



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 September, 2005

**DSDS2 PROPOSED NEW CEMETERY AND
ASSOCIATED FACILITIES – LOT 56
DP 1011989 CROTTYS LANE, YARRAVEL
FILE: T6-04-206 APB**

SUMMARY:

Council has received the independent planning assessment report by All About Planning, which recommends approval of the proposed cemetery.

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Applicant: Kempsey Shire Council
Subject Property: Lot 36 DP 1011989 Crottys Lane, Yarravel
Zone: 1(d) (Rural (Investigation) Zone)

Proposal

The proposal is for a woodland style cemetery and associated facilities, containing a total of 1,346 conventional burial plots and 96 burial pod plots. The cemetery is to be located on about 7.5 hectares zoned 1(d) of the 80 hectare site. The remainder of the site is zoned 7(b) (Environmental Protection (Habitat) Zone).

Assessment

The report by All About Planning is attached as [\(Appendix C\) Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7, Part 8, Part 9, Part 10, Part 11, Part 12, Part 13, Part 14](#)

The report provides a detailed site assessment, history of assessment, description of planning controls and assessment against

these controls, and assessment of submissions made as a result of public notification of the application.

There were 24 submissions made during the initial exhibition period, and a further 13 submissions following public notification of the amended road access plans. Each submission is addressed in this report.

Conclusion

The report recommends approval of the application subject to 70 conditions. It is considered the report provides a comprehensive assessment of matters required to be considered.

RECOMMENDATION OF CONSULTANT:

That development application T6/04/206 for a New Cemetery and Associated Works on Lot 36, DP 1011989, Crottys Lane, Yarravel be approved subject to the following conditions:

SITE SPECIFIC CONDITIONS

Approved Plans

1. The development referred to in this application is to be carried out in accordance with the approved development plans, Illustration 3.1 and Staging Plan 3.2 dated March 2004, the Attachments to a letter from GeoLINK to All About Planning Pty Ltd dated 31 May 2004 and the detailed survey work and marked site plan of the main cemetery area, both dated 15 August 2005 and as modified by Yarravel Cemetery Entry Detail 0300/01 Rev A dated 5/01/05 and as amended by any conditions of this consent.

Staging

2. This consent relates to and permits construction of Stages 1 to 5 only of the cemetery as detailed in the Staging Plan prepared by GeoLINK and dated March 2004.

Upgrade and work to Crottys Lane

3. The following road works to Crottys Lane are to be completed prior to opening of the cemetery:
 - a) The existing road shoulders on the sealed portions of Crottys Lane are to be reconstructed, to restore the road profile.

- b) Upgrading of Crottys Lane from Bushland Drive to the site access is to be undertaken, involving an 8m wide road formation with 6m wide bitumen pavement and the reinstatement of the vehicular right of way to Crottys Lane (with corresponding relocation of Give Way signs) at the intersection of Bushland Drive and Crottys Lane.
- c) A cul-de-sac head with a coloured low tear drop shaped concrete island is to be constructed at the end of Crottys Lane, with a minimum bitumen seal radius of 8.5m, in accordance with the revised access plan for the cemetery dated 5/01/05.

Tree Clearing, replacement tree planting and required site works

- 4. No clearing of any tree within the site with a diameter at breast height of 300mm or more is permitted, apart from the three Grey Gums at the entrance.
- 5. No tree clearing for provision of electricity, water, telephone or other site services is permitted without further development consent being obtained from Kempsey Shire Council.
- 6. Existing boundary fence lines are not to be cleared of vegetation, in order to maximise vegetation links to adjoining sites.
- 7. The recommendations of Darkheart Eco-Consultancy contained in the supplementary report dated 17 November 2004 concerning the trunk of the largest Grey Gum which has been identified for removal at the entrance to the site are to be implemented. Plans and documentation are to be submitted prior to release of the construction certificate for the proposed works which demonstrate how these recommendations will be satisfied.
- 8. The three significant Grey Gums to be cleared from the entrance to the site are to be replaced by at least three advanced native species from the following tree list and are to be planted within visual proximity of the entrance to the cemetery. Details of the selected species and planting locations are to be submitted with the construction certificate:

Preferred replacement plantings: Grey Gum, Tallowwood, Ironbark, Bloodwood or Blackbutt.

9. The recommendations of Darkheart Eco-Consultancy contained in both the April 1999 and May 2003 assessment reports are to be fully implemented for the site. Plans and documentation are to be submitted prior to release of the construction certificate for the proposed works which demonstrate how these recommendations will be satisfied.

The construction plans and details are to include:

- a) The establishment of vegetated corridors at the western and eastern end of the woodland communities to create formal wildlife corridors between the two core areas of habitat (ie between the northern and southern ridge dry sclerophyll forests)
- b) The planting of preferred forage species (eg winter flowering Banksia and/or Swamp Mahogany) within these corridors, along roads and access tracks, and within the landscaped portions of the cemetery in order to increase the carrying capacity of the property for fauna.

Design and location of the vehicular entrance and access road

10. The vehicular entrance to the site and the internal access road is to be designed in accordance with the amended access plan for the proposed development, dated January 2005 as prepared by GeoLINK, apart from the following modifications:
- a) Appropriate internal speed advisory signage shall be erected within the cemetery site to advise drivers entering the site and leaving the cemetery's internal car parking areas of a recommended maximum internal driving speed of 40km/h and the need to drive with care due to threatened wildlife inhabiting the site.
 - b) Details, including dimensions, materials and colours of all proposed cemetery information signage are to be prepared and submitted for the further approval of Council prior to opening of the cemetery.
 - c) That portion of the internal access driveway extending from the site entry to the main ridge is to be generally set 2m off the western boundary fence, and is to incorporate a minimum ½ metre shoulder either side of a 6m bitumen seal and is generally not to extend further than 10m into the site to the east.

- d) The entire internal access driveway is to be sited to avoid the necessity for clearing of any tree with a diameter at breast height of 300mm or more. To achieve this additional detailed survey work is required to be undertaken to mark on the ground the required position for the proposed access driveway prior to any site construction commencing.
- e) The large stringy bark tree within the unformed public road immediately adjacent to the proposed entrance to the subject site off Crottys Lane, and the mature tree straddling the western boundary of the site, in proximity of the southern gully are both to be retained, as indicated on the amended access plans dated January 2005.

Road Work Standards

- 11. Engineering details are to be submitted to Council demonstrating compliance with the provisions of Councils DCP 36 for access to private properties, and with Australian Standard 2890.1 Off Street Car Parking.

Detailed plans are to be submitted for approval prior to release of the Construction Certificate.

Directional Signage

- 12. Standard sign posting at the junction of The Armidale Road and Crottys Lane is to be erected prior to the opening of the site as a cemetery to direct the public to the cemetery in accordance with the requirements of the Roads and Traffic Authority.

Traffic Management Plan

- 13. A traffic management plan is to be prepared and adhered to by Kempsey Shire Council for all major funeral events. The plan is to address the management of additional turning traffic at the junction of The Armidale Road and Crottys Lane and the management of traffic and parking within the cemetery site. The plan should also consider and attempt to resolve any possible conflict between cemetery traffic and local school buses operating within the Crottys Lane area.

Any necessary modification to the proposed plans to comply with the conditions of this consent

- 14. If a modification to the location of any approved structures or the access driveway is necessary to ensure compliance with

the conditions of this consent, and it is anticipated that this will be the case based on detailed site survey work finalised by Council in August 2005, the construction plans for the site are to be amended and a copy of these amended plans is to be submitted to Council for their records.

Under no circumstances should this condition be construed to assume permission for any modification to the design, width, nature or size of any approved structures or the access driveway or approval for substantial modification to the proposed location of any structures.

Site Plan of Management and Community Reference Committee

15. A Plan of Management for the site, covering both the 7(b) and 1(d) zoned land is to be prepared by a suitably qualified and experienced independent consultant in collaboration with a community committee established by Kempsey Shire Council.

The community committee is to comprise at least one representative from each of the following stakeholders:

- A Kempsey Shire Councillor
- A senior staff member of Kempsey Shire
- An adjoining land owner or resident within the Crottys Lane locality
- A member of the wider Kempsey community

The committee is to be facilitated by the independent consultant and is to be assisted as required by a qualified Environmental Scientist or Ecologist and a Bushfire Management Specialist. The facilitator is to prepare a final draft plan of management for the site, together with a report to Council on the deliberations of the Committee.

Council must adopt a plan of management for the site prior to the opening of the site as a cemetery.

The aim of the Management Plan will be to protect and improve the significant environmental qualities of the 7(b) environmental protection area and the 1(d) zoned land designated for cemetery purposes and to ensure a reasonable degree of accountability for Council as owners of the land and proponents of the cemetery development.

The Management Plan will be required to identify highly significant habitat trees within the site using the expertise of a

qualified ecologist or environmental scientist. Once identified, the location of these significant trees is to be clearly established by survey. For the purposes of this survey, significant habitat and food trees are to be defined as any of the following tree species with a diameter at breast height of 300mm or more –

Grey Gum, Tallowwood, Ironbark, Bloodwood and Blackbutt.

Furthermore, the management plan must address the following issues:

- a) Habitat protection and restoration, including preferred tree and other site plantings, protection measures for any particularly significant trees on site, and the provision and maintenance of nest boxes.
- b) Vegetated corridors at the western and eastern end of the woodland are to be provided to create formal wildlife corridors between the two core areas of habitat (ie. The north and south ridge dry sclerophyll forests).
- c) Planting of preferred forage species (eg winter flowering Banksias) within the corridors, along roads and access tracks, and within the landscaping provisions of the cemetery to increase the carrying capacity of the property for fauna.
- d) Weed control.
- e) Waste management.
- f) Public access to, in and around the site, including pedestrian access.
- g) Boundary fencing and any internal fencing.
- h) Lighting - any lighting on site should be restricted to the absolute minimum required for security and preferably, to sensor lighting that activates on movement. Any road lighting should be kept low using short bollards, to minimise potential impact on arboreal activities.
- i) The development of an ecologically based Bushfire Management Plan.
- j) Traffic and onsite parking management.

- k) Applicable key threatening processes for the site listed under the Threatened Species Conservation Act.
- l) A Protocol for the care of injured animals, including contact details for licensed wildlife carers in the area.
- m) The need for further research – including whether any University or the National Parks and Wildlife Service of NSW would conduct or authorise investigations to determine Phascogale ecology and/or the absolute taxonomic status of the Squirrel Gliders recorded on site.
- n) A timeframe and protocol for regular review of the adopted Management Plan.
- o) Any other matters identified by Council in consultation with adjoining land owners and relevant experts.

Other operational matters

- 16. No jack hammers are to be used to dig burial plots.
- 17. Garbage is not permitted to be disposed of on-site. It is to be contained in suitable bins and regular arrangements made for its disposal off site.
- 18. The entry and exit gates to the site are to be locked at night to prevent vehicular access to the site at night by the public.
- 19. Excess soil, including that soil not used for the backfilling of grave sites is not to be disposed of off site. Details of how Council intends to dispose of excess soil on-site is to be included with the construction certificate.
- 20. The pumping out of water in new open graves may be required should rainfall occur when the grave is open. Such pumped out water must be spread over adjacent vegetated areas to avoid erosion and to filter the water and prevent sediment from entering watercourses.

STANDARD CONDITIONS

- 21. Details of the methods to be employed by the appointed civil contractor to dispose of all cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not accept burning off of fallen materials onsite as a means of disposal.

22. Council is to pay a contribution towards upgrading Arterial Road equivalent to 6 new dwellings. The contribution to be paid will be the rate prevailing at the time the Construction Certificate is submitted. The current rate is \$1504 per additional building entitlement created.
23. The applicant is to pay a contribution towards upgrading Crottys Lane (the Section from Bushland Drive to The Armidale Road). The contribution to be paid is to be the equivalent of 6 building entitlements. The contribution to be paid will be the rate prevailing at the time the construction certificate is submitted. The current rate is \$1419 per additional building entitlement created.
24. Submission of an application for a certificate of compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a certificate of compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met prior to release of the Construction Certificate.
25. A certificate of compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council subject to the following matters being complied with:
 - a) Payment of a contribution towards water supply headwork's at the rate of \$3436.00 per equivalent tenement ie. $\$3436.00 \times 6 \text{ E.T} = \$20,616.00$ total for 2004/2005 (indexed)
 - b) Extension of the town water supply main is necessary to serve the proposed development at full cost to the applicant. Detailed plans and calculations are to be submitted for approval prior to commencing work.
26. A soil and water management plan prepared using the Publication Soils and Construction, 2004 is to be submitted.
27. Detailed engineering plans are to be submitted, both to:
 - a) provide for a rural stormwater drainage system to convey all existing and proposed flows through this development pursuant to the current version of Australian Rainfall and Runoff 1987.
 - b) provide for Sub-surface irrigation of waste water. Please note that an irrigation area of approximately 800m² has been proposed to be provided and that this

area should be planted with native vegetation to aid in evapo-transpiration.

28. Disturbance of existing vegetation and soil should be kept to the minimum practical. All drainage lines should remain unobstructed. All cleared vegetation should be placed in stockpiles, located away from drainage lines. Top soil should be removed from all areas to be disturbed and stockpiled for later use in revegetation works.

Runoff should be diverted away from disturbed areas during site development works.

29. The following inspections are required and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than council, compliance certificates will be required following each inspection and forwarded immediately to the principal certifier.

NOTE: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a prepayment has been made.

Inspections required:

- a) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of construction.
 - b) Council is to inspect all Telstra and Country Energy cables where they cross existing and/or new Council sewer or water mains prior to the contractor backfilling the trench.
30. This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and a Principal Certifying Authority has been appointed. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
 31. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

32. The site is not to be occupied or used as a cemetery until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
33. A detailed landscaping plan which incorporates the landscaping and/or revegetation provisions of Darkheart Eco-Consultancy dated 1999 and 2003 is to be submitted and which provides for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing such plants prior to release of the Construction Certificate.
34. Prior to any civil works commencing onsite, the applicant is to advise Council in writing of the following:
 - 1 Supervision is to be undertaken in accordance with the attached schedule "*Construction Guidelines*" - Section 4.2.3 Part 3.
 - 2 The identity and qualification of the nominated contractor and/or sub-contractors to undertake the civil works associated with the development.
 - 3 A copy of the nominated contractor and/or sub-contractor's Certificate of Currency for Public Liability Insurance cover shall be forwarded to Council. The public liability cover shall be equal to but not less than \$5 million dollars and indemnify Kempsey Shire Council against loss.
 - 4 Road base gravel to be used onsite shall conform to ARRB Report No 41, Section 5. A written report is to be forwarded to Council from a registered Geotechnical Engineer certifying that the road base material is suitable for the intended use prior to utilising onsite.
35. Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices
 - b Installation of safety fencing/hoardings between the property and the street
 - c Protection barriers for existing trees

- d Installation of builder's toilets
 - e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
36. A schedule of the fire safety measures which are to be installed in all buildings is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

PRESCRIBED CONDITIONS

37. Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
38. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
39. If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
- (a) preserve and protect such building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

40. Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.
41. A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
42. Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
43. A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

44. A builder's toilet complying with Clause 133 of the Environmental Planning and Assessment Regulation, is required on site throughout the entire building operation.

Note: Clause 133 requires that the toilet must be provided before any work is commenced.

45. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

46. Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

47. If the soil conditions require it: -
 - (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.

48. Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces.
49. Access to the site for deliveries and waste disposal is to be confined to daylight hours. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
50. The hours of operation of the cemetery are to be restricted to daylight hours.
51. The applicant shall make satisfactory arrangements with Telstra Australia for the provision of an underground telephone plant to the site. A letter from Telstra stating that satisfactory arrangements have been made for the provision of underground telephone plant is to be lodged with Council prior to release of the linen plan.
52. The applicant is to make satisfactory arrangements with Country Energy for the supply of electricity to the site. A letter from Country Energy stating that satisfactory arrangements have been made for the provision of underground electricity supply to this development is to be lodged with Council prior to release of the linen plan.
53. Submission of a report prepared by a suitably qualified engineer certifying that all footings have been designed to withstand expected loadings, having regard to the conditions of the site prior to release of the required Construction Certificate.
54. Submission of written advice with the plans for the required Construction Certificate indicating the means proposed to dispose of any excess earth generated by construction of the development.

A Construction Certificate shall not be issued unless Council has given its written agreement that such means are satisfactory.

Where it is apparent during construction that excess earth is required to be disposed of, Council's written agreement shall be obtained prior to removal.

55. Provide Sanitary facilities for people with disabilities complying with Volume 1 Section F Clause F 2.4 of the Building Code of Australia and AS 1428.1.
56. Provide plans and specifications of the disabled access and car parking locations complying with As 1428.1.
57. Protection is to be provided from subterranean termites to all site structures. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
58. That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
59. The windows and glass installations within the site's buildings shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
60. Should the viewing platforms exceed 1 metre in height above the ground then a suitable balustrade is to be provided for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia: -

- (1) D2.16
- (2) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

61. All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
62. The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm

above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.

63. The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
64. Required exit doors shall be capable of being readily opened without a key, by a single handed downward action or pushing action on a single device from the side that would face any person seeking egress from the building. Such device to be located between 900mm and 1200mm above the floor.
65. All exit paths, doorways, stairways, fire isolated passageways and other means of egress being unencumbered and left clear for use by the occupants of the building at all times.
66. Provision of an emergency lighting system throughout all relevant buildings, to comply with the requirements of Part E4 of the Building Code of Australia. Details to be submitted, approval obtained and work effected before building is occupied.
67. Provide exit signs to the building. Details of signs and illumination being submitted to Council and approval obtained before work is commenced.
68. Access and facilities for people with disabilities are to be provided in accordance with Part D3 and Part F2 of the Building Code of Australia and Australian Standard 1428.1.

Note: Council requests that the minimum width of doors for access and to facilities be 860mm.

ADVICES

69. The applicant/owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint possibly leading to legal action if access to premises by people with disabilities or their carers is precluded. This may require action to provide or improve access in addition to the minimum requirements of the Building Code of Australia.

The Human Rights and Equal Opportunity Commission can provide further information on this issue (tel: 088-021-199 toll free).

- 70. Applicants are advised that Council has a water service connection policy which involves payment of fees for the connection of water to premises. Contact should be made with Council's Water and Sewerage Section of the Operations Department to ascertain the costs and procedures involved to have the water supply connected to the property.
- 71. A public liability insurance policy for \$5 million, with Council as co- insured, is to be sighted by Council prior to any commencement of work on the site.
- 72. Cemetery management should generally seek to limit funeral and interment times for the cemetery to periods outside the times that school buses typically access residential areas in the Crottys Lane locality.

RECOMMENDATION:

- A That Council consider the report by All About Planning and determine the application.**
- B That Council notify all persons who made submissions, of its decision.**

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES