

9. Liverpool Development Control Plan 2008

Liverpool Development Control Plan 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
Part 1.1 – General Controls for all Development			
Clause 3 Landscaping and Incorporation of Existing Trees	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 development	A concept landscape plan has been submitted with the Development Application. The plan provides for a dense perimeter landscaping of native species along the northern boundary frontage to Greendale Road and retention of existing established pines and eucalypts.	Yes

<p>Clause 4 Bushland and Fauna Habitat Preservation</p>	<p>Applies generally to specific zones</p>	<p>As identified earlier, the Development Application is supported by a Flora and Fauna Survey, Seven-Part Test.</p> <p>The report advises that 0.014 hectares (140m²) of Cumberland Plain Woodland and 0.41 hectares of shale/sandstone Transitional Forest will be removed. A further 1.82 hectares of shale/sandstone Transitional Forest will be affected by the requested APZ zone surrounding the development as required by the NSW Rural Fire Service.</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 as a draft deferred commencement condition of consent to assist in the rehabilitation of Cumberland Plain Woodland and establish habitat for the Cumberland Land Snail.</p>	<p>Yes</p>
--	--	--	------------

<p>Clause 5 Bush Fire Risk</p>	<p>Applies generally to bushfire prone land and land that requires bushfire/hazard reduction</p>	<p>The subject 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 amended proposal which requires an APZ of 50 metres to the south and southwest of the proposed dormitory accommodation. The report also recommends provision of fire trails for emergency vehicles, design and construction conditions and preparation of a bushfire emergency and evacuation plan.</p> <p>It is noteworthy that the NSW RFS originally required an APZ of 70 metres to the south and south west of the development.</p> <p>The amended conditions of the NSW RFS have been incorporated into the consent.</p> <p>A draft deferred commencement condition of consent has been imposed requiring submission of a bushfire management plan that is developed in conjunction with the preparation of the VMP so that an integrated approach for the site is undertaken.</p>	<p>Yes</p>
<p>Clause 6 Water Cycle Management</p>	<p>Stormwater Drainage Concept Plan required to be submitted</p>	<p>A concept stormwater 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 been imposed as draft conditions of consent.</p>	<p>Yes</p>

Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation	<p>The site directly adjoins the Nepean River and is traversed by intermittent gully lines.</p> <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 the Nepean River is protected.</p>	Yes
Clause 8 Erosion and Sediment Control	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
Clause 9 Flooding Risk	Applies to flood prone land	<p>The lower portion of the property is flood prone however the development is concentrated above the 1% AEP Flood event.</p> <p>Council's Flooding Section has no objection to the proposal subject to conditions.</p>	Yes
Clause 10 Contaminated Land Risk	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

Clause 11 Salinity Risk	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>Storm Consulting advise that there is limited evidence of soil salinity and sodicity on the site and the location of the site at the top of a ridge limits the site's risk of salinity impacts. Combined with the implementation of the management measures, soil salinity and other soil related issues on the site can be readily managed.</p>	Yes
Clause 12 Acid Sulphate Soils	Applies to land with potential acid sulphate soils.	The site is not mapped as containing acid sulphate soils. However Storm Consulting has advised that the site displays acidic soils. A Draft condition has been imposed requiring submission of an acid sulphate soils management plan prior to issue of a Construction Certificate.	Yes
Clause 13 Weeds	Weed management strategy required to be submitted if site contains native weeds.	Weed management will be addressed as part of VMP.	Yes
Clause 14 Demolition of Existing Developments	Demolition to comply with AS2601-1991.	No demolition works required.	N/A
Clause 15 On-site Sewage Disposal	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

Clause 16 and 17 Heritage	Applies to heritage items of land in the vicinity of a heritage site, conservation area or archaeological site.	<p>The site is listed as containing a local heritage item known as the Shadforth Monument (former pioneers monument) - item No. 24 on the basis it was understood to contain the Shadforth Monument. It was re-located in 1980 from the St Mark's Anglican Church site nearby after the sale of the church and conversion of the cemetery. However it has subsequently been discovered that the monument is in fact located within the Greendale Road reserve and on Council property.</p> <p>There are also two heritage items immediately adjoining the site - Items 25 and 26 being a private dwelling (former St Mark's Anglican Church group) and Greendale Roman Catholic Cemetery.</p> <p>The Development Application is accompanied by a Heritage Impact Statement which is addressed previously in the report. Council's Heritage Officer has advised that the proposal is satisfactory subject to conditions.</p> <p>The Development Application is also accompanied by an Aboriginal Archaeological Assessment Report which advises no further investigation is warranted which Councils' Heritage Officer concurs with.</p>	Yes
Clause 18 Advertising	Development to be advertised & notified	The application was advertised and notified on three (3) 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 circulating newspaper.	Yes
PART 5-DEVELOPMENT IN RURAL AND E3 ZONES			

<p>Clause 1</p> <p>Site Planning</p> <p>Location of buildings</p>	Buildings shall not be located on ridges or in places where they are too visible from the street.	The crematorium complex lies on an upper slope of a low ridge line which falls to the south west. The site is approximately 50 metres below the crest of the ridge line and at RL 58.0 level. The crematorium is sited approximately 3-4 metres below the higher part of the site fronting Greendale Road.	Yes
	Buildings shall be sited to maximise the retention of existing trees.	The development does enable retention of trees along the Greendale Road frontage, which with additional native plantings will assist in partially screening the development. The development has been appropriately sited to maximise vegetation retention.	Yes
	When siting buildings and seeking to maximise views, the visual impact of the building on the landscape is to be minimised.	A dense planting of screen vegetation with indigenous species is proposed along the frontage of the site to minimise the impact on the landscape.	Yes
	Site planning should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability.	The development employs a generous setback to Greendale Road and provides suitable screen landscaping provision.	Yes
	The site layout should enhance the streetscape through the use of landscaping and built form.	The crematorium complex is extensively setback from Greendale Road frontage and will be appropriately screened along the northern frontage of the site to minimise the visual impact upon the rural landscape.	Yes

Clause 4 Building Design, Style and Streetscape			
Height in Rural Areas	Other Non Residential Uses: All non residential uses to have a general maximum height of 8.5m All development must fit in the surrounding areas, and conserve & protect the rural nature of the area Development above 8.5m shall be subject to merit assessment.	The Crematorium building, excluding the flues, has a maximum height of 9.2 metres at the southern rear of the building and 7.0 metres at its northern frontage. With the flues incorporated, the building has a maximum height of 14 metres and does not comply with the 8.5 metre height requirement. The non compliance is addressed at the bottom of the table.	No
Roof design	The roof pitch of a building is not to exceed 36 degrees.	The roof pitch of the various buildings are: -Crematorium:25 degrees -Information centre:25 degrees -Ceremony halls: Max 35 and Min 20 degrees -Temple/Meditation centre:22 degrees Dormitories-25 degrees	Yes Yes

Building Materials	Materials must complement the rural landscape. Examples include stained timbers, brickwork, mud bricks, metal roofs and similar materials sympathetic to the Australian rural heritage.	The crematorium will be constructed using rendered blockwork and light weight concrete roof materials. The temple and dormitories will be constructed of rendered brickwork and terracotta tiled roof.	Yes
	Buildings and structures must complement the rural landscape where possible. However Council will consider the use of the building when assessing building materials.	The building materials complement the rural landscape.	Yes
Colour	Natural earth colours and natural vegetation colours are to be emphasised on all buildings.(Examples include light ochres, silver greys, grey blues and olive greens.) maintained.	The proposed colouring scheme proposes earth toned neutral colours that are in keeping with the rural character of the surrounding area.	Yes
Rural landscape	Highly reflective (shiny) colours are to be avoided for roofs and walls of buildings, including sheds.	The proposed buildings will be finished with non reflective earth toned colours.	Yes
Views, Scenic landscape and	Natural vegetation should be retained in setback to the street.	The development has attempted to retain existing vegetation along the frontage of the site to Greendale Road and additional native species will also be planted to retain the scenic qualities of the area.	Yes
	All development should attempt to maintain the existing natural environment. Buildings shall not be sited that obstruct views and vistas. Any significant natural and built features should be	No views or vistas obstructed	Yes

Clause 5 Landscaping and Fencing Tree Planting	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).	Some existing trees and native vegetation is to be retained and incorporated into perimeter landscaping.	Yes
	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.	Landscaping to be provided	Yes
	All other perimeter screen planting is to be native species.	Perimeter landscaping to be provided utilising native species	Yes
	Hard surfaces should be limited to access, car parking and private open space areas.	The development does not necessitate extensive hardstand area to facilitate car parking & internal private roads.	Yes
	The trees shall provide a canopy for the streetscape and rural landscape. Shrubs may be used and preferably in mulched garden beds.	Dense landscaping is proposed along the site frontage to minimise impact on the rural landscape of Greendale Road.	Yes
	Landscaping for rural landscape The trees shall provide a canopy for the streetscape and soften the appearance of the rural environment, without unduly concealing approved on site signage.	Landscaping to be provided in accordance with concept Landscape Plan.	Yes
Landscaping for screening	Mulched garden beds shall incorporate ground covers that will cover the ground area. Large shrubs shall be used under the tree canopy to screen the building or item.	Landscaping to be provided in accordance with concept Landscape Plan.	Yes

Clause 6 Car Parking and Access Management			
Access	<p>Location of driveways should consider natural features, topography & vegetation</p>	<p>The proposal has only one formal access/egress to the site however does provide an emergency fire egress adjacent to the temple/dormitory buildings.</p>	<p>Yes</p>
Design and location of car parking and loading	<p>Development on sites located on classified roads may require deceleration lanes</p>	<p>The proposal incorporates an upgraded intersection as detailed previously in the report.</p> <p>There is no specific car parking rate for crematoriums cemeteries. The applicant's Traffic Consultant has modelled the parking rate based on a study of two existing operating cemeteries. Based on 10,000 ashes storage spaces, 130 spaces are required to service the proposal.</p> <p>The applicant has provided a total of 126 line marked on-site car parking spaces and has provision for a total of 216 informal spaces along the sides of the proposed internal private road.</p>	<p>Yes</p>
	<p>Loading bays or parking for trucks, should be located in an area that is not visible from the street.</p>	<p>There is a service vehicle bay located on the north western side of the circular car parking bay to the east of the crematorium which is partially screened by flower bed and landscaping along Greendale Road frontage.</p> <p>The delivery of coffins to the crematorium will be from the frontage of the crematorium where a divided driveway is proposed.</p>	<p>Yes</p>

Clause 7 Amenity and Environmental Impact			
Noise	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
Air	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> .	A detailed odour and air quality assessment report submitted with the Development Application which has been previously addressed within report.	Yes
Clause 8 Site Service			
Waste management	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.	No

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?
Part 5 – Cemeteries, Crematoriums and Funeral Chapels			
Site suitability	Cemeteries and crematoria must be located on a site with a minimum of 10ha.	The site has an area of 19.5 hectares.	Yes

	<p>Cemeteries and crematoria and funeral chapels shall not be located in a road which has a seal width of less than 6m.</p> <p>Burial plots and buildings within 3m of the ground surface water are not suitable.</p>	<p>The section of Greendale Road fronting the site has a seal width in excess of 6 metres.</p> <p>There are no burials.</p>	<p>Yes</p> <p>Yes</p>
Setbacks	Buildings and burial plots should be setback 20m from a public street and 15m from any side or rear boundary.	The information centre is setback 20 metres to Greendale Road.	Yes
Landscaping and fencing	<p>A berm is to be provided around the property and must be 1m high and 3m wide.</p> <p>A landscape buffer zone of at least 10m must be provided to the rear and side boundaries of the site.</p>	<p>No berm provided however dense landscaping provision is provided along the frontage of the site to Greendale Road to adequately screen the frontage of the development.</p> <p>Existing established vegetation along the side and rear boundaries provides a natural buffer in excess of 10 metres</p>	<p>No</p> <p>Yes</p>
Car parking and access	<p>Cemeteries and crematoria and funeral chapels are to be located on road with sufficient capacity to accommodate a turning or slip lane to enter the site.</p> <p>A traffic study is to be included with the DA</p>	<p>A Type CHR intersection treatment is proposed involving turning and slip lanes in accordance with RTA Road Design Guide.</p> <p>Traffic Study submitted</p>	Yes
Operation	A plan of management is to be submitted with the DA	This has not been submitted. A condition of consent has been imposed requiring a plan of management	No

Non Compliance

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 are building height, no provision of berm around the property, no waste management plan submitted, and no plan of management submitted.

Building Height

Clause 4 of Liverpool Development Control Plan 2008 requires a maximum height of 8.5 metres for residential and non residential buildings. The DCP states that any variation to the height limit of non residential buildings shall be assessed on the individual merit of the proposal.

In considering the variation to the 8.5 metres height limit, the height of the proposed buildings, excluding the flues, has been considered along with the combined height of the building with the flues.

The crematorium, excluding the flues, has a maximum height of 9.2 metres, measured from the top of the building's roof to the natural ground level at the lowest point of the building being the southern rear where the site slopes away. At the northern frontage of the site where the development is visible to Greendale Road, the crematorium complex has a maximum height of 7.0 metres. It is noteworthy that the ceremonial halls have a height ranging from 5.7 metres to 7.0 metres along the northern frontage of the development.

Combined with two flues, which have a height of 8.5 metres, the building has a maximum height of 14 metres measured at the southern rear of the building where the site slopes away and 11.3 metres measured at the northern front elevation of the building to Greendale Road.

The variation to Council's height limit of 8.5 metres is supported on the basis that the height exceedance for the building, excluding the flues, is only 0.7 of a metre and is concentrated at the rear of the crematorium building where the site slopes away and there are no streetscape impacts. The flues are located at the rear of the building and occupy only a very small proportion of the crematorium frontage and do not contribute to the bulk and scale of the development. On the merits, the variation to the height limit is supported.

No Landscape Berm around property

The dense screen landscaping provision along the frontage of the development will assist to satisfactorily screen the development. Given the topography of the site and existing buffer vegetation around the perimeters of the site, a berm is not considered warranted.

Waste Management Plan

A condition has been imposed that a waste management plan is submitted prior to issue of a Construction Certificate.

Operational Management Plan

A condition has been imposed that a waste management plan is submitted prior to

issue of a Construction Certificate.

9. Liverpool Contributions Plan-Rural Areas

There are no Section 94 Contributions applicable to the proposal given there is no permanent dwelling component.

CONSULTATION:

INTERNAL REFERRALS:

Building	Referral - Yes
No objection subject to conditions of consent.	
Engineer	Referral – Yes
No objection subject to conditions of consent.	
Traffic	Referral – Yes
Council's Traffic Section has considered the Parking and Traffic Assessment Report submitted with the amended proposal and advised that the proposal is satisfactory with RTA and Council guidelines subject to draft conditions requiring the following: -Submission of an RTA type "CHR" treatment with road widening and right-turn bay and deceleration left-turn in Greendale Road for Traffic Committee approval. -Submission of a detailed traffic design for Traffic Committee approval -Submission of a detailed internal road design for Traffic Committee approval including details of road speed, management and controls, signs and markings, road widths for Traffic Committee approval.	
Landscaping	Referral – Yes
No objection subject to standard conditions.	

Environment & Health	Referral – Yes
<p><u>Odour</u></p> <p>Council's Environmental Health Section has reviewed the odour and air quality impact assessment report and advised that it satisfies the requirements of Part 4 Div. 3 of the POEO (Clean Air) Regulation 2002 for regulating the emissions of particles and smoke and Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation.</p> <p>Council's Environment and Health Section has also advised that the odour impact, air quality, particles and smoke emission generated from the crematorium should be managed satisfactorily providing the requirements in Section 5 of the report are complied with and that all recommendations are implemented as per the report prepared by Advanced Envirosafe Pty Ltd Report.</p> <p><u>Contamination</u></p> <p>Council's Environmental Health Section has advised that the detailed Stage 1 Contamination Report submitted is satisfactory subject to the recommendations.</p> <p><u>Noise</u></p> <p>Council's Environment & Health Section consider that the acoustic report has been prepared in accordance with the Protection of the Environment Operations (Noise) Regulation and is satisfactory subject to the recommendations of the report.</p>	
<p><u>Waste Water</u></p> <p>Council's Environment and Health Section has conducted a review of the proposed on-site waste water arrangements and has no objection in principle to the Waste Water Treatment Report Project No. 1044 Rev B prepared by Storm Consulting Pty Ltd. Council's Waste Water have advised that the proposed irrigation area & systems will be adequate for the proposed use & associated activities.</p> <p>Council's Environment & Health Section recommend imposition of draft conditions of consent requiring submission of a Section 68 Application which shall include:</p> <ol style="list-style-type: none"> 1/ Detailed specifications of the proposed systems to be installed. 2/ Detailed plans of the proposed irrigation area & disposal methods as per Waste Water Report (Project no 1044. page 9). 3/ Demonstrated accurate calculations of buffer distances from Nepean River, dams, buildings & boundaries. <p>Council's Environment and Health Section has also considered the comments of the Office of Hawkesbury Nepean in respect to potential adverse impacts upon the Nepean River and advised that the proposed waste water treatment details are satisfactory and will not adversely impact the Nepean River system.</p>	

Natural Environment	
<p>Council's Natural Environment Section reviewed the original Flora and Fauna Report submitted with the DA, dated September 2010 and raised inadequacies with the report and requested further survey information which has subsequently been submitted to Council as part of an amended Flora and Fauna Report.</p> <p>Council's Natural Resource Officer has reviewed the amended Flora and Fauna report dated January 2011, field survey methods and advised that the reporting appears to be satisfactory. Furthermore, the findings of the flora and fauna survey and application of the seven part test for threatened species and endangered ecological communities (EEC) are acceptable. Application of the seven part test for the threatened species and EEC under Section 5A of the EP&A Act found that there were no significant impacts on any of the threatened species and EEC and accordingly no Species Impact Statement was required. Council's Natural Environment Section noted that the amended development which involves the re-siting of the temple/dormitory component further away from Greendale Road and mapped Cumberland Plain Woodland has reduced the impacts on Cumberland Plain Woodland.</p> <p>The proposed loss of Cumberland Plain Woodland, the Environmental Management Measures and Safeguards recommended, such as offsetting measures are to be adopted to compensate for the negative impacts of the development and also to protect the biodiversity of the site.</p> <p>In addition, Council's Natural Environment Section has recommended that a Vegetation Management Plan (VMP) be submitted. A draft deferred commencement consent condition has been imposed requiring a VMP to be submitted.</p>	
Heritage	Referral – Yes
<p>Council's Heritage Officer has considered the proposal and advised that:</p> <ul style="list-style-type: none"> • The proposed development will conserve the significant fabric of the Shadforth Monument as well as the former St Mark's Anglican Church Group and Greendale Roman Catholic Cemetery; • The development will not intrude into the curtilage of the former St Mark's Anglican Church Group and Greendale Roman Catholic Cemetery; • The proposed use is sympathetic to the historical use of adjacent heritage places which incorporate churches, cemeteries and memorials from the 19th century; • Existing views to and from the Shadforth Monument will not be obstructed by the proposal. Similarly primary views to the two other adjacent items would be retained by the development; • The materials proposed are sympathetic to the heritage context by using masonry and strong materials similar to those employed in the neighbouring heritage places; and • The muted colour palette suggested includes shades of grey and beige/ light brown. These are subtle colours which also respect the colour palette of neighbouring heritage items and should blend into the landscape; 	

- Employs mitigating measures (setbacks, vegetation screening) to reduce adverse impacts on the heritage items;
- Retains the majority of existing mature vegetation.

Council's Heritage Officer has recommended approval subject to implementation of mitigating measures to ensure that development respects the significance of heritage places. The following conditions are recommended:

- use of metal palisade fence (or a modern interpretation) along the length of the Greendale Road frontage;
- native species to be utilised instead of exotics across the site;
- the removal of the palm trees from the easternmost entryway and replacement with native species;

Draft conditions of consent in respect to the Heritage Officer's comments have been imposed.

The Heritage Advisory Committee has suggested that the Shadforth monument be relocated at the applicant's cost to a suitable location within the proposed development property, preferably to a site where the monument would be in visual association with the former church building and cemetery from which it was previously removed. A suitable site might be near the north-western boundary of the former church land at a point visible from Greendale Road. This might provide a better setting for the monument than the existing visually as well as in terms of historical association.

Council's Heritage Officer has advised that the request by the Heritage Advisory Committee to relocate the monument at the applicant's expense is unreasonable given it is not sited on the owners property. This is the responsibility of Council.

A separate recommendation has been made requiring Council to prepare an amendment to Liverpool Local Environmental Plan 2008 to remove the Shadforth Heritage Item classification from the subject site and consider an alternative location to locate the monument.

Aboriginal Archaeology

Council's Heritage Officer has advised that the preliminary Aboriginal Archaeology Report is satisfactory and addresses relevant legislative requirements.

Flooding

Referral – Yes

Council's Flooding Section has no objection to the proposal. The lower southern portion of the property adjacent to the Nepean River is partially affected by flooding under 1% Annual Exceedance Probability (AEP) event. However, the proposed buildings are located outside the 1% AEP flood extent. The 1% AEP flood level in the vicinity of the property is 46.1m Australian Height Datum (AHD). No objection subject to conditions.

EXTERNAL REFERRALS:

Commonwealth Department of Sustainability, Environment, Water, Population and Communities

The Commonwealth Department of Sustainability, Environment, Water, Population and Communities has considered the ecological impacts of proposal under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and advised that the proposed action does not constitute a controlled action. This means that no further assessment and approval is required under the EPBC Act.

Department of Environment, Climate Change and Water (Office of Water)
<p>The Development Application was lodged as '<i>Nominated Integrated Development</i>' under the provisions of the Water Management Act 2000 and the proposal was referred to the Office of Water as '<i>Nominated Integrated Development</i>' given works were proposed within 40 metres of an intermittent natural water course.</p> <p>The Office of Water originally requested additional survey and aerial information in respect to the location of the natural drainage lines traversing the site and bank to determine whether the natural drainage depressions above the dam constituted 'rivers' under the Water Management Act of 2000.</p> <p>Following consideration of the additional photographic and mapping information of the natural drainage line, where the development was sited, the Office of Water granted GTAs to the proposal and also advised by covering letter that the intermittent natural drainage depressions above the dam did not technically constitute 'rivers' under the Water Management Act. The Office of Water determined that the 'river' started immediately below the dam.</p> <p>As the proposal requires stormwater works within 40 metres of the dam, a draft condition of consent has been imposed requiring the development to comply with the GTAs issued by the Office of Water dated 25 February 2011.</p>
Department of Environment, Climate Change and Water-(Odour & Air Quality)
<p>The Department of Environment, Climate Change and Water reviewed the Air Quality and Odour Impact Report submitted with the Development Application and advised that the report appeared to be generally consistent with the Department's requirements. DECCW also advised that the proposal is not required to be licensed under the Protection of the Environment Operations Act.</p>
Office Of Hawkesbury-Nepean

Council received two (2) submissions from the Office of Hawkesbury-Nepean dated 21 January 2011 and the 2nd undated submission was received by Council on 30 March 2011. The submissions raised concerns in respect to the proposed waste water treatment measures and capacity of the site to treat on-site waste water. The Office of Hawkesbury-Nepean became involved with commenting on the proposal due to an approach by a local resident.

The first submission dated 11 January 2011 raised concerns regarding a discrepancy in the proposed usage of the site relating to the number of ceremonies conducted per week and thus the volume of effluent disposal to be managed. The original on-site Waste Water Treatment Report submitted with the Development Application assumed an average of 4 ceremonies per week, whereas the Statement of Environmental Effects Report proposed 4-6 ceremonies per day. The Office of Hawkesbury-Nepean requested Council to examine the discrepancy and the general waste water management of the site, to ensure that a suitable and adequate area be defined for the sustainable disposal of treated effluent from the proposed development.

The applicant was subsequently requested to prepare an amended Waste Water Treatment Report addressing the discrepancy and a subsequent Waste Water Treatment Report dated 16 February 2011 was submitted to Council for re-consideration.

The Office of Hawkesbury-Nepean commented further on the amended Waste Water Treatment Report (Ref: Project No. 1044, Amendment B) by way of letter received by Council on 30 March 2011 and raised concern in respect to the location of the treatment area within 250 metres of the Nepean River and potential adverse impacts on the water quality of the Nepean River. The secondary disposal is located approximately 150 metres from the Nepean River.

The Office of Hawkesbury-Nepean recommended that the waste water disposal location is re-sited further away from the Nepean River.

NSW RFS:

The site is identified as 'bushfire prone land' and the proposal represents a 'Special fire protection purpose'. Accordingly the proposal was referred to the NSW Rural Fire Services as 'Integrated Development'.

The NSW RFS has issued a Bushfire Safety Authority for the amended proposal which requires an APZ of 50 metres to the south and southwest of the proposed dormitory accommodation. The report also recommends provision of fire trails for emergency vehicles, design and construction conditions and preparation of a bushfire emergency and evacuation plan.

It is noteworthy that the NSW RFS originally required an APZ of 70 metres to the south and south west of both proposed building precincts and this has subsequently been reduced to 50 metres as per RFS GTA correspondence dated 31 March 2011.

NSW Health:

The proposal was forwarded to NSW Health for comment however no formal comments were received.

NSW RTA

No objection in principle raised by the RTA however the RTA advised that Council should consider the cumulative traffic impacts of the proposal along with other proposed cemetery developments on Greendale Road.

Tharawal Local Aboriginal Land Council

Request that prior to any work which will result in soil disturbance, an Aboriginal Impact Assessment be undertaken due to the fact that approximately half the property is remaining under native woodland.

The preliminary Aboriginal Archaeology Report submitted advises that the site does not contain any Aboriginal sites or relics. The preliminary report also incorporates an assessment of vegetation that will be impacted by the proposal and found that there was no evidence of any Aboriginal scarring on trees.

PUBLIC CONSULTATION:

Notification/Advertising:

The Development Application was publicly advertised on three (3) separate occasions.

The original proposal was advertised as Nominated Integrated Development under the Water Management Act 2000 and Integrated development under the Rural Fires Act 1997 for thirty (30) days from 19 May 2010 to 17 June 2010 in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. During the original advertising period, Council received a total of 58 submissions, including an objection submission from Wollondilly Council.

The amended proposal was advertised for a period of fourteen (14) days from 27 October 2010 to 10 November 2010 in accordance with Liverpool Development Control Plan 2008 (Pt 1.1). During the second advertising period, Council received 50 submissions objecting to the proposal, including an objection submission from Wollondilly Council.

The further amended proposal, incorporating additional supporting reports, was advertised as Nominated Integrated Development under the Water Management Act 2000 and Integrated Development under the Rural Fires Act 1997 for 30 days from 16 February 2011 to 18 March 2011. During the third advertising period, Council received 38 submissions objecting to the proposal, including objection submissions from Wollondilly Council and Penrith City Council. Three (3) submissions also contained a total of fifteen signatures in objection to the proposal.

A summary of the issues raised in all three (3) advertising periods is listed below:

Issue 1

Traffic generation

- Concern raised regarding the volume of traffic that the development will generate, particularly funeral procession type traffic. This will lead to backing up of vehicles along Greendale Road which will cause delays for residents in the area.
- Concern regarding the standard and capacity of Greendale Road to accommodate traffic volumes. The road is only single lane in each direction meeting country road standards.
- Inadequate site distances to proposed driveways do not meet RTA standards

Comment:

Based on the Traffic and Parking Impact Assessment Report submitted by the applicant, the proposal will have a peak traffic generation rate of 66 vehicles per hour at maximum capacity. However on special and rare occasions and during high profile funerals, the traffic generation rate may be doubled up to 300 vehicles per hour.

The applicant's Traffic Engineer has determined that the required sight distance of 170 metres, in accordance with RTA Road Design Guide, Section 4, is available to the left side for vehicles exiting the site, however, it is restricted on the right hand side, due to existing vegetation. The applicant's Traffic Engineering Consultant has recommended that vegetation/obstruction be cleared in order to achieve the safe sight distance. The extent of these works is to be confirmed during the detailed engineering design of the proposed road widening to be undertaken.

In addition, due to the existing crests on Greendale Road, located to the north and south of the proposed access driveway, the applicant's Traffic Engineering consultant recommended that advance warning signs be installed on both sides of the road, to warn motorists of turning vehicles at the

Council's Traffic Engineer considers that there is adequate capacity within the Greendale Road system to accommodate the additional traffic generated by the proposal without altering the level of service of Greendale Road subject to conditions requiring provision of a type CHR intersection treatment in accordance with RTA Road Design Guide and AustRods Guidelines which involves provision for a right hand turn lane and left hand turn deceleration lane.

Issue 2

Cumulative Traffic Impacts

- The combined traffic generation of the proposed development along with other cemetery developments accessing Greendale Road will generate excessive traffic volumes and have a detrimental impact upon the safety and traffic efficiency of Greendale Road.

Council engaged an Independent Traffic Consultant to undertake a cumulative traffic assessment of the proposed crematorium along with two cemeteries proposed at Nos 321 and 31 Greendale Road which are located to the east of the subject site. Development Applications for each of the two cemeteries were lodged around the approximate time as the Crematorium Development Application.

The combined peak hour traffic generation of the proposed crematorium along with proposed cemeteries at 31 and 321 Greendale Road on a typical day and on special occasions (such as mothers day) was calculated as shown in the table below:

Cemetery DA site in Greendale Road	No. of burial plots	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; 50% outbound)	Estimated “worst case” peak hourly generation (e.g. Mothers Day weekend) at 100% capacity (50% inbound; 50% outbound)
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 rate)	165 vehicle trips / hr	750 vehicle trips / hr
No. 31	6,150	40 vehicle trips / hr	185 vehicle trips / hr
Cumulative Traffic east of 31 Greendale Road, Bringelly (based on 80% of traffic approaching/ departing these sites from/ to the east)		217 (i.e. 271 x 0.8)	988 (i.e. 1235 x 0.8)

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, the cumulative impacts of the three cemeteries 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 is 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.

Issue 3

Wallacia Public School P & C Association raise safety concerns to students of Wallacia Public School given high traffic volumes.

Comments:

Wallacia Public School fronts Mulgoa Road, Wallacia and is located approximately 4 kilometres from the subject site. It is acknowledged that the school site will receive additional passing traffic generated by the development, however Council's Traffic engineer has advised that there is adequate capacity within the local and regional road system to accommodate additional traffic generation.

Issue 4

Out of Character with surrounding rural context

Comment:

The general surrounding locality comprises larger rural properties that are in excess of 10 hectares and comprise single dwellings with associated, sheds and out buildings. The immediate area surrounding the site comprises properties with the average size of properties immediately adjoining and adjacent to the site having an area of approximately 10 hectares with some other larger properties also in the general area. The site directly adjoins the former St Mark's Anglican Church (No.112 Greendale Road) on three boundaries. The Church site comprises a small sandstone church which was converted for residential use in 1980. The site also directly adjoins the Greendale Roman Catholic Cemetery to the immediate east (No 986 Greendale Road) which also comprises a small chapel that was built in 1995. To the west, the site backs onto the Nepean River. To the north west, the site adjoins a large parcel of land owned by the Free Church of Tonga which comprises a place of worship which is sited closer to the Greendale Road frontage of the site and has no heritage value. The property also contains a dwelling.

The built forms of the proposed Crematorium and Temple complexes are somewhat untraditional structures typically found in rural areas and not typical rural appearance like buildings such as farm sheds or dwellings. It is however considered that the proposed building forms and roof shapes are not inappropriate for the intended uses of the buildings and that innovative buildings with architectural merit should be encouraged. On this basis it is considered that the visual impacts of the proposed design has been mitigated by the use of selective building materials and use of earth toned and neutral finishes and colours.

The visual impacts of the proposed buildings upon the character of the local environment have been reduced via the following measures:

- Retention of as much of the existing natural vegetation as possible to screen the proposal,
- Supplementary planting of native vegetation along the site frontage to Greendale Road will assist to screen the new buildings,
- Provision of generous setbacks to Greendale Road property boundary, which establishes a suitable buffer zone between the public realm and the proposed buildings,
- The use of earth toned and neutral colour building finish colours and materials

that complement and are compatible with the aesthetic qualities of the existing environment, so that the buildings are integrated into the environment (at least in terms of tone and colour), and do not become highly conspicuous elements.

The provision of supplementary screen planting of native trees and shrubs as indicated on the Concept Landscape plan for the proposed development will have positive benefits for the development, and help to minimise the visual intrusion of the development upon the surrounding environment.

Combined with the use of neutral colour schemes submitted with the Development Application will minimise the visual impact of the development upon the surrounding natural environment and character of the area.

It is also considered that the development achieves extensive boundary setbacks from proposed buildings to other surrounding buildings on adjoining properties and maintains a high degree of rural separation which is consistent with the surrounding rural character.

On this basis the proposal is not considered out of character with the surrounding rural character of the area.

Issue 5

Visual Impacts

- The design and siting of the proposal close to and visible from Greendale Road will have an adverse visual impact. The number of buildings will be alien to the visual ambience expected in a rural zone. The unusually high crematorium building and the A typical form and grouping of the buildings is unrepresentative of development typical of agricultural pursuits in the area.

Concern raised regarding inadequate screen vegetation of buildings to Greendale Road. The large setback area will be occupied by low terraces with exotic plantings and that existing vegetation will be removed between the road and the proposed buildings.

Request that a visual assessment is submitted that addresses the impact of the proposal on the rural setting of the site and in particular the form and scale of the development, visual exposure of buildings within the setting, change in the intrinsic character of the surrounding area, visual fit of the development and visual sensitivity of the site.

Comment:

A photomontage of the proposal has been submitted with the proposal to illustrate the impact of the proposal on the visual setting of the locality. A streetscape elevation has also been submitted with the Development Application to demonstrate the impact of the proposal viewed from Greendale Road. A number of measures have been incorporated into the design and siting of the development to minimise its visual impact on the surrounding locality.

It is apparent from the supporting information submitted with the Development Application that the higher crematorium component of the development is extensively setback from Greendale Road so as to minimise visual impacts of the proposal. The use of neutral colours schemes into the buildings also reduces the development's visual impact. It is also noted that the site slopes away from Greendale Road which

assists to reduce its impact. It is approximately 4 metres lower where the crematorium is sited to the higher Greendale Road frontage of the site. It is apparent from the streetscape elevations that it is primarily the roofs of the crematorium complex that will be visible from Greendale Road.

It is also acknowledged that the amended proposal represents a significant reduction in the overall scale, height and building footprint of the original proposal submitted with the Development Application. In particular it is acknowledged that the height and bulk and scale of the crematorium roof form has been significantly reduced via the removal of the internal flues that were proposed in the original proposal submitted with the Development Application.

The frontage of the development to Greendale Road is proposed to be planted with dense screen landscaping for its entire frontage. The landscaping frontage to the crematorium ranges from a minimum 6.5 metres width to approximately 16 metres on the western side of entry road and up to 20 metres in front of the information centre building. The landscaping frontage then increases to 40 metres where the car parking is proposed adjoining the Greendale Catholic Cemetery.

In consideration of all of the above, the visual impact of the development on the surrounding area has been appropriately mitigated by re-design, sensitive selection of earth toned colours and dense landscaping.

Issue 6

Building bulk and scale

- No assessment of the building scale provided in the Statement of Environmental Effects Report. Concern raised that the scale of the proposal is far in excess of the desired rural character of the area. Reference to Land & Environment Court judgement *Annan Christian Life Centre v Camden Council*.

Comment:

The amended design of the proposal has significantly reduced the bulk and scale of the crematorium building via a reduction in the height of the roof form. The amended design has also achieved a significant reduction in the overall building footprint and consequently assisted to reduce the bulk and scale of the development.

The bulk and scale of the development has been minimised via a variety of measures, including, the rounded and articulated frontage of the development which softens the developments visual impact, staggered setbacks to Greendale Road ranging from 41 metres to 64 metres for the crematorium. The staggering effect combined with the slope of the site away from Greendale Road assist to reduce the extent of the building expanse that is visible from Greendale Road. The use of neutral earth toned colours and the densely landscaped frontage of the site to Greendale Road will also assist to reduce the bulk and scale of the development. From analysis of the streetscape elevation to Greendale Road, it is primarily the roofs of the buildings that will be visible from Greendale Road.

It is acknowledged that the design of the proposal is not traditional of rural development however given its public use there should be opportunity allowed for variation and innovation in the building form and style. The building is considered to

display architectural merit and on this basis the building bulk and scale is satisfactory.

Issue 7

Air pollution and Odour emissions

- The crematorium will emit harmful odours into the atmosphere that will impact the health of surrounding landowners.
- Discharges of emissions into the atmosphere will have an adverse impact on the air quality of the area and other communities along the Nepean Valley
- The development will produce noxious chemicals and ash deposits, in particular mercury vapour that could have serious health impacts
- Air contamination adversely impacting Nepean River water quality
- Non compliance with Environmental Guidelines for Crematoriums which requires a buffer zone of 200 metres, depending on the nature of prevailing winds, and the natural topography of the site between the emission stack and neighbouring residences is desirable

Comment:

The results of the Air Quality Impact and Odour Assessment Report prepared by Advanced Envirosafe Consultants Pty Ltd indicate that the concentrations of measured pollutants are under the DECC Impact Assessment Criteria and most of them by several orders of magnitude. The odour report models the impacts of the development using Ausplume Version 6 which measures odour and pollutant modeling covering all the pollutants, including Nitrogen Oxides, Carbon Monoxide, Particulate Matter, Sulphur Dioxide, Mercury, Hydrogen Fluoride, Hydrogen Chloride, Dioxins and Furans and Odour.

The report advises that the impact of identified pollutants will be negligible on the surrounding environment if the cremator is maintained and operated in a fit and proper manner and given the low emission rates of heavy metals and PAH's noted in the EMEP/EEA emissions inventory guideline, it is unlikely that the criteria limit will be ever exceeded for the compounds.

Council's Environmental Health Section has reviewed the odour and air quality impact assessment report and advised that it satisfies the requirements of Part 4 Div. 3 of the POEO (Clean Air) Regulation 2002 for regulating the emissions of particles and smoke and Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation.

The odour and air quality impact assessment report has also been reviewed by the Department of Environment, Climate Change and Water who has advised it has been prepared in accordance with relevant requirements.

A draft condition has been imposed requiring preparation of a detailed operational and management plan to ensure that the ongoing operations of the Crematorium are maintained in accordance with the recommendations of the air quality and odour impact assessment report. A draft condition has also been imposed requiring the development to comply with the requirements of Part 4 Div. 3 of the POEO (Clean Air) Regulation 2002 for regulating the emissions of particles and smoke and Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation.

In respect to the comment that the proposal does not comply with the 200 metre buffer to dwellings under the Environmental Guidelines for Crematoria and Cremators, it is accepted that the cremator stack is located approximately 153 metres from the nearest St Marks cottage and less than the recommended 200 buffer. However the Environmental Guidelines for Crematoria and Cremators are not statutory or non statutory planning instruments requiring consideration under Section 79C of the Environmental Planning & Assessment Act. The findings and recommendations of the air quality and odour impact assessment report have been relied upon which as previously noted has been accepted by both Council's Environment & Health Section and DECCW.

On this basis the proposal is not foreseen to discharge harmful odours or pollutants and will not have an adverse impact on the air quality of the locality.

Issue 8

Water Pollution

- Concern regarding potential contamination of the natural watercourse traversing the site and Nepean River
- Concern raised that smoke, odours and particle emissions will contaminate nearby dwellings, gardens and domestic water supplies

Comment:

On the basis of the findings of the odour and air quality impact assessment report, the proposal is not foreseen to cause contamination of air quality that would likely lead to contamination of natural drainage lines traversing the site, Nepean River or nearby domestic water supplies.

Ashes will be fully contained in air tight receptacles constructed to cemetery industry standards ensuring that there is no escape of contaminants to any natural drainage lines traversing the site towards the Nepean River.

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

The Office of Water has also considered the proposal under the Water Management Act 2000 and issued General Terms of Approval.

In this regard, the proposed development is not foreseen to cause pollution or contamination of receiving waters particularly the Nepean River, subject to conditions of consent.

Issue 9

Rural amenity

- The proposal will have an adverse impact on the rural amenity of the surrounding locality.
- Residents rural lifestyle will be adversely impacted by increased traffic volumes.

Comment:

The proposal is not foreseen to have any significant adverse impacts upon the rural amenity of the locality. In determining the amenity impacts of the proposal, the following matters have been considered:

- The development has a high level of setback and separation to other surrounding uses;
- The proposal traffic generation and car parking provision can be appropriately managed on site;
- The proposal will generate only low grade emissions in accordance with the relevant statutory requirements;
- The crematorium will operate during daylight hours only;
- Screen landscaping provision assists to minimise the visual impacts of the proposal on the scenic amenity of the surrounding area.

Issue 10

Conflict of uses

- The proposal is in conflict with surrounding agricultural uses and is not appropriate.

Comment:

The matter of conflict of uses has been previously addressed within the report.

Issue 11

Over intensification of site

- The proposed use intensifies the use of the site over and beyond the existing built form and structures and is incompatible with the rural landscape.

Comment:

The development has a floor area of 3100m² and hardstand area comprising car parking and internal road area of approximately 1.4 hectares, representing a total of 1.75 hectares. This represents approximately 9.2% of the total site area which is not considered excessive site coverage. The proposed development also offers extensive setbacks to boundaries and achieves a high level of rural separation to surrounding properties. It is also considered that the development has been appropriately sited in a constraint free portion of the site and will not have an adverse impact on the natural environment. On this basis the site is of an adequate, size and capacity to accommodate the proposal without having an adverse impact upon the rural landscape or surrounding natural environment and does not represent an over intense use of the site.

Issue 12

Gas storage

- Concern raised regarding storage of gas on site and potential safety hazard issues.

Comment:

At the request of Council, the applicant has submitted a SEPP 33 assessment of the proposal which advises that the gas operations do not constitute a 'potentially hazardous industry' and therefore a preliminary hazard analysis is not required.

The crematorium is proposed to be operated by a gas fired burner which will involve provision of a 7.5 kilo litre above ground LPG tank. The tank is proposed to be located will need to be located approximately 23 metres to the south east of the building which is in excess of the minimum 6.6 metres setback requirement from a place of worship or an area where people can congregate. As the tank is greater than 5000 litres of flammable liquid, a dangerous goods licence is required from Workcover NSW.

The proposal does not constitute a potentially hazardous industry and on the basis of the tank's location at the rear of the crematorium and requirement to obtain a Dangerous Goods Licence from Workcover NSW, it is considered that the gas storage arrangements are satisfactory. A draft condition has been imposed requiring a licence to be obtained from Workcover NSW.

Issue 13

Devaluation

- Concern regarding devaluation of surrounding properties.

Comment:

The matter of property devaluation is not a relevant planning consideration under Section 79C of the Environmental Planning & Assessment Act 1979.

Issue 14

Heritage Item Impacts

- The proposal will have an adverse impact upon surrounding heritage items.

Comment:

A detailed Heritage Impact Statement has been submitted with the Development Application advising that the proposal will have relatively little direct detrimental heritage impacts upon the significance of the identified heritage items in its vicinity, and potentially little adverse impacts upon the rural character of the surrounding environment.

Council's Heritage Officer has considered the Heritage Impact Statement and advised that the proposal is satisfactory and that the proposal will conserve the significant fabric of the Shadforth Monument as well as the former St Mark's Anglican Church Group and Greendale Roman Catholic Cemetery. The

development will not intrude into the curtilage of the former St Mark's Anglican Church Group and Greendale Roman Catholic Cemetery and is considered sympathetic to the historical use of adjacent heritage places which incorporate churches, cemeteries and memorials from the 19th century. Existing views to and from the Shadforth Monument will not be obstructed by the proposal. Similarly primary views to the two other adjacent items would be retained by the development. It is noteworthy that the original proposal submitted with the Development incorporated an access point close to the Shadforth Monument to service the temple which has been deleted under the amended plan. The height of the front entry wall to Greendale Road has also been significantly reduced to minimise streetscape impacts.

On the basis of the findings of the Heritage Impact Statement and comments by Council's Heritage Officer, the proposal is not considered to have an adverse impact on the surrounding heritage items.

Issue 15

Hawkesbury-Nepean Rivers –Sydney Regional Environmental Plan No.20

- The application does not address its obligations under Sydney Regional Environmental Plan 20 and has not demonstrated how the proposed development will have a neutral or beneficial impact on water quality.

Comment:

This issue of compliance with Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean Catchment is addressed earlier in the report under Planning Controls. A concept Stormwater Plan has been submitted with the Development Application and draft conditions of consent have been imposed to ensure that the proposal has a neutral or beneficial impact on water quality of the Nepean River. Additionally the Office of Water has issued General Terms of Approval under the Water Management Act 2000 which requires a Controlled Activity Approval for all works to ensure no adverse impacts on the water quality of the Nepean River.

Council's Environmental Health Section has reviewed the Waste Water Management Report submitted with the Development Application and advised that the proposed treatment measures and location of waste disposal area is satisfactory subject to submission of a Section 68 Application.

Issue 16

Contamination

- No contamination report submitted with Development Application.

Comment:

A detailed Stage 1 Preliminary Contamination Report has been submitted with the amended proposal which concludes that the potential for contamination to exist on the site is low and that the area where the development is located will not pose any significant risk to human health, the environment or the aesthetic enjoyment of the land. On this basis, the site is suitable for unrestricted use, in accordance with Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land.

A draft condition of consent has been imposed requiring submission of a further Stage 1 Contamination Report that addresses contamination of the south western portion of the site that contains scattered building waste material, car bodies, etc.

Issue 17

Noise Impacts

- The acoustic report does not address potential noise impacts from the development onto neighbouring properties and makes no recommendations to attenuate potential noise impacts on existing and future residences.

Comment:

The Development Application is supported by an acoustic report which advises that the main noise producing equipment associated with the development is the crematorium furnace blower which has a noise level of 69dB(A). The acoustic consultant recommends acoustic attenuators or acoustic louvres be fitted to the air intake to achieve 45dB(A) outside or if drawing air through the ceiling slab then the noise impact on the mourners in the chapel must not exceed 30dB(A). The report also makes recommendations in respect to the development operating during daylight hours only, building insulation measures to address impacts from the proposed Badgerys Creek airport and restrictions all sound producing plant, equipment, machinery mechanical ventilation systems or refrigeration systems requiring them to be acoustically attenuated so that the noise emitted does not exceed LA eq sound pressure level of 5dB (A) above the background noise level.

Council's Environment Health Section has reviewed the acoustic report and advised that it has been prepared in accordance with the Protection of the Environment Operations Regulation and is supportive of the recommendations.

A draft condition of consent has been imposed requiring the crematorium to conform to the recommendations of the acoustic report and the Protection of the Environment Operations (Noise) Regulation.

Issue 18

Flora & Fauna/Vegetation Removal

- Concern raised that the site is identified as Environmentally Significant Land and that the proposal will have a negative impact upon frogs and snails in the area
- The proposal seeks to remove extensive vegetation along the frontage of the site to Greendale Road and replaced with exotic plantings that will not adequately screen the proposal.

Comment:

The matter has been addressed in detail earlier in this report.

The site does comprise environmentally significant land and the proposal necessitates removal of existing vegetation that is partly Cumberland Plain

Woodland.

A detailed Flora and Fauna Report incorporating a 7 Part Test and Section 5A Assessment has been submitted with the proposal. The Flora and Fauna Report advises that the main impacts on the biodiversity of the subject site will arise from the clearing of native vegetation required for construction of the crematorium, temple and associated gardens and parking.

The Flora and Fauna Report estimates that the proposed action will directly remove approximately 0.014 hectares (140m²) of Cumberland Plain Woodland and 0.41ha of Shale/Sandstone Transition Forest. A further 1.82 ha of Shale/Sandstone Transition Forest will be affected by establishment of the Asset Protection Zone surrounding the development. The extent of clearing was estimated partially based on the NSW RFS originally required a 70 metre APZ to the south and south west of the proposal. However it is noted that the NSW RFS Bushfire Safety Authority for the amended proposal requires an APZ of 50 metres to the south west of the development and the Flora and Fauna Report describes a 75 metre APZ being required. Hence the extent of clearing required will be reduced.

The Flora and Fauna Report advises that two Regent Honeyeaters were detected inhabiting mistletoe and host Grey Box trees in the upper part of the site and environs during surveys conducted in November and December 2009. The trees inhabited by these birds and the site's stand of Grey Box Woodland will be retained by the proposal. Given this, and that the species is only likely to inhabit the site on a sporadic basis, The Flora and Fauna Report advises that it is unlikely that the proposal would lead to a long-term decrease in the size of the population.

The Flora and Fauna Report advises that the loss of Shale/Sandstone Transition Forest is proposed to be offset at a ratio of 2:1. This would result in the rehabilitation/revegetation of around 4ha of Shale/Sandstone Transition Forest. This will involve the planting out of currently cleared areas within the site with locally occurring native plant species consistent with the soils on which these areas are located as well as undertaking planting within retained vegetation in order to consolidate it.

Council's Natural Resource Officer has reviewed the findings of the Flora & Fauna Report and advised that the survey methods are satisfactory subject to imposition of a Draft Deferred Commencement condition requiring submission of a Vegetation Management Plan which has been imposed as draft deferred commencement condition of consent. On this basis the proposal is considered to be satisfactory with Flora and Fauna considerations.

Issue 19

Inadequacies of Flora and Fauna Report

- The Flora and Fauna Report is inadequate and does not adequately address impacts upon threatened species, populations or ecological communities.
- The development will adversely impact on the Regent Honeyeater which has been upgraded to a 'critically endangered' status.
- Concern raised in respect to impacts on the Brush Tailed Rock-Wallaby and Grey Headed-Fox which are threatened nocturnal species known to be present in the area and no night surveillance undertaken for species
- Concern that the proposal will continue the depletion of Cumberland Plain Woodland and contribute to the further and irreversible destruction of Cumberland Plain Woodland. Request for Council to examine whether the

extent of identified Cumberland Plain vegetation to be removed is accurate and that reclassifying of vegetation has not occurred to avoid threshold for removal of Cumberland Plain Woodland and Shale-Sandstone Transitional Forest

- The Flora and Fauna Report does not address plant species which may be present below the ground and further investigation of the site is required.
- General concern raised about assumptions made by author of Flora & Fauna Report and not supported by evidence.

Comment:

Council's Natural Resource Officer has considered the revised Flora and Fauna Report and advised that the survey methods are satisfactory.

Issue 20

No access to services

- The property has no access to town water and a development of this nature should supply a water supply strategy.

Comment:

Reticulated town water supply is not available to the site however the provision of on-site tank water will service the development adequately in accordance with relevant legislation.

Issue 21

Aboriginal Archaeology

- No assessment of aboriginal archaeology has been undertaken by the proponent.

Comment:

A Preliminary Aboriginal Archaeology Report was submitted with the amended proposal to Council. The report concludes that no registered Aboriginal sites were identified during background research for the current investigation and no Aboriginal objects, or deposits with potential to contain Aboriginal objects or sites were identified during site inspection of the subject land. Accordingly the proposed development is considered to have low Aboriginal archaeological potential and there is a low risk that Aboriginal objects or sites exist on the subject land. Council's Heritage Officer has reviewed the report and concurs with the report findings.

Issue 22

Flooding

- Given the site is flood prone a flood modelling study should be undertaken to assess the likely impacts of the development of the flood regime of the area

Comment:

Council's Flooding Section has advised that the lower southern portion of the property adjacent to the Nepean River is partially affected by flooding under 1% Annual Exceedance Probability (AEP) event. However, the proposed buildings are located outside the 1% AEP flood extent. The 1% AEP flood level in the vicinity of the property is 46.1m Australian Height Datum (AHD). The buildings are proposed to be constructed with a finished floor level of RL 58 and are significantly above the flood line. Council's Flooding section have not required a Flood Study.

Issue 23

Suitability of the site

- The applicant has not submitted sufficient documentation to enable an adequate assessment of the proposal to demonstrate that the site is suitable to accommodate the development

Comment:

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.

The property is a large rural property with an area of 19.5 hectares that is of a suitable size and shape to accommodate the development.

The Development Application is supported by a number of specialist reports which advise that the development complies with relevant statutory and non statutory 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, adjoining properties, the environment or the locality.

Issue 24

Inconsistent with objectives of RU1 zone

Comment

A detailed assessment of the proposal with the zone objectives is addressed previously in the report.

Issue 25

Privacy

- The proposal will adversely impact the visual and acoustic privacy of surrounding properties

Comment:

In determining the potential for privacy implications, the siting of the buildings and car parking areas and dwellings of adjoining properties have been taken into consideration.

The nearest dwelling to the site that has potential for privacy impacts is the St Marks Cottage which is located approximately 120 metres away from the crematorium complex and 105 metres from the temple and dormitory accommodation.

Given the extensive setbacks of the proposed buildings and car parking areas to the adjoining St Marks cottage and the proposed landscaping design for the site, which will assist to screen the car parking towards St Marks cottage, it is considered that the proposed development will not adversely impact on the privacy of adjoining properties.

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 uses defined as '*crematorium*', '*cemetery*' and '*place of public worship*' under Liverpool Local Environmental Plan 2008 are permissible uses in the prevailing RU1 Primary Production zone with consent. The proposal also incorporates an ancillary accommodation component in the form of the dormitory accommodation.

It is considered that the development constitutes permissible land uses. It is also considered that the associated dormitory accommodation for persons attending funeral services on site is ancillary and incidental to the dominant '*crematorium*' use.

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 with the exception of complying with an 8.5 metre height limit. The variation to the height control has been previously addressed within the report and is supported.

(iv) Any Planning Agreement

No planning agreement relates to the site or proposed development.

(v) The Regulations

Relevant matters prescribed by the Regulations that apply to this development have been previously addressed in the report.

(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 addressed previously in the report.

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 built form of the proposed development represents innovative architectural design which is somewhat uncharacteristic of traditional structures typically found in rural areas. It is however considered that the proposed building forms and roof shapes are not inappropriate for the intended uses of the buildings. It is considered that the visual impacts of the proposed design have been mitigated by the use of selective building materials and earth toned neutral finishes and colours. Combined with screen landscaping provision, the impact of the proposal on the surrounding built environment and character of the locality will be minimised.

(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 19.5 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 statutory and non statutory 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 under Section 79C of the Environmental Planning & Assessment Act 1979 as detailed previously in the report. The proposal requires a minor variation to the 8.5 metre height limit under the provisions of Liverpool Development Control Plan 2008 which is supported.

The amended building siting and design represents a significant reduction in the overall building footprint, scale and height compared to the original development design submitted to Council. The consequential visual impacts on the surrounding area and character have in turn been reduced to a stage that the proposed built form of the development is satisfactory.

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 landscaping along the frontage of the proposal to Greendale Road is considered to minimise the visual impacts of the development along with the extensive setback from the road, use of earth toned neutral colours and articulated appearance of the development.

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

RECOMMENDATION

That:

- (1) The Sydney West Joint Regional Planning Panel issue Deferred Commencement Consent for Development Application DA 1291/2010 proposing construction of a crematorium comprising the following:

Stage 1

Construction of a crematorium and two (2) associated ceremonial halls, information centre, memorial gardens (cemetery) incorporating containment of 10,000 ashes in receptacles, car parking and access roads, fire trails, associated landscaping, fencing and signage.

Stage 2

Construction of temple (place of public worship) including facilities for meditation and dining, and ancillary dormitory accommodation, extension of private access road and car parking, associated landscaping, fencing

on, 992 (lot 1 DP 520904) Greendale Road, Greendale subject to the attached conditions.

- (2) That persons who made a submission with regard to the proposed development be notified in writing of Joint Regional Planning Panel's decision.
- (3) An amendment be prepared to Liverpool Local Environmental Plan 2008 to remove the Shadforth Heritage Item classification from the subject site and consideration be given by Councils Heritage Officer to the re-siting of the monument to an alternative location.

PART 1

DEFERRED COMMENCEMENT

Development consent shall be deferred pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, until the submission to Council of:

Vegetation Management

1. A Vegetation Management Plan shall be developed for the areas identified to be offset for Cumberland Plain Woodland and Shale/Sandstone Transitional Forest regeneration in accordance with the NSW State Government Guidelines (Department of Natural Resources) 'How to Prepare a Vegetation Management Plan' – Version 4, and submitted to Council for approval. The Vegetation Management Plan shall be prepared and implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.

Council's Manager Sustainable Environment shall give approval to the Vegetation Management Plan prior to the commencement of works on site.

Bushfire Management

2. A Bushfire Management Plan shall be prepared in conjunction with the preparation of Vegetation Management Plan to enable an integrated approach to Bushfire Hazard Reduction and Vegetation Management.

Note: The issues raised within Part 1, above, are to be addressed within six (6) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the information submitted in response to the deferred commencement conditions is acceptable.

PART 2

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 marked as follows:

(a) Architectural plans prepared by Jay Sunnan Architects:

- DA 001-Issue B-Cover Page/Location plan dated 20 October 2010
- DA 002-Issue W-Site Plan/Site analysis plan dated 4 January 2011
- DA 003-Issue H-Crematorium & Halls floor plan dated 4 January 2011
- DA 004-Issue F-Temple/Meditation centre floor plan & car parking plan dated 6 January 2011
- DA 005-Issue G-Crematorium Elevations and Colour Schedule dated 4 January 2011

-SK 006-Issue D-Sections of Crematorium & Temple dated 4 January 2011
-DA 007-Issue D-Elevations of Temple/Meditation centre & dormitories dated 4 January 2011
-DA 008-Issue A-Perspective views dated 20 October 2010

- (b) Landscape plans prepared by HLS Pty Ltd (Ref: Sheets LO1 to LO8, Issue B dated 24 January 2011)
- (c) Concept Stormwater plans, Erosion & Sediment Control Details, Cut & Fill details prepared by KFW (Ref: Project No.KF110368, Drawing Nos CO1 to CO9)
- (d) Waste Water Management Report prepared by Storm Consulting dated 15 February 2011 (Ref: Project No. 1044)
- (e) Acoustic report prepared by Acoustic Services Pty Ltd dated 20 April 2010. (Ref: Project No. 100403A)
- (f) Odour and Air Quality Impact Assessment Report prepared by Advanced Envirosafe Consultants dated 17 October 2010.
- (g) Salinity Management Report prepared by Storm Consulting dated 5 February 2010 (Ref: Project No 1044)
- (h) Preliminary Stage 1 Contamination Report prepared by Hayes Environmental Consultancy dated 28 July 2010 (Ref: Report No. EP754 AD)
- (i) Flora and Fauna assessment prepared by Aquila Ecological Surveys Report dated January 2011.
- (j) Heritage Impact Assessment Report prepared by Rod Howard & Associates Pty Ltd dated February 2010.
- (k) Traffic and Parking Assessment Report (Revised) prepared by Hemanote Pty Ltd dated January 2011.

except where modified by the undermentioned conditions.

General

2. 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.
3. No approval is granted for the use of 'mortuary' under the Liverpool Local Environmental Plan.
4. The temple/meditation centre shall be used solely in conjunction with the Crematorium and shall be visited only by those persons attending a funeral service on the subject site. Under no circumstances shall the temple/meditation centre be used as an independent 'place of public worship'.

5. The dormitory accommodation shall be used solely for persons attending funeral ceremonies on the subject site. The maximum stay of persons is limited to five (5) days.
6. The premises must not be occupied until such time as an "Occupation Certificate" has been issued by Council or a Private Certifier.
7. External finishes must be in accordance with the schedule submitted and approved with the development consent.

General Terms of Approval (Office of Water)

8. All General Terms of Approval issued by 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 25 February 2011. A copy of the General Terms of Approval are attached to this decision notice.

General Terms of Approval (NSW Rural Fire Services)

9. All General Terms of Approval issued by NSW Rural Fire Service, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 31 March 2011. A copy of the General Terms of Approval are attached to this decision notice.

LPG Tank

10. The applicant shall obtain a Dangerous Goods Licence from Workcover NSW prior to commencement of operations.

Operational Management Plan

11. 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 recommendations of the Odour and Air Quality Impact Assessment Report prepared by Advanced EnviroSafe Consultants Pty Ltd dated 17 October 2010 and the Acoustic Report prepared by Acoustic Services Pty Ltd dated 20 April 2010. (Ref: Project No. 100403A)

Waste storage and Disposal

12. A Waste Management Plan shall be prepared and submitted to Council for approval addressing construction waste prior to release of a Construction Certificate.
13. 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.
14. 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.
15. 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.

16. All solid and liquid waste must be removed from the site by a registered waste contractor.
17. All solid waste stored on site must be storey in a secure building at all times.
18. All waste materials generated as a result of the development must be disposed at a facility licensed to receive such waste.

Fencing

19. Metal palisade fence shall be constructed along the whole length of the subject site's frontage to Greendale Road. The existing timber fence shall be removed and replaced with metal palisade fencing.

Landscaping

20. The proposed palm trees located at the entryway to the development shall be replaced with native species;
21. The proposal shall be undertaken in accordance with the Concept Landscape Plan prepared by HLS Pty Ltd (Ref: Sheets LO1 to LO8, Issue B dated 24 January 2011)

Acoustic Report

22. The proposed development shall be undertaken strictly in conformance to the recommendations and findings of the Acoustic Report prepared by Acoustic Services Pty Ltd dated 20 April 2010. (Ref: Project No. 100403A). In particular the development shall strictly conform to the following:
 - Attenuators must be used in the crematorium to reduce the noise level to 45d B(A)
 - Time restrictions of during day time hours must be adhered to
 - That all recommendations for noise minimising be implemented during building phase.
 - All sound producing plant, equipment, machinery mechanical ventilation systems or refrigeration systems shall be acoustically attenuated so that the noise emitted does not exceed LA eq sound pressure level of 5dB (A) above the background noise level.
 - The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation shall not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and 10pm Saturday, Sunday and Public holidays.
 - The daytime level from any noise source shall not exceed LAeq of 47dB(A) at any residential boundary.

- Use of acoustic rated windows and glass, doors, skylights, external walls, and building insulation to address potential noise impacts from the Federal Government's Badgerys Creek Airport should it proceed.
23. The proposed development shall be constructed in strict conformity with Australian Standard 2021-2000.

Noise

24. That the use of the premises including mechanical plant, music and other activities shall not give rise to any one or more of the following:
- Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - 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.
 - During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
 - The emission of an "offensive noise" as defined under the Protection of the Environment Operations Act 1997.
 - 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.
25. Any alarm installed on the site is to be "silent back to base" type.
26. 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.
27. 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) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
- (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.

28. 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.

29. 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

30. 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)

Salinity

31. The proposed development shall be undertaken strictly in conformance to the recommendations and findings of the Salinity Management Report prepared by Storm Consulting and dated 5 February 2010 (Ref: Project No 1044)

Contamination

32. The proposal shall be undertaken in accordance with the recommendations of the Preliminary Stage 1 Contamination Report prepared by Hayes Environmental Consultancy dated 28 July 2010 (Ref: Report No. EP754 AD)

Acid Sulphate Soils

33. An acid sulphate soils management report shall be submitted to Council for approval prior to issue of a Construction Certificate.

Odour and Air Quality

34. The proposal shall be undertaken in accordance with the recommendations of the Odour & Air Quality Impact Assessment Report prepared by Advanced EnviroSafe Consultants Pty Ltd and dated 17 October 2010. In particular development shall satisfy the following recommendations:
- (a) The crematorium building shall be maintained under slight negative pressure to prevent escape of odours and other pollutants during breakdowns.
 - 1. An Environmental Contingency Plan shall be prepared in case of an inadvertent stoppage of the incinerator during the cremation process.
 - 2. The proponent shall develop an Environmental Contingency Plan in case of an inadvertent stoppage of the incinerator during the cremation process.
 - 3. The cremator shall be of dual chamber type and shall consistently maintain a temperature of at least 850 degrees for a residence time of at least 2 seconds in the secondary chamber to ensure effective pollution control.
 - 4. Odour and Pollutant testing shall be carried out in the first three months to confirm that the odour and pollutant modelling results are consistent with practice as well as to continue compliance.
 - 5. The proponent shall market caskets that do not use chlorinated organics during their manufacture as an environmentally friendly option for the customers.
 - 6. The development shall have an exhaust stack height of 12m measured from the base of the cremator floor, a stack exit temperature of at least 150 degrees centigrade and an exhaust velocity of 15m/s should be maintained at all times.
 - 7. A review of the existing cremator building design shall be carried out and compliance with the "USEPA Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations) should be achieved.
 - 8. The proponent shall continuously monitor opacity, flue gas oxygen and carbon dioxide level as well as the flue gas temperature for at least 85% of the operating time. In addition, the cremator should be equipped with sufficient process control capability to keep pollution to an absolute minimum.
 - 9. A full set of operating manuals shall be available in the cremator building and training should be provided to the operators for optimal performance and routine trouble shooting.
 - 10. The proponent shall obtain warranty from the supplier of the cremator to ensure effective incineration is achieved.
35. The development shall fully comply at all times with the requirements of Part 4 Division. 3 of the Protection of the Environment Operation (Clean Air)

Regulation 2002 for regulating the emissions of particles and smoke and Schedule 7 of the Protection of the Environment Operations (Clean Air) Regulation.

Flora and Fauna

36. The proposal shall be undertaken in strict conformity with the environmental management measures and safeguards recommendations of the Flora and Fauna Report prepared by Aquila Ecological Surveys dated January 2011 listed below:

(a) Offset the loss of Shale/Sandstone Transition Forest at ratio of 2:1. This would result in the rehabilitation/revegetation of around 4ha of Shale/Sandstone Transition Forest. This will involve the planting out of currently cleared areas within the site with locally occurring native plant species consistent with the soils on which these areas are located as well as undertaking planting within retained vegetation in order to consolidate it.

(b) Prior to any work proceeding, a weed control plan should be prepared to ensure that those noxious and environmental 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 African Olive and Chilean Needle Grass.

(c) The two preceding recommendations and general ecological management should be part of a Vegetation Management Plan prepared for the site.

(d) Any dead wood or natural ground debris removed during clearing should be collected and stockpiled for use as fauna habitat enhancement in rehabilitation areas.

(e) Vehicles and machinery should not be stored or parked in those bushland portions of the site that are to be retained.

(f) The location of all bushland stands that occur beyond the limits of the works should be provided to the construction contractor, these areas being identified on the development plans and on site through the erection of temporary fencing.

Light Management

37. 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.
38. Any external lighting is to be provided and positioned to avoid light spill onto adjoining properties.
39. 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

40. 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.
41. 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.
42. 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.
43. All requirements as specified by the Department of Environment and Climate Change (DECC) and Workcover Authority in relation to dangerous or hazardous goods storage or use shall be implemented.
44. No pollutant or contaminated material is permitted to egress from the boundary of the premises.

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

45. 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, 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.

46. 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.
47. 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

48. 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

49. 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

- 50. The internal driveway and car parking area shall be designed in accordance with AS 2890.1-1993 off-street car parking.
- 51. 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.
- 52. 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.
- 53. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on site.
- 54. A total of 126 formal line marked car parking spaces and 216 informal spaces along the sides of the private access road shall be provided.
- 55. 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.

56. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

Site Development Work

57. 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.
58. 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

59. The certifying authority must advise Council, in writing of:
 - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Driveway/Services

60. 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.
61. 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

62. 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

- 63. 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 septic system and accreditation details of septic tank with NSW Health.
- 64. 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 Waste Water Report (Project no 1044. page 9).
 - (c) Demonstrated accurate calculations of buffer distances from Nepean River, dams, buildings & boundaries.

Drainage

- 65. 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.

Stormwater

- 66. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (ARI), is required. The plan must show how the stormwater 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.

67. 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. Stormwater 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.

68. The applicant shall provide a stormwater report with calculations demonstrating that the stormwater discharge from the proposed development will not have a detrimental effect on the existing vegetation, existing water regimes and water quality. The stormwater quality treatment and On –Site Detention may need to be provided to maintain the existing hydrological regime and prevent damage to downstream ecosystems
69. 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.

Engineering Works

70. 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.
71. 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.

Flooding

72. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. $46.1\text{m} + 0.5\text{m} = 46.6\text{m}$ Australian Height Datum).
73. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $46.1\text{m} + 0.5\text{m} = 46.6\text{m}$ Australian Height Datum).
74. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.

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

75. 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.
76. 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

77. 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.
78. 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.

Facilities

79. 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

- 80. 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.
- 81. 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).

Reports

- 82. 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

- 83. 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.
- 84. 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 stormwater drainage system during construction/demolition. Measures must include, as a minimum:
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater 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

85. 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.
86. Only trees identified on the Architectural Site Plan prepared by Jay Sunnan Architects shall be removed in accordance with the recommendations of the Flora and Fauna Report prepared by Aquila Ecological Surveys dated January 2011.

D. DURING CONSTRUCTION

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

Building Work

87. 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 stormwater 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.
88. 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 stormwater 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

89. 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

90. 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

91. 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

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

General Site Works

93. 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.
94. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
95. 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.

96. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Traffic Management

97. 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.
98. 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.
99. 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.
100. 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

101. 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.
102. 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.
103. 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.
104. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
105. 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.

106. 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.
107. 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.
108. 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

109. 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

110. 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

111. 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).
112. 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.
113. 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

114. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
115. 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.
116. 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

117. 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.
118. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
119. 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

120. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater 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

121. 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.

122. 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.

Landscaping

123. 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

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

Traffic Management

125. 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.
126. 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.
127. 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

128. Road construction (half width) – full formation and half width road minimum 5.5m wide shall be constructed at Greendale Road adjacent to the subject land 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.

Recommendations of Acoustic Report

129. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

Recommendations of Odour and Air Quality Impact Report

130. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified Odour and Air Quality Impact Assessment consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved Odour and Air Quality Impact Report and that all recommendations have been adopted.

On-Site Sewerage Management System

131. 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.
132. 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 (h) 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

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

Food Premises Code

135. There shall be no cooking undertaken on site.
136. The proposed serving of food shall comply with Australian and New Zealand Food Standard Code and Food Act Code.

Waste Storage Area

137. 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.

Flooding

138. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard (i.e. $46.1\text{m} + 0.5\text{m} = 46.6\text{m}$ Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

Hours of Operation

139. The hours of operation of the crematorium, associated ceremony halls, temple and meditation area are limited to

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

There shall be no cremation activities undertaken outside of these hours.

The hours of operation of the dormitory are 24 hours

Delivery hours and vehicles

140. 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

141. 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

142. 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

143. 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.

Mortuaries

144. 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

145. 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.
146. 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

147. An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.
148. 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.
149. 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.

H. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date on which the application is taken to have been determined.

- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- e) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- g) "DIAL BEFORE YOU DIG" DIAL 1100
Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au
- h) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- i) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.