



Wallacia Memorial Park

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*Crown Development
Assessment Report
(DA 17/1092)*



December 2018

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Cover photo

Artists Impression of the proposed chapel (Source: Ignite Architects Pty Ltd)

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Glossary

Abbreviation	Definition
Additional Information Response	Document titled "Additional Information Response, Wallacia Memorial Park" prepared by Urbis Pty Ltd dated 21 May 2018
AHD	Australian Height Datum
Applicant	Catholic Metropolitan Cemeteries Trust
AS	Australian Standard
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Commission	Independent Planning Commission
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Consent	Development Consent
Council	Penrith City Council
DA	Development Application
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment
Development	The development as described in the SEE and Additional Information Response
DPI	Department of Primary industries
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
mBGL	Metres below ground level
Minister	Minister for Planning (or delegate)
OEH	Office of Environment and Heritage
Planning Panel	Sydney Western City Planning Panel
PLEP 2010	Penrith Local Environmental Plan 2010
RMS	Roads and Maritime Services
Secretary	Planning Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects titled "Statement of Environmental Effects – Wallacia Memorial Park" prepared by Urbis Pty Ltd dated 8 November 2017
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>



Executive Summary

On 1 August 2018, the Independent Planning Commission (Commission) requested the Department of Planning and Environment (the Department) undertake the remaining assessment of a Crown development application (DA) for the progressive development of a new memorial park (cemetery) at Wallacia. The DA has been submitted by the Catholic Metropolitan Cemeteries Trust (CMCT, the Applicant) for a cemetery and associated publicly accessible parklands at the Wallacia Golf Club, at 13 Park Road and 512 Mulgoa Road, Wallacia, approximately 18 kilometres south of Penrith in Western Sydney, in the Penrith Local Government Area (LGA). This report details the Department's assessment of the Crown DA.

The Department has reviewed the documentation supporting the DA which was provided to Penrith City Council (Council) and the Sydney Western City Planning Panel (the Planning Panel). The Department has also reviewed Council's preliminary assessment report. The Department subsequently requested further information from the Applicant to respond to concerns raised by Council, State government authorities and the public submissions, including supplementary supporting technical reports and amended plans. Adequate information has now been provided to grant development consent to the DA, subject to conditions.

The Site

The site has an area of 42 hectares (ha) and is zoned E3 Environmental Management under the Penrith Local Environmental Plan (PLEP) 2010. The site has been the Wallacia Golf Club since 1932 and now comprises an 18-hole golf course, golf club, maintenance shed and car park. The site is undulating and sparsely vegetated with creeks and drainage lines including Jerry's Creek in the western portion of the site.

The site is immediately east of Wallacia village, with low density residential land use along the southern side of Park Road, which forms the southern boundary of the site. Large lot residential and cleared rural land are to the north and east of the site.

Current Proposal

The proposal comprises the progressive development of a cemetery with capacity for 88,000 burial plots, estimated to provide up to 140 years of burial capacity. The Applicant proposes to progressively develop the memorial park in three stages while allowing the continued use of the golf course at a reduced scale. The proposal includes the construction of two new buildings including a chapel and administrative centre and refurbishment of the existing golf clubhouse to host functions associated with the funeral services.

The proposed development would be accessed at three locations from Park Road, the existing clubhouse access, a new staff only access and the main public access near the centre of the site. A network of internal roads would connect the main access with the administration centre, chapel and burial zones, with additional paths, sculptures and landscaping throughout the site.

Originally the proposal included a crematorium, however on 26 September 2018, the Applicant requested an amendment to the DA under Clause 55 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) to withdraw that component. The Applicant has also requested an amendment to the development design to relocate the area designated for graves with headstones and to exclude vehicle access to the site over Lot 6 in DP 747868 (1556 Mulgoa Road).

The proposed development has a capital investment value of approximately \$24.6 million and is expected to generate up to 75 construction jobs and 15 operation jobs.

Statutory Context

The Applicant lodged the DA with Council on 3 November 2017 (DA 17/1092), under Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Applicant is a Crown Cemetery Operator under the *Cemeteries and Crematoria Act 2013*.

The proposal is classified as regionally significant development under Part 4 of the EP&A Act, being development carried out by or on behalf of the Crown with a CIV of more than \$5 million which meets the criteria set out in clause 4 of schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. Consequently, the Planning Panel is the consent authority.

On 18 May 2018, the Applicant referred the DA to the Minister for Planning under the former Section 89(5) of the EP&A Act as the application had not been determined within 70 days of lodgement with Council. The Minister has asked the Commission to exercise his functions under Section 4.34 of the EP&A Act, to direct the Planning Panel to approve or refuse the DA.

Engagement

Council publicly exhibited the DA between 14 November 2017 and 31 January 2018 and received 94 submissions, including six from public authorities and 88 from the public and interest groups. Petitions objecting to the proposal were also received, with a total of 158 signatures. Of the 88 public and interest group submissions received, 64 objected and 24 wrote in support of the proposal.

The key issues raised in the objecting submissions, from residents of Wallacia and the surrounding region, relate to the scale of the proposal and amenity and landscape impacts, the closure of the golf course, flooding, traffic and parking, impacts of the crematorium (air quality, health, visual) and negative impacts on surrounding property values. Supporting submissions noted the need for burial space and the public benefit of a landscaped site that is open to the public. On 4 April 2018, the Planning Panel held a public meeting at which 25 representations were made, six of which supported the DA and the remaining 19 objecting.

Assessment

Council has provided a preliminary assessment to the Commission which highlights issues, identifies further information for assessment and recommends refusal of the DA. The Council has raised concerns about issues relating to permissibility, non-compliance with the provisions of the PLEP 2010 and indicates further information is required to assess potential impacts on air quality, stormwater management, flooding, groundwater, salinity, biodiversity, sewerage, contamination, intersection design and security/safety.

The Department has considered Council's report, the Statement of Environmental Effects (SEE), the issues raised in the submissions, the Applicant's Additional Information Response (in response to further information sought by Council and the Planning Panel) and supplementary information provided by the Applicant in its assessment of the development. The Department's assessment is limited to the key outstanding issues from Council's assessment and addresses the key reasons for Council's recommendation for refusing the DA.

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are permissibility, landscape and visual amenity, flooding, groundwater and wastewater, biodiversity and traffic.

Permissibility

Given the withdrawal of the crematorium from the proposal the question over the permissibility of the crematorium is no longer relevant for this application. Council also recommended refusal on the basis that the use of the existing clubhouse building as a function room is prohibited in the E3 Zone. However, because the clubhouse is currently

used for functions and the proposed use is within the definition of a cemetery, the Department is satisfied the proposal is permissible with consent.

Landscape and Visual Amenity

Community submissions and Council raised concerns about the amenity impacts of a cemetery (and crematorium) on the scenic values of the rural landscape qualities of the area, particularly certain proposed locations of higher headstone burials, near Park Road and in areas that may be visible from the village. Based on its consideration of these concerns, the Applicant amended its proposal to remove areas of 1,500 mm high headstone burials from these areas, replacing them with low profile lawn plaques. The Department's assessment of visual amenity impacts concludes that the proposed landscape designs, revegetation and layout of the burial areas and buildings will generally retain the landscape values of the existing site.

Flooding, Stormwater and Groundwater

The site contains areas affected by flooding, particularly around Jerry's Creek. Concerns were raised in Council's report and submissions about the effects of the proposed development on flooding characteristics of the site and surrounds. The proposed development does not include the construction of new major structures that would affect flooding behaviour in the area and as such, the proposal is consistent with the flood planning provisions of the PLEP 2010.

Council also raised concerns about the proposed stormwater drainage design and water sensitive urban design and wastewater. However, none of these matters warrant refusal of the DA and are design matters that can be resolved before commencing the development. The Department has therefore recommended conditions be included that require the final stormwater drainage designs to be prepared in consultation with Council and in accordance with the relevant design standards and principles, with wastewater designs to be referred to Sydney Water to obtain the necessary approvals.

Concerns were also raised in submissions about the potential water quality impacts associated with placing graves in flood prone land, however no burials are proposed in these areas. The proposal includes rehabilitation of riparian zones and the Department of Industry – Water initially raised concerns about the types and density of vegetation planting. After additional information was received from the Applicant, the Department of Industry – Water has now issued its general terms of approval for the DA.

Concerns were also raised in submissions about the potential impacts of underground burials on groundwater quality. Based on a review of the soil and groundwater conditions at the proposed Varroville cemetery site (DA 3293/2017/DA-C), which has similar geology of silts and clays of the Wianamatta Group Bringelly Shale, the soil conditions at the site would be appropriate for a cemetery.

The Applicant proposes to adopt an approach that would restrict burials in areas where groundwater is higher than 2.5 metres below the surface. The groundwater assessment in the SEE identified two areas of potential groundwater and further advice received in September 2018 indicates the groundwater levels in these areas is decreasing and currently below the 2.5 metre threshold. However, these groundwater levels may increase following sustained rainfall and as such, the Department recommends conditions requiring ongoing groundwater monitoring and a restriction of burials in areas of groundwater less than 2.5 metres, with initial restrictions on burials in a 50 metre buffer around the monitoring locations that have previously identified shallow groundwater.

Biodiversity

Approximately 90 percent of the site has been cleared to accommodate the golf course, with remnant vegetation comprising the listed endangered ecological communities Cumberland Plain Woodland (Critically Endangered) and River-flat Eucalypt Forest on Coastal Floodplains (Endangered). The predicted impacts on these communities is insignificant, therefore not warranting a biodiversity offset scheme under the *Biodiversity Conservation Act 2016*. A community submission raised the possibility of an unnamed orchid on the site however no specimens have been

identified and given the site's history as a regularly maintained golf course its presence is unlikely. Notwithstanding, the Department has recommended that further targeted seasonal surveys for the potential orchid occur in consultation with Council, before commencing development, with ongoing management to be implemented in the case a specimen is found.

Soil Salinity and Contamination

Areas of the site with potential soil contamination and salinity were identified in the SEE however the areas identified are localised and do not pose a serious hazard. The Department has recommended conditions requiring further investigations and, if necessary, remediation, mitigation and ongoing management to ensure the site is appropriate for the proposed use as a memorial park and public open space.

Traffic and Access

The proposed development includes the construction of two additional access points to the site from Park Road, being the main public access and a secondary access for staff only. The development at full scale is predicted to generate up to 180 two-way hourly vehicle movements in the peak weekday periods and up to 330 two-way hourly vehicle movements during the weekend peak.

At the request of the RMS, the Applicant has designed the main site access to provide a seagull type intersection to ensure safe access and egress at the main site entrance. The traffic assessment in the SEE predicts that the introduction of the new site access points would not affect the performance of Park Road which is currently rated at a Level of Service of A (good flow with low delay). The RMS has advised that the proposal addresses its requirements and has recommended access/intersection design and construction measures.

Summary

The Department's assessment concludes that the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to recommended conditions of consent. The Department considers the proposed cemetery is appropriate on the basis that:

- it responds to the need for additional cemetery space in metropolitan Sydney identified in the CCNSW Metropolitan Sydney Cemetery Capacity Report (2017)
- it satisfies the relevant provisions of the PLEP 2010 and is permissible with consent
- it is consistent with the Greater Sydney Region Plan 2018 and the Cemeteries and Crematoria NSW Strategic Plan 2015-20

Consequently, the Department considers the development is in the public interest and is approvable, subject to conditions.



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1. Introduction

1.1 The Department's Assessment

The Independent Planning Commission (Commission) has requested the Department to undertake the remaining assessment of a Crown development application (DA) for the progressive development of a new memorial park (cemetery) at the Wallacia Golf Club, approximately 18 kilometres (km) south of Penrith in Western Sydney, in the Penrith Local Government Area (LGA) (see **Figure 1**).

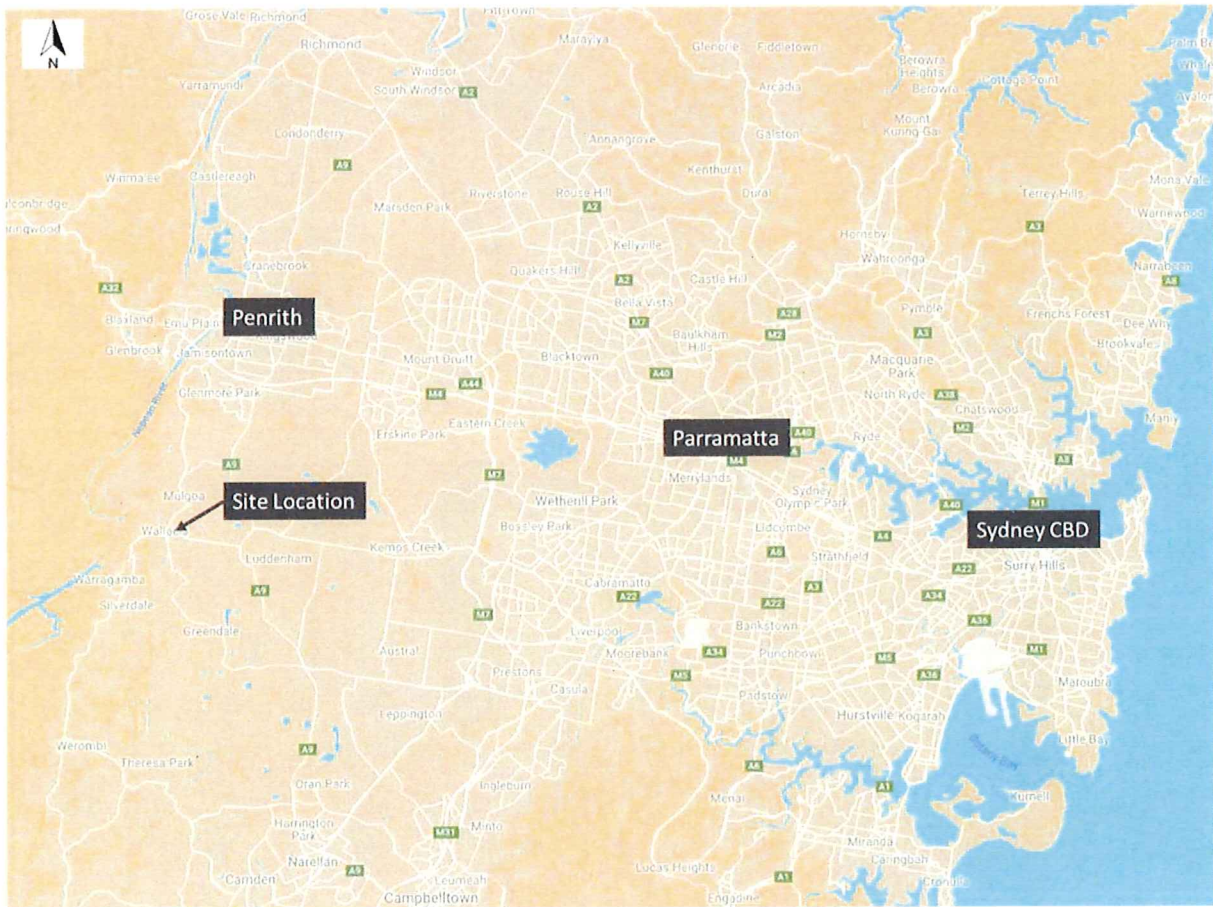


Figure 1 | Site Location

The Catholic Metropolitan Cemeteries Trust (CMCT, the Applicant) lodged the DA with Penrith City Council (Council) on 3 November 2017 (DA 17/1092), under Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Applicant is a Crown Cemetery Operator under the *Cemeteries and Crematoria Act 2013*.

The proposed development has a capital investment value of approximately \$24.6 million. The proposal is classified as regionally significant development under Part 4 of the EP&A Act, being development carried out by or on behalf of the Crown with a CIV of more than \$5 million which meets the criteria set out in clause 4 of schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. Consequently, the Sydney Western City Planning Panel (the Planning Panel) is the consent authority.

On 18 May 2018, the Applicant referred the DA to the Minister for Planning under the former Section 89(5) of the EP&A Act as the application had not been determined within 70 days of lodgement with Council. The Minister has asked the Commission to exercise his functions under Section 4.34 of the EP&A Act, to direct the Planning Panel to approve or refuse the DA.

Council has provided a preliminary assessment to the Commission (see **Appendix A**), which recommends refusal of the DA and raises concerns about issues relating to permissibility, non-compliance with the provisions of the Penrith Local Environmental Plan (PLEP) 2010 and indicates further information is required to assess potential impacts on air quality, stormwater management, flooding, groundwater, salinity, biodiversity, sewerage, contamination, intersection design and security/safety.

The purpose of this report is to respond to the Commission's request and to provide a final assessment to inform the Commission's direction to the Planning Panel. This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions and Council's preliminary assessment.

The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the Wallacia Memorial Park proposal has concluded that the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

The site is owned by the Applicant and is located at 13 Park Road and 512 Mulgoa Road, Wallacia (see **Figure 2**). The site has an area of 42 hectares (ha) and is zoned E3 Environmental Management under the PLEP 2010. The site is legally described as Lot 2 in DP 1108408 and Lot 512 in DP 1079728. The site has been the Wallacia Golf Club since 1932 and now comprises an 18-hole golf course, golf club, maintenance shed and car park.

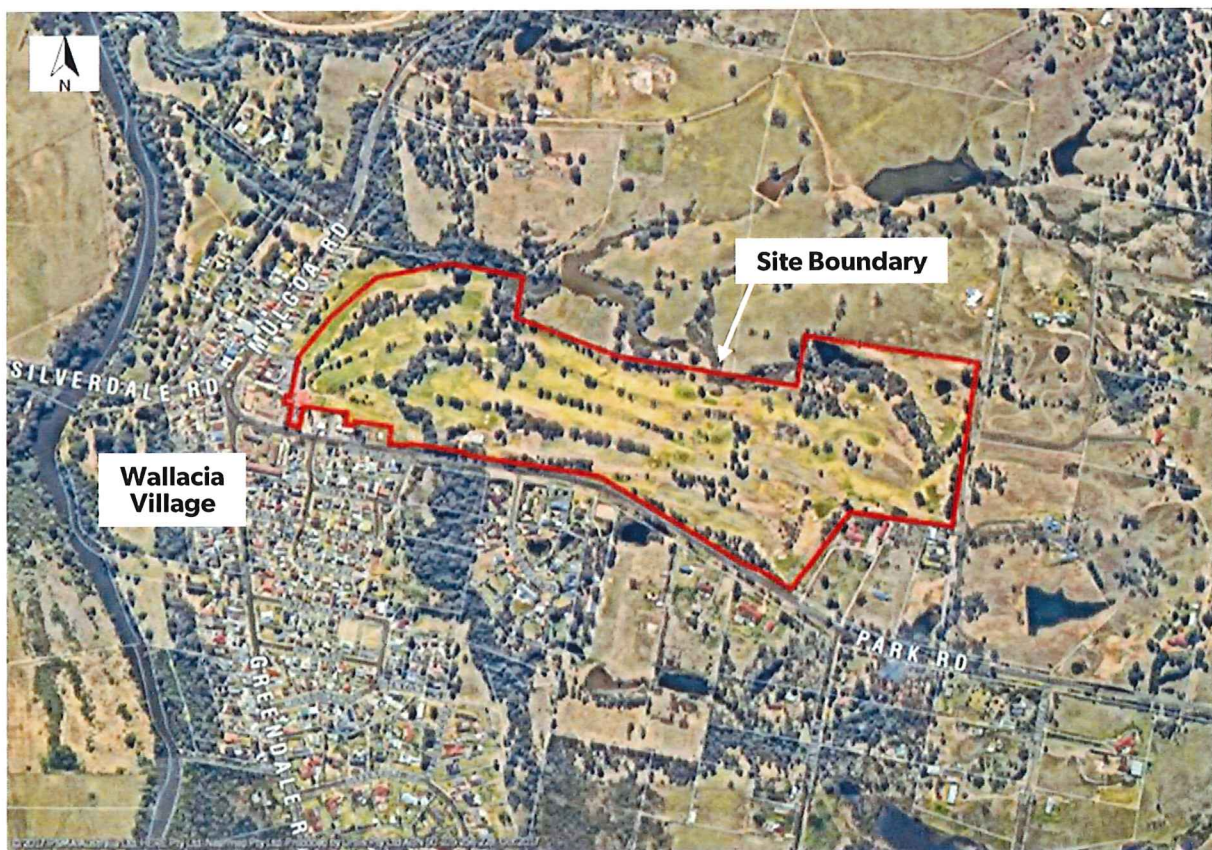


Figure 2 | Site Context

1.3 Surrounding Land Uses

The site is immediately east of Wallacia village, with low density residential land use along the southern side of Park Road, which forms the southern boundary of the site. Large lot residential and cleared land are to the north and east of the site.

1.4 Background

A summary of the key activities for the Crown DA is provided in **Table 1**

Table 1 | Key activities for the Crown DA

Date	Activity
3 November 2017	CMCT lodged a Crown DA with Council seeking approval for the development of a memorial park comprising an 88,000 burial plot cemetery, chapel and crematorium
14 November 2017 to 31 January 2018	<p>Council publicly exhibited the application</p> <p>A total of 94 submissions were received, including six from public authorities and 88 from the public and interest groups. Petitions objecting to the proposal were also received, with a total of 158 signatures. Of the 88 public and interest group submissions received, 64 objected and 24 wrote in support of the proposal</p> <p>The key issues raised in the submissions relate to the scale of the proposal, amenity and landscape impacts, the closure of the golf course, flooding, traffic and parking, impacts of the crematorium (air quality, health, visual) and negative impacts on surrounding property values</p>
23 February 2018	Council wrote to the Applicant requesting further information in response to issues raised during the exhibition of the DA
4 April 2018	Sydney Western City Planning Panel public meeting held
18 May 2018	The Applicant referred the DA to the Minister for Planning
21 May 2018	The Applicant responded to Council's 23 February letter and the Planning Panel meeting in a document titled "Additional Information Response – Wallacia Memorial Park"
4 June 2018	The Minister delegated his functions under the EP&A Act to the Commission
1 August 2018	The Commission asked the Department to review Council's assessment report and supporting documents and advise the Commission if all relevant steps and matters for consideration have been given due consideration under the relevant provisions of the EP&A Act and the EP&A Regulation
3 August 2018	<p>Council provided a report to the Commission which outlines residual issues for consideration and recommends refusal of the DA (see Appendix A)</p> <p>The Commission forwards Council's report to the Department</p>
28 August 2018	The Department meets with the Applicant to discuss the proposal
12 September 2018	Officers from the Department visit the site
28 September 2018	Following discussions with the Department, the Applicant amends the DA to withdraw the Crematorium from the proposal (see Appendix B)

1 & 2 October 2018

The Applicant lodged amended Landscape Drawings and Civil Engineering Design Drawings to reflect the removal of Road 7 access to Mulgoa Road across Lot 6 DP 747868 and removal of the crematorium (see **Appendix C**)

11 October 2018

Cemeteries and Crematoria NSW wrote to the Commission highlighting the critical need for burial space as described in its November 2017 report and the public benefit of the proposed Wallacia cemetery, including public amenity and open space



2. Project

2.1 Description of the Development

The Applicant is seeking development consent for the progressive development of a new memorial park (cemetery) at the Wallacia Golf Club, approximately 18 km south of Penrith in Western Sydney. The major components of the proposed development are summarised in **Table 2** and shown in **Figure 3**, and described in full in the Statement of Environmental Effects (SEE) and Additional Information Response report.

Table 2 | Main Components of the Project

Aspect	Description
Development Summary	<ul style="list-style-type: none">• Proposed cemetery with capacity for 88,000 burial plots, estimated to provide up to 140 years of burial capacity
Site area and development footprint	<ul style="list-style-type: none">• The site is approximately 42 hectares in area• Development footprint of around 29 hectares
Key elements of the development	<ul style="list-style-type: none">• The conversion of the existing golf clubhouse to a function building to primarily host funeral wakes• New buildings including an administration centre, crematorium and chapel• Provision of a new internal road network accessible from Park Road• Provision of a new 6,500 litre water storage tank adjacent to the chapel and provision of a new electrical substation• Stormwater infrastructure and other site services
Construction	<ul style="list-style-type: none">• Initial construction of buildings, site access intersections and internal roads then progressive development of burial areas
Traffic	<ul style="list-style-type: none">• Peak of 180 two-way vehicle trips per hour on weekdays and 330 two-way vehicle trips per hour on weekends at the full development
Road and intersection works	<ul style="list-style-type: none">• Construction of two new intersections on Park Road – the main public access to the site and an access for staff and maintenance vehicles• Provision of on-site formal car parking for up to 50 cars and provision of kerbside shoulder carparking throughout the internal road network
Landscaping	<ul style="list-style-type: none">• Landscaping of the site and provision of new ponds and wetland/detention basins
Hours of operation	<ul style="list-style-type: none">• Monday to Friday – 7 am to 5 pm.• Saturday – 7 am to 12 pm
Capital investment value	<ul style="list-style-type: none">• \$24.6 million
Employment	<ul style="list-style-type: none">• A peak of 75 construction jobs and approximately 15 jobs during operation of the development



LEGEND

- EXISTING TREES
- PROPOSED STREET TREES
- PROPOSED INDIGENOUS TREES
- SCREEN PLANTING (MEDIUM)
- BUFFER PLANTING (TALL)
- LAWN/BURIAL ZONES
- WATER BODIES
- EXISTING WATERCOURSES
- PROPOSED ROADS AND CARPARKS
- PROPOSED PATH
- BUILDINGS
- SCULPTURE
- SITE BOUNDARY



Figure 3 | Proposed Development

2.2 Progressive Development

The Applicant proposes to progressively develop the memorial park while allowing the continued use of the golf course at a reduced scale. Development would commence in the east of the site including the main access, administration building and chapel and the relevant internal roads, along with the golf clubhouse refurbishment in the western portion (see **Figure 4**). The SEE estimates that Stage 1 of the development is expected to take 90 years to complete, with approximately 35 years of burial capacity in Stage 2 and 12 years capacity in Stage 3.

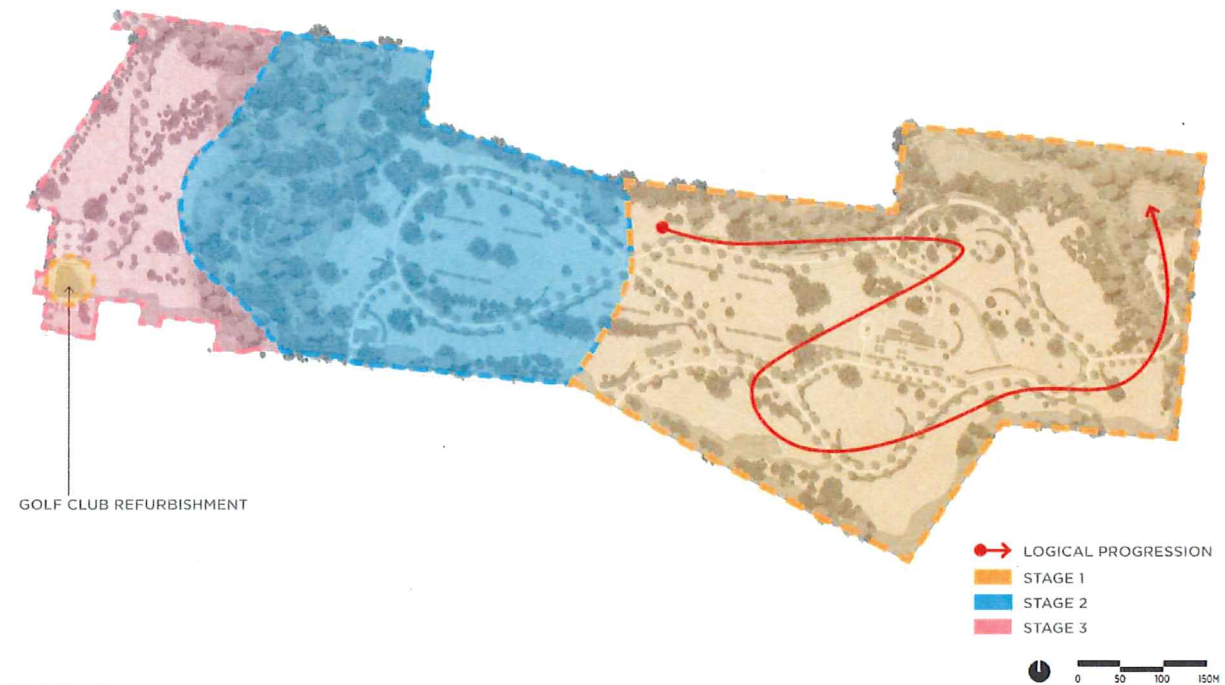


Figure 4 | Progressive Development of the Cemetery

2.3 Amendments to the Application

Originally the proposal included a crematorium, which Council considers is a prohibited use in the E3 Environmental zone under the PLEP 2010. The Applicant argued that the crematorium is ancillary to the cemetery and is therefore a permissible use. Both Council and the Applicant sought legal advice which was reviewed by the Department. The Department agrees with the legal advice sought by Council (included in **Appendix A**) and at a meeting on 28 August 2018, advised the Applicant of its position.

On 26 September 2018, the Applicant requested an amendment to the DA under Clause 55 of the EP&A Regulation to withdraw the crematorium (see **Appendix A**). The Department considers it is the Commission who is required to exercise the function of agreeing to the proposed amendment of the application under clause 55 of the EP&A Regulation. Therefore, the Department recommends that the Commission agree to the amendment as a delegate of the Minister.

The Applicant has also amended the development design to relocate the area designated for graves with headstones and to exclude vehicle access to the site over Lot 6 DP 747868 (1556 Mulgoa Road).



3. Strategic Context

3.1 Greater Sydney Region Plan 2018 - A Metropolis of Three Cities

The proposed development is consistent with the directions and objectives outlined in the Greater Sydney Region Plan 2018 as it will contribute toward the following directions of the Plan:

- A city for people – celebrating diversity and putting people at the heart of planning
 - Objective 6 of the Plan seeks to ensure services and infrastructure meet the communities' changing needs. The proposed development responds to this by providing key social infrastructure that is accessible and provides burial space for a diversity of cultures and backgrounds.
- A city in its landscape – valuing green spaces and landscape.
 - Objectives 27, 28, 30 and 31 of the Plan seek to protect biodiversity, scenic and cultural landscapes and enhance remnant vegetation and publicly accessible open space. The proposed development protects and enhances existing biodiversity and landscapes of the site through site design, a vegetation management plan, revegetation of native species and the provision of publicly accessible parklands and recreation areas throughout the site.

The Greater Sydney Commission has released five district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district. The proposed development is located within the Western City District. The proposal would assist in achieving several Planning Priorities of the Western City District Plan by:

- providing key social infrastructure - Planning Priority W3
- protecting and enhancing bushland and biodiversity – Planning Priority W14
- protecting and enhancing scenic and cultural landscapes – Planning Priority W16
- delivering high quality open space – Planning Priority W18.

3.2 Cemeteries and Crematoria NSW Strategic Plan 2015-20

Cemeteries and Crematoria NSW (CCNSW) is a statutory body created under the *Cemeteries and Crematoria Act 2013*. The agency was created in response to the need for a coordinated, strategic approach to providing interment services across NSW. The Cemeteries and Crematoria NSW Strategic Plan 2015-20 was prepared to articulate the role and priorities of CCNSW to the community and industry partners. It describes the way the agency will deliver the NSW Government's commitment to ensuring community needs and expectations for interment services are met. The Plan sets out four key priority areas: respect, affordability and sustainability, land availability and governance. It also sets out a blueprint for implementing the new regulatory framework for the interment industry.

The proposed development responds to Priority Area 3 – Land Availability – Sufficient and suitable land is available to meet future demand for interment services. The Plan states there is a clear need for additional cemetery space, particularly in the Greater Sydney area.

3.3 Metropolitan Sydney Cemetery Capacity Report

The CCNSW Metropolitan Sydney Cemetery Capacity Report (2017) responds to a commitment made by CCNSW in the CCNSW Strategic Plan to build and publish an evidence base regarding future demand for

cemetery space. The Report identifies cemetery capacity remaining in Sydney's cemeteries, projects the exhaustion of existing cemetery space over the years through to 2056 and identifies the regions facing a critical shortage and requiring urgent action to provide future cemetery space. The capacity analysis finds that if there is no change to existing cremation and grave occupancy rates (scenario 4 in the analysis), cemetery capacity in metropolitan Sydney would be exhausted by 2051. The Report states 'urgent action is required to provide for the future burial needs of the Sydney community'.



4. Statutory Context

4.1 Permissibility

Council's report recommends refusal of the application because the proposed crematorium and use of the existing clubhouse building as a 'function room' are prohibited under the PLEP 2010.

The site is zoned E3 Environmental Management under the PLEP 2010. Cemeteries are permissible with development consent in the E3 Zone. A crematorium is not specified in the E3 Zone land use table and is therefore prohibited. The Applicant argued in its SEE that the crematorium is ancillary to the cemetery, however legal advice obtained by Council notes that even if this was the case, the crematorium is an independent use.

Following the referral of the DA to the Minister, the Applicant has formally withdrawn the crematorium component of the proposed development (see **Appendix B**).

Council also recommended refusal on the basis that the use of the existing clubhouse building as a function room is prohibited in the E3 Zone. However, separate legal advice obtained by the Applicant and by Council both disagree with this position and consider the proposed use falls within the definition of 'cemetery' under the PLEP 2010 as it is an associated building for conducting memorial services. Council's report does not address or dispute this opinion.

Given the withdrawal of the crematorium from the proposal and because the clubhouse is currently used for functions and the proposed use is within the definition of cemetery, the Department is satisfied the proposal is permissible with consent.

4.2 Environmental Planning Instruments

4.2.1 Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995)

Before granting consent to a DA, clause 16 (2) of Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995) (SREP 9) requires Council to be satisfied that, if the development is carried out in accordance with the consent:

(a) the proposed development will not be adversely affected by noise, dust, vibration or reduced visual amenity from any nearby extractive industry, and

(b) the proposed development will not in any way adversely affect any existing nearby extractive industry or prevent any such extractive industry from realising its full economic potential by adversely affecting future expansion of the extractive industry of which the council is aware.

Council has not addressed this requirement in its report.

A sandstone quarry listed under SREP 9 is located at 2595 Silverdale Road and is approximately 1.5 km from the site, across the Nepean River and concealed from the site by ridgelines, vegetation and existing buildings on Mulgoa Road. Therefore, there is unlikely to be amenity impacts at the site from operations at the quarry.

The Department has considered the potential effects of traffic generated by the proposal on quarry vehicles. Given the proposal is unlikely to impact the performance of the road network (see **Section 6.5**), the Department is satisfied that the proposal will not adversely affect the operation of the quarry in reaching its full economic potential.

4.2.2 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River

Sydney Regional Environmental Plan No 20 Hawkesbury – Nepean River (SREP 20) requires that consideration be given to the aims of SREP 20 which are “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”

Council’s report considers the provisions of SREP 20 and notes that further information is required to properly assess the proposal against SREP 20, relating to on-site sewage treatment, salinity and wastewater management.

The Department has considered these matters in its assessment of the DA (see **Section 6**) and is satisfied that sufficient measures can be applied during construction and operation of the development to ensure that it meets the aims of SREP 20.

5. Engagement

5.1 Consultation

The Crown DA was publicly exhibited by Council for an extended period from 14 November 2017 to 31 January 2018. A total of 94 submissions were received, including six from public authorities and 88 from the public and interest groups. Petitions objecting to the proposal were also received, with a total of 158 signatures.

A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix D**.

5.1.1 Public Authorities

- **Cemeteries and Crematoria NSW (CCNSW)** expressed its support for the proposal given the projected exhaustion of burial capacity in Sydney.
- **Roads and Maritime Services (RMS)** raised concerns regarding access and requested the Applicant undertake additional detailed intersection design for the main site entrance off Park Road and further details about the access on Mulgoa Road. RMS also sought clarification about the future operation of the golf clubhouse combined with the proposed functions associated with the development. RMS recommended the Council not approve Stages 2 to 5 until cumulative traffic impacts are adequately addressed.
- **Department of Industries – Water** did not object to the proposed development and sought further information about the proposed revegetation in the riparian zone.
- **Sydney Water** did not object and recommended conditions of consent requiring the approved plans to be submitted to Sydney Water to determine whether the development would affect any Sydney Water sewer or water main, stormwater drains and/or easement.
- **Liverpool City Council** did not object and noted issues to be assessed including impacts on agricultural land, biodiversity, contamination, air quality impacts and wastewater management.
- **Wollondilly Shire Council** did not object and advised Council that the proposal be assessed against the provisions of SREP 9 and SREP 20 and consider the Western City District Plan in A Plan for Growing Sydney. Wollondilly Shire Council also recommended the provision of signage to the development on Silverdale Road

5.1.2 Public and Interest Group Submissions

Of the 88 public and interest group submissions received, 64 objected and 24 wrote in support of the proposal.

Key issues raised in objecting submissions, from residents of Wallacia and the surrounding region, relate to the scale of the proposal and amenity and landscape impacts, the closure of the golf course, flooding, traffic and parking, impacts of the crematorium (air quality, health, visual) and negative impacts on surrounding property values. Supporting submissions noted the need for burial space and the public benefit of a landscaped site that is open to the public.

Objections were received from the Wallacia Public School, Wallacia Public School Parents and Citizens Association, Wallacia Progress Association and Mulgoa Progress Association. Organisations supporting the proposal include Nepean Valley Funerals, Blessed Funerals, Blacktown-Hills Islamic Centre, Afghan Community Support Association of NSW, Riverstone Muslim Cemetery Board, St Thomas Chaldean Catholic Church, Australian Devotees of Our Lady of Penafrancia, Myra Catholic Church, Australian Cemeteries & Crematoria Association, Marketing Angels and the NSW Jewish Board of Deputies.

5.1.3 Additional Information Response and Supplementary Information

Council wrote to the Applicant on 23 February 2018 and requested additional information to enable further consideration of the proposal, and raised the following matters of concern:

- **Permissibility** – concerns about the permissibility of the crematorium and function room.
- **Engineering** – concerns regarding the stormwater management plan, modelling of stormwater detention basins and road design details.
- **Flooding** – further information about water sensitive urban design, catchment modelling, stormwater treatment methods and groundwater.
- **Public Health** – requested further detail about on-site body preparation, embalming and cremation processes, burial depths and the design of food preparation facilities.
- **Biodiversity** – updated information on tree removal and identification, the requirement for a vegetation management plan for the site and detail about ongoing management of vegetation on the site.
- **Noise** – further information about the operation of the clubhouse and function room, noise impacts from the on-site facilities including crematorium and building maintenance activities.
- **Water Quality** – particularly erosion and sediment control and washing of vehicles and disposal of wastewater.
- **Waste Management** – further information requested about disposal of liquid, clinical or hazardous waste related to body preparation
- **Salinity and Contamination** – further information requested about additional soil contamination testing and remediation, salinity risks and potential groundwater contamination from burials.
- **Burial plans** – requested further information about the proposed burials design and suggested burial restrictions including exclusions around boreholes, monitoring wells and water bodies.
- **Landscaping and Visual Amenity** – raising concerns about the proposed location of 1.5 m high headstones that may be visible from Wallacia village and Park Road.

On 4 April 2018, the Planning Panel held a public meeting at which 25 representations were made, six of which supported the DA and the remaining 19 objecting. Similar issues were raised at the Planning Panel meeting to those raised in submissions made during the public exhibition of the DA.

The Applicant responded to Council's 23 February 2018 letter and the Planning Panel meeting in a document titled "Additional Information Response – Wallacia Memorial Park" dated 21 May 2018.

In response to the Additional Information Request, **RMS** advised that it is satisfied with the response provided by the Applicant and recommended conditions of consent relating to access design, construction traffic management, signage and RMS property.

The **Department of Industry – Water** provided its General Terms of Approval for the development.

Following the Commission's request for the Department to finalise the assessment of the Crown DA, the Department requested additional information be submitted to the Department for review and consideration in the assessment of the DA, relating to the proposed crematorium, groundwater monitoring, biodiversity and design details. Additional information and revised technical reports were subsequently requested to address these outstanding issues.



6. Assessment

The Department has considered Council's report, the SEE, the issues raised in the submissions, the Applicant's Additional Information Response and supplementary information in its assessment of the development.

Council's preliminary assessment report (**Appendix A**) recommends refusal of the application based on the following reasons:

- The crematorium and function centre uses are prohibited under PLEP 2010
- Non-compliance with the objectives of the E3 Environmental Management zone under PLEP 2010
- Non-compliance with the following clauses in PLEP 2010:
 - 7.2 Flood Planning
 - 7.3 Development on natural resources sensitive land
 - 7.5 Protection of scenic character and landscape values
 - 7.6 Salinity
 - 7.7 Servicing
 - 7.9 Development of land in the flight paths of the proposed Second Sydney Airport
 - 7.18 Mulgoa Valley
- Non-compliance with the provisions of sections C1 Site Planning and Design Principles, C2 Vegetation Management, C3 Water Management, C4 Land Management, C10 Transport, Access and Parking and C13 Infrastructure and Services under Penrith Development Control Plan (DCP) 2014
- Landowners consent not obtained for Lot 6 DP 747868, 1556 Mulgoa Road Wallacia
- The proposal does not demonstrate the site can drain to Council's satisfaction
- Risks to human health from air and water quality impacts
- Negative and detrimental impacts to water quality including groundwater
- Inconsistency with SREP 20
- Inconsistency with A Plan for Growing Sydney and Western Sydney District Plan

Council's assessment states further information is required for air quality, stormwater management, flooding, groundwater, salinity, biodiversity, sewerage, contamination, intersection design and security/safety. Council's Environmental Health, Biodiversity, Waterways, Engineering, and Waste Services sections do not support the proposal.

Following consideration of Council's key reasons for recommending refusal of the DA, the SEE, Additional Information Response and the issues raised in submissions, the Department considers the key assessment issues are:

- Landscaping and visual amenity
- Water resources (flooding, groundwater and wastewater management)
- Biodiversity
- Soils and contamination
- Traffic and access

Given the withdrawal of the crematorium component of the development, the issues raised in relation to air quality, human health, certain water quality impacts and impacts on flight paths are no longer relevant as these were specifically due to the emissions from the crematorium.

The Department's assessment of other issues is provided in **Section 6.6**.

6.1 Landscape and Visual Amenity

Council's report indicates that the proposed development does not comply with the objectives of the PLEP 2010 that relate to scenic character and landscape values. Community submissions and Council raised concerns about the amenity impacts of a cemetery (and crematorium) on the scenic values of the rural landscape qualities of the area. Of particular concern was the proposed locations of burial areas with higher headstones near Park Road and the western portion of the site where the headstones would be visible from the village.

The site is undulating with the topography generally falling towards Jerry's Creek in the west. Views to the site from the Wallacia village are restricted to the area to the west of the Jerry's Creek riparian zone. To the east of Jerry's Creek, views of the site are limited to the homes fronting Park Road and the neighbouring properties to the east. Example views to the site are shown in **Figure 5**.



Figure 5: Existing views to the site from Park Road – Top from 32 Park Road in Wallacia village (Jerry's Creek in background); Centre from 90 Park Road and Bottom from 115 Park Road

The proposed landscape design of the cemetery includes a combination of three burial types, including lawn plaques, headstones up to 450 mm high and headstones up to 1,500 mm high (see **Figure 6**).

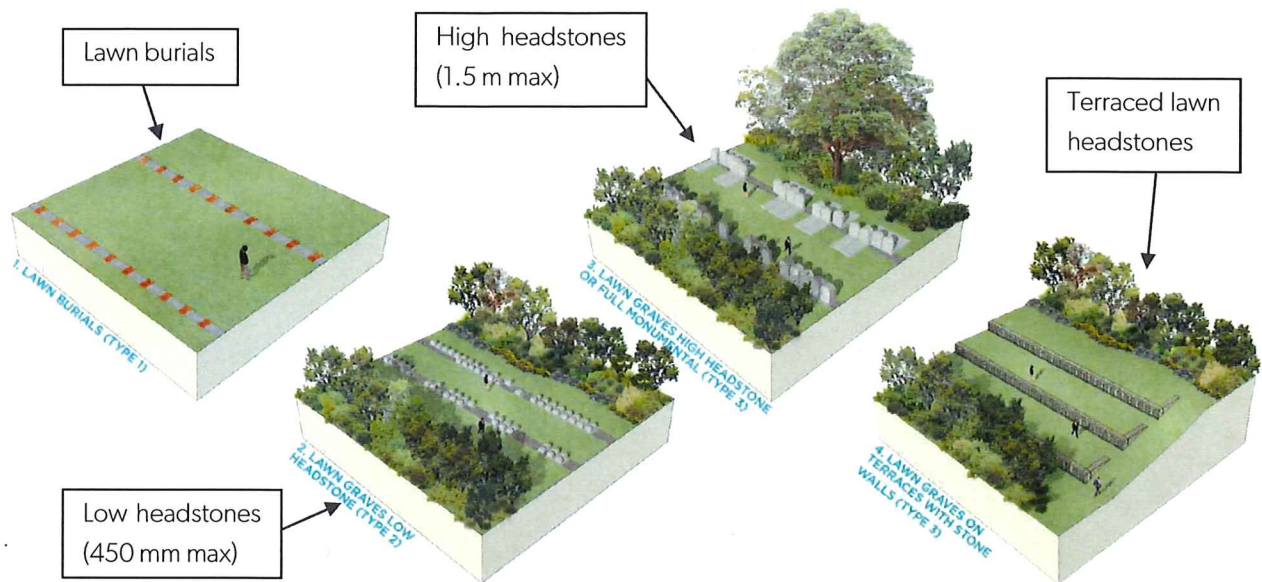


Figure 6: Artists Impression of the Proposed Burial Types (Source: SEE)

Built structures include the new chapel and the administration building, along with redevelopment of the existing golf clubhouse and retention of the maintenance sheds. The proposal also includes public access pathways and public open space use with screening vegetation and sculptures.

Following concerns raised during the exhibition of the SEE and the Planning Panel public meeting, the Applicant amended its proposal to remove areas of 1,500 mm high headstone burials from the western portion of the site and in certain locations visible from Park Road (see **Figure 7**). These areas were replaced with lawn plaques, therefore increasing the proportion of the site to be covered by a less visually intrusive type of burial.

The visual assessment in the SEE notes the visual characteristics of the proposal would be similar to the site's current use as a golf course, maintaining the undulating nature of the landform with retention of vegetation and planting additional vegetation along the Park Road frontage, the Jerry's Creek riparian zone and the northeast portion of the site. Most views to the site will be at least partially screened by vegetation around the perimeter and within the site.

The proposed new buildings will be set back from Park Road with trees to be planted along the internal roads to provide partial screening. The most prominent feature of the proposal will be the 12.62 m high chapel which would be visible from Park Road, although filtered through existing and proposed vegetation on the site. The SEE concludes that the visual impacts of the proposal would be negligible to low at surrounding visual receivers.

Council's report does not acknowledge the proposed rehabilitation of the Jerry's Creek riparian zone or the additional vegetation to be planted along Park Road and in the northeast corner of the site. The proposed landscape designs, revegetation and layout of the burial areas will generally retain the landscape values of the existing site and additional vegetation plantings will improve the visual appearance of previously disturbed areas.

The Department's assessment concludes that the proposed landscaping and rehabilitation measures are consistent with the objectives of the E3 Zone, the SREP 20, and the Greater Sydney Commission's Plan for Growing Sydney.

The Department recommends conditions requiring the Applicant to implement the landscaping and visual mitigation measures in the SEE and Additional Information Response and to design and construct the new buildings in consultation with Council.



- BURIAL ZONES:**
- LEGEND:**
- LAWN W/ PLAQUES ON CONCRETE BEAMS
 - LAWN W/ LOW HEADSTONE (150mm MAX HEIGHT) ON CONCRETE BEAMS
 - LAWN W/ HIGH HEADSTONE (1800mm MAX HEIGHT) ON CONCRETE BEAMS
 - TERRACED
 - RETARDING BASIN
 - WETLAND



Figure 7: Proposed Burial Plan (Source: SEE)

6.2 Water Resources

6.2.1 Flooding and Stormwater management

The site contains areas affected by flooding, particularly around Jerry's Creek in the western portion of the site. Two minor tributaries in the east of the site are also subject to inundation during the 1% annual exceedance probability (AEP) event.

No burials are proposed within the area of the site affected by the 1% AEP flood level. The Department recommends imposing a condition of consent which prohibits burials in the 1% AEP zone.

Proposed structures within the area affected by the 1% AEP flood level include the roads in the eastern portion of the site and parts of the stormwater drainage system, primarily constructed wetlands. Road drainage design includes provisions for flows in the drainage lines subject to flood levels and this is predicted to result in localised increases in flood levels around the roads. However, these increases would be contained within the site. Additionally, the proposed path from the western carpark near the clubhouse to the centre of the site includes a circular path with boardwalk "bridges" in two locations crossing Jerry's Creek, utilising the existing bridges at the golf course.

Council's report indicates the proposal is inconsistent with Clause 7.2 Flood Planning in the PLEP 2010. However, Council's engineering section notes that the proposal is consistent with the relevant provisions of the PLEP 2010 and DCP and has recommended certain design details be resolved, including locating detention basins outside the 1% AEP affected area. These matters are consistent with the proposed development and can be addressed through recommended conditions of consent.

Council's report also raises concerns with how the proposal addresses Council's Water Sensitive Urban Design (WSUD) principles. The Additional Information Response includes a WSUD strategy which is claimed to be consistent with Council's WSUD principles. Council's report notes that the concept drainage plans do not incorporate all details in the Stormwater Management Report in the SEE and that calculations of stormwater flows and detention volumes are not consistent with Council's stormwater design specifications.

These are design matters that can be resolved before commencing the development. The Department therefore recommends conditions be included that require the final stormwater drainage designs to be prepared in consultation with Council and for the detailed ("for construction") designs to comply with Council's WSUD policy and stormwater design specifications prior to commencing development of the site.

6.2.2 Groundwater

The groundwater assessment in the SEE identified two areas of potential groundwater based on results obtained from monitoring at the site. One area in the centre of the site (near monitoring well location MW 117) and the other in the west of the site (MW 104). The highest level of groundwater recorded in MW117 was 1.7 m below ground level (mBGL) in October 2017 and in MW104 the highest level recorded was 2.35 mBGL in September 2017.

The groundwater assessment recommended further monitoring to better define the groundwater conditions in those areas. Results of additional monitoring were provided in the Additional Information Response and further results and analysis were provided to the Department in a letter dated 6 September 2018 (see **Appendix E**). The analysis of this monitoring indicates the groundwater levels in the two target wells are decreasing (the last recorded water levels were 2.51 mBGL in MW117 and 3.78 mBGL in MW104), however this has coincided with dry weather. The September 2018 groundwater report recommends ongoing monitoring to understand the effects of rainfall events on the groundwater levels. The Applicant's Additional Information response also notes that no burials would be within 50 m of a bore or monitoring well.

The Applicant proposes to develop a groundwater monitoring plan for the site to establish ongoing baseline data collection before commencing burials. The Applicant also proposes to maintain a one metre buffer between the groundwater levels and the base of the graves and for the top of coffins to be a minimum of 900 millimetres below the natural surface level, consistent with the Public Health (Disposal of Bodies) Regulation 2012¹. Based on this approach, a depth of groundwater to 2.5 m below natural ground level would be an appropriate limiting level for graves.

Concerns were also raised in submissions about impacts on groundwater quality due to burials. The Applicant commissioned Red Earth Geosciences to assess the suitability of the Varroville site (DA 3293/2017/DA-C) for a cemetery based on soil and groundwater characteristics. The Varroville site has a similar geology to the Wallacia site, generally being silts and clays of the Wianamatta Group Bringelly Shale. The report concludes that the Varroville site is suitable for a large cemetery complex therefore the Wallacia site is also suitable.

The Department recommends imposing conditions on the development to include:

- No burials in areas where groundwater levels may be higher than 2.5 m below natural ground level
- 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
- Ongoing monitoring to refine any buffer zone where burials are restricted and to verify groundwater levels following rainfall.
- 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.

6.2.3 Sewerage

Concerns were raised in Council's assessment report that it could not assess the impacts of the proposed sewage management system.

Sydney Water has advised Council (letter dated see Appendix F) that there is limited capacity in the existing wastewater system and recommended that the Applicant lodge a feasibility application with Sydney Water prior to obtaining a compliance certificate under s73 of the *Sydney Water Act 1994*. Council has advised that this can be done following determination of the DA.

The Department recommends imposing conditions requiring the Applicant to lodge a feasibility application with Sydney Water and for the design of the site's wastewater treatment and disposal system to be prepared to Council's and/or Sydney Water's satisfaction, prior to commencing operation of the new administration and chapel buildings.

6.3 Biodiversity

The majority of the site (approximately 90% according to the biodiversity assessment in the SEE) is cleared to facilitate the golf course. However, the remnant vegetation comprises the Cumberland Plain Woodland (CPW) and River-flat Eucalypt Forest on Coastal Floodplains (REFCF) vegetation communities, both listed ecological communities under the *Threatened Species Conservation Act 1995* as Critically Endangered and Endangered, respectively.

¹ Cl 64 of the Public Health (Disposal of Bodies) Regulation 2012 states: *Unless otherwise approved by the Secretary in a particular case, a person who buries a body contained in a coffin must place the coffin so that its upper surface is not less than 900 millimetres below the natural surface level of the soil where it is buried.*

The proposal includes the removal of 0.15 ha of REFCF and 0.93 ha of CPW which is considered by the biodiversity assessment to be an insignificant impact, therefore not warranting a biodiversity offset scheme under the *Biodiversity Conservation Act 2016*.

Council's report notes that a submission raised the possible presence of a rare orchid species at the site. This was investigated further by the Applicant's ecologist (see **Appendix G**) who has advised of a record of an orchid on the site from 1961 but because of the clearing associated with the golf course it is no longer present.

To address the potential presence of an unrecorded species of orchid, the Department recommends a condition requiring targeted seasonal surveys for the species before commencing the development, with the survey plan to be developed in consultation with Council.

6.3.1 Rehabilitation

Council's report concludes the proposal is inconsistent with Planning Priority 12 of the Western City District Plan, which relates to protecting and improving the health and enjoyment of the District's waterways.

The proposal includes rehabilitation of the Jerry's Creek riparian corridor using species representative of the Cumberland Plain Woodland and River Flat Eucalypt Forest on Coastal Floodplains vegetation communities (see **Figure 8**). The intact vegetation communities in the northeast of the site will be retained with additional revegetation using the same species composition as for Jerry's Creek.

The Department of Industry – Water sought clarification around the proposed vegetation to be planted in the riparian and flood zones around the site and sought higher densities of vegetation plantings in the riparian zones. These matters had not been clarified at the time of Council's report. In response to information provided by the Applicant, the Department of Industry – Water has now issued general terms of approval for the development (see **Appendix H**), including riparian revegetation requirements. Although the proposal is not integrated development, the general terms of approval should be included in conditions of consent.

As noted by Council, the vegetation management plan should refer to 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)*.

The Department also recommends a condition restricting the location of burial plots beneath trees to be retained, nominally to outside the likely root zone.

The Department recommends a condition requiring the preparation of a biodiversity management plan by a suitably qualified ecologist to describe the measures to protect remnant vegetation on the site, to respond to the potential discovery of the unnamed orchid and describe the timing for the implementation of the rehabilitation strategy.

With the proposed revegetation measures, the implementation of measures recommended by Council and the Department of Industry – Water, in addition to the progressive improvement of the landscape with public facilities, paths, the Department considers the proposal meets the principles of protecting and improving the health and enjoyment of the District's waterways. Therefore, the Department is satisfied the proposal is consistent with Planning Priority 12 of the Western City District Plan.

The Department recommends imposing conditions on the development to include:

- Landscaping the site consistent with the proposed measures in the SEE and Additional Information Response
- Adopting the general terms of approval issued by the Department of Industry – Water
- Ensuring the development is consistent with the principles of the Water Management Act 2000 and other relevant Department of Industry – Water controlled activity guidelines

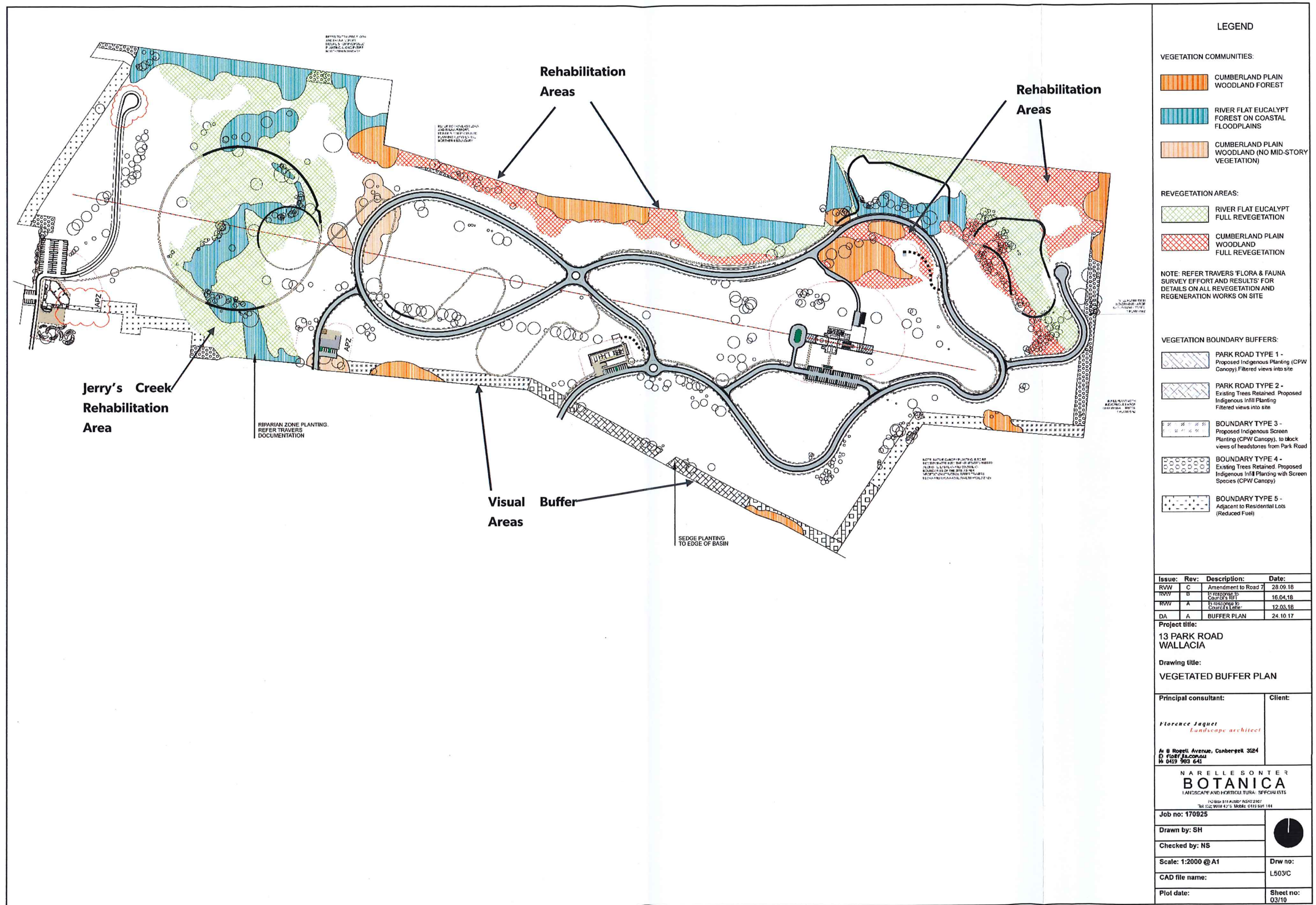


Figure 8: Proposed Rehabilitation and Landscape Planting

6.4 Soils and Contamination

6.4.1 Salinity

The SEE includes a salinity assessment which identifies the site as having moderate salinity potential in the low-lying areas of the site, around Jerry's Creek, the northeast of the site and a southern section along Park Road. The area most likely to be affected by the development is the section along Park Road. The remainder of the site has low salinity potential.

The salinity assessment report recommends additional targeted surveys of salinity potential in low lying areas and drainage depressions, the potential implications of salinity in these areas on the proposed development and required mitigation measures. The report also includes a recommended management strategy for potential saline soils. The Department recommends that these measures should be adopted in conditions to be implemented prior to commencing development.

6.4.2 Contamination

Site investigations identified 15 areas with potential contamination at the site and the immediately surrounding areas, primarily associated with the site's existing and current use as a golf course. The potential contamination at most of these areas is associated with chemical storage and use around the golf course maintenance sheds and application over the golf course, areas of fill, asbestos pipes and hazardous building materials in demolished buildings.

The site investigation report considers the potential for contamination is relatively localised and presents a low to medium hazard rating. It recommends further investigations to establish the extent of each of the identified areas and determine if any contaminants of concern are present.

Given the potential for contamination in areas of the site, the Department recommends conditions requiring the Applicant to engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* to oversee further investigations, to confirm if any remediation is required and prepare a remediation action plan (RAP) if necessary. If a RAP is prepared, then the Applicant must undertake remediation works in accordance with the RAP prior to commencing operations to ensure that the site can be made suitable for the proposed development.

Given the lead time for commencing operation of the development, the Department is satisfied that the implementation of these conditions can ensure any contamination on the site can be appropriately managed before the Applicant commences operations at the site.

6.5 Traffic and Access

The site is accessed from Park Road, a classified State road connecting Wallacia with The Northern Road to the east. The proposed development includes the construction of two additional access points to the site from Park Road, being the main public access and a secondary access for staff only near the existing maintenance sheds (see **Figure 3**). The original proposal included access to Mulgoa Road via Lot 6 DP 747868 (1556 Mulgoa Road), however this was removed from the proposal in amended plans as landowners consent had not been obtained.

A network of internal roads would connect the main public access with the administration building, chapel and burial/memorial areas. The existing access to the golf club would be retained and an additional internal road would be constructed to support access to burials in the western portion of the site. On-site parking includes provision for an additional 58 formal parking spaces, plus the existing 61 spaces available at the golf club. The internal road network is designed to also facilitate kerbside parking.

The development at full scale is predicted to generate up to 180 two-way hourly vehicle movements in the peak weekday periods and up to 330 two-way hourly vehicle movements during the weekend peak. At the request of the RMS, the Applicant has designed the main site access to provide a seagull type intersection to ensure safe

access and egress at the main site entrance. The Traffic assessment in the SEE predicts that the introduction of the new site access points and traffic from the development would not affect the existing good performance of Park Road, which is currently rated at a Level of Service of A (good flow with low delay).

Council's report indicates that insufficient information is available to properly assess the road design and traffic impacts of the proposal. However, the Council's engineering unit has advised the Council (see **Appendix A**) that the development is acceptable and notes the Roads and Maritime NSW response dated 15 June 2018 (see **Appendix I**). The RMS letter states the proposal addresses its requirements and includes recommended access/intersection design and construction measures. Some residual design matters were also raised by Council that can be adequately addressed through detailed design in consultation with Council.

Council also requested the Applicant provide a paved pedestrian footpath along Park Road from the main site entry to the clubhouse, a distance of approximately 600 m. The Department notes the proposal includes a network of internal pathways which would be publicly accessible, however the full development of the site's pedestrian network would be staged. The Applicant has indicated it would construct a footpath and be amenable to having a condition of consent imposed to require its construction.

The Department's assessment concludes that the proposal is unlikely to impact the current good performance of Park Road with the introduction of a new intersection built to RMS standards. Sufficient parking will be available on the site to avoid parking on Park Road and RMS has recommended the installation of No Stopping signs to prevent parking.

The Department recommends conditions including:

- Preventing access to the site from Mulgoa Road
- Requiring the final design of the site intersections with Park Road to address the matters raised by Council and be designed and constructed to the satisfaction of the RMS
- Implement the recommendations of the RMS letter of 15 June 2018
- On-site parking details be designed to Council standards and to be sufficient to ensure no vehicles park on Park Road
- No burials in areas where groundwater levels may be higher than 2.5 m below natural ground level

6.6 Other Issues

Council's assessment report raises a range of other issues as outlined in **Table 3**. These issues relate to:

- operating hours and associated noise impacts arising from the function room
- design of lighting, fencing, security measures and wayfinding/signage
- construction management

Table 3 | Summary of other issues raised

Consideration	Recommended Conditions
<p>Noise</p> <ul style="list-style-type: none"> • Council raised concerns about the noise impacts due to the operation of the function room, particularly later in the evenings. • The operation of the existing clubhouse building to host functions is subject to a separate DA (DA 379/87) which restricts the operating hours to between 8 am and midnight. The Applicant proposes to maintain these hours for the function room for the development. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Restrict operating hours of the function room to between 8 am and midnight • Comply with the noise impact requirements of the <i>Protection of the Environment Operations Act</i>

Consideration

Recommended Conditions

- | | |
|--|---|
| <ul style="list-style-type: none">• The Department notes that the proposed development is not expected to result in changes above and beyond its current permitted use.• The Department's assessment concludes that Subject to the implementation of the recommended conditions, noise emissions from the cemetery can be appropriately managed | <p><i>1997</i> or a license issued under the <i>Liquor Act 2007</i></p> |
|--|---|

Lighting, signage, security and fencing

- | | |
|--|--|
| <ul style="list-style-type: none">• Council's report notes that details of the proposed lighting, security features and fencing were not provided, and recommends further information be provided including a:<ul style="list-style-type: none">– Lighting Plan– Security Plan– Gate and fencing details for the site• Council's Public Domain Amenity and Safety Unit (see Appendix A) has outlined recommended conditions that relate to lighting, design of car parks, landscaping, building security and access control and graffiti/vandalism• The Department is satisfied that these issues can be adequately managed through the implementation of conditions that require the design and implementation of these measures in consultation with Council. | <p>Require the Applicant to:</p> <ul style="list-style-type: none">• Ensure lighting is compliant with relevant standards and does not cause a nuisance to surrounding properties or Park road• Implement the conditions outlined in Council's referral response dated 8 December 2017 to the satisfaction of Council• design gates and fencing in accordance with relevant design guidelines and to the satisfaction of Council |
|--|--|

Construction management

- | | |
|--|---|
| <ul style="list-style-type: none">• Council's report notes that mitigation measures will need to be applied for the management of impacts during the construction of the development, including:<ul style="list-style-type: none">– Construction noise and vibration– Construction air quality– Erosion and sediment control• The Department is satisfied that these issues can be adequately managed through the implementation of construction management and mitigation measures to be described in a construction environmental management plan (CEMP). | <p>Require the Applicant to:</p> <ul style="list-style-type: none">• Prepare and implement a CEMP for the construction of the development |
|--|---|



7. Evaluation

The Department has assessed the Crown DA in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed cemetery is appropriate on the basis that:

- it responds to the need for additional cemetery space in metropolitan Sydney identified in the CCNSW Metropolitan Sydney Cemetery Capacity Report (2017)
- it satisfies the relevant provisions of the PLEP 2010 and is permissible with consent
- it is consistent with the Greater Sydney Region Plan 2018 and the Cemeteries and Crematoria NSW Strategic Plan 2015-20

Overall, the Department's review concludes that the DA should be approved, subject to conditions. In considering Council's reasons for refusal, there are insufficient grounds for the Minister to support the recommendation to refuse the DA. The Department has recommended a range of conditions that should be included, as a minimum, in any consent granted in **Appendix J**.

The Department is satisfied that sufficient information is available, or can be obtained prior to development commencing, to ensure the impacts of the development can be managed to acceptable levels.

The Department is also satisfied that all relevant steps and matters for consideration have now been given due consideration under the provisions of the EP&A Act and Regulation.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and is approvable, subject to conditions.



8. Recommendation

This assessment report is hereby presented to the Independent Planning Commission for consideration. The Department recommends:

- the Commission agree to the proposed amendment to the Crown DA under Clause 55 of the EP&A Regulation to withdraw the crematorium and
- consider the findings in this report

Prepared by: Kane Winwood
Team Leader
Industry Assessments

Recommended by:


Chris Ritchie 21/12/18.
Director
Industry Assessments

Recommended by:


Anthea Sargeant 21/12/18
Executive Director
Key Sites and Industry Assessments



Appendices

Appendix A – Penrith Council Preliminary Assessment

Appendix B – Letter Amending the Development Application

Appendix C – Amended Landscape Drawings and Engineering Design Drawings

Appendix D – Submissions

Appendix E – Additional Groundwater Review (6 September 2018)

Appendix F – Sydney Water Correspondence

Appendix G – Response to Potential Sighting of Unnamed Orchid

Appendix H – Department of Industry – Water Correspondence

Appendix I – RMS Correspondence

Appendix J – Schedule of Conditions