

Assessment Summary

A thorough preliminary assessment of the development application and accompanying documentation has been undertaken. Council does not support the proposed mixed use development which includes the change of use from golf course to cemetery for 88,000 burial plots, chapel and administration buildings, landscaping, drainage and earthworks, construction of internal roads, pathways and related infrastructure, change of use of the existing clubhouse to function centre, and crematorium, and recommends refusal of the application for the following reasons:

- (A) The proposed uses as 'function centre' and 'crematorium' are prohibited development within the E3 Environmental Management zone under PLEP 2010.
- (B) The proposed development does not comply with the objectives of the E3 Environmental Management zone under PLEP 2010.
- (C) The proposed development does not comply with the objectives and specific provisions of Clause 7.2 Flood planning of PLEP 2010. Specifically, the development proposal is not compliant with the following clauses:
 - (i) Clause (4)(a), in that the proposal is not compatible with the flood hazard and risk of the land,
 - (ii) Clause (4)(c) as it has not been demonstrated that the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
 - (iii) Clause (4)(d) as it is not demonstrated that the development is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and
 - (iv) Clause (4)(e), in that the application does not demonstrate that the proposal is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area.
- (D) The proposed development does not comply with the objectives and specific provisions of Clause 7.3 Development on natural resources sensitive land of PLEP 2010.
- (E) The proposed development does not comply with the objectives and specific provisions of Clause 7.5 Protection of scenic character and landscape values of PLEP 2010.
- (F) The proposed development does not comply with the objectives and specific provisions of Clause 7.6 Salinity of PLEP 2010.
- (G) The proposed development does not comply with the objectives and specific provisions of Clause 7.7 Servicing of PLEP 2010. In particular, the application was not submitted with a wastewater report or any details of how sewer and wastewater will be disposed of at the site.



- (H) The proposed development does not comply with the objectives and specific provisions of Clause 7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport of PLEP 2010. Specifically, documentation submitted with the application does not address potential impacts from the crematorium on aircraft/flight paths associated with the second Sydney airport.
- (I) The proposed development does not comply with the objectives and specific provisions of Clause 7.18 Mulgoa Valley of PLEP 2010.
- (J) The development proposal does not comply with the provisions of the Penrith Development Control Plan 2014, in particular controls within 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.
- (K) Adequate owners consent has not been provided for works proposed over Lot 6 DP 747868, 1556 Mulgoa Road, Wallacia.
- (L) The development proposal does not demonstrate that the site can drain to Council's satisfaction.
- (M) The development proposal does not demonstrate that the risk to human health, in particular with regard to air and water quality impacts, has been addressed and can appropriately mitigated.
- (N) The proposal does not demonstrate that negative and detrimental impacts on water quality, including ground water, will not result from the development.
- (O) The development proposal is not consistent with Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, in particular the development proposal does not demonstrate compatibility with the Aim of the plan, and the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy.
- (P) The development proposal does not demonstrate an acceptable level of consistency with overarching state plans and policies such as the Greater Sydney Commission's A Plan for Growing Sydney and the Western City District Plan including objectives (specifically Objectives 28 and 29) related to protecting and enhancing natural landscapes, biodiversity and waterways within the Metropolitan Rural Area and protecting areas such as the Mulgoa Valley.

A copy of Council's internal advice referrals is included at **Appendix 1**. This assessment summary has not assessed or investigated all of the matters raised in the submissions received by Council which have been forwarded to the Independent Planning Commission and Sydney West City Planning Panel under separate cover.

The following matters are raised for consideration:

1. Owners consent

Owners consent has not been provided for works proposed over Lot 6 DP 747868.

In Section 6, Matters Identified by the Roads and Maritime Services (page 8) of the 'Additional Information Response' prepared by Urbis, it is stated that *'The proposed access point to Mulgoa Road has been removed by the amended development scheme'*.

However, amended plans including landscape plans, civil engineering plans, the Civil Engineering Services report, Vegetation Management plan and the amended Travers Tree Assessment dated May 2018, indicate works remain proposed over this allotment and include road construction (Road No. 7), tree removal, landscaping and provision of a vehicular access point to Mulgoa Road. Architectural plans were not amended.

2. Permissibility

The development is described as a mixed use development which includes the uses 'Cemetery', 'Crematorium' and 'Function centre' as defined under Penrith Local Environmental Plan 2010 (PLEP).

'Cemetery' is a permissible land use within the E3 Environmental Management zone.

'Crematorium' is a separate definition under PLEP and is defined as *"a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services"*.

'Function Centre' is also separately defined under PLEP and means *"a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility"*.

Planning Circular PS 13-001 sets out particular lines of enquiry to assist in determining whether a use is ancillary or dominant. In accordance with the guiding document, it is determined that the uses 'function centre' and 'crematorium' as proposed, do not primarily exist to serve the dominant purpose of cemetery.

It is acknowledged that both, the function centre and crematorium have ancillary qualities, such as their relative scale to the 42Ha site and in particular, the proximity of the crematorium to the chapel. However, as detailed within the Planning Circular, ancillary development is not determined simply by proximity or relative scale.

Information provided in support of the development application is insufficient to satisfy Council that the proposed uses of 'function centre' and 'crematorium' are ancillary development associated with the dominant use as cemetery. In this respect, an assessment has been made of the proposal and it is concluded that the component uses as 'crematorium' and 'function centre' are prohibited land uses within the E3 Environmental Management zone under PLEP.

The functions and activities attributed to each use (function centre and crematorium) are assessed to go beyond that which is reasonably required in the circumstances, for the implementation, operation or ongoing management of the dominant use of the site as cemetery. The component uses of function centre and crematorium are assessed to 'serve their own purposes' and in this respect, are independent uses and in accordance with the Planning Circular, are considered each a dominant use on their own.

Function Centre

It is stated within submitted documentation, that no change of use is proposed to the clubhouse, and that the use of the existing clubhouse, which allows functions, will continue and that the application seeks only a refurbishment of the building.

This explanation is not accepted, in that the application seeks approval to use the entire site for a cemetery and to re-furbish the existing golf clubhouse to enable its use to be function centre. There is no proposal to continue using the site as a golf course (although an interim arrangement is proposed to allow golfing to continue temporarily until works necessitate its complete closure). In this respect, the use of the building is for function centre not golf clubhouse.

A review of Council records indicates that consent has previously been granted for alterations and additions at the site, related to both the golf course and grounds under DA03/1128, and to the existing golf clubhouse under 379/87. The approved use of the building is 'clubhouse', ancillary to the use of the site as a golf course. The clubhouse layout accommodates a pro-shop, TAB, Keno and gaming, bar and function area, meeting rooms and golfers change facilities. Further, the clubhouse has remained a Registered Club, meaning a club that holds a club licence under the Liquor Act 2007.

Registered clubs are required to meet a set of criteria and have obligations related to operations, management and licensing as set out within the Registered Clubs Act 1976. This Act permits registered clubs to have functions and it is a known particular of the operations of a registered club, that functions may be facilitated, ancillary to the primary operations of the clubhouse (as regulated by their registration as a club) and as limited by their Club Liquor Licence.

The proposed change of use from clubhouse to function centre will require the surrendering of the registered club liquor licence to the Office of Liquor Gaming and Racing (OLGR) and the deregistering of the venue as a registered club. The proposed function centre will not be bound by the previous Club's obligations under the Registered Clubs Act, which had the effect of limiting the predominant use to a Registered Club associated with the golf course and focusing the use of the building as an ancillary element of the use of the site as a golf course.

Crematorium

For clarity on the matter of permissibility, Council sought its own legal advice. It is clarified in letter dated 16 July 2018 prepared by Sparke Helmore that the proposed use as crematorium is not ancillary development and is thus a dominant use and is prohibited development within the E3 Environmental Management zone under PLEP.

The crematorium is readily capable of functioning independently of the cemetery and indeed will continue operations after the cemetery has reached capacity. Further, it is clear through Council's land use controls that Crematoriums are to be located in IN2 Light Industrial and RU4 Primary Production Small lots zones, with consent.

The proposed uses of 'function centre' and 'crematorium' are prohibited uses within the E3 Environmental Management zone under PLEP.

3. Proximity to Warragamba Dam

As additionally detailed within the submission received from Wollondilly Shire Council, the subject site is located within 5km of Warragamba Dam which is the main water supply for Sydney. It is noted that Warragamba Dam was taken into account as a sensitive receiver (as part of the Air Quality Impact Assessment). However, the report stresses that it is not a Health Impact Assessment and that a full assessment of the likely deposition of heavy metals to the water has not been carried out.

It is raised for consideration that the submitted Air Quality Impact Assessment carried out by Northstar dated 2 November 2017, does not adequately address risk to human health. In particular, insufficient information has been provided to satisfy Council that the water quality of Warragamba Dam will not be negatively impacted by the installation of the proposed crematorium at the site.

4. Air Quality

The submitted Air Quality Impact Assessment prepared by Northstar Air Quality stipulates wind conditions figure of 7.5% for the Badgerys Creek automatic weather station, whilst the meteorological input into the dispersion model used a calm wind conditions figure of only 2.5%. In this respect, a statement addressing this variation and its potential impact on the modelling results, and therefore impacts, is required.

In addition, further information is required regarding seasonal inversion effects on the air quality and emissions from the crematorium, its effect on the neighbouring residents and surrounding land uses including on water catchments and the long term impacts on the Warragamba Dam and its catchment areas.

Due to the nature of the proposal and the level of risk to public health, local waterways and the Warragamba Dam, the submitted Air Quality Impact Assessment must be assessed by an independent and appropriately qualified and experienced expert.

5. Non-compliance with Penrith Local Environmental Plan 2010

The development proposal does not comply with key provisions of the Plan including those related to Permissibility, Earthworks, Flood planning, Development on natural resource sensitive land, Protection of scenic character and landscape values, Salinity, Servicing, and Mulgoa Valley.

6. Function centre use proposed in the year 2139

The application proposes to stage works at the site over 132 years with the change of use from clubhouse to function centre and associated works located within the Stage 3 area, although submitted information indicates that alterations and additions proposed to the existing clubhouse (to facilitate its use as function centre), will be undertaken as part of Stage 1.

It is important to note that the application is not a Staged application and the proposal to stage works is related to the nature of how land set aside for a cemetery is utilised gradually overtime, rather than all at once. As the site is currently used as a golfing facility, the staging of the works will allow the unused areas to be used as a golf course in the interim period.

It is acknowledged that there will be an interim use in place for the existing golf clubhouse which is proposed to be refurbished and will be utilised by golfers and as a function centre until such time as the remaining areas of land are closed for golfing and utilised as cemetery.

The use of the existing clubhouse at this time, will be purely function centre.

The consent, if issued would not restrict stage dates from changing and it is possible that the use of the building purely as a function centre may occur much earlier than anticipated.

Notwithstanding the prohibited nature of the function centre land use, Council does not support issuing a consent for interim works to the existing clubhouse which will facilitate the use of the building as a function centre.

Further, it is not in the public interest to issue a consent for a land use that will not begin until the year 2139 as the environmental impacts cannot be adequately predicted nor assessed.

7. Scale of the development and proximity to Wallacia town centre

The proposed use of the entire site as a cemetery will have the effect of sterilising the land and will inhibit the ability of the Wallacia town centre to grow, noting the western boundary of the township is flanked by the Nepean River.

Parts of the site are positioned to allow for development which may contribute to the strength and diversity of commercial and employment opportunities within the Wallacia Town centre, particularly given the site's position relative to the town centre and its frontage to Park Road.

Further to the above, it has previously been raised by Council in letter dated 10 April 2018 to the Hon. Anthony Roberts MP that Council is currently pursuing a planning proposal that is seeking to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia. The Department of Planning and Environment has held off on allowing the proposal to proceed to Gateway until the completion of the review for the need for land for cemeteries and crematoria in the Greater Sydney region.

The Mulgoa Valley and Wallacia contain significant rural landscapes including agricultural qualities, cultural heritage values, scenic values and are the setting for the villages of Mulgoa and Wallacia. The scenic and biodiversity values of these Metropolitan Rural Areas are confirmed within the Greater Sydney Commission's Plan for Growing Sydney and Western City District Plans.

The scale of the development proposal is assessed as incompatible with the character of the area and the site's more technical characteristics. It is raised for consideration that the review for the need for land for cemeteries and crematoria in the Greater Sydney region has not been finalised and in this respect the scale of the development is further highlighted as unreasonable.

8. Departure from the Greater Sydney Commission's - Our Greater Sydney 2056 - Western City District Plan

As highlighted within Planning Priority W12 of the Western City District Plan (the Plan);

"the waterways and rivers of the District are part of an overall natural system and contribute to green infrastructure that cools and greens the District. The District's waterways support ground water-dependent ecosystems, which benefit from continuing protection and management. They support threatened

ecological communities and accommodate the disposal of stormwater and wastewater".

Specifically, the Plan identifies that *"the Hawkesbury-Nepean Valley between Wallacia and Sackville, and parts of South Creek Valley have the greatest flood exposure of any valley in NSW".*

The Plan iterates that past and present uses have resulted in degradation of waterways resulting in *"large quantities of stormwater run-off, reduced water quality and loss of habitat"*.

The Plan stipulates that new development is an opportunity to improve the necessary health and quality of the District's waterways and riparian corridors through a number of methods including *"protecting and enhancing flora, fauna and urban bushland; providing riparian vegetation buffers; and recovering and reinstating more natural conditions in highly modified waterways"*.

It is not assessed that the development proposal adequately demonstrates an acceptable level of compatibility with the plan. Adequate documentation has not been provided to satisfy Council that detrimental, negative impacts will not result from the proposed use of the site for a cemetery and crematorium specifically with regard to wastewater/sewer disposal, stormwater management, air quality and potential impacts on ground water quality and soil salinity.

The development proposal is in direct conflict with Objectives 28 and 29 of the Western City District Plan which relate to protecting and enhancing natural landscapes, biodiversity and waterways within the Metropolitan Rural Area and protecting the Mulgoa Valley.

9. Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

The aim of Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River, is 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.

Part 3 Development Controls - Sewer systems or works sets out additional matters for consideration by the consent authority under Clause 17 for sewerage systems or works.

The development application was not submitted with a wastewater report or similar supportive document and no details are provided as to how the chapel building, crematorium, maintenance shed or administration office will dispose of waste water.

Council is unable to assess the impact an On-Site Sewer Management (OSSM) system or other waste disposal scheme, may have on biodiversity, public areas, grave sites, soil salinity, ground water or downstream water catchments and/or vegetation.

It has not been demonstrated that the proposed development will not impact negatively on the saline conditions at the site or that the site is capable of managing wastewater disposal without negatively impacting on water quality (both above and below ground) particularly given the close proximity of the site



to Jerry's Creek, the Nepean River, residential dwellings, grave sites and publically accessible areas, neighbouring rural uses and agriculture and downstream catchments.

This is of particular importance as the application submits that the site will be open to the public for passive recreation and as a portion of the site will temporarily be utilised for golfing.

Submitted reports conclude that additional investigations are required.

10. Crown authority

Clarification is sought as the status of the CMCT as a crown authority as the owner of the site. It is noted that recent legislation changes (post-lodgement) have amended references to the crown authorities and it is unclear if CMCT remain a crown authority.

11. Civil works, Stormwater and Engineering

The application does not demonstrate that the site can drain to Council's satisfaction. Submitted information remains inconsistent across all plans. Insufficient detail is provided to allow Council's Engineers to complete their assessment of the proposal. Plans and reports do not calculate stormwater flows and detention volumes in accordance with Council's Stormwater drainage specification for building developments document.

12. Waterways

The stormwater management concept for the site was reviewed by Council's Environmental Health – Waterways unit and is not supported. The concept drainage plans prepared by Warren Smith and Partners do not incorporate all of the details outlined in the Stormwater Management report prepared by Stormy Water Solutions.

The proposal does not comply with Council's WSUD Policy, in that water conservation measures are to be incorporated into the development and are to be included on all plans and incorporated into the stormwater management concept for the site.

13. Groundwater

The Preliminary Geotechnical Groundwater and Salinity Assessment prepared by Martens Consulting Engineers dated October 2017 is not conclusive in accurately identifying areas unsuitable for in ground burial.

A more comprehensive assessment is required to accurately identify areas where in ground burial must not be undertaken due to ground water levels, or soil saturation/water logging and the like.

Contrary to the recommendations of the Martens preliminary geotechnical report and additional letter dated 22 March 2018, landscape plans indicate burial sites are located in the vicinity of ground water monitoring wells (MW104 and MW117).

The impact of the proposal on ground water and the risks to and extent of ground water across the site, must be investigated.

Further, it is not considered appropriate that conditions of consent be utilised to restrict the locations of burials should groundwater be encountered after the plot has been dug.

The quality of the subsurface ground conditions are not known across the site and it is raised within submitted reports that headstones above 0.75m should be engineered.

It is not identified within the proposal how this will be managed across the site, during operations.

In addition, the proposal includes areas for the installation of memorial stones up to 1.5m on concrete beams, it is unclear if these are impacted by the recommendation, and if risks of injury or death from structures becoming unstable due to flooding impacts, presence of groundwater, waterlogged soils and other geotechnical impacts, exist.

Due to the technical nature of the proposed development, and the level of risk from contaminants and the like, making their way into the local waterways (overland or via ground water), the submitted geotechnical and salinity report(s) must be assessed by an independent and appropriately qualified and experienced expert.

Accumulated environmental impacts over time, of air and land contaminants must be known.

14. Salinity

The Preliminary Geotechnical Groundwater and Salinity Assessment prepared by Martens Consulting Engineers dated October 2017 identifies that areas of the site are effected by Saline soils. The Assessment recommends that further investigations are required and lists the following:

- *“Further borehole/test pits to refine indicative soil profile zone delineations.*
- *Additional penetration testings such as Standard Penetration Test and/or Dynamic Cone Penetrations Test to determine more accurate strength of subsurface materials for structural design.*
- *Further groundwater assessment, including groundwater monitoring and modelling, to more accurately determine groundwater conditions across the entire site.*
- *Further salinity investigation, including lab testing, to improve understanding of saline conditions and exposure classifications to proposed excavation depths”.*

It is noted that the Preliminary Geotechnical, Groundwater and Salinity Assessment recommends that any long term irrigation or watering on site is to be at a level that does not cause groundwater to become perched. No detail is provided as to how this would be avoided by the operator of the site, or how avoiding this in the future would be managed by the day to day operations.

The report recommends offsetting landscaping and gardens from building and retaining walls and sealing (by lining) stormwater detention ponds and water features to reduce infiltration.

It is unclear from the submitted documents and plans if the proposed stormwater concept plans and reports have taken into consideration the recommendations of this report. It is also unclear if the landscape plans and

the maintenance schedule has had regard to these recommendations, and in particular, recommendations related to avoiding perching of ground water.

Long term effects on soil and water quality and any negative downstream impacts related to the recommendation to treat “soils with gypsum before landscaping to suit selective tree species” are not known. This is important, particularly given the presence of ground water across the site, proximity to water courses and due to the flood prone nature of the site.

15. Biodiversity

The development application and accompanying plans and reports were reviewed by Council’s Biodiversity Officer. Although, it is acknowledged that although the site contains remnant vegetation which is highly modified and little to no understorey is in place, the site does contain remnants of Cumberland Plain Woodland (Critically Endangered under the under the NSW Biodiversity Conservation Act 2016 and the commonwealth Environment Protection and Biodiversity Conservation Act 1999) and River-flat Eucalypt Forest (Endangered under the NSW Biodiversity Conservation Act 2016), which do meet the definition of the EECs at a state level, with some patches meeting the definition at the federal level. Regardless of their current level of modification, they are of biodiversity value, containing rare patches of these communities and habitat for associated fauna.

Despite the condition of much of the native vegetation, the presence of the native vegetation is important, providing hollows, foraging resources, and general biodiversity resources.

A Vegetation Management Plan has been prepared for the site although does not currently reference the best practice guidelines for western Sydney: *Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005)*.

There is no reference to ongoing maintenance of various aspects of the landscaping including of habitat boxes.

Submissions from local residents have raised the possibility of the presence of a yet-to-be-described, rare species of orchid within the golf course grounds.

A targeted survey and assessment should be undertaken by a qualified botanist with experience in orchids for the presence of this undescribed species. The survey must be undertaken during the likely flowering time. It is suggested that the botanist be provided the contact details regarding the submission so that information can be provided with regard to locations, flowering times,

The applicant was provided with the submitter’s contact details and the details of the orchid sighting. The updated information provided, does not make any mention of this and there have been no further surveys, and the possible presence has not been addressed. This must be addressed by the applicant prior to any further assessment.

It is noted that the Office of Water have requested additional information related to density of plantings in riparian zones as further detailed within this report.

Trees identified for retention appear to be impacted by the location/excavation of burial plots. A more detailed and dimensioned plan of zones to be clear of excavation is required. This plan shall incorporate the areas identified within

other reports as being unsuitable for excavation or in-ground burial including areas where ground water is present.

16. Department of Primary Industry - Office of Water

The development application was referred to Office of Water. In response dated 6 February 2018 further information was requested including a flood sensitivity analysis for riparian planting, A stormwater management plan, a vegetation management plan.

Council provided Office of Water a copy of the Water Sensitive Urban Design Strategy and Storm Water Management Plan dated 11 October 2017 and the Vegetation Management Plan dated 27 April 2018, Version 1 prepared by Travers.

Office of Water have reviewed the information and have requested further information which remains outstanding.

General Terms of Approval have not been issued.

17. Contamination

Report on Preliminary Site Investigation - Contamination by Douglas Partners project #76652.02 dated 6 November 2017, recommends further intrusive investigation is carried out to determine:

- (i) *The extent of each potential area of environmental concern (PAEC) and identify any further potentials contaminants of concern.*
- (ii) *Current possible contamination of land/grounds through leakage from asbestos piping, chemical storage/sheds and hazardous building materials and chemicals stored /spilt in sheds and areas of filling on site, 2x1000L above ground storage tanks containing diesel and the other with petroleum*
- (iii) *The presence of hotspots of pesticides, herbicides and fertilisers contaminants in the soil.*
- (iv) *The extent of each PAEC and identify any further potentials contamination of concern.*

Given the above, the requirements of clause 7 of State Environmental Planning Policy No.55 - Remediation of Land have not been met, and site suitability for the proposed development has not been established.

The applicant is required to prepare and submit a Detailed Site Investigation of the site. The DSI is to be prepared by a suitably qualified and experienced land contamination consultant in accordance with NEPM 2013 and relevant NSW EPA Guidelines. Should remediation be required, a Remediation Action Plan will also need to be prepared and submitted prior to determination of the application.

18. Infrastructure and Services

Clause 7.7 servicing of PLEP stipulates that prior to granting development consent, the consent authority must be satisfied that the development will have adequate facilities for the removal and disposal of sewage.

The development was not submitted with a wastewater report and details of how sewer and waste water will be managed at the site are not known.

The development proposal has not demonstrated that the site can be serviced.

Further, Sydney Water has confirmed in correspondence dated 5 July 2018 (Sydney Water Reference 172421) that there is limited capacity within the existing network to service the proposed development and have requested the applicant lodge a feasibility application.

19. Road Design

Council's Development Engineering Unit has reviewed the submitted plans and documents and confirms that submitted information remains inconsistent across all plans and reports and that insufficient detail is provided to allow a proper assessment of the proposal.

Further, due to significant scale of the development and its proximity to the Wallacia town centre, the development must provide for a pedestrian pavement along the frontage of the site to Park Road from the main public entry to the existing clubhouse.

Roads and Maritimes Services have provided their concurrence and provided conditions in letter dated 15 June 2018 (RMS Reference SYD17/01668/03).

20. Security and Safety

No details of lighting, security features or fencing have been provided. The applicant must provide; a lighting plan (including to walkways, around buildings and in carparks); a security plan and report (detailing after hours procedures and contacts); and gate and fencing details for the site. All stages and interim interfaces are to be addressed.

The Plan of Management notes as a Management Principle "*Maintain the current golf course for 5 years and then reduce to a nine-hole course for future use up to 50 years at least*". However, no detail is provided as to how the land uses will be integrated. Additional detail is required regarding the staging to understand how land uses are legible to users of the spaces.

It is noted that permanent fencing is proposed in selected areas (Travers Vegetation Management Plan, dated 27 April 2018, Version 1). No further detail is provided as to the type of fencing or its location and intended purpose.

21. Signage

Details of site signage have not been provided. A signage plan should be provided indicating directional signage for motorists travelling to the site. All signage associated with the site, particularly as viewed from the surround streets is to be nominated on plans inclusive of any lighting proposed.

22. Access and Equity

In recognition of Council's commitment to Access and Equity principles, it is suggested that information on low-cost non-attendance cremation services is made readily available to community enquirers, to encourage equitable access to affordable funeral services. Often this information is not easy to access, particularly for distressed family members, when ease of access would help ensure disadvantaged community members are able make informed financial decisions.

23. Objects of the Act

Approval of the proposal would be in conflict with the objects of the Environmental Planning and Assessment Act 1979, as set out under Clause 1.3, as follows:



- (a) Approval of the development application would not result in the promotion of the social and economic welfare of the community and a better environment by the proper management, development and conservation of the States natural and other resources, in that insufficient information has been provided to enable Council to be certain that the development proposal will not result in negative and detrimental environmental impacts on air and water quality and impacts on the biodiversity values of the site. Submitted reports addressing soil salinity and ground water in particular, are inconclusive and do not offer satisfactory or conclusive evidence that the site is suitable for the proposed development.
- (b) Approval of the development proposal would be contrary to Clause 1.3 (b) of the Act, in that the proposal does not comply with a significant number of primary development objectives, clauses and controls of the relevant environmental planning instruments and development control plans, including those related to permissibility, zone objectives, suitability of site, and environmental impacts on the built and natural environment in the locality, including on biodiversity values, and on water and air quality.
- (c) Approval of the proposed will not contribute to the orderly and economic use and development of land for the following reasoning:
 - (i) The proposed uses of function centre and crematorium are prohibited land uses within the E3 Environmental Management zone under PLEP. These land uses are considered to be independent dominant uses on their own as opposed to ancillary uses,
 - (ii) The proposal seeks approval for the change of use from clubhouse to function centre 121 years into the future, between the years 2139 and 2150
 - (iii) The applicant has not provided owners consent for works proposed over an adjacent lot, legally described as Lot 6 in DP747868. The proposal includes construction of a road which utilises the above mentioned lot to access Mulgoa Road and it is unclear if this is required for emergency access for the Rural Fire Service or State Emergency Services, and
 - (iv) The applicant has not identified if future works proposed over the site will include adjacent lots legally described as Lot 3 and 4 in DP 18701 which are also in the ownership of the Catholic Metropolitan Cemeteries Trust (CMCT).
- (d) Information accompanying the development application is insufficient in detail to enable Council to be satisfied, that approval of the proposed development will not result in the degradation and or detrimental environmental impacts on the biodiversity values of the site.

Submitted plans and reports do not correlate information with conflicting recommendations responding to various aspects of the site having the potential to negatively impact opposing aspects of the proposal. This is particularly the case with regard to report recommendations related to landscaping, soil salinity, groundwater and impacts on soil and water quality.



Appendix 1

Internal advice referral documents

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrithcity.nsw.gov.au