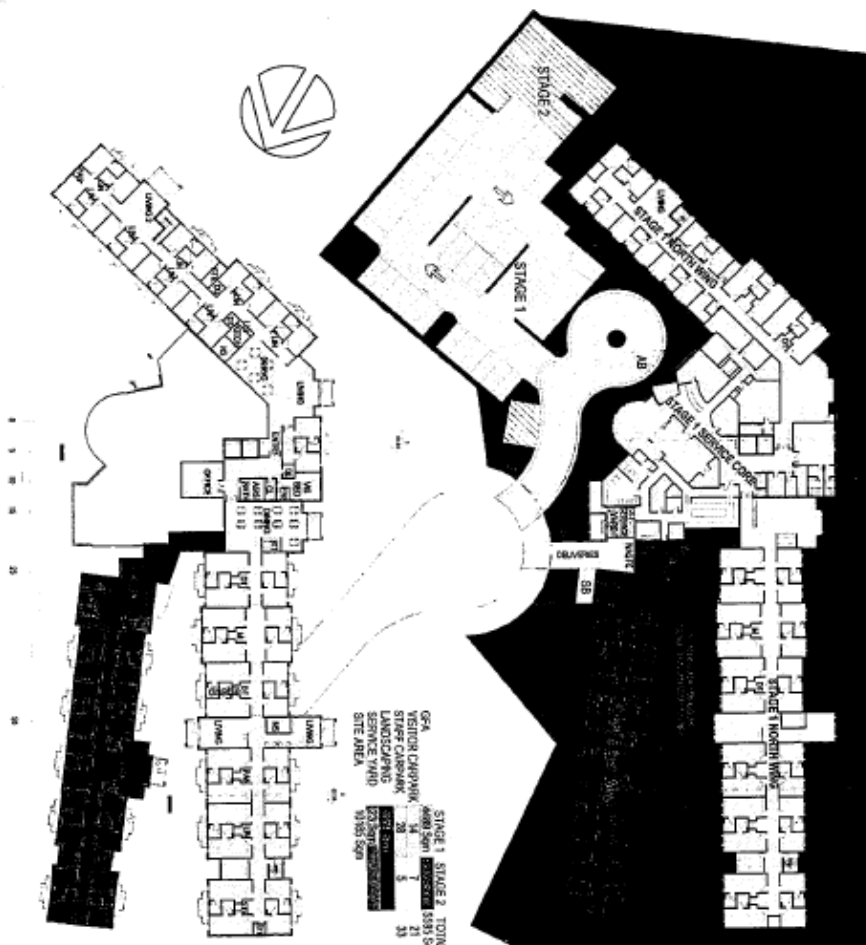


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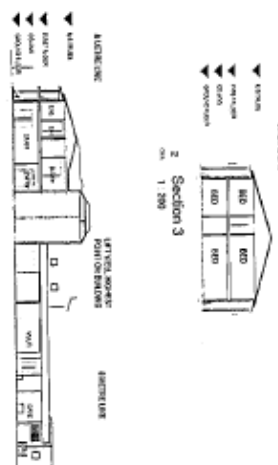
Rutherford Glen, NSW

2004 SHP Compliance Plan

December 2009 Drawing No. DA03
Scale NTS Project No. IA 9508



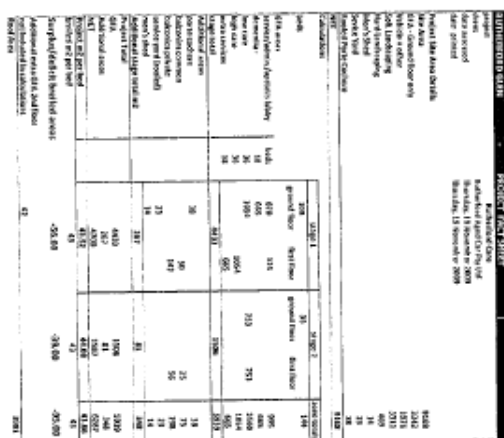
STAGE 1	STAGE 2	TOTAL
GEA	4880 Sqm	5365 Sqm
VISITOR CARPARK	34	21
STAFF CARPARK	21	21
LOW CARE CARPARK	3	3
SERVICE YARD	1	1
SITE AREA	5135 Sqm	5135 Sqm

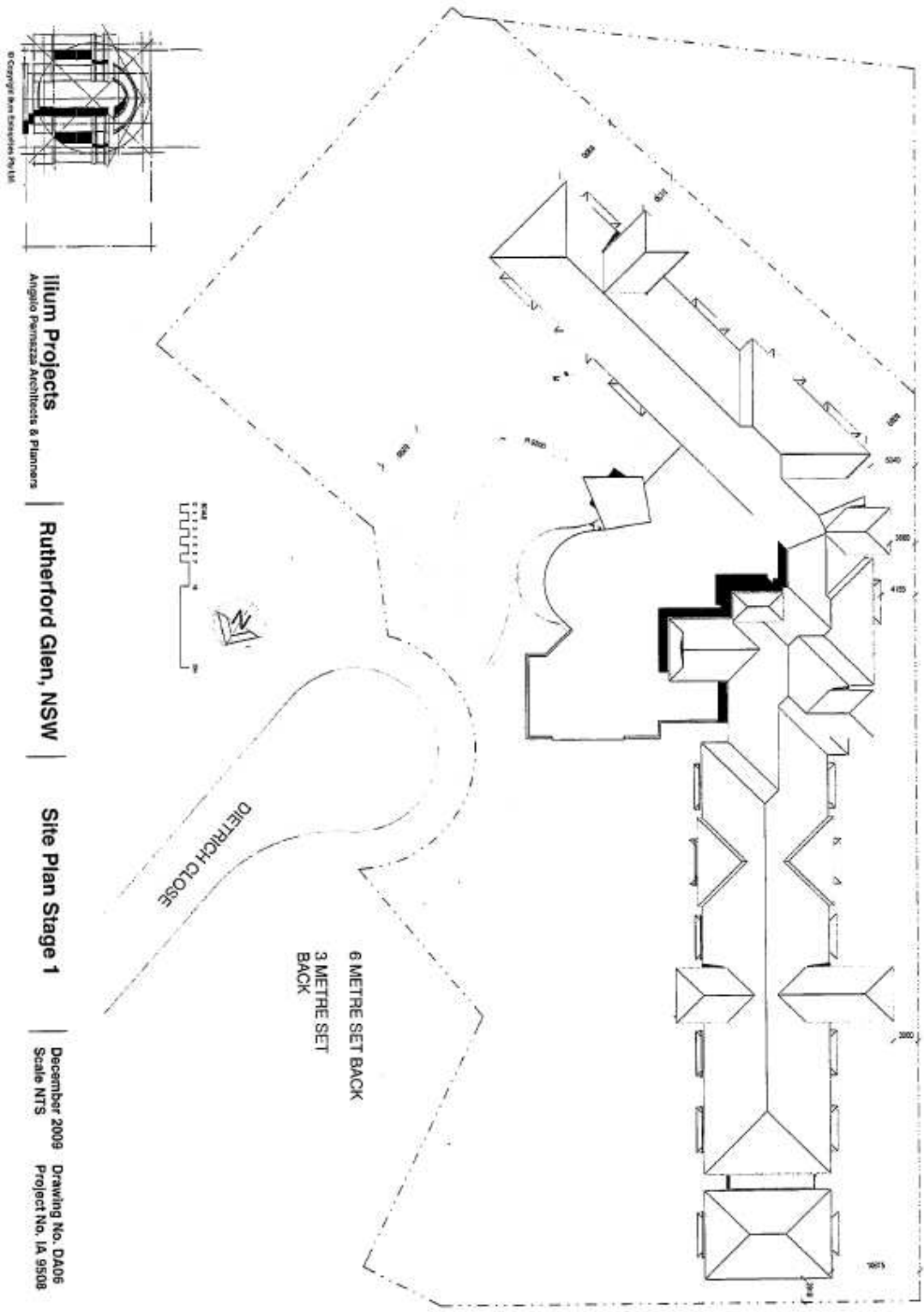


RUTHERFORD GLEN - SHP COMPLIANCE 2004 FACT SHEET

	Requirements	Provision
Site Area	10185 m ²	N/A
Road Cover	2091 m ²	8
Site Cover	4078	8.4
Height		1.00
Pitch Ratio		0.45
Landscaping		2000
Carparking		3773
Visitors		51.3
Staff		56
Ambulance		22.8
Smash Bus		21
Stage 1		31
Stage 2		27.5
Total Stages		1
		1

	Stage 1	Stage 2	Total Stages
GEA	2589	751	3342
Lower Floor	1841	751	2597
Upper Floor	4883	1506	5919
Density			
Residents	54	36	90
Low Care	36	0	36
High Care	18	0	18
Detached	148	36	144
TOTALS			
Staff	43	12	55
Carparking			
Visitors	10.8	7.2	18
Low Care	3.6	0	3.6
High Care	1.8	0	1.8
Detached	15.0	7.2	22.8
TOTALS			
Staff	10.2	21.5	27.5
Ambulance			1



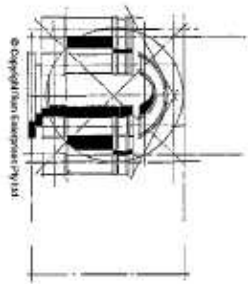


Illum Projects
Angelo Parnisza Architects & Planners

Rutherford Glen, NSW

Site Plan Stage 1

December 2009 Drawing No. DA06
Scale NTS Project No. IA 9508



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Angelo Perazza Architects & Planners

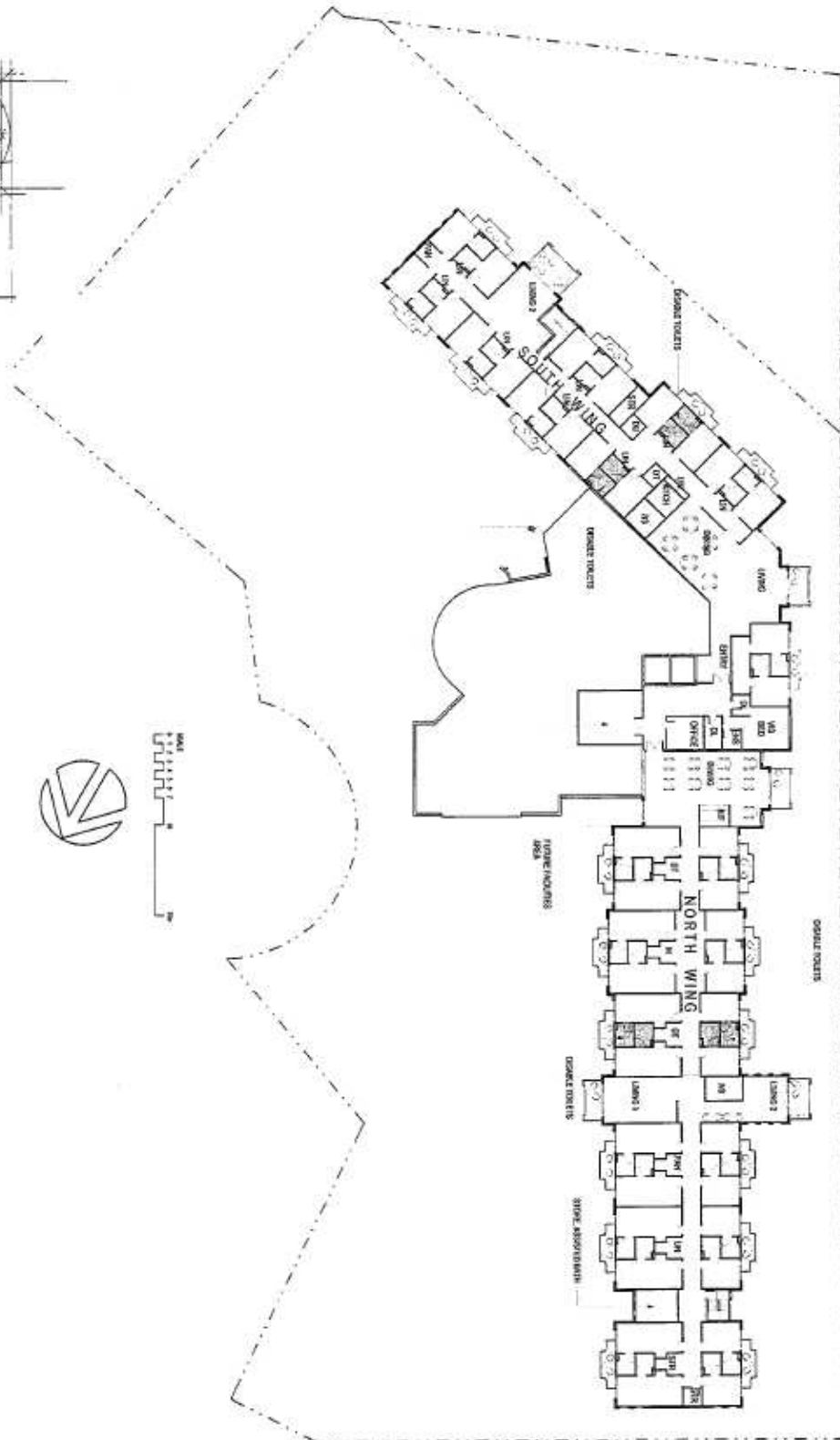
Rutherford Glen, NSW

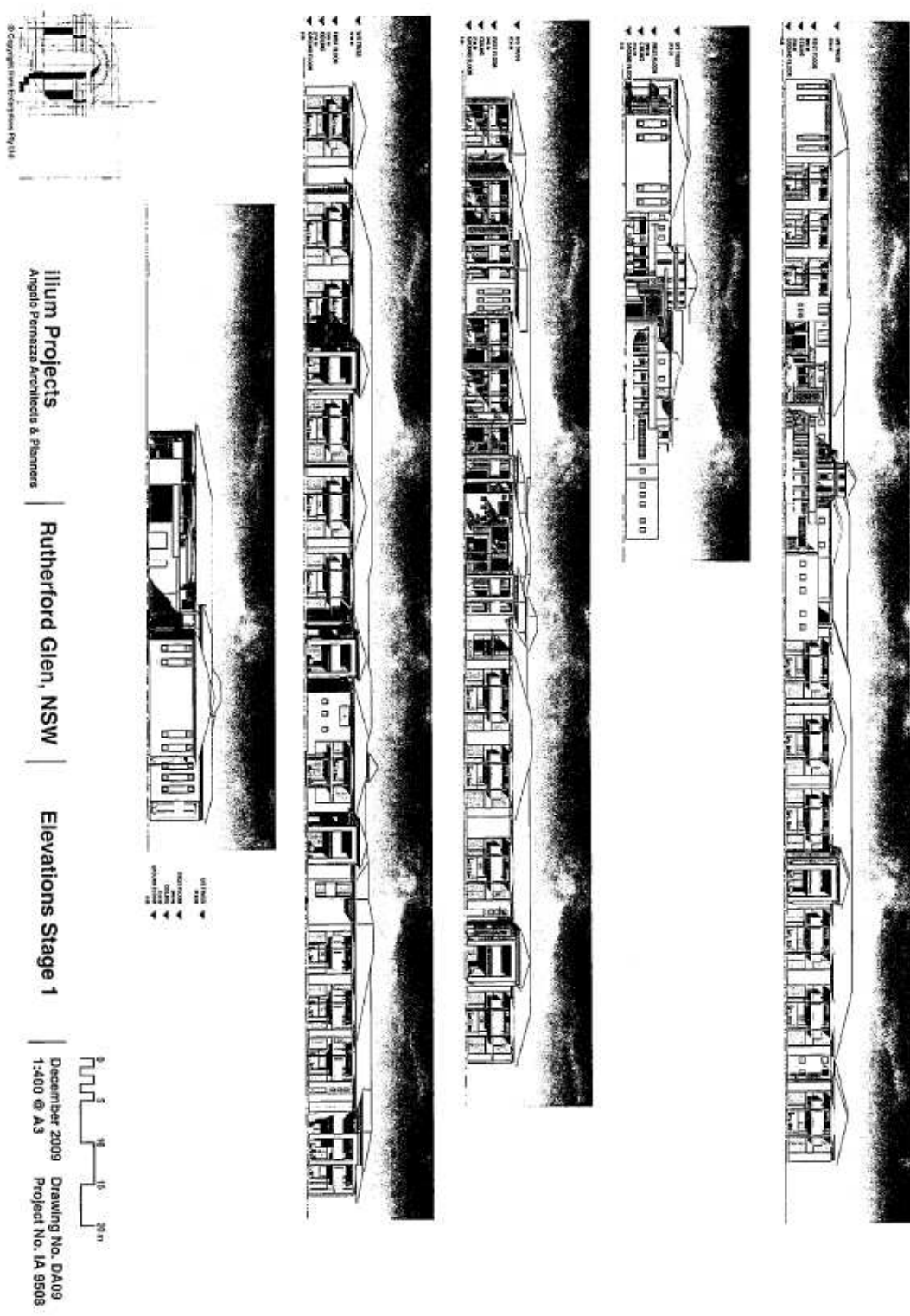
First Floor Plan Stage 1

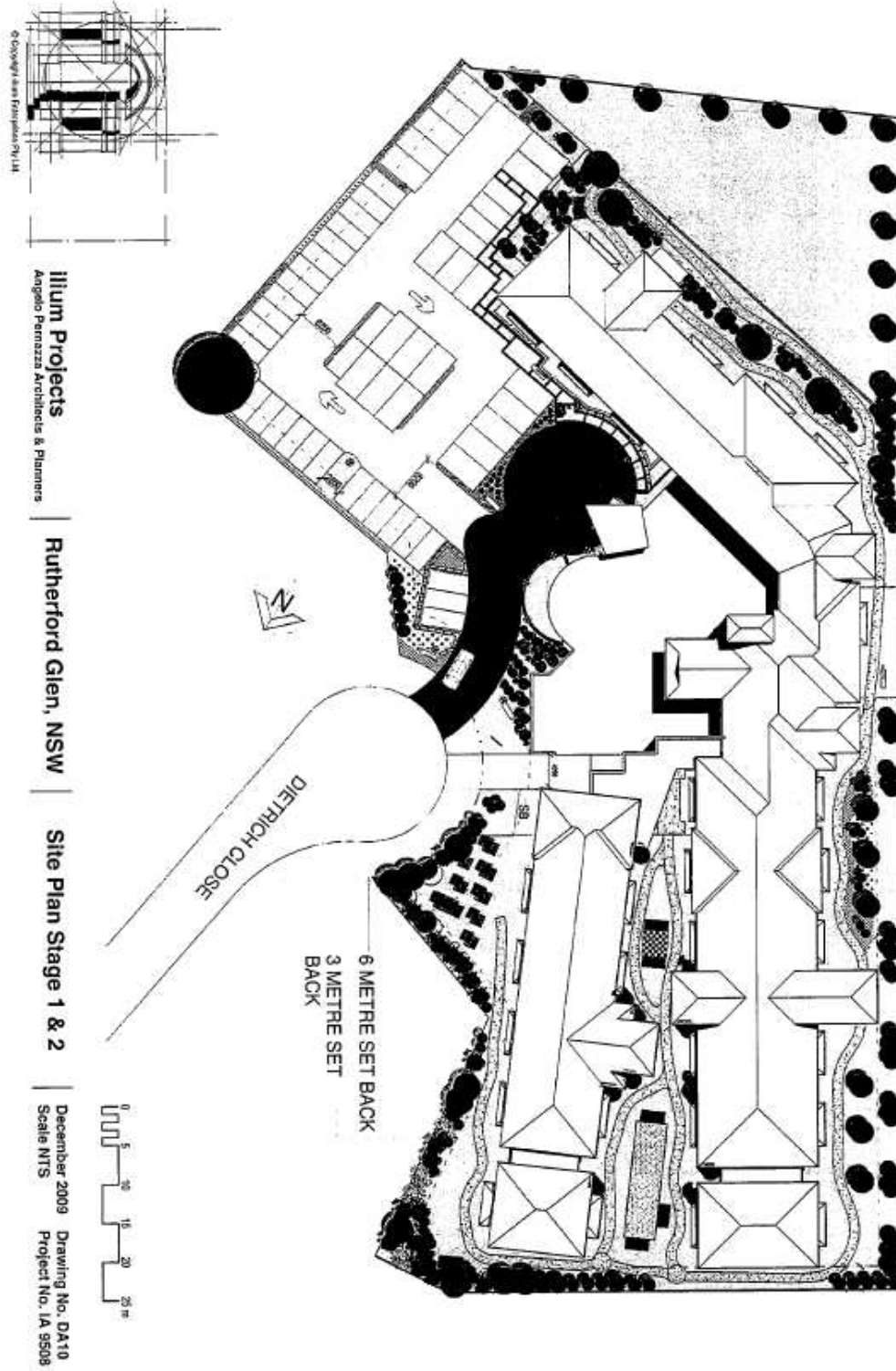
December 2009
Scale NTS

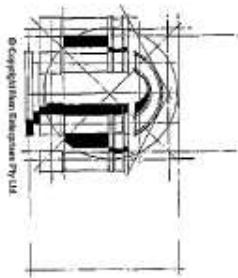
Drawing No. DA08
Project No. 1A 9508

Project No. 1A 9508









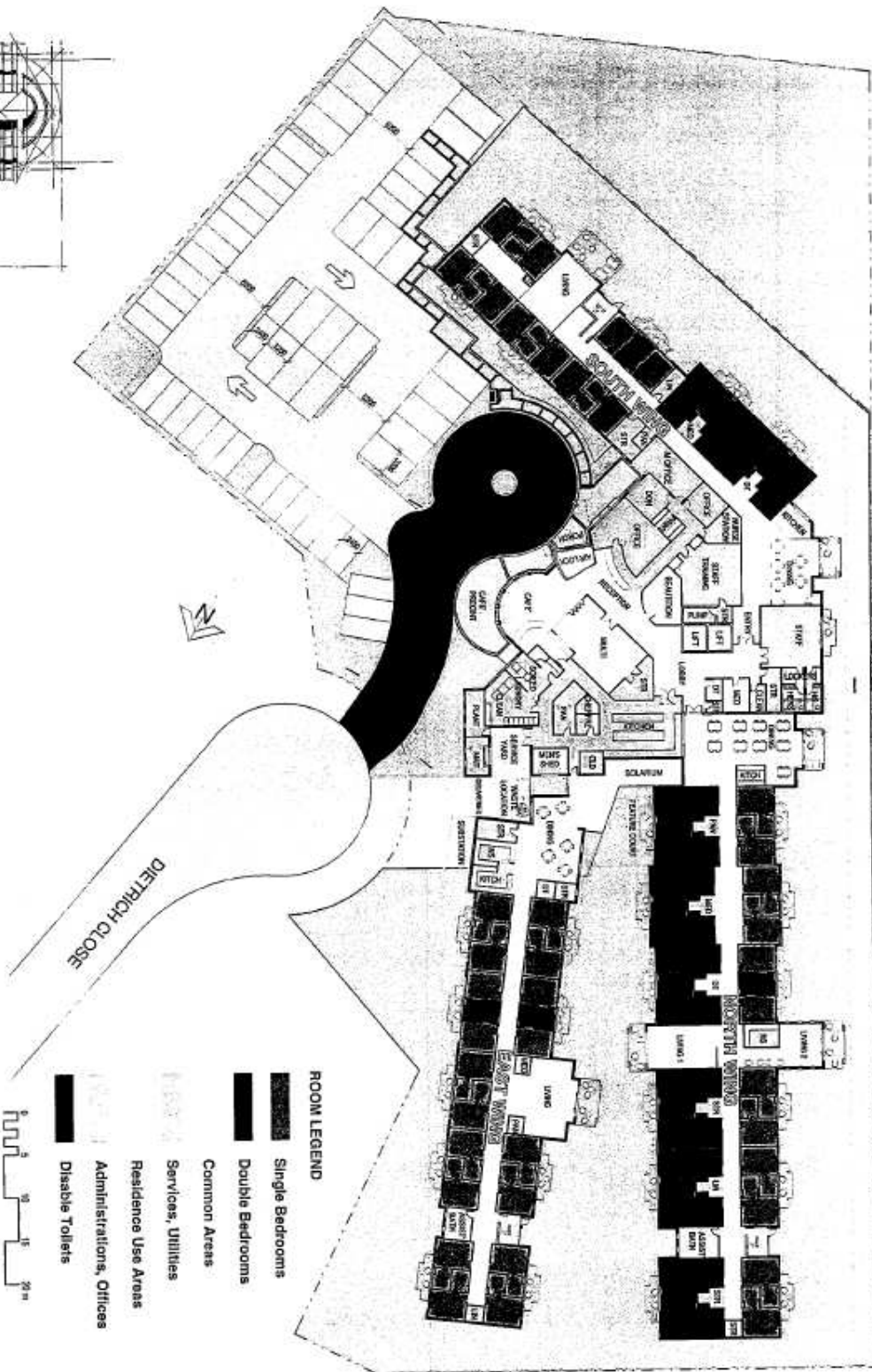
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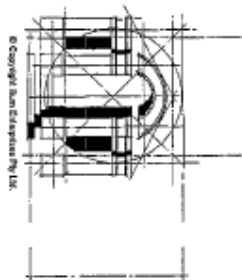
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Rutherford Glen, NSW

Ground Floor Plan
Stage 1 & 2

December 2009 Drawing No. DA11
Scale NTS Project No. IA 9508





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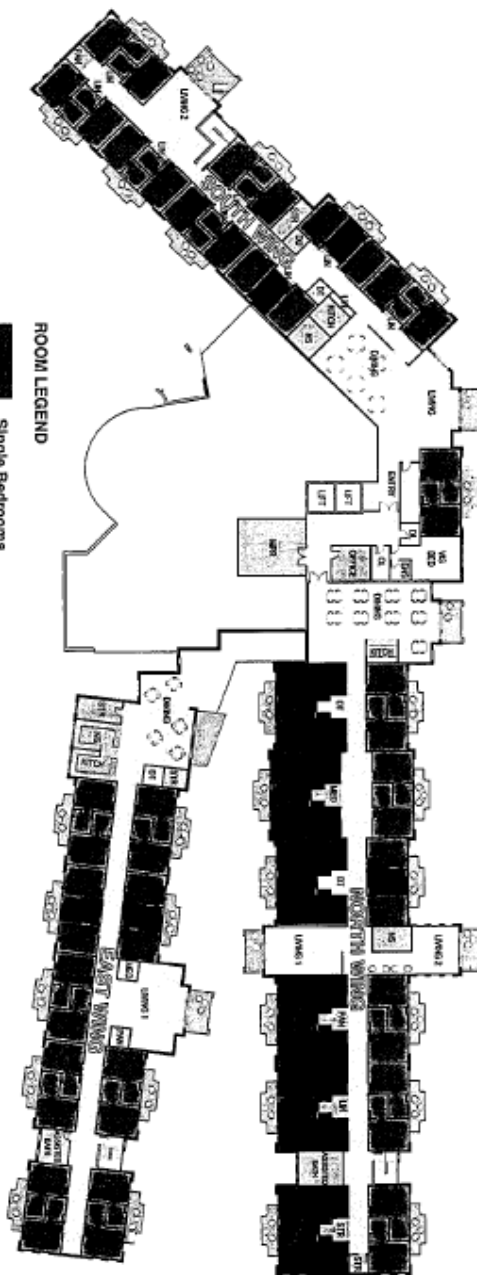
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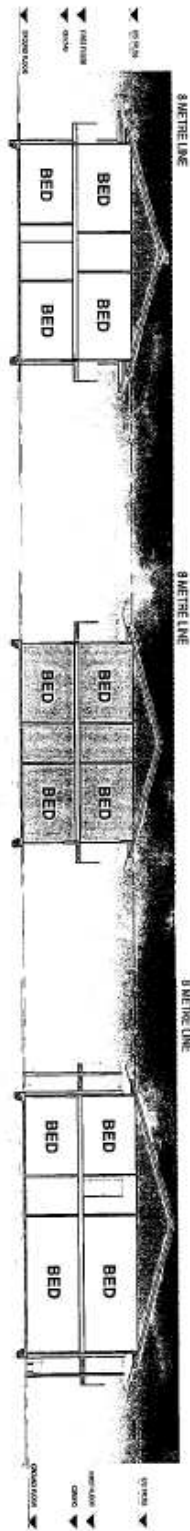
Rutherford Glen, NSW

First Floor Plan
Stage 1 & 2

December 2009 Drawing No. DA12
Scale NTS Project No. IA 9508

- ROOM LEGEND**
- Single Bedrooms
 - Double Bedrooms
 - Common Areas
 - Services, Utilities
 - Residence Use Areas
 - Administrations, Offices
 - Disable Toilets

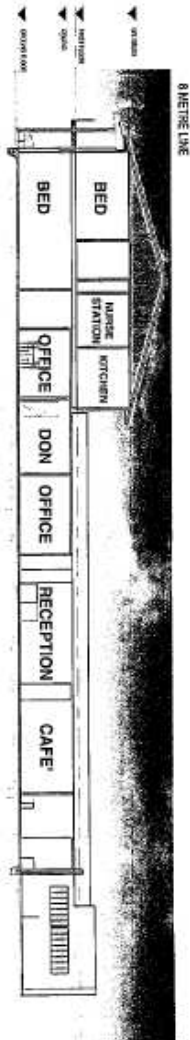




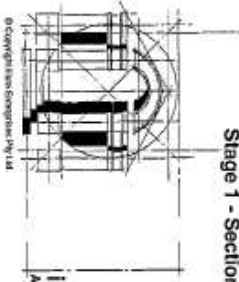
Stage 1 - Section 2 South Wing

Stage 2 - Section 3 East Wing

Stage 1 - Section 4 North Wing



Stage 1 - Section 1



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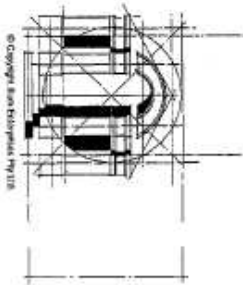
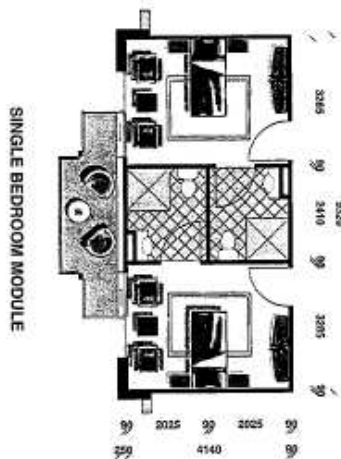
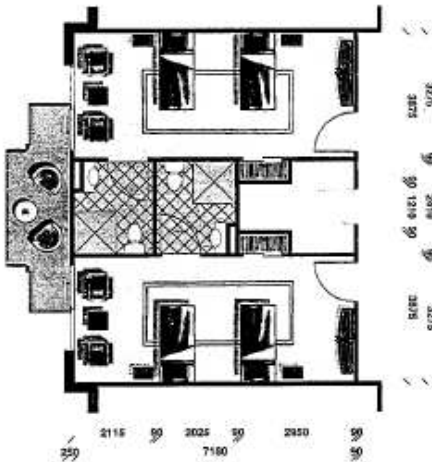
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Sections



December 2009 Drawing No. DA14
1:200 @ A3 Project No. IA 9508



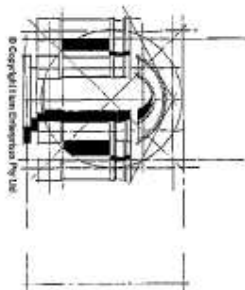
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**Typical Bedroom
Modules**

December 2009
1:100 @ A3
Drawing No. DA15
Project No. IA 9508





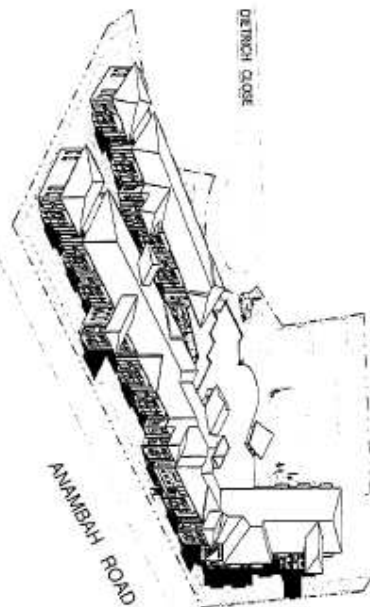
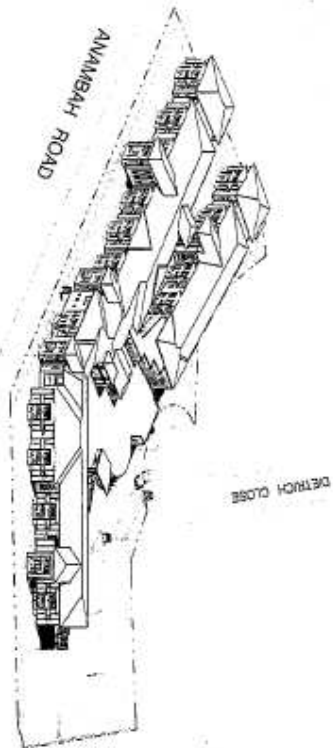
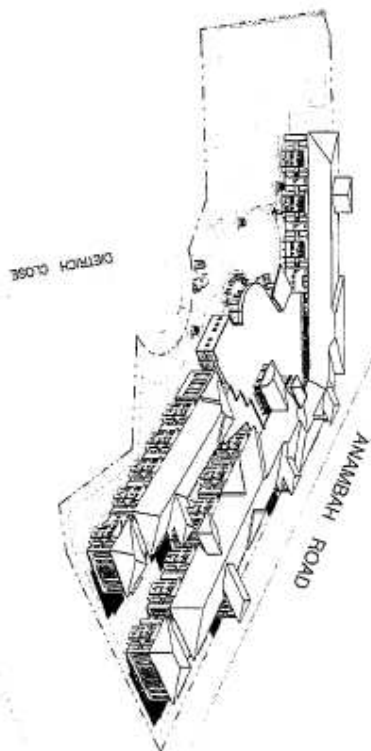
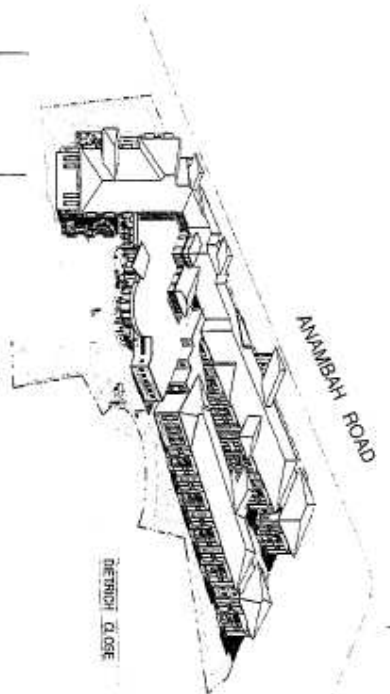
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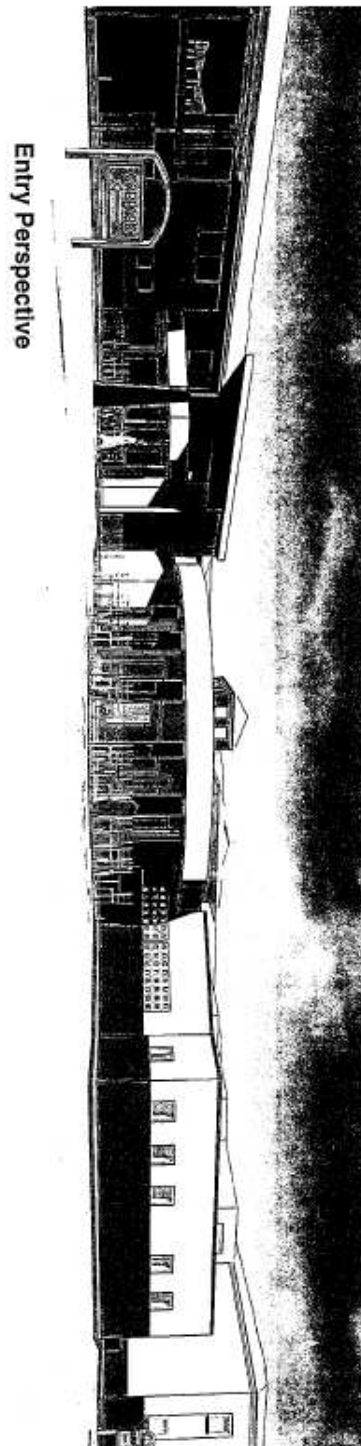
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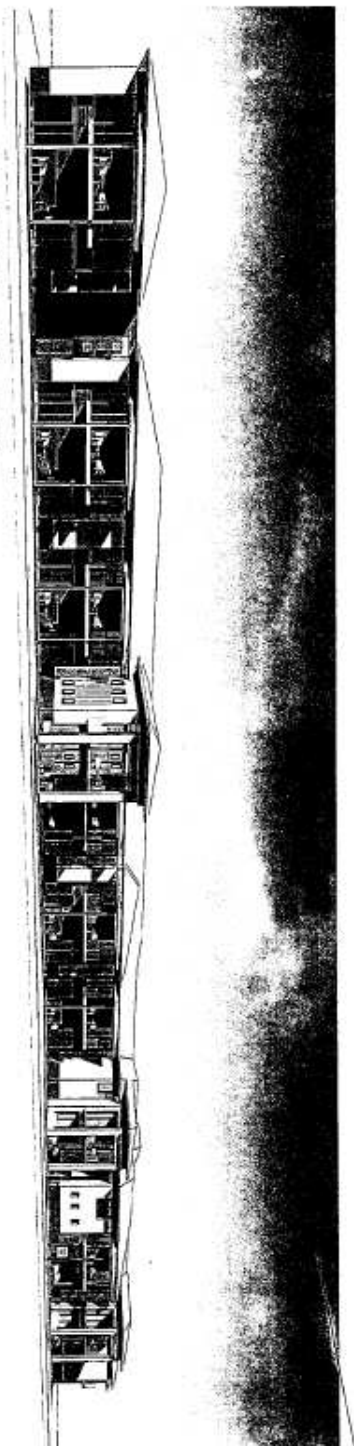
3D Presentations

December 2009
Scale NTS
Drawing No. DA16
Project No. IA 9508





Entry Perspective



Anambah Street Perspective



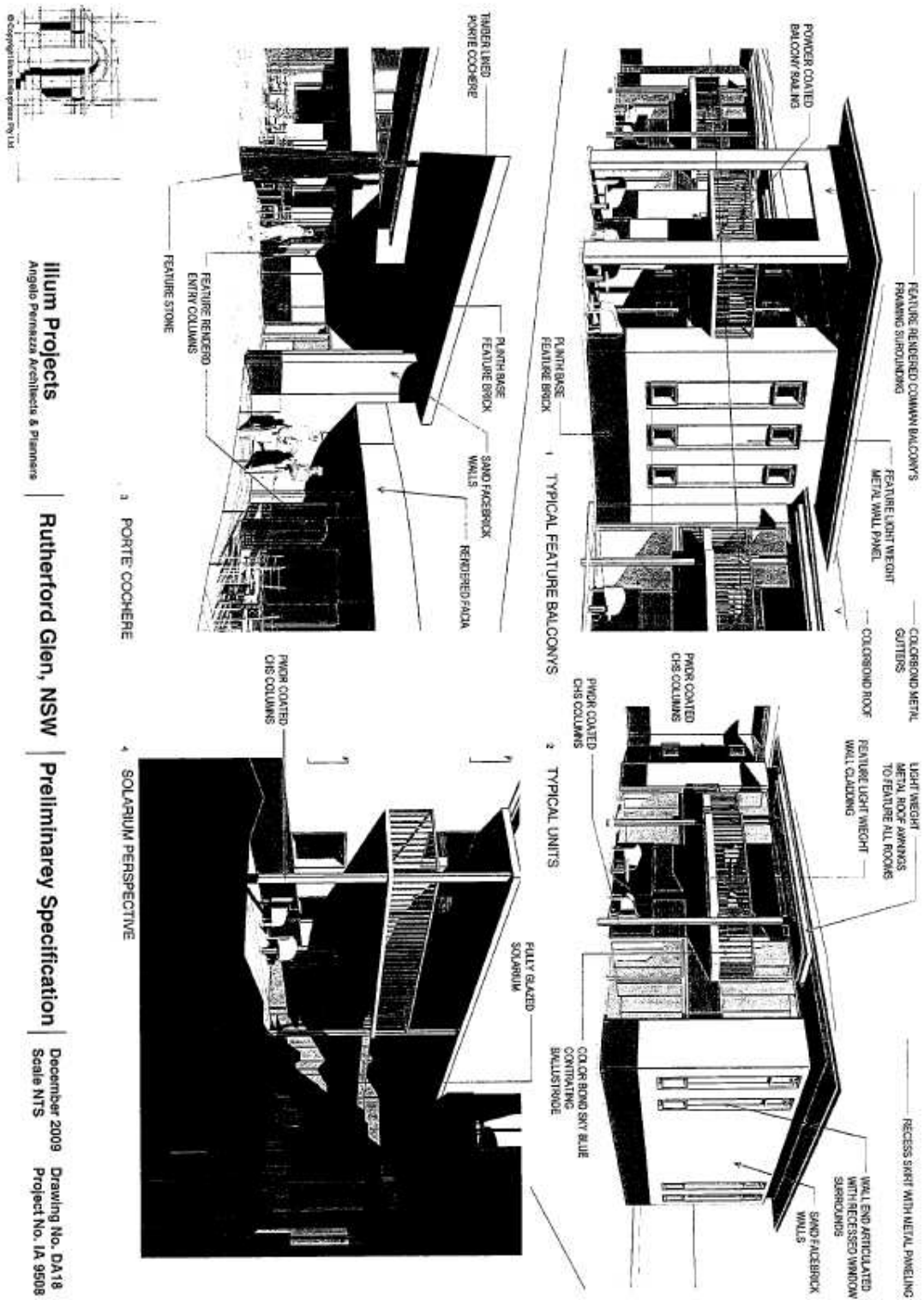
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Camera Angles

December 2009
Scale NTS
Drawing No. DA17
Project No. IA 9508





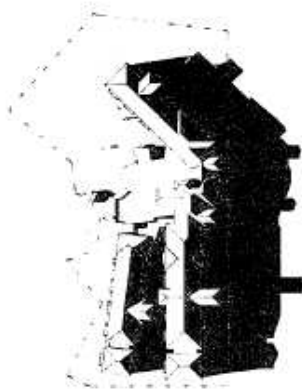
DECEMBER 22ND - 09.00AM



DECEMBER 22ND - 12.00PM



DECEMBER 22ND - 03.00PM



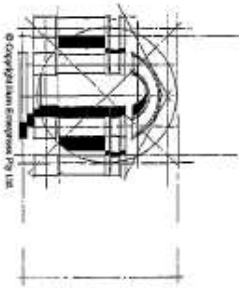
JULY 22ND - 09.00AM



JULY 22ND - 12.00PM



JULY 22ND - 03.00PM



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Shadow Diagrams

December 2009
Scale NTS
Drawing No. DA18
Project No. IA 9508



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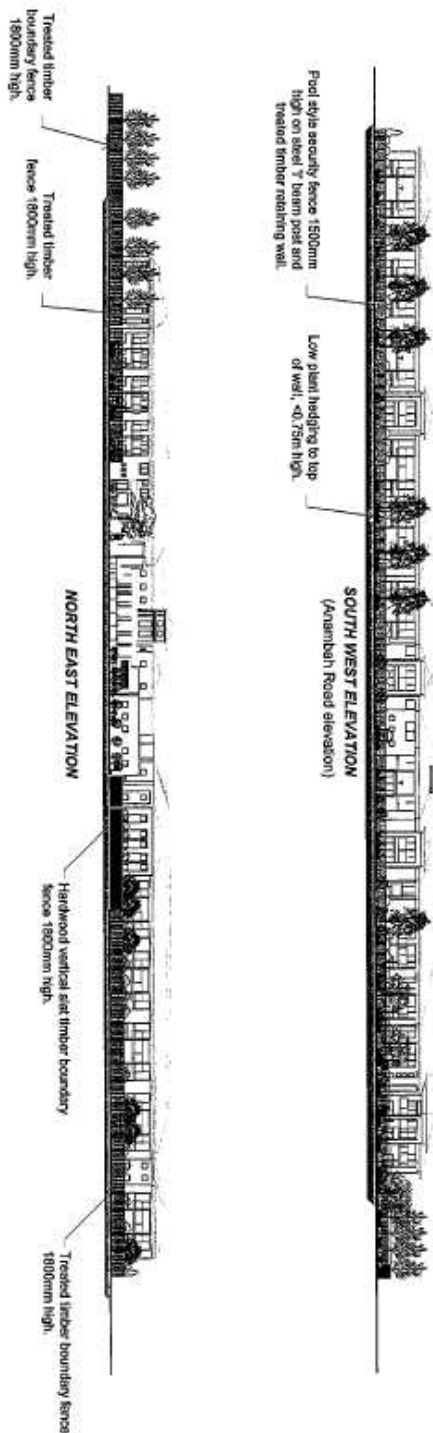
Rutherford Glen
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CONCERTLANDSCAPE PLAN
DIETRICH CLOSE, RUTHERFORD NEW
SHEET 02

SHEET 02



ELEVATIONS



Architectural by
ANSELMO PARRAZA ARCHITECTS and PLANNERS
Phone 877-951-8415
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517 Maple Crest Court
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Old 108

Drawing reference: 100506-03-02

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CONQUANT

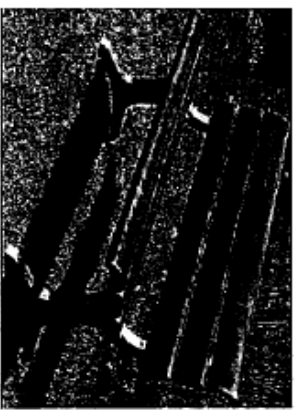


PLATE 01
Proposed style of bench seating

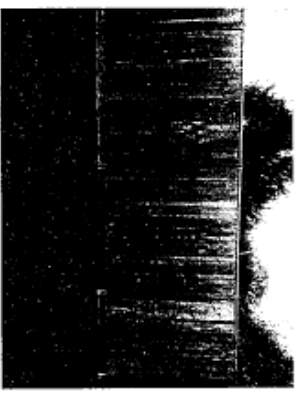
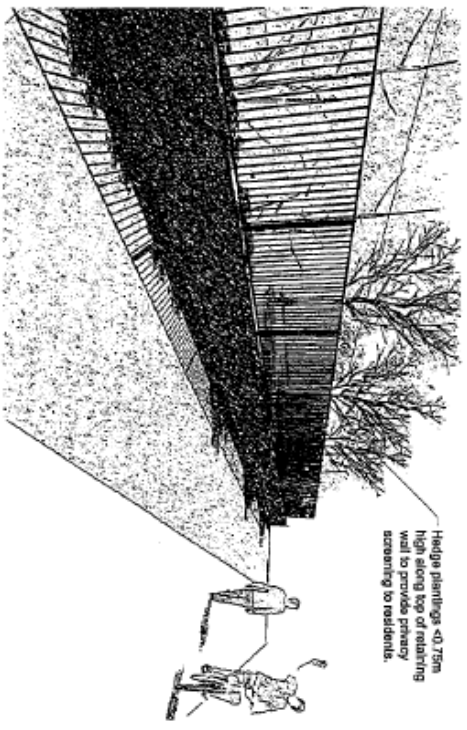


PLATE 02
Timbered timber boundary fence, 1800mm high



PLATE 03
Vertical Timber clad fencing



Hedge plantings 40-75m high along top of retaining wall to provide privacy screening to residents.

PLATE 04
Amenity boundary treatment, 1000mm high pool edge fencing as 1 metre timber retaining wall

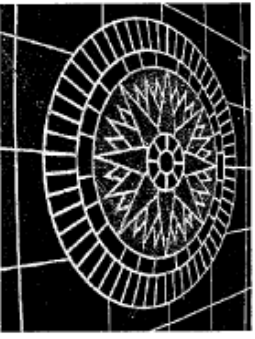


PLATE 05
Permanent screening similar to design to be applied to pathway access nodes

REV	DATE	DESCRIPTION
0	06/01/10	Hedging to Amenities Rd, steel and review retaining wall
1	01/08	AMENDMENT

DATE: 06 December 2009
DRAWN BY: RCU
SCALE: 1:1000 (A3)
VERSION: 00
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Rutherford Glen
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CONCEPT LANDSCAPE PLAN
DETACHED HOUSE, RUTHERFORD GLEN
SHEET 05



DETAILS
HDB
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ATTACHMENT C: OBJECTION TO PROPOSED DEVELOPMENT

TELEPHONE: (02) 4932 8888
FACSIMILE: (02) 4932 6920
EMAIL: rnacoffice@westnet.com.au



P.O. BOX 491
RUTHERFORD, N.S.W. 2320

Royal Newcastle Aero Club

A.B.N. 79 000 021 045

RUSSELL FIELD - MAITLAND
FLYING TRAINING and CHARTER - AIRCRAFT MAINTENANCE

The General Manager
Maitland City Council
P O Box 220
MAITLAND NSW 2320

1 February 2010

DOC No.	
REC'D	- 3 FEB 2010 MCC
FILE No.	
REFER	

Dear Sir,

Re: DA-09-2756
Proposed Seniors Living Facility
ANAMBAH ROAD
RUTHERFORD

The Management Committee of Royal Newcastle Aero Club (RNAC) is concerned about any proposed residential development within close proximity of the aerodrome's operational areas.

Therefore we wish to submit the following objections to this proposed residential development:

1. The location of the proposed development is only just outside the 20 ANEF noise contour of the aerodrome, which is the current recommended threshold for residential development in Australia. Aircraft will be flying directly over the proposed development at low levels.
2. Most prospective residents will approach the development from the Newcastle / Maitland direction so would not be aware of the close proximity of the aerodrome. They will be unable to make an informed decision about their property purchase.
3. Research has shown that persons newly exposed to noise are more sensitive to noise than those who have been exposed to it for a long period. An increase in complaints about aircraft noise can be anticipated.
4. The RNAC Community Operational Undertaking (COU) has been successful in enabling the local community and the members of RNAC to

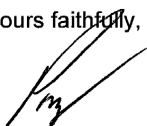
H.Q. - TIGER CLUB

coexist amicably. The effectiveness of the COU is compromised if residential development is permitted to encroach further on the aerodrome.

The aerodrome has been operational since the 1940's, providing a valuable facility to the Maitland community at no cost to either Maitland City Council (Council) or residents of Maitland LGA.

RNAC has made every effort to collaborate with Council and the local community, and is committed to complying with the restrictions of the COU. We trust that Council will view all proposed developments around the aerodrome in the same spirit of cooperation, and ensure that they are sympathetic to the existing aerodrome operation.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Meguyer', written over a horizontal line.

Peter Meguyer
President.