

## Appendix J Schedule of Conditions

### General

1. The development must be carried out in accordance with the SEE, Additional Information Response and supplementary information provided by the Applicant.

### Landscaping

2. Implement the landscaping and visual impact mitigation measures described in the SEE, Additional Information Response and supplementary information including the most recent version of the Wallacia Memorial Park Landscape Drawings Revision C dated 1 October 2018.

### Stormwater

3. Prior to the commencement of construction, the Applicant must design a stormwater management system for the development. The system must:
  - a. be designed by a suitably qualified and experienced person(s)
  - b. be designed to the satisfaction of Council
  - c. be generally in accordance with the conceptual design in the 'Wallacia Cemetery Water Sensitive Urban Design Strategy and Stormwater Management Plan' prepared by Stormy Water Solutions dated 11 October 2017 and 'Civil Engineering Services 13 Park Road Wallacia, Development Application Report' prepared by Warren Smith and Partners dated 8 March 2018
  - d. be in accordance with applicable Australian Standards and consistent with the requirements of the Penrith Development Control Plan 2014 and Council's Water Sensitive Urban Design policy
  - e. ensure the system capacity has been designed in accordance with 'Australian Rainfall and Runoff' (Australian Engineers, 2016) (ARR) and the 'Managing Urban Stormwater: Council Handbook' (EPA, 1997).
4. The Applicant must install and operate the stormwater management system approved under Condition 3.
5. Prior to the commencement of operation of each stage of the development, the Applicant must develop site-specific inspection and maintenance schedules for the stormwater management system for each relevant stage of the development to the satisfaction of Council.
6. The Applicant must operate and maintain the stormwater management system in accordance with the 'Wallacia Cemetery Water Sensitive Urban Design Strategy and Storm Water Management Plan' prepared by Stormy Water Solutions dated 11 October 2017, as modified by Condition 3.
7. The Applicant must:
  - a. not commence construction of the development until the stormwater management system is approved and
  - b. carry out the construction of the development in accordance with the approved stormwater management system.

### Flood Management

8. No burials to be located with areas affected by the 1% Annual Exceedance Probability flood levels

### Groundwater Management

9. No burials to be located with areas where groundwater levels may be higher than 2.5 metres below natural ground level
10. An initial restriction on burials in the area around MW 117 and MW 104, nominally a 50 m radius upslope and all land downslope of the two wells
11. Ongoing monitoring to refine any buffer zone where burials are restricted and to verify groundwater levels following rainfall.

12. The preparation of a Groundwater Management Plan in consultation with Council and Department of Industry – Water to describe these restrictions and outline ongoing monitoring and reporting measures

### **Wastewater**

13. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994
14. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met prior to construction.

### **Riparian Management**

15. The consent shall adopt the General Terms of Approval issued by the Department of Industry – Water in letter dated 8 November 2018
16. The development must be consistent with the objects and principles of the *Water Management Act 2000* and all Department of Industry – Water Controlled Activity guidelines

### **Biodiversity**

17. The Applicant must prepare a revised Biodiversity Management Plan approved by Council prior to the commencement of construction.
18. The Biodiversity Management Plan must include details of surveys for potential unrecorded orchid species and measures to respond to the identification of
19. The Biodiversity Management Plan must be prepared in accordance with the most recent and relevant vegetation guidelines, particularly *Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005)*
20. The Applicant must retain all CPW trees in the natural burial area and include management of this area of Cumberland Plain Woodland in the Biodiversity Management Plan approved by Council prior to the commencement of operation
21. The Applicant must ensure no burials occur within the tree root zone of all trees to be retained on the site

### **Soils and Contamination**

22. Prior to the commencement of any earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
23. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remediation Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
24. Upon completion of the remediation works and prior to the commencement of construction, the Applicant must submit to Council, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended use as a cemetery and associated parklands.
25. The Applicant must conduct targeted soils surveys and laboratory analysis to verify if saline soils exist at the site and if saline soils are detected, prepare a Salinity Management Plan to be implemented for the life of the development, consistent with the recommendations in the document titled 'Preliminary Geotechnical, Groundwater and Salinity Assessment: Proposed Wallacia Cemetery, Wallacia, NSW prepared by Martens and Associates dated October 2017.

### **Traffic**

26. The Applicant must implement the recommendations of the RMS in its letter dated 15 June 2018

27. The Applicant must provide sufficient parking facilities on-site to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities. On-site parking must be designed in accordance with Council specifications.
28. The main site access intersection must be designed and constructed in accordance with RMS requirements and to achieve Austroads Safe Intersection Sight Distances.
29. No access to the site from Mulgoa Road shall be established
30. The Applicant must provide a paved pedestrian footpath along Park Road from the main site entry to the existing footpath at the existing golf clubhouse.

### Noise

31. The Applicant must comply with the hours detailed in the following table.

**Table 1: Hours of Work**

Activity	Day	Time
<i>Construction</i>	Monday – Friday	7:00 AM – 6:00 PM
	Saturday	8:00 AM – 1:00 PM
<i>Function Room</i>	All days	8:00 AM – midnight
<i>Operating hours of the cemetery</i>	Monday to Friday	7:00 AM – 5:00 PM
	Saturday	7:00 AM – 12:00 PM
	Sunday	closed

### Lighting

32. The Applicant must ensure all lighting associated with the development:
  - a. complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
  - b. is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
33. The Applicant must prepare a lighting plan to the satisfaction of Council.

### Security

34. The Applicant must implement the conditions recommended in Council’s Community Safety Officer response dated 8 December 2017, to the satisfaction of Council.

### Construction

35. The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of Council. The CEMP must include:
  - a. detailed baseline data
  - b. details of:
    - i. the relevant statutory requirements (including any relevant approval, licence or lease conditions)
    - ii. any relevant limits or performance measures and criteria
    - iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures
  - c. a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria

- d. a program to monitor and report on the:
    - iv. impacts and environmental performance of the development
    - v. effectiveness of the management measures set out pursuant to paragraph (c) above
  - e. a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
  - f. a program to investigate and implement ways to improve the environmental performance of the development over time
  - g. a protocol for managing and reporting any:
    - vi. incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria)
    - vii. complaint
    - viii. failure to comply with statutory requirements
    - h. a protocol for periodic review of the plan.
36. As part of the CEMP required under Condition 35, the Applicant must include the following:
- a. Construction Traffic Management Plan
  - b. Erosion and Sediment Control Plan;
  - c. Construction Noise and Vibration Management Plan
  - d. Construction and Demolition Waste Management Plan
  - e. Community Consultation and Complaints Handling.
37. The Applicant must:
- c. not commence construction of the development until the CEMP is approved and
  - d. carry out the construction of the development in accordance with the approved CEMP.

### **Other Approvals**

38. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.