

<b>JRPP NO</b>	<b>2010SYW027</b>
<b>DA NUMBER</b>	<b>DA-1133/2010</b>
<b>LOCAL GOVERNMENT AREA</b>	<b>LIVERPOOL LOCAL GOVERNMENT AREA</b>
<b>PROPOSED DEVELOPMENT</b>	<b>MULTI DENOMINATIONAL CEMETERY AND ASSOCIATED WORKS</b>
<b>STREET ADDRESS</b>	<b>321 GREENDALE ROAD, GREENDALE LOT 1 DP599308</b>
<b>APPLICANT / OWNER</b>	<b>FARAH GEORGES / PETER GEORGOPOULOS</b>
<b>NUMBER OF SUBMISSIONS</b>	<b>APPROXIMATELY 216</b>
<b>RECOMMENDATION</b>	<b>APPROVAL WITH CONDITIONS</b>
<b>REPORT BY</b>	<b>P. FLYNN, SENIOR DEVELOPMENT PLANNER</b>

## **Assessment Report and Recommendation**

### **EXECUTIVE SUMMARY**

The application proposes a multi-denominational cemetery and associated works. An estimated 71,000 burial plots will be provided. Construction will occur in two stages, as follows:

**Stage One:** Site establishment, internal roads and associated car parking, drainage and earthworks, landscaping, fencing, lighting, services, removal and reconstruction of dams.

**Stage Two:** Provision for 71,000 burial plots; conversion of existing buildings on the site for use as administration offices, chapel, multi functional condolences room and caretaker's cottage; machinery storage; construction of flower shop, outdoor gazebos, amenities and a crematorium.

The application also includes a Master Plan for the site, which proposes a crematorium. A separate Development Application will need to be lodged for this component of the development as only the proposed site has been identified and no details of the crematorium have been supplied.

The application is referred to the Joint Regional Planning Panel for determination as the development has a capital investment value of \$33,122,670, and is therefore defined as 'regional development' in accordance with the provisions of State Environmental Planning Policy (Major Development) 2005.

The development application is identified as being Nominated Integrated Development, where approval pursuant to the Waters Act 2000 is required to be issued by the NSW Office of Water. General Terms of Approval have been issued by the Office of Water.

The application has been advertised twice as a result of amended plans being received. The amendments removed proposed multiple memorial service buildings for multiple religions and replaced them with one small multi denominational chapel. The amount of lawn cemetery available was increased and restrictions were placed on the erection of tombstones on the remainder of the site.

Approximately 216 submissions including petitions have been received in response to the two exhibition periods. The number of submissions received is approximate as there are a number of development proposals for cemeteries and crematoria in the Greendale / Bringelly area that are current. Some submissions received by Council have been non specific as to the actual development or developments being referred to.

Whilst numerous matters have been raised in the various submissions, the key concerns raised in the submissions objecting to the proposal relate primarily to the suitability of the site as well as the impact of the proposal on the natural environment specifically ground water and surface water issues. Concerns were also raised in relation to the loss of amenity associated with the increased traffic and vehicle movements as a consequence of the proposal and whether the local road network is of sufficient capacity to cater for the proposed cemetery and other similar proposals in the area.

This report summarises the main issues, which should be considered in the determination of the proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979, Liverpool Local Environmental Plan 2008 (LLEP 2008) and Development Control Plan 2008. The proposal is not a Scheduled Activity under the Protection of the Environment Operations Act or Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

The Development Application has been assessed on its merits and is considered satisfactory. Assessment of the development has revealed that the potential impacts of the proposal can be appropriately mitigated to ensure that the development does not adversely impact on both the natural and built environment.

It is considered that any potential impacts on the amenity of both the site and neighbouring properties can be appropriately mitigated to reduce the likelihood of land use conflict. The objections are not considered to warrant refusal of the application.

Accordingly it is recommended that the development application be approved subject to conditions of consent.

## **SUMMARY OF RECOMMENDATION:**

That:

1. The Sydney West Joint Regional Planning Panel issue Development Consent for Development Application DA-1133/2010 proposing a cemetery and associated works on No. 321 (Lot 1 DP 599308) Greendale Road, Greendale subject to the attached conditions.
2. Persons who made a submission with regard to the proposed development be notified in writing of the Joint Regional Planning Panel's decision.

## **DETAILS OF DEVELOPMENT APPLICATION**

The site is an irregular battleaxe shaped lot with an area of 40.04 hectares. The site has a frontage of 104.56m to Greendale Road and opens out to a width of approximately 450 metres at a distance of 482 metres from the road. The site is undulating, currently contains a dwelling and is used for grazing purposes. Large rural lots surround the site. Poultry farms (both free range and caged) adjoin the site on two boundaries

The site is zoned RU1 Primary Production under Liverpool Local Environmental Plan 2008. Cemeteries and crematoria are permissible with consent in the zone. Places of public worship are not permissible. Funeral chapels are considered an ancillary use to a cemetery and are specifically included in the definition of crematorium.

The development proposes to be constructed in two stages with Stage 1 for site establishment works and structures, internal roads, drainage and earthworks, landscaping, fencing, dams and associated car parking. Stage 2 provides for an estimated 71,000 burial plots, conversion of existing buildings on the site for use as an administration office, chapel and multi functional condolences room with sail covered outdoor gathering area, caretaker's cottage and machinery storage, construction of a flower shop, outdoor gazebos, amenities and construction of a crematorium, although details of the crematorium have not been provided only its proposed location on site.

The Statement of Environmental Effects states that as the cemetery does not economically rely on the construction of a separate crematorium there was no need to seek consent for such facility at this stage and should the operator of the cemetery propose a crematorium in the future, it will, like the other indicative buildings on the site, be subject of separate development application/s to be determined on their own planning merits.

The existing dwelling house and outbuildings that are to be converted are located on a rise in the property approximately 720 metres from the front property boundary

The estimate of 71,000 burial lots is approximate and may be subject to variation as detailed design, operational demands and site constraints result in ongoing adjustment to plots yield. It is proposed to condition the approval such that a maximum of 71,000 burial plots may be created on the site.

Depending on religious and cultural backgrounds, one to three internments may occur per burial plot.

The first 800 metres of the site is to be dedicated to lawn cemetery with the rear 600 metres to be used as a tombstone cemetery. No above ground burials in crypts are proposed. This arrangement and style of cemetery has been chosen to minimise the visual impact of the development on the view from Greendale Road and from neighbouring properties and thus maintain the appearance of a rural landscape.

Headstones in the lawn cemetery will take the form of nameplates on a concrete headstone not exceeding 150mm high in height. Tombstones will not exceed 600mm in height.

A twenty (20) metre wide landscaped buffer is to be provided around the perimeter of the whole site. The site contains a number of dams that will be removed, with the two larger dams being retained and remodeled into landscape features.

The front fence will be of ornamental sandstone masonry construction. Palisade fencing 1.8m high will be provided to the remainder of the site.

The general opening hours of the cemetery will be 8.00am to 6.00pm Monday to Sunday. On-site office hours will be 8.30am to 5.00pm Monday to Friday.

In total the site will be able to accommodate approximately 710 car parking spaces with 10 spaces around the cluster of administration and memorial service buildings and the rest along the various internal roadways.

## **HISTORY**

- Land title information shows that the site has been owned by a mixture of private and small business operators since the early 1930's to date.
- Aerial photographs reveal that the site was predominantly vacant bushland until the 1960's and has been used as a rural residential property from the early 1970's onwards.
- The site is currently developed with a single dwelling house with a separate free standing caretaker's cottage, deteriorated tennis court, outbuildings and farm sheds.
- Development Application (DA-1133/2010) for a cemetery was received 15 March 2010.
- Development Application publicly exhibited from 5 May to 4 June 2010.
- The Sydney Metropolitan West Joint Regional Planning Panel (JRPP) in response to a preliminary briefing on the application by Council officers requested additional information on the proposal.
- Due to changes made to the proposal by the applicant in response to the JRPP request, the development proposal was publicly re-exhibited from 27 October

2010 to 26 November 2010. The amended application deleted proposed multiple memorial buildings representing various religious groupings in favour of utilising the existing dwelling house and associated building for a single small multi denominational chapel. The area of lawn cemetery was also enlarged and restrictions placed on the size of memorial works to minimise the visual impact on the rural landscape.

- At its meeting held on 28 April 2011, the JRPP considered DA-1291/2010 for the construction of a crematorium with a place of worship at No. 992 Greendale Road, Greendale. In respect of this application, the JRPP moved as follows:

*'The JRPP recommends to Liverpool City Council that in order to inform the preparation of the proposed LEP for the City, Council conduct a study of the cumulative impact of the operation of all currently proposed crematoria and cemeteries on:*

1. *The performance and condition the local road network and the ability of the network to accommodate that impact.*
2. *The attainment of the objectives of the RU1 Primary Production Zone'.*

- Council's Strategic Planning Department is currently assessing the JRPP recommendation.

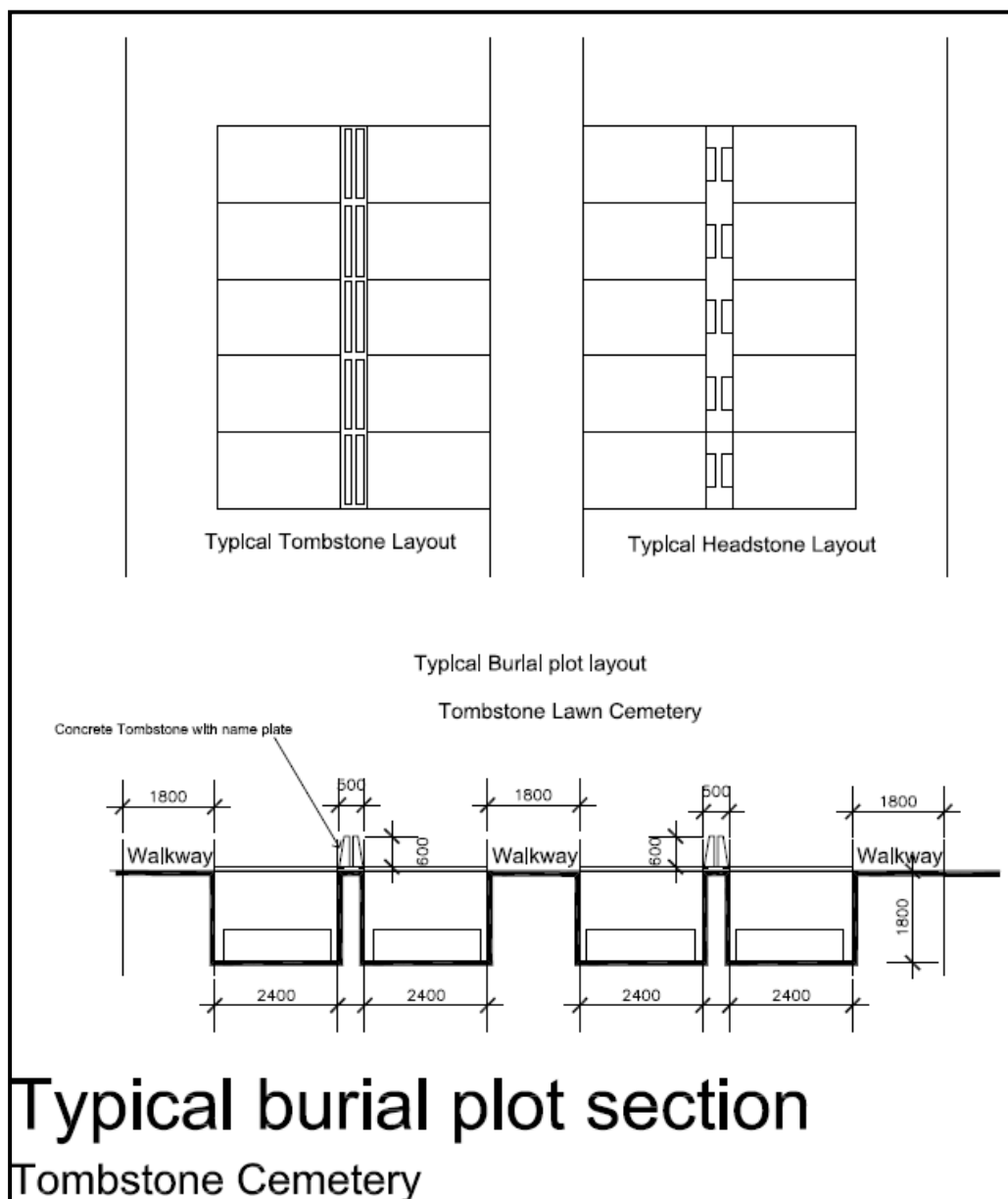
#### LOCATION MAP

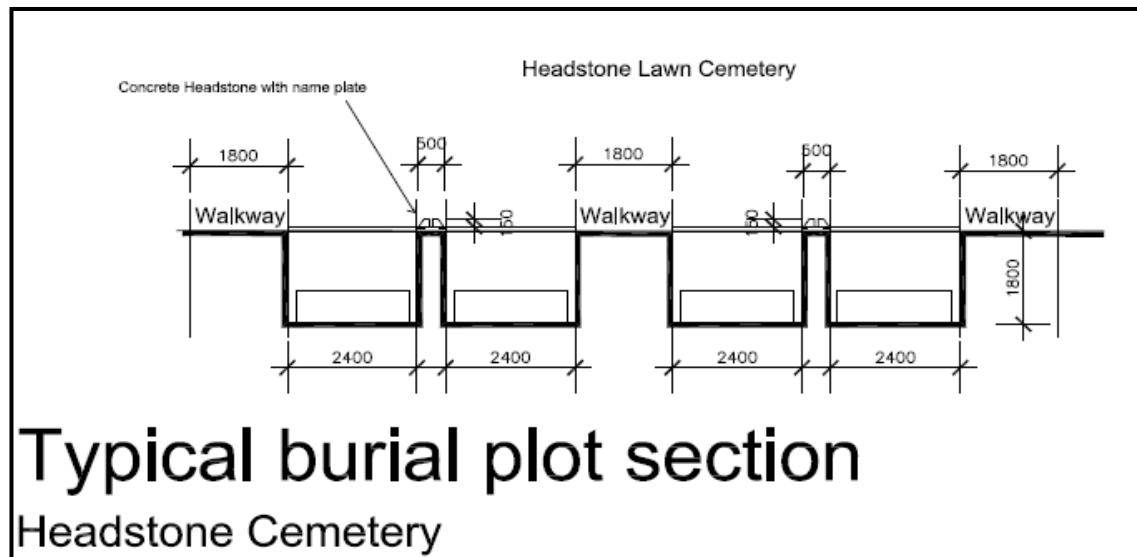






## BURIAL PLOT DETAILS





#### PLANNING CONTROLS:

Section 79C of the Environment Planning and Assessment Act 1979 (EP&A Act) outlines the matters that a consent authority must consider when determining a Development Application. The subject Development Application has been assessed against the relevant heads of consideration pursuant to Section 79C of the EP&A Act.

The planning controls that relate to the proposed development are:

1. Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)
2. State Environmental Planning Policy No. 44-Koala Habitat Protection
3. State Environmental Planning Policy No.55-Remediation of Land
4. State Environmental Planning Policy-(Major Development) 2005
5. State Environmental Planning Policy-(Infrastructure) 2007
6. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean Catchment
7. Liverpool Local Environmental Plan 2008
8. Liverpool Development Control Plan 2008
9. Liverpool Contributions Plan 2009



An assessment of the proposed development under the planning controls is provided below as follows:

**1. Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

The Commonwealth EPBC Act establishes a requirement of Commonwealth environmental assessment and approval for:

- *Actions that are likely to have a significant impact on matters of national environmental significance.*
- *Actions that are likely to have a significant impact on the environment on Commonwealth land.*
- *Actions taken on Commonwealth land that are likely to have a significant impact on the environment anywhere.*
- *Actions by the Commonwealth that are likely to have a significant impact on the environment anywhere.*

If it is determined that a development is a 'controlled action', the application must be considered and approval granted pursuant to the EPBC Act 1999 prior to any consent being issued.

While the proposal does include the removal of native vegetation from the site, the applicant's flora and fauna consultant Aquila Ecological Surveys has carried out an assessment on the proposed development's impacts on flora and fauna. A seven part test was also carried out which indicated that the proposal will not have any impact upon the status of any threatened species and consequently a Species Impact Assessment is not required under the Threatened Species Conservation Act 1995.

Having regards to the abovementioned Actions criteria, none of these form part of the application before Council and as such the provisions of the EPBC Act 1999 are not triggered as the proposed development is not deemed a 'controlled action'.

**2. State Environmental Planning Policy No. 44-Koala Habitat Protection**

The subject site has an area greater than 1 hectare and accordingly the proposal is subject to consideration under the provisions of SEPP 44. No evidence of Koalas was identified on site by the applicant's Flora & Fauna Consultant and neither were any preferred Koala feed trees identified on the subject land. The subject land contains neither potential nor core Koala Habitat and no impacts to the species are anticipated.

**3. State Environmental Planning Policy No.55 - Remediation of land**

Clause 7 of the State Environmental Planning Policy No. 55 - Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A detailed Preliminary Environmental Site Assessment Report prepared by Aargus Australia finds that the subject site has low potential for contamination and is therefore not likely to pose a significant risk of harm to human health or the environment. The assessment has determined that the site can be considered suitable for the proposed use.

#### **4. State Environmental Planning Policy - (Major Development) 2005**

The proposal constitutes a 'Major Development' under clause 13B (1)(a) of State Environmental Planning Policy (Major Development) 2005 as the development incorporates 'a place of worship' and has a capital investment value in excess of \$5 million. On this basis the proposal requires determination by the Joint Regional Planning Panel.

#### **5. State Environmental Planning Policy-(Infrastructure) 2007**

The proposed development is subject to Clause 104 of the Infrastructure SEPP given the development proposes the generation of potentially 200 or more motor vehicles.

Accordingly the development was referred to the Roads and Traffic Authority for comment who advised it had no objection subject to conditions.

There are presently two (2) other Development Applications under consideration for cemeteries at 31 and 41 Greendale Road. A crematorium has recently been approved for 992 Greendale Road.

The RTA also made a verbal submission to the JRPP in respect of the DA for the crematorium at 992 Greendale Road that consideration should be given to the cumulative impacts of the proposals on Greendale Road, not just in respect of the physical capacity of the road but its environmental capacity.

Council previously engaged an Independent Traffic Consultant to undertake a cumulative traffic assessment of the proposed cemetery along with the cemetery proposed at 31 Greendale Road and the crematorium proposed at 992 Greendale Road. Development Applications for these sites had been lodged around the same approximate time as the subject cemetery Development Application.

The applicant for No.41 Greendale Road being the most recent application, has been requested to assess its cumulative impact relative to the other earlier applications.

The combined peak hour traffic generation of the three proposed developments on a typical day and on special occasions (such as mothers' day) was calculated as shown in the table below:

<b>Proposed Cemetery site in Greendale Road</b>	<b>No. of burial plots</b>	<b>Typical peak hourly generation (based upon a maximum of 2 services per hour at any on-site crematorium and chapel) at 100% capacity (50% inbound &amp; 50% outbound)</b>	<b>Estimated “worst case” peak hourly generation (e.g. Mothers’ Day weekend) at 100% capacity (50% inbound &amp; 50% outbound)</b>
No. 992	10,000	66 vehicle trips / hr	300 vehicle trips / hr
No. 321	70,000 (but limited to 25,000 on a life cycle visitation)	165 vehicle trips / hr	750 vehicle trips / hr
No. 31	6,150	40 vehicle trips / hr	185 vehicle trips / hr
<b>Cumulative Traffic east of 31 Greendale Road, Bringelly (based on 80% of traffic approaching / departing these sites from / to the east)</b>		<b>217 (i.e. 271 x 0.8)</b>	<b>988 (i.e. 1235 x 0.8)</b>

Based on the above table, Council’s Independent Traffic Engineer advised that the existing level of service (LoS) is presently “A” , representing GOOD conditions due to the recorded peak hourly flow of 80 vehicles per hour (two way). Over a 30 year time horizon with a typical Sydney average growth rate of 2% p.a., the background traffic increase equates to a base flow of 145 vehicles per hour, which still represents LoS “A” conditions.

Council’s Independent Traffic Engineer has advised that combined with the addition of 217 vehicles per hour to the estimated Yr 2040, yields a future cumulative traffic flow of 362 vehicles per hour, which still represents LoS “A” conditions for a typical day.

The addition of 988 vehicles per hour to the estimated Yr 2040 flow on a weekend day yields a cumulative traffic flow of 1043 vehicles per hour, which represents a LoS “C” conditions for special occasion days. Level of “C” is acceptable under RTA level of service requirements.

On this basis, Council’s Independent Traffic Engineering Consultant has advised that the cumulative impacts of the three developments on Greendale Road can be accommodated during both a typical day and special occasion day for a forecast 30 year horizon.

Council's Independent Traffic Engineering Consultant recommended that a Traffic Management Plan be implemented to accommodate the estimated worst case traffic and parking demand for the proposed cemetery at 321 Greendale Road, given the higher traffic generation volumes.

## **6. State Regional Environmental Plan No. 20 - Hawkesbury-Nepean (Deemed State Policy)**

The main aim of this plan as prescribed by Clause 3 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Clause 6 of the subject plan prescribes specific policy statements and strategies for protecting the environment of the Hawkesbury-Nepean River system. Specific policy statements and strategies have been identified for agriculture on rural lands, water quality and flora and fauna as well as cultural heritage. These are outlined and assessed in detail below:

### **6.1 Agriculture on rural lands**

Clause 6(8) prescribes:

*Policy:*

*Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.*

*Strategies:*

- (a) *Give priority to agricultural production in rural zones,*
- (b) *Ensure the zone objectives and minimum lots sizes support the continued agricultural use and of any other rural land that is currently sustaining agricultural production.*
- (c) *Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and other forms of proposed development.*
- (d) *Consider the ability of the site to sustain over the long term the development concerned.*
- (e) *Consider the likely effect of the development concerned on fish breeding, nursery areas, commercial and recreational fishing and oyster farming.*

Compliance with this policy statement and strategy is outlined in detail below:

#### **(a) Give priority to agricultural production in rural zones.**

The above strategy concerns giving priority to agricultural production in rural zones and protecting the agricultural potential of rural land. It should be noted that the zoning of the land (RU1) permits agricultural uses with development consent and that a number of non-agricultural uses are also permitted in the zone including crematoriums, cemeteries, health care consulting rooms and community facilities.

Given the above, it is considered that it is not the intention of the strategy to retain every lot in the RU1 zone for only agricultural uses nor does the strategy prescribe that agriculture is the only suitable land use for RU1.

In any case, the soil type, lack of water and climate would limit the returns from dry land cropping and under present market prices, regular cropping is not feasible as the risks far outweigh the potential returns. The property could be used to graze livestock, but the scale of the enterprise is such that it is economically unviable as a stand-alone farming business. It appears that the northern side of Greendale Road is mostly used for poultry farming with a number of such sheds identified in the immediate locality. Quarantine and environmental concerns seek to distance poultry farms 500m from each other thus precluding such development on this site.

Although the cemetery land use would remove a rural parcel of land from being used for agricultural purposes, the land as previously mentioned is not quality agricultural working land or land that would commercially support the grazing of livestock. It does not fragment or alienate other rural land from amalgamating with other adjoining parcels.

**(b) Ensure the zone objectives and minimum lots sizes support the continued agricultural use and of any other rural land that is currently sustaining agricultural production.**

The above strategy is directed at the zone objectives and minimum lot sizes prescribed by Liverpool Local Environmental Plan 2008. This strategy does not require any further consideration in relation to the subject Development Application.

**(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and other forms of proposed development.**

Strategy (c) identifies the need for buffer distances for noise, odour and visual impacts between intensive agriculture and proposed developments.

Properties directly adjoining the site have intensive agricultural development (poultry farms). It is also considered that the development of a cemetery on the subject site would not preclude any future intensive agricultural development in the vicinity of the subject site any more than existing residential dwellings when taking into consideration specified separation distances for intensive agricultural uses as specified by DCP 2008 – Part 5.

It is therefore considered that the proposed use of the site as a cemetery would not have any adverse impacts on the agricultural development potential on agricultural potential in the locality as a consequence of its development. Whilst potential odours from neighbouring agricultural uses may impinge upon the cemetery, the site will have no more permanent occupants than if it was used for rural residential purposes that will experience that nuisance.

**(d) Consider the ability of the site to sustain over the long term the development concerned.**

The above strategy concerns the long term sustainability of the development. This requirement is an important consideration of the development, particularly how the proposed cemetery will be managed due to the on-going maintenance cost and obligations of the cemeteries particularly as once a cemetery is full, it cannot raise revenue from the sale of interments.

This issue is canvassed in more detail later in this report.

Environmentally, the site can sustain the development over the longer term subject to compliance with supporting reports submitted with the Development Application.

**(e) Consider the likely effect of the development concerned on fish breeding, nursery areas, commercial and recreational fishing and oyster farming.**

Given that the adjoining sites do not contain any of the agricultural uses outlined in strategy (e), no further consideration is required.

## **6.2 Water Quality**

Clause 6(3) prescribes:

*Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.*

Strategy:

- (a) *Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.*
- (b) *Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.*
- (c) *Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water quality is suitable (regardless of water temperature).*
- (d) *Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.*
- (e) *Develop in accordance with the land capability of the site and do not cause land degradation.*
- (f) *Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.*
- (g) *Minimise or eliminate point source and diffuse source pollution by the use of best management practices.*
- (h) *Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.*
- (i) *Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.*
- (j) *Protect the habitat of native aquatic plants.*



Compliance with this policy statement and relevant strategies (a), (d), (e) and (f) are outlined in detail below:

**(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.**

The proposed storm water drainage concept for the development has been designed to incorporate storm water treatment measures that achieve the objectives of relevant Council measures (specifically Liverpool DCP 2008 Part 1.1), Water Sensitive Design and Ecological Sustainable Design.

The storm water concept plan has been reviewed and assessed by the Office of Water and Council's Land Development Engineer who concurs with the results and finds the storm water concept plan is satisfactory subject to conditions of consent. A draft condition of consent requiring that storm water management solution for the development achieves the objectives of post-development pollutant loads, has been imposed. Specifically the water quality will be improved via the use of water sensitive design measures compared to the pre-development scenario and downstream sub catchments will benefit from the proposed development.

It is noted that General Terms of Approval have been issued by the NSW Office of Water which requires the applicant to comply with specific conditions pertaining to drainage and storm water. These General Terms of Approval are required to be satisfied by the application prior to obtaining a Controlled Activity Approval from the Office of Water. The General Terms of Approval will be appended to the consent and form part of the determination notice.

In this regard, storm water runoff generated by the development will not increase pollutant loads on receiving waters that are tributary creeks of the Nepean River, subject to conditions of consent.

**(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.**

The above strategy concerns the environmental impact of the on-site disposal of sewage.

A preliminary geotechnical site appraisal report prepared by Aargus Australia indicates that there are no significant impediments to the site accommodating an appropriate on-site sewage management system subject to a detailed waste water management report accompanying the requisite Section 68 application. The disposal/irrigation field will need to be away from areas with burial plots and the Environmentally Significant Land identified on the site.

Council's Environment & Health Section has reviewed the Waste Water Treatment Report and advised that the proposed treatment methods are satisfactory subject to imposition of a draft condition requiring submission of a Section 68 Application.

**(e) Develop in accordance with the land capability of the site and do not cause land degradation.**

The intent of the above strategy is to ensure that the proposed development is responsive to the capability of the site. Detailed assessment relating to the specific environmental constraints of the site will be canvassed in more detail later in this report.

- (f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.**

The development application outlines specific recommendations for erosion and sediment control measures to be installed around all areas of disturbed soil and vegetation. These recommendations are to be installed to ensure that soil erosion and losses do not occur as a result of any site excavation works.

In consideration of the recommendations above, it is considered appropriate that a detailed sediment and erosion control plan be produced for the development. This has been incorporated into the conditions contained within the draft determination notice.

Conditions contained within the General Terms of Approval issued by the Office of Water also require the submission of a detailed erosion and sediment control plan.

### **3.3 Flora and Fauna**

*Clause 6(6) prescribes:*

*Policy:*

*Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.*

*Strategies:*

- (a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- (b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- (c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*
- (d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.*
- (e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.*
- (f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*
- (g) Consider the need to control access to flora and fauna habitat areas.*
- (h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.*

The above strategies concerns the impact of the development on the flora and communities on the site and what measures will be undertaken to minimise any adverse impacts. The strategies also concern whether the flora and fauna communities will be conserved and enhanced as a consequence of the development.

The subject site is identified as being environmentally significant land pursuant to Clause 7.6 of Liverpool Local Environmental Plan 2008. As such the development application is supported by a Flora and Fauna Survey including a Seven-Part Test and a Vegetation Management Plan.

It is considered that the specialist reports accompanying the development application adequately demonstrate that the development will not adversely impact on flora and fauna species. Furthermore, the proposed actions and tasks within the Vegetation Management Plan ensure that flora and fauna communities on site will be conserved and enhanced.

### **3.4 Cultural Heritage**

Clause 6(5) prescribes:

*Policy:*

*The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.*

*Strategies:*

- (a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.*
- (b) Protect Aboriginal sites and places of significance.*
- (c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.*
- (d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.*

Compliance with this policy statement and relevant strategies are outlined in detail below:

The subject site is not identified as containing a heritage item nor is the site located within a heritage conservation area. As a precautionary measure Council's standard conditions have been imposed should any relics of archaeological artefacts be found on site during any stage of the development.

Given all of the above it is considered that the proposal is consistent with the policy and strategy as prescribed by the subject planning instrument.

## **7. Liverpool Local Environmental Plan 2008**

### **7.1 Permissibility**

The subject land is zoned 'RU1 Primary Production zone' under Liverpool Local Environmental Plan 2008. The proposed uses are defined as 'crematorium', and 'cemetery' under Liverpool Local Environmental Plan 2008 and are permissible in the zone with consent.

The definitions of the uses are listed below:

**crematorium** means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

**cemetery** means a building or place for the interment of deceased persons or their ashes.

It is considered that the development satisfies the above definitions and it therefore constitutes permissible land uses. It is also considered that the associated chapel is ancillary and incidental to the dominant cemetery use.

### **7.2 Objectives of the RU1 Primary Production zone**

***The objectives of the RU1- Primary Production zone are as follows:***

- (a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- (b) To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- (c) To minimise the fragmentation and alienation of resource lands.*
- (d) To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- (e) To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- (f) To ensure that development does not hinder the development or operation of an airport on Commonwealth land in Badgery's Creek.*
- (g) To preserve bushland, wildlife corridors and natural habitat.*

It is considered that the development is not inconsistent with the above stated objectives, in particular objectives (d), (e) and (g). The design, siting and operation of the proposed development is unlikely to impact on the amenity of the locality thus reducing the potential for land use conflict. A draft development consent condition has been imposed requiring submission of a Vegetation Management Plan which will restore and conserve the remnant Cumberland Plain Woodland on the site enhancing the biodiversity for the locality.

It is considered that the applicable zone objectives are secured as demonstrated below:

- (a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base and (b) to encourage diversity in primary industry enterprises and systems appropriate for the area.***

Both objectives (a) and (b) seek to promote the use of rural land for sustainable primary industry production. It is noted that the zoning of the land (RU1) permits agricultural uses and primary industry with development consent and that a number of non-agricultural uses are also permitted in the zone including crematorium, cemeteries, health care consulting rooms and community facilities.

Given the above, it is considered that it is not the intention of the objective to retain every lot in the RU1 zone for only agricultural or primary production uses nor do the zoning objectives prescribe that agriculture is the only suitable land use for RU1.

***(c) To minimise the fragmentation and alienation of resource lands.***

It is acknowledged that the operation and use of the subject site is for the long term. Given the operation and life of the development, it is unlikely that the subject site will be redeveloped in the future and used for primary production and agricultural uses given the environmental constraints of the site. In this regard, the proposal would alienate the subject land from being used for primary production. However the site is not suitable for agricultural pursuits and it is not considered that the development would result in alienation of any land within the wider community for primary production.

***(d) To minimise conflict between land uses within the zone and land uses within adjoining zones.***

Objective (d) seeks to permit development which is compatible with the amenity of the area, thus minimising the potential for land use conflict. In this regard amenity is considered in terms of:

- Scale, bulk, design, height, siting and landscaping
- Operation;
- Traffic generation and car parking;
- Noise, dust, light and odour nuisance;
- Privacy; and
- Overshadowing.

Scale, bulk, design, height, siting and landscaping

As existing buildings on site are being used and new structures are of a minor nature, no significant impact is being created. The nature of the proposed burial plots, that is, lawn burials and small tombstone burials, also means that the development will have minimal visual impact. A 20m wide landscape strip is proposed around the perimeter of the site.

In consideration of the above, it is considered that the concept landscape design is appropriate for the site and the locality considering the use of native species.

Operation

Based on all of the above, it is considered that the operation of the development is not likely to result in any land use conflict.

Traffic generation and car parking

Based on adequate available capacity within the road system and the proposed intersection upgrading, the proposal is not inappropriate.

## Odour, Air, Noise, and light nuisance

In consideration of all of the above, the proposed development is unlikely to generate any odour nuisance or air pollution.

### Noise

The Acoustic Report submitted with the application identifies the following potential noise sources:

#### **Construction Phase**

There will be some noise generation associated with the construction of the facility, generally involving earthworks, construction of roadways, buildings, water features etc. Some minor excavation will be carried out for the footing and slab construction. Generally works will initially involve excavator, graders and the like with the normal equipments and power tools used for building construction and paving works will be required to finish roadways and car parks.

Construction noise is not considered to be a significant issue in terms of potential noise impact upon noise sensitive receivers provided works are carried out within the recommended hours.

#### **Operational Phase**

Sources of potential noise generation during the operational phase of the project would include:

- Mechanical plant and equipment associated with air-conditioning, water pumps, crematorium fans, emergency generators.
- Noise breakout from the Chapels.
- Noise generated during particular cultural funeral rites.
- Road traffic.

Given that the area is rural and the criteria for noise intrusion will form the basis for assessment of environmental noise emissions from the development, long-term ambient noise monitoring was not considered necessary. The typical daytime background noise level in a rural area of this type is generally 35 dBA. Acoustical measurements conducted during the period of the day when ambient levels are usually at their lowest, ie the late morning / early afternoon, confirmed the background LA90 noise level to be 35 dBA. Night-time noise levels would fall below 30 dBA and therefore 30 dBA is adopted as the night-time background LA90 noise level for assessment purposes. The background noise levels during the evening period (between 6.00 pm and 10.00 pm) are likely to be between 30 dBA and 35 dBA, depending upon local conditions such as wind and insect activity. To ensure a conservative approach, 30 dBA has been adopted as the evening background noise level.

The site is located within the central region of the Sydney Training Area and light aircraft operating out of Bankstown and Camden Airports are a predominant feature of the acoustical environment.

Other sources of ambient noise included occasional traffic on Greendale Road, vehicles operating on surrounding properties, birds, dogs, cattle and foliage rustling.



### **Mechanical Plant and Equipment**

The noise emission of any mechanical plant and equipment associated with the facility should be controlled so that the operation of such plant does not adversely impact upon potentially sensitive residential properties. At this stage of the project the location and selection of mechanical plant has not been made.

The plant typically installed to mechanically ventilate the Chapels, administrative offices and the like generally comprises split air-conditioning systems. These units are typically designed for low noise emissions. Larger spaces may be serviced by packaged units. Pumps associated with the water features would also be of the smaller, low noise variety. The noise emissions of such plant can generally be controlled by engineering means such as judicious location, enclosure, barriers etc. The distances separating the Chapel, crematorium, fountains and ponds from surrounding receivers are more than adequate to ensure that the mechanical noise emissions can be successfully controlled.

### **Breakout Noise from Chapels - Outdoor Funeral Rites and Ceremonies**

The level of noise generated as a result of particular religious or cultural practices is of a highly variable nature. In general, it appears common practice for mourners to maintain a controlled demeanour out of respect for the deceased. Typically, Christian, Jewish and Muslim burials are not accompanied by excessive noise generation at the graveside, with the main service being conducted within, or in the case of some Muslim services in the vicinity, of the Chapel. Buddhist ceremonies may be accompanied by music and chanting. It is not possible to accurately predict the levels such events may generate and there are no appropriate criteria against which to assess such emissions. Such funerals are unlikely to occur on a regular basis and given the distance between the majority of burial plots and the surrounding residential receivers and the daytime operational hours, it is also unlikely that these occasions would create a noise nuisance.

### **Traffic On-site**

Car movements along the access road have the potential to impact acoustically upon nearby noise sensitive receivers. Calculations based on measured noise data of similar vehicular activity result in noise emissions associated with single car movements remaining within the daytime operational noise criterion of 40 dBA at the boundary of the site.

Realistically, the number of vehicle movements and the speed at which cars will travel (ie a maximum of 15 km/h) is likely to further ensure compliance. Should noise issues arise at a later date, it is possible to retrospectively erect a boundary fence that will result in noise levels being adequately maintained at an appropriate level.

### **Road Traffic**

The traffic generated during the morning and afternoon peak periods due to staff arrivals and departures was estimated to be in the order of 20 vehicle movements (ie 20 morning and 20 evening). The calculated existing LAeq(1hour) road traffic noise level at a residential receiver located a distance of 25 m from the road is 43 dBA during the morning peak traffic period between

8.00 am and 9.00 am and 46 dBA during the afternoon peak traffic period between 5.00 pm and 6.00 pm.

These levels increase to 46 dBA and 48 dBA during the morning and afternoon periods, respectively, with the additional traffic movements generated by staff arrivals and departures. These predicted levels are well within the recommended criterion for daytime road traffic noise at residential receivers. The increase in the existing morning traffic noise level exceeds the recommended 2 dBA limit. This is unavoidable in situations where the existing traffic volumes are very low and is not considered to constitute an adverse noise impact upon residents living on Greendale Road.

The traffic assessment does not address vehicular traffic generated during funeral processions to the site. The numbers of vehicles would vary considerably from funeral to funeral and as such is difficult to quantify. Funeral processions will, at times, inevitably lead to a considerable increase in the levels of existing traffic travelling along Greendale Road. Subsequently, there will be a corresponding increase in the existing levels of traffic noise during the short duration the funeral processions pass residential receivers. The noise levels generated will vary according to the number of vehicles involved. However, given the times at which this traffic generation will occur, it is unlikely to adversely impact upon the acoustical amenity of the surrounding residential community

### **Operational Noise Sources**

Compliance with project specific INP noise goals can be achieved at the nearest potentially sensitive residential receiver locations under typical (and worst case) operational scenario conditions.

### **Road Traffic Noise**

Road traffic noise generated due to staff arrivals and departures will generally comply with the DECCW Environmental Criteria for Road Traffic Noise (ECRTN) guidelines during the daytime period. Road traffic noise generated as a result of funeral processions will vary significantly depending upon the numbers of vehicles involved. The overall increase in level will inevitably exceed the recommended 2 dB limit due to the low existing traffic volumes along Greendale Road. However given that funeral processions will typically occur between 9.30 am and 3.30 pm, it is unlikely that road traffic noise could reasonably be considered to adversely affect the acoustical amenity of the surrounding residential community.

In conclusion, the proposed development will generally comply with all relevant assessment criteria in regard to noise emissions and as such is unlikely to adversely affect the acoustic amenity of surrounding residential receivers.

### **Light**

Minimal lighting details have been submitted with the application. In order to alleviate any potential for adverse impacts on neighbouring properties in regards to lighting, a condition of consent requiring the preparation of a lighting plan is imposed. General lighting for the cemetery should be limited to vehicle entrance/exit points, building entrances and car parking areas for security and surveillance reasons. Any required light is to be "low level" lighting to avoid glare and light spill.

### Privacy

Privacy of adjoining properties will be ensured by the proposed twenty metre landscaped buffer around the perimeter of the development

### Overshadowing

Existing buildings are largely being utilised thus there is no change in existing shadow impacts which are negligible. The burial plots will have no impacts whilst the perimeter landscaping will cause overshadowing into adjacent properties. As no uses with critical solar access requirements such as greenhouses are present any overshadowing caused by tree planting is not considered an issue.

### Conclusion

In consideration of all of the points above, it is considered that the proposed cemetery is unlikely to adversely impact on the amenity of the neighbouring properties or the locality. Thus, land use conflict is unlikely to occur. Appropriate operational conditions have been imposed within the draft determination notice to mitigate against any potential impacts. On this basis, it is considered that the proposed development is generally consistent with objective (d).

### ***(e) To ensure that development does not unreasonably increase the demand for public services or public facilities.***

In relation to objective (e), the intent of the objective is to ensure that any new development does not create an unreasonable demand for public services. Public services are taken to include physical infrastructure such as roads, sewer and drainage.

It is considered that the development is not inconsistent with objective (e).

### Road infrastructure

The Traffic and Parking Assessment Report accompanying the Development Application and Council's Traffic Engineer and Consultant concluded that traffic generated by the proposed development can be accommodated within the existing road capacity and accordingly there will be minimal impact on the local road network subject to intersection upgrading requirements to the proposed driveway at Greendale Road recommended by Council's Traffic Engineer.

For this reason it is considered that the proposal will not have any adverse impacts on the road infrastructure of the locality.

### Drainage

The Development Application is accompanied by a storm water drainage concept plan which has been assessed by the Office of Water who has issued General Terms of Approval which have been imposed in the draft determination notice. The site will not adversely impact drainage upon Greendale Road.

### Waste Water Treatment

Sewage for the development is to be managed through the installation of an on-site waste water system which is to treat effluent to the required NSW Health standards.

The initial geotechnical assessment of the site indicates no impediments to such a system being installed on site.

Council's Environmental Health Officers have assessed the waste water disposal details and advised that they are satisfactory. Should this Development Application be approved, both a Section 68 approval to install and operate is required for the on-site sewerage management system in accordance with the Local Government Act. A detailed Waste Water Report will be required. Appropriate conditions have been imposed.

Given all of the above, it is considered that the development will not place an unreasonable demand on public services.

***(f) To ensure that development does not hinder the development or operation of an airport on Commonwealth land in Badgery's Creek.***

The proposed Badgery's Creek airport site is located approximately 1.7 kilometres to the north east of the subject site and the site is affected by the identified 20-25, 25-30 and 30-35 ANEF Australian Noise Exposure Forecasts.

Cemeteries and crematoriums are not subject to any special restrictions under clauses 7.18 of the LEP. This indicates that they are not noise sensitive uses. The height of the proposed structures will have no impact on future flight movements and the development does not require any intrusive lighting. Thus the development will not hinder the development or operation of the airport if it is built.

***(g) To preserve bushland, wildlife corridors and natural habitat.***

Objective (g) seeks to preserve bushland, wildlife corridors and natural habitat on the land. The subject site is identified as being environmentally significant land pursuant to Clause 7.6 of Liverpool Local Environmental Plan 2008. As such the Development Application is supported by a Flora and Fauna Survey including a Seven Part Test.

It is considered that the Flora and Fauna report accompanying the Development Application adequately demonstrate that the development will not adversely impact on flora and fauna species subject to recommendations including the preparation of a Vegetation Management Plan.

The matter of Flora and Fauna impacts is addressed in detail later in this report.

### **7.3 Relevant LEP Requirements**

#### ***Clause 4.3-Height***

There is no height standard for the site under the LEP provisions.

#### ***Clause 4.4-Floor space Ratio***

There is no floor space ratio standard for the site under the LEP provisions.

### **Clause 5.10-Heritage Conservation**

#### *Heritage*

The site is not listed as containing a local heritage item.

#### *Aboriginal Archaeology*

Council's Aboriginal Community Development Officer has advised that the site is not likely to have any Aboriginal significance and no further investigation is warranted.

### **Clause 5.11-Bushfire Hazard**

The site is '*bushfire prone land*' and the proposal constitutes a '*special fire protection purpose*'. The NSW RFS has issued a Bushfire Safety Authority for the proposal and a draft condition of consent has been imposed requiring compliance with the Bushfire Safety Authority.

### **Clause 7.6-Environmentally Sensitive Land**

Clause 7.6 Environmentally significant land requires the consent authority to consider the significance of vegetation, the sensitivity of the land and the impact of development on the environment.

The site contains environmentally sensitive land along the boundary the site. The site contains the TSC Act listed critically endangered ecological community, Cumberland Plain Woodland and the endangered ecological community, Shale/Sandstone Transition Forest, which would be affected by the proposed development.

In consideration of all of the above, it is considered that the proposed development will not adversely impact on flora and fauna species. Council's Natural Resource Officer has advised that the Flora and Fauna Report findings and recommendations are acceptable and requested that a Vegetation Management Plan is prepared and accordingly a consent condition has been imposed requiring submission of a Vegetation Management Plan prior to the issue of a Construction Certificate.

Conditions of consent included in the draft determination notice also include a requirement that the final detailed landscape plan submitted for the proposal is consistent with all of the actions contained within the Vegetation Management Plan. It is also recommended that a Bushfire Management Plan is prepared concurrently with the VMP to ensure that bushfire hazard reduction is undertaken in accordance with VMP objectives.

On this basis, the Development Application adequately addresses and satisfies both the objectives and relevant matters of consideration prescribed by Clause 7.6.

### **Clause 7.7-Acid Sulphate Soils**

The site is not mapped as containing acid sulphate soils.

### **Clause 7.8-Flood Planning**

An approximately 700sqm corner of the site is affected by the Probable Maximum Flood (PMF). This portion of the site contains remnant vegetation and is not proposed for development. It is to be left as a Memorial Garden free of burial plots.

### **Clause 7.18-Development in areas subject to potential aircraft noise**

The land is subject to potential airport noise and falls within the three ANEF contour bands 20-25, 25-30 and 30-35.

Cemeteries and crematoriums are not subject to any special restrictions under clauses 7.18 of the LEP. This indicates that they are not noise sensitive uses. The height of the proposed structures will have no impact on future flight movements and the development does not require any intrusive lighting. Thus the development will not hinder the development or operation of the airport if it is built.

## **8. Liverpool Development Control Plan 2008**

Liverpool Development Control Plan 2008 Parts 1.1 and 5 apply to the development. Part 1.1 prescribes the general controls for all development (other than dwelling houses). Part 5 prescribes standards and criteria that are to be adhered to for development in rural and E3 zones. Part 5 also incorporates special provisions for cemeteries and crematoriums. The main relevant controls are summarised in the following table:

Standard	Requirement	Proposed	Complies
<b>Part 1.1 – General Controls for all Development</b>			
<b>Clause 3 Landscaping and Incorporation of Existing Trees</b>	Landscape planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an appropriate mix of canopy trees, shrubs and groundcover in appropriate locations having regard to visibility for the safe ingress and egress of pedestrians and vehicles.	A concept landscape plan has been submitted with the Development Application. The plan provides for a dense 20m wide perimeter landscaping of native species.	Yes



<b>Clause 4 Bushland and Fauna Habitat Preservation</b>	Applies generally to specific zones	<p>The Development Application is supported by a Flora and Fauna Survey and Seven-Part Test.</p> <p>Council's Natural Resource Officer reviewed all specialist reports accompanying the Development Application and found that the flora and fauna field survey methods were appropriate. Also advised that the findings of the flora and fauna survey and application of the seven-part test for threatened flora, fauna and endangered ecological communities are acceptable.</p> <p>A Vegetation Management Plan is required to be prepared prior to CC.</p>	Yes
<b>Clause 5 Bush Fire Risk</b>	Applies generally to bushfire prone land and land that requires bushfire hazard reduction	<p>A small portion of the site is 'bushfire prone land' and the proposed use is identified as being a 'special fire protection purpose'.</p> <p>Accordingly the Development Application is identified as being 'Integrated Development' and was referred to the NSW RFS for GTAs. The NSW RFS has issued a Bushfire Safety Authority for the proposal.</p>	Yes
<b>Clause 6 Water Cycle Management</b>	Storm water Drainage Concept Plan required to be submitted	<p>A concept storm water plan has been submitted which provides details that are acceptable to Council's engineers subject to the imposition of conditions.</p> <p>The Office of Water has issued GTAs for the proposed development which have also been imposed as draft conditions of consent.</p>	Yes
<b>Clause 7 Development near Creeks and Rivers</b>	Applies to land that may impact upon a watercourse or the removal of riparian vegetation	<p>The Office of Water has issued GTAs under the Water Management Act 2000.</p> <p>Conditions of consent have been imposed to ensure the water quality of watercourses is protected.</p>	Yes

<b>Clause 8 Erosion and Sediment Control</b>	Soil and Water Management Plan or Erosion and Sediment Control Plan are required to be submitted	A soil and water management plan has been submitted with the Development Application and is deemed satisfactory by Council's Development Engineer.	Yes
<b>Clause 9 Flooding Risk</b>	Applies to flood prone land	Council's Flooding Section has no objection to the proposal subject to conditions.	Yes
<b>Clause 10 Contaminated Land Risk</b>	Applies to potential or actual contaminated land or has past or current specific land uses	A preliminary stage 1 contamination report has been submitted which advises that the site of the development footprint is satisfactory and represents a low risk to human health as a consequence of contamination. The proposal is satisfactory with SEPP 55 considerations.	Yes
<b>Clause 11 Salinity Risk</b>	Salinity Management Plan required for high risk activities in salinity affected areas.	<p>The site is located in a moderate salinity risk location. In order to ensure that there are no adverse salinity impacts a salinity management report was submitted with the application.</p> <p>Combined with the implementation of the management measures, soil salinity and other soil related issues on the site can be readily managed.</p>	Yes
<b>Clause 12 Acid Sulphate Soils</b>	Applies to land with potential acid sulphate soils.	The site is not mapped as containing acid sulphate soils.	Yes
<b>Clause 13 Weeds</b>	Weed management strategy required to be submitted if site contains native weeds.	Weed management will be addressed as part of the required VMP.	Yes
<b>Clause 14 Demolition of Existing Developments</b>	Demolition to comply with AS2601-1991.	No major demolition works required. Standard conditions will be imposed in the consent	Yes

<b>Clause 15 On-site Sewage Disposal</b>	Applies to land with no access to reticulated sewer system	The proposed development does require on-site sewerage disposal. A detailed waste water treatment report has been submitted and Council's Environment Health Section has advised that the site can accommodate on-site effluent disposal in accordance with Council requirements and subject to provision of a Section 68 Application.	Yes
<b>Clause 16 and 17 Heritage</b>	Applies to heritage items of land in the vicinity of a heritage site, conservation area or archaeological site.	The site is not listed as containing a local heritage item.	Yes
<b>Clause 18 Advertising</b>	Development to be advertised & notified	The application was advertised and notified on two (2) separate occasions for a radius of 1 kilometre in accordance with Part 1.1. A sign was placed on the site and an advertisement placed in a local newspaper.	Yes
<b>PART 5-DEVELOPMENT IN RURAL AND E3 ZONES</b>			

<b>Clause 1 Site Planning</b>  <b>Location of buildings</b>	<p>Buildings shall not be located on ridges or in places where they are too visible from the street.</p> <p>Buildings shall be sited to maximise the retention of existing trees.</p> <p>When siting buildings and seeking to maximise views, the visual impact of the building on the landscape is to be minimised.</p>	<p>The existing buildings that are being utilised are located on a ridge but are 720 metres distant from the main viewing locations on Greendale Road. No change in visual impact is occurring. The new flower shop, amenities and gazebos are minor structure with little visual impact.</p>	Yes
	<p>Site planning should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability.</p>	<p>The development employs a 20 metre landscape screen around the whole site.</p>	Yes
	<p>The site layout should enhance the streetscape through the use of landscaping and built form.</p>	<p>The front portion of the cemetery is lawn cemetery and will have a similar appearance to a rural grazing property to minimise the visual impact upon the rural landscape.</p>	Yes

<p><b>Clause 4 Building Design, Style and Streetscape</b></p> <p><b>Height in Rural Areas, Building Materials, Colour</b></p>	<p><b>Other Non Residential Uses:</b> All non residential uses to have a general maximum height of 8.5m Materials, styles and colours to be sympathetic to the rural environment</p>	<p>As existing buildings on site are being used and new structure are of a minor nature no significant impact is being created.</p>	<p>Yes</p>
<p><b>Clause 5 Landscaping and Fencing Tree Planting</b></p>	<p>Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. This is particularly important for vegetation which forms part a ridgeline tree canopy and in foreshore areas (with the exception of weed species).</p> <p>Trees are to be used to provide shade to buildings, outdoor recreation areas and car parking. Unless required for screening or noise attenuation purposes, solid wall or fences, which do not allow 'through vision' along allotment boundaries will not be allowed.</p> <p>All other perimeter screen planting is to be native species.</p> <p>Hard surfaces should be limited to access, car parking and private open space areas.</p> <p>The trees shall provide a canopy for the streetscape and rural landscape.</p>	<p>Some existing trees and native vegetation is to be retained and incorporated into perimeter landscaping.</p> <p>Landscaping to be provided. The front fence will be of solid masonry construction typical for a cemetery and also not inconsistent with some of the larger and grander rural residences.</p> <p>Perimeter landscaping to be provided utilising native species</p> <p>The development does necessitate extensive hardstand area to facilitate car parking &amp; internal private roads.</p> <p>Dense landscaping is proposed along the site frontage to minimise impact on the rural landscape of Greendale Road.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Landscaping for rural landscape</b></p>	<p>Shrubs may be used and preferably in mulched garden beds.</p> <p>The trees shall provide a canopy for the streetscape and soften the appearance of the rural environment, without unduly concealing approved on site signage.</p>	<p>Landscaping to be provided in accordance with concept Landscape Plan.</p>	<p>Yes</p>
<p><b>Landscaping for screening</b></p>	<p>Mulched garden beds shall incorporate ground covers that will cove</p>	<p>Landscaping to be provided in accordance with concept Landscape Plan.</p>	<p>Yes</p>
<p>JRPP (Sydney West Region)</p>	<p>Business Paper – (Item 1)</p>	<p>(JRP/2010SYW007) – (JRP/2010SYW007) Concept Landscape Plan.</p>	<p>31</p>

<b>Clause 6 Car Parking and Access Management</b>			
<b>Access</b>	Location of driveways should consider natural features, topography & vegetation	The driveway system reflects the subdued semi formal landscape design for the cemetery	Yes
<b>Design and location of car parking and loading</b>	Development on sites located on classified roads may require deceleration lanes	The site does not have frontage to a classified road. The proposal incorporates an upgraded intersection as detailed previously in the report.	Yes
	Loading bays or parking for trucks, should be located in an area that is not visible from the street.	There is no specific car parking rate for cemeteries. The application provides a total of 700 on-site car parking spaces along the sides of the proposed internal private roads. This is typical of many cemeteries to provide relatively informal parking fairly evenly throughout the cemetery in reasonable proximity to all grave sites.  The service and maintenance area is setback approximately 720metres from the frontage.	Yes
<b>Clause 7 Amenity and Environmental Impact</b>			
<b>Noise</b>	Land uses that would create excessive noise will not be permitted. Land uses will be subject to the <i>Protection of the Environment Act 2008</i> .	A detailed acoustic report has been submitted with the Development Application advising that the development can achieve compliance with the Protection of the Environment Act 2008 subject to conditions as addressed previously within report.	Yes
<b>Air</b>	Land uses that would create excessive pollution and odour will not be permitted. Land uses will be subject to the <i>Protection of the Environment Act 2008</i> .	As the crematorium is to be the subject of a further application, no air pollution or odour studies are required.	Yes



<b>Clause 8 Site Service</b>			
<b>Waste management</b>	Non-residential properties shall provide their own waste management.	No Waste Management Plan provided. A draft condition requiring a Waste Management Plan has been imposed.	<b>No</b>

Council resolved on 8 December 2010 to adopt amendments to Liverpool Development Control Plan 2008 to address inconsistencies and anomalies that primarily relate to rural land uses. The previous DCP 2008 Part 5 was silent on a number of land uses such as cemeteries and the amended DCP introduces controls for cemeteries, crematoriums and funeral chapels.

Despite the Development Application being submitted prior to the amendments of the Development Control Plan, the amendments do have statutory weight and can be considered pursuant to section 79C of the Environmental Planning and Assessment Act.

Compliance with the amended controls is contained within the table below:

Standard	Requirement	Proposed	Complies?
<b>Part 5 – Cemeteries, Crematoriums and Funeral Chapels</b>			
Site suitability	Cemeteries and crematoria must be located on a site with a minimum of 15ha.	The site has an area of 40.4 hectares. Approximately 7.5 hectares of the site will be used as perimeter landscape	Yes
	Cemeteries and crematoria and funeral chapels shall not be located in a road which has a seal width of less than 6m.	The section of Greendale Road fronting the site has a seal width in excess of 6 metres.	Yes
	Burial plots and buildings within 3m of the ground surface water are not suitable.	Various conditions related to the depth and location of burial plots were imposed in the draft consent.	Yes
	Burial plots must not be located on flood prone land.	The minor area of flood affected land is not being developed with burial plots.	Yes
Setbacks	Buildings and burial plots should be setback 50m from a public street and 15m from any side or rear boundary.	The flower shop is setback approximately 60 metres to Greendale Road.	Yes
Landscaping and fencing	A berm is to be provided around the property and must be 1m high and 3m wide.	No berm is provided however dense landscaping is provided to the perimeter of the site. The proposed	No

	A landscape buffer zone of at least 10m must be provided to the rear and side boundaries of the site.	front masonry front fence will also screen the development effectively front close up on Greendale Road  A 20 metre landscaped buffer is proposed around the whole site.	Yes
Car parking and access	Cemeteries and crematoria and funeral chapels are to be located on a road with sufficient capacity to accommodate a turning or slip lane to enter the site.  A traffic study is to be included with the DA.	A Type CHR intersection treatment is required involving turning and slip lanes in accordance with RTA Road Design Guide.  Traffic Study submitted.	Yes  Yes
Operation	A plan of management is to be submitted with the DA	This has not been submitted. A condition of consent will be imposed requiring a plan of management and details of the perpetual care proposed for the site to be submitted prior to CC.	<b>No</b>

As demonstrated by the compliance table above, the development generally satisfies the requirements of Liverpool Development Control Plan 2008 Parts 1.1 and 5. The areas of non compliance include: the lack of provision of a berm or mound around the property; no waste management plan submitted; and no plan of management submitted. Proposed draft development consent conditions will ensure that these matters are addressed.

## 9. Liverpool Contributions Plan 2009 - Rural Areas

No Section 94 Contributions are applicable to the proposal as there is no additional residential component proposed for the site.

### CONSULTATION

Consultation was undertaken with the following internal Council departments and external agencies/public authorities:

<b>INTERNAL REFERRALS</b>	
<b>DEPARTMENT</b>	<b>COMMENT:</b>
<b>Building</b>	No objections.
<b>Strategic Planning</b>	Original concerns with the close grouping of the multi denominational buildings and possible congestion if multiple services are held simultaneously. This has been rectified by the amended plans deleting the original proposal to have multiple facilities for the various religious faiths.
<b>Engineering</b>	No objection subject to conditions.
<b>Traffic</b>	<ul style="list-style-type: none"> <li>• Traffic generation is unlikely to have a significant impact on level of service of the adjacent road network.</li> <li>• Access design must incorporate an RTA type "CHR" treatment with road widening and right-turn bay and deceleration left-turn lane.</li> <li>• Detailed parking design must be submitted for approval by Traffic Committee prior to Occupancy Certificate. The design must clearly indicate staff parking, visitor parking, hearse parking, service vehicle parking and bus and coach parking. The design must comply with AS2890.1-2004 and AS2890.6-2009.</li> <li>• Detailed road design including speed limit management and controls, signs and markings, road widths must be submitted for Traffic Committee approval prior to Occupation Certificate.</li> </ul>
<b>Environmental Health</b>	Proposed onsite sewage management system is satisfactory subject to conditions.
<b>Environment</b>	No objections subject to preparation of a Vegetation Management Plan for the 0.5 ha of Cumberland Plain Woodlands on the site and a Weed Management Plan for the whole site. The loss of the smaller dams and the remodelling of the two larger dams on the site may result in potential loss of fauna habitat.
<b>Access Committee</b>	Considered by committee. No comments provided.
<b>Aboriginal Community Development Officer</b>	The site is not likely to have any Aboriginal significance.
<b>Landscaping</b>	No objection subject to standard conditions.

<b>EXTERNAL REFERRALS</b>	
<b>DEPARTMENT</b>	<b>COMMENT</b>
<b>Rural Fire Service</b>	The Bush Fire Safety Authority that has been issued raises no objections subject to compliance with the submitted layout plan.
<b>NSW Office of Water</b>	General Terms of Approval issued.
<b>NSW Health</b>	No comments received.
<b>Land and Property Management Authority</b>	Supports application as it will help address predicted shortages in cemetery capacity in Sydney. Recommends that any approval is linked with a transparent and robust perpetual maintenance scheme to ensure that the true development and maintenance costs associated with the cemetery are not transferred to future generations.
<b>NSW Police</b>	No comments received.
<b>Aboriginal Land Council</b>	No comments received.
<b>Sydney Regional Development Advisory Committee</b>	<ul style="list-style-type: none"> <li>• The RTA raised concern with the proposed 6 metres wide driveway and recommends a minimum 7.5 metres driveway.</li> <li>• Type CHR and CHL treatments to be provided at the intersection of the proposed access road and Greendale Road</li> <li>• A 50 metre No Stopping restriction zone shall be provided on the both sides of the access road starting from the entry to the site.</li> <li>• Dividing barrier lines shall be provided for a distance of 20 metres on the access road starting from the entry to the site.</li> <li>• A 10 km/h shared zone is to be provided for the circulatory road within the cemetery with appropriate signposting.</li> <li>• Traffic control devices such as low profile road humps (50mm high) shall be provided on the internal roads at 100 metre spacing.</li> <li>• The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890,1 - 2004, AS 28902 - 2002, and AS 2890,6 - 2009.</li> <li>• The provision of off-street car parking shall be to the satisfaction of Council.</li> </ul>

	<ul style="list-style-type: none"> <li>• A swept path analysis plan of the longest vehicle shall be submitted to Council for review and approval, which illustrates the longest vehicle entering and exiting the subject site, as well as manoeuvrability within the subject site, in accordance with Austroads.</li> <li>• All vehicles are to enter and leave the site in a forward direction.</li> <li>• A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.</li> <li>• All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.</li> <li>• All works associated with the proposed development shall be at no cost to the RTA.</li> </ul>
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## PUBLIC CONSULTATION

The original development application was exhibited from 5 May 2010 to 4 June 2010 in accordance with Liverpool Development Control Plan 2008. Ninety five submissions were received objecting to the proposal. One submission was received from the Free Church of Tonga raising no objections to the development.

The Joint Regional Planning Panel (JRPP) in response to a preliminary briefing on the application by Council officers, requested additional information on the proposal.

Due to changes made to the proposal by the applicant in response to the JRPP request, the development proposal has been publicly re-exhibited from 27 October to 26 November 2010.

A total of approximately 216 submissions have been received in response to the proposal. The number of submissions received is approximate as there are a number of development proposals for cemeteries and crematoria in the Greendale/Bringelly area that are current. Some submissions received by Council have been non specific as to the actual development or developments being referred to.

An information session was held by respective Council officers on the 9 November 2010 to clarify concerns raised within the submissions during the exhibition period.

The submissions in general are detailed, well argued, passionate and strongly put forward. Reference to the complete submissions on file is recommended as any summary of such will always be considered limited.

The general themes and issues raised in the submissions are summarized below:

**ISSUE 1:           Generalised abhorrence to the notion of a proximate cemetery.**

**Comment:**

Many people find cemeteries peaceful and serene places. Equally many people find the thought of living near a cemetery challenging and confronting and associated with feelings of grief, sadness and loss. Whilst essential and eventually a facility to be used by all, cemeteries are developments that need to be spatially and temporally distant from the observer - out of sight and thus not under present and constant consideration.

Both these perspectives may be equally valid. It is not the role of Council as a planning authority to arbitrate on which is to be the correct and proper viewpoint, however an assessment of the negative viewpoint is required as it is presented as an objection to be considered. Objectively Council must consider the abhorrent viewpoint as irrational in any normative sense. It is based on subjective fears and perceptions rather than any real threat or danger. Vague intimations of abhorrence and repugnancy are not sufficient to justify rejecting a development application.

This abhorrence and repugnancy results in the perception of the development as visually contaminated. No matter how attractive the development appears it will be perceived in a negative fashion.

**ISSUE 2:           The development is visually unappealing.**

**Comment:**

Objectively the subject site is currently a grass field that is proposed to essentially remain as such. The proposed cemetery will substantially maintain it as a grass field albeit one dotted with discreet low scale monuments in orderly geometric patterns across the landscape. Over a number of decades the field will be punctuated a few times daily with generally relatively small and quiet gatherings of people on a small portion of the site where small plots are dug and refilled daily. On certain anniversaries and times important to the participants further gatherings or visitations to various parts of the site may occur.

Potentially a cemetery will have a lesser visual impact than many contemporary intensive agricultural pursuits than involve the construction of large sheds and greenhouses.

**ISSUE 3:           Non compliance with zone objectives**

**Comment:**

As examined elsewhere within this report the proposed development is considered to be generally consistent with the objectives of the zone. The cemetery is also a permissible development and considered to have merit.

**ISSUE 4:           Validity of application. The application lacks enough detail to enable an informed decision to be made. Too much detail is left to the future stages of development.**

**Comment:**

The application identifies the site for a future crematorium but lacks details of the proposed design and its operation. It will be subject to a further development application. The application has also been amended to delete indicative multiple memorial facilities in favour of one small multi denomination facility, thus removing a further degree of uncertainty from the application. Sufficient information has been submitted to enable an informed decision to be made on the application and for conditions of consent to be imposed to cover the various construction and operational detail missing in any application.

**ISSUE 5:           The development is a regional facility better suited in a location such as the Western Sydney Parklands.**

**Comment:**

Cemeteries may be appropriate in the Western Sydney Parklands, however the application before Council is not in the parklands. The development is permissible in the zone and meets the minimum size requirements of the DCP and is considered to have merit. There are no current or draft statutory restrictions on, or distinctions between, regional and local types of cemeteries. Council has an application before it to assess under current requirements.

**ISSUE 6:           Large scale cemeteries are not rural in nature. It is an over development of the site.**

**Comment:**

Cemeteries in rural areas have historically been of a relatively small scale and associated with church grounds or municipal undertakings on the outskirts of towns. Economies of scale have resulted in the expansion in size of many traditionally small scale rural activities such as poultry farming and greenhouse horticulture all with associated increases in visual impact. The proposed cemetery by being a lawn cemetery and cemetery with low height tombstones will have minimal visual impact and present a grassed field appearance in keeping with a rural environment.

**ISSUE 7:           The development will result in the loss of agricultural land.**

**Comment:**

Although the cemetery land use will remove a rural parcel of land from being used for agricultural purposes, the land as previously mentioned is not quality agricultural working land or land that would commercially support the grazing of livestock. It does not fragment or alienate other rural land from amalgamating with other adjoining parcels.

**ISSUE 8:           Ground water and surface water pollution will result. This will have effects on downstream farm dams. Ground and surface water contamination and emissions from the crematorium will make local farm produce more difficult to market**

**Comment:**

The studies submitted with the application indicate that based on the permeability and structure of the soil, it is expected that the movement of any leachate generated within the soil will be minimal and therefore surface breakout is unlikely. Therefore, based on these studies and also a previous cemetery hydrogeological study undertaken by Woodward-Clyde (1995) it is most likely that natural attenuation will be sufficient to treat any contaminants (from the leachate) that may be generated from the cemetery.

Successful marketing of what limited produce is produced in the immediate vicinity is not expected to be an issue. For perspective for example, no difficulty appears to be experienced with marketing crops irrigated from and livestock watered from the Nepean River. Treated human sewage effluent is discharged into the Nepean River from a number of communities.

**ISSUE 9:        Atmospheric pollution and ash fallout will result from the crematorium.**

**Comment:**

As previously reported any crematorium development on the site will be subject to a separate development application and complete assessment.

No ash fallout will result from a modern and correctly functioning crematorium. Emissions from crematoriums must comply with relevant standards and regulations.

**ISSUE 10:     Odours will be caused.**

**Comment:**

No offensive off site odours will result from a properly managed cemetery or a modern correctly functioning crematorium. As previously reported any crematorium development on the site will be subject to a separate development application and complete assessment

**ISSUE 11:     Neighbouring poultry farms may be subjected to odour complaints from cemetery visitors.**

**Comment:**

All poultry farms must be operated and managed to minimise or eliminate offensive odours. The number of permanent residents on the site is not changing due to the development and individually visitors to the cemetery will typically attend infrequently and for a limited period of time. Objection to a development so as to reduce scrutiny and potential complaints whilst understandable is not considered a valid ground for objection.



**ISSUE 12: Noise impacts.**

**Comment:**

The Acoustic Report into the development indicates that no significant noise nuisance will be created by the development apart from a minor increase in noise from vehicles traveling along Greendale Road.

**ISSUE 13: Local amenity and lifestyle will be adversely affected.**

**Comment:**

The Liverpool experience to date with cemeteries has generally been positive. Liverpool has historically been well served with cemeteries. Firstly Pioneer Cemetery on the outskirts of the original town of Liverpool (and now edge of the CBD) followed by the Liverpool Cemetery off Memorial Avenue and the various small rural churchyard cemeteries with the largest at Church Road Denham Court.

More recently lawn cemeteries have been established at Leppington and Western Road Kemps Creek. Newer and progressively larger cemeteries have thus historically developed on the expanding outskirts of the developed areas of Liverpool and in neighbouring rural areas. This application and others proposed in the Greendale / Bringelly areas reflect a continuation of the historical trend. The rural lifestyle of current residents of Kemps Creek and Denham Court / Leppington is not considered to have been substantially and adversely affected by the cemeteries located in those suburbs.

**ISSUE 14: Cumulative impacts (particularly traffic) with other proposed cemeteries and crematoria proposed on Greendale Road.**

**Comment:**

Considering the potential cumulative impact of multiple proposals in respect of a specific development application is problematic. It is considered appropriate to take into account the impacts of a new development on the amenity and infrastructure of an area together with existing approved proposals. To take into account applications that are as yet unapproved is problematic as they may not be approved. In a sense the first application in is potentially going to be the best dressed application.

Greendale Road presents as a scenic rural road and is an appropriate setting leading to a place such as a cemetery. Greendale Road is considered to have sufficient spare physical capacity to accommodate the current proposal. The level of environmental amenity along the road corridor will be reduced however this is not considered inconsistent with Greendale Roads current defacto sub arterial function.

**ISSUE 15: Traffic generation, congestion and resultant accidents particularly from funeral processions and on busy days such as mothers' day.**

**Comment:**

This issue is addressed in the body of this report. In summary Council's Independent Traffic Engineering Consultant has advised that the cumulative impacts of the three developments on Greendale Road can be accommodated during both a typical day and special occasion day for a forecast 30 year horizon.

**ISSUE 16: Greendale Road is too narrow with inappropriate horizontal and vertical alignment and needs to be upgraded.**

**Comment:**

The site has access from Greendale Road which is a collector road with a sub-arterial function. Greendale Road facilitates two way traffic with one undivided lane in each direction. The width of the existing sealed pavement carriageway is approximately 6.2m along the frontage of the subject site and will be locally widened to facilitate turning movements into and out of the site. With the passage of time and further natural growth in traffic, demands for upgrading Greendale Road will increase. Currently Council does not have any Section 94 requirement for contributions to fund any upgrading. Cemetery traffic, particularly funeral processions, typically do not require high speed access roads. Easy identification of and access into the site is more relevant for persons unfamiliar with the facility.

**ISSUE 17: No public transport to the site is available.**

**Comment:**

No public transport is available to the site. Whilst public transport is desirable for all developments, the reality is that for most visitations to cemeteries public transport is inappropriate and not desired. Travel will generally be via funeral vehicles and personal vehicles with high occupancy rates because of pooling by relatives and friends. A typical funeral will involve participants from many locations in four quite distinct trips within a relatively short time span – home or work to place of service then to the cemetery then to a reception then back to home or place of work. Public transport is unlikely to be available for all links in the journey and is typically unsuitable for mourners requiring a degree of privacy and freedom from worrying about connections and timetables.

**ISSUE 18: There is only one road access to the cemetery.**

**Comment:**

The site has one access road with access from two directions. Greendale Road has sufficient capacity to accommodate the expected traffic volumes. The road fronting the property will be required to be upgraded to facilitate safe access and exit.

**ISSUE 19: Local public health will be affected.**

**Comment:**

The operation of the site in accordance with the proposed conditions of consent and other applicable legislation will not result in any impact on local public health. Like many developments the only reasonably conceivable health impacts are to the actual workers on site rather than the general public, for example, grave diggers working adjacent to burial plots with existing internments. These health issues are appropriately dealt with under Occupational Health and Safety legislation.

**ISSUE 20: The site is affected by flooding.**

**Comment:**

An approximately 700sqm corner of the site is affected by the Probable Maximum Flood (PMF). This portion of the site contains remnant vegetation and is not proposed for development. It is to be left as a Memorial Garden free of burial plots.

**ISSUE 21: Past animal slaughter on the site may make it unattractive as a burial ground.**

**Comment:**

Council has no record of the site being used as an abattoir. The current owner advises that animals have not been slaughtered on the property. In any event the matter is not relevant to the planning consideration of the proposed development.

**ISSUE 22: Proposed onsite sewage management is inadequate.**

**Comment:**

An on-site sewage treatment system is proposed and will be subject to separate approval under Section 68 of the Local Government Act. The initial geotechnical assessment of the site indicates no impediments to such a system being installed on site. The potential size of the necessary system has also been reduced in the amended application with replacement of the multiple memorial service facilities with one small multi denominational chapel.

**ISSUE 23: Endangered ecological communities will be adversely affected.**

**Comment:**

The subject site is identified as being environmentally significant land pursuant to Clause 7.6 of Liverpool Local Environmental Plan 2008. As such the development application is supported by a Flora and Fauna Survey including a Seven-Part Test and a Vegetation Management Plan.

It is considered that the specialist reports accompanying the development application adequately demonstrate that the development will not adversely impact on flora and fauna species. Furthermore, the proposed actions and tasks within the Vegetation Management Plan ensure that flora and fauna communities on site will be conserved and enhanced.

**ISSUE 24: Loss of property values for neighbouring properties.**

**Comment:**

Cemeteries are permissible within rural zones and are not inherently incompatible with rural neighbours as evidenced by the existence of lawn cemeteries in Liverpool at Leppington and Western Road Kemps Creek.

The presence of a nearby cemetery may preclude some buyers from considering a property for purchase, however, a similar argument can be mounted for nearly all rural activities ranging from odorous poultry farms, composting activities and recently fertilized market gardens to noisy trail bike riders on rural residential properties to high traffic generating quarries. A positive selling point for properties near cemeteries is that in reality they are relatively benign neighbours in terms of actual physical nuisance compared to many other rural uses

**ISSUE 25: Future maintenance and upkeep of the site has not been addressed adequately.**

**Comment:**

The application lacks details of the perpetual care and maintenance arrangements other than stating that a trust will be created. As the cemetery is likely to be operated by others rather than the applicant or current landowner this is understandable. It is proposed to impose a condition of consent that details of the trust arrangements are finalised and presented to Council for approval prior to the issue of any Construction Certificate for the development.

**ISSUE 26: Warragamba Dam will be contaminated by the development.**

**Comment:**

Properly managed, the runoff from the cemetery will not be contaminated. Also the runoff from the site ultimately reaches the Nepean River downstream of its confluence with the Warragamba River.

**ISSUE 27: The lack of water supply for the project as town water is unavailable and the local rainfall available for onsite collection is low and variable.**

**Comment:**

Town water is not available. If the proposed on-site rain water tanks prove generally inadequate in servicing the use of proposed buildings then regular supplementation with purchased water from tankers will be required. Whilst this is generally an undesirable scenario for a residential development, it is not necessarily an unsuitable arrangement for a commercial development.

The two dams/ornamental water features are to be utilised for site and landscaping watering. Water consumption can also be minimised through appropriately chosen plantings, grass cover selection and management.

The potential water demand has also reduced in the amended application with replacement of the multiple memorial service facilities with one small multi denominational chapel.

**ISSUE 28: Large and excessive quantity of fill is proposed in the development of the site.**

**Comment:**

Site establishment works will see a large quantity of imported fill however when considered in context relative to the size of the site (40hectares) and the scale of the development the amount of proposed fill is not considered excessive.

**ISSUE 29: The proposed places of worship may be used for more than funeral services and result in additional impacts on the neighbourhood.**

**Comment:**

The amended application removes the multiple proposed separate facilities for memorial services for various religions and cultures. A single multi denominational chapel with limited capacity is proposed. The application does not propose that this facility be used for other worship services and this will be reinforced in the conditions of consent.

## **SECTION 79C CONSIDERATIONS**

The following summarises the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

**(a) The provisions of:**

**(i) Any Environmental Planning Instrument**

The development's compliance under relevant Environmental Planning Instruments has been previously addressed in the report.

The subject land is zoned 'RU1 Primary Production zone' under Liverpool Local Environmental Plan 2008. The proposed development use is defined as a 'cemetery' under Liverpool Local Environmental Plan 2008 and is a permissible use in the prevailing RU1 Primary Production zone with consent.

The proposal is consistent with the objectives of the RU 1 Primary Production zone as previously addressed within the report.

**(ii) Any Draft Environmental Planning Instrument**

Nil

**(iii) Any Development Control Plan**

Liverpool Development Control Plan 2008 applies to the proposed development. The proposed development has demonstrated general compliance with the requirements contained within Parts 1.1, and 5 of the DCP.

**(iiia) Any Planning Agreement**

No planning agreement relates to the site or proposed development.

**(iv) The Regulations**

Nil

**(v) Any Coastal Zone Management Plan**

N/A

**(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The Development Application is supported by a number of specialist reports to address the impacts of the development on the natural and built environments.

As with all development there will be some environmental impact, however the various environmental investigations have demonstrated that the resultant impacts are negligible or within the acceptable criteria with regards to noise, air quality and odour, traffic, flora and fauna and water quality. Council officers and relevant public authorities have concurred with the accompanying supporting reports.

A number of mitigation measures are proposed (and have been conditioned) to be adopted and implemented to ensure impact is minimal and that amenity levels of surrounding properties is not significantly affected.

The development of the front portion of the site as a lawn cemetery and the remainder as a low height tombstone cemetery ensures that the open rural nature of the area's landscape is maintained. The utilisation of the existing dwelling house and farm buildings as office, administration, caretaker and maintenance functions further maintains the existing rural character of the land.

**(c) The suitability of the site for the development**

As canvassed earlier within this report, the proposed development is a permissible land use within the RU1 - Primary Production zone. In addition, the proposal complies with the relevant zone objectives as addressed in detail previously in the report.

The property is a large rural property with an area of 40 hectares that is of a suitable size to accommodate the development.

The Development Application is supported by a number of specialist reports which advise that the development is suitable and complies with relevant standards and legislation.

Assessment of the Development Application has taken into consideration the impacts of the proposal on the amenity of the existing rural community as well as the character of the area.

The conclusion of this analysis is that the proposal is considered reasonable and will not create adverse environmental, town planning or amenity issues within the streetscape, upon adjoining properties, the environment or the locality.

**(d) Any submissions made**

Submissions received have been detailed previously within the report.

**(e) The public interest**

The public interest is taken to include the provision of a facility for future and existing residents of the Liverpool local government area.

The issues raised in the objections made to this proposal have been adequately addressed throughout this report. It is considered that the proposed development is worthy of support.

## **CONCLUSION**

The proposed development is permissible in the RU1 Primary Production zone under Liverpool LEP 2008 and is also consistent with the objectives of the zone as detailed previously in the report.

The proposal is also consistent with other relevant Statutory and non Statutory Planning Instruments and when assessed under Section 79C of the Environmental Planning & Assessment Act 1979 as detailed previously in the report is considered to have merit.

The development has been subject to detailed site constraint analysis and assessment of natural environment and built environmental impacts which have concluded that the development is suitable subject to recommendations which have been imposed as draft conditions of consent.

The proposal will not have a significant adverse impact on the amenity of the existing rural community or the character and scenic qualities of the surrounding area. The dense screen perimeter landscaping is considered to minimise the visual impacts of the development along with the extensive setback from the road.

During the assessment of the development application Council engaged independent consultants to undertake a review and assessment of both the traffic and natural resource issues pertaining to the proposed development. The review and assessment identified a number of areas in which additional information was to be submitted to address some of the identified concerns and discrepancies.

The additional information submitted has adequately addressed all previously concerns raised during the assessment process subject to appropriate conditions which are contained within the draft determination notice.

The development application has been assessed on its merits and is considered satisfactory. Assessment of the development has revealed that the potential impacts of the proposal can be appropriately mitigated to ensure that the development does not adversely impact on both the natural and built environment. While it is

acknowledged that the proposed development for a cemetery is more intensive than the current use of the site, it is considered that the any potential impacts on the amenity of both the site and neighbouring properties can be appropriate mitigated to reduce the likelihood of land use conflict.

Accordingly it is recommended that the development application be approved subject to conditions of consent.

There are no heritage items on the site and the site is not within a heritage conservation area. The site is identified as being bushfire prone land. Town sewerage and water services are not available for the site.

Accordingly it is recommended that the application be approved subject to conditions of consent.

## DEFINITIONS

AEP	Annual Exceedance Probability
BCA	Building Code of Australia
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RTA	Roads and Traffic Authority

## General

### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans / reports stamped DA-1133/2010 and marked as follows:
  - (a) Cover Sheet - Drawing Number DA:000 prepared by Design Cubicle.
  - (b) Site Analysis Sheets 1 & 2 - Drawing Number UA:000 & UA:101 prepared by Design Cubicle.
  - (c) Proposed Site / Site Plan - Drawing Number DA:100 prepared by Design Cubicle.
  - (d) Plot Allocation / Calculation - Drawing Number DA:200 prepared by Design Cubicle.
  - (e) Car Park Calculation - Drawing Number DA:201 prepared by Design Cubicle.
  - (f) Proposed and Existing DAMS - Drawing Number DA:202 prepared by



- Design Cubicle.
- (g) Land Section - Drawing Number DA:300 prepared by Design Cubicle.
  - (h) DAM Development – Examples Road / Road Roundabout Sections - Drawing Number DA:400 prepared by Design Cubicle.
  - (i) Example – Fence / Crematory - Drawing Number DA:401 prepared by Design Cubicle.
  - (j) Memorial Garden - Drawing Number DA:201 prepared by Design Cubicle.
  - (k) Description Stage 1 - Drawing Number DA:600 prepared by Design Cubicle.
  - (l) Description Stage 2 - Drawing Number DA:601 prepared by Design Cubicle.
  - (m) Entry Detail - Drawing Number DA:700 prepared by Design Cubicle.
  - (n) Master Plan - Drawing Number DA:800 prepared by Design Cubicle.
  - (o) Existing Building Layout - Drawing Number DA:900 prepared by Design Cubicle.
  - (p) Administration Office - Drawing Number DA:901 prepared by Design Cubicle.
  - (q) Care Taker Office / Machinery Storage - Drawing Number DA:902 prepared by Design Cubicle.
  - (r) Flower shop/ Toilet / Gazebo - Drawing Number DA:903 prepared by Design Cubicle.
  - (s) Entry Buildings Layout - Drawing Number DA:904 prepared by Design Cubicle.
  - (t) Landscape Concept Plan prepared by Tramonte Jensen Issue B dated 10 March 2010

except where modified by the under mentioned conditions.

2. The premises must not be occupied until such time as an "Occupation Certificate" has been issued by Council or a Private Certifier.

#### **General Terms of Approval (NSW Office of Water)**

3. All General Terms of Approval issued by NSW Office of Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 14 April 2011. A copy of the General Terms of Approval is attached to this decision notice.

#### **Bush Fire Safety Authority**

4. The development proposal is to comply with the layout identified on the drawings prepared by KHMA Engineers, number: 6099-CDA201, 6099-CDA202 and 6099-CDA203, dated 16/11/2009.

#### **Usage**

5. A maximum of 71,000 burial plots may be created on the site.
6. The proposed development shall strictly conform to the approved uses of 'crematorium', 'cemetery' and 'place of public worship' under the provisions of Liverpool Local Environmental Plan 2008.

7. No approval is granted for the use of 'mortuary' as defined under the Liverpool Local Environmental Plan 2008.
8. Consent is not granted nor implied to the use of the facility as a pet cemetery.
9. Consent is not granted nor implied to the erection of a crematorium on the site identified in the approved plans. A separate development application is required for the construction of a crematorium.
10. The chapel is to be used solely in conjunction with the Cemetery and shall be visited only by those persons attending a funeral service on the subject site. Under no circumstances is the chapel to be used as an independent 'place of public worship'.
11. Organised tours of more than five persons are not permitted to visit the cemetery.
12. The cemetery is not to be used as a venue for any entertainment, recreational or sporting activity.
13. Grazing of animals is not permitted on any part of the site that has been developed with graves.
14. Dogs are to be kept on a lead and must not be allowed to foul in the cemetery.

#### **Perpetual Maintenance**

15. A perpetual maintenance scheme to ensure the long term maintenance of the cemetery grounds is to be created. Sufficient funds from the sale of burial rights and other services are to be set aside in a trust fund. The Trust Deed documentation is to be submitted and approved by Council prior to issue of any Construction Certificate. Council's expenses in checking the documentation are to be reimbursed by the applicant.

#### **Grave markings**

16. The maximum height of the tombstones is not to exceed 600 millimetres.
17. The maximum height of the headstones is not to exceed 150 millimetres.
18. All headstones and tombstones within a cemetery section as defined by enclosing internal driveways are to be identical in style, finish and colour.
19. All memorials and any memorial work must be carried out or supervised by a qualified mason.
20. A Register of all burials is to be kept at the office of the Burial Authority where, during office hours, searches may be made, and Certificates obtained.
21. Every memorial shall have marked upon it the section letter and / or number of the grave over which it is erected.
22. All headstones and tombstones shall be securely dowelled to a vase base or plinth and shall be supported by such foundations as is necessary.

23. Glass vases or containers are prohibited.
24. All memorials shall be kept in good repair and in a tidy and safe condition.
25. Temporary memorials may not be placed upon a grave for a period exceeding twelve months.
26. Floral tributes are to be removed from graves at least on a weekly basis.

### **Vandalism**

27. Any graffiti or vandalism of the cemetery is to be cleaned or repaired as soon as possible after discovery.
28. Headstones and tombstones are to be finished in materials or surfaces that are resistant to the absorption of paint and are tolerant of graffiti cleaning methods.
29. Headstones and tombstones are to be designed with a minimum of masonry projections susceptible to damage from vandalism.

### **Burial Plots**

30. As far as is practical burial plots are to be developed initially at the lowest point of the site and each subsequent cemetery section and proceed upslope.
31. Perimeter landscaping down slope of burial plots is to be densely planted with deep rooted vigorous tree species tolerant of potentially nutrient enriched ground water.
32. Graves should not hold any standing water when dug. If so that grave is to be backfilled and an alternate site selected.
33. The finished surface of burial plots and surrounding areas is not to pond water.
34. There should be at least one metre between the base of the grave and the water table (if the soil has a high infiltration rate this distance is to be greater). Grave construction is not to intercept the groundwater table.
35. The base of all graves must be at least one metre above solid rock. Graves when dug in new sections of the cemetery are to be probed with rods to determine the presence of rock in the area. If rock is detected that grave is to be backfilled and an alternate site or section of the cemetery selected.
36. Graves are to be at least 250m from wells, bores or potable water supplies
37. Seepage from adjoining graves or rainwater is not to be pumped out from opened grave sites and discharged into surface or groundwater sources, whether directly or indirectly is prohibited. Such water is to be treated through the on-site sewerage management system if designed to accept such or be tankered off site for disposal at an authorised disposal facility.
38. All land drains are to be at least 10m from graves.

39. All graves are to be constructed in accordance with Guidelines for the Funeral Industry based on the NSW Health - Public Health (Disposal of Bodies) Regulation 2002.
40. A buffer zone approximately 2-3m above the groundwater table is to be preserved and remain in accordance with the NSW Health guidelines.
41. Clay lining of graves (if necessary) should be constructed in order to encapsulate any generated leachate.
42. Graves when backfilled are to be compacted to minimise settlement.

### **Operational Management Plan**

43. An Operational Management Plan shall be prepared and submitted to Council for approval prior to the release of a Construction Certificate. The report shall address the implementation of the conditions of this consent and the recommendations of the Leachate Management Plan prepared by Aargus Australia, the Geotechnical – Groundwater- Salinity – Report prepared by Aargus Australia, Flora and Fauna Report prepared by Aquila Ecological Surveys, Environmental Site Assessment prepared by Aargus Australia , Storm water Engineering Report prepared HKMA Engineers, Bushfire Report prepared by Advanced Bushfire Performance Solutions and the Acoustic Report prepared by RSA Acoustic

### **Waste storage and disposal**

44. A Waste Management Plan shall be prepared and submitted to Council for approval addressing construction waste prior to release of a Construction Certificate.
45. The garbage / waste collection area shall be located to the rear of the development or away from the boundary with the Greendale Roman Catholic Cemetery.
46. A detailed Waste Management Plan shall be submitted to Council prior to issue of a Construction Certificate that provides details of operational waste management, storage arrangements and recycling.
47. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all construction stages of the development. The applicant is required to keep supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, which must be produced upon the request of Council or any other authorised officer.

**Note:** Any non-compliance with this requirement will result in penalties being issued.

48. All solid and liquid waste must be removed from the site by a registered waste contractor.
49. All solid waste stored on site must be stored in a secure building at all times.

50. All waste materials generated as a result of the development must be disposed at a facility licensed to receive such waste.

### **Fencing**

51. Dark green or black powder coated metal palisade fencing 1.8 metres high is to be constructed along the whole perimeter of the subject site except its frontage to Greendale Road. .

### **Landscaping**

52. The proposal shall be undertaken generally in accordance with the Landscape Concept Plan prepared by Tramonte Jensen Issue B dated 10 March 2010.
53. Having regard to the maintenance of existing surface water flows a berm is to be provided around the property and must be a minimum of 1m high and 3m wide.
54. To ensure landscape establishment and optimise growing conditions, the following guidelines shall be followed:

All trees to be planted are to be in 35 litre pot sizes.

All trees planted in turf areas are to have with a 75 mm thick x 1.0m diameter layer of mulch around the base of the tree. The depth of mulch is to be reduced at the base of the stem.

All trees are to be planted clear of any underground or aboveground services.

55. Landscaping is to be carried out and maintained in perpetuity.

### **Noise**

56. The proposed development shall be undertaken strictly in conformance to the recommendations and findings of the Acoustic Report prepared by RSA Acoustic Consultants dated March 2010. (Report 4557R1).
57. Any alarms installed on the site are to be of a “silent back to base” type.
58. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
59. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning.

However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) Audible noise in any habitable room of any premises during the period of 12 midnight to 7:00 am.
- (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

60. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

61. Any water pump used in conjunction with the proposed development is to be enclosed within a structure capable of maintaining an operating noise level of a maximum of 5dba above background noise levels at all times, when measured from the nearest adjoining residence.

### **Waste Water Management**

62. The proposal shall be undertaken strictly in accordance with the Waste Water Treatment Report prepared by Storm Consulting dated 15 February 2011 (Ref: Project No. 1044).
63. On site waste water disposal areas are to be located in landscape setback areas. No disposal is to occur into burial areas or the memorial garden area of the site incorporating remnant vegetation.

### **Salinity**

64. The proposed development shall be undertaken strictly in conformance to the recommendations and findings of the Preliminary Geotechnical Site Appraisal

### **Contamination**

65. The proposal shall be undertaken in accordance with the recommendations of the Preliminary Environmental Site Assessment prepared by Aargus Australia dated December 2009.

### **Flora and Fauna**

66. The proposal shall be undertaken in strict conformity with the environmental management measures and safeguards recommendations of the Flora and Fauna Assessment prepared by Aquila Ecological Surveys dated March 2010 listed below:
- Retention of the three hollow-bearing Forest red Gum (Tree numbers 193, 199 and 201) and if possible the stag (tree no. 196) west of the northern dam. This area should also be used for above ground plots so that excavation of tree roots is not an outcome of the development.
  - Prior to any work proceeding, a weed control plan should be prepared to ensure that those noxious weeds identified in the study area are controlled to a degree such that their spread is unlikely to be exacerbated. This should be done in accordance with the regulations set out under the *Noxious Weeds Act 1993* and relevant regional control plans that have been prepared for these species. Species primarily targeted in the plan should be St John's Wort and Chilean Needle Grass.
  - Vehicles and machinery should not be stored or parked in under those trees that are to be retained.
  - Construction huts, parking lots, stockpiles, access routes and the like should be located in those portions of the site that have been previously cleared or degraded.
  - During construction activities, construction vehicles should be restricted in their movements to the delineated construction zone.
  - Newly exposed surfaces should be stabilised as soon as possible in order to reduce the potential for soil erosion.
67. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
68. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.

69. Clearing of bushland in addition to any clearing approved for this development application, whether it be removal of trees, groundcover or understorey, requires development consent.
70. Within the area of land indicated on the approved plans for the development as fauna habitat, all existing native vegetation and habitat features shall be retained as habitat for native fauna.
71. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
72. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
73. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
74. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

#### **Light Management**

75. A Light Management Plan shall be submitted to Council for approval prior to release of a Construction Certificate. The Light Management Plan shall ensure that the development does not generate any light spillage to adjoining properties.
76. Any external lighting is to be provided and positioned to avoid light spill onto adjoining properties.
77. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development or to neighbouring properties or road users.

#### **Environment**

78. All chemicals are to be stored within a defined and bunded facility in conformance with AS 1940 – 1993. The storage and handling of flammable and combustible liquids. In the event of pillage or accident / damage, no discharge of chemicals or pollutants from the facility is to occur.
79. The development, including construction, shall not result in any contamination or any increase in sediment deposition into any water body, wetland, bush land or environmentally significant land, or adjoining property.
80. Any fill material imported on to the premises must be Virgin Excavated Natural Material (VENM). Validation certificates from a recognised and qualified consultant or geotechnical engineer verifying the material is free of contaminants, prior to transportation to and placing of VENM on the premises.



81. All requirements as specified by the Office of Environment and Heritage and Workcover Authority in relation to dangerous or hazardous goods storage or use shall be implemented.
82. No pollutant or contaminated material is permitted to egress from the boundary of the premises.

### **Salinity**

83. Any works or activities shall adhere to the recommendations outlined in the approved Salinity Management Plan prepared for the site.
84. All building materials utilised below dampcourse level or water proof membranes are to be resistant to damage from salt damp. Dampcourses and water proof membranes are to have a high resistance to construction damage, are to be themselves resistant to damage from salt damp and are not to be bridged in any manner by porous materials.
85. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site

### **Building**

86. All aspects of construction shall comply with the applicable Performance Requirements of the Building Code of Australia. Compliance with the Performance Requirements can only be achieved by-
  - (a) complying with the Deemed to Satisfy Provisions; or
  - (b) formulating an Alternative Solution which-
  - (c) complies with the Performance Requirements; or
  - (d) is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
87. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

### **Demolition**

88. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.
89. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:**

### **Provision of Services**

90. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA.

91. Written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
92. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

### **Fee Payments**

93. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

### **Dilapidation Report**

94. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

### **Car Parking and Driveways**

95. The internal driveway and car parking area shall be designed in accordance with AS 2890.1-1993 off-street car parking.
96. The proposed 6 metres wide driveway is to be widened to a minimum of 7.5 metres.
97. Type CHR and CHL treatments to be provided at the intersection of the proposed access road and Greendale Road.
98. A 50 metre "No Stopping" restriction zone shall be provided on the both sides of the access road starting from the entry to the site.
99. Dividing barrier lines shall be provided for a distance of 20 metres on the access road starting from the entry to the site.
100. A 10 km/h shared zone is to be provided for the circulatory road within the cemetery with appropriate signposting.
101. Traffic control devices such as low profile road humps (50mm high) shall be provided on the internal roads at 100 metre spacing.
102. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004, AS 2890.2 - 2002, and AS 2890.6 - 2009.
103. A swept path analysis plan of the longest vehicle shall be submitted to Council for review and approval, which illustrates the longest vehicle entering and exiting the subject site, as well as manoeuvrability within the subject site, in accordance with Austroads.
104. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
105. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
106. All works associated with the proposed development shall be at no cost to the RTA or Council.
107. Goods and/or waste or extraneous material must not be stored in the vehicular maneuvering and parking areas. These areas must be kept clear at all times for the free movement of vehicles.

108. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with Australian Standard 2890.1 Parking Facilities-Off Street Car Parking.
109. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on site.
110. A total of 700 informal car parking spaces along the sides of the private internal access roads shall be provided.
111. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

112. Directional signage indicating the location of parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.
113. Signage is to be erected prohibiting the use of the cemetery road system by learner drivers.

#### **Site Development Work**

114. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
115. All aspects of construction shall comply with the applicable Performance Requirements of the BCA. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

#### **Notification**

116. The certifying authority must advise Council, in writing of the name and contractor licence number of the licensee who has contracted to do or intends to do the work. If these arrangements are changed, or if a contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

### **Driveway / Services**

117. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
118. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.

### **Permit to Carry out Works**

119. A separate application for a permit to carry out works must be issued by Council for –
  - (a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit is Greendale Road.

### **On-Site Sewerage Management System**

120. An application for Approval to Install an On-site Sewerage Management System pursuant to Section 68 of the Local Government Act is to be submitted to Council for consideration and approval. The application is to be accompanied by a Waste Water Report prepared by a suitably qualified consultant and include specifications of the sewerage system and accreditation details of sewerage treatment system with NSW Health.
121. The Section 68 Application shall include the following details:
  - (a) Detailed specifications of the proposed systems to be installed.
  - (b) Detailed plans of the proposed irrigation area & disposal methods as per the requisite waste water report.
  - (c) Demonstrated accurate calculations of buffer distances from watercourses, dams, buildings and boundaries.
  - (d) The system is designed to treat the product of dewatering individual open graves if required.

### **Drainage**

122. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
  - (a) These plans must satisfy the following requirements:
    - i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
    - ii. Council's Trunk Drainage Scheme(s),
    - iii. Council's Development Control Plans,
    - iv. All proposed road and drainage works must adequately match existing infrastructure

- (b) These plans must incorporate the following:
- i. A geotechnical report forming the basis of a road pavement design
  - ii. A geotechnical report identifying any contamination of the site, the chemicals present, and proposed remediation required
  - iii. A drainage study identifying the location and design required of any drainage channel, or detention basin.

### **Storm water**

123. A storm water drainage plan, including hydraulic calculations based on a 1 in 100 year storm (ARI), is required. The plan must show how the storm water generated by this site, and other inter-allotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On Site Detention Policy.

124. The applicant is to provide water sensitive urban design features in the CC plans. The design is to give consideration to fine particle and nutrient treatment measures and maintenance regimes for all water quality devices.

This element of the design must be endorsed by Liverpool City Council.

The provision of the enviropods is an interim provision, needed to satisfy water quality control requirements. It is to be provided up to and including the time when the system of Council's gross pollutant control measures are implemented. The applicant is to maintain the enviropods until this time. This condition may be considered redundant if sufficient of Council's trunk drainage system is constructed.

In order to determine if this situation exists, the applicant is to make written application to Council's Manager Land Development and obtain written advice from that officer. Storm water quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The PCA shall not endorse the devices unless all devices are approved for use in the Council area.

125. The applicant shall provide a storm water report with calculations demonstrating that the storm water discharge from the proposed development will not have a detrimental effect on the existing vegetation, existing water regimes and water quality. The storm water quality treatment and On –Site Detention may need to be provided to maintain the existing hydrological regime and prevent damage to downstream ecosystems

126. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

### **Vegetation Management Plan**

127. A Vegetation Management Plan for the 0.5 ha of Cumberland Plain Woodlands on the site and a Weed Management Plan for the whole site is to be prepared by a suitably experienced and qualified person. The VMP is to be submitted to and approved by Council prior to the issue of a Construction

### **Engineering Works**

128. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
129. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

### **Retaining Walls**

130. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface storm water drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

### **Dams / ornamental ponds**

131. The dams and overflow spillways must be designed by a suitably qualified person.
132. The overflow spillways are not to directly discharge on to any neighbouring property other than through an existing watercourse.
133. The materials used for the banks of the dams are to be comprised of material excavated from the site if suitable. If materials are to be imported from other sites, the applicant is to notify Council of the origin of the fill.
134. The site surface levels are to be designed so that site surface storm water is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.

135. To ensure stability of dam embankments, exposed soil embankments are to be stabilised using appropriate grass species, to the satisfaction of Council. Trees or shrubs are not to be planted on the embankment as roots may provide a seepage path for water and weaken the dam wall.
136. The dam must be designed to handle storm flows and the dam walls are to be sufficiently compacted to prevent seepage or slumping.
137. The dam by wash is not to direct flows onto the downstream toe of the dam wall.
138. The dams are to have a cut off trench that is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material. The dams are to be lined with impervious material to prevent sub surface water migration into burial plots.
139. The toe of all proposed fill batters is to be at least 3 metres clear of all lot boundaries.
140. The dams are to be maintained in a condition free of noxious aquatic weeds and in a manner that minimises the breeding of mosquitoes.
141. The dams must satisfy the following requirements:
  - (a) Council's current excavation/dam requirements;
  - (b) NSW Agriculture's Guidelines for Dams and Storages (Agfact E5.7, most recent revision).
142. The proposed modification to the existing dam on the eastern side of the property that partly the neighbouring property will require an agreement in writing from the owner permitting works on their land and the extent of any earthworks required on neighbouring property is to be shown on the plan

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:**

### **Construction Certificates**

143. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
144. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.



### **Notification / Principal Certifying Authority**

145. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
146. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

### **Site Facilities**

147. The following facilities shall be installed on the site:
  - (a) Sediment and erosion control measures. On-the-spot fines may be issued by Council where maintenance or measures is inadequate. Access is only to be provided to the site via an all weather driveway. All sediment and erosion control measures shall be maintained on site, until such time as the site has been turfed and landscaped.
  - (b) A temporary builders toilet complying with the requirements of CI 78G of the regulations.
  - (c) Adequate refuse disposal methods and builders storage facilities. Builders wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. All builders waste and excess fill to be removed from the site prior to occupation.

### **Site Notice Board**

148. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited, and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

### **Notification of Service Providers**

149. Approval, in the form of stamped Construction Certificate plans, is to be obtained from Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or storm water channels.

### **Facilities**

150. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

### **Construction Requirements / Site Facilities**

151. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
152. Access to the site must be provided only via the all weather driveway on the property and is not to be provided from any other site, or location. (Refer to Council's Sediment and Erosion Control Policy).
153. In the case of a class 1 or 10 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and prior to the placement of, any footings; and
  - (b) prior to pouring any in-situ reinforced concrete building element; and
  - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - (d) prior to covering waterproofing in any wet areas, and
  - (e) prior to covering any storm water drainage connections; and
  - (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

154. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
  - (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
  - (c) prior to covering any storm water drainage connections; and
  - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

## **Reports**

155. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

## **Environmental Management**

156. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
  - (b) Measures to suppress odours and dust emissions;
  - (c) Selection of traffic routes to minimise residential noise intrusions;
  - (d) Soil and sediment control measures;
  - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
  - (f) Community consultation
157. The development, including construction, shall not result in any contamination or any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land, or adjoining property.
158. All fill material imported on to the premises must be Virgin Excavated Natural Material (VENM). Validation certificates from a recognised and qualified consultant or geotechnical engineer verifying the material is free of contaminants, prior to transportation to and placing of VENM on the premises.
159. The development, including all works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 - Remediation of Land, and Managing Land Contamination - Planning Guidelines (DUAP/EPA. 1998).
160. Drainage is to connect to the existing system and is not to create any downstream nuisance or sedimentation or erosion.
161. All excavated material not required for the construction of the development is to be disposed of at an EPA licensed waste disposal facility. Written documentation confirming that this condition has been met is to be submitted to Council prior to the operation of the development.
162. No storage of waste materials is permitted on the premises. All waste materials are to be disposed of at a approved EPA waste facility.
163. The site is to be kept in a clean and tidy manner at all times. All grass is to be maintained and mowed at regular intervals.
164. All site and boundary fencing is to be rural in nature. Fencing of solid construction and commercial and industrial type fencing is not permitted.

165. To maintain the amenity of the area and adjoining premises and limit intrusive or offensive noise generation, the activities on the site are restricted between the hours of 7.00am to 7.00pm each day Monday to Friday and 8.00am to 6.00pm each Saturday, Sundays and public holidays. The gates to the cemetery are to be secured shut outside of these hours.
166. Alterations to the natural surface contours or absorption characteristics must not impede, increase or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
167. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's storm water drainage system during construction/demolition. Measures must include, as a minimum:
  - (a) Siltation fencing;
  - (b) Protection of the public storm water system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

#### **Trees**

168. All existing trees that are not approved for removal shall be protected from damage during site works. This protection is to consist of a temporary fence being erected a minimum of three (3) metres from the main trunk of each tree. Trees may be fenced off in clusters where it is not practical to fence individual trees. There is to be no storing of materials or washing machinery, or changing of the existing soil levels within these fenced areas.

### **D. DURING CONSTRUCTION**

**The following conditions are to be complied with or addressed during construction:**

#### **Building Work**

169. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
  - (a) after excavation for, and before the placement of, any footings, and
  - (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
  - (c) prior to covering any storm water drainage connections; and
  - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

170. Compliance certificates issued by an appropriately accredited person or documentary evidence shall be supplied to the Principal Certifier, for the following components of construction:

- (a) Erosion controls, siteworks and site setout;
- (b) Foundations, before placing concrete or covering;
- (c) External drainage lines, prior to backfilling;  
system
- (d) On completion of the structure

171. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) after excavation for, and before the placement of, any footings, and
- (b) prior to covering any storm water drainage connections; and
- (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development

### **Hours of Construction Work and Deliveries**

172. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Security Fence**

173. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Termite Protection**

174. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

### **Disabled Access**

175. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the BCA.

### **General Site Works**

176. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
177. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and down slope / downstream of the site.
178. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
179. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
180. If during any potential site works, significant odours and / or evidence of gross contamination not previously detected are encountered, or any other significant unexpected occurrence, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.
181. All excavated material not required for the construction of the landscaped mound is to be disposed of at an EPA licensed waste disposal facility. Written documentation confirming that this condition has been met is to be submitted to Council prior to the operation of the development.
182. Trees may be removed within 3 metres of the approved structures. No trees are to be removed outside the area stated without the prior consent of Council. This condition only applies when a construction certificate has been issued.
183. No fires are to be lit or waste materials burnt on the site.
184. Waste water from the washing of concrete forms or trucks is not to enter the storm water drainage system.
185. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated spoil material.
186. All soil erosion measure required to be put in place prior to the commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation.

## **Traffic Management**

187. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
188. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
189. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
190. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

## **Vegetation**

191. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
192. A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the two year maintenance period. A final report shall also be submitted upon completion of the maintenance period.
193. Clearing of bushland in addition to any clearing approved for this Development Application, whether it be removal of trees, groundcover or understorey, requires development consent.
194. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
195. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
196. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.

197. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
198. A permanent fence shall be constructed to protect, conserve and prevent access to the bushland onsite as indicated on the approved plans. The fence shall provide access for fire fighting vehicles and be maintained in good condition at all times.

### **Lighting**

199. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

### **Graffiti**

200. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

### **Contamination**

201. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
202. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
203. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.



### **Air Quality**

- 204. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- 205. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
- 206. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

### **Erosion Control**

- 207. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
- 208. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
- 209. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

### **Water Quality**

- 210. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, storm water drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

### **Certificates**

- 211. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
- 212. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The

Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

- 213. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
- 214. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
- 215. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

#### **Smoke Alarms**

- 216. Should the construction of the development (bulkheads etc) reveal that the smoke detectors cannot operate effectively, additional smoke detectors may be required to be installed in order that the detectors effectively protect the occupants of the building in accordance with the provisions of BCA Part 3.7.2.
- 217.

#### **Landscaping**

- 218. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

#### **Waste Management Plan**

- 219. A detailed Waste Management Plan shall be submitted to Council for consideration prior to commencement of the operations.

#### **On-Site Sewerage Management System**

- 220. Prior to the issue of any Occupation Certificate for an Approval to Operate, the On-Site Sewerage Management System is to be issued by Council in accordance with Section 68 of the Local Government Act.

#### **Traffic Management**

- 221. Submission of an RTA type "CHR" treatment with road widening and right-turn bay and deceleration left-turn lane in Greendale Road for Traffic Committee approval.
- 222. Submission of detailed parking design for Traffic Committee approval. The design must clearly indicate staff parking, visitor parking, hearse parking, service vehicle parking and bus and coach parking. The design must comply with AS2890.1-2004 and AS2890.6-2009.
- 223. Submission of detailed road design for Traffic Committee approval. Details must include speed limit management and controls, signs and markings, road

widths must be submitted for Traffic Committee approval prior to Occupancy Certificate.

### **Road Works**

224. Full formation and half width road construction - minimum 5.5m wide - shall be constructed at Greendale Road adjacent to the subject land for the full frontage and is to include kerb and gutter, drainage, pavement construction, sealing and service adjustments in accordance with Council's current design and construction specification for subdivision (as amended) and to the satisfaction of the roads authority if within an existing dedicated road reserve, or by the roads authority or principal certifier if not within a dedicated road reserve.
225. Two copies, both marked up in red, of a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed Drainage and/or On-site Detention systems. The plan must include:
  - (a) Sufficient levels and dimensions to verify the constructed storage volumes
  - (b) Location and surface levels of all pits.
  - (c) Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
  - (d) Finished floor levels of all structures and driveways
  - (e) Verification that trash screens and/or GPT's have been installed
  - (f) Locations and levels of any overland flow paths
  - (g) The work-as-executed plan information should be shown on a stamped copy of the approved civil works drawings.

### **G. CONDITIONS RELATING TO USE**

**The following conditions relate to the ongoing use of the premises:**

#### **Goods in Building**

226. All materials and goods associated with the use shall be contained within the building at all times.
227. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

#### **Waste Storage Area**

228. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

#### **Hours of Operation**

229. The hours of operation of the cemetery are limited to Monday to Sunday from 8.00am to 6.00pm.
230. The hours of operation of the on-site office and administration building are limited to Monday to Friday from 8.30am to 5.00pm.

### **Delivery hours and vehicles**

231. Delivery and service vehicles generated by the development are limited to:

- Monday to Friday      8am to 5pm
- Saturday:              9am to 5pm
- Sunday:                9am to 5pm

### **Environment**

232. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

### **Landscaping**

233. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

### **Vegetation Maintenance Period**

234. A monitoring report shall be submitted to Council following completion of the primary planting the subject of the Vegetation Management Plan. Following the planting phase and submission of the first monitoring report, a minimum two year maintenance period relating to the works the subject of the approved Vegetation Management Plan shall be undertaken. Monitoring reports shall be submitted to Council at 6 monthly intervals following planting.

### **Operation of the facility**

235. The use and operation of the premises shall comply with the requirements of Schedule 2 (Part 4 - Standards for Mortuaries) of the Local Government (General) Regulation 2005, under the Local Government Act 1993 & the Public Health (Disposal of Bodies) Regulation 2002 under the Public Health Act 1991.

### **Pollution**

236. Any chemical or pesticides applied on the property shall be carried out in accordance with the requirements of the Protection of the Environment Operations Act 1997, Pesticides Act 1999, Department of Conservation and Climate Change (EPA) and WorkCover NSW.

237. The premises shall not at any time cause "water pollution" or "pollution of waters" as defined in the POEO Act. In particular the breach is stipulated in Part 5.3, Section 120 of the POEO Act.

### **Emergency Evacuation Plans**

238. An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used for the assembly of people.
239. An emergency evacuation plan is a plan that specifies the following:
- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
  - (b) the number of any fire safety officers that are to be present during performances,
  - (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.
240. Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

### **Independent Compliance Audit**

241. Independent compliance audit: one year after the date of this consent and every two years thereafter, the applicant shall commission and pay the full cost of an independent compliance audit of the development. The audit must:
- a) be undertaken by a suitably qualified, experienced and independent person whose appointment has been approved by Council's Director of Planning (or equivalent);
  - b) be consistent with *ISO 19011:2002 Guidelines for Quality and/or Environmental Systems Auditing*, or updated versions of this guideline;
  - c) assess whether the development is complying with the conditions of development consent and other applicable approval conditions; and
  - d) identify any areas of non-compliance that require rectification.

Within three months of commissioning of this audit, the applicant is to submit a copy of the draft audit report to Council's Director of Planning. The Director may then request any reasonable supplementary work to ensure the final audit report complies with the above terms of reference and any such request is to be made by the Director within two weeks of the date of receipt of the draft audit report.