

PLAN OF MANAGEMENT

FOR

ANDREW LYSAGHT PARK



Adopted 16 DECEMBER 2002

INTRODUCTION

1.1 Background

Andrew Lysaght Park is a unique and special public place. It was originally part of a Roman Catholic Cemetery, with burials being recorded between 1830 and 1914. As Wollongong's oldest burial ground it is the resting-place of some of the city's pioneering families. First created as a direct result of the Old Roman Catholic Cemetery, Crown Street, Wollongong Act, 1969, Andrew Lysaght Park is Crown land dedicated as a public park and is required to be maintained by the trustee, Wollongong City Council, as a rest park.

Council redeveloped the Park as a foreshore plaza and raised terrace in 1998, in conjunction with the construction of the Wollongong Entertainment Centre building. Its rest park status was acknowledged through the display of headstones and other memorials from the former cemetery, together with a number of pieces of public art in the southern end of the park. It was intended that the site function as a key urban space between the foreshore and the Wollongong Entertainment Centre complex.

Andrew Lysaght Park has recently been under a number of development pressures associated with the adjoining WIN Stadium and the Entertainment Centre. Community concerns in regard to the impact of these developments on the Park and more specifically burial sites has resulted in significant community debate and the enactment of the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001.

1.2 A New Plan of Management

Andrew Lysaght Park was incorporated within the Wollongong City Beach Plan of Management, which was adopted in December 1995. A number of proposed amendments to the Wollongong City Beach Plan of Management relating to Andrew Lysaght Park were endorsed by Council in July 2001 following a period of public exhibition. This amended plan of management was, however, never adopted by the Minister for Land and Water Conservation under the Crown Lands Act. Instead, the matters raised by the proposed amendments to the Plan were referred to Parliament for consideration.

This action resulted in the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill being passed by the NSW Parliament in December 2001. Among other things, this Bill provided for a redefinition of the boundaries of Andrew Lysaght Park in order to accommodate the encroachment into the park of a new grandstand as part of WIN Stadium, and to lawfully allow the raised terrace area of Andrew Lysaght Park to be managed and used by the Wollongong Sportsground Trust for restaurant purposes. It also provided for closure of the public road immediately adjoining Andrew Lysaght Park, and the addition of part of this land to the rest park dedication. This requirement necessitates relocation of the current access road to the Entertainment Centre.

The amendment legislation also required the preparation of a new plan of management for Andrew Lysaght Park and that the Park continues to be maintained as a rest park. This plan of management has been prepared to address the specific requirements of the Amendment Bill as well as the ongoing requirements of the Old Roman Catholic Cemetery Act, and to address issues regarding the future use and design of Andrew Lysaght Park.

Thus, with the adoption of this plan, Andrew Lysaght Park will be the subject of a site specific plan of management and all reference to Andrew Lysaght Park will be effectively removed from the City Beach Plan of Management.

A draft Landscape Masterplan has been prepared as part of this plan of management which establishes future detailed design direction and management actions for the Park.

2. THE PLAN OF MANAGEMENT PROCESS

A plan of management is a document that provides direction and continuity for the planning, resource management, maintenance, operation and programming of a park or reserve.

The Department of Land and Water Conservation and Wollongong City Council as trust manager for Andrew Lysaght Park hold joint responsibility for the preparation of a plan of management for this Crown Reserve.

Wollongong City Council and the Department of Land and Water Conservation recognise the need to develop a strategic plan to ensure the heritage, cultural, social and aesthetic values of this key site are protected and enhanced. The strategic plan must safeguard the interests of the public in regard to the appropriateness of the activities that are permitted on Andrew Lysaght Park and preserve the public's rights of access. There is also a need to develop a revised urban design proposal (the Landscape Masterplan) that will enhance the cultural heritage and public use of the site.

This plan of management has been prepared by Wollongong City Council and the Department of Land and Water Conservation in consultation with the Andrew Lysaght Park Working Party. The Working Party comprised representatives of Council, Department of Land and Water Conservation, Neighbourhood Committee 6, the Wollongong Diocese of the Catholic Church, the Wollongong Sportsground Trust, the Heritage Committee of Wollongong City Council and a range of other community groups, including the Friends of Andrew Lysaght Park, the Illawarra Family History Group, the Illawarra Historical Society and the South Coast Conservation Society.

The plan has been prepared in accordance with the requirements of the Crown Lands Act, 1989, the general principles of Crown land management and other relevant land management legislation and policy documents as noted in Section 4.

2.1 Aims of the Planning Process

The overall aims of this planning process are to:

- Identify the significant values of the planning area.
- Identify issues and community concerns that need to be considered in relation to these values.
- Develop management objectives and determine appropriate management strategies that will ensure the maintenance and enhancement of the values of the planning area.

- Develop a comprehensive action plan including a new physical landscape and urban design proposal to achieve these management objectives.

2.2 The Process

The core process of preparing a plan of management has three steps:

1) *Collection of information and definition of issues*

- Analysis of planning area, including history, existing conditions and activities and the determination of broad planning opportunities and constraints.
- Determination of community values and key issues through a public consultation process.
- Assessment of legislative and policy requirements.

2) *Development of the preferred management strategies and the preparation of the plan of management*

- Establishment of management objectives and specific policy guidelines for the planning area.
- Detailed analysis of management issues.
- Establishment of desired outcomes to satisfy aims and objectives of the plan and the needs of the community and the various stakeholder groups.
- Formulation and evaluation of landscape design and management options in consultation with relevant authorities and the various stakeholder groups.
- Establishment of detailed management strategies and supporting actions.
- Preparation of the draft plan of management document.

3) *Exhibition and making of the plan of management*

- Exhibition of the draft plan of management for public comment.
- Consideration of public comment and subsequent amendment as deemed warranted.
- Endorsement of final draft by Wollongong City Council, as Trust Manager.
- Adoption of the plan of management by the Minister for Land and Water Conservation.
- Periodic review and amendment of the plan at agreed future dates.

2.3 Community Consultation

Prior to the preparation of this plan of management, there has been a high level of community interest and involvement with respect to the management of Andrew Lysaght Park.

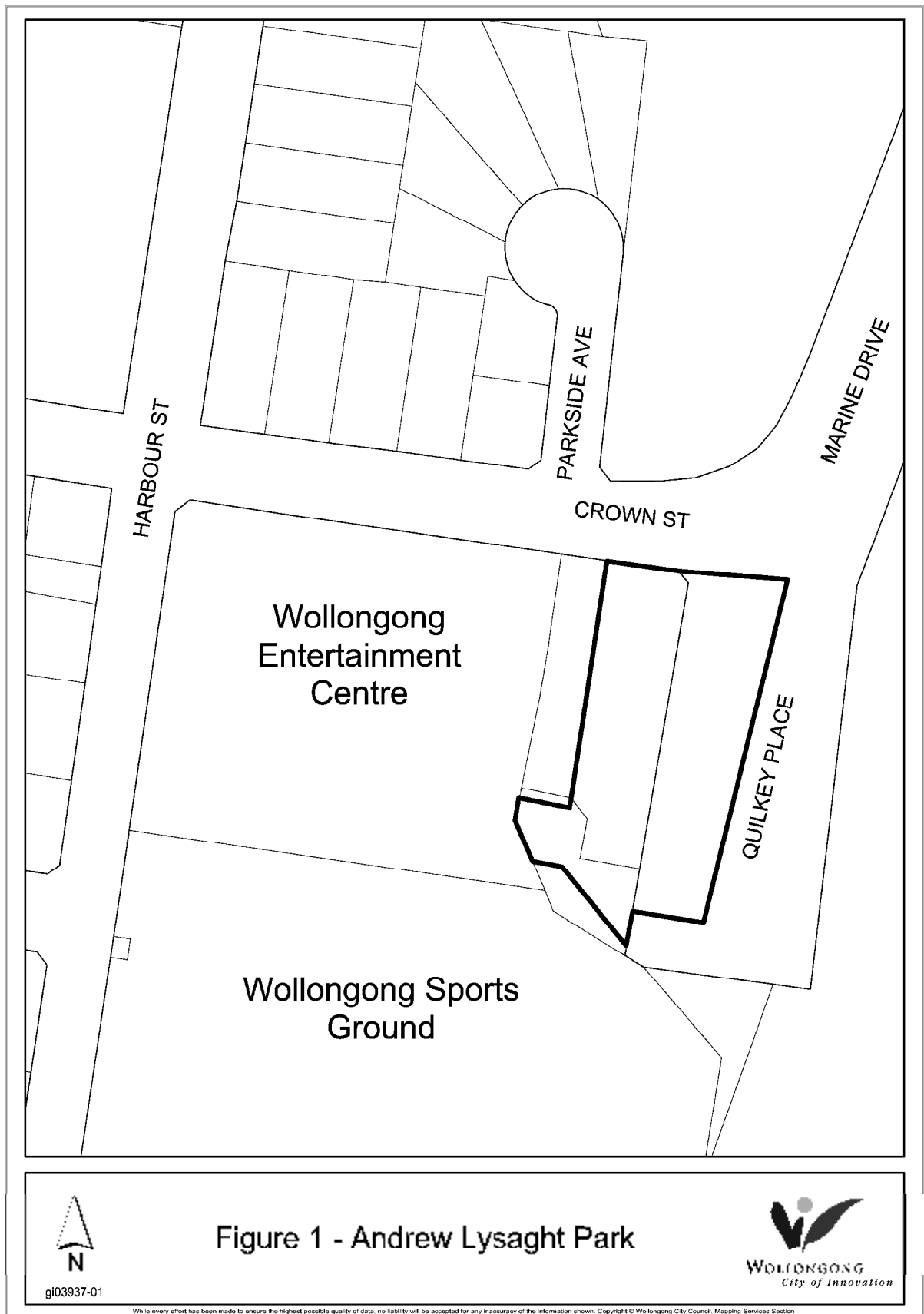
The formal community consultation process for this plan of management has consisted of:

- Meetings with the Andrew Lysaght Park Working Party.
- Presentations and discussions with the design consultants engaged by Council to assist with the preparation of the Landscape Masterplan.
- A presentation of the preliminary draft plan of management document to representatives of the relevant stakeholder groups.
- An allocated period for submissions with comments from stakeholder groups after a period for reviewing a preliminary draft plan of management document.
- Public exhibition of the finalised draft plan of management with an allocated period for formal written submissions.
- Public hearing on the draft plan of management following the public exhibition period.

3. THE PLANNING AREA

3.1 Location

Andrew Lysaght Park is located within the Wollongong City Beach foreshore precinct, south of Crown Street, between the Wollongong Entertainment Centre and the old bus terminus (Quilkey Place) and to the north east of the WIN Sports Stadium (Figure 1).



3.2 The Area Covered by the Plan

By virtue of the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001, the area of land proposed to be dedicated as a rest park will now cover a total area of 3802 m², being Lots 2 and 3 as shown on Figure 2. The area borders Crown Street to the north, the former bus terminus (Quilkey Place) to the east, WIN Stadium to the south and the Wollongong Entertainment Centre to the west.

The Andrew Lysaght Park Plan of Management therefore covers Lots 2 and 3. The uses of the adjoining land will, however, be taken into consideration in the preparation of the plan due to their potential impact on the Park.

3.3 Land Tenure and Zoning

Andrew Lysaght Park is a dedicated Crown reserve (D1000384) under the care, control and management of Wollongong City Council. Council is required to maintain the reserve as a rest park, in accordance with the requirements of the Old Roman Catholic Cemetery Act and the subsequent amendment legislation.

Andrew Lysaght Park is zoned 6(a) - Public Recreation Zone- under the Wollongong City Council Local Environment Plan.

4. LEGISLATIVE AND POLICY CONTEXT

The overriding constraint in preparing the plan of management is the requirement that the plan must conform to relevant government legislation and policies. The most significant legislation to be considered in preparing this plan of management is the Old Roman Catholic Cemetery Act and the amendment legislation. The Crown Lands Act, 1989 and the Coastal Crown Lands Policy are also significant as they spell out the requirements for protection and conservation of Crown land.

The plan must also address the requirements of the Environmental Planning and Assessment Act 1979. This Act establishes the statutory planning framework that must be followed in the management of the reserve.

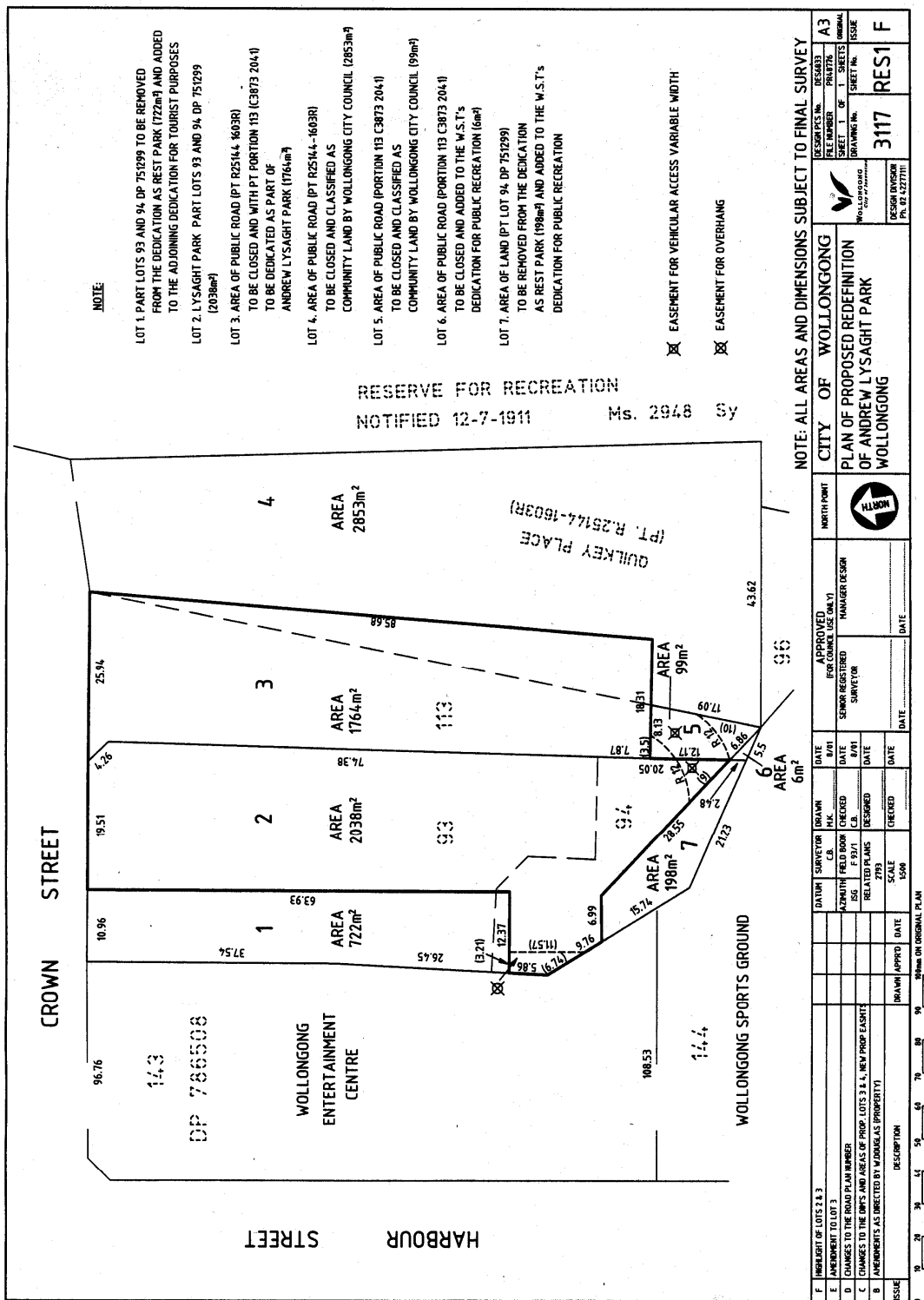


Figure 2 – Plan of Proposed Redefinition of Andrew Lysaght Park

4.1 The Old Roman Catholic Cemetery Crown Street Wollongong Act 1969

Andrew Lysaght Park Plan of Management

This Act formally established Andrew Lysaght Park as a public park which is required to be maintained as a rest park.

The Act divided the Old Roman Catholic Cemetery into three separate areas with three different purposes.

- “ 2953 square metres was dedicated as a public rest park and became Andrew Lysaght Park, with Wollongong City Council as Trustee (Portions 93 and 94).
- “ 999 square metres was added to the showground with Wollongong Showground Trust as Trustee (Portion 95).
- “ 1429 square metres was declared a Council public road (Portion 113).

In respect of Andrew Lysaght Park the Act required that:

- Council maintain the land as rest park and, notwithstanding anything in any other Act, shall not permit the area to be used for any other purpose.
- A register of those buried on the land be compiled and made available for inspection at the Wollongong Town Hall and the Mitchell Library.
- Headstones and grave enclosures within portions 95 and 113 be removed and re-erected on the rest park.
- A memorial be erected on the rest park to indicate the sacred nature of the area.

4.2 Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001

On 11 December 2001 the NSW Parliament assented to the Wollongong Sportsground & Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001. This Bill was only passed after a great deal of parliamentary debate and the principal concerns of the community and Catholic Diocese of Wollongong were addressed by amendments to the Bill.

The main objectives of this Bill were to amend the Wollongong Sportsground Act 1986 and the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969 to redefine the boundaries of Andrew Lysaght Park and transfer lands excised from Andrew Lysaght Park to the Wollongong Sportsground Trust. The legislation was drafted to accommodate the encroachment of a new grandstand at WIN Stadium into Andrew Lysaght Park and to lawfully allow for the terrace area excised from Andrew Lysaght Park to be managed and used by the Wollongong Sportsground Trust for restaurant purposes. This Bill also gave the Catholic Cemeteries Board the right to remove bodies from Portion 95 prior to any construction work for the grandstand being commenced. Any remains found are required to be reburied in a suitable position in Andrew Lysaght Park as determined by the Board following consultation with Wollongong City Council.

The Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969 requires that Wollongong City Council as Trust Manager, ensures that Andrew Lysaght Park is maintained as a rest park. The amendment legislation goes on to further define constraints on the uses of the rest park. The amendment legislation states that

"Council must ensure that any use of the land:

- a) *is limited to passive recreational activities that in the Council's opinion provide community benefit, and*
- b) *does not unduly intrude on the recognition of and respect for the land as an old cemetery, and*

- c) *does not involve any commercial activities, and*
- d) *subject to the preceding paragraphs, is consistent with any applicable plan of management adopted under the Crown Lands Act 1989."*

Except for Section 5, which relates to the closure of a Council public road, the Act was proclaimed and commenced on 11 January 2002. Section 5 is to be proclaimed when a new access road has been constructed for the adjoining Wollongong Entertainment Centre and WIN Stadium.

4.3 The Crown Lands Act 1989

The Crown Lands Act 1989 governs the planning, management and use of Crown lands, including Crown lands reserved or dedicated for a public purpose. The Department of Land and Water Conservation is responsible for the administration of Crown reserves and dedications under the provisions of Part 5 (Dedication and Reservation of Land) of the Crown Lands Act 1989.

Uses and activities on Crown reserves must be consistent with the prescribed purpose of the reserve or dedication, any special legislation governing the land, and local, regional or state planning instruments. Any improvements and developments must be confined to those which are supportive of, or are ancillary to, the public purpose of the reservation.

In respect of Andrew Lysaght Park, the provisions of the Crown Lands Act are generally limited to the requirements of Divisions 5 and 6, Part 5 relating to proposed lease and licence arrangements and the preparation of plans of management.

The power to lease or licence, part or whole of a Crown reserve or dedication rests with the appointed reserve trust. **Any lease or licence proposal must comply with the requirements of the Old Roman Catholic (Crown Street, Wollongong) Act 1969, the amendment legislation and the adopted plan of management.** Where any ministerial consent is required to lease or licence arrangements, such consent would not be granted unless the terms and conditions of the agreement meet all legislative requirements, including the principles of Crown land management as set out in Section 11 of the Crown Lands Act.

These principles are that -

- Environmental protection principles are observed in relation to the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) are conserved wherever possible.
- Public use and enjoyment of appropriate Crown land be encouraged.
- Where appropriate, multiple use of Crown land is encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity.
- Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

4.4 Coastal Crown Lands Policy

This policy was issued in January 1991 and applies to all coastal Crown lands within one kilometre landward and three nautical miles seaward from low water mark. The objectives of the policy are to:

- Conserve and maintain the intrinsic environmental and cultural qualities of coastal Crown land.
- Retain all coastal Crown lands of an environmentally sensitive nature and/or required for a public purpose, in public ownership.
- Optimise public access and use of coastal Crown lands.
- Provide Crown lands, as appropriate, for recreation, tourism, residential and commercial coastal development with due regard to the nature and consequences of coastal processes.
- Encourage the rehabilitation of degraded coastal Crown lands.
Continue to acquire significant coastal lands for future public use.

4.5 The Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) forms the framework within which planning occurs within NSW. Works proposed on the reserve may require development consent under Part 4 of the EP&A Act.

The EP&A Act sets up environmental planning instruments which provide a basis for development control at a statewide (State Environmental Planning Policy-SEPP), regional (Regional Environmental Plans-REP) and local level (Local Environmental Plans-Wollongong LEP 1990 and relevant Development Control Plans- DCPs). Consent granted by Council must be in accordance with the planning instruments gazetted for the area.

4.6 NSW Heritage Act 1977

This Act, which covers non- Aboriginal heritage, is administered by the Heritage Council of NSW. The disturbance of significant sites and relics (over 50 years old) and the management of archaeological sites are covered by this Act. Burial sites cannot be exhumed without the granting of an Excavation Permit by the NSW Heritage Office under this Act unless specifically excluded from these provisions by another Act.

4.7 National Parks and Wildlife Act 1979

Aboriginal heritage in NSW including all Aboriginal areas, sites and “relics” are protected under this Act.

4.8 NSW Coastline Hazard Policy 1990

The primary objective of this policy is to reduce the impact of coastal hazards and to reduce losses resulting from natural coastal forces through the application of effective planning and development controls by local councils, and by undertaking timely and effective mitigating works and other measures.

4.9 Commonwealth Copyright Management (Moral Rights) Act 2000

The relevant part of this Act, as it applies to the works of art at Andrew Lysaght Park, is the section which deals with “the right of integrity, protecting artistic creators work against derogatory treatment”.

The works of art at Andrew Lysaght Park were commissioned by Wollongong City Council in 1998. The works are site-specific – that is the principal artists were asked to respond to the special qualities of the site, including the history and identity of the locality and its weather and environmental conditions. As such, these artworks are protected from removal from the site by virtue of this legislation.

5. ATTRIBUTES OF THE PLANNING AREA

5.1 Existing Physical Condition

Andrew Lysaght Park was redeveloped in conjunction with the construction of the Wollongong Entertainment Centre. As part of this redevelopment, the area was terraced and paved with minimal disturbance to subsurface sediments and in consultation with archaeologists. A memorial wall incorporating the existing headstones and names of known people who were buried in the cemetery was erected at the southern end of the park in recognition of the former cemetery on the site. Existing facilities include street furniture, lighting and a number of site specific artworks.

5.2 Physical Setting and Adjacent Development

Andrew Lysaght Park is part of the Wollongong City Beach foreshore precinct. The site itself and the surrounding land display a relatively flat topography.

Adjacent developments are the Wollongong Entertainment Centre, which is used for social, sporting and cultural events, and the Sports Ground (*WIN Stadium*) which consists of a football field and grandstands. The area east of Andrew Lysaght Park is currently a bitumen roadway, beyond which is Wollongong City Beach.

5.3 Microclimate

The site occupies a seaside location on the Wollongong City Beach foreshore. The foreshore area is prone to sea bite and recession action, which in the past has eroded the eastern part of the original cemetery. The site is also prone to unpleasant south easterly winds and prevailing north easterly sea breezes that carry a high salt content. The impact of the wind exposure and the saline conditions are factors that need to be considered in the selection of materials and plant species for the landscaping design.

5.4 Existing Uses

Currently the grounds of Andrew Lysaght Park are used for passive recreation by the general public and as a link between the foreshore open space recreation areas such as Lang Park and Wollongong City Beach.

Some activities that have taken place in Andrew Lysaght Park since its redevelopment in 1998, have been a source of conflict between some stakeholder groups, particularly due to the historical and cultural significance of the site. This plan of management aims to resolve these issues.

5.5 Existing Landscape and Artworks

In April 1998, a development application was approved to create a foreshore plaza on Andrew Lysaght Park, adjoining the Wollongong Entertainment Centre. A landscape architect was contracted to develop the Masterplan for the area. Andrew Lysaght Park was redeveloped according to a number of key design principles. These principles identified the memorial nature of the area by providing a discrete section of the plaza for reflection and contemplation and in recognition of its former role as a cemetery. Another key principle identified at this time was the need to create a space for public gathering and the establishment of a link between the city centre and the foreshore area.

Main elements of the landscape design include:

- A memorial space created with the use of perforated curved steel walls as a wind sculpture. The sculpture shields the site from prevailing winds and forms an edge to the ramped connection between the raised terrace and the plaza. The perforated walls are made from fabricated Bisalloy steel panels donated to the project from BHP Port Kembla Steel works. The southernmost wall is engraved with the names and ages of those persons recorded in the Burial register. The eleven remaining headstones are also mounted within this wall. These artworks were designed by Richard Goodwin.
- The cobblestone pathway leading to the upper plaza from the Andrew Lysaght memorial has been engraved with numbers. These numbers represent the 142 known persons buried on the site as recorded in the Burial register. This artwork was designed by Jane Cavanagh.
- The banding configuration within the paving across the plaza illustrates the boundaries of the former cemetery.
- A feature wall running along the raised terrace, which represents the Illawarra Escarpment and strata of earth beneath the surface and incorporates a rich collection of objects found on site during construction works. Clarissa Arnt from Sightworks designed this piece of artwork.
- A viewing platform at the interface between the feature wall, terrace and entry stairs to the Entertainment Centre. This boat-like art installation is intended to link the terrace area with the plaza.
- Feature lighting together with tree planting around the perimeter to define the edge of the former cemetery.
- Plaza seating of solid timber and steel railings to deter skateboarders. These were designed by Daniel Tobin of Urban Art Projects.

5.6 Native Title and Aboriginal Heritage

Due to past uses of the site as a cemetery and rest park, it is considered that any native title interest that may have existed in the land would have effectively been extinguished.

The Wollongong City Aboriginal Heritage Planning Study has identified the City Beach foreshore area as *Aboriginal site sensitive*. Because Aborigines buried their deceased in sandhill areas close to the coast it is possible that Aboriginal remains are included within the Old Cemetery area. In the considerable research done to date no references have been found to Aborigines buried in the area nor have any Aboriginal burials been identified.

5.7 Coastal Hazards

A coastal hazards study for the area was completed in 1994. The main findings identified by the study are that:

- Sand volumes for City Beach have historically showed a relatively consistent and gradual loss. It is considered that this trend will continue and accelerate in response to possible sea level rises due to Greenhouse effects.
- The beach zone is subject to a range of coastal hazards including recession, storm erosion and inundation.

The study estimated the extent to which the dune may be eroded in the next 50 years to indicate the risk to back beach facilities from the coastal hazards. The hazard lines presented in the study indicate that while the old bus terminus area may be affected, Andrew Lysaght Park itself is outside the 50-year hazard line.

5.8 Tourism and Recreation

Recreation is a major focus in the Wollongong City Beach and foreshore precinct due to its large open spaces and proximity the CBD. The main recreational opportunities provided by Andrew Lysaght Park are walking, sitting, relaxation and reflection. The paved open forecourt area of Andrew Lysaght Park is an open space link between the Wollongong CBD and the foreshore public recreation areas of Lang Park and Wollongong City Beach.

Tourism is a one of the key industries for the region. Given that Andrew Lysaght Park and its surrounding areas is primarily a coastal recreation precinct, it is reasonable to assume that a significant number of visitors to the site will be tourists or visitors to the region. The tourism potential of the area in turn provides an opportunity to inform the public about the historical significance of the site and the linkages between Wollongong City, the early pioneers and the Catholic religion.

5.9 Visual Issues

The main views onto the site are from the raised terrace area adjoining the Entertainment Centre and from the Olympic platform situated in Lang Park on the opposite side of Crown Street. Other than these two viewing areas, the land within and around the site is flat, with minimal views onto Andrew Lysaght Park. Views from Andrew Lysaght Park are also minimal, the most significant being the view onto the City Beach foreshore area.

The selection of materials and artworks used in the redevelopment of Andrew Lysaght Park has created an austere environment. There is a general consensus that the area is uninviting and does not provide a user-friendly environment for passive recreation and reflection. It is considered that the landscaping of the park is not consistent with what is normally associated with a rest park. While the artworks were designed specifically to complement the design of the forecourt space, the meaning of the artworks is not always clear to the visitor. Furthermore, some of the artwork had as its reference point the concept of a forecourt plaza and not that of a rest park. There is no interpretive information provided on site to explain the significance of the works.

This plan of management provides an opportunity to redesign the landscaping of the park to create an aesthetically pleasing, meaningful and inviting park for passive recreation and reflection.

6. THE OLD ROMAN CATHOLIC CEMETERY

6.1 History of the Cemetery and the Site

A burial ground was established on the coast in Wollongong in about 1830, before government surveyors laid out the town of Wollongong. This site is located at what is now lower Crown Street. From 1830 until 1861 the cemetery was exclusively a Roman Catholic burial ground. The Protestant section was never part of this cemetery but was located to the south of it. The graveyard was initially closed in 1862 by which time it is believed that over 200 bodies had been interred, although only 155 burials were listed in the Burial Register at the time. It is known that after this closure three further burials of the Lysaght family were undertaken, to accompany an earlier family burial, with the last occurring in 1914.

In around 1861 the cemetery was transferred to the General Cemetery in Swan Street because of the threat of coastal erosion washing away the graves. From about that time, various pressures to utilise the old burial ground for other purposes were evident, however local community and Catholic Church support including that from the influential Lysaght family ensured that the cemetery was protected. The burials of the Lysaght family proved to be of significant importance in ensuring the preservation of the site.

In July 1916, after the cemetery had been closed the Lands Department rededicated the area as a Reserve for the Preservation of Graves.

Significant additional pressures were subsequently applied to carry out various development proposals (mainly associated with the adjoining showground) in the 1960's and 1970's. Various sections were excised from the original cemetery during this period.

Andrew Lysaght Park, which consisted of only part of the original cemetery, was formally established in 1970 as an outcome of the Old Roman Catholic Cemetery, Crown Street Wollongong, Act. Headstones and grave enclosures in the old cemetery reserve, including land that is now part of the showground area, were removed by Council and erected in Andrew Lysaght Park on a commemorative wall in the southern end of the Park. A stone monument to the Lysaght family was located in the centre of the grassed area.

6.2 Impact of Recent Development

In 1998 the Wollongong Sportsground Trust built an Entertainment Centre on the land immediately adjoining the western boundary of Andrew Lysaght Park. All works were carried out in accordance with the requirements of the Heritage Act 1977 and any directions were issued by the NSW Heritage Office. Heritage Consultant Anne Bickford undertook an archaeological excavation of the site, and 19 gravesites were exposed. Following extensive community consultation, the NSW Heritage Office gave approval for these graves to be covered and remain on site undisturbed.

In conjunction with construction works for the entertainment centre building, Andrew Lysaght Park was re-landscaped by Council. Part of the park was paved to form a plaza area and the area immediately adjoining the entertainment centre building was developed as a raised terrace. The terrace area was intended to form a linkage between the Entertainment Centre building and the lower plaza area of Andrew Lysaght Park. Council developed the landscaping design in consultation with local community groups and descendants of persons buried in the old cemetery.

Development consent was issued to the Wollongong Sportsground Trust in 1998 for the establishment of a restaurant within the entertainment centre and the associated use of the terrace area of Andrew Lysaght Park for outdoor dining.

Further to this, the Wollongong Sportsground Trust has been given development consent to cover/enclose part of the raised terrace area for use in conjunction with its restaurant facility. This project also involves the installation of a micro-brewery in the restaurant. The microbrewery will operate as an ancillary component of the restaurant with beer being produced for the consumption of restaurant patrons only.

The Wollongong Sportsground Trust have recently constructed a northern grandstand at WIN Stadium, immediately adjoining the southern wall of the entertainment centre. The footprint of the new grandstand building covers an area of about 3000 square metres. About 100 square metres of the eastern wrap-around end of the grandstand would have encroached into the airspace of Andrew Lysaght Park. Three support piers would also have needed to be located within the boundaries of the Park. As noted previously, the areas of Andrew Lysaght Park affected by these encroachments have been removed from the rest park dedication by the provisions of the 2001 Old Roman Catholic Cemetery Amendment Act.

In accordance with the amendment legislation, prior to construction work commencing on the site, the Catholic Cemeteries Board exhumed all remains of known gravesites found within Portion 95. These remains were reburied into the grassed ramp area of Andrew Lysaght Park on 28 August 2002.

6.3 Cultural Significance

The heritage significance of the site is recognised in the Wollongong LEP 1990, where the former Roman Catholic Cemetery, the Lysaght Monument and the headstones are listed as items of regional significance.

Excerpts from the Summary Statement of Cultural Significance.

(Reference: A Bickford and Associates, *Conservation Plan The Old Roman Catholic Cemetery, Crown Street, Wollongong August 1996.*)

“The Old Roman Catholic Cemetery is an important component of the heritage of the City of Wollongong as it provides a direct historical and physical record of the early settlers of the district, and of the genesis of the township of Wollongong from the second quarter of the nineteenth century. In this respect the Old Roman Catholic Cemetery is an important historic and archaeological resource, dating from the colonial period.

The presence of the site and its later specific denominational identification provides tangible evidence of the origins and nature of the Wollongong community in Australia. It is the oldest burial ground in Wollongong and one of only three specifically Catholic burial grounds in the district.

The Old Roman Catholic Cemetery retains eleven original cemetery headstones, dating from 1837 to 1914. Although rearranged, these monuments are of historic significance as a surviving early regional group and although they no longer mark individual gravesites they are still on the site of the burials they commemorate. These early headstones are also of technical/aesthetic significance....

..... The Old Roman Catholic Cemetery is of scientific significance for its research potential as the physical evidence surviving at this site provides an important resource for physical anthropological analysis and other studies....”

The site of the Old Roman Catholic Cemetery remains a place of living sacredness, and not just a place of historical significance. The values of respect, reverence and religious sentiment that exists within the cultural framework of Australian society towards places of burial give Andrew Lysaght Park ongoing meaning and importance.

6.4 Conservation Policy

No specific Conservation Policy or Conservation Management Plan has been prepared for Andrew Lysaght Park as an entity. However the general conservation guidelines developed by heritage consultants Anne Bickford and Associates for associated adjoining development (Portion 95) are considered appropriate for use in this plan.

As a general approach, conservation of Andrew Lysaght Park should be generally guided by the following excerpt from NSW Heritage Office’s *Guidelines on Skeletal Remains* document (1998).

“As a general principle human skeletal remains and burial sites assessed as being of heritage significance should not be disturbed. In accordance with established heritage principles, the excavation and moving of human remains and burials should always be regarded as a last resort, to be pursued when all other avenues have been exhausted.”

6.5 The Cemetery Generally

All the graves within the original boundaries of Andrew Lysaght Park are a “relic” under the NSW Heritage Act 1977, and certain procedures must be followed before making any disturbance, excavation, or analysis of the graves.

The recommendations of the Anne Bickford report minimising the potential for disturbance of graves during site works restricts the depth of excavation for services and footings to a maximum of 1 metre below the Andrew Lysaght Park ground level. Ideally no excavation would be permitted below the current ground level. Proper archaeological monitoring would be required for any excavation works.

6.6 Headstones and Memorial

The conservation and future management of the headstones and memorials is to be in accordance with Wollongong City Council’s Heritage Development Control Plan 97/2.

The re-erected gravestones and the Andrew Lysaght Monument are Part 2 Schedule 1 Heritage items under the Wollongong City Council LEP. The protection of the headstones on site has been identified in the action plan of this document. Further investigations are to take place with respect to methods that can be employed to aid in the preservation of these artefacts.

A number of headstone fragments were removed from the site during the redevelopment of the park. These headstone fragments are currently in storage and following inspections by local historians and Council Officers no information was able to be derived from the weathered fragments. As a result it was considered appropriate that these fragments be reburied during the proposed redesign of the rest park.

7. BASIS FOR MANAGEMENT

7.1 Key Values of Andrew Lysaght Park

The following values of the site describe what the community and key stakeholders believe are the most important things about the site. The values are grouped conveniently under four headings:

Heritage

- The original Old Roman Catholic Cemetery of Wollongong and the burial site of some of the area's most prominent pioneers.
- Links to the origins of the Catholic community in Wollongong.
- The importance of the historic headstones and memorial as the only remaining visual evidence of the Old Cemetery.
- A scientific and educational resource.

Cultural

- A sacred place, respected by the descendants of those buried at the site.
- A place of high cultural significance which deserves a greater level of recognition and appreciation by the broader community.
- Opportunity to inform the community and general public about the history of the site and the story of those buried in the Old Catholic cemetery, and especially some of the pioneers of the Wollongong district.

Social

- An important public space due to its location between the Wollongong CBD and foreshore recreation areas.
- A key urban space for appropriate passive recreational activities.
- Potential tourism value to the city as a whole.
- Possible links to other historic elements of the foreshore.

Visual/Aesthetic

- An opportunity for strong visual recognition and interpretation of the history of the site and its ongoing religious/sacred significance.
- Potential to create an aesthetically pleasing public space and a quiet place for reflection.
- Opportunity to provide an attractive setting for public facilities.

7.2 Objectives of the Plan of Management

The following objectives are based on the values of Andrew Lysaght Park and as far as possible on the community and key stakeholder's desired outcomes. The objectives must of course take account of legislative and policy requirements and site constraints. The objectives of the plan of management are:

- To protect, enhance and interpret the high cultural heritage values of the site, particularly in regard to its significance as Wollongong's original Old Roman Catholic Cemetery;
- To establish and promote a unique public space which makes provision for a range of activities which are appropriate to the historical and cultural values of the site and are complementary to each other;
- To encourage community understanding and appreciation of the historical and cultural significance of Andrew Lysaght Park; as the original cemetery in Wollongong and a place of continuing religious/sacred significance.
- To recognise Andrew Lysaght Park for its significance to the descendants of those buried at the site and as a place for reflection;
- To preserve the integrity of the artefacts and remains on site (eg. headstones, monuments, burials); and
- To provide a more visually pleasing public space as a link between the CBD and the foreshore and a setting for the adjoining public facilities.

7.3 Outcomes

These outcomes are a statement of where Council, Department of Land and Water Conservation and the stakeholders would like to end up in regard to the detailed appearance and permitted uses for Andrew Lysaght Park. They provide the result that the plan of management is attempting to achieve.

- The protection, enhancement and interpretation of the historical and cultural qualities of Andrew Lysaght Park;
- The establishment of a rest park meaningful and respectful to those buried within Andrew Lysaght Park and their descendants;
- The establishment of a public space that makes provision for activities which are appropriate to the purpose of the site; and
- The provision of a public place which provides a high quality, inviting and safe environment for both visitors (tourists) and the local community between the Wollongong CBD and the City Beach foreshore precinct.

7.4 Appropriate Future Uses

Uses for Andrew Lysaght Park must take into account the specific provisions contained within the Old Roman Catholic Cemetery Act 1969 and the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001.

Section 4 (3) of the Old Roman Catholic Cemetery Act states that the Park *"shall be maintained by the Council as a rest park and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use that land or permit it to be used for any other purpose."*

The recent amendment legislation amended this section of the Old Roman Catholic Cemetery Act by the addition of the following provisions:-

"In exercising or performing its powers, authority, duties and functions under this section, the Council must ensure that any use of the land:

- a) is limited to passive recreational activities that in the Council's opinion provide community benefit, and*
- b) does not unduly intrude on the recognition of and respect for the land as an old cemetery, and*
- c) does not involve any commercial activities, and*
- d) subject to the preceding paragraphs, is consistent with any applicable plan of management adopted under the Crown Lands Act 1989."*

The purpose of converting the old cemetery to a rest park was to ensure that the history of the site is retained and recognised while also providing the opportunity for appropriate community and recreational uses and activities of a passive nature to occur on the land. Any use or redesign of the site must therefore provide for the preservation and protection of historic gravesites and associated relics contained within the park and give due regard to the historical and cultural values of the site.

Accordingly, by virtue of the purpose of the dedication and the special legislation that governs Andrew Lysaght Park, a number of activities which may normally be permitted to take place on land zoned 6(a) Public Recreation, can not be permitted to occur on this land.

Essentially all uses and activities on the rest park must be in keeping with the requirements of the legislation governing Andrew Lysaght Park. Uses regarded as being consistent with the purpose of the rest park would include non-commercial passive recreational activities such as walking, picnicking, children's play, sightseeing, relaxation and reflection.

Organised community events, meetings or gatherings would only be permitted where it can be clearly demonstrated that the activity does not unduly intrude on the recognition of and respect for the land as an old cemetery. For example, a gathering of descendants of a person buried in the old cemetery for a memorial service or a group involved in studying the history of Wollongong would be acceptable. Markets, including markets or charity sales intended to raise funds for community groups would not be permissible.

The Landscape Masterplan has been designed to recognise the legislative restrictions governing the use of the rest park and to address the potential impacts of adjoining land uses. The new design for the Park is intended to prevent or deter inappropriate uses such as car parking.

In accordance with a resolution of Council, the consumption of alcohol on Andrew Lysaght Park will not be permitted following the erection of signage to this effect.

8. THE LANDSCAPE MASTERPLAN

8.1 Design Constraints

While the landscape plan attempts to provide for the needs of all of the stakeholder groups and the community at large, it must be noted that the design is limited by a number of constraints. The main constraints to the design which need to be taken into account are as follows:

- ***Depth of excavation to avoid disturbance of burial remains.***
Any new structure or its support footing should not penetrate into the existing soil surface level of the site. If absolutely necessary excavation should be kept to a minimum in terms of both depth and site coverage. Proper protocols under the Heritage Act are to be followed.
- ***Reinterment of remains.***
Remains exhumed from Portion 95 are to be reinterred in Andrew Lysaght Park. Ideally the reinterment should be accomplished without disturbance to existing gravesites. Physical recognition and commemoration of the reinterment is to be provided.
- ***Recognition of character of a rest park.***
The design must pay particular attention to its role as a rest park. It should visually demonstrate a level of dignity and repose appropriate to its prime purpose. Works must also be designed to ensure the long-term protection of the remaining headstones and the memorial.
- ***Relationship to the Entertainment Centre.***
Andrew Lysaght Park is still required to provide an appropriate setting for the Entertainment Centre and the north west corner of the space will need to continue to function as a limited entrance forecourt for the building.
- ***Public uses.***
The park design should be focused on only providing for uses that conform to its role as a rest park.
- ***Adequate visual separation from Entertainment Centre/restaurant extension and terrace.***
A key design issue is the resolution of the physical/visual treatment and management of the terrace edge separating the Entertainment Centre functions from the rest park function of Andrew Lysaght Park.
- ***Control of pedestrian access to the WIN Stadium entrance.***
The design must restrict pedestrian movement associated with events at the WIN Stadium to areas outside the rest park.
- ***Retention of the existing works of art***

The existing design and art works were created by a team of artists, historians, designers and engineers. The design and associated artworks were specifically commissioned for the site and are conceptually linked. There is Commonwealth legislation (Copyright Management (Moral Rights) Act 2000), that creates legal rights on these art works which imposes certain legal requirements on Council in respect of any proposal involving the relocation or amendment of these art works.

- ***Interpretive scheme for existing works of art.***

The art works currently installed in the rest park are not sufficiently understood by residents and visitors. This has led to a lack of community ownership of the works. Council envisages that an interpretive scheme is developed which would allow greater access to the work, increased desire to dwell in the locality of the work, and greater pleasure to be derived from experience of the work.

- ***Delineation of the boundaries of Andrew Lysaght Park.***

The legislation (Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001) requires Council to delineate (by means of a fence or otherwise) the boundaries of Andrew Lysaght Park. The intent of this requirement is to ensure that the boundaries of the park are symbolically reinforced and clearly defined in a physical manner. It is considered that appropriate interpretive material should also be provided at the main entrance to visually support the integrity of the park and to add to the appreciation and understanding of the living and historical significance of Andrew Lysaght Park.

8.2 The Proposal

The design proposal has been developed to address the constraints noted in 8.1 above. The design has developed an appropriate new character for the park to better reflect its status as a rest park. The use of a number of landscape elements including areas of lawn will provide a visually more attractive and dignified public space. It should be noted that proposed works including landscaping will be undertaken where possible above the level of the existing concrete slab in order to avoid physical impacts on the burial remains.

The design is illustrated in Figure 3, the **Landscape Masterplan**.

The main features of the proposal are:

- The entry from Crown Street has been clearly defined by two flanking raised areas of lawn and then a gateway through a deep planting bed structure to provide a sense of address and arrival into the Park. The Crown Street entrance has been given a special formal emphasis through the use of memorial wall structures and seating integrated into the planting bed walls. It will also incorporate a burial register. A gate has been incorporated between the planting bed walls to close off the northerly approach to the park at the time of major public use of the adjacent WIN Stadium.
- The height and location of the proposed planting has been carefully chosen to maintain the important long north-easterly views from the elevated terrace area.
- As noted above, the northern boundary of Andrew Lysaght Park adjacent to Crown Street is clearly defined by raised areas of lawn. It is proposed that the eastern boundary and part of

the southern boundary be defined by a purpose designed open metal fence which would also function as a physical barrier to control access along this boundary. The fence would feature unique panel designs that reinforce the coastal location of the Park as well as its function as a rest park. An entrance with gates has been incorporated into the fence to allow access for pedestrians and for emergency and service vehicles. The gate will remain open at most times but will be closed at the time of major public events in WIN Stadium.

- The western boundary is defined predominantly by the edge of the raised wall at the foot of the terrace and the terrace balustrade structure. A low hedge of Coastal Rosemary will be located along the base of the retaining wall at the edge of the terrace to soften this hard edge. A climber will be trained to cover the existing wire balustrade structure along the terrace. This planting will not however obscure views from the terrace.
- The southern boundary is partially defined by the location of the existing steel curved wall structure, planter boxes on the terrace and the return of the proposed boundary fence.
- A raised central area of lawn is proposed as a focus for the park. The edges of this area follow and reinforce the geometry of the existing pavement. Ramps integrated into the raised terrace provide the necessary level of accessibility to cater for all users. There are opportunities to utilise the retaining walls that support the lawn area for interpretive and or commemorative purposes and for informal seating. Another raised grass terrace will be located immediately in front of the more northern curved steel wall to further soften the visual impact of the existing paving.
- The grass terrace areas are raised 300 mm to allow sufficient soil depth for adequate growth conditions for turf above the surface of the continuous concrete slab. The raised beds also reduce potential trampling impacts on the grass cover.
- Plant material has been chosen for its ability to survive in the difficult microclimatic conditions of Lysaght Park. Plant material has also been selected to reinforce the coastal edge location of the site with special reference to indigenous species.
- Street furniture will be provided to support appropriate passive recreational activities for the Park.
- Existing headstones and the Lysaght family memorial will remain in their existing locations.
- Interpretive material will be included in the proposed works to explain the history and development of the site as a cemetery and subsequently as a rest park and to list and celebrate the lives and contribution of those buried in the park. There is also a requirement to explain the significance of works of art and other commemorative structures within the park.
- Some of the existing artworks including the two perforated curved steel sculptural wall structures, the cobblestone walk, and the stainless steel balustrade sculpture will be retained.

Note that the Landscape Masterplan is intended as a concept only. Minor changes may be necessary during the design development and construction stages of the project.

8.3 Reinterment of Remains Exhumed from Portion 95

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The remains exhumed from Portion 95 of the former cemetery were reinterred into the grassed ramp area of Andrew Lysaght Park during a ceremony conducted by Bishop Ingham of the Diocese of Wollongong on the 28 August 2002. The remains were reinterred in 10 ossuary boxes with the service attended by many descendants of those buried in the park.

9. IMPLEMENTATION AND MONITORING

9.1 Action Plan

Issue	Objectives	Means Of Achievement	Manner Of Assessment	Responsibility/ Involvement
Redesign of Andrew Lysaght Park	To create a pleasant, user friendly public space which reflects the significance of the site as a former cemetery, and its ongoing role as a rest park.	<ul style="list-style-type: none"> - Preparation of detailed landscape design and project costs. - Relocation of some of the existing artworks with artists approval. - Relocation of the vehicle entrance to the entertainment centre. - Obtain planning approvals. - Obtain project funding. - Implementation (construction). 	<ul style="list-style-type: none"> - Completion of the works. 	Council / Department of Land & Water Conservation.
Appropriate uses of the site	<p>To limit the use of the site to those uses which do not unduly intrude on the recognition of and respect for the land as a former cemetery and its role as a rest park.</p> <p>To ensure that the uses are consistent with the governing legislation*.</p>	<ul style="list-style-type: none"> - Provision of physical barriers within the landscape design to prevent vehicular access. - Control of crowd movement with appropriate barriers, gates and security measures. - Management of the impacts of adjoining uses. - Council is to ensure that the uses which occur on the site are consistent with the governing legislation. 	<ul style="list-style-type: none"> - Regular monitoring of uses and behaviour in and adjacent to the park. - Monitoring of the physical impacts on the park. - Maintaining and evaluating a record of public comments and concerns. 	Council.

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Issue	Objectives	Means Of Achievement	Manner Of Assessment	Responsibility/ Involvement
	<p>*Old Roman Catholic Cemetery, Crown Street, Wollongong Act, 1969. Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment Bill 2001.</p>			
Consumption of alcohol within Andrew Lysaght Park	To establish Andrew Lysaght Park as an alcohol free zone	<ul style="list-style-type: none"> - Erection of signage to enforce Council resolution of alcohol free zone 	<ul style="list-style-type: none"> - Number of fines issued and number of complaints received regarding consumption of alcohol on Andrew Lysaght Park. 	Council/local law enforcement agencies.
Recognition of the historical and sacred significance of the site	To create an understanding within the local and the broader community of the significance of the site.	<ul style="list-style-type: none"> - Provision of interpretive information/ signage/ educational material and commemorative works. - Appropriate landscaping of the site. - Interpretation of existing artworks. - Maintenance of a separate burial register. 	<ul style="list-style-type: none"> - Completion of the interpretive program on the site. Completion of the burial register. - Community satisfaction with the final result. 	Council/Local historical societies and community groups.
Protection of artefacts on the site	To preserve the integrity of the artefacts on the site.	<ul style="list-style-type: none"> - Implementation of protective measures for the headstones and the Lysaght family memorial. - Retention of the concrete slab to protect existing gravesites. - Adoption of the recommendations of the Heritage Conservation Plan, 	<ul style="list-style-type: none"> - Regular monitoring of the condition of the headstones and the memorial. 	Council

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Issue	Objectives	Means Of Achievement	Manner Of Assessment	Responsibility/ Involvement
		in particular the avoidance of any further disturbance to graves on the site.		

9.2 Monitoring

Due to the sensitive nature of a rest park it is essential that Council as Trust Manager establishes an appropriate ongoing monitoring regime for Andrew Lysaght Park. Issues that will require regular monitoring and review include:

- The impact of adjoining uses on the park with particular reference to the impact and control of crowds moving to and from WIN Stadium and the use of the restaurant terrace area of the Wollongong Entertainment Centre.
- The physical structure of the park including soft and hard landscaping, street furniture, signage and structures. It is essential that the physical condition of the park be maintained at a high standard.
- The physical condition of historical artefacts on the site, and in particular the headstones require monitoring and remedial action where necessary to ensure their preservation.

10. REFERENCES

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Figure 3. Landscape Masterplan

