

Wollongong Local Planning Panel Assessment Report | 10 December 2020

WLPP No.	Item No.3
DA No.	2020/740
Proposal	Extension of Ash Placement Garden including retaining walls, paths, planting, garden furniture and installation of columbariums
Property	Wombarra Cemetery, Lawrence Hargrave Drive, WOMBARRA NSW 2515 Lot 7028 Crown DP 1058309
Applicant	Wollongong City Council - Nyrie Davis-Raiss
Responsible Team	Development Assessment & Certification – City Wide Planning Team (BL)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to the Local Planning Panel **for determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 Clause 4 (a) of the Local Planning Panels Direction, the proposal is designated development. The works are partially located within the mapped Littoral Rainforest Area pursuant to the SEPP (Coastal Management) 2018.

The proposal is also referred to the Local Planning Panel **for determination** pursuant to Schedule 2 Clause 1(a) of the Local Planning Panels direction, as the land is owned by The State of New South Wales but in the care and control of Wollongong City Council, and Council is the applicant for the development application.

Proposal

The proposal is for the extension of an existing ash placement garden including retaining walls, paths, planting, garden furniture and installation of columbariums.

Permissibility

The site is zoned E2 Environmental Conservation and SP1 Special Activities - Cemetery pursuant to the Wollongong Local Environment Plan 2009. The proposed works relate to an existing cemetery and are wholly contained within the SP1 zone. A cemetery is a permissible use in the zone.

Consultation

The proposal was notified in accordance with Council's Community Participation Plan and received two (2) submissions.

The proposal was referred to Councils Stormwater, Landscaping, Geotechnical, Traffic, Heritage, Environment, Community Services, SCAT, Statutory Property and Recreation Officers and conditionally satisfactory referral advice has been provided in each instance.

The proposal was referred to the Department of Planning to provide notice of the receipt of designated development and the forwarding of submissions received at the conclusion of the exhibition period. No further comments were received.

The proposal was also referred to Heritage NSW - Department of Premier and Cabinet as integrated development pursuant to clause 4.46 of the EP & A Act 1979 and section 90 of the National Parks and Wildlife Act 1974. Heritage NSW have raised no objections with General Terms of Approval granted.

Likely impacts

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

Conclusion

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of the SEPP (Coastal Management) 2018, Wollongong Local Environmental Plan 2009, and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

The proposed works relate to an existing cemetery and would not be considered inconsistent with the objectives of the SP1 zone.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development. Despite the works being partially within the mapped littoral rainforest area, the mapping is inaccurate as it overlays modified land containing burial plots in addition to the subject site which contains an operational columbarium. Littoral Rainforest occurs along the south and south-west border of the lot, which is adjacent to and not within the proposed development site.

RECOMMENDATION

It is recommended that approval be granted to DA-2020/740, subject to the conditions provided at Attachment 5.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Koala Habitat Protection) 2019
- SEPP (Coastal Management) 2018
- SEPP (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other legislation:

- Biodiversity Conservation Act 2016

Other policies

- Wollongong Community Participation Plan 2019
- Wollongong City-Wide Development Contributions Plan 2019 (section 7.12 of EP&A Act 1979)
- Coastal Management ACT 2016

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The development application proposes:

Demolition

- Removal of existing seats, concrete path, garden edge, dead tree and kikuyu grass.
- Existing memorial rocks and associated ash placements to be temporarily removed during construction and replaced at the conclusion of construction.

Construction

- Construction of two new columbariums with the provision of 560 new interments within cemetery.
- Construction of a concrete block retaining wall 700mm in height with polished stone capping, concrete path with granite edging and concrete pads for garden seating.
- Installation of garden seating and bin enclosures.
- Existing signage to be relocated.
- Upgrades to existing landscaping including new trees, shrubs, ground covers, turf and mulch.
- Provision of revegetation of Littoral Windshear Thicket along eastern extent of site (adjoining cliff edge).
- No change to working hours, number of staff or operational waste.

It is noted that a survey of the site has been undertaken to verify boundary locations. The boundary line in the south eastern portion of the site is situated further east compared to the boundary line

identified on Council's mapping system. All proposed works are contained within the applicable site - Lot 7028 Crown DP 1058309.

The cemetery is outlined to be the only parcel of land that is zoned for cemetery purposes in the local area. As the Cemetery is currently at capacity with limited area available to expand, the proposal relates to the provision of interment to respond to community needs.

The proposal is required to be considered as designated development pursuant to section 4.10 of the Environmental Planning and Assessment Act 1979 as clause 10 of the State Environmental Planning Policy (Coastal Management) 2018 requires that any development within the mapped Littoral Rainforest Area which is not for the purpose of environmental protection works is declared to be designated development for the purpose of the Act. The proposed works are partially located within the mapped Littoral Rainforest Area pursuant to the SEPP.

1.3 BACKGROUND

Application No	Description	Date	Decision
DA-1986/185	Fill and landscaping	17/4/1986	Approved
BA-1997/749	Toilet Building - Da203/97	12/6/1997	Approved
DA-2013/1157	Demolition of existing toilet block and associated concrete slab/footings	31/10/2013	Approved
DA-2018/1237	Minor demolition works and extension of ash placement garden including columbarium, paths and landscaping	31/10/2018	Withdrawn
PL-2019/161	Extension of ash placement garden including columbarium paths planting	2/12/2019	Completed

A pre-lodgement meeting was held for the proposal under PL-2019/161 - Extension of ash placement garden including columbarium paths planting. The current development application is considered to have adequately responded to the notes provided.

Customer service actions

There are no outstanding customer service requests of relevance to the development at the time of preparing this report.

1.4 SITE DESCRIPTION

The site is located on the eastern side of Lawrence Hargrave Drive, known as Wombarra Cemetery with a Title reference of Lot 7028 Crown DP 1058309. The land is an irregular shape lot with a fall of greater than 12 metres from west to east. The site is Crown Land managed by Council. A delegate from DPIE - Crown Lands has provided owners consent for lodgement of the application.

The majority of the area of the subject site is utilised for the purposes of a Cemetery which was formalised in the late nineteenth century, with the first internment dated 1893 in the northern portion of the cemetery. The site currently contains more than 1000 memorials consisting predominately of grave sites. More recently, memorial gardens and columbariums have been constructed at the site to allow for the placement of ashes at the site. The site is accessed off Lawrence Hargrave Drive and is situated between the road and coastline.

The site is screened to the immediate north and south by vegetation. Adjoining this vegetation to the north are dwelling houses and a preschool, and dwelling houses to the south. Lot 7303 Crown DP 1149809, rock shelf, Wombarra Ocean Pool and the South Pacific Ocean are located to the east of the site. To the west of Lawrence Hargrave Drive are residential properties.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Coastal hazard - geotechnical risk
- Biodiversity
- Unstable land
- Acid sulphate soils - Class 5
- Foreshore building line
- Local heritage item - 6142
- Flood affected – levels undetermined
- Riparian Land – Class 2 Terrestrial and Aquatic Habitat
- Bushfire Prone Land – not affected
- Threatened Species - fauna
- Endangered Ecological Communities – MU5 – Littoral Windshear Thicket
- NP Vegetation - MU5 – Littoral Windshear Thicket and MU-46 – Coastal Headland Banksia Scrub
- Aboriginal Heritage

The northern extent of the site is burdened by an easement for rising main and services 7 and 10 wide which connect Lawrence Hargrave Drive and the Sydney Water Infrastructure to the north.

There are no restrictions on the Title which would preclude the proposed works.



Figure 1: Aerial photograph

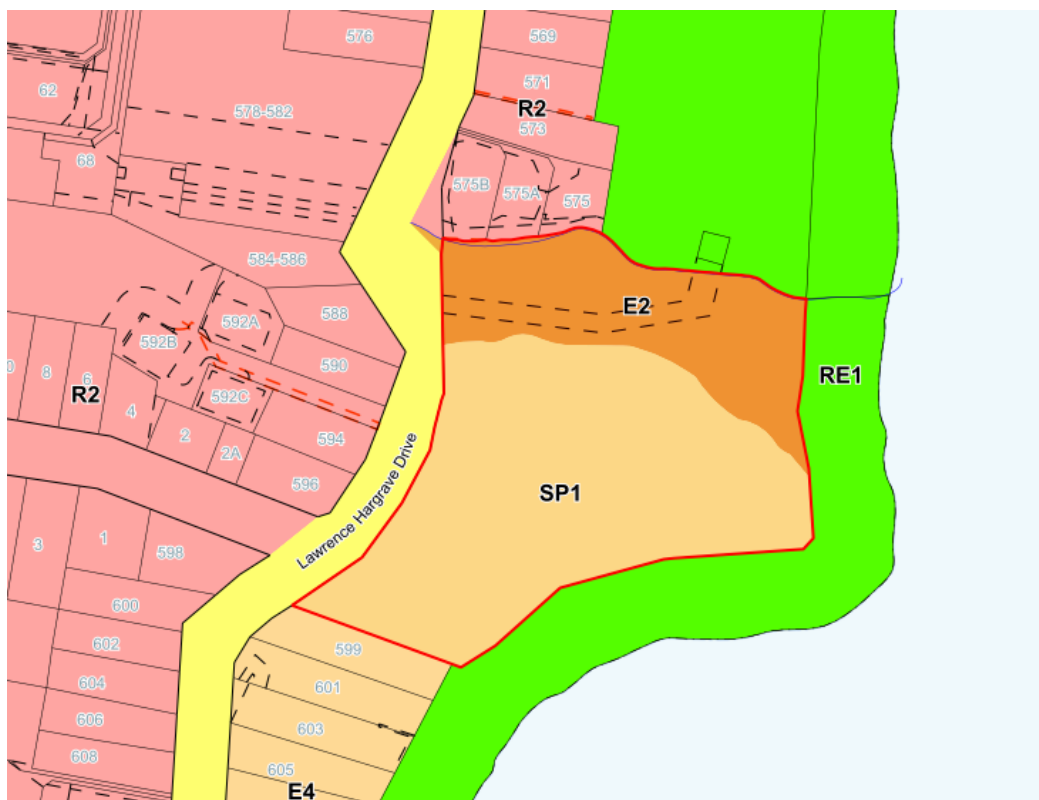


Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

The application was notified between the 28 August 2020 and 6 October 2020 in accordance with Council's Community Participation Plan 2019 and the public exhibition requirements of the EP & A Regulation 2000 for designated development. This included a notice in The Advertiser and the installation of a sign at the site. Two (2) submissions were received within the notification period which are addressed below.

Table 1: Submissions

Concern	Comment
1. Visual impact and inappropriate siting <ul style="list-style-type: none"> - The columbariums are too large and close to the cliff edge. - The columbariums are very ugly and would be better to have all ash placements at ground level. - Location would be better at eastern end of cemetery as identified in the original masterplan as a safer solution that does not encroach of vegetation along cliff edge. - Difficulties of site not accounted for. Previous toilet block on site had to be removed after 13 years 	<p>As identified within the application submission, the two new columbariums have been designed with a similar scale, materials and finishes to match the existing columbarium.</p> <p>The design of the new columbariums are considered to be in keeping with the existing cemetery and are suitable for the site.</p> <p>Stakeholder and community engagement at the EIS preparation and public exhibition phase of the proposal has been undertaken in accordance with the Draft Community and Stakeholder Engagement Guidelines (DPE 2017) prior to the lodgement of the development application. The EIS and engagement report supplied with the application are considered to address submissions received throughout the community engagement process and outline how the comments</p>

Concern	Comment
	provided from the community have been considered for the project.
2. Geotechnical concerns <ul style="list-style-type: none"> - Geotech report confirms instability and drainage issues - Can only be mitigated to a limited extent using deep/expensive foundations 	<p>The geotechnical report submitted with the application has been assessed by Council's Geotechnical Officer. The design of the development is considered acceptable and a satisfactory referral has been provided.</p>
3. Drainage/erosion issues <ul style="list-style-type: none"> - No provision for dispersal of stormwater from impervious surfaces and retaining walls. - Potential for water to cause erosion, rock falls along cliff edge and undermining the sea. - Potential safety issue if rockfalls occur from erosion. 	<p>Stormwater/drainage has been considered by Council's Stormwater Officer and stability of the site has been considered by Council's Geotechnical Officer. Both referrals are satisfactory, and the design is considered appropriate for the location.</p>
4. Environment degradation/removal of existing vegetation <ul style="list-style-type: none"> - Works will degrade existing native vegetation along cliff edge and require removal of wind sheared prostrate casurina. - Should not encroach on vegetation holding the edge of the cliff 	<p>No removal of existing trees is proposed (only the clearing of existing dead tree).</p> <p>The works involve the revegetation of Littoral Windshear Thicket along eastern extent of site (adjoining cliff edge).</p> <p>Council's Landscape Officer has assessed the application with regard to existing vegetation and has provided a satisfactory referral subject to conditions.</p>
5. Disinterring of remains	<p>As outlined within the EIS, existing memorial rocks and associated ash placements are to be temporarily removed during construction and replaced at the conclusion of construction. The works are required to facilitate the extension to the cemetery. As the cemetery is at capacity, providing additional interments will respond to community needs and is considered to be in the public interest.</p>

Matter	1	2	3	4	5
Round 1 Submissions	2	2	2	2	1

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Landscape, Traffic, Heritage, and Environment Officers have reviewed the application and provided satisfactory referrals. Conditions of consent have been recommended and are included at Attachment 5.

Council's Community Services, Geotechnical, Stormwater, SCAT, Recreation and Statutory Property Officers have reviewed the application and provided satisfactory referrals. No conditions are required.

1.6.2 EXTERNAL CONSULTATION

Department of Planning

The application is identified as designated development and notice of receipt of the application was provided to the Department. In accordance with Section 4.10 of the EP&A Act 1979, the applicant obtained the Planning Secretary's Environmental Assessment Requirements (SEARs) on 18 January 2019 which outlined the matters that must be included in any Environmental Impact Statement (EIS). It is considered the application has been prepared in accordance with these requirements and was referred to the Department following lodgement for public exhibition in accordance with Clause 50(6) of the EP & A Regulation 2000. At the conclusion of the exhibition period two (2) submissions were received, and the Department was notified of this outcome as required by Section 81 of the EP&A Regulation 2000. No further comments were received.

Heritage NSW – Department of Premier and Cabinet

The application was referred to Heritage NSW as it is integrated development pursuant to clause 4.46 of the EP & A Act 1979 and section 90 of the National Parks and Wildlife Act 1974. A Potential Archaeological Deposit (PAD) site has been identified at the site. An Aboriginal Heritage Impact Permit (AHIP) C0003611 was issued on 15 May 2018. NSW Heritage has advised no objections to the proposed works, providing General Terms of Approval - Attachment 4.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DESIGNATED DEVELOPMENT

Section 4.10 of the EP&A Act 1979 states that designated development is development that is declared to be designated development by an environmental planning instrument or the regulations. Clause 10 of the State Environmental Planning Policy (Coastal Management) 2018 identifies that any development within the mapped littoral rainforest area is designated development. The subject works are within the mapped littoral rainforest area, pursuant to the SEPP.

Pursuant to section 4.12 of the EP&A Act 1979, the application was accompanied by an Environmental Impact Statement (EIS). The statement was prepared in accordance with Schedule 2 of the EP&A Regulation 2000. It is noted that pursuant to Part 2 of Schedule 2, the applicant made written application to the Planning Secretary for the environmental assessment requirements with respect to the statement. A delegate of the Planning Secretary responded on 18 January 2019 providing the Planning Secretary's Environmental Assessment Requirements (SEARs).

The SEARs advised that the Department had reviewed the documentation submitted and confirmed that it had no specific requirements, other than addressing the provisions of the SEPP (Coastal Management) 2018, ensuring that the EIS meets the minimum form and content requirements outlined in the EP&A Regulation 2000 and that the EIS is prepared in consultation with relevant local, state and commonwealth government authorities, service providers, community groups and surrounding landowners. A copy of this correspondence is provided at Attachment 2.

Generally, the EIS has been prepared in accordance with the minimum form and content requirements as outlined in the EP&A Regulation 2000. The executive summary from the EIS is provided at Attachment 3. The Department were notified of the lodgement and provided with a copy of the submitted EIS with the designated development application in accordance with Clause 50(6) of the EP&A Regulation 2000.

Section 4.13 of the EP&A Act 1979 sets out notification requirements for designated development which have been followed in assessment of the subject application.

Section 81 of the EP&A Regulation 2000 requires that the consent authority must after the relevant submission period, forward to the Director-General a copy of all submissions received in response to the public exhibition of a development application for designated development. In this instance two (2) submissions were received. The Department have been advised that two (2) submissions were received. No further comments from the Department were received.

BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme.

This site is identified on the Biodiversity Values Map due to the area being mapped under the Coastal Management SEPP (Coastal Management) 2018 as Littoral Rainforest. However, the mapped area does not in fact contain any native vegetation as it is existing cemetery. The location of the proposed works proposal does not involve the clearing of any native vegetation, with only some landscape plants and kikuyu grass proposed for removal.

Council's Environmental Assessment Officer has considered whether the development triggers entry into the Biodiversity Offsets Scheme (BOS).

The BOS Website states: *"If development within areas on the BV Map does not involve clearing native vegetation (including groundcover, trees and understorey plants) or a prescribed impact (as set out in clause 6.1 of the Biodiversity Conservation Regulation 2017) within the mapped area, the BOS is not applied based on the BV Map. Development applications need to show evidence to support this".*

Entry into the NSW Biodiversity Offsets Scheme has not been triggered. A Biodiversity Development Assessment Report by an accredited assessor is not required for the proposed development. The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

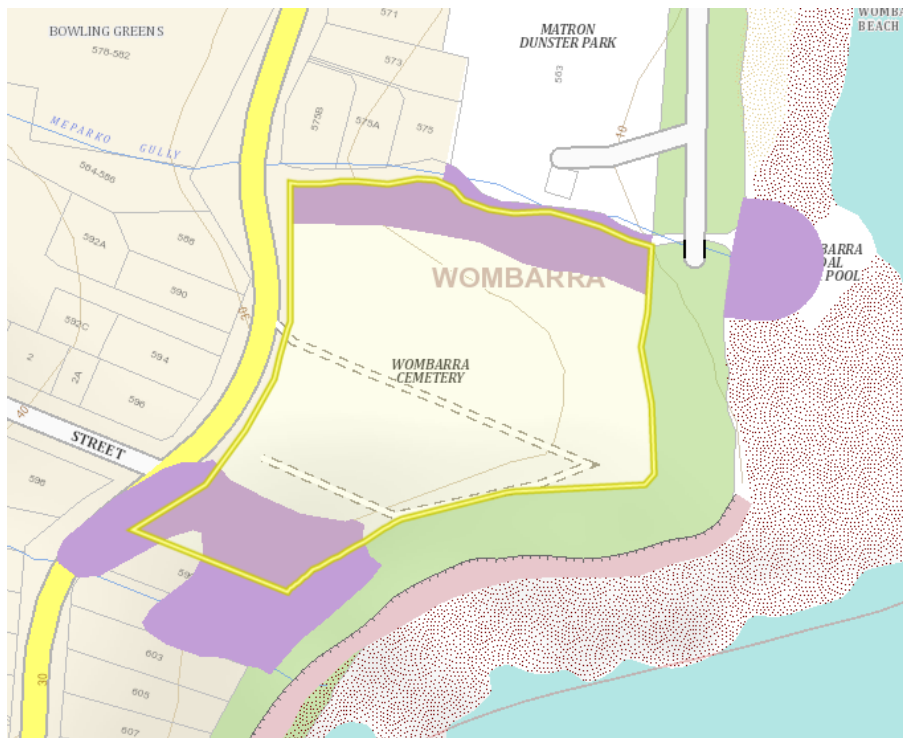


Figure 3: Extract from the Biodiversity Values Map – Biodiversity Values mapped in purple.

CROWN LAND MANAGEMENT ACT 2016

The subject site is Crown Land managed by Council.

A delegate from DPIE - Crown Lands has provided owners consent for lodgement of the application. There is no current Plan of Management applying to the site.

COASTAL MANAGEMENT ACT 2016

A review of Council's certified Coastal Zone Management Plan hazard mapping identifies the site to be potentially impacted by coastal geotechnical processes (cliff top erosion).

No specific actions are identified within the Plan as relates to Wombarra Cemetery and minimal adverse impacts on the coastal environment are anticipated as a result of the development

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of the Act and the matters outlined for consideration.

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

7 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A desktop audit of previous land uses does not indicate any historic use, other than as a cemetery that would contribute to the contamination of the site. The area of works does not correspond with any known grave sites, with the exception of the memorial rock garden which is proposed to be temporarily removed and re-established following the completion of the works. There are no significant earthworks proposed and the proposal does not comprise a change of use. Council's Environment Officer has reviewed the proposal and no concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7. A condition is proposed at Attachment 5 for the development of an unexpected finds protocol prior to the commencement of works.

The site is therefore considered suitable for the proposed development and consistent with the assessment considerations of SEPP 55.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The subject site is located within the overlapping Littoral Rainforest and Littoral Rainforest buffer area, and Coastal Use Area pursuant to the SEPP (Coastal Management) 2018 Maps. See Figure 4 below.



Figure 4: Extract from the SEPP (Coastal Management) 2018 Map

An assessment against the relevant provisions of the SEPP is provided below.

SEPP (Coastal Management) 2018 clause	Council Comment
Part 1 Preliminary	
3 Aim of Policy	The proposal is considered consistent with the aims of the Policy.
5 Land to which this Policy applies	The subject site is located within the Coastal Zone, and therefore this Policy applies.

6 Identification of coastal management areas	The subject site is located within the overlapping Littoral Rainforest and Littoral Rainforest buffer area, and Coastal Use Area as demonstrated by Figure 4 above.
7 Relationship with other environmental planning instruments	It is noted that this Policy prevails to the extent of any inconsistency with another EPI.
Part 2 Development control for coastal management areas	
Division 1 Coastal wetlands and littoral rainforest areas	
10 Development on certain land within coastal wetlands and littoral rainforests area (1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> only with development consent— (a) the clearing of native vegetation within the meaning of Part 5A of the <i>Local Land Services Act 2013</i> , (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the <i>Fisheries Management Act 1994</i> , (c) the carrying out of any of the following— (i) earthworks (including the depositing of material on land), (ii) constructing a levee, (iii) draining the land, (iv) environmental protection works, (d) any other development.	<p>The subject development would be considered ‘any other development’ pursuant to part (d) of this clause.</p> <p>The proposed works are located partially within the littoral rainforest area and the littoral rainforest proximity area.</p>
(2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.	The proposed works would not be considered to fall within the definition of ‘environmental protection works’, and therefore the subject application has been considered as designated development as discussed throughout this report.
(3) Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> may be carried out by or on behalf of a public authority without development consent if the development is identified in— (a) the relevant certified coastal management program, or (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the <i>Local Government Act 1993</i> , or	Whilst the proposed works are proposed to be carried out by a public authority, the proposed works would not be considered to fall within the definition of ‘environmental protection works’.

(c) a plan of management under Division 3.6 of the <i>Crown Land Management Act 2016</i> .	
(4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest	<p>Despite the works being partially within the mapped littoral rainforest area, a site inspection and review by Councils Environment Officer indicates that whilst the location is mapped as containing Littoral Rainforest, the mapping is inaccurate as it overlays modified land containing burial plots in addition to the subject site which contains an operational columbarium. Littoral Rainforest occurs along the south and south-west border of the lot, which is adjacent to the proposed development site.</p> <p>The proposal has been designed to not result in any potential environmental impacts on surrounding areas.</p>
(5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the <i>Biosecurity Act 2015</i> .	Noted.
(6) This clause does not apply to the carrying out of development on land reserved under the <i>National Parks and Wildlife Act 1974</i> if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.	Noted.
<p>11 Development on land in proximity to coastal wetlands or littoral rainforest</p> <p>(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> unless the consent authority is satisfied that the proposed development will not significantly impact on—</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</p>	<p>The proposed works are located partially within the littoral rainforest area and the littoral rainforest proximity area.</p> <p>The proposed works will not result in any significant modification to the landform or hydrology of the site and is not expected to impact upon the biophysical, hydrological or ecological integrity of the adjacent littoral rainforest. Further, additional landscaping associated with the proposal will contribute to improved resilience of the adjacent vegetation and improve overall ecological values.</p>
(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> .	Noted.

Division 3 Coastal environment area	
<p>13 Development on land within the coastal environment area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, (b) coastal environmental values and natural coastal processes, (c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (f) Aboriginal cultural heritage, practices and places, (g) the use of the surf zone. <p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 	<p>The subject site is located within the overlapping Littoral Rainforest and Littoral Rainforest buffer area, Coastal Environment Area and Coastal Use Area.</p> <p>The proposal is not anticipated to adversely affect the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.</p> <p>The development is not expected to result in adverse impacts on the foreshore, beach, headland or rock platform access. The proposed works will not have impact on any public open space or access to the headland.</p> <p>The proposal does not involve the removal of any existing native vegetation and proposes to revegetate the area along the cliff edge.</p> <p>The development is considered to have been appropriately sited to manage adverse impacts on the coastal environment.</p>

<p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>.</p>	<p>Noted – not applicable.</p>
<p>Division 4 Coastal use area</p>	
<p>14 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and <p>(b) is satisfied that—</p> <ul style="list-style-type: none"> (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and 	<p>The subject site is located within the overlapping Littoral Rainforest and Littoral Rainforest buffer area, Coastal Environment Area and Coastal Use Area.</p> <p>The development is not expected to result in adverse impacts on the foreshore, beach, headland or rock platform access, changes in solar access or wind activity, the visual amenity or scenic qualities of the coast, aboriginal cultural heritage or cultural or built heritage.</p> <p>The development is considered to have been sited to manage adverse impacts on the coastal area.</p> <p>The surrounding coastal and built environment in consideration of the minor scale and size of the proposed development have been considered and are appropriate in the subject location.</p>

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	
(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> .	Noted – not applicable.
Division 5 General	
<p>15 Development in coastal zone generally—development not to increase risk of coastal hazards</p> <p>Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.</p>	The development is not considered likely to result in increased risks of coastal hazards on the subject land or any other land.
<p>16 Development in coastal zone generally—coastal management programs to be considered</p> <p>Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.</p>	<p>A review of Council's certified Coastal Zone Management Plan hazard mapping identifies the site to be potentially impacted by coastal geotechnical processes (cliff-top erosion).</p> <p>No specific actions are identified within the Plan as relates to Wombarra Cemetery</p>
<p>18 Hierarchy of development controls if overlapping</p> <p>If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—</p> <p>(a) the coastal wetlands and littoral rainforests area,</p> <p>(b) the coastal vulnerability area,</p> <p>(c) the coastal environment area,</p> <p>(d) the coastal use area.</p>	Noted and addressed above.

Councils Environment Officer has reviewed the application with regard to potential impacts on the coastal environment and has provided a conditionally satisfactory referral response.

The proposal is therefore not considered to be inconsistent with the provisions of this SEPP and has been considered as designated development as required via clause 10.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Division 17 Roads and traffic	
Subdivision 2 Development in or adjacent to road corridors and road reservations	
<p>101 Development with frontage to classified road</p> <p>(1) The objectives of this clause are—</p> <ul style="list-style-type: none"> (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <ul style="list-style-type: none"> (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— <ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>The subject site is located on the eastern side of Lawrence Hargrave Drive which is identified as a classified road.</p> <p>The proposed works to the existing cemetery results in no change to the vehicular access to Lawrence Hargrave Drive and is not anticipated to affect the ongoing operation, function and safety of the road. Access to the site throughout the construction phase will be managed by a Construction Environmental Management Plan as identified within the EIS.</p> <p>The development type does not trigger the requirement for design measures relating to mitigating traffic noise or emissions from Lawrence Hargrave Drive.</p>

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT) 2019

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area.

The Koala SEPP applies to development applications considered by councils on land over 1 hectare in size or on land if it is included in an approved council Koala Plan of Management. The lot size is greater than 1 hectare, however no tree removal is proposed as the proposed structures are situated within already cleared portions of the site and Council does not have an approved Koala Plan of Management for the land at the time of preparing this report. As such, no further consideration of this SEPP is required.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned E2 Environmental Conservation and SP1 – Special Activities (Cemetery).

Clause 2.3 – Zone objectives and land use table

The objectives of the E2 zone are as follows:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.*
- *To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney drinking water catchment (within the meaning of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011) to enable the management and appropriate use of the land by Water NSW.*

The land use table below permits the following uses in the zone:

Environmental facilities; Environment protection works; Extensive agriculture; Oyster aquaculture; Recreation areas

The proposed works are located outside the E2 zone.

Clause 2.3 – Zone objectives and land use table

The objectives of the SP1 – Special Activities zone are as follows:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

The proposal is considered to be consistent with the objectives as the works relate to the special land use being a cemetery and are in keeping with the existing characteristics of the site. The additional works will facilitate the continuation of the use and respond to community needs.

The land use table below permits the following uses in the zone:

Advertising structures; Aquaculture; Centre-based child care facilities; Community facilities; Information and education facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

The purpose identified on the land zoning map is a cemetery. The proposed works relate to an existing cemetery and are therefore permissible with development consent.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

The subject site is a local heritage item 'Wombarra General Cemetery' 6142. The proposal has been assessed by Council's Heritage Officer with a satisfactory referral provided subject to recommended conditions.

Part 7 Local provisions – general

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". The application was referred to Council's Environment Officer to assess likely impacts of the proposal in this regard.

Whilst the site is mapped under this clause, the mapping is inaccurate as it overlays modified land containing burial plots in addition to the subject site which contains an operational columbarium (urn storage structure). The proposal will not negatively impact upon the objectives of this clause.

Clause 7.3 Flood planning area

The site is identified as flood affected – levels undetermined. Council's Stormwater Engineer has assessed the application in this regard and has not raised any objections to the proposed works with no conditions required.

Clause 7.4 Riparian lands

The site contains riparian Land – Class 2 Terrestrial and Aquatic Habitat traversing east-west along the northern area of the site. Council's Environment officer has reviewed the proposal noting the proposed works are located outside of the mapped extent and therefore no concerns are raised with regard to clause 7.4.

Clause 7.5 Acid Sulfate Soils

The subject lot has been mapped as containing Class 5 Acid Sulfate Soils. The subject lot is not located within 500 metres of any adjacent Class 1, 2, 3 or 4 land and would not be expected to result in adverse impacts on the water table.

Clause 7.6 Earthworks

The proposed earthworks are minor and not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land. It is noted that the site is identified as unstable land. Council's Geotechnical Officer has considered the application with no conditions required.

Clause 7.7 Foreshore building line

The site is mapped with a minor area of foreshore building line along the northern boundary of the site. The proposed works are located outside of the mapped extent and therefore no concerns are raised with regard to clause 7.7.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.5 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER D1 CHARACTER STATEMENTS

Wombarra

The proposal is considered to be consistent with the existing and desired future character for the locality. The character requirements mainly relate to residential development which is not applicable to the proposal. However, the proposed works relate to an existing cemetery which is identified as the specific use for the site within the SP1 – Special Activities zoning. As the cemetery is currently at capacity, the extension of internments will respond to community needs.

CHAPTER E7 WASTE MANAGEMENT

Site Waste Minimisation and Management Plan provided. The development has been designed to incorporate suitable waste storage and servicing arrangements. It is considered that the proposed development satisfies the objectives of Chapter E7. Appropriate conditions are recommended.

CHAPTER E10 ABORIGINAL HERITAGE

A historical Archaeological Assessment and Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by BIOSIS has been submitted with the application. An archaeological investigation was undertaken and results of the testing revealed no subsurface cultural material during the excavations however one hammer stone was identified on the surface.

The proposed works are unable to avoid harm at the identified PAD and the report recommended that an Aboriginal Heritage Impact Permit (AHIP) be obtained so that the future works can be carried out in the study area and to allow movement of the surface hammer stone identified.

An AHIP (C0003611) was issued on 15 May 2018 from the then Office of Environment and Heritage to impact the recorded PAD site under section 90 of the NSW Parks and Wildlife Act 1974.

The application was referred to Heritage NSW as integrated development pursuant to clause 4.46 of the EP & A Act 1979 and section 90 of the National Parks and Wildlife Act 1974 with General Terms of Approval granted. Refer to Attachment 4.

CHAPTER E11 HERITAGE CONSERVATION

The subject site is a local heritage item 'Wombarra General Cemetery' 6142. The proposal has been assessed by Council's Heritage Officer with a satisfactory referral provided subject to recommended conditions.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The site is identified as unstable land and coastal hazard – geotechnical risk. The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. The referral is satisfactory with no conditions required.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as flood affected – levels undetermined. Council's Stormwater Officer has assessed the application in this regard and has not raised any objections to the proposed works with no conditions required.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Officer has assessed the application with regard to Chapter E14. A satisfactory referral response has been provided with no conditions recommended.

CHAPTER E16 BUSHFIRE MANAGEMENT

The subject site is mapped bushfire prone land – vegetation buffer in a very minor area in the north western corner of the site on Council's mapping system. However, the planning certificate identifies the site as bushfire prone – not affected. This is considered to be an anomaly and/or mapping error and the site is not bushfire affected – therefore no further consideration of Chapter E16 is required.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Council's Landscape and Environment Officers have assessed the proposal. No native vegetation is proposed for removal (only the clearing of an existing dead tree). Provision of revegetation of Littoral Windshear Thicket along eastern extent of site (adjoining cliff edge) is proposed which is considered consistent with the objectives of Chapter E17.

CHAPTER E18 THREATENED SPECIES

The site is mapped as containing threatened species – fauna. Council's Environment Officer has reviewed the application providing the following response. *Whilst the location is mapped as containing Littoral Rainforest, the mapping is inaccurate as it overlays modified land containing burial plots in addition to the subject site which contains an operational columbarium (urn storage structure). Littoral Rainforest occurs along the south and south-west border of the lot, which is adjacent to the proposed development site. No threatened species will be impacted as a result of this proposal.*

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposed earthworks are minor and not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land. It is noted that the site is identified as unstable land. Council's Geotechnical Officer has considered the application with no conditions required.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Some minor demolition works are required. No hazardous materials are anticipated. An unexpected finds protocol is a recommended condition of consent.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

The site contains riparian Land – Class 2 Terrestrial and Aquatic Habitat traversing east-west along the northern area of the site. Council's Environment officer has reviewed the proposal noting the proposed works are located outside of the mapped extent and therefore no concerns are raised with regard to clause 7.4.

2.3.6 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$280,000 and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

However, an application by the Council for community infrastructure is exempt in accordance with clause 15(a) of the contributions plan. No levy is applicable.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

Not applicable.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- The two (2) submissions received following notification are not considered to preclude the development.
- Internal and external referrals are satisfactory subject to appropriate conditions of consent

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

See section 1.5 above.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3. CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

The proposed works relate to an existing cemetery which is permissible with consent pursuant to the WLEP 2009.

The development is consistent with the applicable provisions of the relevant planning instruments including SEPP (Coastal Management 2018), Wollongong LEP 2009 and WDCP 2009.

All internal and external referrals are satisfactory and there are no outstanding issues.

Two (2) submissions were received within the exhibition period. The submissions are not considered to preclude the development.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development

4. RECOMMENDATION

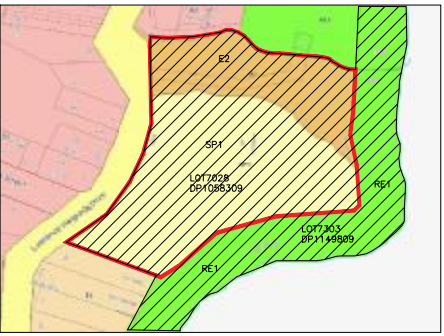
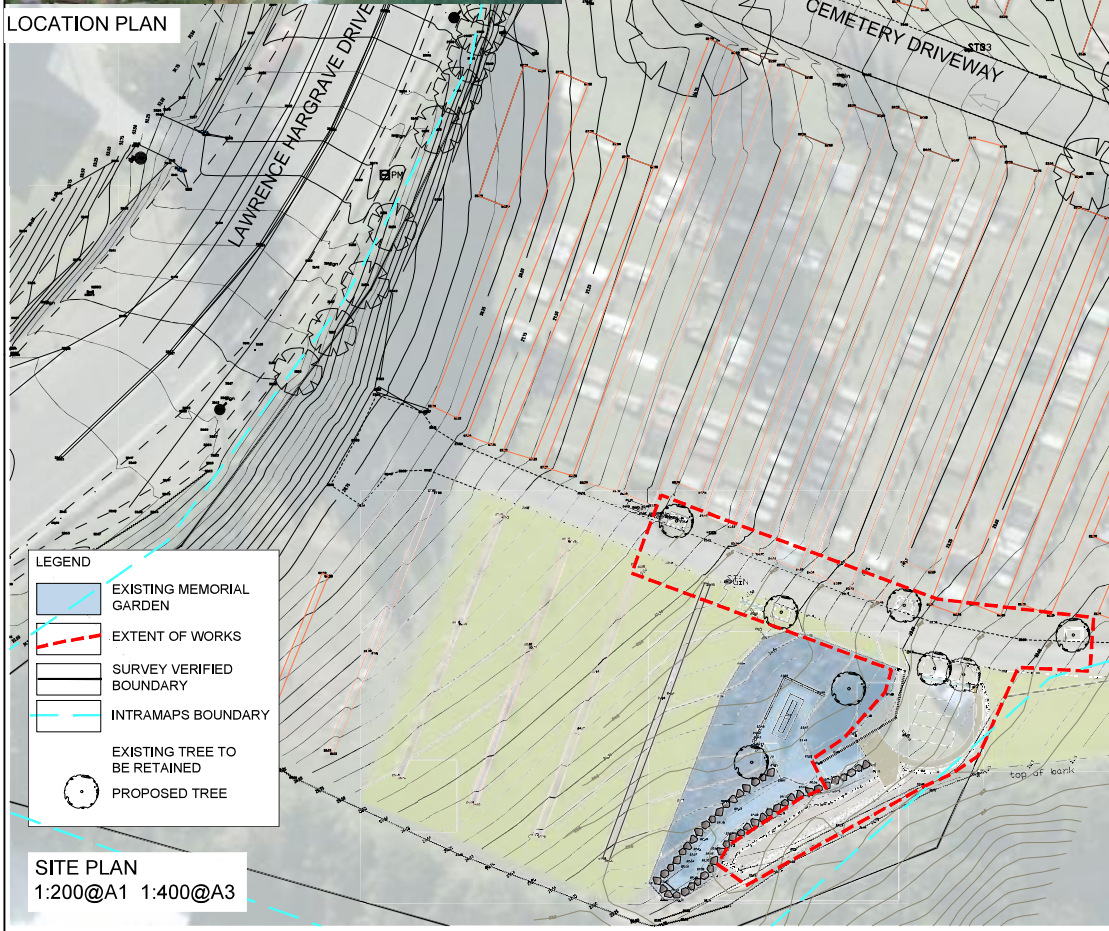
DA-2020/740 be approved pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions provided at Attachment 5.

5. ATTACHMENTS

- 1 Plans
- 2 Planning Secretary's Environmental Assessment Requirements (SEARs)
- 3 Environmental Impact Statement Executive Summary
- 4 Heritage NSW - General Terms of Approval
- 5 Conditions

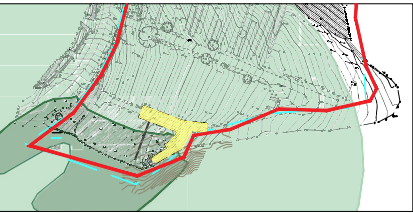


LOCATION PLAN



LEP ZONES / OWNERSHIP

- CEMETERY BOUNDARY
- SP1 ZONE - CROWN LAND UNDER CARE/CONTROL OF WCC
- E2 ZONE
- RE1 ZONE
- CROWN LAND UNDER MANAGEMENT OF WCC



- LEGEND
- COASTAL MANAGEMENT SEPP LITTORAL RAINFOREST
 - COASTAL MANAGEMENT SEPP LITTORAL RAINFOREST BUFFER
 - EXTENT OF WORKS
 - CEMETERY BOUNDARY

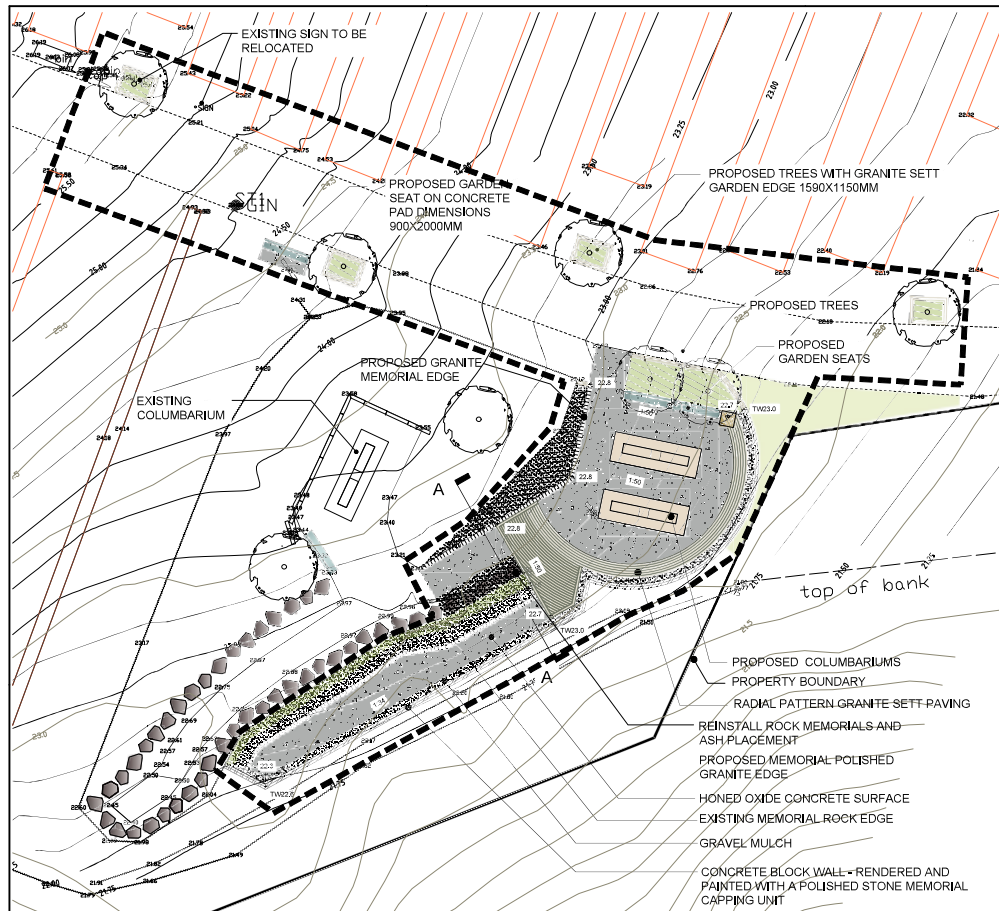
- NOTES:
- THERE IS NO EVIDENCE OF LITTORAL RAINFOREST IN THIS AREA. IN THE PRELIMINARY ASSESSMENT, THE NATIVE VEGETATION ADJOINING THE GRASSED AREA HAS BEEN ASSESSED AS BANKSIA SCRUB.
 - THE PROPOSED DEVELOPMENT WILL IMPACT VEGETATION AS FOLLOWS: 90% CLEARED AREA (KIKUYU GRASS); MIXED WEED AND NATIVE VEGETATION 10%. MIXED WEED AND NATIVE SPECIES LIST: KIKUYU, BLACKBERRY, LANTANA, ALLOCASURINA VERTICILLATA, MELALEUCA HYPERICIFOLIA, PITTOSPORUM REVOLUTUM, LOMANDRA LONGIFOLIA.
 - IMPACT ON NATIVE VEGETATION - PRUNING ONLY.

PLAN SHOWING EXTENT OF LITTORAL RAINFOREST (COASTAL MANAGEMENT SEPP) (INACCURATE MAPPING)



SITE PHOTO SHOWING EXISTING CLEARED AREA

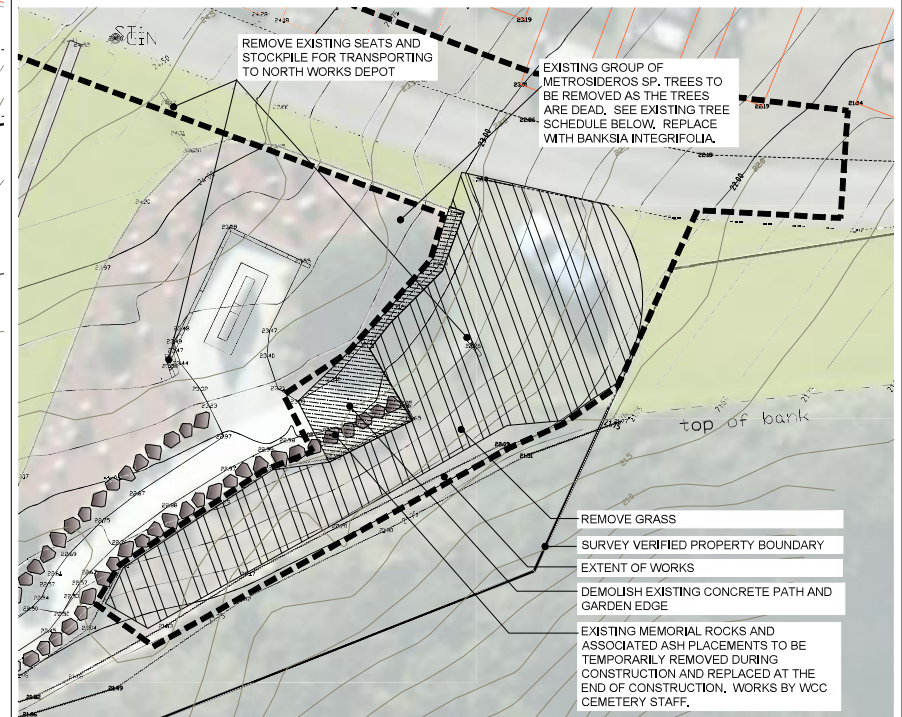
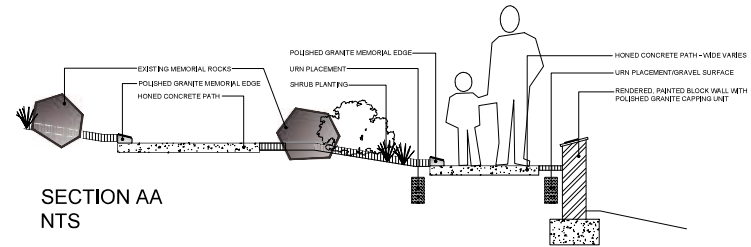
				DATUM AND FIELD BOOK	SURVEYOR	DRAWN	DATE	APPROVED (FOR COUNCIL USE ONLY)		SCALES	NORTH POINT	CITY OF WOLLONGONG		PJ or TR No. PJ-2069		A1 ORIGINAL						
3	DA SUBMISSION	NDR	AG	06/20	FIELD BOOK	NDR	06/16	SENIOR LANDSCAPE ARCHITECT		1:200			EXTENSION OF ASH PLACEMENT MEMORIAL GARDEN SCARBOROUGH WOMBARRA CEMETERY LAWRENCE HARGRAVE DRIVE WOMBARRA SITE PLAN		SHEET 1 OF 7 SHEETS	5815	LD01	3				
2	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19	RELATED PLANS	DESIGNED	06/16															
1	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16	4486, 5312	NDR	06/16															
ISSUE	DESCRIPTION	DRAWN	APPR'D	DATE		CHECKED	DATE															



LANDSCAPE PLAN
1:100@A1 1:200@A3

LEGEND		
	PROPOSED SELECTED TREE	(06/11/2006)
	GRANITE COLUMBARIUM	(01/02/2006)
	EXISTING MEMORIAL ROCK PLACEMENTS	(11/2006)
	MULCHED GARDEN AREA	(01/02/2006)
	HONED CONCRETE PATH	(01/02/2006)

	RADIAL PATTERN GRANITE SETT PAVING	(06/11/2006)
	75MM DEPTH GRAVEL SURFACE - ROUND RIVER PEBBLE 40MM	(06/11/2006)
	CONCRETE BLOCK RETAINING WALL WITH GRANITE CAPPING UNIT	(06/11/2006)
	MEMORIAL GARDEN EDGE	(06/11/2006)
	GRANITE SETT GARDEN EDGE	(06/11/2006)
	SEAT	(06/11/2006)
	SULO BIN ENCLOSURE	(06/11/2006)



DEMOLITION PLAN
1:100@A1 1:200@A3

EXISTING TREE					
NO.	DESCRIPTION	SPECIES	HEIGHT	CANOPY SPREAD	HEALTH
1	GROUP OF 3 TREES	METROSIDEROS EXCELSA	4m	3m	DEAD

PRELIMINARY PLAN - NOT FOR CONSTRUCTION

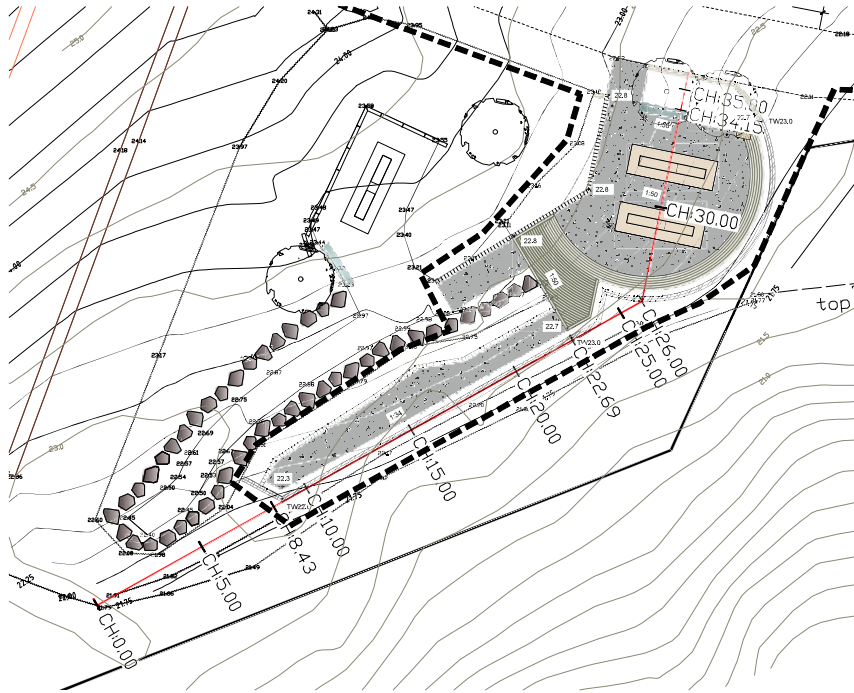
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06/16	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19
06/16	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16

DATE	DESCRIPTION	DRAWN	APPROD	DATE
06/16	DA SUBMISSION	NDR	AG	06/20
06/16	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19
06/16	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16

DATE	DESCRIPTION	DRAWN	APPROD	DATE
06/16	DA SUBMISSION	NDR	AG	06/20
06/16	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19
06/16	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16

DATE	DESCRIPTION	DRAWN	APPROD	DATE
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06/16	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19
06/16	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16

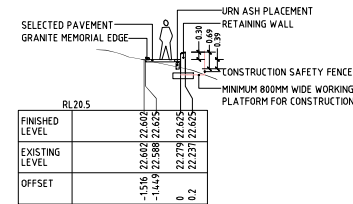
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06/16	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16



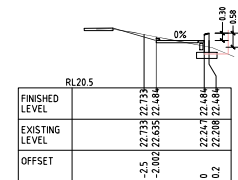
LAYOUT PLAN
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GRADE	5.52%	2.81%	0%	0.65%	-1.02%
Datum RL16					
FINISHED LEVEL	21.534	22.300	22.675	22.776	22.711
EXISTING LEVEL	21.534	21.905	22.675	22.776	22.711
CUT/FILL	0	0.395	0.358	0.358	0.443
CHAINAGE	0.00	8.44	10.00	20.00	38.35

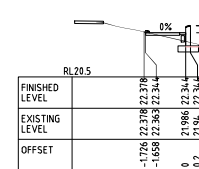
LONGITUDINAL SECTION
SCALE: 1:100@A1 1:200@A3



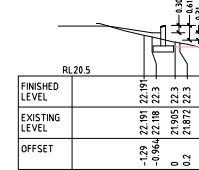
CH 20



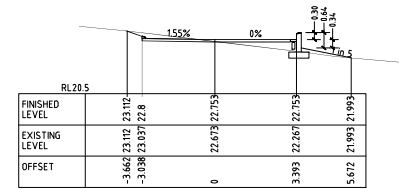
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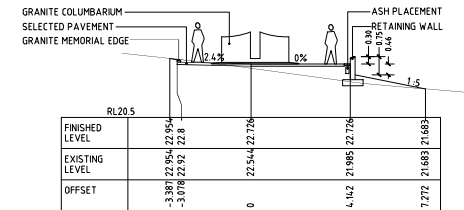
CH 10



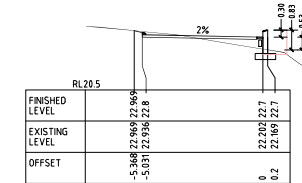
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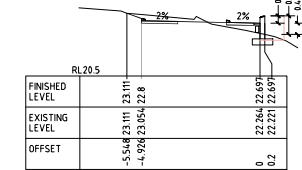
CH 34.13



CH 30



CH 26



CH 22.6

CROSS SECTION
SCALE: 1:100@A1 1:200@A3

RETAINING WALL HEIGHT
VARIES - 280MM TO 530MM

PRELIMINARY PLAN - NOT FOR CONSTRUCTION

CITY OF WOLLONGONG
EXTENSION OF ASH PLACEMENT MEMORIAL GARDEN
SCARBOROUGH WOMBARRA CEMETERY
LAWRENCE HARGRAVE DRIVE WOMBARRA
CROSS SECTION/LONG SECTION



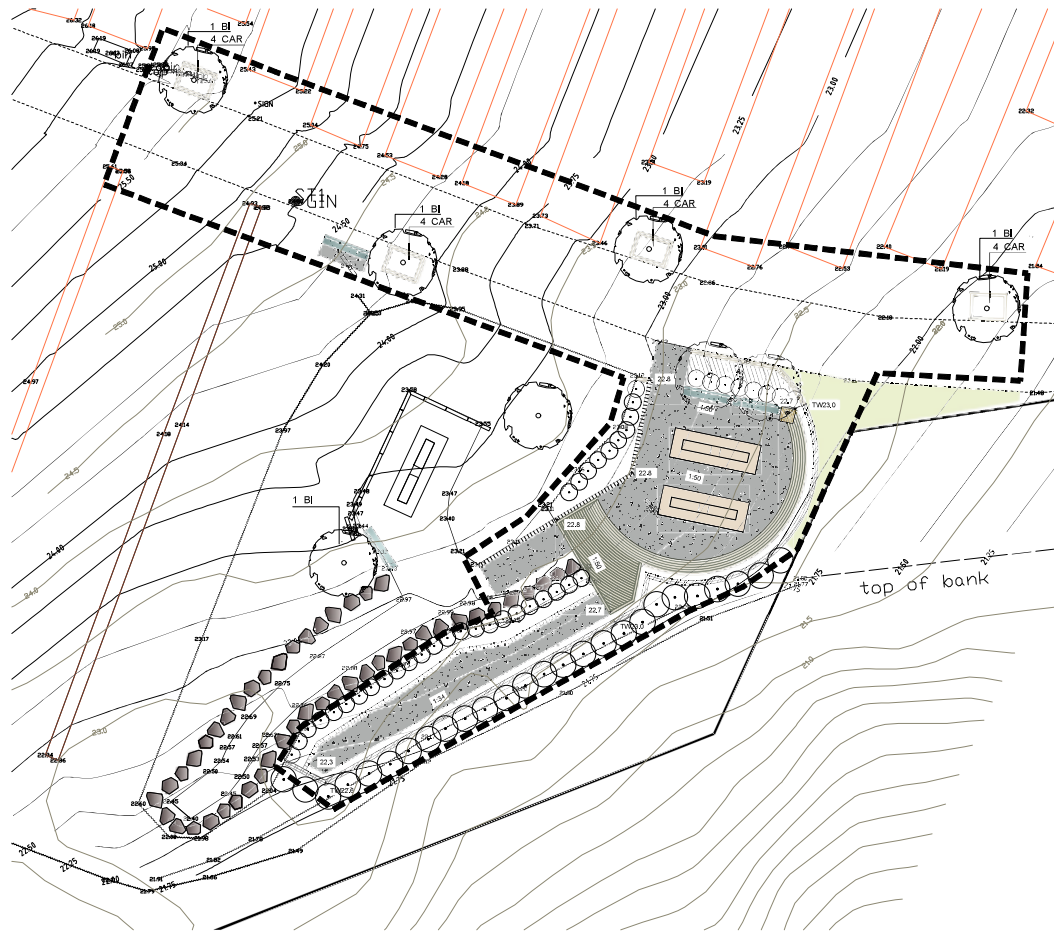
PJ or TR No.	PJ-2069	A1 ORIGINAL
SHEET	3 OF 7 SHEETS	ISSUE
DRAWING No.	5815	SHEET No.
	LD03	3

DATE	DESCRIPTION	DRAWN	APPROD	DATE
06/20	DA SUBMISSION	NDR	AG	06/20
11/19	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19
07/16	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16

DATE	DESIGNED	CHECKED	DATE
06/16	NDR	AG	06/16

DATE	APPROVED	DATE
06/16	SENOR LANDSCAPE ARCHITECT	06/16





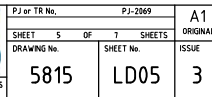
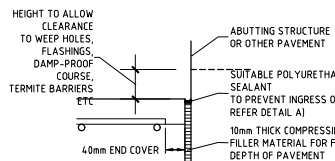
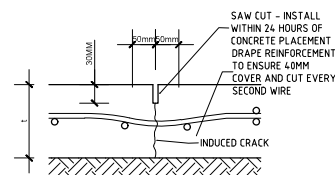
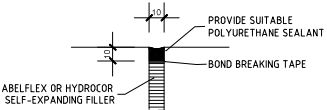
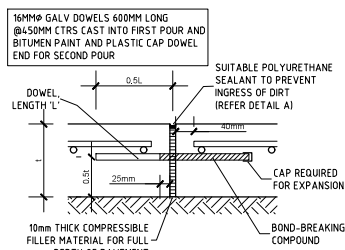
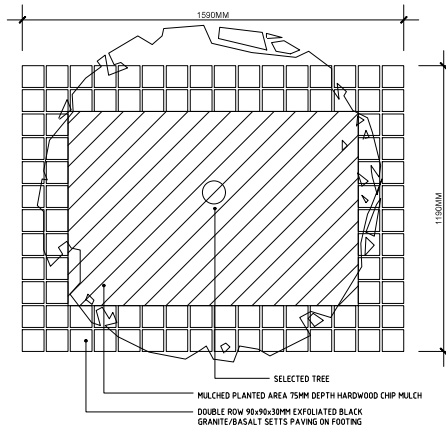
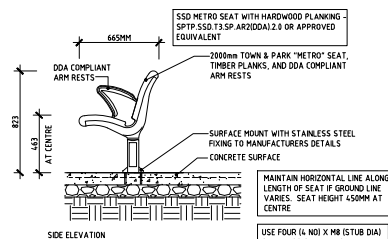
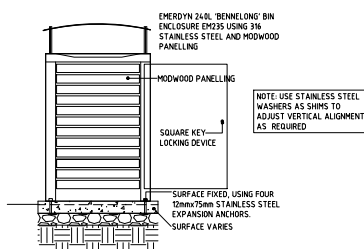
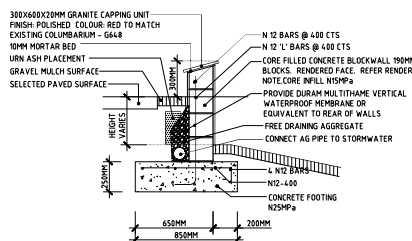
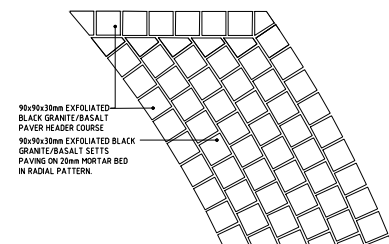
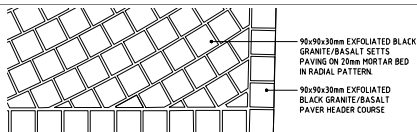
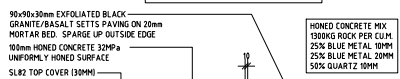
PLANTING PLAN LEGEND		
	PROPOSED SELECTED TREE	
	SHRUB PLANTING	
	GROUND COVER PLANTING	
	TURF TO MAKE GOOD	

SUGGESTED PLANT LIST	
<i>Allocasuarina verticillata</i>	
<i>Banksia integrifolia ssp. integrifolia</i>	
<i>Carpobrotus glaucescens</i>	
<i>Dianella caerulea</i>	
<i>Lomandra longifolia</i>	
<i>Metaleuca hypericifolia</i>	
<i>Poa labillardieri</i> var. <i>labillardieri</i>	
<i>Westringia fruticosa</i>	

PLANTING PLAN
1:100@A1 1:200@A3

PRELIMINARY PLAN - NOT FOR CONSTRUCTION

								DATUM AHD	SURVEYOR	DRAWN NDR	DATE 06/16	APPROVED WFO COUNCIL USE ONLY		SCALES	NORTH POINT	CITY OF WOLLONGONG		PJ or TR No.	PJ-2069	A1				
3	DA SUBMISSION	NDR	AG	06/20	AZIMUTH MSA	FIELD BOOK				DESIGNED NDR	DATE 06/16	SENIOR LANDSCAPE ARCHITECT		AS NOTED		EXTENSION OF ASH PLACEMENT MEMORIAL GARDEN SCARBOROUGH WOMBARRA CEMETERY LAWRENCE HARGRAVE DRIVE WOMBARRA PLANTING PLAN		SHEET 4 OF 7 SHEETS		ORIGINAL				
2	MINOR AMENDMENTS - ISSUED FOR DA SUBMISSION	NDR	AG	11/19																				
1	ISSUED FOR DA SUBMISSION - DA-2018/1237	NDR	AG	07/16	RELATED PLANS 4686, 5312																			
ISSUE	DESCRIPTION	DRAWN	APPR'D	DATE						CHECKED AG	DATE 06/16													



					DATUM AHD	SURVEYOR FIELD BOOK	DRAWN NDR	DATE 06/16	APPROVED (FOR COUNCIL USE ONLY)
3			NDR	AG	06/23	AZMUTH HGA			SENIOR LANDSCAPE ARCHITECT
	MINOR AMENDMENTS – ISSUED FOR DA SUBMISSION		NDR	AG	11/19		DESIGNED NDR	DATE 06/16	
	ISSUED FOR DA SUBMISSION – DA-2018/1237		NDR	AG	07/16	RELATED PLANS L486, 5312			
ISSUE	DESCRIPTION		DRAWN	APPROD	DATE		CHECKED AG	DATE 06/16	DATE



Planning & Environment

Industry Assessments

Contact: John Booth

Phone: (02) 8275 1281

Email: john.booth@planning.nsw.gov.au

Ms Jo Glynn
Environmental Strategy Officer
Wollongong City Council
41 Burelli Street
WOLLONGONG NSW 2500

SEAR 1298
EF19/1158

Dear Ms Glynn

**Wombarra Cemetery Landscaping and Columbarium Works
Lawrence Hargrave Drive (Lot 7028 Crown DP 1058309) – Wollongong LGA
Planning Secretary's Environmental Assessment Requirements (SEAR) 1298**

I refer to your email of 16 January 2019, seeking the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I note your proposal would seek development consent to provide a new columbaria and associated landscaping for the continued use and amenity of the Wombarra Cemetery facility.

The Department of Planning and Environment (the Department) has reviewed the documentation submitted and confirms it has no specific requirements applicable to your proposal. You should ensure your EIS meets the minimum form and content requirements outlined in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

In addition, you should ensure your EIS is prepared in consultation with all relevant local, State and Commonwealth government authorities, service providers, community groups and surrounding landowners, and address any issues they raise in the EIS.

If you do not lodge a development application under section 4.12(8) of the *Environmental Planning and Assessment Act 1979* within 2 years of the date of this letter, you must consult with the Planning Secretary in relation to any further requirements for lodgement.

Should you have any further enquiries, please contact John Booth, Planning Services, at the Department on (02) 9274 6273.

Yours sincerely

Kelly McNicol

A/Director

Industry Assessments

as delegate of the Planning Secretary



ENVIRONMENTAL IMPACT STATEMENT



SCARBOROUGH WOMBARRA CEMETERY Maintenance and Upgrade Works

Prepared by Wollongong City September 2019 Council

September 2019

Amended July 2020

SIGNED DECLARATION

Environmental Assessment prepared by:

I declare that the contents of this Environmental Impact Statement (EIS) to the best of my knowledge and belief, has been prepared:

- in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.
- to include all available information that is relevant to the environmental assessment for the development to which the Statement relates.
- in a manner which is neither false nor misleading

Name(s): Jo Glynn
Address: 41 Burelli St, Wollongong NSW 2500
Qualifications: Bachelor Environmental Science (Honours)
Date: 15/08/2019

Applicant and Land Details

Applicant: Wollongong City Council
Responsible person: Jenny Towers

Applicant Address: 41 Burelli Street
Wollongong NSW 2500

Land to be developed: The site location is identified as *Scarborough Wombarra Cemetery*.
Lot & DP: Lot 7028 Crown DP 1058309
Crown Reserve No: R95895

EXECUTIVE SUMMARY

Purpose of this Report

This Environmental Impact Statement (EIS) has been prepared by Wollongong City Council for upgrades and additions to the Scarborough/Wombarra Cemetery. This EIS should be read in conjunction with the Secretary's Environmental Assessment Requirements (SEARs) dated 18th January 2019 and the supporting documentation provided as Appendix A-I.

The Site

The site is known as Scarborough Wombarra Cemetery and is legally identified as:

- Lot 7028 Crown DP 1058309
- Crown Reserve No: R95895

The Proposal

Currently the Cemetery is at operational capacity, and requires the addition of new ash walls (columbariums) with associated upgrades to landscaping to ensure it can provide a viable future use of the facility.

The development to be undertaken will cover an area of approximately 140 m², allowing for 560 new interments within the cemetery. The proposal is required as the Cemetery is currently at capacity.

Planning context

The project will be undertaken on land which, in part, is mapped as "littoral rainforest area" under State Environmental Planning Policy (Coastal Management) 2018 ('Coastal Management SEPP').

Pursuant to clause 10(2) of the Coastal Management SEPP, development other than development for the purpose of environmental protection works, is declared designated development for the purposes of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Section 4.12(8) of the EP&A Act provides that a development application for designated development is to be accompanied by an EIS.

Wollongong Council requested project specific SEARS from the New South Wales (NSW) Department of Planning Industry and Environment (DPIE) in relation to the EIS, who advised that no specific requirements are applicable to the proposal. DPIE have advised that the EIS is to meet the minimum form and content requirements of Schedule 2 of the NSW *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Pursuant to clause 4.46 of the EP&A Act and Section 90 of the *NSW National Parks and Wildlife Act 1974* (NPW Act), the development will be considered integrated development as the development works will require an Aboriginal Heritage Impact Permit (AHIP) which has already been issued by the NSW Department of Environment, Energy and Science (EES). As per clause 4.47(3) of the EP&A Act, the proposal must be consistent with the General Terms of Approval provided by NSW EES.

Assessment of impacts and mitigation measures

The proposal will be undertaken within a small area adjacent to the existing developed southern section of the cemetery. There will be no removal of native vegetation or impacts to European or aboriginal cultural heritage. Mitigation and management measures have been developed for the project, these will be detailed in a Construction Environmental Management Plan prior to the project beginning. All potential impacts of the project on the environment have been adequately assessed and addressed in this report.

Community consultation

Community consultation was undertaken as part of this project between 7 June to 8 July 2019 using a variety of engagement methods and activities. A total of 16 submissions, five feedback forms and

six online forms were received and information contained therein formed an integral influencing factor in the final design of the project.

Conclusion and justification

This EIS demonstrates that all relevant potential impacts of the proposal on the environment have been adequately assessed, and that there are sufficient avoidance and mitigation measures in place for the project to be undertaken with negligible predicted residual impact.



Your reference: DA-2020/740
Our reference: DOC20/879283

Ms Briarna Lee
Development Project Officer
Wollongong City Council
Locked Bag 8821
Wollongong DC NSW 2500
email: blee@wollongong.nsw.gov.au

Response submitted via the NSW Government Concurrence and Referral Portal

**HERITAGE NSW – GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION
NATIONAL PARKS & WILDLIFE ACT 1974**

Address: Scarborough Wombarra Cemetery, Lot 7028, DP1058309, Lawrence Hargrave Drive, Wombarra

Proposal: Extension of ash placement garden including retaining walls, paths, planting, garden furniture and installation of columbariums.

IDA application no: DA-2020/740 (CNR-11528; A-13288)

Thank you for referring the above Integrated Development Application (IDA) to our office via the NSW Concurrence and Referral Portal. We understand that Council is seeking our General Terms of Approval (GTAs) pursuant to s4.46 of the *Environmental Planning & Assessment Act 1979* relating to the proposed extension, maintenance and upgrade works at the Scarborough Wombarra Cemetery.

We received this request on 30 September 2020 and copies of public submissions were provided on 7 October 2020. The copies of two public submissions provided did not raise Aboriginal cultural heritage concerns.

An AHIP has previously been issued for these works

The former Office of Environment and Heritage (OEH) issued an Aboriginal Heritage Impact Permit (AHIP) for proposed upgrade works to the Wombarra Cemetery. The AHIP (C0003611) was issued to Wollongong City Council (WCC) on 15 May 2018 for a twenty-year period.

We have reviewed the information provided with this request for GTAs and note that:

- The proposed works under AHIP C0003611 appear to be consistent with the Environmental Impact Statement (EIS) (WCC 2020) and plans provided with this referral.
- The land to which AHIP C0003611 applies appears consistent with the EIS and site plans provided with the referral, specifically the 'Site Plan', Drawing No.5815, LD01, issue 3.

The EIS includes a copy of the Aboriginal Cultural Heritage Assessment Report (prepared by Biosis and dated 9 March 2018) and a copy of AHIP C0003611. Section 5.4 of the EIS (WCC 2020) requires the works to be undertaken in accordance with the conditions of AHIP C0003611.

Aboriginal objects under AHIP C0003611 are also subject to a Care Agreement

We note that a Transfer of Aboriginal Objects ('Care Agreement') was also issued by the former OEH in relation to these works. The Care Agreement (C0003881) was issued on 11 September 2018 and provides for a hammerstone recovered during test excavations to be transferred to the Illawarra Local Aboriginal Land Council.

This development application does not appear to affect Care Agreement C0003881.

General Terms of Approval

Should Council consider approving this development application, we request that the following GTAs are included in the development consent:

- All works must be in accordance with Aboriginal Heritage Impact Permit C0003611 (issued 15 May 2018) and the associated Transfer of Aboriginal Objects ('Care Agreement') notice C0003881 (issued 11 September 2018).
- No harm to Aboriginal objects may occur through the proposed works unless covered by a valid Aboriginal Heritage Impact Permit.
- If human skeletal remains that are likely to be Aboriginal Ancestral remains are identified the find must be reported immediately to Heritage NSW by telephone: 131 555 or email: info@environment.nsw.gov.au.

Heritage NSW should be informed if the development footprint changes

If the development footprint changes from that shown in the information provided with this referral, Heritage NSW must be further consulted to determine whether our GTAs need to be modified.

If any required works cannot comply with the conditions of AHIP C0003611, Council must either apply to Heritage NSW to vary AHIP C0003611 or apply for a new AHIP to cover those works. Further advice from Heritage NSW should be sought if this occurs.

Please note: the above comments relate only to Aboriginal cultural heritage regulation matters pursuant to the *National Parks and Wildlife Act 1974*. Please contact Heritage NSW separately if Council requires advice in relation to matters under the *Heritage Act 1977*.

If you have any questions regarding these GTAs, please contact Rose O'Sullivan, Archaeologist, Aboriginal Cultural Heritage Regulation - South at Heritage NSW, on 4224 4177 or rose.osullivan@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor

Senior Team Leader, Aboriginal Cultural Heritage Regulation - South

Heritage NSW

27 October 2020

References:

- Wollongong City Council, 2020. Environmental Impact Statement, Scarborough Wombarra Cemetery, Maintenance and Upgrade Works. Prepared by Wollongong City Council, September 2019, amended July 2020.
- Biosis, 2018. Wombarra Cemetery Aboriginal Cultural Heritage Assessment Report dated 9 March 2018.

ATTACHMENT 5 - Conditions

The development proposed is integrated development and approval is required from the approval body listed below:

Heritage NSW

Pursuant to Section 90 of the National Parks and Wildlife Act 1974 – General Terms of Approval issued by Heritage NSW dated 27 October 2020 shall form part of this Notice of Determination.

Conditions imposed by Council as part of this Integrated Development Consent are:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. 5085 Sheet No. LD01-3 – LD06 dated June 2020 prepared by Wollongong City Council and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4 **Restricted Vegetation Removal**
This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved Hard Landscape works. This consent also permits the pruning of trees within three (3) metres of approved Hard Landscape works in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.
- 5 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

- 6 **Vegetation Protection and Management**
The existing native vegetation to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate vegetation protection measures, including (but not necessarily limited to) the following:
 - a Installation of Vegetation Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the vegetation to be retained prior to any site

works commencing. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.

7 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

8 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

9 The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a the proposed garden seat on the south side of the road must have equal access connection to the road.
- b tree planting within the existing Memory Garden must not disturb existing memorial stones. Small pot size must be used to minimize impact.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

10 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.

11 **Construction Environmental Management Plan**

A Construction Environmental Management Plan for the project shall be submitted to the Principal Certifier. The Plan is to incorporate; but not limited to, avoidance and mitigation measures as identified in section 6.0 of the submitted Environmental Impact Statement - Amended July 2020 and an unexpected finds protocol.

Prior to the Commencement of Works

12 **Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

13 **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the Principal Certifier for the work; and
- c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

14 **Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a a standard flushing toilet; and
- b connected to either:
 - i the Sydney Water Corporation Ltd sewerage system or
 - ii an accredited sewage management facility or
 - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

15 **Structural Engineer's Details**

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

16 **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

17 **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

18 **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

19 **Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

20 **All-weather Access**

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

21 **Sediment Control Measures**

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

22 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, 5 days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

23 Tree Protection

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

During Demolition, Excavation or Construction

24 Maintenance of erosion and sedimentation control measures

Daily inspection and maintenance of the erosion and sedimentation control measures shall be undertaken to ensure their effectiveness.

25 Supervision of Engineering Works

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

26 Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system.

27 Restricted Hours of Construction Work

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;

- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

28 **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a Does not spill onto the road pavement and
- b is not placed in drainage lines or watercourses and cannot be washed into these areas.

- 29 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

- 30 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

31 **Acid Sulfate Soils**

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by class 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

32 **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

Prior to the Issue of the Occupation Certificate

33 **Decommissioning of sediment and erosion control measures at completion of works.**

Prior to the decommissioning of the sediment and erosion control measures at the completion of works, the entire site shall be swept clean and any sediment that has accumulated at the sediment barriers is to be collected, removed from site and suitably disposed of.

34 **Completion of Landscape Works**

The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.

Operational Phases of the Development/Use of the Site

35 **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.