CM13.1. World War II Memorial Bowl Upgrade Contract No. 24/02539

DATE	11 February 2025	**FIL REFERENCE**	FIL24/02539
CONFIDENTIAL	No		
FURTHER ENQUIRIES	Andrew Lawson City Projects	**PHONE**	6023 8111
AUTHOR	Clenisa Canafe		

Purpose of Report

To recommend to Council a preferred contractor for Contract No. 24/02539 World War II Memorial Bowl Upgrade, through a qualitative and quantitative assessment.

Background

The World War II Memorial Bowl is located towards the bottom of Monument Hill, at the corner of Memorial Drive and Affleck Street, Albury. It is a major component of the pedestrian link between Dean Street and Monument Hill and forms part of the significant memorial elements within the Monument Hill precinct.

The open space of the World War II Memorial Bowl, which is clearly bordered by a rock and mortar wall, has been underutilised. The current infrastructure comprises of a small playground and a picnic setting on the western side of the site, both of which are dated and require upgrading.

The upgrade of the World War II Memorial Bowl and its immediate surrounds align with the World War II Memorial Bowl Master Plan which was endorsed by Council in May 2021. This Master Plan illustrates the location of the World War II Memorial Bowl (Attachment 1), along with a General Arrangement Plan (Attachment 2).

This project aims to enhance the site to increase community use while preserving the heritage significance of the area. The design includes a new playground that will cater for a range of ages and abilities, and an outdoor fitness area with shade. It will be surrounded by planting, shade trees, soft-fall and seating. The remaining open lawn area will be retained for outdoor activities, while the stage will function as a small event space.

The World War II Memorial Bowl Upgrade is being funded by AlburyCity in partnership with the Australian Government through the Stronger Country Communities Fund (SCCF) Round 5, which aims to boost the wellbeing of the communities in regional areas by providing new or upgraded social and sporting infrastructure, or community programs that have strong local support. The total budget is $1.54M (including GST) for the project, including the grant funded amount of $740K.

Procurement Objectives

The objectives of this procurement activity are strategic in nature. The planned outcomes seek to address the following considerations that align to the themes within AlburyCity's Community Strategic Plan, *Towards Albury 2050*;

- **Social Impact** – *Towards Albury 2050*, Outcome 3.3 *"Our community values arts, culture, heritage and place. All residents share and celebrate our multiculturalism in a welcoming and open community."*

  The project will provide improved recreational amenities for users of the World War II Memorial Bowl and its surrounds, including increased accessibility and availability of services by providing equal access facilities. The renewed space will also provide services and infrastructure to allow hosting of events in this prominent outdoor location.

- **Economic Impact** – The World War II Memorial Bowl's transformation into a destination and playground represents a significant enhancement to the pedestrian corridor connecting Dean Street, the Botanic Gardens, and Monument Hill, all of which serve as regional attractions for families and tourists in Albury. During construction the proposed development has the potential to generate employment and training opportunities, yielding positive economic benefits for local enterprises.

- **Environmental Impact** – A Review of Environmental Factors has been undertaken to assess the likely impacts across a range of environmental values. It was determined that the net environmental impact of the development is considered negligible, and the environment will be protected through implementation of suitable measures. Additionally, a number of revegetation and landscaping works are proposed as part of the redevelopment, which is considered to have a positive impact on the environment.

- **Civic Leadership Impact** – The upgrade of World War II Memorial Bowl and its immediate surrounds aligns with the World War II Memorial Bowl Master Plan, which was endorsed by Council in May 2021. It outlines the initiatives to enhance and preserve the site, with input from the local community, residents and the Albury RSL Sub-branch.

Scope

The scope of the works included in this contract is summarised below:

- earthworks and drainage;
- concrete works, rockworks including rock steppers, retainers, rock scramble and blockwork;
- supply and installation of proprietary furniture;
- supply and installation of playground and fitness equipment; and
- associated surfacing and landscaping works.

Invitation to Tender

Tenders were invited by Council for Contract No. 24/02539, *World War II Memorial Bowl Upgrade*, and advertised in the Border Mail, Sydney Morning Herald, and on Tenderlink. Tenders closed at 12 noon on 26 November 2024.

The contract duration is estimated at 30 weeks and will be completed in the 2025/26 financial year.

Relevant documentation provided is attached for information.

Tender Close

At the close of tenders, submissions were received from the following companies:

- ACE Landscaping Services Pty Ltd (Nunawading, VIC);
- Enviro Culture Services Pty Ltd (Ettamogah, NSW); and
- LM Landscaping & Irrigation Pty Ltd (Thurgoona, NSW).

All tenders were received and evaluated in accordance with the local government legislation of NSW and Council's Social and Sustainable Procurement Policy and Guidelines.

The assessment panel for the tender comprised of Team Leader Project Delivery – Isaac Greene, Sourcing Coordinator – Paul Dwyer, Senior Project Engineer – Clenisa Canafe, and Open Space Coordinator – Ben Hooper.

Conformity Check

A conformity assessment was undertaken to ensure all submissions received were in accordance with the contract documentation and specification.

Company	Schedules returned with supporting information	WHS & Insurance Documentation accepted	Conformity Status
ACE Landscaping Services Pty Ltd	Yes	Yes	Conforming
Enviro Culture Services Pty Ltd	Yes	Yes	Conforming
LM Landscaping & Irrigation Pty Ltd	Yes	Yes	Conforming

As indicated above, all submissions were assessed as conforming tenders and all companies are either WHS registered with Council or able to achieve this outcome.

Qualitative Assessment

A qualitative assessment considered a range of criterion including:

- **Experience** – relevant experience in performing same or similar projects;
- **Methodology/program of work** – work methods, project/scope understanding, proposed product, program and timeline;

- **Capacity** – availability of resources, current and future commitments and workload;
- **Capability** – skills, specialisation, certification, business systems to deliver required works and contract management capabilities; and
- **Benefit to the region and Australian manufacturing** – local impact on social, economic and community outcomes to benefit the Albury/Wodonga region.

Company	Experience (30%)	Methodology/ Program (30%)	Capacity (20%)	Capability (10%)	Local Benefit (10%)	Total (100%)
ACE Landscaping Services Pty Ltd	22	26	19	9	6	82
Enviro Culture Services Pty Ltd	22	18	19	9	8	76
LM Landscaping & Irrigation Pty Ltd	16	20	8	6	7	58

ACE Landscaping Services Pty Ltd is a Melbourne based company (Nunawading, VIC), with an established local office and presence in Albury. They have a substantial portfolio of recently completed civil and landscaping works throughout Melbourne including the Shrine of Remembrance Hostile Vehicle Mitigation for City of Melbourne, Croydon War Memorial Relocation for South East Program Alliance, and Shrine of Remembrance Access Ramps for Shrine of Remembrance Trustees.

Their current work commitments include:

- Coolstore Road Croydon Streetscape Works as part of the Level Crossing Removal Project, Croydon, for South East Program Alliance (expected completion, March 2025);
- Altona Beach Entry and Esplanade Upgrade, Altona, for City of Hobsons Bay (expected completion, May 2025);
- Jells Park Shared User Path and Jetty Upgrade, Wheelers Hill, for Parks Victoria (expected completion, July 2025); and
- Wollert School and Riverdale School Landscape Works, Victorian Schools Building Authority for S.J Higgins Builders (expected completion, June 2025).

AlburyCity has no previous experience dealing with ACE Landscaping Services Pty Ltd. Referee information suggests that ACE Landscaping Services Pty Ltd demonstrated exceptional performance in the delivery of the projects and is a highly recommended contractor.

ACE Landscaping Services Pty Ltd submitted a 27-week program for on-site activities. Their program is detailed which accounted for all tasks required in the Contract, including hold points for quality inspections. The submitted methodology covered all major construction activities within the project, which reflects their appreciation of the scope of works. A draft Environmental Management Plan was included within their submission, which will be revised relevant to the specific tasks if their tender is successful.

ACE Landscaping Services Pty Ltd nominated that they will source 70-80% of labour, materials, plant, and equipment locally. It is their aim to work closely with local suppliers to help strengthen the local supply chain. They have also indicated that if successful, they will provide sponsorships to sporting groups, community organisations, and similar entities within the local region.

Enviro Culture Services Pty Ltd is a locally based company (Ettamogah, NSW) and has completed a range of similar playground and landscaping projects throughout the local region, including the Belvoir Park Regional Play Space Stage 2 (Design & Construct) for the City of Wodonga, and the recently constructed Fredericks Park Play Space for AlburyCity. They specialise in soft and hard landscaping, playground construction and minor earthworks.

Current work commitments demonstrated several projects that are expected for completion across December 2025 and January 2025, however, no ongoing commitments past these dates.

AlburyCity has previous experience working with Enviro Culture Services Pty Ltd on the National Foresters Grove Play Space, the Murray Park Play Space and of late, the Fredericks Park Play Space, which were all completed to a very high standard. Referee reports indicated that Enviro Culture Services Pty Ltd is well-resourced and can deliver high-quality products, however it was noted that there could be some improvement to project administration.

Enviro Culture Services Pty Ltd submitted a 37-week program for on-site activities. Their program is detailed and outlined all activities, including procurement lead-times and quality inspections. The construction methodology submitted was generic, however highlighted their extensive experience in similar projects. A Capability Statement illustrating their capacity and capability to undertake this project was also included in their submission.

Enviro Culture Services Pty Ltd nominated that 95% of labour will be provided by their own permanent staff. They have also indicated that approximately 70% of materials, plant and equipment will be sourced from the region, with speciality items not available locally being the exception. They have also nominated local subcontractors including a stonemason who has extensive experience and the skills necessary to ensure the works to the section of the stone wall do not adversely affect the heritage significance of the site. The company has also listed several local community groups, sporting groups and volunteer events which they sponsor.

LM Landscaping & Irrigation Pty Ltd is a locally based company (Thurgoona, NSW) specialising in both commercial development and residential property landscaping.

Their current work commitments include works at Lavington Square Redevelopment for Mainbrace Constructions, (expected completion, December 2024), and Lake Albert Entrance for Devcore Property (expected completion, January 2025).

AlburyCity has no previous experience dealing with LM Landscaping & Irrigation Pty Ltd. Referee information suggests that LM Landscaping & Irrigation Pty Ltd is highly cooperative and well-resourced. Referees suggest they provide good project management and manage worksite safety and environmental preservation matters appropriately.

The tender submission provided by LM Landscaping & Irrigation Pty Ltd included a 25-week program for on-site activities, which is the shortest duration received. They also submitted a detailed methodology, which demonstrates their understanding of the project requirements, as well as nominated key personnel with relevant landscaping and civil construction experience.

The submission from LM Landscaping & Irrigation Pty Ltd, poses concerns regarding financial capacity to undertake a project of this scale, with this project being of greater value than their annual turnover of the past two years. An external financial capacity assessment detailed similar concerns that suggests a risk for both Council and the Contractor, should the contract be awarded to LM Landscaping & Irrigation Pty Ltd.

LM Landscaping & Irrigation Pty Ltd nominated that the company is a 100% Indigenous owned business with Supply Nation certification. They indicated that 70% of labour and subcontractors will be sourced from the Albury-Wodonga region, along with 60% of materials, plant and equipment, with the exception of fitness and playground equipment. They have also indicated that they sponsor multiple sporting organisations in the region, provide work placement opportunities to students, and participate in community projects.

From the information provided, all companies demonstrated that they have the required management systems, experience, plant and equipment, resources, and availability to provide AlburyCity with a quality product and meet project objectives. The submission from LM Landscaping & Irrigation Pty Ltd, however, presents concerns regarding demonstrated financial capacity to undertake a project of this scale.

Quantitative Assessment (Pricing)

The contract was issued seeking a project lump sum tendered by suppliers to complete the project. The tendered prices and ratings relative to the lowest price are tabulated below.

Company	**Contract Value (incl GST)**	**Rating (100)**
LM Landscaping & Irrigation Pty Ltd	$1,704,629.22	100
Enviro Culture Services Pty Ltd	$1,981,989.01	86
ACE Landscaping Services Pty Ltd	$2,154,927.93	79

The budget allocation for the project is $1.54M (including GST), with no submissions being within the allocated budget.

The current budget allocation is in the order of $165K – $535K (including GST) below the submissions. It is proposed that the current allocation shortfall be accommodated through adjustments at future Quarterly Budget Reviews and in the development of the draft 2025 -2029 Four Year Delivery Program, considering other project timing/scheduling, project savings and/or allocation of additional funds as required. The adjustment will also include an allowance for internal project management.

As detailed above, the submission from LM Landscaping & Irrigation Pty Ltd was the most favourable from a cost perspective, being $277K (16%) more favourable than Enviro Culture Services Pty Ltd, and $450K (26%) more favourable than ACE Landscaping Services Pty Ltd.

Risk

- **Business Risk** – Financial risks during construction are possible if latent/unknown issues are encountered. To reduce this risk, geotechnical investigations and location of existing services have been undertaken. An Assessment of Heritage Impact (Attachment 3) has also been completed to ensure the works do not adversely affect the heritage significance of the site.

- **Corporate Risk** – The project site is in a high-profile area, and forms part of the significant memorial elements within the Monument Hill precinct, which is visible to the community. Redeveloping the site to provide improved recreational facilities for residents and visitors will mitigate this risk and will result in a positive image for AlburyCity.

- **WHS and Public Risk** – WHS risks due to construction works will be controlled in accordance with AlburyCity procedures. The contractor will be WHS registered by AlburyCity and will be required to implement relevant Safe Work Method Statements and safety inspections.

- **Environmental Risk** – A Review of Environmental Factors has been undertaken to identify any environmental risks and suitable measures to mitigate them and is attached for information (Attachment 4), along with an Additional Environmental Assessment (Attachment 5).

- **Delivery Program Risk** – Standard delivery program risks are possible, such as delays due to inclement weather, supply chain lead times, or adverse site conditions and contractor caused delays. Geotechnical investigations and a Heritage Impact Statement have been completed to mitigate these risks.

Engagement

The upgrade of the World War II Memorial Bowl and its immediate surrounds aligns with the World War II Memorial Bowl Master Plan, which was endorsed by Council in May 2021. It outlines the initiatives to enhance and preserve the site, with input from the local community, residents and the Albury RSL Sub-branch.

The Albury RSL Sub-branch has also been provided with regular updates as the design of the redevelopment has progressed.

This project is consistent with *Towards Albury 2050*, which is Albury's Community Strategic Plan that underwent extensive community consultation prior to adoption. It is also identified as an individual action in the Four Year Delivery Program which was also placed on public exhibition.

To keep the community informed on the progress of construction, this project will be included in the Major Projects section of AlburyCity's website, with construction updates also provided via social media.

Summary

The scoring for the qualitative and quantitative assessment is summarised in the following table:

Company	Qualitative (Non-price Score)	Quantitative (Price Score)
LM Landscaping & Irrigation Pty Ltd	58	100
Enviro Culture Services Pty Ltd	76	86
ACE Landscaping Services Pty Ltd	82	79

From the qualitative assessment, all companies have the required management systems, experience, resources and availability to successfully undertake this project. However, although it is considered from a capability perspective that LM Landscaping & Irrigation Pty Ltd could provide Council with a quality product, their submission presents concerns regarding financial capacity due to the project being of greater value than their annual turnover of the past two years, posing a risk not only to AlburyCity, but also to LM Landscaping & Irrigation Pty Ltd.

From a quantitative perspective the submission from LM Landscaping & Irrigation Pty Ltd, was assessed as being the most advantageous. The submission was between $277K (16%) and $450K (26%) more favourable than the other submissions.

The budget allocation for the project is $1.54M (including GST), with no submission being within the allocation. It is proposed that the current allocation shortfall be accommodated through adjustments at future Quarterly Budget Reviews and the development of the 2025 – 2029 four year delivery program, considering other project timing/scheduling, project savings and/or the allocation of additional funds as required. The adjustment will also include an allowance for internal project management.

Considering the above-mentioned risk, and based on the qualitative and quantitative assessments, it is deemed that the submission from Enviro Culture Services Pty Ltd provides the best value for Council to deliver this project. Although their submission is $277K higher than the lowest tender (LM Landscaping & Irrigation Pty Ltd), and proposes a longer deliver program, their financial capacity, capability and relevant experience provides AlburyCity with the confidence that they can provide a quality outcome.

Conclusion

Council invited tenders for Contract No. 24/02539 World War II Memorial Bowl Upgrade and received three submissions.

The World War II Memorial Bowl is located towards the bottom of Monument Hill, at the corner of Memorial Drive and Affleck Street, Albury NSW. The open space of the World War II Memorial Bowl which is bordered by a rock and mortar wall has been underutilised. The current infrastructure comprises of a small playground and a picnic setting, both of which are dated and require upgrading.

The upgrade of the World War II Memorial Bowl and its immediate surrounds aims to enhance the site to increase community use while preserving the heritage significance of the area. The scope of works includes earthworks, drainage, concrete works, rockworks, associated surfacing and landscaping works, as well as the supply and installation of proprietary furniture, playground and fitness equipment.

A quantitative and qualitative assessment indicated that Enviro Culture Services Pty Ltd was the most favourable submission for the tendered price of $1,981,989.01 (including GST).

To ensure adequate funding is available to complete the construction contract additional adjustments will be required as part of the next Quarterly Budget Review and the development of the 2025 to 2029 Four Year Delivery Program.

Recommendation

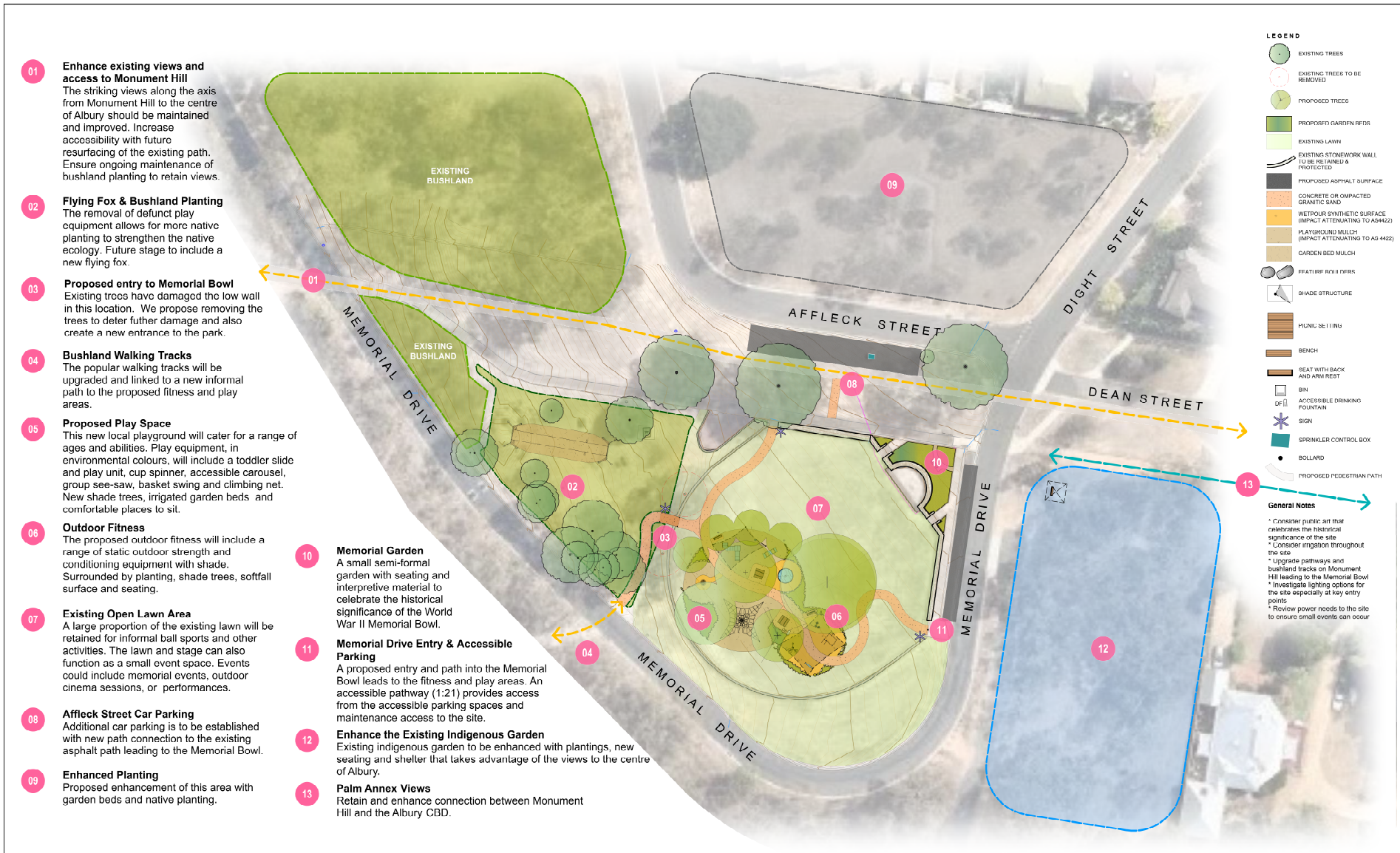
That Council:

a. pursuant to section 178 (1)(a) of the *Local Government (General) Regulation 2021* NSW, resolves to accept the tender from Enviro Culture Services Pty Ltd and awards the Contract No. 24/02539 – World War II Memorial Bowl Upgrade, for the tendered lump sum price of $1,981,989.01 (including GST); and

b. Acknowledge the $500,000 (incl. GST) shortfall in the current budget allocation to complete the contract and adjustments being accommodated at the next Quarterly Budget Review and in the development of the draft 2025-2029 Four Year Delivery Program, considering other project timing/scheduling, project savings and/or the allocation of additional funds as required.

Attachments

1. World War II Memorial Bowl Master Plan - Final (DOC21/113276).
2. World War II Memorial Bowl General Arrangement Plan (DOC24/311884).
3. Memorial Bowl Heritage Impact Statement (DOC21/21042).
4. Review of Environmental Factors Report (DOC24/261710).
5. Additional Environmental Assessment (DOC24/261711).



World War II Memorial Bowl Master Plan

Memorial Drive, Albury NSW 2640

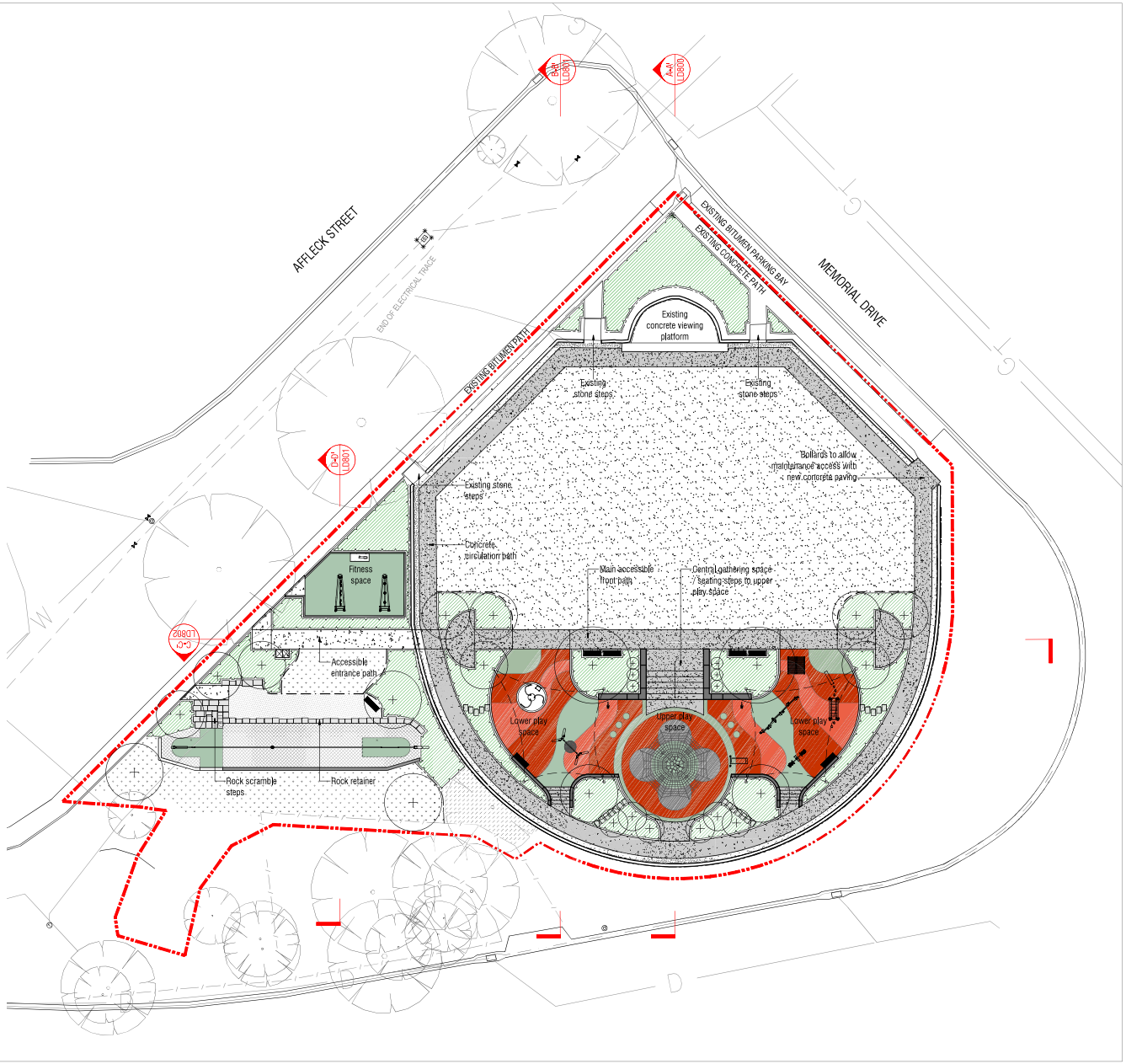
LANDSCAPE ARCHITECT:
Jeavons LANDSCAPE ARCHITECTS

Job No. 3146
Date: 14.05.21
Dwg No: MP01 of 1
Scale: 1:350 @ A1

Rev.	Date	Notes
E	14/05/2021	- FINAL
D	15/02/2021	
C	4/02/2021	
B	9/12/2020	
A	29/09/2020	

LEGEND

- EXTENT OF WORKS
- TREES TO BE RETAINED
  Refer AS 4970-2009 and Specification
- EXISTING STONE WALL
  Refer Specification
- PROPOSED TREES
  Refer Schedules and Details
- MAJOR CONTOURS
  Refer LD400 - LD402
- CONCRETE TYPE 1
  Refer Schedules, Details and Specification
- CONCRETE TYPE 2
  Refer Schedules, Details and Specification
- CONCRETE APRON
  Refer Schedules, Details and Specification
- CONCRETE RETAINING EDGE
  Refer Schedules, Details and Specification
- MASONRY BLOCK WALL 1A-1B
  Refer Details and Specification
- MASONRY BLOCK WALLS 2A-2B
  Refer Schedules, Details and Specification
- ROCK STEPPERS
  Refer Schedules, Details and Specification
- ROCK RETAINER
  Refer Schedules, Details and Specification
- ROCK SCRAMBLE STEPS
  Refer Schedules, Details and Specification
- STEEL EDGE
  Refer Schedules, Details and Specification
- SPRAYED EDGE
  Refer Details and Specification
- GRANITIC GRAVEL
  Refer Schedules, Details and Specification
- SOFT FALL MULCH
  Refer Schedules, Details and Specification
- GARDEN BED
  Refer Schedules, Details and Specification
- GRASS - TURF
  Refer Schedules, Details and Specification
- GRASS - HYDROMULCH
  Refer Schedules, Details and Specification
- MULCH ONLY BENEATH EXISTING TREES
  Refer Details and Specification
- SHADE SAIL
  Refer Schedules and Specification
- BENCH SEAT
  Refer Schedules and Specification
- PLATFORM SEAT
  Refer Schedules and Specification



NOTES

spiire

© Spiire Australia Pty Ltd All Rights Reserved
This document is produced by Spiire Australia Pty Ltd solely for the benefit of and use by the client in accordance with the terms of the retainer. Spiire Australia Pty Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by third party on the content of this document.

445 TOWNSEND STREET ALBURY
NSW 2640 AUSTRALIA T 61 2 6051 1300
www.spiire.com.au ABN 55 050 029 635

PRELIMINARY

REV	DESCRIPTION	APP	DATE
E	ISSUED FOR APPROVAL	SME	16/11/22
D	FOR INFORMATION	SME	26/10/22
C	FOR INFORMATION	SME	28/09/22
B	FOR INFORMATION	SME	31/05/22
A	FOR INFORMATION ONLY	SME	06/04/22

WORLD WAR II MEMORIAL BOWL
LANDSCAPE DETAILED DESIGN
DETAILED DESIGN
GENERAL ARRANGEMENT PLANS - SHEET 2
SHEET 7 OF 31
CITY OF ALBURY
CITY OF ALBURY

MGA 94 ZONE 1:200 SCALE @ A1 0 2 4 6 8 10

DESIGNED	DRAWN	CHECKED	APPROVED
SME	GR/SME	MS	PB

DATE	DRG NO.	REV
06/04/2022	309961LD301	E

File name: 309961LD300.dwg, Layout name: LD301, plotted by: Simon Eakin
File location: I:\projects\Albury\309961\Landscape\CAD\ and date: 16/11/2022 2:04 PM, Sheet 7 of 31 Sheets



Albury World War II Memorial Bowl

Statement of Heritage Impact

FINAL REPORT

Prepared for Albury City Council

9 December 2020

Biosis offices

NEW SOUTH WALES

Albury
Phone: (02) 6069 9200
Email: albury@biosis.com.au

Newcastle
Phone: (02) 4911 4040
Email: newcastle@biosis.com.au

Sydney
Phone: (02) 9101 8700
Email: sydney@biosis.com.au

Western Sydney
Phone: (02) 9101 8700
Email: sydney@biosis.com.au

Wollongong
Phone: (02) 4201 1090
Email: wollongong@biosis.com.au

VICTORIA

Ballarat
Phone: (03) 5304 4250
Email: ballarat@biosis.com.au

Melbourne
Phone: (03) 8686 4800
Email: melbourne@biosis.com.au

Wangaratta
Phone: (03) 5718 6900
Email: wangaratta@biosis.com.au

Document information

Report to:	Albury City Council
Prepared by:	Kylie McFadyen Lucy Amorosi and Daniel Carpenter
Biosis project no.:	33686
File name:	33686.Albury.Memorial.Bowl.SoHI.FINAL.20201209
Citation:	Biosis 2020. Albury WWII Memorial Bowl Statement of Heritage Impact. Report for Albury City Council. McFadyen K, Amorosi L and Carpenter D. Biosis Pty Ltd. Albury NSW. Project no 33686

Document control

Version	Internal reviewer	Date issued
Draft version 01	Maggie Butcher	09/10/2020
Draft version 02	Taryn Gooley	22/10/2020
Final version 01	Kylie McFadyen	09/12/2020

Acknowledgements

Biosis acknowledges the contribution of the following people and organisations in undertaking this study:

- Leanne Hunichen, Albury City Council
- Graham Docksey, City of Albury RSL Sub-Branch
- Bruce Pennay, historian
- Greg Ryan, Albury & District Historical Society

Biosis staff involved in this project were:

- Matilda Terry (assistance in the field)
- Jason Prasad (mapping)

© Biosis Pty Ltd

This document is and shall remain the property of Biosis Pty Ltd. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of the Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Disclaimer:

Biosis Pty Ltd has completed this assessment in accordance with the relevant federal, state and local legislation and current industry best practice. The company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report content or for any purpose other than that for which it was intended.

Contents

Glossary ..... **vi**

Summary ..... **vii**

1 Introduction **9**

1.1 Project background 9
1.2 Location of the study area 9
1.3 Scope of assessment 9
1.4 Limitations 10

2 Statutory framework **13**

2.1 Environment Protection and Biodiversity Conservation Act 1999 13
2.2 NSW Heritage Act 1977 13
2.2.1 State Heritage Register 13
2.2.2 Archaeological relics 14
2.2.3 Section 170 Heritage and Conservation Registers 15
2.3 Environmental Planning and Assessment Act 1979 15
2.3.1 Local Environmental Plan 15
2.3.2 Albury Development Control Plan 2010 15
2.4 Summary of heritage listings 17

3 Historical context **2**

3.1 Topography and resources 2
3.2 Aboriginal past 2
3.3 Albury – historical development 4
3.3.1 Early exploration and development (1824 to 1850) 4
3.3.2 Development during the gold era (1850 to 1900) 6
3.3.3 Development from the 20th century (1900 to present) 9
3.3.4 Albury in the Second World War 13
3.4 Chronology of the study area 13
3.4.1 History of the Albury Monument Hill Park and construction of the Memorial Bowl 14
3.5 Research themes 23

4 Physical inspection **25**

4.1.1 An overview of cultural landscapes 25
4.1.2 Character areas 26
4.1.3 Views to and from the study area 27
4.3.2 Integrity of sub-surface deposits 36
4.3.3 Research potential 36

5 Comparative analysis **37**

6 Significance assessment **40**

6.1 Levels of heritage significance 41

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

6.2 Evaluation of significance 41
6.2.1 Memorial Bowl (I108) 41
6.2.2 Parkland (I61) 42
6.2.3 Monument Hills Parkland Conservation Area (C10) 42
6.3 Integrity and intactness 42
6.1.1 Memorial Bowl (I108) 43
6.1.2 Parkland (I61) 43
6.1.3 Monument Hills Parkland Conservation Area (C10) 43
7 Statement of heritage impact 44
7.1 Proposal details 44
7.2 Assessing impact to heritage item(s) 45
7.2.1 Discussion of heritage impact(s) 45
7.2.2 Quantifying heritage impact(s) 46
7.3 Assessment of impacts 47
7.4 Statement of heritage impact 57
8 Conclusions and recommendations 58
8.1 Conclusions 58
8.1 Recommendations 58
9 References 60
Appendices 64
Appendix 1 Heritage listing details 65
Appendix 2 Proposed development 73

Tables

Table 1 Summary of heritage listings within and in the vicinity to the study area 17
Table 2 Chronological development of the study area 13
Table 3 Identified historical themes for the study area 23
Table 4 Similar sites in NSW 39
Table 5 Discussion of heritage impacts 45
Table 6 Assessment of individual impacts 48

Figures

Figure 1 Location of the study area 11
Figure 2 Detail of the study area 12
Figure 3 Location of heritage listings within and in the vicinity of the study area 1
Figure 4 1860 Reuss & Browne pastoral map, with the estimated location of the study area indicated by the red arrow 5

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Figure 5 1838 Plan of Township of Albury showing approximate location of study area in red 6
Figure 6 Parish of Albury, County of Goulburn, showing Black Range Gold Field in relation to study area (red outline)..... 7
Figure 7 Parish Map of Albury dated to 1907, with approximate location of the study area outlined in red, Memorial Bowl (I108) shown as a red circle..... 10
Figure 8 Parish Map of Albury dated to 1916, with the approximate location of the study area and Memorial Bowl (I108) outlined in red..... 11
Figure 9 1975 aerial photgraph, with the location of the study area outlined in red..... 12
Figure 10 1849 Parish Plan of Albury, approximate location of the Memorial Bowl outlined in red 16
Figure 11 1927 Plan of Town of Albury and Suburban Lands, study area outlined in red 17
Figure 12 1949 aerial photograph showing study area outlined in red 18
Figure 13 1959 aerial photograph, location of the study area outlined in red..... 19
Figure 14 Panorama over Albury from War Memorial. Nucolorvue Productions - No. 6. 1955 (Source: Albury City Collections) 20
Figure 15 Panorama of Albury NSW. About 1957, Memorial Bowl in the Foreground. The Rose Series P. 8734. 21
Figure 16 View of Memorial Bowl from the World War One Monument 21
Figure 17 Memorial Bowl stage (Image by M Johnson, Albury City Council)..... 22
Figure 18 Rear of Memorial Bowl stage (Image by M Johnson, Albury City Council) 23

Photographs

Photograph 1 Albury wharf and crane, with Hovell tree in foreground c.1890 8
Photograph 2 View of Monument Hill from Dean Street c.1891 (provided by Greg Ryan, Albury Historical Society, 5 September 2020) 14

Plates

Plate 1 View of heritage item Parkland (I161), looking east. 26
Plate 2 View of Memorial Bowl (I108) walls adjacent Affleck Street, looking east. 27
Plate 3 Interior view of Memorial Bowl (I108) adjacent Affleck Street, looking east. 27
Plate 4 View to Monument (I110) looking west from path on Memorial Drive. 28
Plate 5 View from Memorial Bowl (I108) to Albury centre. 28
Plate 6 Rock and mortar walls, stairs and buttress of Memorial Bowl (I108) looking north towards Memorial (I110). Note playground in the background. 29
Plate 7 Rock and mortar walls, stairs and buttress of Memorial Bowl (I108). 29
Plate 8 Detail of buttress and stairs (I108), view north. 30
Plate 9 View of interior grassed area of Memorial bowl (I108) and extensive low wall, looking south. 30
Plate 10 Detail of commemorative World War II plaque attached to rock wall. 31
Plate 11 Original metal gates, looking west from Memorial Drive. 31
Plate 12 Later addition retaining wall attached to original fabric of Memorial Bowl. 32

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Plate 13 Later addition paved platform and retaining wall adjacent Memorial Bowl, looking north towards Affleck Street. 32
Plate 14 Section of low rock wall damaged by tree. 33
Plate 15 Close up view of wall damaged by tree. 33
Plate 16 Shelter, seating and signage in front of the Indigenous garden. 34
Plate 17 Shelter, seating and signage in front of the Indigenous garden. 34
Plate 18 Parking area and playground equipment. 35
Plate 19 Parking area and playground equipment. 35
Plate 20 Batemans Bay Vietnam Memorial (source: Places of Pride, Australian War Memorial) 38
Plate 21 Homebush-Strathfield RSL Memorial Wall (source: New South Wales War Memorial Register) 38
Plate 22 Narrandera Memorial Wall of Remembrance (source: Places of Pride, Australian War Memorial) 39

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Glossary

AGD	Australian Geodetic Datum
Biosis	Biosis Pty Ltd
c.	Circa
CBD	Central Business District
CHL	Commonwealth Heritage List
DA	Development Application
DAWE	Department of Agriculture, Water and the Environment
DCP	Development Control Plan
DP	Deposited Plan
EP&A Act	*Environmental Planning and Assessment Act 1979*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Heritage Act	*Heritage Act 1977*
LEP	Local Environmental Plan
NHL	National Heritage List
NSW	New South Wales
SHI	State Heritage Inventory
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
Study area	The area of impact for the proposed works, including the Memorial Bowl (Item No.I108) and an area within the Monument Hills Parkland Conservation Area (Item No. C10).

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Summary

Biosis Pty Ltd (Biosis) was commissioned by Albury City Council to undertake a Historical Heritage Assessment (HHA) and Statement of Heritage Impact (SoHI) for the proposed Draft Landscape Masterplan for an area of land including the Albury World War I Memorial Bowl (the study area). The study area is located on Memorial Drive on Monument Hill, 1 kilometre west of the Albury CBD.

The proposed Draft Landscape Masterplan aims to increase community use of the study area, while preserving the landscape character and heritage significance of the area.

Heritage values

Significant heritage values identified within the study area include:

- Memorial Bowl (I108), locally listed on the Albury Local Environment Plan (LEP).
- Parkland (I61), locally listed on the Albury LEP.
- Monument Hills Parkland Conservation Area (C10), locally listed on the Albury LEP.

A number of heritage items located within the vicinity of the study area are also present.

No areas of historic archaeological potential were located within the study area.

Impact to heritage values

The proposed works for the Draft Masterplan are detailed in Section 7.1. Each individual component of the proposed Draft Landscape Masterplan has been assessed in terms of potential impacts to the study area (see Section 7.2). There will be no negative impacts from the proposed works, and the direct impacts to the Memorial Bowl (I108) will be minor in nature. Direct impacts caused by the construction of new access entrances, and an outdoor gym and play area within the Memorial Bowl (108) are considered to be a positive reflection of the site's intended community use and can be mitigated by following the recommendations below. There will be no impacts to heritage items located within the vicinity of the study area.

Biosis has determined that the proposed works are a positive means to enable the study area to be used and enjoyed by the local community, particularly the Memorial Bowl (I108), which was the original intended objective for its construction. The proposed works may proceed, subject to the recommendations outlined below.

Recommendation 1: The proposed works may proceed with caution

The proposed works may proceed, subject to mitigation measures outlined in Section 7.3 and the following recommendations.

No heritage items within or in the vicinity of the study area will be negatively impacted by the proposed works. No areas of historic archaeological potential were located within the study area, however should unexpected archaeological remains be uncovered during the course of the proposed works, Recommendation 5 should be implemented.

Recommendation 2: Archival recording of Memorial Bowl (I108)

Due to direct impacts to the Memorial Bowl (I108), an archival recording of the listed site should be undertaken prior to the commencement of construction works to record the item's current condition and setting. The recording should be undertaken in accordance with the Heritage Division guidelines *How to*

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Prepare Archival Records of Heritage Items (Heritage Office 1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (Heritage Office 2006)

Recommendation 3: Erection of temporary fencing to avoid indirect impacts

To avoid damage to the original walls and buttress of the Memorial Wall (I108) during the construction of the new playground area, outdoor gym, and memorial garden, temporary fencing should be installed around the fencing to protect the original fabric of the memorial.

Recommendation 4: Update of listing detail for Memorial Bowl (I108)

The current listing for the Memorial Bowl (I108) within the Albury LEP should be updated to reflect the updated significance assessment.

Recommendation 5: Community consultation

During the design, planning and erection of the Indigenous garden and World War Two memorial garden, consultation should take place with local community groups in regard to interpretation. Consultation with local Aboriginal community groups, the Albury RSL Sub-Branch and the Albury and District Historical Society must take place.

Recommendation 6: Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

1 Introduction

1.1 Project background

Biosis was commissioned by the Albury City Council to undertake a HHA and SoHI for the proposed Draft Landscape Masterplan for an area of land including the Albury World War I Memorial Bowl (listed as Memorial Bowl (I108), located in central Albury, New South Wales (NSW). The proposed landscaping works also includes an area within the Monument Hills Parkland Conservation Area (C10) and locally listed heritage item Parkland (I61) (Figure 1). The proposed landscaping works will aim to revitalise the study area and increase access to its open space and the Memorial Bowl (I108) which have been underutilised. The proposed development will be assessed in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979 NSW* (EP&A Act).

1.2 Location of the study area

The study area is located on Monument Hill immediately to the north of the Murray River. It is accessed via Memorial Drive and is within the Monument Hills Parkland Conservation Area (C10) Albury, NSW, Albury City Local Government Area (LGA) (Figure 2). It encompasses public land and is bound by Memorial Drive, Dight Street and Affleck Street. It is currently zoned E2 Environmental Conservation.

1.3 Scope of assessment

This report was prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and 'Relics'* and the *Burra Charter*[1][2]. This report provides a heritage assessment to identify if any heritage items or relics exist within or in the vicinity of the study area. The heritage significance of these heritage items has been investigated and assessed in order to determine the most appropriate management strategy.

The following is a summary of the major objectives of the assessment:

- Identify and assess the heritage values associated with the study area. The assessment aims to achieve this objective through providing a brief summary of the principle historical influences that have contributed to creating the present – day built environment of the study area using resources already available and some limited new research.
- Assess the impact of the proposed works on the cultural heritage significance of the study area.
- Identifying sites and features within the study area which are already recognised for their heritage value through statutory and non – statutory heritage listings.
- Consult with the Albury RSL Sub-Branch incorporating the club's recommendations and any historical knowledge and details pertaining to the significance of the study area.
- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

[1] (Heritage Office, 2001)
[2] (Australia ICOMOS, 2013)

1.4 Limitations

This report is based on historical research and field inspections. It is possible that further historical research or the emergence of new historical sources may support different interpretations of the evidence in this report. Consultation with the Albury & District Historical Society and the Albury RLS Sub-Branch identified a lack of historical record and information for the Albury World War II Memorial Bowl.

Although this report was undertaken to best archaeological practice and its conclusions are based on professional opinion, it does not warrant that there is no possibility that additional archaeological material will be located in subsequent works on the site. This is because limitations in historical documentation and archaeological methods make it difficult to accurately predict what is under the ground.

The significance assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.

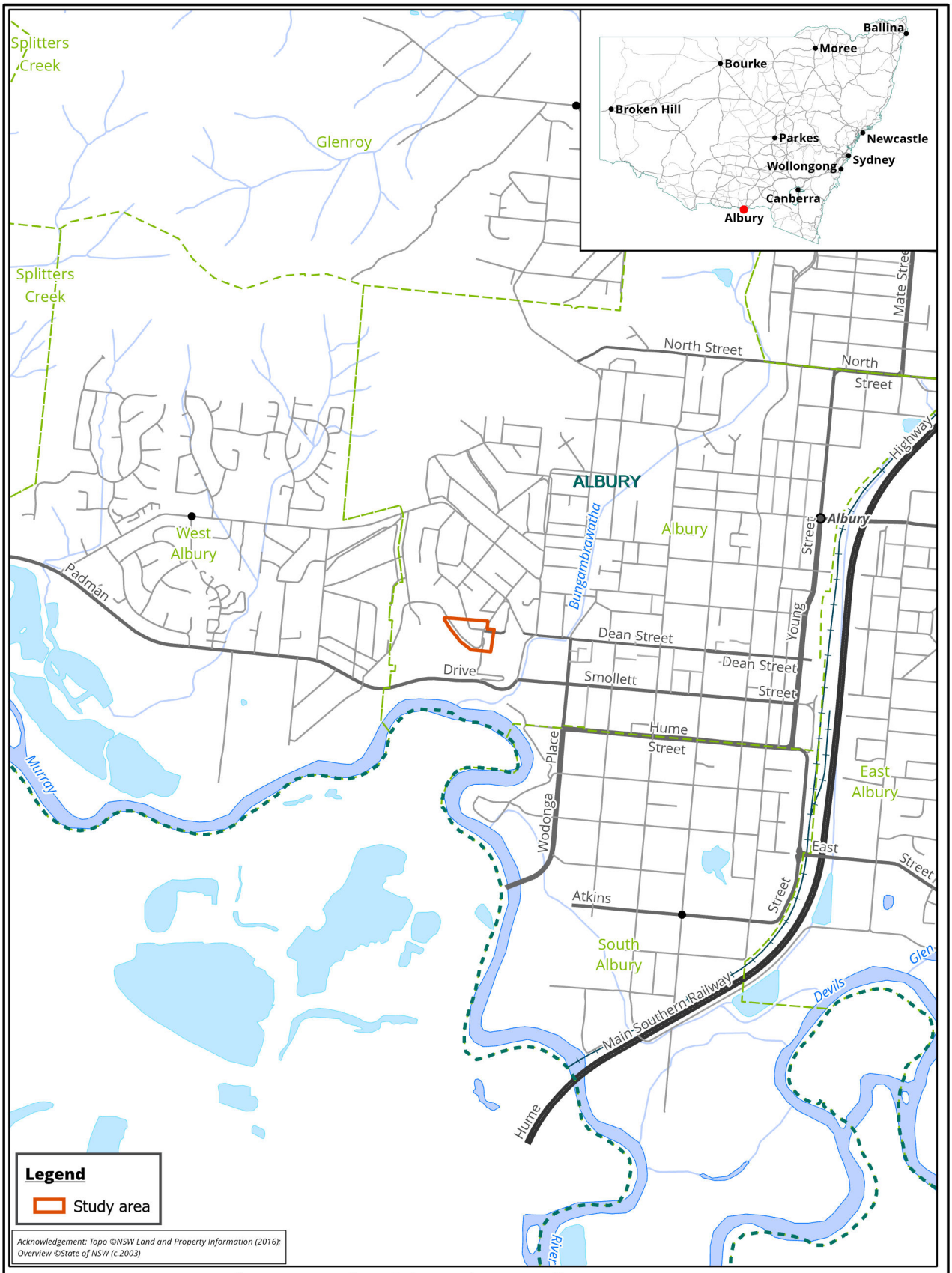


Figure 1 Location of the Study Area - Albury Memorial Bowl, New South Wales

Matter: 33686,
Date: 19 August 2020, Checked by: KM, Drawn by: JSP, Last edited by: jprasad
Layout: 33686_F1_Locality
Location: P:\33600s\33686\Mapping\33686 Albury Memorial Bowl SoHI.aprx

0 250 500 750 1,000
Metres
Scale: 1:25,000 @ A4
Coordinate System GDA 1994 MGA Zone 56

N

00





Legend

Study Area

Figure 2 Detail of Study Area

0 10 20 30 40

Metres

N

Scale: 1:1,000 @ A3

Coordinate System: GDA 1994 MGA Zone 55

biosis

Matter: 33686,
Date: 19 August 2020,
Prepared for: KM, Prepared by: JSP, Last edited by: jprasad
Layout: 33686_F2_Detail
Location: P:\33600s\33686\Mapping\
33686 Albury Memorial Bowl SoHI.aprx

2 Statutory framework

This assessment will support a development application under part 5 of the EP&A Act. In NSW cultural heritage is managed in a three-tiered system: national, state and local. Certain sites and items may require management under all three systems or only under one or two. The following discussion aims to outline the various levels of protection and approvals required to make changes to cultural heritage in the state.

2.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Act 1999* (EPBC Act) is the national Act protecting the natural and cultural environment. The EPBC Act is administered by the Department of Agriculture, Water and the Environment (DAWE). The EPBC Act establishes two heritage lists for the management of the natural and cultural environment:

- The National Heritage List (NHL) contains items listed on the NHL have been assessed to be of outstanding significance and define 'critical moments in our development as a nation'.[3]
- The Commonwealth Heritage List (CHL) contains items listed on the CHL are natural and cultural heritage places that are on Commonwealth land, in Commonwealth waters or are owned or managed by the Commonwealth. A place or item on the CHL has been assessed as possessing 'significant' heritage value.[4]

A search of the NHL and CHL did not yield any results associated with the study area.

2.2 NSW Heritage Act 1977

Heritage in NSW is principally protected by the Heritage Act (as amended) which was passed for the purpose of conserving items of environmental heritage of NSW. Environmental heritage is broadly defined under Section 4 of the Heritage Act as consisting of the following items: 'those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance'. The Act is administered by the Heritage Council, under delegation by the Heritage Division, Heritage NSW. The Heritage Act is designed to protect both known heritage items (such as standing structures) and items that may not be immediately obvious (such as potential archaeological remains or 'relics'). Different parts of the Heritage Act deal with different situations and types of heritage and the Act provides a number of mechanisms by which items and places of heritage significance may be protected.

2.2.1 State Heritage Register

Protection of items of State significance is by nomination and listing on the State Heritage Register (SHR) created under Part 3A of the Heritage Act. The Register came into effect on 2 April 1999. The Register was established under the *Heritage Amendment Act* 1998. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance.

A permit under Section 60 of the Heritage Act is required for works on a site listed on the SHR, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of

[3] 'About National Heritage' http://www.environment.gov.au/heritage/about/national/index.html
[4] 'Commonwealth Heritage List Criteria'
http://www.environment.gov.au/heritage/about/commonwealth/criteria.html

which minor works are exempted from the requirements to submit a Section 60 Application can be found in the Guideline 'Standard Exemptions for Works requiring Heritage Council Approval'. These exemptions came into force on 5 September 2008 and replace all previous exemptions.

There are no items or conservation areas listed on the SHR within the study area.

2.2.2 Archaeological relics

Section 139 of the Heritage Act protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. This section applies to all land in NSW that is not included on the SHR.

Amendments to the Heritage Act made in 2009 changed the definition of an archaeological 'relic' under the Act. A 'relic' is defined by the Heritage Act as:

'Any deposit, object or material evidence:

(a) Which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) Which is of State or Local significance'.

It should be noted that not all remains that would be considered archaeological are relics under the NSW Heritage Act. Advice given in the Archaeological Significance Assessment Guidelines is that a 'relic' would be viewed as a chattel and it is stated that,

> *'In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include 'relics' of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be "relics".*[5]

If a relic, including shipwrecks in NSW waters (that is rivers, harbours, lakes and enclosed bays) is located, the discoverer is required to notify the NSW Heritage Council.

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of NSW in accordance with sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

Exceptions under Section 139(4) to the standard Section 140 process exist for applications that meet the appropriate criterion. An application is still required to be made. The Section 139(4) permit is an exception from the requirement to obtain a Section 140 permit and reflects the nature of the impact and the significance of the relics or potential relics being impacted upon.

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of state or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with section 146 of the Heritage Act. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area.

[5] (NSW Heritage Branch, 2009, p. 7)

2.2.3 Section 170 Heritage and Conservation Registers

Section 170 of the Heritage Act requires that culturally significant items or places managed or owned by Government agencies are listed on departmental Heritage and Conservation Register. Information on these registers has been prepared in accordance with Heritage Division guidelines.

Statutory obligations for archaeological sites that are listed on a Section 170 Register include notification to the Heritage Council in addition to relic's provision obligations.

There are no items within or adjacent to the study area that are entered on a State government instrumentality Section 170 Register.

2.3 Environmental Planning and Assessment Act 1979

2.3.1 Local Environmental Plan

The Albury LEP contains schedules of heritage items that are managed by the controls in the instrument. As the project is being undertaken under Part 4 of the EP&A Act, council is responsible for approving controlled work via the development application system. Heritage items in the vicinity of the study area are identified in Figure 3.

The study area contains the following items of local significance on the Albury LEP Schedule 5:

- Memorial Bowl (Item No. I108), Memorial Drive, Albury. The Memorial Bowl is listed as a landscape item.
- Parkland (Item No. I61), Dean Street (West), Albury. The item is listed under the category of urban park.

The study area is listed in the vicinity of the following heritage items which are listed in Figure 3.

- Monument (Item No. I110), Monument Hill, Albury. The item is listed under the category of monuments/memorials.
- Trees (Item No. I128), Paine Place, Albury. The item is listed under the category of tree groups – street.
- Padman Park (Item No. I333), Padman Drive, West Albury. The item is listed under the category of urban area and archaeological – terrestrial.
- Excavation Greers Cellar (Item No. I169), Thurgoona Street, Albury. The item is listed under the category of archaeological – terrestrial.
- Botanic Gardens (I200), Wodonga Place, Albury
- Smollett Street Bridge (I155), Smollett Street, Albury. The item is listed under the category of transport – land / road bridge.

The study area is also situated within a conservation area of local significance:

- Monument Hills Parkland Conservation Area (Item No. C10), Dean Street, Albury. The conservation area is listed as an historic cultural landscape and includes the Memorial Bowl as an area of significance.

2.3.2 Albury Development Control Plan 2010

The Albury Development Control Plan 2010 (DCP) outlines built form controls to guide development. The Albury DCP supplements the provisions of the Albury LEP. The Albury DCP outlines the following general objectives:

- To identify heritage buildings and areas of within Albury, and encourage the conservation and enhancement of these items.
- To maintain and enhance the overall streetscape and environmental quality of the city.
- To promote public awareness of the significance of heritage items.
- To provide for public involvement in matters relating to the conservation of Albury's environmental heritage.
- To identify heritage conservation areas and to seek to conserve and enhance these areas.
- To preserve and maintain landscaping and vegetation, which contributes to the heritage significance of particular heritage items and heritage conservation areas.
- To ensure that alterations, additions and infill developments are sympathetic and respectful of the values of the heritage sites.
- To control the demolition of heritage items or buildings located within a heritage conservation area and archivally record these buildings in circumstances of demolition.
- To have regard to the recommendations of the Albury Main Street Study, the Albury City Wide and Lavington Heritage Studies, and to relevant provisions of Part 11 of the DCP, which relates to Development in Commercial Zones.

The Albury DCP lists specific objectives of the Monument Hills Parkland Conservation Area (C10):

- To conserve and enhance the environs of the precinct, as well as, the original design intent of the Grand Avenue extending from Dean Street to the Monument.
- To integrate the Monument Hill precinct with the riverside parks area and the City Centre.
- To preserve significant landscape elements within the precinct.
- To have regard to views of the Monument, as well as, views from the Hill and Memorial Bowl Area onto the City environs below.

The following controls are listed in the DCP for the Monument Hills Parkland Conservation Area (C10). These controls and the above objectives have been considered in assessing the impact of the proposed development (Section 7).

Building Height

i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:

  - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like.
  - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
  - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Building Height

ii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

Landscaping

iii. Landscaping should only be carried out in accordance with an approved landscape masterplan for the area.

Car Parking

iv. Car parking areas should be visually discreet, and judiciously landscaped.

Advertising Structures

v. Advertising structures other than directional and/or information signs will not be approved within the precinct. Council may however consider temporary advertising that may result from future use of the Memorial Bowl area, where Council is satisfied the temporary sign will not unreasonably or unnecessarily intrude upon the precinct or a heritage item.

Front Fences (forward of the building line)

vi. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,

vii. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),

viii. Minimum distance between piers – 2.4m.

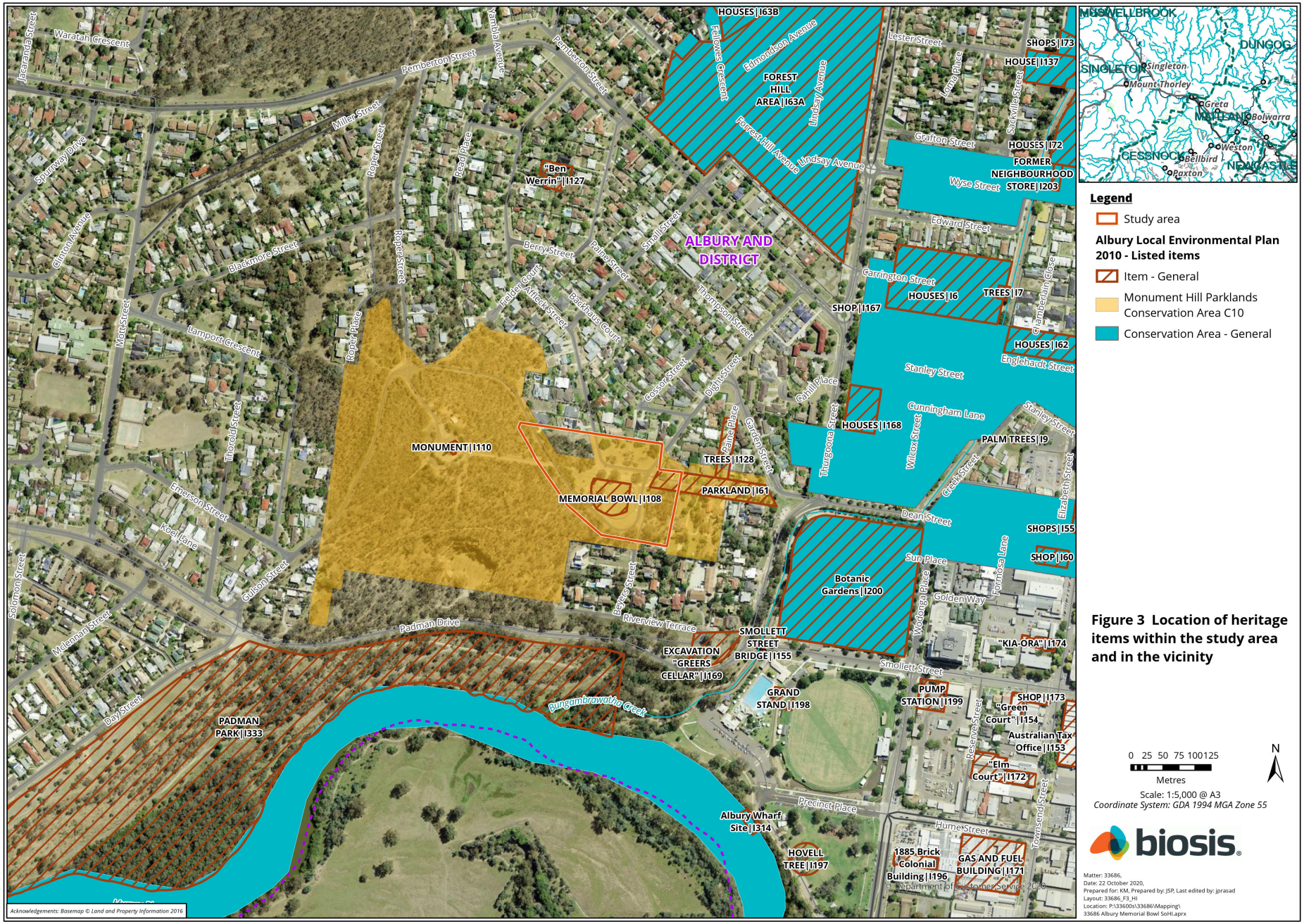
2.4 Summary of heritage listings

A summary of heritage listings within and in the vicinity of the study area is presented in Table 1 and Figure 3**.**

Table 1 Summary of heritage listings within and in the vicinity to the study area

Site number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
I108	Memorial Bowl	Monument Hill, Albury, NSW 2640 **Located within the study area**	Albury LEP 2010	Located within C10	Local
I110	Monument	Monument Hill, Albury NSW 2640 **Located within the vicinity of the study area**	Albury LEP 2010	Located within C10	Local
I161	Parkland	Dean Street (West) Albury NSW 2640 **Located within the study area**	Albury LEP 2010	Located within C10	Local
I128	Trees	Paine Place, Albury NSW 2640	Albury LEP 2010	Located within C10	Local

Site number	Site name	Address / Property description	Listings		Significance
			Individual item	As a Conservation Area	
		Located within the vicinity of the study area			
C10	Monument Hills Parkland Conservation Area	Dean Street, Albury NSW 2640 **Located within the study area**		Albury LEP 2010	Local
I333	Padman Park (Item No. I333), Padman Drive, West Albury	Padman Drive, West Albury, NSW **Located within the vicinity of the study area**	Albury LEP 2010		Local
I169	Excavation Greers Cellar	Thurgoona Street, Albury **Located within the vicinity of the study area**	Albury LEP 2010		Local
I155	Smollett Street Bridge	Smollett Street, Albury **Located within the vicinity of the study area**	Albury LEP 2010		Local
I200	Botanic Gardens	Wodonga Place, Albury **Located within the vicinity of the study area**	Albury LEP 2010		Local



Legend

- Study area

Albury Local Environmental Plan 2010 - Listed items

- Item - General
- Monument Hill Parklands Conservation Area C10
- Conservation Area - General

Figure 3 Location of heritage items within the study area and in the vicinity

0 25 50 75 100125

Metres

Scale: 1:5,000 @ A3

Coordinate System: GDA 1994 MGA Zone 55

N

biosis

Matter: 33686,
Date: 22 October 2020,
Prepared for: KM, Prepared by: JSP, Last edited by: jprasad
Layout: 33686_F3_HI
Location: P:\33600s\33686\Mapping\
33686 Albury Memorial Bowl SoHI.aprx

3 Historical context

Historical research has been undertaken to identify the land use history of the study area, to isolate key phases in its history and to identify the location of any built heritage or archaeological resources which may be associated with the study area. The historical research places the history of the study area into the broader context of the Albury region, specifically as part of the Albury City area, Monument Hill Parklands and Albury's involvement in the Second World War.

3.1 Topography and resources

The study area is located on Monument Hill immediately to the north of the Murray River. The surrounding land is predominantly made up of river floodplain, terraces and low rises. Prior to clearing, the study area was likely wooded with eucalypts which would have sustained a variety of mammal and avian species and provided a valuable source of resources for both local Aboriginal groups and early settlers of the region. These resources would have included edible plant and animal materials, such as kangaroos, possums, emus, and wallabies, along with freshwater fish and shellfish which would have been used as a source of food available in close proximity to the study area.

The majority of previously identified Aboriginal artefacts in the local area are comprised of quartz, which is available regionally in exposed reef quartz outcrops. These quartz deposits were mined and quarried by European settlers from the 19th century. Gold also naturally occurs in small amounts to the north of Albury, leading to the development of the Black Range Gold Field in 1852.

3.2 Aboriginal past

Early written records can be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region. Aboriginal people within the Albury region identify with a number of traditional language groups. These groups include, among others, the *Jethi* and *Wiradjuri*. The study area and surrounding landscape is situated within the southern portion of what is now commonly accepted as traditional lands of the *Wiradjuri*. *Wiradjuri* traditional land encompasses a large portion of southern and central NSW, including the area surrounding much of the Murrumbidgee and Lachlan rivers, and north to Dubbo.

Early documentation of Aboriginal occupation of the Albury area is sparse, with explorers such as Hume and Hovell noting that the local population around Albury was dense and well resourced, but not providing a great deal of information beyond that.[6] The original inhabitants of the area are identified by Tindale as the *Jeithi* people, whose area lay on the north side of the Murray from west of Tocumwal to near Howlong.[7] Tindale states that the group once extended further east, but were displaced by the *Wiradjuri* during the early days of settlement. Kelly and Price state that the majority of the current Aboriginal community accept the *Wiradjuri* people as the traditional owners in the area.[8]

Research conducted to the north of the study area near Wagga Wagga suggests that after the arrival of Europeans in the area many of the local groups in the area maintained a pragmatic relationship with the local landholders and station owners, with one station owner reporting that at any one time he had up to 20

[6] (Andrews, 1912, pp. 1-6)
[7] (Tindale, 1974)
[8] (Kelly & Price, 2004)

Aboriginal people employed on his property.[9] Early European settlers were said to adopt Aboriginal bushcraft in order to secure their own survival. One of the first settlers in the Albury area, William Wyse, set up his camp close to the Aboriginal camp at Mungabareena for such purposes.[10] Trading was established between Europeans and Aboriginal people, with Aboriginal people often providing their boating skills and knowledge of the local watercourses. Bark canoes were noted as being made on demand. The first formal punt across the Murray River was run by an Aboriginal man by the name of Merriman.

Albury, known as Bungambrawatha by local Aboriginal groups, was an established camp site for Aboriginal groups when Hume and Hovell reached the Murray River in 1824.[11] Hume and Hovell did not see any Aboriginal people in the Albury area while at the Murray River but did witness smoke from their fires. It has however been noted that initial contact between Aboriginal people and European settlers in the Albury region was characterised by a period of fierce resistance.[12] This is unsurprising, given that European squatters were beginning to occupy Murray River frontages occupied and utilised by Aboriginal groups. In the lower Ovens, squatters had been forced to abandon lands between 1836 and 1838 due to the hostility.[13] A police camp was established at Albury in 1838 to 'protect' European settlers from Aboriginal people. Lady Franklin, who camped briefly at Albury in 1839 recorded in her diary that a family of Aboriginal people, including a man known as Joe, his wife and daughter, who had become *attached* to the police station at Albury.[14] This family, she notes, performed menial tasks for Albury police officers in return for food of poor quality.[15]

In 1844 it was noted that around 100 Aboriginal people were present in Albury. George Augustus Robinson counted 50 huts and 250 individuals when he passed through Albury in September 1844. The population of Aboriginal people quickly declined in the following ten years as a result of settler violence, introduced disease and dispossession due to European farming and gold extraction practices. By 1854 the decline in population was so obvious that it was remarked by Reverend Henry Elliott that "from Albury and its immediate neighbourhood, too, the blacks have for a considerable time past almost entirely disappeared."[16] Many Aboriginal people had moved to Lake Urana with only a few campsites present on the flood plain towards Wodonga. One of these camps possibly existed at Mungabareena, near the Murray River Ford, 5 kilometres east of the current study area, which was described in the late 1860s as a "camp generally occupied".[17]

According to the Mungabareena Aboriginal Place gazettal:

> It was the site of a 19th century campsite and ceremonial ground, and was traditionally called Mungabareena, which was translated from Wiradjuri in 1845 as follows: *mun*—something very (or abnormally) large; *gabba*—very tall talk; *reena*—favourable surroundings. Today, the word 'Mungabareena' is translated to mean 'place of plenty talk'. Indigenous people from the surrounding areas traditionally met near Mungabareena prior to crossing the river and travelling to the Alps to collect Bogong Moths in the summer. The natural resources available to the Wiradjuri included the Bogong moth, possum, fish, kangaroos, reptiles, fruit, nuts and seeds, tubers and various birds. Wiradjuri Elders value Mungabareena as a place where business and meetings with neighbours took place, stories were shared and ceremonies and trade occurred.[18]

[9] (Montgomery, 2011)
[10] (Spennemann, 2015)
[11] (Jones, 1998)
[12] (Kelly & Price, 2004, p. 22)
[13] (Andrews, 1912, pp. 51, 74)
[14] (Jones, 1991, p. 19)
[15] (Russell, 2002, p. 61)
[16] (Spennemann, 2015)
[17] (Andrews, 1912, p. 35)
[18] (NSW Government Gazette, 2016)

Around 1865, it is noted that there was a sudden drop in the Aboriginal population surrounding Wagga Wagga as evidenced by decreasing numbers of people attending blanket distributions. A similar trend is noted in the Albury area, with Smith and Upcher noting that Aboriginal people living in the Albury area continued living a traditional life into the 1860s, albeit in decreasing numbers.[19] There may however, have been a more significant population of Aboriginal people in Albury than officially noted as it was deemed necessary to present one of the elders, known as *King Bungambrawartha*, a brass breastplate marking recognition by European authorities in the area. By 1882 only one Aboriginal person was recorded as a resident in Albury.[20] Despite the effects of European settlement, an active Aboriginal community remains in the area.

3.3 Albury – historical development

3.3.1 Early exploration and development (1824 to 1850)

Hamilton Hume and Captain William Hovell, along with six convict servants, became the first European men to see the Murray River when they reached the current site of Albury on 16 November 1824.[21] They had travelled south from Yass, and crossed the Murray at present day Lake Hume during their expedition to find new grazing lands at the behest of the NSW Governor, Sir Thomas Brisbane. Hume and Hovell marked trees along the banks of the river during their passage through the area.[22]

European settlement of the area did not commence until 1835, when William Wyse drove cattle from Yass to the Murray, settling at Mungabareena and creating the Mungabareena run (location shown in Figure 4) and later Bonegilla run in Victoria, approximately 5 kilometres south east of the study area.[23] Brothers Paul and Charles Huon arrived the following year to establish the Wodonga run, located approximately 3 kilometres south of the study area.

Accounts of Dr Arthur Andrew, an early historian of the 20th century, reported on Robert Brown, stating that:

> by 1836 he had built a bark hut and forge on the bank of the river, near the trees marked by Hume and Hovell. He had also placed a 'dugout' canoe, attached to a rawhide rope stretched, across, to afford passage of the river, when high. This canoe was worked by an Aboriginal, who went by the name of 'Merriman.' He was often the sole means of communication between the two sides of the river, when in flood. In 1837, a passing 'overlander' describes 'The Crossing Place,' as it was then called, as consisting of Brown's shanty, and about seven tents belonging to travellers. Even in these early days, the importance of the position must have been recognised, for Brown had improved his hut into a slab building, with accommodation for travellers, and a demand for residential sites was springing up…His first residence is described as "a rude shanty of wattle trees and bark," and "consisted of one department, which was to serve every domestic purpose, except cooking, which, not a very elaborate process, was done in the open air. Near the door 'Bob' established a smithy, for the shoeing of horses, and repairing drays, etc.[24]

Merriman and Brown operated the first crossing on the Murray River, located at the confluence of Bungambrawatha Creek and the Murray River. This became known as Crossing Place and a punt and ford to cross the river was later developed here.[25] The hut constructed by Brown provided accommodation and

[19] (Smith & Upcher, 1992, p. 9)
[20] (Spennemann, 2015)
[21] (Albury & District Historical Society, 2016a)
[22] (Albury & District Historical Society, 2016a)
[23] (Albury & District Historical Society, 2016b)
[24] (Albury & District Historical Society, 2016c)
[25] (Colleran, 1991)

supplies for travelers who crossed the border.[26] He would later build Albury's first inn, the Hume, in 1840, which was located near the corner of Hume Street and Wodonga Place, approximately 130 metres east of the study area.[27]

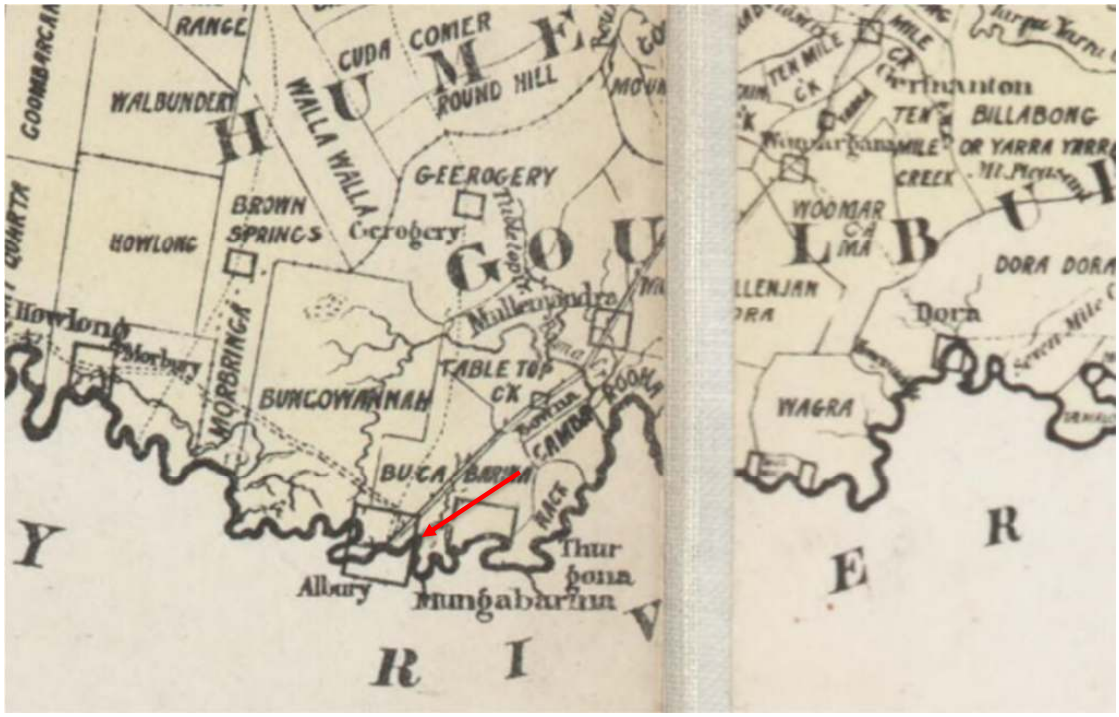


Figure 4 1860 Reuss & Browne pastoral map, with the estimated location of the study area indicated by the red arrow[28]

In 1838, five armed mounted police were stationed in a slab hut in Albury. This was following a number of massacre events of Aboriginal people, such as the Faithful massacre near Benalla and the Dora Dora massacre causing a hostile environment.[29] The police huts also helped control the traffic of squatters, travelers and escaped convicts across the Murray. The same year, Thomas Townsend, an Assistant Government Surveyor, mapped out the first streets of the town and the first allotments (1 and 2 in Town of Albury area, east of Monument Hill) went up for sale in Albury in 1839 (Figure 5).[30]

[26] (City of Albury, 2003)
[27] (Albury & District Historical Society, 2016c)
[28] (Reuss & Browne, 1860)
[29] (Spennermann, 2018)
[30] (Jones, 1998; Albury & District Historical Society, 2016b)

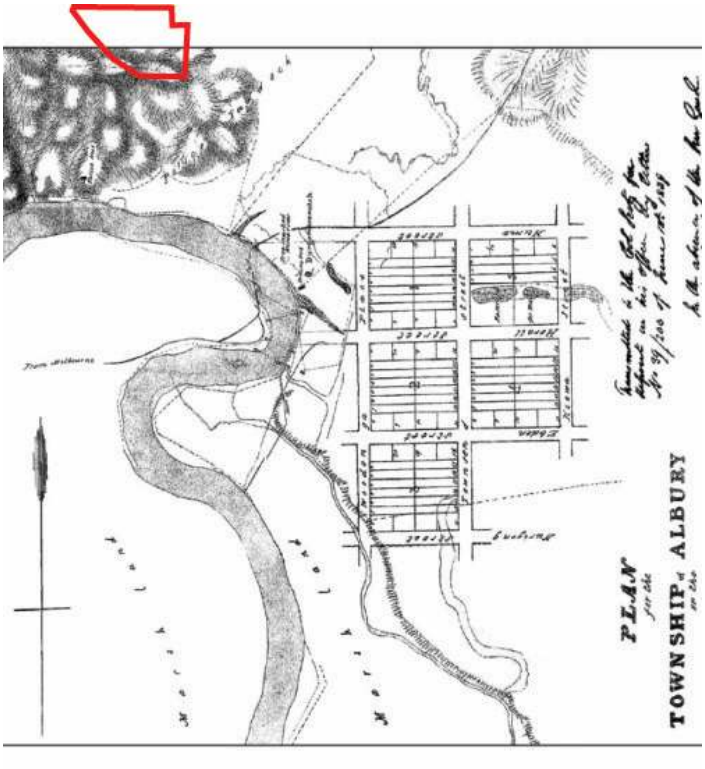


Figure 5 1838 Plan of Township of Albury showing approximate location of study area in red[31]

3.3.2 Development during the gold era (1850 to 1900)

Gold was found in the Black Range Gold Field to the north of Albury in the 1850s. As a result, several mines were opened in the region, including at Nail Can Hill, Splitters Creek and Black Range which extended to the Murray River front at Padman Park. The mines were small and produced low gold yields. Gold within the Black Range goldfield was identified within quartz veins. It was extended in 1873 into the area now known as Padman Park.[32] Following this discovery, the population within Albury expanded rapidly. Figure 6 shows the Black Range Gold Fields in relation to the study area within the subdivision of the Township of Albury.

[31] (Department of Lands, 1838)
[32] (Jacobs, 2016)



Figure 6 Parish of Albury, County of Goulburn, showing Black Range Gold Field in relation to study area (red outline)[33]

It was around 1853 when the first alternations were made to Bungambrawatha Creek, when a channel was cut into the creek to drain it into the Murray River[34]. Additional channels were cut into the creek in the 1860s. The alterations to Bungambrawatha Creek were made in order to eliminate the delta formation and inundation caused by the creek and thereby create more allotments.

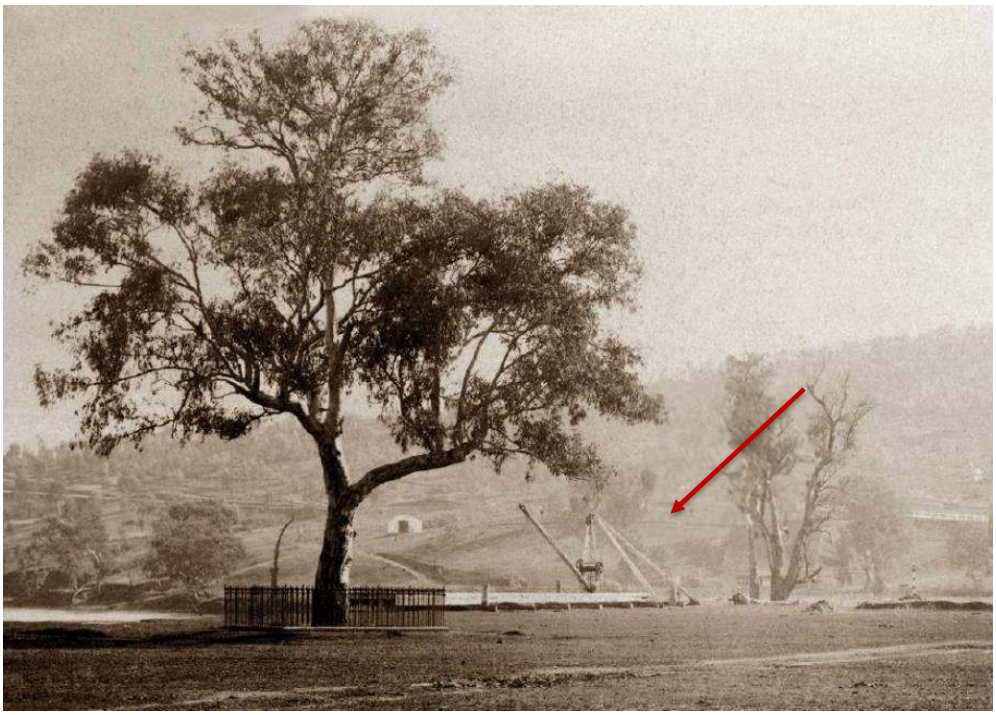
By the 1850s, the town of Albury was booming due to land sales and an increased demand for produce from the goldfields to the north-east.[35] A Catholic priest took up residence in the town in 1854.[36] In 1855 the first

[33] (Department of Lands, NSW, 1956)
[34] (Wooding, 2018)
[35] (Albury & District Historical Society, 2016b)
[36](Albury & District Historical Society, 2016b)

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

paddle steamer arrived from South Australia, called *Albury.*[37] Following this, numerous paddle streamers transported Albury bricks, wool and oats.[38]. However, due to low river levels the river was only navigable for seven months of the year, making river transport unreliable.[39]

In November 1856, the Sydney Morning Herald reported that tenders were to be called for the construction of a wharf at Albury, however tenders were not called for until much later in June 1870. By July 1870 the colonial government granted £1000 for construction of a wharf at Albury. Contractors Hamlin & Simpson drove the first pile for the wharf in January 1871 and it was completed four months later.[40] A five ton crane (indicated by the red arrow in Photograph 1) to service the wharf was completed in November 1871. Until the Albury wharf was built, cargo was transferred by swinging items by crane between the boat and the bank.



Photograph 1 Albury wharf and crane, with Hovell tree in foreground c.1890[41]

In July 1866, the paddlesteamer *Cumberoona* was built at Echuca, located approximately 193 kilometres west of the study area, for the Albury Steam Navigation Company and launched later that year.[42] The vessel was famous for its high speeds and completed the travel between Albury and Howlong in three hours. The paddlesteamer was used to ferry goods and passengers between Echuca and Albury, and occasionally was used for recreational purposes. *Cumberoona* was lost near Wilcannia in 1889 after hitting rocks.[43]

[37] (Albury & District Historical Society, 2016b)
[38] (NSW Department of Planning, Industry and Environment 2020a)
[39] (Albury & District Historical Society, 2016b)
[40] (Albury & District Historical Society, 2016a)
[41] (Ryan, 2016)
[42] (Ryan, 2017)
[43] (Ryan, 2017)

In the following two years, the Bank of New South Wales was established as the first bank within the town and Albury's first newspaper, the Border Post was established.[44] Albury's population more than tripled during this time, from 442 in 1851 to 1587 in 1861 and in 1859 Albury was declared a municipality.[45]

The river trade had peaked in the early 1870s, but the development of the railway saw a rapid decline in the use of the river for trade. Albury continued to grow over the following decades, assisted by the arrival of the North-East Railway at Wodonga in 1873.[46] The NSW Railway reached Albury shortly after in 1881 known as the Great Southern Railway that facilitated travel from Brisbane to Melbourne, and the need to transship between the NSW and Victorian gauges created numerous jobs and helped to further bolster the district. In consequence, the longest platform in Australia was developed to facilitate the swap over. The development and works to upgrade the train line into Victoria saw an increase in the population of the area and led to the development of infrastructure such as gasworks, flour mills, iron foundries and waterworks.[47] By the 1890s, river trade as far as Albury had ceased.[48]

As early as 1886, ninety-nine year mining leases were granted to families on Crown land along the banks of the Murray and the River Reserve was delineated by road easements and allotments.[49] Although the mines employed approximately 600 people during the early 1900s, no large gold discoveries were made. Albury benefitted predominately from the sale of produce and wine to miners, rather than from the sale of the gold itself.[50]

3.3.3 Development from the 20th century (1900 to present)

By the 20th century Albury's growing population led to development of more facilities for the townspeople. A parish map dated to 1907 shows some change within the vicinity of the Memorial Bowl. On 22 August 1900, portion 662, in the centre of the land reserved in 1864 for Botanic Gardens and Public Recreation, was dedicated as a reserve for athletic sports, which it is currently used for today (Figure 7).

[44] (Albury & District Historical Society, 2016b)
[45] (Jones, 1998)
[46] (Albury & District Historical Society, 2016b)
[47] (Albury & District Historical Society, 2016b)
[48] (Albury & District Historical Society, 2016a)
[49] (Jacobs, 2016)
[50] (Jones, 1998)

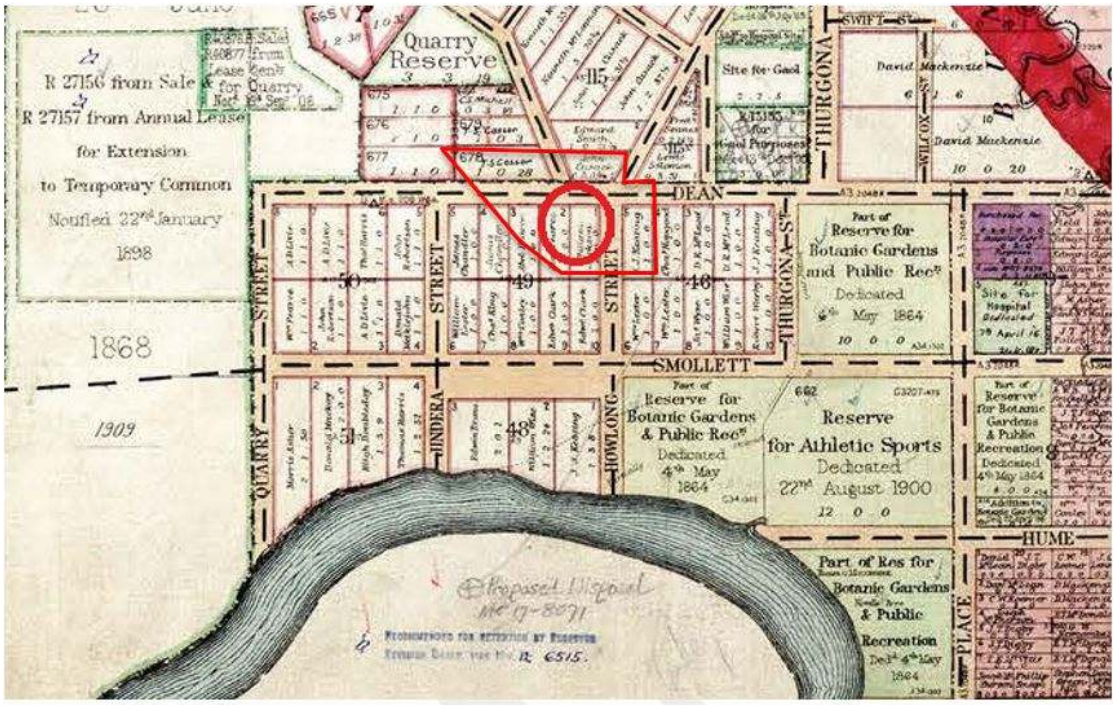


Figure 7 Parish Map of Albury dated to 1907, with approximate location of the study area outlined in red, Memorial Bowl (I108) shown as a red circle.

A parish map dated to 1916 shows that there has been further development to the east of the study area with larger land allotments being allocated (Figure 8).



Figure 8 Parish Map of Albury dated to 1916, with the approximate location of the study area and Memorial Bowl (I108) outlined in red[51]

As Albury's population grew, so too did its infrastructure requirements. Albury's first sewer pump was constructed in 1917 at the south-east corner of Smollett Street and Wodonga Place which remains in use today. At the time of its construction the pump station was designed to deal with a population of approximately 9,000, and the estimated cost of the Albury sewerage scheme was originally placed at £39,675 in 1909, but is expected to have been significantly more than that.[52] Currently three sewer pipes connecting to the pump station are present beneath the Wagirra Trail. The pipes were laid as early as 1920, and the newest pipe dates to the present day.

Albury became increasingly urbanized from the 1960s, with the city expanding dramatically and West Albury growing significantly from its initial informal development as the River Reserve community. An aerial photograph dated to 1975 exhibits further development in the central Albury area (Figure 9). Albury has grown by the 2016 census to a regional city of 51,076 residents.[53]

[51] (Department of Lands , 1916)
[52] (The Border Morning Mail and Riverina Times, 1916)
[53] (Australian Bureau of Statistics, 2020)

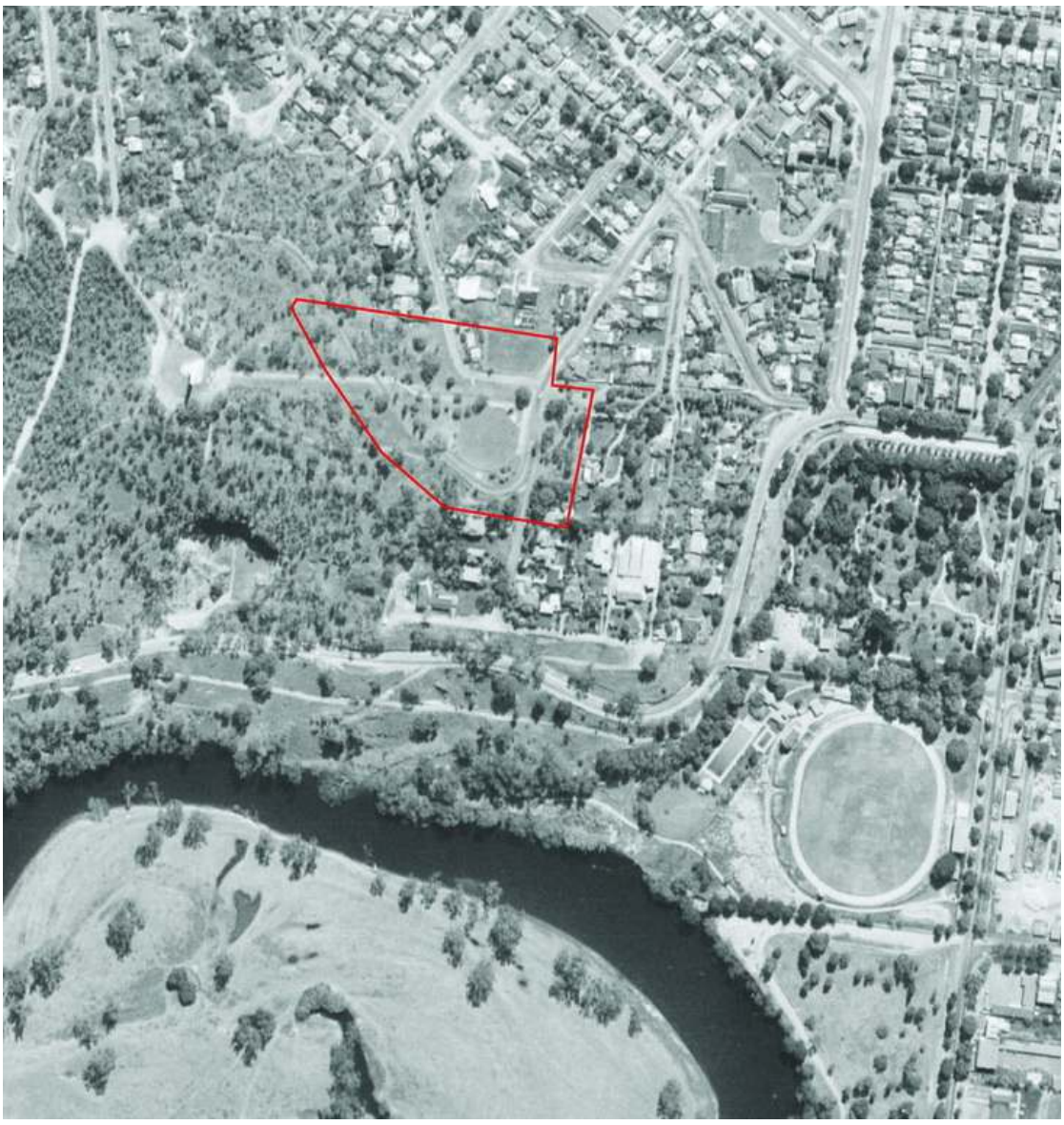


Figure 9 1975 aerial photgraph, with the location of the study area outlined in red[54]

[54] (NSW Spatial Services, 1975)

3.3.4 Albury in the Second World War

Like most of Australia, the population of Albury was involved in the Second World War, both in their hometown and serving overseas. The 2/23rd Infantry Battalion 'Albury's Own' was raised in Albury in August 1940, as part of the 26th Brigade which eventually became part of the 9th Division. The 2/23rd Battalion saw action against German forces in Tobruk in 1941 and Egypt in 1942. In 1943 it returned to Australia to retrain and re-equip for jungle warfare against the Japanese. The Battalion again saw action in Papua New Guinea and Borneo before being returned to Australia for training in 1944. After the end of the war, some of the men of the 2/23rd volunteered for transfer to other units for the occupation of Japan. The men who remained with the 2/23rd returned to Australia and the Battalion was disbanded at Puckapunyal on 17 February 1946[55].

On the home front, citizens of Albury prepared for the possibility of a Japanese attack. Japanese bombing of Darwin and Broome in 1942 alarmed the population and Air Raid Precaution organisations were set up around the country. Local community members dug trenches and constructed bomb shelters; both in public areas and on private property. At the same time, air raid sirens and plane spotting towers were installed.[56]

Due to the difference of railway gauge and the need to change trains between NSW and Victoria, troops being transferred between states spent time waiting at Albury Railway Station. They were able to take a short break from their journeys while waiting their next train.[57]During the war a military camp was established near Albury (on the Victorian side of the border) at Bonegilla for infantry training and bomb disposal. Italian POWs were held at the camp and some liberated Australian and American former POWs spent time at the camp to recover. During the post-war immigration boom it was used as a migrant camp for mostly European arrivals.[58]

3.4 Chronology of the study area

Based upon the historical research presented it is possible to summarise the chronology of the study area, this is presented in Table 2.

Table 2 Chronological development of the study area

Development	Date
Subdivision of parcels and allotments in the Town of Albury	Early 1850s
Allotment 1 of parcel 49 gazetted for public road and public recreation use	11 December 1926
Memorial Drive constructed	1949 or earlier
Memorial Bowl constructed	1954
Monument Hills Parkland Conservation Area – Local Environmental Plan	13 August 2010
Monument Hills Parkland Conservation Area – Within Conservation Area on a Local Environmental Plan	13 August 2010

[55] (Australian War Memorial, 2020)
[56] (Jess, Bomb shelters and aeroplane spotting in Albury during World War II, 2011)
[57] (Jess, 2010)
[58] (Victorian Places, 2020)

3.4.1 History of the Albury Monument Hill Park and construction of the Memorial Bowl

3.4.1.1 Monument Hill Park

Land at Monument Hill Park was subdivided in the early 1850s. Part of the land was subdivided as part of the Township of Albury and included the land where the Memorial Bowl was eventually constructed (see Figure 10, Figure 11 and Section 3.4.1.2). Very little construction occurred as part of this subdivision and none was evident in the location of the current study area even into the 1890s (see Photograph 2). A number of the original allotments on the hill were later gazetted for other purposes, such as quarries, water works and public recreation and roads (see Figure 11). A quarry was established on the southern side of the hill, north of the Murray River. By the mid-1920s a large monument to fallen soldiers of World War I was erected on the summit and in the early 1950s Albury's World War Two Monument Bowl was constructed on the eastern mid slope of the hill (Figure 13).



Photograph 2 View of Monument Hill from Dean Street c.1891 (provided by Greg Ryan, Albury Historical Society, 5 September 2020)

The World War I memorial, known locally as 'The Monument', was unveiled on Anzac Day 1925 and was the first war memorial in Australia to be lit up with flood lighting. While a monument to the fallen soldiers from Albury in World War I was considered soon after the war, it was initially put aside in favour of a soldier's club, but by 1922 the idea of a memorial was raised again. With several options discussed, a design by local architect Louis Harrison was agreed on, after being reduced from the original 120 foot design to reduce costs. A 100 foot monument on the hill was eventually agreed upon and the contract for construction given to local firm, T H Bartleson & Son's. With the price still too high the design was again simplified, and with the promise of additional funds from some of Albury's citizens, went ahead.[59] The unveiling would have been a spectacular event and took place at night, it was described in the *Albury Banner and Wodonga Express* on 1 May 1925 as follows:

> The unveiling ceremony of the war memorial on Western Hill was impressively carried out in the presence of several thousands of people. After the arrival of the band, returned soldiers, battery and Boy Scouts from Dean Square, the Mayor (Alderman Davies) opened the proceedings .... The Mayor then called on Mr

[59] (Hunter, 2015)

Waugh, chairman of the War Memorial Committee, to address the gathering. Mr Waugh said he felt it a privilege to have something to say on that great occasion .... the first thing the committee did was to call for designs and suggestions. They finally decided to accept Mr Harrison's design. The monument was a great tribute to his ability as an architect, and the committee's idea of what a memorial should be .... The contract had been let to Mr Thomas Bartleson, who had carried out his work faithfully, and had taken more than a business interest in it, having lost a son at the front himself. The lighting effects, which were excellent, had been suggested and carried out by Mr Creasey, electrical engineer, who had taken the lead in many matters. The monument would be the first floodlighted memorial in Australia..... The lights were shut off and the "Last Post" sounded. The monument was gradually bathed in a soft white light. As the light reached its full power, a burst of applause came from the crowd, which was thrilled by the solemnity and splendour of the apparition. Several rockets rose into the sky. The Mayor then, read a prayer, and asked for a moment's - silence, which was duly observed. .... The key bears the inscription: — "This key is the key of the Albury and District War Memorial, erected on Monument Hill, unveiled April 25, 1925, by General J J Paine." .... The National Anthem was sung and the gathering broke up.[60]

In February of 1938 the understorey of vegetation and hundreds of saplings on Monument Hill were cleared under the direction of the Council to provide "breathing room" for the eucalypt trees and to improve the outlook for "sightseers [who] found difficulty in surveying the panorama of the valley". Additional ornamental trees were planned to be planted in their place. [61] .

In 1944 there were calls to fill in the quarry on Monument Hill which was seen as a danger to children attracted to the quarry, after the accidental drowning of two little girls at a water hole there.[62]

The most prominent feature of Monument Hill is the obelisk or monument. The importance of the monument to Albury is described in the *Albury Central Area Heritage Study* as a "very important townscape, landscape and heritage element. It is a landmark within the City that symbolises a constant direction and it is also a landmark from outside the city that defines where one is in relation to it. It also has a type of religious significance as a war memorial."[63] Monument Hills Parkland Conservation Area, a heritage landscape which encompasses land that includes the Obelisk (or Monument), Memorial Bowl, Dean Street Pathway, Roper Street linkage, and natural parklands is registered as a Heritage Conservation Area C10 (see Figure 3), and was gazetted on 13th August 2010. This conservation area includes the entire study area and in addition to the Memorial Bowl and monument obelisk, contains other heritage including the Greer's wine cellar excavation dating to 1847 and significant trees in a palm grove at the west end of Dean Street.[64]

3.4.1.2 Memorial Bowl (I108)

A 1849 parish plan shows the land allotments on Monument Hill in the vicinity of the study area subdivided into one acre lots within parcels as part of the Town of Albury subdivision. Dean Street extended up to Quarry Street on the parish plan, however, with the exception of the extension of Dean Street which eventually was created to lead to the Monument at the hill's summit, it is unlikely these roads were ever built (Figure 10). The parish map also displays the development of Howlong Street (later Beyers Street). The future location of the Memorial Bowl, allotment 1 of parcel 49, in the Town of Albury, Albury parish, in County of Goulburn was purchased by William Jackson, likely in the early 1850s when he purchased other allotments at Albury (Figure

[60] (The Albury Banner and Wodonga Express, 1925)
[61] (Border Morning Mail, 1938)
[62] (Border Morning Mail, 1944)
[63] (Pennay, 1990)
[64] (Office of Environment and Hetirage NSW, 2020)

10).[65] Nearby land purchasers included Jeffery James Keating (allotment 5 of parcel 46) who was a medical practitioner and owned several allotments of land in the area (see Figure 7, Figure 8 and Figure 10).[66]

William Jackson's block was gazetted on 11 December 1926 and resumed for road and public recreation, the Memorial Bowl was constructed on this allotment and the adjacent land marked on the plans as Howlong or Beyers Street. On the 1927 parish plan a red dotted line is drawn through part of the allotment and appears to be the original proposed route for Memorial Drive (Figure 11), which would have been redesigned to follow the shape of the Memorial Bowl by extending further south (see Figure 12 and Figure 13).

With the exception of the World War I obelisk monument to the west, land around the study area was largely undeveloped. By 1949 Memorial Drive had been constructed on Monument Hill and would allow access to the Memorial Bowl which was planned to be constructed in the following years (Figure 12). An aerial photograph dated to 1959 shows the Memorial Bowl and developments that have occurred within the vicinity (Figure 13). There is no sign of the allotments that were displayed in earlier parish maps, save to the south and west of the Memorial Bowl. Some residential development is evident in the surrounding area by 1949, and increased by 1959 and 1975 (Figure 9, Figure 12, and Figure 13). However, there is no evidence of a structure at the location of the Memorial Bowl and it is not clear that there ever was structures in this location.

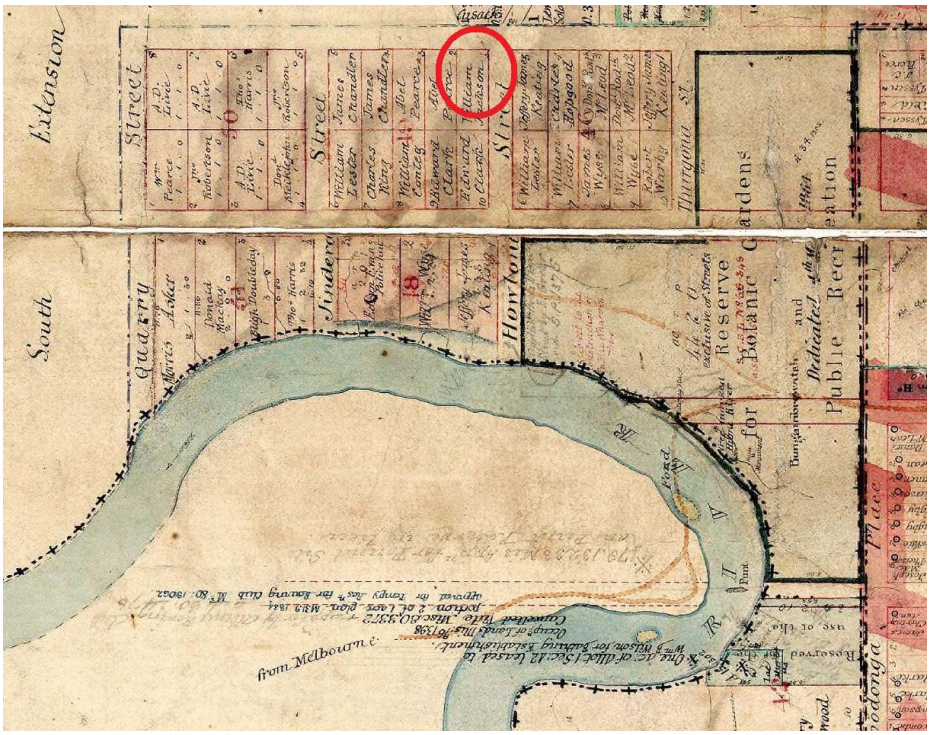


Figure 10 1849 Parish Plan of Albury, approximate location of the Memorial Bowl outlined in red[67]

[65] (NSW Land Registration Services, 1889)
[66] (NSW Government Gazette, 1876)
[67] (Colonial Secretary's Office, 1849)

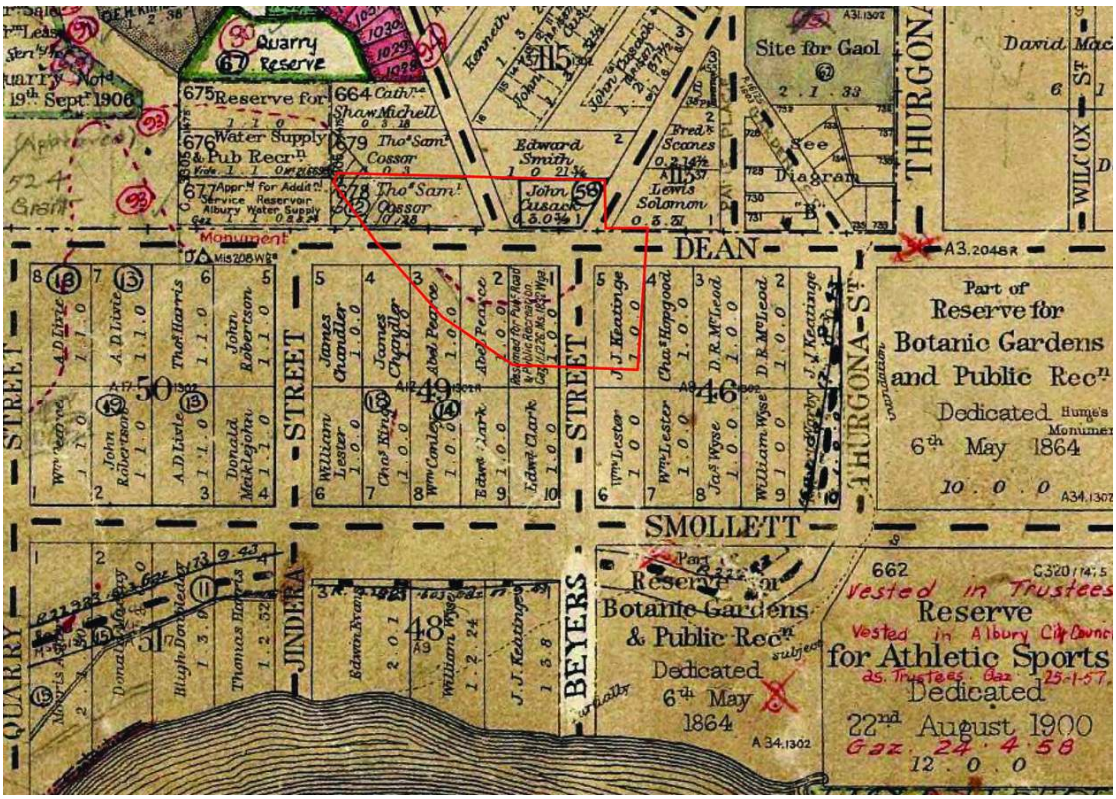


Figure 11 1927 Plan of Town of Albury and Suburban Lands, study area outlined in red[68]

[68] (Land Registry Services, 1927)

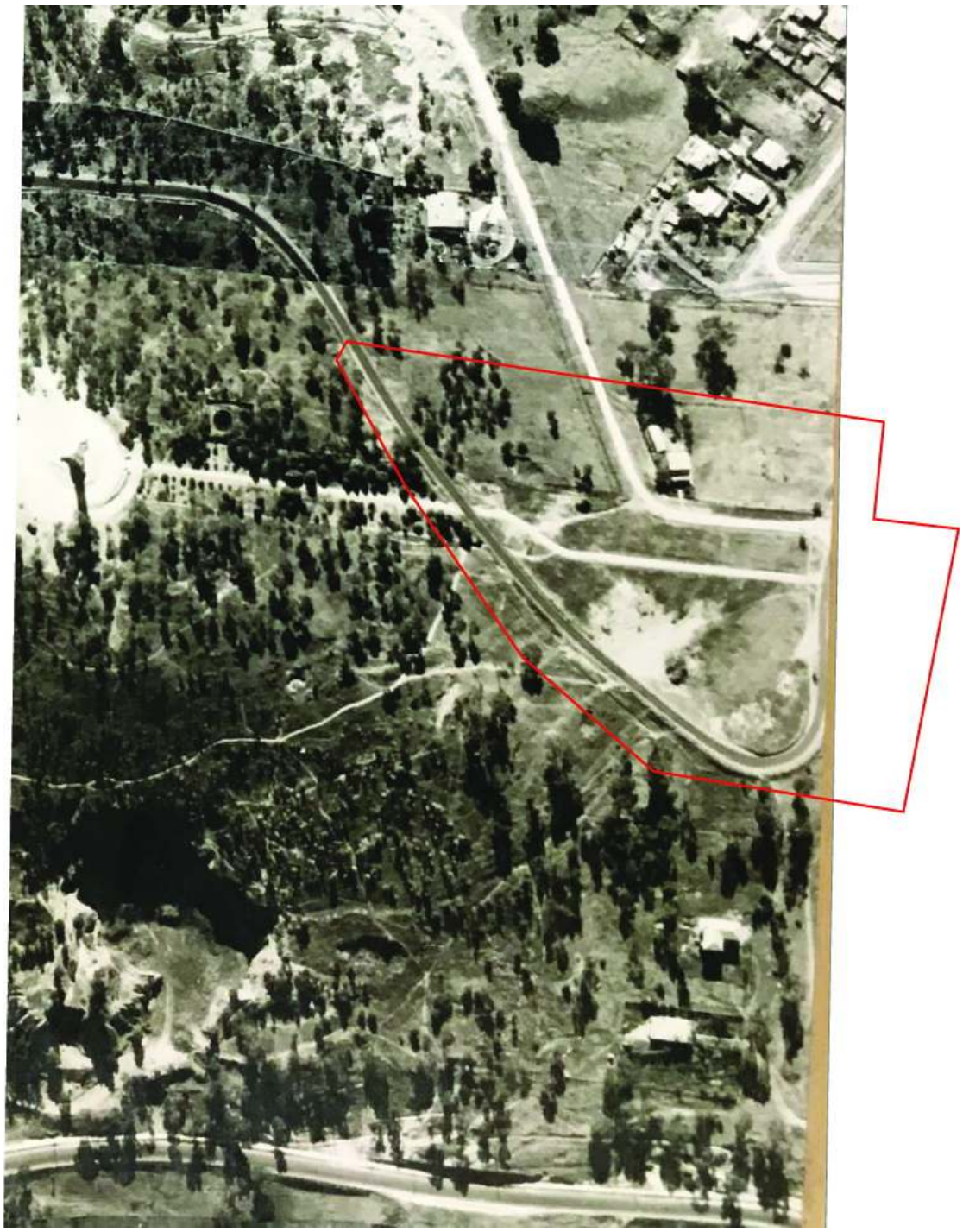


Figure 12 1949 aerial photograph showing study area outlined in red



Figure 13 1959 aerial photograph, location of the study area outlined in red[69]

After the end of World War Two, the local community quickly began to consider a memorial, with the first recorded suggestion for ways to honour the sacrifice of the local population in 1946. Mayor CE Bunton announced that he would discuss suggestions for the type of World War II war memorial to be constructed in Albury, one suggestion included the construction of a Memorial Bowl. Suggestion of Memorial Bowl focused on the western hill[70]. In the same year, architects, AC and ACH Macknight noted that there was interest in the memorial also being useful for the town. The plateau half way down Monument Hill, in the shadow of an existing monument, was chosen. It was considered to be a good place to end ANZAC parades and other marches. [71] Albury's Floral Festival which was established in 1951 celebrating the Golden Jubilee of Federation and continued to 1972, raised most of the funds for the Memorial Bowl during the first three festivals. [72] The Memorial Bowl had cost $6,000 to construct. The inaugural dedication ceremony held on Sunday 28th November 1954 included a service with massed choirs and opened Floral Festival week for that year.[73] Approximately 450 people attended the grand opening of the Memorial Bowl, with RSL president Ron Umphelby conducting the ceremony and the plaque unveiling by the oldest local RSL member, Angelo Francis Buzzini and the oldest former alderman GA Williams.[74] The following Sunday the coronation of the Queen of Floral Festival was held at the Memorial Bowl.[75]

The Memorial Bowl was not to be the success the townspeople had hoped for, with only one Floral Festival parade ending at the bowl. Parking and access made the street difficult to navigate with the low floats due to the many cars parked on the verge. This culminated in floats disintegrating and attendants holding tight to

[69] (NSW Spatial Services, 1959)
[70] (Border Morning Mail , 1946)
[71] (Albury and District Historical Society Bulletin, 2009)
[72] (Albury and Distric Historical Society Bulletin, 2013)
[73] (Daily Advertiser, 1954)
[74] Information provided by Greg Ryan, Albury Historical Society, 5 September 2020
[75] (Daily Advertiser, 1954)

what was left of the structures to prevent falling off.[76] In the early years wreaths were laid at the Memorial Bowl when the main memorial was attended for services.[77] Eventually the War Memorial Civic Theatre which was opened in May 1964 became the focus for the city's war memorial parades and services.[78] The Memorial Bowl continued to be used for local events. In 1972, the bowl was used by Pamela Cohen, a candidate for Kentucky Fried Chicken's entry to the Floral Festival, who hosted a fundraising concert with a dozen bands at the Memorial Bowl attracting 800 people.[79]

The prominent position of the Memorial Bowl set into the natural plateau overlooking the the town on the western side of Monument Hill and set below the War Memorial obilesk provides a vista of Albury, and would have been visible from the town (Figure 14, Figure 15 and Figure 16).

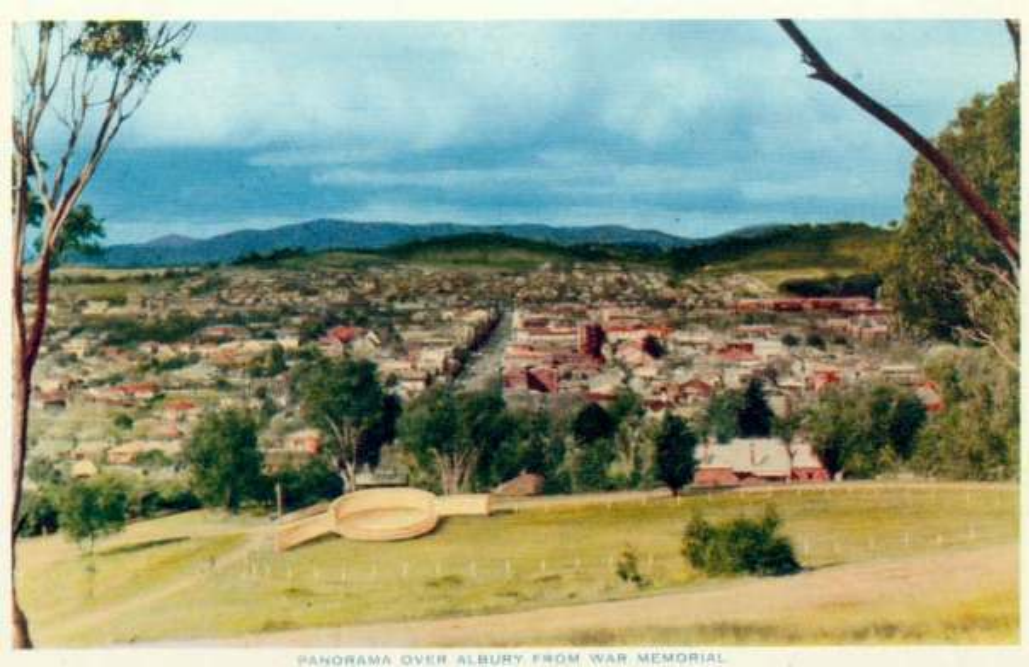


Figure 14 Panorama over Albury from War Memorial. Nucolorvue Productions - No. 6. 1955 (Source: Albury City Collections)

[76] (Albury and District Historical Society Bulletin, 2009)
[77] Information provided by Greg Ryan, Albury Historical Society, 5 September 2020
[78] (Albury and District Historical Society Bulletin, 2009)
[79] (Albury and Distric Historical Society Bulletin, 2013)

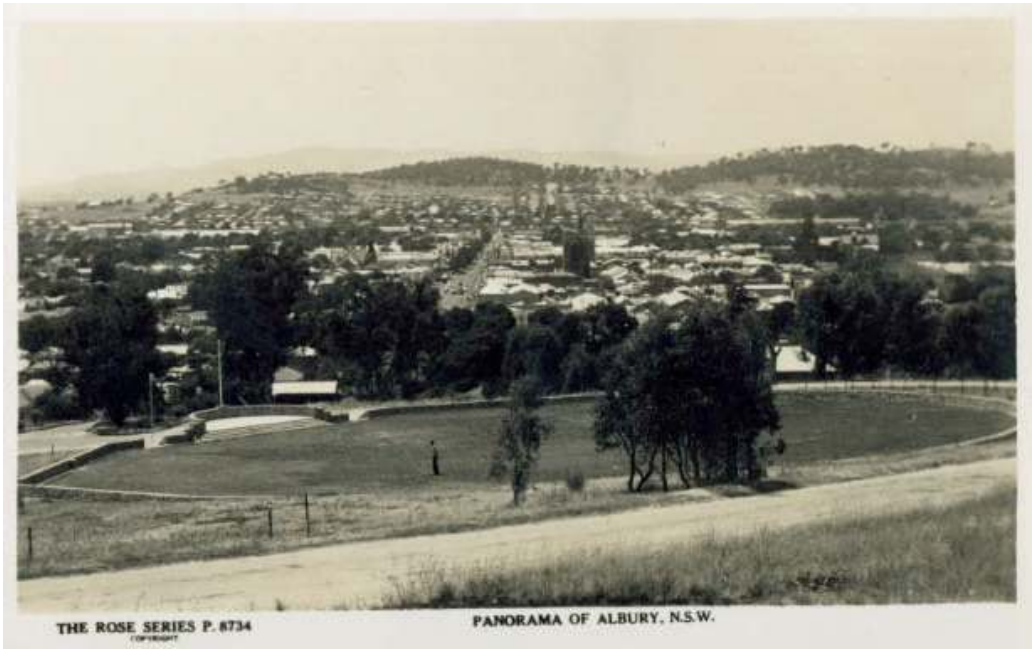


Figure 15 Panorama of Albury NSW. About 1957, Memorial Bowl in the Foreground. The Rose Series P. 8734.

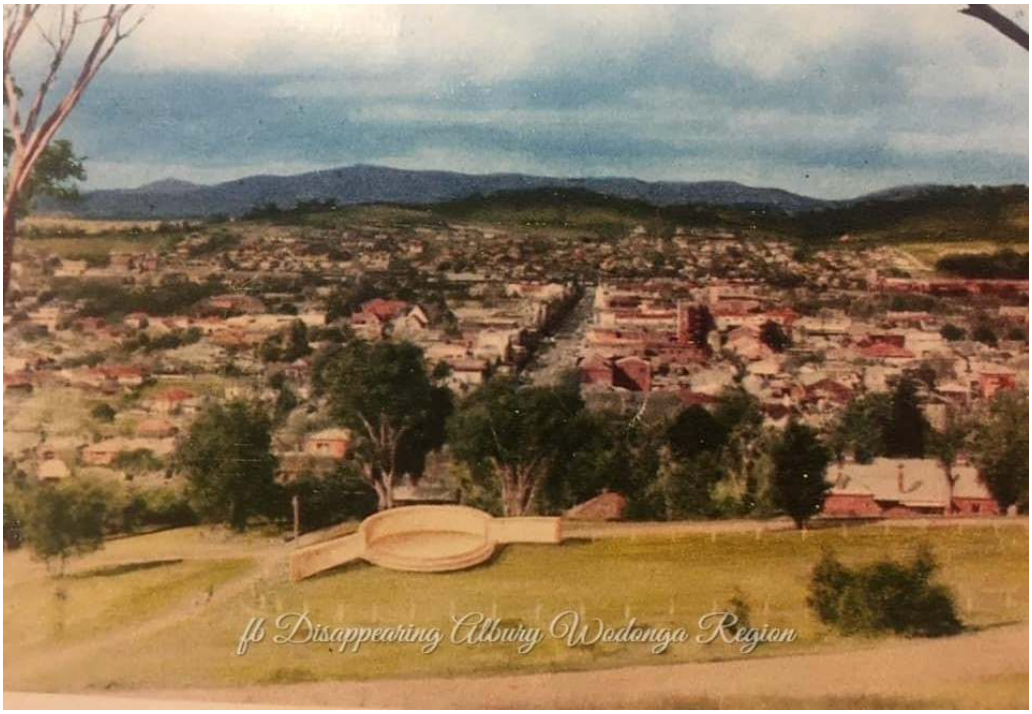


Figure 16 View of Memorial Bowl from the World War One Monument

In the *Albury Central Heritage Study* developed by Pennay in 1990 the construction, use and significance of the Memorial Bowl was described as such,

> The Memorial Bowl construction is a fine example of civic construction using natural materials and built by rock craftsmen. As a structure it has heritage significance both for the purpose it was built and as an example of good civic work not often seen since the Second World War. However, it is not used frequently enough as a recreation element. Its future use should be carefully considered in the context of a future management plan. [80]

More recent images of the Memorial Bowl can be seen in Figure 17 and Figure 18. The bowl is described as "rock and mortar construction including high and low retaining walls, grand steps and buttressed walls. The workmanship and detailing is excellent." The Memorial Bowl (I108) is currently listed on the Local Environmental Plan and within a conservation area of a Local Environmental Plan for the Monument Hill Parklands (C10). [81]

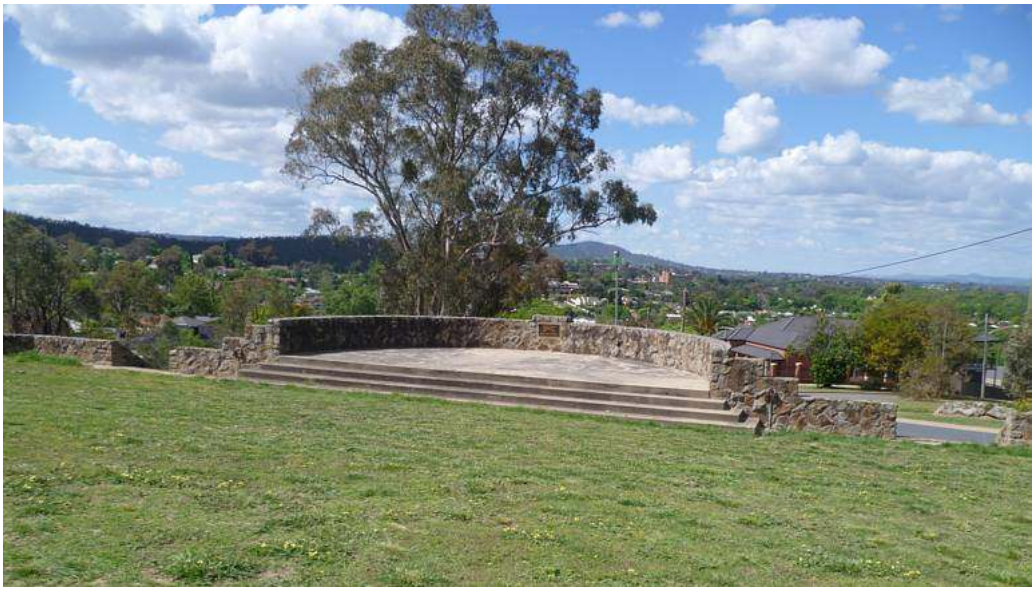


Figure 17 Memorial Bowl stage (Image by M Johnson, Albury City Council)

[80] (Pennay, 1990, p. 6)
[81] (Office of Environment and Heritage, 2020)



Figure 18 Rear of Memorial Bowl stage (Image by M Johnson, Albury City Council)

3.5 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts in order to gauge how typical or unique the history of a particular site actually is. This is usually ascertained by gaining an understanding of the history of a site in relation to the broad historical themes characterising Australia at the time. Such themes have been established by the Australian Heritage Commission (AHC) and the Heritage Office and are outlined in synoptic form in Historical Themes[82].

There are 38 State historical themes, which have been developed for NSW, as well as nine National historical themes. These broader themes are usually referred to when developing sub-themes for a local area to ensure they complement the overall thematic framework for the broader region.

A review of the contextual history has identified three historical themes which relates to the occupational history of the study area. This is summarised in Table 3.

Table 3 Identified historical themes for the study area

Australian theme	NSW theme	Local theme
Governing	Defence	Activities associated with defending places from hostile takeover and occupation.
Developing local, regional and national economies	Environment – cultural landscape	Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings.

[82] (NSW Heritage Council, 2001)

Developing local, regional and national economies	Events	Activities and processes that mark the consequences of natural and cultural occurrences.

4 Physical inspection

A physical inspection of the study area was undertaken on 24 August 2020, by Kylie McFadyen, Consultant Archaeologist (Biosis) and Matilda Terry, Research Assistant (Biosis). The principal aims of the survey were to identify heritage values associated with the study area; this included any heritage items (Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential).

The study area consisted of the individually listed heritage items: Memorial Bowl (I108), a section of Parkland (Item No. I61) and the Monument Hill Parklands Conservation Area (C10). Existing infrastructure included playground equipment, seating areas, the Indigenous garden, exotic and native vegetation and existing paths. The inspection focused on the locations of the proposed landscaping works and any potential impacts to listed heritage items. The background research did not identify any specific areas of historical archaeological potential, however the site inspection noted any archaeological evidence. Viewpoints and visual connections between heritage items were investigated and potential indirect impacts to heritage items within the vicinity of the study area were also noted.

4.1 Landscape character assessment

The purpose of this section is to provide an analysis and description of the study area as part of a cultural landscape. The cultural landscape concept emphasises the landscape-scale of history and the connectivity between people, places and heritage items. It recognises the present landscape is the product of long-term and complex relationships between people and the environment. For the purposes of this report cultural landscapes are defined as: '... those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes toward the land'[83].

4.1.1 An overview of cultural landscapes

In order to fully understand the heritage significance of the study area it is necessary to consider the character of the landscape within which it is situated. The heritage value of a landscape may be related to its aesthetic, archaeological, historical, scientific, social, or architectural values, each or all of these values can - exist at any one time. The identification of these values is important in discussing the study area and its constituent elements heritage significance.

Three general landscape categories have been developed and applied by heritage organisations to assist in understanding different types of landscapes[84]:

- **Designed landscapes**: Those that are created intentionally such as gardens, parks, garden suburbs, city landscapes, ornamental lakes, water storages and campuses.
- **Evolved landscapes**: Those that display an evolved land use in their form and features. They may be 'relict' such as former mining or rural landscapes. They may be 'continuing' such as modern active farms, vineyards, plantations or mines.

[83] (Context Pty Ltd, Urban Initiatives Pty Ltd, & Doyle H, 2002)
[84] (UNESCO, 2012)

- **Associative cultural landscapes**: These are landscape features that represent religious, artistic, sacred or other cultural associations to individuals or communities.

4.1.2 Character areas

The heritage listing for the Monument Hills Parkland Conservation Area (C10) (Appendix 1) refers to a number of precincts that contribute to the special landscape character of the area. These precincts include: the Obelisk Area (WWI Monument), the Natural Parkland, Roper Street Linkage, Memorial Bowl Area and Dean Street Pathway. Within the study area, the significant character areas include the listed items: the Memorial Bowl (I108), and a section of Parkland (I61) located at the intersection of Dean Street and Memorial Drive; all designed landscape features within the Monument Hills Parkland Conservation Area (C10). The heritage items Trees (I128) and Monument (Item No. I110) are landscape features located within the vicinity of the study area.

The heritage item Parkland (I161) (Plate 1) consists of an avenue and copse of canary date palms and cotton palms commencing at the intersection of Dean Street and Memorial Drive. The plantings were established c.1927 and were part of the landscape plans for the Dean Street extension were drawn up by Mr J Fellows, curator of the Albury Botanical Gardens.



Plate 1 View of heritage item Parkland (I161), looking east.

The Memorial Bowl (I108) (Plate 2) is a significant landscape feature within the study area. It was constructed from rock and mortar and features high and low retaining walls, grand steps, an elevated stage area, and buttressed walls. The interior of the bowl is a large open grassed area. The location of the bowl provides a significant visual link to the World War One Monument (I110). The extensive rock walls are visible for both vehicles and pedestrians accessing the adjacent Memorial Drive and Affleck Street (Plate 3). A more detailed discussion on the Memorial Bowl (I108) as a built heritage item is provided in Section 4.2.

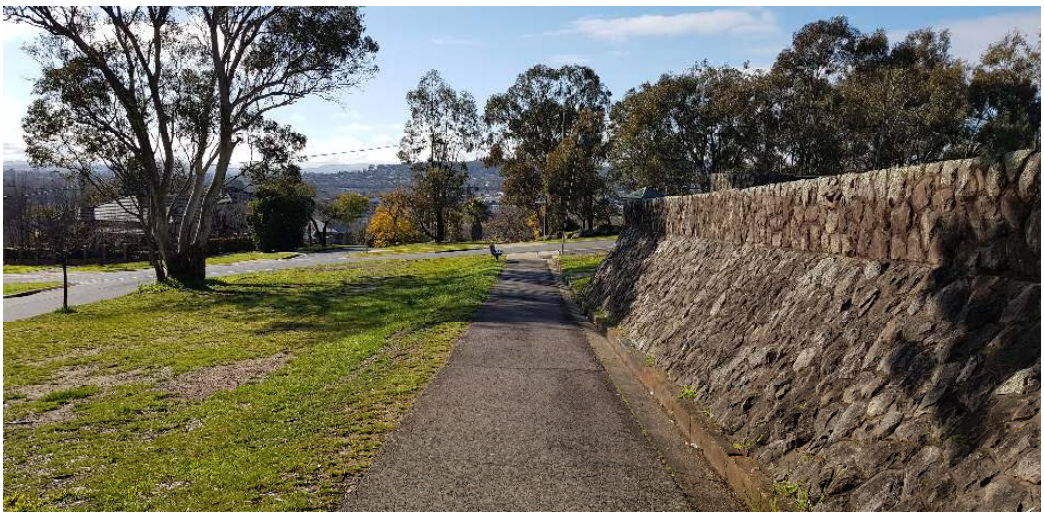


Plate 2 View of Memorial Bowl (I108) walls adjacent Affleck Street, looking east.



Plate 3 Interior view of Memorial Bowl (I108) adjacent Affleck Street, looking east.

4.1.3 Views to and from the study area

It is important to analyse and describe views to and from components within a cultural landscape to help understand how it is experienced and to understand the nature of an evolving landscape. This enables a greater understanding of what aspects of the landscape need to be conserved and protected.

There are significant views from the Memorial Bowl (I108) and the Memorial (I110) which is elevated on the top of Monument Hill. This visual connection is shown in Plate 4; a physical connection is provided by an existing path extending between the two war memorials. The importance of this view and the views along the axis from Monument Hill to the centre of Albury are a significant landscape feature view (Plate 5). This is also referred to in the objectives of the Albury DCP.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

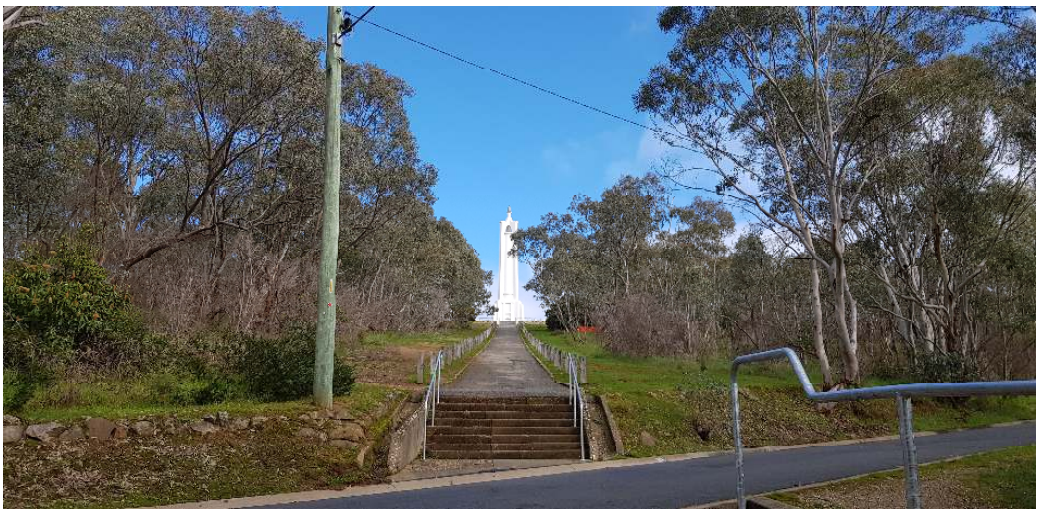


Plate 4 View to Monument (I110) looking west from path on Memorial Drive.



Plate 5 View from Memorial Bowl (I108) to Albury centre.

4.2 Built fabric assessment

The Memorial Bowl (I108) is the dominating built feature within the study area. Bounded by Memorial Drive and Affleck Street it consists of an extensive low rock and mortar circular wall, high walls and buttress, semi-circular stage area and several sets of stairs (Plates 6-9). Plaques commemorating those who served in World War II are located on the interior and exterior sides of the rock walls near the stage area (Plate 10). The interior of the bowl is a levelled, grassed area devoid of any other vegetation. Eucalypts and areas of native bushland are scattered outside of the bowl's walls. A set of metal access gates, original to the 1950s construction of the bowl, is present (Plate 11). The integrity and intactness of the site is excellent due to the retention of original fabric and lack of additions. Only one area has later materials added in the form of a

connecting wall made of concrete imprinted red blocks which attaches to a small paved platform area built into the side of hill (Plate 12-13).

The condition of the site is good, however there are areas of cracking and loose or missing mortar within the rock walls. One small section of wall has been damaged by an adjacent tree (Plate 14-15). The Indigenous garden is located amongst native bushland and includes a small garden area with rock edging and an adjacent shelter, seating area and interpretive signage (Plate 16-17). Existing playground equipment includes a slide built into the hill, swings, rockers, adjacent seating areas and dirt parking bays (Plate 18-19).



Plate 6 **Rock and mortar walls, stairs and buttress of Memorial Bowl (I108) looking north towards Memorial (I110). Note playground in the background.**



Plate 7 **Rock and mortar walls, stairs and buttress of Memorial Bowl (I108).**



Plate 8 **Detail of buttress and stairs (I108), view north.**



Plate 9 **View of interior grassed area of Memorial bowl (I108) and extensive low wall, looking south.**



Plate 10 Detail of commemorative World War II plaque attached to rock wall.



Plate 11 Original metal gates, looking west from Memorial Drive.



Plate 12 **Later addition retaining wall attached to original fabric of Memorial Bowl.**



Plate 13 **Later addition paved platform and retaining wall adjacent Memorial Bowl, looking north towards Affleck Street.**



Plate 14 Section of low rock wall damaged by tree.



Plate 15 Close up view of wall damaged by tree.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting



Plate 16 Shelter, seating and signage in front of the Indigenous garden.



Plate 17 Shelter, seating and signage in front of the Indigenous garden.



Plate 18 Parking area and playground equipment.



Plate 19 Parking area and playground equipment.

4.3 Archaeological assessment

The potential archaeological resource relates to the predicted level of preservation of archaeological resources within the study area. Archaeological potential is influenced by the geographical and topographical location, the level of development, subsequent impacts, levels of onsite fill and the factors influencing preservation such as soil type. An assessment of archaeological potential has been derived from the historical analysis undertaken during the preparation of this report.

4.3.1 Archaeological resource

This section discusses the archaeological resource within the study area. The purpose of the analysis is to outline what archaeological deposits or structures are likely to be present within the study area and how these relate to the history of land use associated with the study area.

The historical context presented in this report indicates that the study area has not been subjected to any historical construction activities prior to the development of the area for the Memorial Bowl, paths, landscaping and erection of playground facilities.

4.3.2 Integrity of sub-surface deposits

Due to a lack of European activity within the study area, the likelihood of locating sub-surface historical deposits is low.

4.3.3 Research potential

Archaeological research potential refers to the ability of archaeological evidence to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site. Archaeological research potential differs from archaeological potential in that the presence of an archaeological resource (i.e. archaeological potential) does not mean that it can provide any additional information that increases our understanding of a site or the past (i.e. archaeological research potential).

The research potential of a site is also affected by the integrity of the archaeological resource within a study area. If a site is disturbed, then vital contextual information that links material evidence to a stratigraphic sequence may be missing and it may be impossible to relate material evidence to activities on a site. This is generally held to reduce the ability of an archaeological site to answer research questions.

Assessment of the research potential of a site also relates to the level of existing documentation of a site and of the nature of the research done so far (the research framework), to produce a 'knowledge' pool to which research into archaeological remains can add.

4.3.4 Summary of archaeological potential

Through an analysis of the above factors a number of assumptions have been made relating to the archaeological potential of the study area.

The assessment of archaeological potential has been divided into three categories:

- **High archaeological potential** – based upon the historical context and documentary evidence presented within this report there is a high degree of certainty that archaeologically significant remains relating to this period, theme or event will occur within the study area.
- **Moderate archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is probable that archaeological significant remains relating to this period, theme or event could be present within the study area.
- **Low archaeological potential** – based upon the historical context and documentary evidence presented within this assessment it is unlikely that archaeological significant remains relating to this period, theme or event will occur within the study area.

In light of the European land use history of the study area, the historic archaeological potential of the study area is assessed to be low.

5 Comparative analysis

A comparative analysis is undertaken with similar heritage sites and/or places in order to help establish and validate the significance and values of a heritage item or feature. This includes a description of the heritage values of the site and how this relates to other sites in the locality, NSW and Australia. An overview of the history of comparable sites in NSW and the region has been undertaken. This comparative analysis focused on the dominant heritage feature within the study area, the Memorial Bowl (I108).

The Memorial Bowl (I108) is one of more than 3000 war memorials erected throughout NSW to commemorate those who have served in wars dating from the Boer War (1899-1902) to present day conflicts. Within NSW, war memorials feature throughout the landscape within country towns and urban settings and include many forms and designs such as obelisks, cairns, walls, plaques, gates and community facilities (such as memorial halls and swimming pools).

A search of war memorials, similar in style, construction, material and era was undertaken to provide a comparative analysis, however due to the number of war memorials in NSW and further throughout Australia, the following list of similar sites is by no means exhaustive. The following similar sites (summarised in Table 4) include the Batemans Bay Vietnam Memorial (Plate 20), Homebush-Strathfield RSL Memorial Wall (Plate 21) and Narrandera Memorial Wall of Remembrance (Plate 22). These sites are considered similar to the Memorial Bowl due to the use of a curved wall as both a landscape feature and a physical construct to erect memorial plaques. All memorials are situated in park like settings with open grassed areas. The Batemans Bay Vietnam Memorial is similar to the Memorial Bowl in its use of stone and mortar for the creation of a low wall.

Unlike the Memorial Bowl, these sites are not listed on any statutory registers which is most likely due to the relatively modern age of the memorials, rather than their significance. All memorials are similar in that they were erected post-World War II. These comparative examples show that the use of walls in the design of war memorials is common within NSW. Curved walls provide an effective outdoor amphitheatre for commemoration meeting places and events such ANZAC day.



Plate 20 Batemans Bay Vietnam Memorial (source: Places of Pride, Australian War Memorial)



Plate 21 Homebush-Strathfield RSL Memorial Wall (source: New South Wales War Memorial Register)



Plate 22 Narrandera Memorial Wall of Remembrance (source: Places of Pride, Australian War Memorial)

Table 4 Similar sites in NSW

Site name	Item type/date	Description	Heritage status
Batemans Bay Vietnam Memorial, Beach Road, Batemans Bay, NSW	Memorial – cairn in a landscape/garden setting Established 2005	Large local stone bushrock memorial, with brass plaques attached. Behind the memorial is a low stone wall with a single white flagpole. Individual brass name plates for Vietnam veterans are attached to the top of the wall.	No statutory listing.
Homebush-Strathfield RSL Memorial Wall, Coventry Road, Davey Square Reserve, Strathfield, NSW	Memorial – wall Established 2015	The memorial comprises a wall, a paved area and 339 plaques honouring those who served from the First World War, the Second World War and the Korean campaign. The wall is about 1 metre high, and inside the concrete circle in front of the wall is a paved circle with 'the Ode' inscribed around the edge.	No statutory listing.
Narrandera Memorial Wall of Remembrance, Victoria Square, Narrandera, NSW	Memorial – wall Established 1998	Commemorating all conflicts, the wall is circular in nature constructed from red bricks.	No statutory listing.

6 Significance assessment

An assessment of heritage significance encompasses a range of heritage criteria and values. The heritage values of a site or place are broadly defined as the 'aesthetic, historic, scientific or social values for past, present or future generations'[85]. This means a place can have different levels of heritage value and significance to different groups of people.

The archaeological significance of a site is commonly assessed in terms of historical and scientific values, particularly by what a site can tell us about past lifestyles and people. There is an accepted procedure for determining the level of significance of an archaeological site.

A detailed set of criteria for assessing the State's cultural heritage was published by the (then) NSW Heritage Office. These criteria are divided into two categories: nature of significance, and comparative significance.

Heritage assessment criteria in NSW fall broadly within the four significance values outlined in the Burra Charter. The Burra Charter has been adopted by state and Commonwealth heritage agencies as the recognised document for guiding best practice for heritage practitioners in Australia. The four significance values are:

- Historical significance (evolution and association).
- Aesthetic significance (scenic/architectural qualities and creative accomplishment).
- Scientific significance (archaeological, industrial, educational, research potential and scientific significance values).
- Social significance (contemporary community esteem).

The NSW Heritage Office issued a more detailed set of assessment criteria to provide consistency with heritage agencies in other States and to avoid ambiguity and misinterpretation. These criteria are based on the Burra Charter. The following SHR criteria were gazetted following amendments to the *Heritage Act 1977* (Heritage Act) that came into effect in April 1999:

- Criterion (a) - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (b) - an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (c) - an item is important in demonstrating the aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- Criterion (d) - an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- Criterion (e) - an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (f) - an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

[85] (Heritage Office, 2001)

- Criterion (g) - an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments; or a class of the local area's cultural or natural places; or cultural or natural environments.

6.1 Levels of heritage significance

Items, places, buildings, works, relics, movable objects or precincts can be of either local or state heritage significance, or have both local and state heritage significance. Places can have different values to different people or groups.

Local heritage items

Local heritage items are those of significance to the local government area. In other words, they contribute to the individuality and streetscape, townscape, landscape or natural character of an area and are irreplaceable parts of its environmental heritage. They may have greater value to members of the local community, who regularly engage with these places and/or consider them to be an important part of their day-to-day life and their identity. Collectively, such items reflect the socio-economic and natural history of a local area. Items of local heritage significance form an integral part of the State's environmental heritage.

Two local heritage items, and one conservation area is located within the study area:

- Memorial Bowl (I108)
- Parkland (I61)
- Monument Hills Parkland Conservation Area (C10)

State heritage items

State heritage items, places, buildings, works, relics, movable objects or precincts of state heritage significance include those items of special interest in the state context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection or association with the state in its widest sense.

The following evaluation attempts to identify the cultural significance of the study area. This significance is based on the assumption that the site contains intact or partially intact archaeological deposits.

There are no items of State significance located within the study area.

6.2 Evaluation of significance

6.2.1 Memorial Bowl (I108)

The current heritage listing for the Memorial Bowl (I108) (Appendix 1) does not include an evaluation of significance against the SHR criteria. A revised assessment of significance has been developed in accordance with a greater depth of understanding of site.

Criterion A: An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The item is of historical significance as it provides a physical record to the local community members who served in World War Two.

The Memorial Bowl (I108) satisfies this criterion at local level.

Criterion B: ***An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).***

The item is socially significant for its association with the men and women of Albury who contributed to service in World War Two both abroad and on the home front. The Memorial Bowl is a tangible reminder and memorial to those local families who served.

The Memorial Bowl (I108) satisfies this criterion at local level.

Criteria C: ***An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).***

The item is aesthetically significant for its extensive use of local rock and mortar creating a circular low wall, buttress, steps and stage area, creating a landmark feature which contributes to the landscape character of the Monument Hills Parkland Conservation Area (C10).

The Memorial Bowl (I108) satisfies this criterion at local level.

Criterion D: ***An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.***

The item is of social significance as it represents both the local World War Two servicemen and their families, and also the civic minded community who raised funds through the Albury Floral Festival for the construction of the memorial.

The Memorial Bowl (I108) satisfies this criterion at local level.

Criterion G: ***An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments. (or a class of the local area's cultural or natural places, or cultural or natural environments).***

The item is a tangible cultural feature within Albury City representative of the use of war memorials within communities as a means of commemoration and remembrance.

The Memorial Bowl (I108) satisfies this criterion at local level.

6.2.2 Parkland (I61)

The existing heritage listing for Parkland (I61) does not provide an assessment against the criteria. Due to there being no direct impact to this site, an assessment has not been developed. A statement of significance is provided in Section 6.1.2.

6.2.3 Monument Hills Parkland Conservation Area (C10)

The heritage significance of the conservation area is provided in individual assessments for heritage items. A statement of significance is provided in Section 6.1.2.

6.3 Integrity and intactness

The integrity and intactness of the Memorial Bowl (I108) is excellent due to the retention of a significant amount of original fabric and a lack of alteration and modification since its construction. While there are small areas of cracked stonework and one area in poor condition due to a tree damaging the wall, the overall condition of the site is good. Heritage item Parkland (I61) has retained the original landscaping of the palms which were planted in the 1920s. The condition of the plantings appears to be good. The overall integrity of

the study area is good, due to the retention of heritage items and little development undertaken within the original parkland.

6.1 Statement of significance

6.1.1 Memorial Bowl (I108)

Based upon the evaluation criteria outlined above, the following statement of significance has been formulated for the Memorial Bowl (I108) drawing on the brief statement previously provided in the heritage listing.

The Memorial Bowl (I108) provides a physical reminder to the members of the Albury community who served in World War One and a place for commemoration and reflection. Erected as a result of community fundraising, the memorial represents civic pride and the need for public spaces that cater for local events, festivals, ceremonies and as a memorial. The unique rock and mortar construction and design of the memorial bowl with its low and high walls, stairs, buttress and stage contributes to the character of the landscape and provides an important visual and tangible connection to the World War One Memorial on Monument Hill.

6.1.2 Parkland (I61)

The following statement of significance is provided in the listing for the heritage item Parkland (I61):

The streetscape blends with low traffic and pedestrian use providing a private and integral relationship with the residences it serves.

An example of visionary planning by our civic forefathers, suitability of palms in the Albury climate, how groups of trees like palms can add to a sense of place.

6.1.3 Monument Hills Parkland Conservation Area (C10)

As the study area is located within the Monument Hills Parkland Conservation Area (C10), the following statement of significance provided in the conservation area heritage listing (Appendix 1) is provided below.

The Landscape Analysis Report of the Albury Central Heritage Study describes in some detail the character and importance of the Monument Hills Conservation Area. The area displays special landscape character with varying degrees of scenic quality. It comprises a number of precincts:

The Obelisk Area
The Natural Parkland
Roper Street Linkage
Memorial Bowl Area
Dean Street Pathway

A number of heritage items are located within the area including Greer's wine cellar excavation (1847), the monument obelisk (1925), the memorial bowl (1954) and a number of significant trees including the palm grove at the western end of Dean Street.

7 Statement of heritage impact

This SoHI has been prepared to address impacts resulting from the proposed landscape masterplan within a designated area of the Monument Hills Parkland Conservation Area (C10) which includes the Memorial Bowl (I108) and a section of the listed item Parkland (I61). Heritage items within the vicinity of the study area have also been included in this impact assessment.

The SoHI identifies the level of impact arising from the proposed works and discusses mitigation measures which must be taken to avoid or reduce those impacts. This section of the report has been prepared in accordance with the Heritage Manual guideline *Statements of Heritage Impact*[86].

7.1 Proposal details

Albury City Council have developed a Draft Landscape Masterplan to revitalise an area within the Monument Hills Parkland Conservation Area (C10) which includes the Memorial Bowl (I108) and Parkland (I61). The details of the proposed masterplan development are shown in Appendix 2.

The Draft Landscape Masterplan will comprise the following works:

- Enhance existing views and access to Monument Hill. The views along the axis from Monument Hill to the centre of Albury are to be maintained and accessibility to the area increased via future resurfacing of the existing path. Ongoing maintenance of bushland planting is to be undertaken to retain views.
- Implementation of a future flying fox and bushland planting. Works will include the removal of defunct play equipment to allow for more native planting.
- Proposed entry to Memorial Bowl. The existing trees that have damaged the low wall in this location will be removed a new entrance to the park created.
- The existing bushland walking track will be upgraded and link to a new informal path to the proposed fitness and play areas.
- Proposed play space will comprise a new local playground catering for a range of ages and abilities. Play equipment will include a toddler slide and play unit, cup spinner, accessible carousel, group see-saw, large basket swing and 6m high activity net. New shade trees, irrigated garden beds and seating will also be provided.
- Proposed outdoor fitness area to include a range of static outdoor strength and conditioning equipment. This area will be surrounded by planting, shade trees, Softfall surface and seating.
- Retention of a large proportion of the existing lawn for use for informal ball sports and other activities. The lawn and stage will also function as an event space for up to 600 people. Events could include memorial events, outdoor cinema sessions or performances.
- Affleck Street car parking facilities will be increased by providing an additional 12 car parking spaces with a new stepped path connecting to the existing asphalt footpath leading to the Memorial Bowl.

[86] (Heritage Office & D UAP, 1996)

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

- Enhanced planting: proposed enhancement of the area north of Affleck Street with garden beds and native planting.
- Establishment of a memorial garden in the form of a small semi-formal garden with seating to celebrate the historical significance of the WWII Memorial Bowl.
- Creation of a Memorial Drive entry and accessible parking. The proposed entry and path into the Memorial Bowl will lead to the fitness and play areas. An accessible pathway (1:21) will provide access to two accessible parking spaces and maintenance access to the site.
- The existing Indigenous garden is to be enhanced with new seating and shelter that takes advantage of the views to the centre of Albury.
- Retention and enhancement of the Palm Annex views between Monument Hill and the Albury CBD.

7.2 Assessing impact to heritage item(s)

7.2.1 Discussion of heritage impact(s)

The discussion of impacts to heritage can be centred upon a series of questions which must be answered as part of a SoHI which frame the nature of impact to a heritage item. The Heritage Manual guideline *Statements of Heritage Impact* includes a series of questions in relation to indicate the criterion which must be answered.[87]

Those questions that hold relevance to the current assessment are addressed below in Table 5, however not all of these questions will be relevant to the proposed works. The controls stated in the Albury DCP for the Monument Hills Parkland Conservation Area (C10) have also been addressed as part of the assessment of impact.

Table 5 Discussion of heritage impacts

Proposed change to heritage item	Some questions to be answered in a Statement of Heritage Impact
Minor / partial demolition	• Is the demolition essential for the heritage item to function? • Are particular features of the item affected by the demolition? • Is the detailing of the partial demolition sympathetic to the heritage significance of the item? • If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?
Minor additions	• How is the impact of the addition on the heritage significance of the item to be minimised? • Can the additional area be located within an existing structure? If not, why not? • Will the additions tend to visually dominate the heritage item? • Are the additions sited n any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered? • Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)?

[87] (Heritage Office & D UAP, 1996)

Proposed change to heritage item	Some questions to be answered in a Statement of Heritage Impact
New landscape works and features	• How has the impact of the new work on the heritage significance of the existing landscape been minimised? • Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated? • Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented? • Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered? • How does the work impact on views to, and from, adjacent heritage items?
New development adjacent to a heritage item	• How is the impact of the new development on the heritage significance of the item or area to be minimised? • Why is the new development required to be adjacent to a heritage item? • How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance? • How does the new development affect views to, and from, the heritage item? • What has been done to minimise negative effects? • Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected? • Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)? • Will the additions visually dominate the heritage item? How has this been minimised? • Will the public, and users of the item, still be able to view and appreciate its significance?

7.2.2 Quantifying heritage impact(s)

Based upon the discussion of impacts to heritage items, impact to these items can be quantified under three main categories: direct impacts, indirect impacts and no impact. These kinds of impacts are dependent on the proposed impacts, nature of the heritage item and its associated curtilage.

Direct impacts

Direct impacts are where the completion of the proposed development will result in a physical loss or alteration to a heritage item which will impact the heritage value or significance of the place. Direct impacts can be divided into whole or partial impacts. Whole impacts essentially will result in the removal of a heritage item as a result of the development where as partial impacts normally constitute impacts to a curtilage or partial removal of heritage values. For the purposes of this assessment direct impacts to heritage items have been placed into the following categories:

- Physical impact - whole: where the development will have a whole impact on a heritage item resulting in the complete physical loss of significance attributed to the item.

- Physical impact - partial: where the project will have a partial impact on an item which could result in the loss or reduction in heritage significance. The degree of impact through partial impacts is dependent on the nature and setting of a heritage item. This typically these impacts are minor impacts to a small proportion of a curtilage of an item or works occurring within the curtilage of a heritage item which may impact on its setting (i.e. gardens and plantings).

Indirect impacts

Indirect impacts to a heritage item relate to alterations to the environment or setting of a heritage item which will result in a loss of heritage value. This may include permanent or temporary visual, noise or vibration impacts caused during construction and after the completion of the development. Indirect impacts diminish the significance of an item through altering its relationship to its surroundings; this in turn impacts its ability to be appreciated for its historical, functional or aesthetic values.

Cumulative impacts

Cumulative impacts relate to minimal or gradual impacts from a single or multiple developments upon heritage values. A cumulative impact would constitute a minimal impact being caused by the proposed development which over time may result in the partial or total loss of heritage value to the study area or associated heritage item. Cumulative impacts may need to be managed carefully over the prolonged period of time.

No impact

This is where the project does not constitute a measurable direct or indirect impact to the heritage item.

7.3 Assessment of impacts

The proposed development aims to facilitate an increased community usage of the study area which has been underutilised for a substantial period of time. Due to the number of individual components of the proposed development, each have been addressed in Table 6.

Table 6 Assessment of individual impacts

Proposed works	Significance	Assessment	Mitigation measure
Enhance existing views and access to Monument Hill. The views along the axis from Monument Hill to the centre of Albury are to be maintained and accessibility to the area increased via future resurfacing of the existing path. Ongoing maintenance of bushland planting is to be undertaken to retain views.	The views along the axis from Monument Hill to the centre of Albury are a significant landscape feature of the Monument Parklands Conservation Area (C10).	There will no direct or indirect impacts to the Memorial Bowl (I108) or Parkland (I61) or heritage items adjacent to the study area as part of the works associated with the enhancement of existing views and access to Monument Hill. The maintenance of bushland planting is a positive action which will enhance significant views from and to the study area and the wider Monument Hill locality. Resurfacing of the existing path and improving accessibility to the area will improve access and interpretation of the Memorial Bowl (I108) and surrounding landscape. Any visual impacts incurred during construction activities associated with the path resurfacing will be temporary. This assessment does not identify any negative heritage impact through these proposed works.	See recommendations in Section 8.1.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Proposed works	Significance	Assessment	Mitigation measure
Implementation of a future flying fox and bushland planting. Works will include the removal of defunct play equipment to allow for more native planting.	The existing playground equipment does not contribute to the significance of the study area.	The removal of the existing play equipment area which includes a slide, cubby house, swing and seating will not impact the heritage significance of the study area. Erection of a flying fox may have a positive impact by increasing use of a currently underutilised area within the study area. Any visual impacts incurred during construction activities associated planting and installation of a flying fox will be temporary. No adjacent heritage items will be impacted. Increased native planting will enhance the area which has not been successfully utilised.	Refer to recommendations in Section 8.1.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Proposed works	Significance	Assessment	Mitigation measure
Proposed entry to Memorial Bowl. The existing trees that have damaged the low wall in this location will be removed and a new entrance to the park created.	The physical fabric of the Memorial Bowl (I108) has local heritage significance. The trees marked for removal do not contribute to the significance of the Memorial Bowl (I108) and overall study area.	The removal of the existing trees will not have a negative impact, however the removal of the damaged low wall of the Memorial Bowl (I108) will have a direct impact on the physical fabric of the site. This proposed change is a minor demolition, and while it will remove original fabric, the creation of a new entrance will improve accessibility to the site for future events, which is compatible with the original intent of the site. Any visual impacts incurred during construction activities will be temporary.	The new entrance should be constructed in a manner which is sympathetic to the original rock and mortar fabric. New wall material introduced should replicate the original wall material in a like for like manner. If used, new gates should be sympathetic to the era of the memorial bowl and where possible replicate the existing metal gates. Refer to recommendations in Section 8.1.
The existing bushland walking track will be upgraded and link to a new informal path to the proposed fitness and play areas.	The existing bushland walking track is not a significant heritage feature within the study area.	Upgrade of the existing bushland walking track and construction of a linking path will not directly impact any heritage items within and adjacent the study area. Indirect impacts to the Memorial Bowl (I108) and Parkland (I61). Any visual impacts incurred during construction activities will be temporary. This assessment does not identify any negative heritage impact through these proposed works.	Refer to recommendations in Section 8.1.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Proposed works	Significance	Assessment	Mitigation measure
Proposed play space will comprise a new local playground catering for a range of ages and abilities. Play equipment will include a toddler slide and play unit, cup spinner, accessible carousel, group see-saw, large basket swing and 6m high activity net. New shade trees, irrigated garden beds and seating will also be provided.	There is no built heritage fabric located in the space proposed for a new play space, however the proposed location is within the original open space area enclosed by the low wall of the Memorial Bowl.	Installation of new playground equipment will have a direct impact on the Memorial Bowl (I108). However, this assessment has determined that the works will positively impact the significance of the study area as the site was designed to be used by the local community and the new use will enhance the functionality of the site, allowing it to be used more effectively land for its intended purpose., Direct impact to the Memorial Bowl walls could occur during the construction of the new playground. Indirect impact can also occur through movement of machinery. Installation of new playground equipment will not have a direct or indirect impact on Parkland (I61) or heritage items in the vicinity of the study area.	When erecting the new playground, care should be taken to avoid impact to the original Memorial Bowl walls. Temporary mesh fencing should be placed around the walls to protect them during works.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Proposed works	Significance	Assessment	Mitigation measure
Proposed outdoor fitness area to include a range of static outdoor strength and conditioning equipment. This area will be surrounded by planting, shade trees, Softfall surface and seating.	There is no built heritage fabric located in the space proposed for outdoor fitness area, however the proposed location is within the original open space area enclosed by the low wall of the Memorial Bowl which is included in the item listing	Installation of outdoor fitness equipment will not negatively impact the significance of the study area, as the retention of a substantial amount of space within the Memorial Bowl is considered to be sufficient. New community facilities within a previously unused space may create positive opportunities for interpretation of the site. Direct impact to the Memorial Bowl walls could occur during the construction of the new outdoor fitness area. Indirect impact can also occur through movement of machinery.	When erecting the outdoor fitness area, care should be taken to avoid impact to the original Memorial Bowl walls. Temporary mesh fencing should be placed around the walls to protect them during works. See Section 8.1 for recommendations.
Retention of a large proportion of the existing lawn for use for informal ball sports and other activities. The lawn and stage will also function as an event space for up to 600 people. Events could include memorial events, outdoor cinema sessions or performances.	The existing open space within the walls of the Memorial Bowl is significant as its original purpose was to allow space for community events.	The use of the existing open space for community events is a positive action. This assessment does not identify any negative heritage impact through these proposed works.	See Section 8.1 for recommendations.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Proposed works	Significance	Assessment	Mitigation measure
Affleck Street car parking facilities will be increased by providing an additional 12 car parking spaces with a new stepped path connecting to the existing asphalt footpath leading to the Memorial Bowl.	The area south of Affleck Street does not contribute to the significance of the study area.	The creation of additional car parking facilities is a positive development, creating more access opportunities for community events which is compatible with the intended use of the Memorial Bowl. A new stepped path will further increase access opportunities to the Memorial Bowl. This assessment does not identify any negative heritage impact through these proposed works.	The Albury DCP states that 'car parking areas should be visually discreet, and judiciously landscaped.' This control will need to be addressed in the planning of the additional car parking spaces.
Enhanced planting north of Affleck Street	The area north of Affleck Street does not contribute to the significance of the study area.	Enhanced planting activity within this area will not directly impact any heritage sites within the study area or adjacent the study area. This assessment does not identify any negative heritage impact through these proposed works.	None required.

Proposed works	Significance	Assessment	Mitigation measure
Establishment of a memorial garden in the form of a small semi-formal garden with seating to celebrate the historical significance of the WWII Memorial Bowl.	There is no built fabric in the proposed location of the memorial garden, however the adjacent Memorial Bowl is locally significant.	The establishment of a memorial garden has the potential to enhance the existing Memorial Bowl. Indirect impacts may occur however via movement of machinery and during the establishment of the garden and new seating. The proposed works will not impact any adjacent heritage items.	When erecting the memorial garden, care should be taken to avoid impact to the original Memorial Bowl walls. Temporary mesh fencing should be placed around the walls to protect them during works. New seating and any garden infrastructure (i.e. edging) must be sympathetic in style, size and material to the adjacent Memorial Bowl. If any interpretive signage is erected in this area, consultation should take place with the Albury RSL Sub-branch and the Albury and District Historical Society.

Proposed works	Significance	Assessment	Mitigation measure
Creation of a Memorial Drive entry and accessible parking. The proposed entry and path into the Memorial Bowl will lead to the fitness and play areas. An accessible pathway (1:21) will provide access to two accessible parking spaces and maintenance access to the site.	The physical fabric of the Memorial Bowl (I108) has local heritage significance.	The creation of a new entry, accessible parking and a path off Memorial Drive will have a direct impact on the physical fabric of the walls of the Memorial Bowl (I108). This proposed change is a minor demolition, and while it will remove original fabric, the creation of a new entrance will improve accessibility to the site for future events, which is compatible with the original intent of the site. Any visual impacts incurred during construction activities will be temporary.	The new entrance should be constructed in a manner which is sympathetic to the original rock and mortar fabric. New wall material introduced should replicate the original wall material in a like for like manner. If used, new gates should be sympathetic to the era of the memorial bowl and where possible replicate the existing metal gates. Refer to recommendations in Section 8.1.
The existing Indigenous garden is to be enhanced with new seating and shelter that takes advantage of the views to the centre of Albury.	The existing Indigenous garden, including the shelter and interpretive signage does not currently contribute to the significance of the study area.	The proposed works are a positive measure that will enhance a currently neglected space. There will be no impacts to any heritage items within or adjacent the study area.	Consultation should take place with the local Aboriginal community when undertaking planning, planting and erection of any Indigenous interpretation. See Section 8.1 for recommendations.
Retention and enhancement of the Palm Annex views between Monument Hill and the Albury CBD.	The Palm Annex views refer to the listed Parkland (I61) heritage site extending from the intersection of Memorial Drive down Dean Street towards the Albury CBD.	The proposed works are a positive measure to ensure that the significance of the heritage listed site is retained. Important views and landscape character elements will be retained.	Any enhancement measures to the trees must be undertaken in consultation with a qualified arborist. See Section 8.1 for recommendations.

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

7.4 Statement of heritage impact

The proposed development of the study area has the central aim of revitalising an area within the Monument Hills Parkland Conservation Area (C10) which has been underutilised by the community for a significant period of time. The dominant heritage item within the study area, the Monument Bowl (I108) was designed to be used as both an area for commemoration of those who served in World War II, but also as a space for events, festivals, concerts and numerous other community based activities. The fact that the Memorial Bowl (I108) was established as a result of civic fundraising efforts is demonstrative of the site's intended use.

Each individual element of the proposed Draft Landscape Masterplan has been addressed in terms of any direct and indirect impacts that may occur. The assessment has taken into account the specific objectives and controls stated in the Albury DCP for the Monument Hills Parkland Conservation Area (C10). Direct impacts to the Memorial Bowl (I108) will occur as a result of the removal of a damaged section of a low wall (caused by a tree) and the creation of a new entrance in this location. Similar minor impacts will take place as a result of the construction of a new access from Memorial Drive and path extending to the play area and outdoor gym. These impacts can be mitigated by using sympathetic materials in the construction of new entrances. Direct impacts will also impact the Memorial Bowl (I108) from the creation of a new play area and outdoor gym located within the bowl itself. This impact has been assessed to be a positive impact as it is in support of the bowl's intended community use.

Indirect impacts may occur to the original walls and buttress of the Memorial Wall (I108) during the construction of a new playground area, outdoor gym and a memorial garden. These potential impacts can be mitigated through the erection of temporary fencing to protect the original fabric of the memorial. No heritage items located within the vicinity of the study area will be impacted by the proposed development. No areas of historic archaeological potential were identified within the study area.

The proposed works will not negatively impact the landscape character of the study area, including significant views to and from the study area. The proposed landscape masterplan will enhance and retain significant views, including visual connections within the Memorial Bowl (I108) and the Monument (I110), and the views along the axis from Monument Hill to the centre of Albury. This includes the heritage item Parkland (I61) comprising historic palm plantings extending from the intersection of Memorial Drive to Dean Street. Visual impacts incurred during construction activities within the study area will be temporary in nature only.

Interpretive signage must be planned and erected in consultation with relevant community stakeholders. The local Aboriginal community must be consulted for the revitalisation of the Indigenous garden, and the new memorial garden must be planned with input from the Albury RSL Sub-Branch and the Albury and District Historical Society.

8 Conclusions and recommendations

8.1 Conclusions

The proposed Draft Landscape Masterplan has been designed to increase community use and functionality of the study area which has previously been underutilised. The proposed works do not represent a negative impact on the heritage significance of the study area which includes the listed heritage items Memorial Bowl (I108), a section of Parkland (I161) and the Monument Hills Parkland Conservation Area (C10). The direct impacts to the Memorial Bowl from the creation of new entrances is considered to be minor in nature and can be mitigated through the design principles of like for like sympathetic materials. The direct impact to the Memorial Bowl from the creation of a new play area and outdoor gym has assessed to be a positive impact, in support of the site's intended community use.

Any indirect impacts can also be mitigated via erection of temporary fencing. The landscape works are consistent with the objectives of the Albury DCP and will ensure that the landscape character, including visual connections are retained and maintained.

Biosis has determined that the proposed works are a positive means to enable the study area to be used and enjoyed by the local community, particularly the Memorial Bowl (I108), which was the original intended objective for its construction. The proposed works may proceed, subject to the recommendations outlined below.

8.1 Recommendations

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance.[88]

Recommendation 1: The proposed works may proceed with caution

The proposed works may proceed, subject to mitigation measures outlined in Section 7.3 and the following recommendations.

No heritage items within or in the vicinity of the study area will be negatively impacted by the proposed works. No areas of historic archaeological potential were located within the study area, however should unexpected archaeological remains be uncovered during the course of the proposed works, Recommendation 5 should be implemented.

Recommendation 2: Archival recording of Memorial Bowl (I108)

Due to direct impacts to the Memorial Bowl (I108), an archival recording of the listed site should be undertaken prior to the commencement of construction works to record the items current condition and setting. The recording should be undertaken in accordance with the Heritage Division guidelines *How to Prepare Archival Records of Heritage Items* (Heritage Office 1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (Heritage Office 2006)

[88] (Australia ICOMOS, 2013)

© Biosis 2020 – Leaders in Ecology and Heritage Consulting

Recommendation 3: Erection of temporary fencing to avoid indirect impacts

To avoid damage to the original walls and buttress of the Memorial Wall (I108) during the construction of the new playground area, outdoor gym, and memorial garden, temporary fencing should be installed around the fencing to protect the original fabric of the memorial.

Recommendation 4: Update of listing detail for Memorial Bowl (I108)

The current listing for the Memorial Bowl (I108) within the Albury LEP should be updated to reflect the updated significance assessment.

Recommendation 5: Community consultation

During the design, planning and erection of the Indigenous garden and World War Two memorial garden, consultation should take place with local community groups in regard to interpretation. Consultation with local Aboriginal community groups, the Albury RSL Sub-Branch and the Albury and District Historical Society must take place.

Recommendation 6: Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

9 References

The Albury Banner and Wodonga Express. (1925, May 1). *Anzac Memorial Services, Albury's Beautiful Tribute, Great Monument Unveiled*. Retrieved from Trove: https://trove.nla.gov.au/newspaper/article/102150128

Albury & District Historical Society. (2016c). *Albury's First 30 Years, Local History Topics*. Retrieved from Albury & District Historical Society: https://alburyhistory.org.au/wp-content/uploads/2016/12/Alburys-first-30-years.pdf.

Albury & District Historical Society. (2016a). *The River Murry - Highway to Albury*. Retrieved from Albury & District Historical Society: https://alburyhistory.org.au/wp-content/uploads/2016/12/River-Murray_Highway-to-Albury.pdf.

Albury & District Historical Society. (2016b). *Hume and Hovell Expedition Crosses the Murray River, Local History Topics*. Retrieved from Albury & District Historical Society: https://alburyhistory.org.au/wp-content/uploads/2016/12/Hume-Hovell-cross-the-Murray-River.pdf.

Albury and Distric Historical Society Bulletin. (2013). Albury's Floral Festivities. *Albury and District Historical Society Bulletin 535*, p. 4.

Albury and District Historical Society Bulletin. (2009, December). 'What do you know about the Albury War Memorial Bowl?'. *Albury and District Historical Society Bulletin 497*, p. 2.

Andrews, A. (1912). *The history of Albury-Wodonga 1824-1905.* Adam Cooper and Adams.

Australia ICOMOS. (2013). *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance.* Burwood, VIC: Australia ICOMOS.

Australian Bureau of Statistics. (2020). *2016 Census QuickStats*. Retrieved from Australian Bureau of Statistics: https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA10050?opendocument

Australian War Memorial. (2020). *2/23rd Australian Infantry Battalion*. Retrieved from Australian War Memorial: https://www.awm.gov.au/collection/U56066

Border Mail. (1954, November 26). *Border Mail*.

Border Morning Mail . (1946, June 4). 'Mayor and Albury's War Memorial'. *Border Morning Mail (Albury, NSW : 1938 - 1946)*, p. 2.

Border Morning Mail. (1938, February 19). *Clearing Monument Hill*. Retrieved from Trove: https://trove.nla.gov.au/newspaper/article/254942505

Border Morning Mail. (1944, November 24). *Dangerous Monument Hill Quarry*. Retrieved from Trove: https://trove.nla.gov.au/newspaper/article/258024442

City of Albury. (2003). *City Wide Heritage Study.* Albury: City of Albury.

Colleran, J. (1991). *Albury Central Area Heritage Study.* Albury NSW: Albury City Council.

Colonial Secretary's Office. (1849). Town of Albury. Parish of Albury, County of Goulburn. Colonial Secretary's Office.

Context Pty Ltd, Urban Initiatives Pty Ltd, & Doyle H. (2002). *Port Arthur Historic Site landscape management plan.* Port Arthur Historic Site Management Authority, Tasmania.

Daily Advertiser. (1954 , December 3). *Daily Advertiser (Wagga Wagga, NSW : 1911 - 1954)*, p. 1.

Daily Advertiser. (1954 , November 27). Dedication Service at Albury. *Daily Advertiser (Wagga Wagga, NSW : 1911 - 1954)* , p. 2.

Department of Lands . (1916, February). Parish of Albury, County of Goulburn, Albury Land District, Hume Shire, Eastern Divison. Department of Lands 1916. Parish of Albury, County of Goulburn, Albury Land District, Hume Shire, Eastern Divison. February 1916. Department of Lands .

Department of Lands. (1838). *Plan for the Township of Albury*. NSW.

Department of Lands, NSW. (1956). Parish of Albury, County of Goulburn. NSW: Department of Lands.

Heritage Office & D UAP. (1996). *Statements of Heritage Impact*. Retrieved from Environment NSW: https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf

Heritage Office. (2001). *Assessing Heritage Significance*. Retrieved from Heritage NSW : https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/assessing-heritage-significance.pdf.

Hunter, J. (2015). The Albury War Memorial. *Albury and District Historical Society Bulletin No. 556*. Retrieved from https://alburyhistory.org.au/wp-content/uploads/2016/12/Albury-War-Memorial.pdf

Jacobs. (2016). *Padman and Mates Parks historical heritage assessment.* Wangaratta: Jacobs.

Jess, A. (2010, June 30). *Albury Train Station in World War II*. Retrieved from ABC Goulburn Murray.

Jess, A. (2011, April 20). *Bomb shelters and aeroplane spotting in Albury during World War II*. Retrieved from ABC Goulburn Murray: https://www.abc.net.au/local/stories/2011/04/15/3192497.htm#:~:text=Albury%20feared%20attack%20in%20World,felt%20threatened%20by%20Japanese%20attack.&text=Albury%20was%20not%20immune%20to,plane%20spotting%20towers%20were%20built

Jones, H. (1991). *Albury Heritage.* Albury: Albury City Council.

Jones, H. (1998). *Albury Heritage (second edition).* Albury NSW: Albury City Council.

Kelly, T., & Price, C. (2004). *Archaeological Surface Survey Investigation Report Former Munitions Area Ettamogah NSW.* Sydney NSW: DASCEM Holdings Pty Ltd.

Land Registry Services. (1927). Map of the Town of Albury and Suburban Lands. *Historic Parish Maps*. NSW: https://hlrv.nswlrs.com.au/.

Montgomery, B. (2011). *A Study on the Relationship Between Wiradjuri People and the Non-Indigenous Colonisers of Wagga Wagga 1830-1900.* Wagga Wagga NSW: Charles Sturt University.

NSW Government Gazette. (1876). *'Ecclesiastical Jurisdiction'*. Retrieved from NSW Government Gazette (Sydney, NSW: 1832-1900): https://trove.nla.gov.au/newspaper/article/223649374?searchTerm=%22Jeffery%20James%20Keatinge%22%20AND%20%22Albury%22&searchLimits=.

NSW Government Gazette. (2016). 'National Parks and Wildlife Act 1974: Mungabareena Aboriginal Place (Planning and Environment Notices). *NSW Government Gazette*, 82: 2771–2772.

NSW Heritage Branch. (2009). *Assessing Significance for Historical Archaeological Sites and 'Relics'*. Retrieved from NSW Heritage Branch, Department of Planning: https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/ArchSignificance.pdf.

NSW Heritage Council. (2001). *New South Wales Historical Themes*. Retrieved from NSW Heritage Council: https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/themes2006.pdf.

NSW Land Registration Services. (1889). Parish Map of Albury. NSW Land Registration Services.

NSW Spatial Services. (1959). Aerial photo. NSW Spatial Services.

NSW Spatial Services. (1975). Aerial Photo 2505_02_019. NSW: NSW Spatial Services.

Office of Environment and Heritage. (2020). *Memorial Bowl*. Retrieved from Office of Environment and Heritage: https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=1000109

Office of Environment and Hetirage NSW. (2020). *Monument Hills Parkland Conservation Area*. Retrieved from Office of Environment and Hetirage NSW: https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=1000370

Pennay, B. (1990). *Albury Central Heritage Study: A Thematic History.* Albury City Council and the Heritage Council of NSW.

Reuss & Browne. (1860). Reuss & Browne's map of New South Wales and part of Queensland shewing the relative positions of the pastoral runs, squattages, districts, counties, towns, reserve. *Cartographer & Reuss, F. H & Browne, J. L & Degotardi, Johann Nepomuk*.

Russell, P. (2002). *This Errant Lady: Jane Franklin's Overland Journey to Port Phillip and Sydney, 1839.* Canberra: National Library of Australia,.

Ryan, G. (2016). 'The Original Steamer'. *Border Mail*.

Ryan, G. (2017). *PS Cumberoona*. Retrieved from https://alburyhistory.org.au/wp-content/uploads/2017/08/PS-Cumberoona.pdf.

Smith, L., & Upcher, C. (1992). *Archaeological Survey for Aboriginal Sites of 'Maryvale', Albury, NSW.* Sydney: Gutteridge Haskins and Davey Pty Ltd.

Spennemann, D. (2015). *Nineteenth Century Indigenous Land use of Albury (NSW), as reflected in the historic sources.* Albury: Charles Sturt University.

Spennermann, D. (2018). *Turk's Head at the Union Bridge, From Licensed Hotel to Regional Museum.* Albury: Insitute for Land, Water and Society, Charles Sturt University.

The Border Morning Mail and Riverina Times. (1916). Albury Sewerage. *The Border Morning Mail and Riverina Times (Albury, NSW: 1903-1920)*, p. 2.

Tindale, N. (1974). *Aboriginal Tribes of Australia.* Berkeley: University of California Press.

UNESCO. (2012, UNESCO 2012.). *Operational Guidelines for the Implementation of the World Heritage Convention.*

Victorian Places. (2020). *Bonegilla*. Retrieved from Victorian Places: https://www.victorianplaces.com.au/bonegilla

Wooding, J. (2018). *'A Troublesome Creek'*. Retrieved from The Border Mail: https://www.bordermail.com.au/story/5249875/tortured-meanderings-of-troublesome-creek/.

Appendices

Appendix 1 Heritage listing details

Memorial Bowl

Item details

Name of item:	Memorial Bowl
Type of item:	Landscape
Group/Collection :	Urban Area
Category:	Townscape
Primary address:	Monument Hill, Albury, NSW 2640
Parish:	Albury
County:	Goulburn
Local govt. area:	Albury City

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Monument Hill	Albury	Albury City	Albury	Goulburn	Primary Address

Statement of significance:

An excellent example of Civic Garden and landscape works.

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH ***copyright and disclaimer****.*

Description

Construction years:	1950-
Physical description:	Rock and mortar construction including high and low retaining walls, grand steps and buttressed walls. The workmanship and detailing is excellent.

History

Historical notes:	Constructed as a WWII memorial. Originally proposed by Mayor Ald. Bunton

Recommended management:

Landscape assessment has been separately undertaken for the area. (see 2.4 Monument Hill Parkland in Landscape analysis). Future use should be carefully considered in the overall context of the adopted plan for Monument Hill.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Albury Local Environmental Plan 2010	I108	13 Aug 10	105	
Within a conservation area on an LEP	Monument Hill Parklands	C10	13 Aug 10	105	

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Albury Heritage Study		00108	Graham Brookes & Associates		Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.







(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 1000109

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the **Database Manager**.

All information and pictures on this page are the copyright of the Heritage Division or respective copyright owners.

Parkland

Item details

Name of item:
Parkland
Type of item:
Landscape
Group/Collection:
Parks, Gardens and Trees
Category:
Urban Park
Primary address:
Dean Street (West), Albury, NSW 2640
Parish:
Albury
County:
Goulburn
Local govt. area:
Albury City
All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Dean Street (West)	Albury	Albury City	Albury	Goulburn	Primary Address

Statement of significance:

1. The streetscape blends with low traffic and pedestrian use providing a private and integral relationship with the residences it serves.
2. An example of visionary planning by our civic forefathers, suitability of palms in the Albury climate, how groups of trees like palms can add to a sense of place.

Date significance updated: 27 Sep 01

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the Department of Premier and Cabinet copyright and disclaimer.

Description

Designer/Maker:
J Fellowes
Construction years:
1927-
Physical description:
Comprises two components (see attached sheet).The landscape plans for the Dean Street extension were drawn up by Mr J Fellows, curator of the Albury Botanical Gardens.
1. Natural streetscape comprising narrow service road linking to Paine Place, mix of exotic

shrubs and palms against a backdrop of garden eucalypts and bush of Monument Hill.
2. Avenue and copse of canary date palms and cotton palms providing a spectacular western vista from Dean Street and linking to adjacent palm plantings in Paine Place, Botanic Gardens and Padman Drive.

Recommended management:

Links with Item No. 128. See separate landscape analysis (section 2.4 Monument Hill Parkland). DESCRIPTION1.Natural streetscape comprising narrow service road linking to Paine Place, mix of exotic shrubs and palms against a backdrop of garden eucalypts and bush of Monument Hill.@@2.Avenue and copse of canary date palms and cotton palms providing a spectacular western vista from Dean Street and linking to adjacent palm plantings in Paine Place, Botanic Gardens and Padman Drive.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Albury Local Environmental Plan 2010	I61	13 Aug 10	105	
Within a conservation area on an LEP	Monument Hills Parkland	C10	13 Aug 10	105	

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Albury Heritage Study		00061	Graham Brookes & Associates		Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.







(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name:

Local Government

Database number:

1000061

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the Database Manager.

All information and pictures on this page are the copyright of Heritage NSW or respective copyright owners.

Monument Hills Parkland Conservation Area

Item details

Name of item:	Monument Hills Parkland Conservation Area
Type of item:	Conservation Area
Group/Collection:	Landscape - Cultural
Category:	Historic Landscape
Primary address:	Dean Street, Albury, NSW 2640
Local govt. area:	Albury City

Shown by a red outline with red hatching and marked "C10"

Boundary:

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Dean Street	Albury	Albury City			Primary Address

Statement of significance:

The Landscape Analysis Report of the Albury Central Heritage Study describes in some detail the character and importance of the Monument Hills Conservation Area. The area displays special landscape character with varying degrees of scenic quality. It comprises a number of precincts:

The Obelisk Area

The Natural Parkland

Roper Street Linkage

Memorial Bowl Area

Dean Street Pathway

A number of heritage items are located within the area including Greer's wine cellar excavation (1847), the monument obelisk (1925), the memorial bowl (1954) and a number of significant trees including the palm grove at the western end of Dean Street.

Date significance updated: 17 Nov 10

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the

OEH ***copyright and disclaimer***.

Description

Construction years:	1847-
Physical description:	For more details relating to the Monument Hill Area and its various precincts, refer to the Monument Hills Parklands Study prepared for the Council by Alan Grant and Associates and Bruce Mackenzie and Associates. Copies of which may be inspected at Council offices.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Albury Local Environmental Plan 2010	C10	13 Aug 10		
Within a conservation area on an LEP	Monument Hills Parkland Conservation Area	C10	13 Aug 10	105	

References, internet links & images

None

Note: internet links may be to web pages, documents or images.






(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name:	Local Government
Database number:	1000370

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the **Database Manager**.

All information and pictures on this page are the copyright of the Heritage Division or respective copyright owners.

Appendix 2 Proposed development

01 Enhance existing views and access to Monument Hill
The striking views along the axis from Monument Hill to the centre of Albury should be maintained. Increase accessibility with future resurfacing of the existing path. Ensure ongoing maintenance of bushland planting to retain views.

02 Flying Fox & Bushland Planting
The removal of defunct play equipment allows for more native planting to strengthen the native ecology. Future stge to include a new flying fox.

03 Proposed entry to Memorial Bowl
Existing trees have damaged the low wall in this location. We propose removing the trees to deter futher damage and also create a new entrace to the park.

04 Bushland Walking Track
The popular walking track will be upgraded and link to a new informal path to the the proposed fitness and play areas.

05 Proposed Play Space
This new local playground will cater for a range of ages and abilities. Play equipment will include a toddler slide and play unit, cup spinner, accessible carousel, group see-saw, large basket swing and 6m high activity net. New shade trees, irrigated garden beds and comfortable places to sit.

06 Outdoor Fitness
The proposed outdoor fitness are will include a range of static outdoor strength and conditioning equipment. Surrounded by planting, shade trees, softfall surface and seating.

07 Existing Open Lawn Area
A large proportion of the existing lawn will be retained for informal ball sports and other activities. The lawn and stage can also function as an event space for up to 600 people. Events could include memorial events, outdoor cinema sessions, or performances.

08 Affleck Street Car Parking
An additional 12 car parking spaces with new stepped path connects to the existing asphalt footpath leading to the Memorial Bowl.

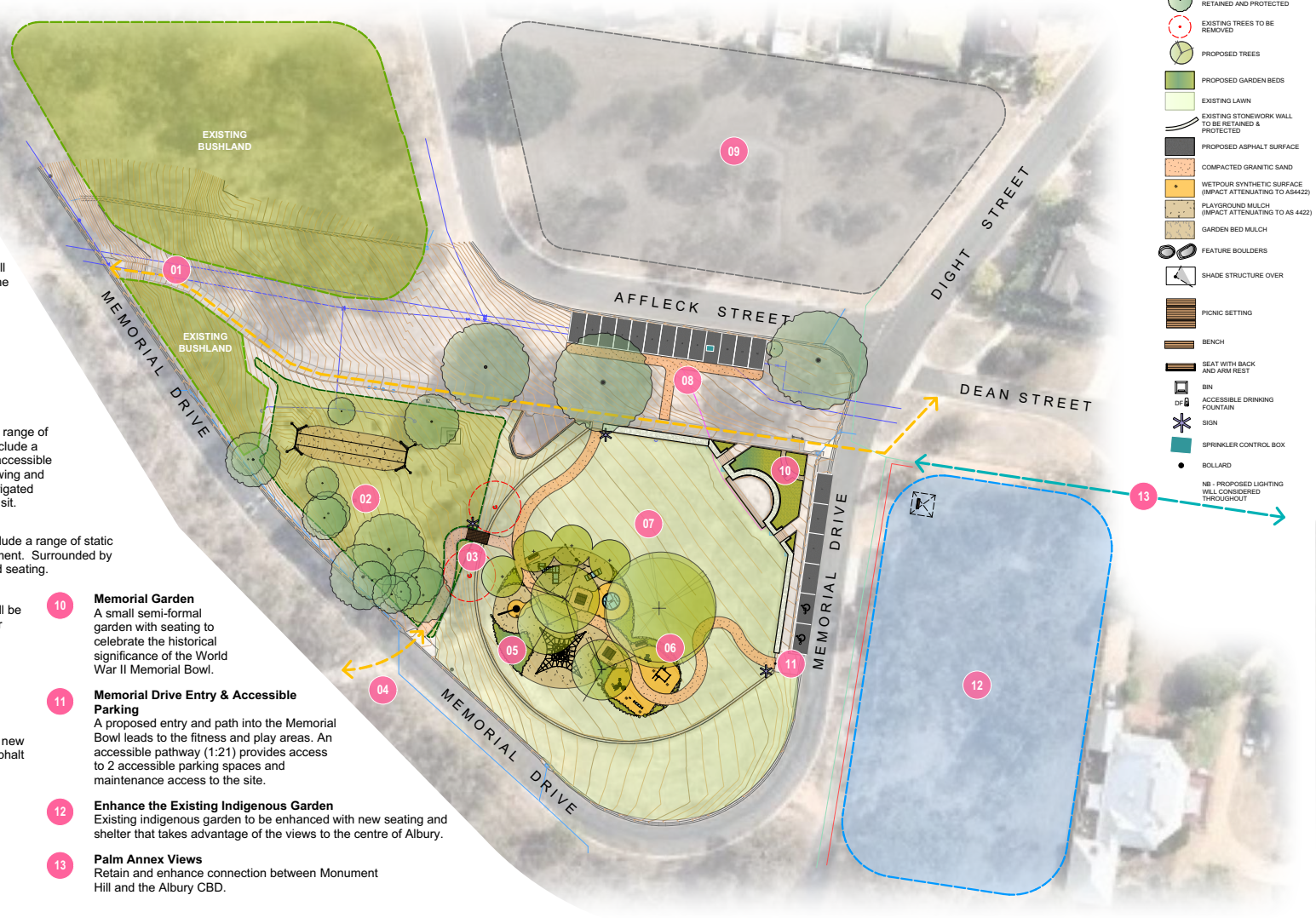
09 Enhanced Planting
Proposed enhancement of this area with garden beds and native planting.

10 Memorial Garden
A small semi-formal garden with seating to celebrate the historical significance of the World War II Memorial Bowl.

11 Memorial Drive Entry & Accessible Parking
A proposed entry and path into the Memorial Bowl leads to the fitness and play areas. An accessible pathway (1:21) provides access to 2 accessible parking spaces and maintenance access to the site.

12 Enhance the Existing Indigenous Garden
Existing indigenous garden to be enhanced with new seating and shelter that takes advantage of the views to the centre of Albury.

13 Palm Annex Views
Retain and enhance connection between Monument Hill and the Albury CBD.



Draft Landscape Master Plan

WWII Memorial Bowl

Memorial Drive, Albury NSW 2640

LANDSCAPE ARCHITECT:
Jeavons LANDSCAPE ARCHITECTS

Job No. 3146
Date: 12.06.20
Dwg No: MP01 of 1
Scale: 1:350 @ A1

Rev.	Date	Notes
B	9/12/2020	
A	29/06/2020	

habitat

Review of Environmental Factors

World War II Memorial Bowl, Memorial Drive, Albury

SEPTEMBER 2021

Memorial Bowl Improvement Works

Lot 1 DP758013, Lot 2 DP772477, Lot 5 DP772476, Lot 1, DP330163, Lot DP974410 & Lot 1 DP724442

Prepared for

Albury City Council

Contact

Habitat Planning
409 Kiewa Street
Albury NSW 2640
02 6021 0662
habitat@habitatplanning.com.au
habitatplanning.com.au

Habitat Planning Pty Ltd
ABN 29 451 913 703
ACN 606 650 837

The information contained in this document produced by Habitat Planning is solely for the use of the person or organisation for which it has been prepared. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Habitat Planning.

Project Number 21261

Document Control

REVISION NO	DATE OF ISSUE	AUTHOR	APPROVED
01	27/09/2021	MJ	MJ

Contents

1. Introduction 7
1.1. Overview 7
1.2. Supporting Plans and Documentation 7
1.3. Background 7

2. Site Analysis 9
2.1. Site Location and Context 9
2.2. Site Description 9
2.3. Existing Conditions 9
2.4. Vegetation 10
2.5. Heritage & Aboriginal Archaeology 10
2.6. Surrounding Development 12

3. Description of Proposal 13
3.1. Project Objectives 13
3.2. Project Alternatives 13
3.3. Project Overview 13
3.4. Demolition & Tree Removal 14
3.5. Public Recreation Facilities 14
3.6. Revegetation and Landscaping Works 15
3.7. Construction Activities 15

4. Planning Assessment 17
4.1. Environment Protection and Biodiversity Conservation Act 1999 17
4.2. Environmental Planning and Assessment Act 1979 17
4.3. Environmental Planning and Assessment Regulation 2000 18
4.4. Biodiversity Conservation Act 2016 18
4.5. National Parks and Wildlife Act 1974 19
4.6. Heritage Act 1977 20
4.7. Protection of the Environment Operations Act 1997 20
4.8. Biosecurity Act 2015 20
4.9. State Environmental Planning Policy (Infrastructure) 2007 20
4.10. Albury Local Environmental Plan 2010 21
4.11. Albury Development Control Plan 2010 23

5. Community and Stakeholder Consultation 24
5.1. Notification Requirements under SEPP Infrastructure 24

6. Environmental Impact Assessment 27
6.1. General 27
6.2. Air Quality 27
6.3. Biodiversity 28
6.4. Soils 29
6.5. Noise and Vibration 30
6.6. Visual Amenity/Landscape 31
6.7. Waste Disposal 32
6.8. Traffic and Access 33
6.9. Land Contamination 33
6.10. Socio-economic Impacts 34
6.11. Aboriginal Heritage 34
6.12. Non-Aboriginal Heritage 35
6.13. Water 37
6.14. Natural Hazards 37
6.15. Matters of National Environmental Significance 38

7. Summary of Mitigation Measures 39

8. Conclusion 44

List of Figures

Figure 1 World War II Memorial Bowl Master Plan 8
Figure 2 Context Map (Source: NSW Six Maps, 2020) 9
Figure 3 Aerial view of the subject site (zoomed out) (red outline) 10
Figure 4 Aerial view of the main Memorial Bowl site (zoomed in) 11
Figure 5 View of buttressed rock wall encircling the Monument Bowl 11
Figure 6 View of Memorial Bowl looking north east 11
Figure 7 View looking south across Monument Bowl 11
Figure 8 View of existing playground equipment to be removed and replaced 11
Figure 10 Indigenous Garden located opposite the site to the east 12
Figure 11 View of adjoining vegetated reserve located opposite the site to the north 12
Figure 11 Existing tree to be removed 14
Figure 12 Extract from the Heritage Map of the LEP 35
Figure 13 Extract from the Bushfire Prone Land Map 37

List of Tables

Table 1 Summary of Recommended Works – World War II Memorial Bowl Master Plan 8
Table 2 Assessment of Section 5.5 of the EP&A Act 17
Table 3 Aboriginal archaeology due diligence assessment 19
Table 4 LEP Assessment Summary 21
Table 5 Summary of applicable requirements of the DCP 23
Table 6 Summary of consultation requirements under SEPP Infrastructure 24
Table 7 Summary of mitigation measures 39
Table 8 Compliance table for Part 6 Planning for Hazards (adapted from the ADCP 2010) 50
Table 9 Compliance table for Part 13 Development in the Recreation Zones (adapted from the ADCP 2010) 52

List of Appendices

Appendix A – Master Plan
Appendix B – Environmental Impact Assessment
Appendix C – Planning Compliance Tables
Appendix D – REF Checklist
Appendix E – Heritage Impact Statement

Abbreviations

Abbreviation	Description
AoS	Assessment of Significance (FM Act)
BC Act	Biodiversity Conservation Act 2016
BCD	Biodiversity Conservation Division
CEMP	Construction Environmental Management Plan
CAA	Controlled Activity Approval
DCP	Development Control Plan
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC	Environment Protection and Biodiversity Conservation Act 1999
FM Act	Fisheries Management Act 1994
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MNES	Matters of National Environmental Significance
NRAR	Natural Resource Access Regulator
NPW Act	National Parks and Wildlife Act 1974
POEO	Protection of the Environment Operations Act 1997
REF	Review of Environmental Factors
SEPP	State Environmental Planning Policy
ToS	Test of Significance (BC Act)

REF Determination Page

Proponent Declaration

This REF provides a true and fair review of the activity in relation to its likely effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the project, and provides sufficient information to determine whether there is likely to be a significant impact on the environment as a result of the Project.

I have considered all environmental impacts and safeguards to the best of my knowledge and have sought advice where required.

Project Name: WWII Memorial Bowl	
REF prepared by: Name: Matt Johnson Title: Senior Town Planner, Habitat Planning Phone: (02) 6021 0662	Signature:  Date: 27 September 2021

Determiner Declaration & Approval

I have reviewed the document and consider that the project will not have a significant impact. The project can proceed, subject to the controls outlined in this REF and the conditions listed under separate cover.

Project Name: WWII Memorial Bowl	
REF review by Council officer: Name: David Costello Title: Service Leader City Landscapes Phone: 0407 898 178	Signature:  Date: 24 October 2024

1. Introduction

1.1. Overview

This Review of Environmental Factors ("REF") has been prepared by Habitat Planning on behalf of Albury City Council for upgrade and improvement works at the Albury World War II Memorial Bowl, Memorial Drive, Albury. The purpose of the REF is to describe the proposal, to document the likely impacts of the proposal on the environment, and to detail protective measures to be implemented.

The description of the proposed works and the associated environmental impacts have been undertaken in context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000*, and *State Environmental Planning Policy (Infrastructure) 2007*. In doing so, the REF fulfils the requirements of Section 5.5 (duty to consider environmental impact) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The findings of the REF will be considered when assessing:

- Whether the proposal is likely to have a significant impact on the environment and therefore require that an environmental impact statement be prepared and approval be sought from the Minister for Planning, Infrastructure and the Environment under the EP&A Act.
- The significance of any impact on threatened species as defined by the *Biodiversity Conservation Act 2016* (BC Act) and the EP&A Act.
- The potential for the proposal to significantly impact a Matter of National Environmental Significance in accordance with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- The potential for the proposal to have an impact on sites of Aboriginal, and non-Aboriginal heritage.
- The potential for the proposal to have any other environmental and social impacts.

1.2. Supporting Plans and Documentation

This application is accompanied by:

- Endorsed World War II Memorial Bowl Master Plan.
- Environmental Impact Assessment.
- Planning Compliance Tables.
- REF Checklist.

1.3. Background

The subject REF has been prepared in response to the recommendations of the *World War II Memorial Bowl Master Plan*. The Master Plan was prepared by Jeavons Landscape Architects and has been well supported by the Albury RSL Sub-Branch, who supported the development of a master plan, and have expressed interest in an upgraded play space and the establishment of an exercise zone.

The Master Plan has also been the subject of community consultation involving an online engagement platform. During this process, 53 unique stakeholders participated in Council's 'Have Your Say' program and this resulted in 39 people completing the survey, while 30 added comments to the ideas wall. Overall, the community was supportive of the master plan and proposed upgrade works.

Following completion of community consultation, the Master Plan was adopted by Council.

A copy of the World War II Memorial Bowl Master Plan is reproduced below, and a summary of the proposed works is outlined in Table 1.

Table 1 Summary of Recommended Works – World War II Memorial Bowl Master Plan

Item No.	Description
01	Enhance existing views and access to Monument Hill
02	Flying Fox & Bushland Planting
03	Proposed Entry to Memorial Bowl
04	Bushland Walking Tracks
05	Proposed Play Space
06	Outdoor Fitness
07	Existing Open Lawn Area
08	Affleck Street Car Parking
09	Enhanced Planting
10	Memorial Garden
11	Memorial Drive Entry & Accessible Parking
12	Enhance the Existing Indigenous Garden
13	Palm Annex Views



Figure 1 World War II Memorial Bowl Master Plan

2. Site Analysis

2.1. Site Location and Context

The subject land to which this application relates is described as Lot 1 DP758013, Lot 2 DP772477, Lot 5 DP772476, Lot 1, DP330163, Lot DP974410 & Lot 1 DP724442 and addressed as Memorial Bowl Drive, Albury. It forms part of a larger Council Parkland area and is more commonly known as the Albury World War II Memorial Bowl. The subject land is located on the western side of the Albury CBD.

The location of the site is shown at **Figure 2**.



Figure 2 Context Map (Source: NSW Six Maps, 2020)

2.2. Site Description

The subject land is irregular in shape and comprises a number of dis-contiguous land parcels with a total area of approximately 2 hectares. The location of the works forms part of the wider Monument Hill Parklands area. The principal area of works will occur within the main World War II Memorial Bowl and its immediate surrounds.

2.3. Existing Conditions

The subject land is embellished and consists of a formalised war memorial and passive open space area. The main element present on-site is the formalised memorial bowl, which is supported via a low-rise retaining and buttressed rock wall that forms an amphitheatre. A small playground and seating area is located on the western side of the open lawned area, whilst both formal and informal car parking is available around the perimeter of the site along both Memorial Drive and Affleck Street.

Native and planted vegetation exists both on-site and on adjacent properties including the heritage listed Indigenous Aboriginal Garden. A number of footpaths also exist on-site and connect with the wider footpath network including to Monument Hill to the west and Dean Street to the east.

2.4. Vegetation

The subject land comprises planted and remnant vegetation around the edges of the site. The ground layer is highly modified and consists of a mostly disturbed ground layer and a managed lawn area given the sites' use a passive recreation area.

The area of works itself is largely cleared, however it is noted that the development seeks approval for the removal of one tree, which is undermining the heritage low-rise rock buttress wall near the existing playground area.

2.5. Heritage & Aboriginal Archaeology

The subject land is identified as local heritage item I108 – Memorial Bowl within Schedule 5 and the Heritage Maps of the *Albury Local Environmental Plan 2010* ('the LEP'). The property is also contained within Heritage Conservation Area C10 – Monument Hills Parkland Area. A number of other identified heritage items also exist in close proximity to the site.

An assessment of Aboriginal Cultural Heritage has previously been undertaken by Biosis. Notwithstanding the site's location in proximity to the Murray River, the areas of work are largely disturbed and consists of managed land. Consequently, the risk of disturbing items of Aboriginal cultural heritage is considered unlikely.

Further details regarding non-Aboriginal and Aboriginal heritage are discussed later in this report following their investigation as part of a Statement of Heritage Impact prepared by Biosis for the site.

A plan showing the existing conditions of the site is provided in **Appendix A** of this report and an aerial image and photographs of the property are provided below.



Figure 3 Aerial view of the subject site (zoomed out) (red outline)



Figure 4 Aerial view of the main Memorial Bowl site (zoomed in)



Figure 5 View of buttressed rock wall encircling the Monument Bowl



Figure 6 View of Memorial Bowl looking north east



Figure 7 View looking south across Monument Bowl



Figure 8 View of existing playground equipment to be removed and replaced

2.6. Surrounding Development

The subject site is located on the fringe of the Albury CBD and is located within an established residential and parkland area.

Affleck Street forms the northern boundary of the main Memorial Bowl site, whilst land located on the opposite side of this roadway comprises an informal park area used in association with the main Memorial Bowl. Land located further north along Paine Place consists of established residential dwellings.

Memorial Drive forms the eastern boundary of the site with land located on the opposite side of this roadway containing an Indigenous Aboriginal Garden. Land located further east comprises residential dwellings and further east again is the Albury CBD.

Memorial Drive encircles the Memorial Bowl and also provides the southern boundary of the site. Land to the south consists of residential dwellings and parklands that lead to the Murray River and Victoria beyond.

Land to the west comprises the Monument Hill Parklands and contains well established planted native vegetation. The heritage-listed Monument sits atop this parkland and overlooks the main Albury CBD and surrounds.

Photographs of the surrounding context are provided below.



Figure 9 Indigenous Garden located opposite the site to the east



Figure 10 View of adjoining vegetated reserve located opposite the site to the north

3. Description of Proposal

3.1. Project Objectives

The works are sought as part of a review of Council's public recreation and key civic sites, which forms part of the wider Monument Hill Parklands Master Plan. Specifically, the application seeks approval for the works identified in the World War II Memorial Bowl Master Plan, which seeks to undertake a number of upgrade and improvement works, whilst still respecting the heritage significance of the site.

The works also seek to undertake a number of environmental improvement works and ensure that Council's facilities meet user group requirements and comply with current day health and safety and disability access requirements.

3.2. Project Alternatives

The World War II Memorial Bowl already exists and provides both a historical/commemorative reminder of Albury's role in WWII, as well as providing for small-scale passive recreation opportunities for surrounding residents.

Council has identified that the area is currently underutilised, and an opportunity exists to improve its use by different user groups.

The alternative option to the proposed works is the 'do-nothing' approach and to retain the site in its current condition. In the absence of the new works, it is expected that the site will continue to be underutilised and only used sporadically by various user groups.

The undertaking of the proposed works is considered to be the most appropriate option in this instance as it is consistent with a previous master plan prepared for the site and Council's larger objective of improving the facilities of the Monument Hills Parkland.

Similarly, the proposed works are low-scale in nature and are not expected to create any adverse environmental or social impacts.

3.3. Project Overview

The proposal involves the upgrade and embellishment of the Memorial Bowl and surrounds. More specifically, the proposal will consist of the following works:

- Removal of existing dated playground equipment including inground slide.
- Removal of one tree, which is currently undermining the heritage low-rise rock buttress wall near the existing playground area.
- Construction of new public amenities including:
  - Creation of a new play space containing new play equipment such as a toddler slide, play unit, cup spinner, accessible carousel, group see-saw, basket swing and climbing net.
  - Installation of new bench seating.
  - Installation of a new outdoor fitness area.
- Site entrance and pathway/walking track upgrades.
- Car parking and disability access improvement works.
- Landscaping/revegetation works including:
  - Retention of large proportion of existing lawn area.
  - Revegetation of existing playground area.
  - Landscape embellishment works (garden beds and shade trees) around new play equipment and fitness areas.

- Creation of a new semi-formal garden with seating and interpretative signage at the intersection of Affleck Street and Memorial Drive.
- Enhancement/embellishment works to existing Indigenous Garden.
- Retention of Palm Avenue connection between Monument Hill and the Albury CBD.

Further details regarding the proposed activities and works are outlined below:

3.4. Demolition & Tree Removal

The endorsed Memorial Bowl Master Plan recommends removing all the existing dated playground equipment including an in-ground slide, which will be replaced by new equipment.

Approval is also sought to remove an existing gum tree that is currently undermining the existing low level heritage rock wall that surrounds the main Memorial Bowl (Figure 11).



Figure 11 Existing tree to be removed

3.5. Public Recreation Facilities

The application seeks approval to construct new public recreation facilities, which will replace the existing dated facilities contained on-site.

This will include the construction of both a new play space and outdoor fitness area. Specifically, the new local playground will cater for a range of ages and abilities. The play equipment will be in environmental colours and will include a toddler slide, play unit, cup spinner, accessible carousel, group see-saw, basket swing and climbing net.

Surrounding this will be new shade trees, garden beds and seating.

Approval is also sought for an outdoor fitness area, which will include a range of static outdoor strength and conditioning equipment with shade coverage. This area will also be surrounded by landscape plantings, shade trees, soft fall surfaces and seating.

3.6. Revegetation and Landscaping Works

A number of revegetation and landscaping works are proposed as part of the development. This includes undertaking landscape improvement works to the adjoining Indigenous Garden to the east and environmental reserve to the north.

The existing main open lawn area is proposed to be largely retained for informal ball sports and other activities, as well as acting as a small event space.

As outlined above, the new landscaping, garden beds and shade trees are proposed around the new play space and outdoor fitness area. A formal garden is also proposed to be established on the intersection of Affleck Street and Memorial Drive.

3.7. Construction Activities

3.6.1 Site Establishment

Site establishment will comprise delivery of small-scale plant and machinery to the site and the establishment of a secured work site. Temporary fencing will be established around the proposed construction site. Appropriate sediment control measures will be implemented at the impacted areas, to reduce the likelihood of contamination of the drainage infrastructure. Access to the area of the works for the required vehicles and machinery will be provided via the existing sealed Affleck Street.

Tree Protection Zones incorporating the drip line of trees will also be established at the site establishment phase and will be maintained throughout the life of the project for the retention of trees not proposed to be removed and in proximity to the proposed works area.

A site office (where necessary) and construction laydown areas will utilise the existing sealed car parking area located immediately adjacent to the proposed area of works.

3.6.2 Demolition works

Demolition of the existing playground equipment and tree will be undertaken prior to construction of the new public recreation facilities. The existing equipment will be both manually deconstructed using hand tools, and be demolished using machinery including a backhoe or excavator as required. The waste materials derived from the demolition will be sorted and processed on site and taken to facilities where they can be further processed for recycling or disposed of as solid waste.

3.6.3 Construction works

Initial excavation of the proposed playground site will be undertaken by machinery to establish a base for the new facilities. Works shall be undertaken in accordance with the endorsed master plan.

3.6.4 Machinery and Equipment

Proposed works will be undertaken predominantly using heavy machinery such as excavators, backhoe loader, rigid truck, mobile crane and compactors. Specific equipment to be used will be determined by the appointed contractors.

3.6.5 Demolition and Construction hours and duration

Works will occur between standard construction hours of 7:00am to 6:00pm, Monday to Friday and 8:00am to 1:00pm Saturdays. Works are not proposed on Sundays or Public Holidays. The overall duration of works will be determined by the appointed contractor.

3.6.6 Traffic management and access

All machinery and equipment to be utilised for the installation of proposed works will be transported to the site via Affleck Street.

The number of vehicles and vehicle movements will be determined prior to the commencement of the works and upon the successful appointment of a qualified contractor.

3.6.6 Post construction

At the completion of works, construction fencing will be dismantled and removed from the site along with all remaining construction plant and equipment.

Disturbed areas of the site are to be graded and lightly compacted where appropriate. Soils are to be backfilled around the softfall area to ensure appropriate site drainage away from the building. Disturbed areas will be top-dressed and landscaping will be established around the new works as outlined above.

4. Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters.

4.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. These matters are referred to as Matters of National Environmental Significance (MNES).

The EPBC Act requires an assessment as to whether the proposal is likely to significantly impact on MNES or Commonwealth land. Following a review of the proposed works and the subject site, the development will not have an impact on a MNES. Accordingly, a referral to the Commonwealth Minister for the Environment is not required.

4.2. Environmental Planning and Assessment Act 1979

The EP&A Act provides a framework for the assessment of environmental impacts associated with development. Part 5 of the EP&A Act obliges approval authorities to undertake an assessment of the environmental impacts of activities not requiring development consent.

Council is classified as a proponent and a determining authority under Part 5 and must assess an activity if it may be carried out without development consent. The project is unlikely to have a significant impact on the environment and consequently an environmental impact statement is not required pursuant to Section 5.7 of the EP&A Act.

Section 5.5 of the EP&A Act requires that a determining authority in its consideration of an activity has a duty to consider the environmental impacts of the activity. Clause 228 of the *Environmental Planning Assessment Regulation 2000* lists those factors that must be taken into account when considering the likely impact of an activity on the environment. The REF, and the impact assessment at Section 6 and Attachment B serves as an assessment of development under Part 5 of the EP&A Act.

In addition, the REF has considered the requirements of Section 5.5 of the EP&A Act in Table 2 below:

Table 2 Assessment of Section 5.5 of the EP&A Act

Consideration	Response	Satisfied
(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.	Noted. See this report for further details.	Yes
(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.	No wilderness areas are located within or adjacent to the site.	Yes

4.3. Environmental Planning and Assessment Regulation 2000

Considerations that must be made when assessing the environmental impact of an activity are nominated in clause 228(2) of the *Environmental Planning and Assessment Regulation 2000*. These factors are as follows:

a) *any environmental impact on a community,*
b) *any transformation of a locality,*
c) *any environmental impact on the ecosystems of the locality,*
d) *any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,*
e) *any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,*
f) *any impact on the habitat of protected animals (within the meaning of the Biodiversity Conservation Act 2016),*
g) *any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,*
h) *any long-term effects on the environment,*
i) *any degradation of the quality of the environment,*
j) *any risk to the safety of the environment,*
k) *any reduction in the range of beneficial uses of the environment,*
l) *any pollution of the environment,*
m) *any environmental problems associated with the disposal of waste,*
n) *any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,*
o) *any cumulative environmental effect with other existing or likely future activities,*
p) *any impact on coastal processes*

The matters listed above are addressed through the preparation of this REF document and in **Attachment B**.

4.4. Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* ("the BC Act") sets out a number of specific objects relating to the conservation of biological diversity and the promotion of ecologically sustainable development. Importantly, the BC Act establishes a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity value.

Notwithstanding, advice provided from the NSW Biodiversity Conservation Division is that participation in the Biodiversity Offset Scheme (including consideration of the Biodiversity Values Map and Biodiversity Thresholds) is not required for Part 5 works.

There is however, still a requirement to demonstrate that the project/activity will not significantly impact upon threatened species, ecological communities or their habitats, which can be addressed via the preparation of a test of significance under Section 7.3 of the BC Act.

If the Test of Significance then finds that the activity would be likely to impact on a threatened species or that the works are to be carried out in a declared area of outstanding biodiversity value then Council has the option of either preparing a Biodiversity Development Assessment Report (BDAR) or preparing a Species Impact Statement seeking approval from the Environmental Agency Head.

It is confirmed that the area of works is not identified as an 'Area of Outstanding Biodiversity Value' nor is it contained on the Biodiversity Values map. However, the development does require the removal of a native tree. The works do not trigger the need for a Biodiversity Development Assessment Report (BDAR) and consideration of the impact of the removal of this tree is provided at Section 6.3 of this REF.

4.5. National Parks and Wildlife Act 1974

Sections 86, 87 and 90 of the *National Parks and Wildlife Act 1974* (NPW Act) requires consent from the NSW Department of Planning, Infrastructure and Environment – Biodiversity Conservation Division (BCD) for the destruction or damage of Indigenous objects.

Part 6 of the NP&W Act provides specific protection for Aboriginal objects and places by making it an offence to harm them and includes a 'strict liability offence' for such harm. Defences against the 'strict liability offence' in the NP&W Act include the demonstration of 'due diligence'. It is noted this is not a requirement of the EP&A Act or any environmental planning instrument.

Consequently, as part of the review of environmental factors process it is appropriate to consider the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales ("the Code") to ascertain the potential for items of Aboriginal cultural heritage being present.

As outlined above, the subject land has been previously disturbed as part of its use, development and embellishment works and contains no modified trees. Similarly, a previous heritage report prepared for the site did not identify any areas or items of cultural significance. Therefore the subject land is not expected to contain any items of Aboriginal cultural significance.

A review of the Aboriginal Heritage Information Management System (AHIMS) was undertaken to identify all recorded Aboriginal sites on or within a 100 metre radius of the subject land. It is noted that no sites were identified during this process.

Notwithstanding, it is still appropriate to consider the potential impacts on Aboriginal heritage and an assessment has been undertaken as outlined in Table 2 below.

Table 3 Aboriginal archaeology due diligence assessment

Due diligence steps	Response
1. **Will the activity disturb the ground surface or any culturally modified trees?**	Yes, there will be some minor ground disturbance associated with construction of the development and demolition of existing structures. There are no culturally modified trees on the subject land.
2. **Are there any:** **a) relevant confirmed site records or other associated landscape feature information on AHIMS? and/or** **b) any other sources of information of which a person is already aware? and/or** **c) landscape features that are likely to indicate presence of Aboriginal objects?**	There are no recorded archaeological sites on the AHIMS database or on the Heritage Map in the LEP within or near the subject land. The subject land is located in proximity to the Murray River, however as per the recommendations of a previous heritage report, the site is not expected to contain any items of cultural significance. Additionally, the area of proposed works has been previously disturbed and is not expected to contain any items of Aboriginal cultural significance.
3. **Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?**	As outlined above, the development site is not expected to contain any items of Aboriginal cultural significance that warrant avoiding.
4. **Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?**	No, see above for further details.
5. **Further investigation and impact assessment**	Not required having regard for the response to Steps 2-4 above.

Notwithstanding, if any unexpected archaeological items or artefacts of Indigenous heritage significance are discovered during construction works, all works will cease, and appropriate advice will be sought from NSW BCD.

4.6. Heritage Act 1977

The objects of the *Heritage Act 1977* include amongst other things the identification and protection of items of heritage significance. As outlined earlier in this report, the subject land is identified as both a local heritage item and as being within a heritage conservation area under Schedule 5 and the Heritage Maps of the LEP.

In response, a Heritage Impact State (HIS) was prepared in support of the works. A copy of this report is provided in Appendix E and an assessment of matters regarding heritage are addressed in response to Clause 5.10 of the LEP and in Section 6.12.

In summary, the proposed works are consistent with the requirements of the Heritage Act 1977.

4.7. Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) provides the statutory framework for managing pollution and waste in NSW, including the procedures for issuing licences for environmental protection on aspects such as waste, air, water and noise pollution control. Companies and property owners are legally bound to control emissions (including particulates and deposited dust) from construction sites under the POEO Act. Activities undertaken onsite must not contribute to environmental degradation, and pollution and air emissions must not exceed the standards. Where an environment protection licence applies, waste management requirements and air quality requirements (including criteria) may be specified by the licence.

It is confirmed that the proposed works do not require the issuing of an EPA licence.

4.8. Biosecurity Act 2015

The *Biosecurity Act 2015* outlines biosecurity risks and impacts and introduces the concept of 'priority weeds'. A priority weed is any weed that is or should be prevented, managed, controlled or eradicated in the region.

It is confirmed that the subject land does not contain any priority weeds and therefore further consideration under this act is not required in this instance.

4.9. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("ISEPP") aims to facilitate the effective delivery of infrastructure and facilities. It establishes a planning regime that aims to provide regulatory certainty and efficiency by identifying the environmental assessment category into which development falls and identifying matters to be considered in the assessment of development.

Clause 65 of ISEPP refers to development without consent for 'parks and public reserves'. Subclause 3 of Clause 65 states (emphasis added):

> *3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:*
>
> *a) development for any of the following purposes:*
>
> *i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
>
> *ii. recreation areas and recreation facilities (outdoor), but not unclading grandstands,*
>
> *iii. visitor information centres, information boards and other information facilities,*
>
> *iv. lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
>
> *v. landscaping, including structures or features (such as art work) and irrigation systems,*

vi. *amenities for people using the reserve, including toilets and change rooms,*
vii. *food preparation and related facilities for people using the reserve,*
viii. *maintenance depots,*
ix. *portable lifeguard towers,*

b) *environmental management works,*
c) *demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).*

The proposal comprises the provision of new recreational facilities and associated works such as footpath upgrades, landscaping and environmental management works on behalf of Council on land which is a public reserve. Accordingly, the works are able to proceed without consent pursuant to Clause 65(3) of the ISEPP.

4.10. Albury Local Environmental Plan 2010

The *Albury Local Environmental Plan 2010* ("the LEP") is the principal planning instrument that guides development within the Albury City Local Government Area (LGA). The table below provides an overview of consistency and compliance of the proposal against the LEP provisions.

Table 4 LEP Assessment Summary

Planning Controls	Compliance
Clause 2.3 Land Use	The subject site is zoned E2 Environmental Conservation under the LEP. The objectives of this zone that are relevant to the proposed development are: ▪ *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.* ▪ *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.* ▪ *To ensure the long term viability of populations of threatened species, populations and ecological communities by protecting and improving the condition of wildlife habitats.* The proposed development is generally consistent with these objectives despite the fact that it seeks approval to remove a single tree as it will result in an overall improvement to the quality and accessibility of a public recreation area and will not detract from the overall environmental values and amenity of the area.
Clause 2.7 Demolition requires development consent	Clause 2.7 of the LEP stipulates that demolition works require demolition where they are not classified as exempt or complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Notwithstanding, as the development is being undertaken by Council on a public reserve, the demolition works (i.e. tree removal and removal of defunct play equipment) are able to proceed without development consent pursuant to Clause 65(3) of the ISEPP.
Clause 5.10 Heritage Conservation	The objectives of Clause 5.10 are to conserve the environmental heritage of Albury, as well as areas of archaeological significance and Aboriginal heritage. As outlined above, the subject land is identified as a local heritage item and is located within a heritage conservation area as identified within Schedule 5 and the Heritage Maps of the LEP.

	In response a Heritage Impact Statement was prepared by a qualified heritage consultant in support of the works (Appendix B). The report concludes that: *The proposed works do not represent a negative impact on the heritage significance of the study area which includes the listed heritage items Memorial Bowl (I108), a section of Parkland (I161) and the Monument Hills Parkland Conservation Area (C10). The direct impacts to the Memorial Bowl from the creation of new entrances is considered to be minor in nature and can be mitigated through the design principles of like for like sympathetic materials. The direct impacts to the Memorial Bowl from the creation of a new play area and outdoor gym has been assessed to be a positive impact, in support of the site's intended community use.* *Any indirect impacts can also be mitigated via erection of temporary fencing. The landscape works are consistent with the objectives of the Albury DCP and will ensure that the landscape character, including visual connections are retained and maintained.* *Biosis have determined that the proposed works are a positive means to enable the study area to be used and enjoyed by the local community, particularly the Memorial Bowl, which was the original intended objective for its construction.* See Section 6.12 for further details. Similarly, the subject land is not expected to contain any items of Aboriginal cultural significance following consideration of the NPW Act.
Clause 7.1 Earthworks	Clause 7.1 of the LEP relates to earthworks and seeks to ensure that earthworks will not have a detrimental impact on the environment. Whilst it is acknowledged that the development will involve minor establishment earthworks, these works will not adversely affect the environmental values of the area, nearby waterways or the amenity of adjoining lands. As part of the proposed works, appropriate sediment and erosion control measures will be implemented and maintained prior to works commencing on-site.
Clause 7.6 Essential Services	Clause 7.6 of the LEP seeks to ensure that any services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. The development satisfies this requirement as the new works will not adversely affect existing infrastructure arrangements.

4.11. Albury Development Control Plan 2010

The *Albury Development Control Plan 2010* ("the DCP") provides specific requirements for development within the Albury City LGA, including the subject site. Whilst it is acknowledged that the subject land is zoned E2 Environmental Protection, which requires consideration against the requirements of Chapter 8 of the DCP, given the current use of the land is more akin to a recreation zoning consideration of Chapter 13 development in the recreation zones has been undertaken instead.

A compliance table is included in Appendix C and is summarised in the table below.

Table 5 Summary of applicable requirements of the DCP

Chapter	Response
Chapter 13 – Development in the Recreation Zones	
13.2 Development in the Recreation Zones	The DCP requires that the following relevant consideration are made: ▪ The need for the development of the land ▪ The impact of the development on the existing and likely future use of the land ▪ The physical characteristics of the land, including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes. ▪ Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development. ▪ Any other relevant circumstances, including the need to retain the land for its existing or likely future use. The development is considered necessary as it seeks to construct new public recreation facilities for persons using the World War II Memorial Bowl. The lands' physical characteristics have been considered in this REF report and are regarded as capable of sustaining the proposed development. Environmental impacts have also been considered in Section 6 of this report. As the location of the development is on disturbed ground, there will be minimal harm on the environment with the exception of the removal of a single tree.

5. Community and Stakeholder Consultation

This section discusses the consultation undertaken to date for the proposal and the consultation proposed for the future. It also discusses the consultation strategy adopted for the proposal and the results of consultation with the community, relevant government agencies and stakeholders.

5.1. Notification Requirements under SEPP Infrastructure

Part 2, Division 1 of SEPP Infrastructure contains provisions for public authorities to consult with local council and other public authorities prior to the commencement of certain types of development. Clauses 13 to 16 of SEPP Infrastructure requires that consultation be undertaken with councils and other agencies, where proposing to carry out certain development without consent.

Table 5 provides details of the consultation requirements under SEPP Infrastructure as they relate to the proposed development.

Table 6 Summary of consultation requirements under SEPP Infrastructure

Clause	Requirement	Compliance
Clause 13 – Consultation with Councils – development with impacts on council related infrastructure and services	Consultation is required where the proposed works would result in: ▪ Substantial impact on stormwater management services; ▪ Generating traffic that would place a local road system under strain; ▪ Involve connection to or impact on a council owned sewerage system; ▪ Involve connection to and substantial use of council owned water supply; ▪ Involve significant excavation to a road surface or footpath for which council has responsibility.	This is not applicable in this instance as the proposed works are not considered to represent a type or scale which would have significant impacts on Council related infrastructure. The subject works have been proposed following the completion of a Master Plan and will not adversely impact upon Council's infrastructure. Being a Council led project, communication between departments has been undertaken in relation to the works and the need for new facilities.
Clause 14 – Consultation with councils – development with impacts on local heritage	Consultation is required where the proposed works: ▪ substantially impact on local heritage items (if not also a state heritage item); ▪ substantially impact on a heritage conservation area.	The subject land is identified as both a local heritage item and is located within a heritage conservation area. Preliminary consultation has been undertaken with Council's town planning staff and in response a Heritage Impact Statement has been prepared. It is confirmed that Council's town planning staff agreed that the works could be considered under Part 5 so long as they did not have an adverse impact on the significance of the heritage item. The enclosed HIS confirms that the works will not have an adverse impact on heritage and can therefore be undertaken under Part 5 of the EP& Act.

Clause 15 – Consultation with councils – development with impacts on flood liable land	Consultation is required where the proposed works: ▪ impact on land that is susceptible to flooding and classified as *'flood liable land' as set out in the Floodplain Development Manual: the management of flood liable land*.	Not applicable as the area or works is not classified as flood liable.
Clause 15AA – Consultation with State Emergency Service – development with impacts on flood liable land	Consultation is required where the proposed works: ▪ impact on land that is classified as 'flood liable land'.	Not applicable as the area of works is not classified as flood liable.
Clause 15A – Consultation with councils – development with impacts on certain land within the coastal zone	Consultation is required where the proposal applies to development on land that is within a coastal vulnerability area and is inconsistent with a certified coastal management program that applies to the land.	Not applicable as the subject land is not located within a coastal vulnerability area.
Clause 16 – Consultation with public authorities other than councils	Consultation is required for specified developments which includes consultation with: ▪ OEH for development that is undertaken adjacent to land reserved under the National Parks and Wildlife Act 1974 or land in Zone E1 National Parks and Nature Reserves ▪ Department of Industry for development adjacent to an aquatic reserve or marine park declared under the Marine Estate Management Act 2014; ▪ Sydney Harbour Foreshore Authority for development in the foreshore area within the meaning of the Sydney Harbour Foreshore Authority Act 1998; ▪ RMS for development comprising a fixed or floating structure in or over navigable waters; ▪ RFS for development for the purposes of a health services facility, correctional centre or group home, or for residential purposes in an area that is bushfire prone; ▪ Director of the Observatory for development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region; ▪ Secretary of the Commonwealth Department of Defence for	Not applicable, as the development does not involve development on or adjacent to: ▪ A National Park or land zoned E1 under the Albury LEP; ▪ An aquatic reserve or marine park; ▪ Sydney Harbour Foreshore; ▪ The dark sky region; ▪ Defence communication facility buffer land; ▪ Mine subsidence district. The development also does not involve any of the following activities: ▪ A fixed or floating structure on navigable waters; or ▪ Health services facility, correctional centre or group home, or residential development on bushfire prone land.

	development on defence communications facility buffer land; ▪ Mine Subsidence Board for development on land in a mine subsidence district.	

6. Environmental Impact Assessment

This section of the REF provides a detailed description of the likely environmental impacts associated with the demolition and construction of public facilities. For each likely impact, the existing environment is characterised and then an assessment is undertaken as to how the proposal would impact on the existing environment.

The environmental impact assessment has been undertaken in accordance with clause 228 of the EP&A Regulation. A checklist of clause 228 factors and how they have been specifically addressed in this REF is included in Appendix B.

6.1. General

The proposed location of the new recreation facilities is immediately adjacent to existing recreation facilities. The proposal seeks to undertake a number of upgrade and improvement works of existing public recreation facilities for the betterment of the community.

Impacts of the Proposal

In the absence of achieving compliance with the mitigation measures outlined in this section, the development has the potential to create environmental harm.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage the impacts of the development:

- Prior to any works commencing, prepare a Construction Environmental Management Plan (CEMP) that includes mitigation measures from this REF.
- As part of the 'site induction' all workers are to be provided access to the CEMP and made aware of the site sensitivities identified in this REF.

6.2. Air Quality

Matters regarding air quality have been investigated in terms of existing conditions, proposed activities and the location of sensitive receptors, including the duration and possible exposure to these receptors.

In this instance, there are residential areas within the vicinity, with the nearest residential development opposite in Affleck, Dean and Dight Streets.

Impacts of the Proposal

The proposed activities have the potential to generate issues of air quality (dust) resulting from:

- Construction and demolition works, including the excavation of dry soils and the loading and unloading (tipping) of goods and materials.
- Haulage and movement of vehicles and machinery.
- Generation of dust from disturbed/exposed areas of the site, the demolition works as well as from uncovered or unwatered stockpiles.
- Exhaust emissions generated from machinery and transport vehicles.

Notwithstanding the above, it is noted that the demolition and construction activities will occur for only a finite period of time and the impacts of the works will be minimal and short term. Ongoing concerns regarding air quality are also considered low given the nature of the development and the fact that it will not result in a change in use, or a significant influx in users of the reserve, that would alter air quality.

Mitigation and Monitoring Methods

The following mitigation measures are proposed to minimise and manage potential air quality impacts:

- Erect signage at the site indicating works are occurring on the land and that users should be aware of potential dust generation.
- Minimise works or utilise a watering truck during windy periods to minimise dust creation to ensure no dust impacts are occurring along public roads surrounding the reserve.
- Measures to minimise or prevent air pollution or dust are to be used including watering or covering exposed areas and stockpiles.
- Works (including the spraying of paint and other materials) are not to be carried out during strong winds or in weather conditions where high levels of dust or air borne particulates are likely.
- Vehicles transporting waste or other materials that may produce odours or dust are to be covered during transportation.
- Ensure all plant and equipment complies with part 4 of the *Protection of the Environment Operations (Clean Air) Regulation 2002*. A breach of part 4 is likely where plant and equipment emissions are visible for more than 10 continuous seconds.
- Avoid idling machinery unless in use.

6.3. Biodiversity

Matters regarding biodiversity (flora and fauna) have been investigated in terms of existing conditions and proposed activities, which includes impacts upon native vegetation and existing conditions of the property.

The subject site contains a number of mature trees (both planted and native) that may provide habitat for threatened species. The area of works is generally cleared and the ground layer is sufficiently removed of native grasses. It is noted however that the development involves the removal of a single tree.

The tree proposed for removal is a native eucalyptus species and is described in Section 3.4 of this report. This tree is not identified as a large remnant tree and was likely planted as part of the past embellishment of Monument Hill. The reason for the tree removal is due to the fact that it us undermining the existing heritage-listed low height rock wall that encircles the Memorial Bowl. This tree is located immediately adjacent to this structure and its roots are starting to cause damage (cracking) to this wall.

The sites' history of use and disturbance has resulted in there being no significant groundcover or other habitat features that threatened flora may occupy within the impacted area of the proposed works. In addition, the proposed works include the planting of a number of other shade trees and other revegetation and landscaping works both within and around the Memorial Bowl, as well as in the adjoining Indigenous Garden to the east and an adjoining environmental reserve to the north.

Impacts of the Proposal

The existing tree proposed for removal may provide foraging and roosting habitat to protected bird species. However, this tree is not a large hollow bearing tree, and it is not likely to provide significant nesting habitat. Similarly, the tree is relatively separated from other nearby vegetation.

Although some of the other areas within and surrounding the subject site may present biodiversity value, the proposed works will not occur within these areas and no other trees are proposed to be removed.

Additional impacts include the possibility that the disturbance generated by the construction and demolition works may temporarily displace some fauna species in the area. It is not likely that these will result in long term effects on these potentially affected species. Another potential implication is that the erosion and runoff caused by the works could affect the quality of adjacent land or the stormwater system.

The adverse impacts on biodiversity should be sufficiently mitigated, providing that the measures outlined below are adhered to, to avoid any adverse impacts.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential biodiversity impacts:

- Clearly define work zones with no disturbance beyond the edge of these zones (e.g. cordon off areas as “no-go zones”).
- Trees not identified for removal but located in proximity to the work site shall be retained and protected via the establishment of a Tree Protection Zone (TPZ), so as to prevent damage to their root systems.
- Only remove minimum required vegetation and minimise disturbance to retained vegetation.
- If the roots of trees are disturbed or damaged during works, roots should be cleanly cut to minimise damage to the health of the tree as a result.
- Establish a secure perimeter fence to the proposed work zone, which avoids the TPZ of adjacent trees.
- Establish a secure machinery and equipment compound for storage in an area avoiding the TPZ of existing native vegetation.
- All trees should be protected in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites*, during construction, operation and decommissioning of the site compound.
- If any damage occurs to vegetation in no-go zones as a result of the works the Project Manager will be notified and will establish strategies for mitigation of impacts and site restoration.
- Do not remove any trees that contain hollows unless specific approval has been granted.
- Any trees with hollows are to be checked for native fauna by a suitably qualified ecologist prior to being removed.
- In the unlikely event that unexpected threatened species are identified during the project works should cease and an ecologist contacted.
- Appropriate erosion and sediment control measures should be installed at all sites to avoid sedimentation of receiving water bodies or other indirect impacts to surrounding biodiversity values.
- Construction machinery should be washed prior to entering and leaving site to ensure weed propagules are not transported.

6.4. Soils

The proposed works will include site disturbance in the construction associated with the new works and the demolition of existing structures. These works will be appropriately secured and managed by the appointed contractors to avoid any significant impact on drainage infrastructure.

Potential erosion to exposed areas of the site is low, however will be minimised by use of sediment control and stabilisation, both before and after construction. The potential is minimised due to the relatively stable topography of the site and the construction of urban drainage provisions established.

To ensure all potential impacts are minimised, appropriate Soil and Water Management techniques will be implemented during demolition and construction works, in accordance with Council’s guidelines.

Potential Impacts

The proposed development has the potential to have the following soil and water quality impacts:

- Sediment and soil run-off onto adjoining lands and into waterways from uncontrolled construction and demolition works.

- Erosion concerns created from the removal of vegetation and general earthworks, including stripping of topsoil, excavation or filling.
- Stormwater run-off and pollution of downstream users and receiving waters from inappropriate sediment and erosion control measures.
- Potential adverse impacts on the functions of existing waterways and impacts on key fish habitat areas.
- Alterations to existing drainage lines.
- Potential land contamination from activities and works.
- Creation of localised flooding or erosion via uncontrolled stormwater run-off.

Consequently, it is important that a number of sediment and erosion control protection methods are implemented and maintained throughout the project.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential water and soil quality impacts:

- Prior to commencing works, prepare an Erosion and Sediment Control Plan and/or Construction Environmental Management Plan that includes soil and erosion protection measures in accordance with *AlburyCity's Good Practice in Erosion and Sediment Control Guidelines* and the technical document, *Landcom (2006) Edition 4 'Managing Urban Stormwater: Soils & Construction'* (the Blue Book).
- Minimise exposure of soils and protect soil surface with some form of ground cover.
- Retain vegetation where practicable.
- Linear silt stop fencing to be installed down slope of all affected areas and stockpiles. Silt fencing will be installed before excavation begins.
- Do not undertake works during heavy rain periods or flooding.
- Locate stockpiles and construction materials away from vegetation, waterways and drainage lines, implement bunding practices.
- Sandbags, straw bales wrapped in geotextile fabric etc. will be used to slow water flow and trap sediment. No hay bales are to be used.
- All erosion and silt control devices will be visually inspected weekly to ensure effectiveness as well as after each rainfall event.
- Visual monitoring of local water quality (ie. turbidity, hydrocarbon spills/slicks) is to be undertaken on a regular basis to identify any potential spills or deficient erosion and sediment controls.
- Water quality control measures are to be used to prevent any materials (eg. concrete, grout, sediment etc) entering drain inlets or waterways.
- No chemicals (e.g. fuel, oil) or other toxic materials are to be utilised or stored on-site.
- Maintain spill kits on site as a precaution to contain spills of fuel and oil from machinery.
- Stop works and notify Council if any contamination (e.g. asbestos, discoloured soil, chemical or petrol odours, refuse or leachate) is discovered.

6.5. Noise and Vibration

Matters regarding noise and vibrations have been investigated as part of this REF.

The existing ambient noise levels are typical of a recreation reserve, with surrounding roadways and associated traffic contributing to much of the existing noise. The nearest residential areas (dwelling house) is approximately 60 metres away. Given the nature of the development (public recreation facilities), it is not expected to create excessive levels of noise once it is completed.

Construction works will also include a period of noise generation during establishment. Works will occur over a short period of time, and will be limited to appropriate hours of operation, as determined by Council and expressed through conditions of approval. Noise impacts will be of a minor nature and include predominantly power tools and manual construction, with very limited machinery and vehicle noise expected.

Potential Impacts

Anticipated noise generated from the proposal includes machinery noise during construction and demolition works. The majority of potential noise impacts will be experienced during construction works, by way of operation of machinery. There is not expected to be any significant noise post-construction from the facilities that would be considered significantly greater than the noise generated from the surrounding area.

The initial construction activities will be short term and contained entirely within the subject property. Traffic noise will occur from road use by construction vehicles, but there are no sensitive receptors which are identified in the immediate area.

Mitigation and Monitoring Impacts

Potential mitigation measures that could be undertaken to ensure that the likely impact of noise and vibration is minimal are listed below.

- All plant and machinery will be fitted with a muffler or will other appropriate noise reduction devices. Exhaust emissions shall comply with the requirements of relevant legislation that includes the *Clean Air Act 1961* and the *Protection of the Environment Operations Act 1997*.
- Works to be carried out during normal work hours (i.e. 7am to 6pm Monday to Friday; 8am to 1pm Saturdays).
- Any work that is performed outside normal work hours or on Sundays or public holidays may not be permitted and, if permitted, works are to minimise noise impacts.

6.6. Visual Amenity/Landscape

A simple visual impact assessment has been undertaken to:

- Identify the visual catchment and existing landscape character of viewers.
- Determine the degree of visual change introduced into the landscape by the proposed works.
- Evaluate whether this is a significant level of impact.
- Proposed appropriate mitigation measures to minimise any visual impact.

The aims of this process are to avoid or limit visual exposure and impact, particularly from sensitive public viewpoints and it is well integrated into the visual landscape.

The proposed development involves the establishment of a new public recreation facilities, which will service user needs of the Monument Hill Parkland. It will visually integrate with the surrounds and will be of a high quality design and construction standard. The design and position of the proposed works is considered to be sympathetic to its surrounds and to the streetscape and an improvement of the current dated facilities.

Impacts of the Proposal

The proposal will alter the visual appearance of the property as it will create a new public recreation facilities in a more visually prominent location. The proposed development will replace existing public recreation facilities. This will alter the visual layout of the reserve and will have a positive visual amenity impact due to the construction of new high quality facilities.

During construction, the use of machinery and groundworks will alter cause temporary visual impacts whilst the works and building are being established.

Mitigation and Monitoring Measures

The following measures are proposed to minimise and manage potential visual impacts on the visual amenity of the area:

- Engage with neighbouring landholders and wider community where appropriate.
- Ensure that storage of vehicles and equipment does not occur in visually prominent locations and is contained within the designated site compound when not in use.
- Landscaping shall be provided where appropriate.
- Areas of disturbance shall be re-established and/or rehabilitated following completion of works.

6.7. Waste Disposal

The *Waste Avoidance and Resource Recovery Act 2001* (WARR Act) promotes waste avoidance and resource recovery in NSW. This Act seeks to achieve the following:

- Waste Avoidance – take action to avoid the generation of waste and to be more efficient in the use of resources. If unable to avoid generating waste, then reduce the amount of waste generated and reduce the toxicity or potential harm associated with its generation and management.
- Resource Recovery – maximise the reuse, re-processing, recycling and recovery of energy from materials; and
- Disposal – disposal is the least desirable options and must be carefully handled to minimise negative environmental outcomes.

The subject site is used as a recreation park and generates any wastes typical of this use.

Impacts of the Proposal

The proposed works have the potential to generate waste streams, including:

- Demolition wastes from the removal of the existing public recreation facilities.
- Excess construction material and off-cuts etc.
- General wastes and sewage from on site compounds and offices; and
- Packaging materials from items delivered to site, such as pallets, crates, cartons, plastic and wrapping materials.

The operation of the proposed building will generate the following waste streams

- Wastewater toilet facilities.

During construction, detailed investigations will be undertaken to ensure that the most accurate amount of materials are ordered to limit excess wastes. Where waste materials cannot be re-used or recycled in accordance with the WARR Act, these will be appropriately disposed of to an approved waste management centre.

The waste materials derived from the demolition will be sorted and processed on site and taken to facilities where they can be further processed for recycling or disposed of as solid waste.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential wastes:

- Waste generation should be minimised.
- All waste generated by the proposed work to be classified in accordance with the NSW *Waste Classification Guidelines Part 1: Classifying Wastes* (DECCW 2008).
- Any waste generated on site during demolition and construction is to be collected in appropriate receptacles for transport off site and disposed of at a landfill site approved to accept General Solid Waste (non-putrescible).
- Resource management hierarchy principles are to be followed:
  - Avoid unnecessary resource consumption as a priority.

  - Avoidance is followed by resource recovery (including reuse of materials, reprocessing, and recycling and energy recovery).
  - Disposal is undertaken as a last resort (in accordance with the *Waste Avoidance & Resource Recovery Act 2001*).
- Once the works have been completed, all waste material is to be removed from site.
- Working areas are to be maintained, kept free of rubbish and cleaned up at the end of each working day.

6.8. Traffic and Access

The subject land is currently used as part of Monument Hill. Primary vehicular access is provided to the Memorial Bowl from Affleck Street, Dight Street and Memorial Drive.

Impacts of the Proposal

It is not likely that the proposed development will cause a significant influx in traffic, as the development only seeks to construct a public recreation facilities to cater for the needs of user groups. Whilst it is acknowledged that this may generate additional patronage (and car parking), the works also seek to formalise existing car parking arrangements including the provision of additional car parking spaces.

Works in the adjoining road reserve are limited to improvement and upgrade works (namely disability access) and the development is not expected to adversely affect existing traffic and access arrangements in the local area.

Mitigation and Monitoring Measures

The following mitigation/management measures shall be adopted as part of the proposed works:

- Establish construction access and apply appropriate signage and access restriction, ensuring that the conflict between recreation and construction access can be avoided.
- Where possible, current traffic movements and property accesses are to be maintained during the works. Any disturbance is to be minimised to prevent unnecessary traffic delays.
- Engage with neighbouring landholders that will be impacted by the works.

6.9. Land Contamination

The subject land is disturbed following previous activities on-site. It has not been used as an area for the storage of potentially hazardous materials, nor is it involved in a use which is potentially contaminating.

A review of the NSW Contaminated Land Register has also been undertaken, which has confirmed that the subject land is not on the EPA register.

Potential Impacts

The subject land is therefore not known to be contaminated and the development of this land as part of this project is not expected to create any adverse environmental impacts with regards to land contamination. Construction works may involve the short term storage of fuels on the property, however in generally lower quantities.

Mitigation and Monitoring Measures

The following mitigation/management measures shall be adopted as part of the proposed works:

- No chemicals or other toxic materials are to be utilised or stored on-site.
- Fuels for use in construction activities must be stored in appropriate moveable tanks, and not contained on the site beyond the period of construction.

6.10. Socio-economic Impacts

The development will provide improved recreational facilities for users of the Monument Hill Parklands and more specifically, the World War II Memorial Bowl and the local community by extension. It will also increase the accessibility and availability of services included through providing facilities for disabled persons which use the site. The amenity of the area will be generally improved via the construction of new high quality public recreation facilities.

The construction and works of the proposed development will create an employment opportunity that will have a positive flow on effect to local businesses.

Mitigation and Monitoring Measures

No specific safeguards or mitigation measures are required.

6.11. Aboriginal Heritage

A Heritage Impact Statement has been prepared for the site, which addressed both matter of Aboriginal and non-Aboriginal heritage. Following the completion of this investigation, the report concluded that the likelihood of items of Aboriginal Cultural significance being present on-site were considered to be 'low'. This was in recognition of the large amount of land disturbance on-site, as well as a lack of 'landscape features'.

In the event that the applicant does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed.

Potential Impacts

The works will be undertaken on a disturbed portion of land, which is not considered to represent an area of high density archaeology. The proposed works will require establishment ground works. Although not considered likely, there is potential for the groundworks to disturb artefacts of Aboriginal significance.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential biodiversity impacts:

- Disturbance should be minimised as much as practicable and limited only to the defined work zones shown on the approved plan.
- No further archaeological investigations or works are required to be undertaken for the study area.
- All Aboriginal places and objects are protected under the NPW Act. This protection extends to Aboriginal objects and places that have not been identified but might be unearthed during construction.
- If Aboriginal heritage items are uncovered during the works, all works in the vicinity of the find must cease and the Environmental Planner contacted immediately.
- The find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further instruction.
- If any suspected ancestral human remains are discovered during works:
  - Immediately cease all work at that location.
  - Notify NSW Police and OEH Environmental Line 131 555.
  - Do not recommence work at that location unless authorised in writing by OEH.
- Works to be carried out in accordance with any applicable Aboriginal Cultural Heritage Due Diligence Assessment, or Aboriginal Cultural Heritage Assessment and/or Aboriginal Heritage Impact Permit.

6.12. Non-Aboriginal Heritage

Matters regarding European heritage have been investigated as part of this REF and are outlined below.

Schedule 5 of the LEP contains a list of all the individual heritage items and heritage conservation areas contained within the Albury City LGA, whilst the State Heritage Register or Australian Heritage Database provides information on heritage items of state and national significance.

As outlined above, the subject land is identified as local heritage item I108 – Memorial Bowl within Schedule 5 and the Heritage Maps of the LEP. The property is also contained within Heritage Conservation Area C10 – Monument Hills Parkland Area. A number of other identified heritage items also exist in close proximity to the site.

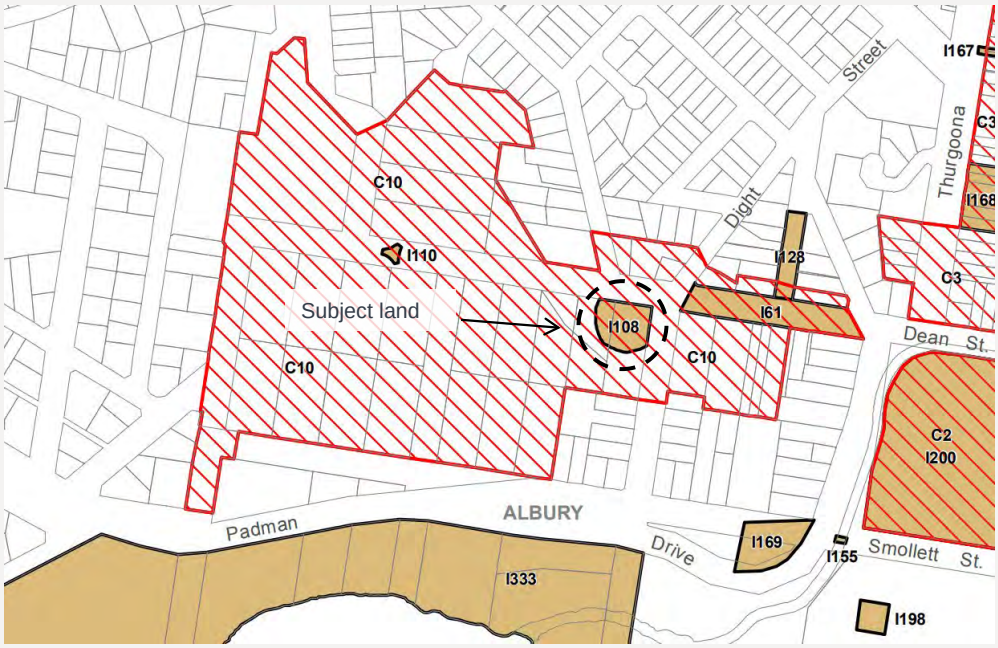


Figure 12 Extract from the Heritage Map of the LEP

Potential Impacts

As the subject land and its surrounds are identified as being items of local heritage significance careful consideration of the works needs to be undertaken to ensure that they do not adversely affect the heritage significance of the site.

A Heritage Impact Statement was prepared in support of the World War II Memorial Bowl Master Plan outlining the relevant matters for consideration. The report concluded that:

> *The proposed works do not represent a negative impact on the heritage significance of the study area which includes the listed heritage items Memorial Bowl (I108), a section of Parkland (I161) and the Monument Hills Parkland Conservation Area (C10). The direct impacts to the Memorial Bowl from the creation of new entrances is considered to be minor in nature and can be mitigated through the design principles of like for like sympathetic materials. The direct impacts to the Memorial Bowl from the creation of a new play area and outdoor gym has been assessed to be a positive impact, in support of the site's intended community use.*
>
> *Any indirect impacts can also be mitigated via erection of temporary fencing. The landscape works are consistent with the objectives of the Albury DCP and will ensure that the landscape character, including visual connections are retained and maintained.*

Biosis have determined that the proposed works are a positive means to enable the study area to be used and enjoyed by the local community, particularly the Memorial Bowl, which was the original intended objective for its construction.

Mitigation and Monitoring Measures

Section 8.1 of the HIS recommended that the works be undertaken in accordance with the following recommendations as reproduced below. The recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it usable and… to retain its cultural significance:

Recommendation 1: The proposed works may proceed with caution

The proposed works may proceed, subject to mitigation measures outlined in Section 7.3 [of the HIS] and the following recommendations.

No heritage items within or in the vicinity of the study area will ne negatively impacted by the proposed works. No areas of historic archaeological potential were located within the study area, however should unexpected archaeological remains be uncovered during the course of the proposed works, Recommendation 5 should be implemented.

Recommendation 2: Archival recording of Memorial Bowl (I108)

Due to direct impacts to the Memorial Bowl (I108), an archival recording of the listed site should be undertaken prior to the commencement of construction works to record the items current condition and setting. The recording should be undertaken in accordance with the Heritage Division guidelines How to Prepare Archival Records of Heritage Items (Heritage Office 1998) and Photographic Recording of Heritage Items Using Film or Digital Capture (Heritage Office 2006).

Recommendation 3: Erection of temporary fencing to avoid indirect impact

To avoid damage to the original walls and buttress of the Memorial Wall (I108) during the construction of the new playground area, outdoor gym and memorial garden, temporary fencing should be installed around the fencing to protect the original fabric of the memorial.

Recommendation 4: Update of listing detail for Memorial Bowl (I108)

The current listing for the Memorial Bowl (I108) within the Albury LEP should be updated to reflect the updated significance assessment.

Recommendation 5: Community consultation

During the design, planning and erection of the Indigenous Garden and World War Two memorial garden, consultation should take place with local community groups in regard to interpretation. Consultation with local Aboriginal community groups, the Albury RSL Sub-Branch and the Albury and District Historical Society must take place.

Recommendation 6: Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or state significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and archaeologists contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

6.13. Water

Matters regarding water have been investigated as part of this REF as the Murray River is located within proximity to the site.

Potential Impacts

Given the sites' proximity to the Murray River, there is potential for stormwater and runoff to pollute this waterbody during demolition and construction.

Mitigation and Monitoring Measures

The following mitigation/management measures shall be adopted as part of the proposed works:

- Measures to control sedimentation and pollutants outlined in Council's Good Practice in Erosion and Sediment Control Guidelines are to be implemented.
- No water may be discharged into drainage lines and/or waterways.
- Visual monitoring of local water quality (i.e. turbidity, hydrocarbon spills/slicks) is to be undertaken on a daily basis to identify any potential spills or deficient erosion and sediment controls.
- Locate stockpiles and construction materials away from waterways and drainage lines, implement bunding practices.
- Prevent sediment moving off-site and sediment laden water entering any water course, drainage lines, or drain inlets.
- Reduce water velocity and capture sediment on site.
- Minimise the amount of material transported from site to surrounding pavement surfaces.

6.14. Natural Hazards

Natural hazards have been considered as part of this report. The subject land is not identified as being flood prone, nor is it expected to be subject to land contamination. The subject site is however partially identified as being bushfire prone on the Albury Bushfire Prone Land Map.



Figure 13 Extract from the Bushfire Prone Land Map

Potential Impacts

Whilst it is acknowledged that the area of works is located on land that is classified as bushfire prone, given the nature of the works, being non-combustible outdoor playground and exercise equipment, the works will not be adversely affected by bushfire, nor will they increase the bushfire risk of the surrounding area.

Mitigation and Monitoring Impacts

No specific safeguards or mitigation measures are required.

6.15. Matters of National Environmental Significance

A search for Matters of National Environmental Significance using the Department of the Environment and Energy Protected Matters Search Tool was completed to determine whether any existed that the proposal may potentially harm.

The requirement for approval under the EPBC Act is triggered by a proposal which has the potential to cover at least one of the criteria showing that they may have an impact on a matter of national environmental significance. The proposal does not require approval under the EPBC Act, as there are no matters of environmental significance which affects the area.

Mitigation and Monitoring Impacts

No specific safeguards or mitigation measures are required above those outlined in this REF.

7. Summary of Mitigation Measures

This section of the REF provides a summary of the mitigation measures proposed as part of the subject works.

Table 7 Summary of mitigation measures

Environmental Component	Mitigation Measures
General	▪ Prior to any works commencing, prepare a Construction Environmental Management Plan (CEMP) that includes mitigation measures from this REF. ▪ As part of the 'site induction' all workers are to be provided access to the CEMP and made aware of the site sensitivities identified in this REF.
Air Quality	▪ Erect signage at the reserve indicating works are occurring on the land and that users should be aware of potential dust generation. ▪ Minimise works or utilise a watering truck during windy periods to minimise dust creation to ensure no dust impacts are occurring along public roads surrounding the reserve. ▪ Measures to minimise or prevent air pollution or dust are to be used including watering or covering exposed areas and stockpiles. ▪ Works (including the spraying of paint and other materials) are not to be carried out during strong winds or in weather conditions where high levels of dust or air borne particulates are likely. ▪ Vehicles transporting waste or other materials that may produce odours or dust are to be covered during transportation. ▪ Ensure all plant and equipment complies with part 4 of the Protection of the Environment Operations (Clean Air) Regulation 2002. A breach of part 4 is likely where plant and equipment emissions are visible for more than 10 continuous seconds. ▪ Avoid idling machinery unless in use.
Biodiversity	▪ Clearly define work zones with no disturbance beyond the edge of these zones (e.g. cordon off areas as "no-go zones"). ▪ Trees not identified for removal but located in proximity to the work site shall be retained and protected via the establishment of a Tree Protection Zone (TPZ), so as to prevent damage to their root systems. ▪ Only remove minimum required vegetation and minimise disturbance to retained vegetation. ▪ If the roots of retained trees are disturbed or damaged during works, roots should be cleanly cut to minimise damage to the health of the tree as a result. ▪ Establish a secure perimeter fence to the proposed work zone, which avoids the TPZ of adjacent trees.

Biodiversity Cont.	▪ Establish a secure machinery and equipment compound for storage in an area avoiding the TPZ of existing native vegetation; ▪ All trees should be protected in accordance with Australian Standard AS4970-2009 Protection of trees on development sites, during construction, operation and decommissioning of the site compound; ▪ If any damage occurs to vegetation in no-go zones as a result of the works the Project Manager will be notified and will establish strategies for mitigation of impacts and site restoration. ▪ Do not remove any trees that contain hollows unless specific approval has been granted. ▪ Any trees with hollows are to be checked for native fauna by a suitably qualified ecologist prior to being removed. ▪ In the unlikely event that unexpected threatened species are identified during the project works should cease and an ecologist contacted; ▪ Appropriate erosion and sediment control measures should be installed at all sites to avoid sedimentation of receiving water bodies or other indirect impacts to surrounding biodiversity values. ▪ Construction machinery should be washed prior to entering and leaving site to ensure weed propagules are not transported.
Soils	▪ Prior to commencing works, prepare an Erosion and Sediment Control Plan and/or Construction Environmental Management Plan that includes soil and erosion protection measures in accordance with AlburyCity's Good Practice in Erosion and Sediment Control Guidelines and the technical document, Landcom (2006) Edition 4 'Managing Urban Stormwater: Soils & Construction' (the Blue Book). ▪ Minimise exposure of soils and protect soil surface with some form of ground cover. ▪ Retain vegetation where practicable. ▪ Linear silt stop fencing to be installed down slope of all affected areas and stockpiles. Silt fencing will be installed before excavation begins. ▪ Do not undertake works during heavy rain periods or flooding. ▪ Locate stockpiles and construction materials away from vegetation, waterways and drainage lines, implement bunding practices. ▪ Sandbags, straw bales wrapped in geotextile fabric etc. will be used to slow water flow and trap sediment. No hay bales are to be used. ▪ All erosion and silt control devices will be visually inspected weekly to ensure effectiveness as well as after each rainfall event. ▪ Visual monitoring of local water quality (ie. Turbidity, hydrocarbon spills/slicks) is to be undertaken on a regular basis to identify any potential spills or deficient erosion and sediment controls. ▪ Water quality control measures are to be used to prevent any materials (eg. Concrete, grout, sediment etc) entering drain inlets or waterways. ▪ No chemicals (e.g. fuel, oil) or other toxic materials are to be utilised or stored on-site. ▪ Maintain spill kits on site as a precaution to contain spills of fuel and oil from machinery.

Soils cont.	▪ Stop works and notify Council if any contamination (e.g. asbestos, discoloured soil, chemical or petrol odours, refuse or leachate) is discovered.
Noise and Vibrations	▪ All plant and machinery will be fitted with a muffler or with other appropriate noise reduction devices. Exhaust emissions shall comply with the requirements of relevant legislation that includes the Clean Air Act 1961 and the Protection of the Environment Operations Act 1997. ▪ Works to be carried out during normal work hours (i.e. 7am to 6pm Monday to Friday; 8am to 1pm Saturdays). ▪ Any work that is performed outside normal work hours or on Sundays or public holidays may not be permitted and, if permitted, works are to minimise noise impacts.
Visual Amenity/Landscape	▪ Engage with neighbouring landholders and wider community where appropriate. ▪ Ensure that storage of vehicles and equipment does not occur in visually prominent locations and is contained within the designated site compound when not in use. ▪ Landscaping shall be provided where appropriate; and ▪ Areas of disturbance shall be re-established and/or rehabilitated following completion of works.
Waste Disposal	▪ Waste generation should be minimised. ▪ All waste generated by the proposed work to be classified in accordance with the NSW *Waste Classification Guidelines Part 1: Classifying Wastes* (DECCW 2008). ▪ Any waste generated on site during construction is to be collected in appropriate receptacles and for transport off site and disposed of at landfill site approved to accept General Solid Waste (non-putrescible). ▪ Resource management hierarchy principles are to be followed: – Avoid unnecessary resource consumption as a priority. – Avoidance is followed by resource recovery (including reuse of materials, reprocessing, and recycling and energy recovery). – Disposal is undertaken as a last resort (in accordance with the *Waste Avoidance & Resource Recovery Act 2001*). ▪ Once the works have been completed, all waste material is to be removed from site. ▪ Working areas are to be maintained, kept free of rubbish and cleaned up at the end of each working day.
Traffic and Access	▪ Establish construction access and apply appropriate signage and access restriction, ensuring that the conflict between recreation and construction access can be avoided. ▪ Where possible, current traffic movements and property accesses are to be maintained during the works. Any disturbance is to be minimised to prevent unnecessary traffic delays. ▪ Engage with neighbouring landholders that will be impacted by the works.
Land Contamination	▪ No chemicals or other toxic materials are to be utilised or stored on-site. ▪ Fuels for use in construction activities must be stored in appropriate moveable tanks, and not contained on the site beyond the period of construction.

Socio-Economic Impacts	No specific safeguards or mitigation measures are required.
Aboriginal Heritage	▪ Disturbance should be minimised as much as practicable and limited only to the defined work zones shown on the approved plan. ▪ No further archaeological investigations or works are required to be undertaken for the study area; ▪ All Aboriginal places and objects are protected under the NPW Act. This protection extends to Aboriginal objects and places that have not been identified but might be unearthed during construction. • If Aboriginal heritage items are uncovered during the works, all works in the vicinity of the find must cease and the Environmental Planner contacted immediately. • The find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further instruction. • If any suspected ancestral human remains are discovered during works: o Immediately cease all work at that location. o Notify NSW Police and OEH Environmental Line 131 555. o Do not recommence work at that location unless authorised in writing by OEH. • Works to be carried out in accordance with any applicable Aboriginal Cultural Heritage Due Diligence Assessment, or Aboriginal Cultural Heritage Assessment and/or Aboriginal Heritage Impact Permit.
Non-Aboriginal Heritage	• The proposed works may proceed, subject to mitigation measures outlined in Section 7.3 [of the HIS] and the following recommendations. • No heritage items within or in the vicinity of the study area will ne negatively impacted by the proposed works. No areas of historic archaeological potential were located within the study area, however should unexpected archaeological remains be uncovered during the course of the proposed works, Recommendation 5 should be implemented. • Due to direct impacts to the Memorial Bowl (I108), an archival recording of the listed site should be undertaken prior to the commencement of construction works to record the items current condition and setting. The recording should be undertaken in accordance with the Heritage Division guidelines How to Prepare Archival Records of Heritage Items (Heritage Office 1998) and Photographic Recording of Heritage Items Using Film or Digital Capture (Heritage Office 2006). • The current listing for the Memorial Bowl (I108) within the Albury LEP should be updated to reflect the updated significance assessment. • During the design, planning and erection of the Indigenous Garden and World War Two memorial garden, consultation should take place with local community groups in regard to interpretation. Consultation with local Aboriginal community groups, the Albury RSL Sub-Branch and the Albury and District Historical Society must take place. • Relics are historical archaeological resources of local or state significance and are protected in NSW under the Heritage Act. Relics

	cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and archaeologists contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.
Water	▪ Measures to control sedimentation and pollutants outlined in Council's Good Practice in Erosion and Sediment Control Guidelines are to be implemented. ▪ No water may be discharged into drainage lines and/or waterways. ▪ Visual monitoring of local water quality (i.e. turbidity, hydrocarbon spills/slicks) is to be undertaken on a daily basis to identify any potential spills or deficient erosion and sediment controls. ▪ Locate stockpiles and construction materials away from waterways and drainage lines, implement bunding practices. ▪ Prevent sediment moving off-site and sediment laden water entering any water course, drainage lines, or drain inlets. ▪ Reduce water velocity and capture sediment on site. ▪ Minimise the amount of material transported from site to surrounding pavement surfaces.
Natural Hazards	No specific safeguards or mitigation measures are required.
Matters of National Environmental Significance	No specific safeguards or mitigation measures are required above those outlined in this REF.

8. Conclusion

The proposal seeks approval to undertake upgrade and improvement works at the Albury World War II Memorial Bowl, Memorial Drive, Albury, which will improve public recreation facilities for persons using the park and surrounding area.

The proposed works are permissible without consent under SEPP Infrastructure (i.e. development consent is not required under Part 4 of the EP&A Act). Consequently, the proponent is required to consider the proposal under Part 5 of the EP&A Act.

This REF has been prepared in accordance with the provisions of Section 5.5 of the EP&A Act, taking into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the proposal.

The REF has examined the potential impacts of the proposed development across a range of environmental values, as discussed above throughout this report. The net environmental impact of the proposed works is considered to be negligible and the site environment will ultimately be protected and enhanced by the implementation of safeguards.

The requirements from the REF will need to be addressed prior to commencement of construction. These requirements include:

- an Erosion and Sediment Control Plan (ESCP).
- detailed plans showing the methods of construction.
- a landscaping plan.
- a waste management plan.

Mitigation measures outlined in this report should be incorporated into the detailed design, during site establishment works, during demolition and construction. All staff should be made aware of the site sensitivities and the REF should be available to all staff on site. These mitigation measures will minimise any potential adverse impacts on the surrounding environment.

This REF has considered and assessed the likely impacts of the development in accordance with clause 228 of the EP&A Regulation and the requirements of the EPBC Act. Based on the assessment contained within this REF, it is considered that the proposal is not likely to have a significant impact upon the environment or any threatened species, populations or communities. Accordingly, an Environmental Impact Statement is not required, nor is the approval of the Minister for Planning.

Having regard to the above the proposal therefore warrants approval.

Appendix A: Master Plan

Appendix B: Environmental Impact Assessment

Assessment factors for the environmental impact of an activity in clause 228(2) of the NSW *Environmental Planning and Assessment Regulation 2000*.

a) Any environmental impact on a community,

There will be minimal environmental impact on the community overall, due to the nature of the proposed works and their siting on a previously disturbed and cleared area of the subject site, and adherence to the recommended mitigation measures set out within this report.

b) Any transformation of a locality,

The upgrade and embellishment of recreation facilities on-site will not significantly alter the locality. Whilst it is acknowledged that the proposed works will introduce new works closer to the Memorial Drive interface, this is considered appropriate in this instance as it is consistent with the recreational use of the area and other land uses in the surrounds.

c) Any environmental impact on the ecosystems of the locality,

The impacts associated with the proposed works will be contained to the immediate vicinity of the demolition and construction area. The proposed new works will largely occupy a modified area with an evident history of disturbance as a result of its use. A single tree is proposed for removal as it is causing damage to the heritage listed low rise wall encircling the Memorial Bowl, however this tree is relatively isolated and is not hollow bearing. It is not considered that this tree presents important ecological value. The environmental impacts that the development will have on this area will therefore be minimal.

d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,

The proposal includes the demolition of an existing dated public recreation facilities and construction of a new facilities that will serve the needs of user groups. The new development will improve the aesthetic of the area, rather than have any detrimental effects on it. The recreational values of the area will be improved as there will be improved facilities to serve recreational purposes. It will also not result on the reduction of scientific or other environmental quality or value of the locality.

e) Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,

As stated above, the proposed public recreation facilities seek to replace outdated facilities. The works are sympathetic to the heritage values of the site and are consistent with the intended use of this area, being a place for persons to gather together. The proposed works will also not adversely affect the anthropological, archaeological, architectural, cultural, historical or scientific values of the site.

f) Any impact on the habitat of protected animals (within the meaning of the Biodiversity Act 2016)

The location of the new play space and outdoor exercise area is generally on a vacant area. The development does involve the removal of a single tree, which may provide roosting and foraging habitat to bird species, however as outlined above, its removal will not have a long term adverse impact on the viability of flora and fauna species.

g) Any endangering of any species of animal plant or other form of life, whether living on land, in water or in the air,

There is a low likelihood of chance of the tree to be removed providing habitat to threatened bird species. The tree is not a remnant hollow-bearing tree and any birds which may use this tree are highly mobile and will not be impacted by its removal.

The vacant ground layer area of which the proposed works will be constructed on, is disturbed and does not possess any significant vegetation. The development will not remove threatened flora species.

h) Any long-term effects on the environment,

The proposed development will not likely result in any long term environmental effects. Once the public recreation facilities are established and works completed, it will not impact the quality of the environment.

i) Any degradation of the quality of the environment,

The subject land is a site that is disturbed. The impacted area of the proposed new works will not significantly impact the quality of the environment because of this.

j) Any risk to the safety of the environment,

There will be no significant safety risks potentially generated from the proposed development. The site will be secured during demolition and construction works. Similarly, the works have been located within the main Memorial Bowl to ensure it is more visually prominent and provides better opportunities for passive surveillance of this building.

k) Any reduction in the range of beneficial uses of the environment,

The proposed works will not reduce the range of environmental uses on the land and will provide improved recreational and community facilities.

l) Any pollution of the environment,

During demolition and construction, typical levels of waste will be produced. This waste will be contained using appropriate measures and will not result in significant environmental degradation.

Due to the flat profile of the works area, there is lower risk of pollution and contamination caused by runoff and erosion. Regardless, the appropriate measures will also be implemented to mitigate these potential impacts.

m) Any environmental problems associated with the disposal of waste,

During the demolition and construction works, the waste will be contained as outlined in **l)** above. There are no environmental problems associated with the disposal measures.

n) Any increase demands on resources (natural or otherwise) that are, or are likely to become, in short supply,

There are no resources that would become of short supply as a result of the proposed development.

o) Any cumulative environmental effect with other existing or likely future activities,

There is not likely to be any cumulative environmental effects. The proposed development will not result in activities that would significantly change its use and result in cumulative environmental effects on the future.

p) Any impact on coastal processes and coastal hazards, including those under projected climate conditions.

Not applicable. The subject site is not located near the coast.

Appendix C: Planning Compliance Tables

Table 8 Compliance table for Part 6 Planning for Hazards (adapted from the ADCP 2010)

Standard	Compliance	Comment
6.2 Flooding	**Not applicable**	The subject land is identified as being flood prone.
6.3 Contaminated Land	**Complies**	The subject land is not known to be contaminated as outlined in Section 6.9 of this report.
6.4 Bushfire		
i. Applicants seeking consent for subdivision and development on bushfire prone land shall ensure that the requirements of *Planning for Bushfire Protection*, NSW Rural Fire Service 2006 has been satisfied.	**Complies**	The subject land is identified as a Bushfire Vegetation Buffer area on the Albury Bushfire Prone Land Map and the works will be undertaken in accordance with the NSW Rural Fire Service Guideline titled: Planning for Bushfire Protection 2019. It is noted however that the development does not involve the construction of any buildings and the works will be constructed of non-combustible materials.
ii. Applications for consent shall contain sufficient information to demonstrate how these requirements have been satisfied.	**Complies**	See this report for further details.
iii. Council may consult with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to subdivision or development to protect persons, property and the environment from any danger that may arise from a bushfire.	**Not applicable**	The proposed works do not relate to a residential subdivision or Special Fire Protection Purpose.
iv. A Bushfire Safety Authority shall be obtained separately from the Commissioner of the NSW Rural Fire Service for the following: ▪ Subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes.	**Not applicable**	See above for further details.

▪ Development of bushfire prone land for a special fire protection purpose.		
v. The following bushfire hazard reduction work is permitted by Council without seeking development consent: ▪ Emergency bush fire hazard reduction work on any land. ▪ Managed bushfire hazard reduction work on land other than E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living Zones.	**Complies**	Any vegetation works will be undertaken in accordance with the relevant requirements.

Table 9 Compliance table for Part 13 Development in the Recreation Zones (adapted from the ADCP 2010)

Standard	Complies	Comment
13.2 Development in the Recreation Zones		
In considering a development application within the Recreation Zones, Council will consider the following: ▪ **The need for the development of the land.** ▪ **The impact of the development on the existing and likely future use of the land.** ▪ **The imminence of any acquisition.** ▪ **The costs of reinstatement of the land is to be, or has been acquired.** ▪ **The physical characteristics of the land, including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes.** ▪ **Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development.** ▪ **Any other relevant circumstances, including the need to retain the land for its existing or likely future use.** ▪ **Any applicable Plan of Land Management or Masterplan.**	Yes	The points are addressed in order: ▪ The subject development has been proposed in response to Council's endorsed Master Plan for the World War II Memorial Bowl. ▪ The proposed development will not have any significant adverse impacts on the existing or future use of the land. The land is currently developed for the purposes of a War Memorial and public recreation area. The proposed new works seek to strengthen the existing use of the land. ▪ The subject site is not within the acquisition map of the LEP. Acquisition is not imminent. ▪ The land does not require reinstating. ▪ The physical characteristics of the site are addressed in Section 2. ▪ The environmental attributes of the site are addressed in Section 2. ▪ There are no other relevant circumstances that involve the need to retain the land is its existing or likely future use. ▪ The proposed works are consistent with the Plan of Management that applies to the land, which identifies the purpose of this reserve for public recreation.

Appendix D: REF Checklist

Have you attached / included the following:	Check-box
Maps:	
• project location (including alignment details)	☒ Yes ☐ No ☐ N/A
• stockpile sites and laydown areas	☐ Yes ☐ No ☒ N/A
• no-go zones	☐ Yes ☐ No ☒ N/A
Design Plans	☒ Yes ☐ No ☐ N/A
Supporting technical reports	
• Test of Significance / Environmental Assessment	☒ Yes ☐ No ☐ N/A
• Aboriginal Cultural Heritage Assessment / Due Diligence Assessment	☒ Yes ☐ No ☐ N/A
• Geotechnical investigations	☐ Yes ☐ No ☒ N/A
Any other approvals (e.g. Part 7 Fisheries Permit)	☐ Yes ☐ No ☒ N/A
Any other relevant supporting material	☒ Yes ☐ No ☐ N/A

Appendix E: Heritage Impact Statement

Clenisa Canafe

From: Tom Crowe
Sent: Wednesday, 21 February 2024 3:48 PM
To: Ben Hooper
Cc: David Armstrong; Leah Warburton; Leanne Hunichen
Subject: RE: Memorial Bowl - additional trees for removal

Hi Ben,

As discussed, this is to confirm that the Environment Team acknowledges Leanne's assessment below and agrees that offset planting is to be provided with "5 additional trees and 20 understorey plants".

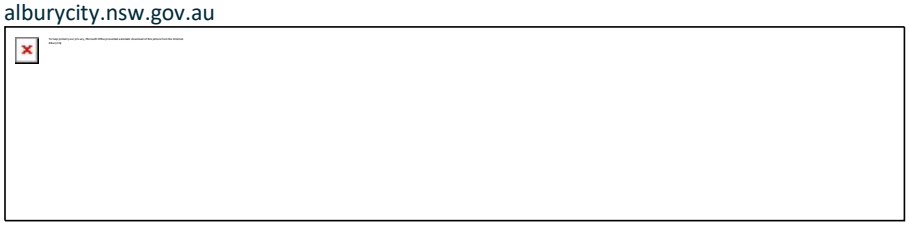
Providing this new offset planting condition and all other mitigation measures in the REF are met, the trees may be removed without further assessments or updates to the REF.

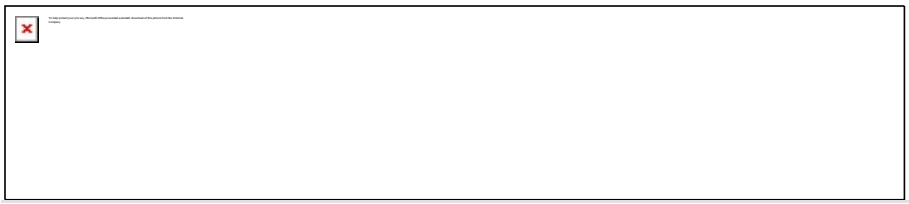
Please save this in the appropriate file as a record of our communication.

Regards,
Tom

Tom Crowe
Environmental Planner

553 Kiewa Street
Albury NSW 2640
T 02 6023 8166 **| M** 0499 816 834
alburycity.nsw.gov.au





From: Leanne Hunichen <Leanne.Hunichen@alburycity.nsw.gov.au>
Sent: Monday, February 12, 2024 9:49 AM
To: Ben Hooper <Ben.Hooper@alburycity.nsw.gov.au>
Cc: David Armstrong <David.Armstrong@alburycity.nsw.gov.au>; Leah Warburton <Leah.Warburton@alburycity.nsw.gov.au>; Tom Crowe <Tom.Crowe@alburycity.nsw.gov.au>
Subject: RE: Memorial Bowl - additional trees for removal

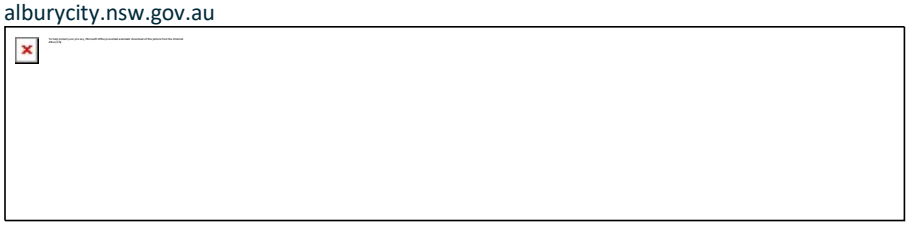
Hi Ben,
The 2 E.blakelyi trees in question are located too close to the existing retaining wall. One has started to cause cracking, the other will in the medium term as well. They are both semi mature trees with no hollows. The M.styphelioides I believe is in the construction zone and will have a negative effect on the roots.

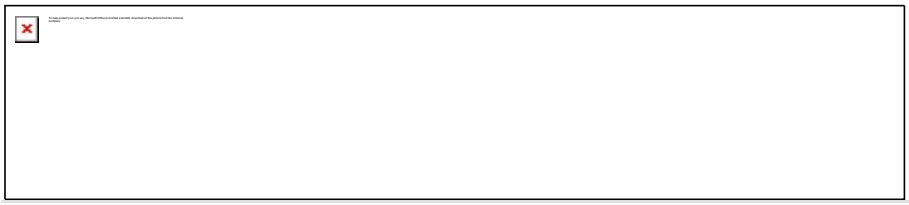
All 3 tree removals should be followed up with offset planting to be included as part of the project with 5 additional trees and 20 understory plants.

Thanks
Leanne

Leanne Hunichen
Trees and Streetscapes Supervisor

Botanic Gardens, cnr Dean Street & Wodonga Pl
Albury NSW 2640
T 02 6043 5691 **| M** 0418 933 257
alburycity.nsw.gov.au





From: Ben Hooper <Ben.Hooper@alburycity.nsw.gov.au>
Sent: Tuesday, February 6, 2024 2:14 PM
To: Leanne Hunichen <Leanne.Hunichen@alburycity.nsw.gov.au>
Cc: David Armstrong <David.Armstrong@alburycity.nsw.gov.au>; Leah Warburton <Leah.Warburton@alburycity.nsw.gov.au>; Tom Crowe <Tom.Crowe@alburycity.nsw.gov.au>
Subject: Memorial Bowl - additional trees for removal

Hi Leanne,

I have spoken with Leah and Tom regarding the REF for Memorial Bowl.
They have acknowledged that existing REF is satisfactory, and they are willing to approve the removal of the 3 trees additional trees which we discussed on site. These being the melaleuca and the 2 smaller endemic species adjacent to the wall.

Could you please prepare a short letter to note/justify these additional trees for removal to close this out.
Leah has recommended that the letter states that offset planting will be included as part of the project with 5 additional trees and 20 understory plants to be planting in the location circled in the image below.

Appreciate your assistance with this.



Ben Hooper
Open Space Coordinator

553 Kiewa Street
Albury NSW 2640
T 02 6023 8749 **| M** 0427 166 903
alburycity.nsw.gov.au