

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

## **WALLACIA MEMORIAL PARK**

3 NOVEMBER 2017  
SA6970  
FINAL  
PREPARED FOR CATHOLIC METROPOLITAN CEMETERIES TRUST

**URBIS**

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Project Code	SA6970
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# EXECUTIVE SUMMARY

## Overview

This report has been prepared on behalf of the Catholic Metropolitan Cemeteries Trust (CMCT) and accompanies a Crown Development Application to Penrith City Council seeking approval for the development and use of land at 13 Park Road, Wallacia (Lot 2 in DP1108408) and 512 Mulgoa Road, Wallacia (Lot 512 DP1079728) as a cemetery and memorial park with associated facilities.

The proponent is the CMCT, which is a Crown cemetery trust within the meaning of the Cemeteries and Crematoria Act 2013 and is therefore a Crown authority for the purposes of the DA and Clause 89 of the EP&A Act.

This Statement of Environmental Effects (SEE) describes the site, its context and the proposed development, and provides an assessment of the proposal in terms of the relevant matters for consideration under Section 79C (1) of the *Environmental Planning & Assessment Act 1979*.

The development has been based on the design approach that the cemetery can function as a park, sanctuary, and open space available to the public. It will allow the progressive conversion of the Wallacia Golf Course to be made more accessible to the public and managed/maintained effectively by the applicant the CMCT in perpetuity.

## Key Elements of the Proposal

The Crown DA seeks approval for the following specific uses and works for the site:

- Use and operation of the site for a “cemetery” for 88,000 burial plots and including ancillary “crematorium” and associated publicly accessible parklands / “recreation areas”;
- The development will be constructed in stages reflective of an indicative staging plan, however consent is sought for the entire development;
- A new chapel building with ancillary crematorium, a new single storey administration building and services outbuilding;
- A newly refurbished function area associated with funerals held at the site;
- Provision of a new internal road network accessible from Park Road;
- Provision of on-site formal car parking for up to fifty (50) cars and provision of kerbside shoulder carparking throughout the internal road network;
- Landscaping of the entire site with associated the planting strategy and provision of new ponds and wetland/detention basin;
- Burial areas and memorialisation guides;
- Provision of a new 6,500L storage tank adjacent the chapel and provision of a new electrical substation;
- Tree removal; and
- Stormwater infrastructure and other site services.

## Project Need

The application is based the strong demand for additional cemetery space in Sydney with a particular focus on Western Sydney. The proposal directly relates to a recognised shortage of burial space across Metropolitan Sydney, as identified within A Plan for Growing Sydney and publications released by Cemeteries and Crematoria NSW.

The Wallacia Memorial Park (WMP) has been envisaged and proposed to provide both immediate and long term relief to this identified need for interment sites.

## Planning Assessment

The proposed development has been assessed against the applicable State and local planning policies. This assessment concludes that the proposal represents a design, quality and form that is entirely consistent with the objectives of the planning controls and policies as they apply to the site and will have an acceptable and positive environmental impact. Therefore, the proposal warrants a recommendation for approval for the following key reasons:

- The proposal has been designed to comply with all state and local planning provisions which apply to the site including reference to the site-specific provisions detailed in the *Penrith Local Environmental Plan 2010* and the *Penrith Development Control Plan 2014*). Additionally, the proposal satisfies the desired quality outcomes sought from relevant State Environmental Planning Policies as they apply to the site.
- The design responds positively to the site conditions and the surrounding built and rural/peri-urban environment. The design has been informed by the known scenic and landscape qualities of the site. The proposed design of the facility represents a highly sympathetic design which will ultimately function as a parkland cemetery which positively responds to the environmental attributes of the site.
- The proposal provides 42 hectares that will be for the sole purpose of publicly accessible passive recreation;
- The existing utility infrastructure and services can be extended, augmented or amplified (if required) to accommodate increased demand from the development;
- The proposed traffic generation will not adversely affect the existing operations of the surrounding road network;
- The proposed built form has been assessed to be compatible with the surrounding development and environment; and
- The proposal is in the public interest as it will provide long term relief to the identified shortfall in burial land within the West Sydney Region.

Having considered all the relevant matters, we conclude that the proposal represents an entirely appropriate and considered development of the site which satisfies the relevant planning controls and policies. The proposal is in the public interest as will deliver interment space for Western Sydney whilst ensuring the historical, scenic and ecological opportunities of the site are fully realised. The proposal therefore is considered worthy of support from Penrith City Council and ultimately approval from the Western City Planning Panel.



# 1. INTRODUCTION

## 1.1. OVERVIEW

This report has been prepared on behalf of the Catholic Metropolitan Cemeteries Trust (CMCT) and accompanies a Crown DA to Penrith City Council seeking approval for the development and use of land at 13 Park Road, Wallacia (Lot 2 in DP1108408) and 512 Mulgoa Road, Wallacia (Lot 512 DP1079728), as a cemetery and ancillary crematorium with associated facilities and landscaped grounds.

The proponent is the CMCT, which is a Crown cemetery trust within the meaning of the Cemeteries and Crematoria Act 2013 and is therefore a Crown authority for the purposes of the DA and Clause 89 of the EP&A Act.

The Crown DA seeks approval for the following specific uses and works for the site:

- Use and operation of the site for a “cemetery” for 88,000 burial plots and including ancillary “crematorium” and associated publicly accessible parklands / “recreation areas”;
- The development will be constructed in stages reflective of an indicative staging plan, however consent is sought for the entire development;
- A new chapel building with ancillary crematorium, a new single storey administration building and services outbuilding;
- Provision of a new internal road network accessible from Park Road;
- Provision of on-site formal car parking for up to fifty (50) cars and provision of kerbside shoulder carparking throughout the internal road network;
- Landscaping of the entire site with associated the planting strategy and provision of new ponds and wetland/detention basin;
- Burial areas and memorialisation guides;
- Provision of a new 6,500L storage tank adjacent the chapel and provision of a new electrical substation;
- Tree removal; and
- Stormwater infrastructure and other site services.

This Statement of Environmental Effects describes the site, its context and the proposed development, and provides an assessment of the proposal in terms of the relevant matters for consideration under Section 79C(1) of the *Environmental Planning & Assessment Act 1979*.

## 1.2. PROJECT TEAM

Table 1 below details the specialist consultant team and their contribution to the design of the proposed development:

Table 1 – Project Team

<b>Consultant</b>	<b>Input</b>
Catholic Metropolitan Cemeteries Trust (CMCT)	Proponent/Site Owner
Urbis	Town Planning, Landscape and Visual Impact Assessment, Strategic Demographic Assessment, Plan of Management and Heritage Impact Assessment
Florence Jacquet Landscape Architect	Landscape Architect/Masterplanner

<b>Consultant</b>	<b>Input</b>
Ignite	Project Architect
Altis Architecture	Club House Refurbishment Architect
Degotardi Smith & Partners	Surveyor
Warren Smith & Partners	Civil Engineers
Martens Consulting Engineers	Geotechnical, Groundwater and Salinity Assessment
Douglas Partners	Contamination and Hazardous Material Assessment
Narelle Sonter Botanica	Landscape Specification Planting Works
Travers	Flora & Fauna, Bushfire, Watercourse and Tree Assessment
GRC Hydro	Flood Impact Assessment
Austral Archaeology	Aboriginal Due Diligence & Historical Archaeological Assessment
The Transport Planning Partnership	Traffic Impact Assessment
Acoustic Studio	Acoustic Assessment
Anthony Protas Consulting	Building Regulations Consultants
Morris Goding Access Consulting	Accessibility Consultant
Waste Audit and Consultancy Services	Demolition and Construction Waste Management Plan, Waste Management Plan (Operational)
Steensen Varming	Electrical Consultant, Sustainability Consultant, and Mechanical Services
Northstar Air Quality	Air Quality Impact Assessment

### **1.3. STRUCTURE OF THE REPORT**

This Statement of Environmental Effects is structured as follows:

- A description of the site context, including identification of the site, existing development on the site, and surrounding development (Section 2);
- Detailed description of the proposed development (Section 3); and
- Assessment of the proposed development with the relevant planning controls and issues relevant to the proposed development in accordance with s79C of the Environmental Planning and Assessment Act (Section 4)
- Summary and Conclusion (Section 5)

## 2. SITES AND SURROUNDS

### 2.1. SITE LOCATION

The Site is located within the suburb of Wallacia, which is situated approximately 18 km south of the Penrith central business district.

Wallacia is a modestly sized, low density residential area. The township runs north-south along Greendale Road, which is adjacent to the Nepean River. The Site is located at the northern extent of the township and adjoins rural and semi-rural uses to the north and east (refer to Figure 1).

### 2.2. TITLE DESCRIPTION

A Site Survey has been prepared to accompany the DA and is attached **Appendix A** of this report. The legal description of the subject property comprises two lots, being:

- Lot 2 DP1108408;
- Lot 512 DP1079728.

### 2.3. DIMENSIONS AND SITE AREA

The site has a total area 42ha and is and is an irregular rectangular configuration.

### 2.4. EXISTING LAND USES AND BUILT FORM

The site currently accommodates the Panthers Wallacia Golf Course, comprising the golf course, a clubhouse building, maintenance shed and car park.

A number of constructed dams and ponds exist across the site.

### 2.5. SURROUNDING LOCALITY AND SUB-REGIONAL CONTEXT

To the north of the Site are rural uses, including creeks and dams, and cleared land. To the east of the Site are larger lot residential uses. To the south of the Site is Park Road. The following uses are located immediately adjacent to the southern boundary:

- Residential dwelling located at 21 Park Drive;
- Wallacia Christian Church located at 23-25 Park Drive; and
- The Wallacia Fire Brigade at 27 Park Road

Low density residential uses front Park Road to the south.

Adjacent to the Site to the west are residential uses, the Wallacia Hotel, and commercial uses fronting Mulgoa Road. Further to the west are low density residential uses.

The landscape in the vicinity of the Site is undulating in character with two ridgelines extending landscape setting. To the west of the Site lies the Nepean River at a low-lying elevation of 20 metres (m) Australian Height Datum (AHD). Continuing westward, the land significantly climbs to form the Blue Mountains National Park South which rises to elevations above 200 m AHD forming the western ridgeline.

To the east of the Site, the land gradually rises from 60 m AHD to approximately 100 m AHD forming the eastern ridgeline. Topography is further discussed later in this Section of the report.

There are three reserves within close proximity to the Site. Crossman Reserve is located immediately to the south across Park Road. This reserve forms part of Jerrys Creek. Fowler and Blaxland Crossing reserves are located to the west of the Site, to the east of Nepean River.



There are no items of heritage located on the Site. However, the site is located immediately adjacent to the following items of heritage:

- Wallacia Hotel (item 325);
- Archaeological heritage on Luddenham Homestead site (item A849);
- St Andrew's Anglican Church (item 326).

Figure 2 illustrates the site in a sub-regional context, noting its location relative to Western Sydney Airport, Penrith CBD and other major centres and infrastructure both existing and planned and reflective of the latest draft metropolitan regional strategy.

Figure 3 provides a selection of site photos.

Figure 1 – Aerial map of the site



**LEGEND**  
 ■ SITE BOUNDARY

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**WALLACIA GOLF COURSE**  
 AERIAL PHOTOGRAPH

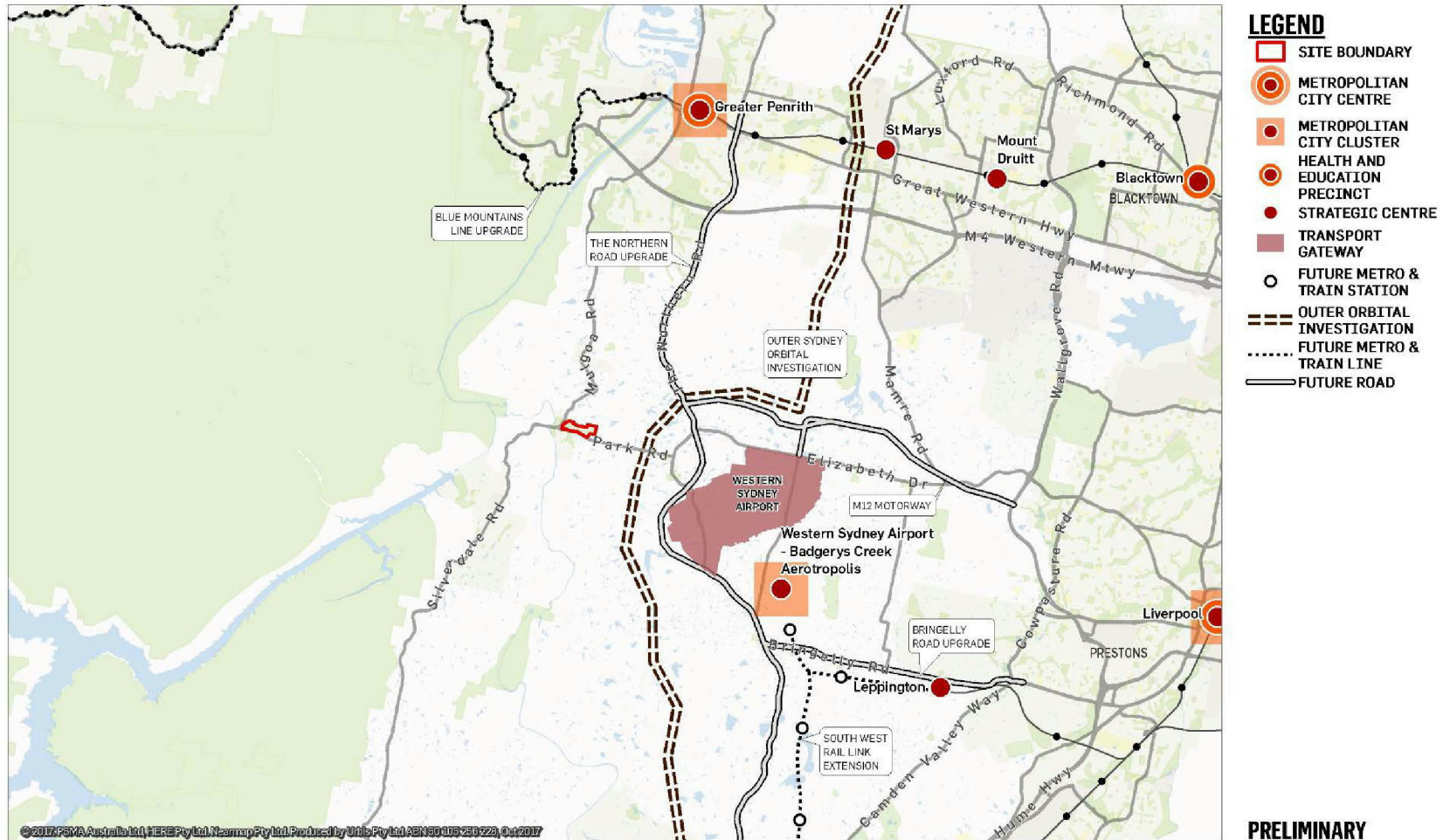
**PRELIMINARY**

DATE: 18.10.2017  
 JOB NO: SA6970  
 DWG NO: 001-001

1:10,000 @ A4  
 0 | 40 | 80 | 120 | 160



Figure 2 – Context Plan



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**PRELIMINARY**

DATE: 31.10.2017  
 JOB NO: SA6970  
 DWG NO: N/A



**WALLACIA GOLF COURSE**  
 REGIONAL CONTEXT

1:200,000 @ A4



Figure 3 – Images of the site



Picture 1 – View from 2nd Tee looking west



Picture 2 – View from fairway looking North



Picture 3 – View from 18<sup>th</sup> Tee looking west



Picture 4 – Existing Maintenance Shed



Picture 5 – Sample Watercourse



Picture 6 – Adjacent Church



## 2.6. ECOLOGY

### Flora

Four (4) vegetation communities were recorded on site. These included:

- Forest Red Gum / Broad-leaved Apple / Swamp Oak Forest - This vegetation community occurs on the lower slopes along and adjacent to drainage lines and waterbodies that may be occasionally flooded.
- Grey Box / Forest Red Gum Woodland - community occupies some small patches across the site, largely along or near the northern boundary east of Jerrys Creek with smaller remnants also extending along the southern boundary.
- Open Waterbodies with Occasional Fringing Macrophytes - There are three (3) main waterbodies on the site, and one (1) smaller waterbody in the western portion of the site. The edges of the waterbodies contain macrophytes such as *Typha orientalis*, *Persicaria decipiens* or *Persicaria strigosa*, *Ludwigia peploides*, *Maundia triglochinos* and *Elaeocarpus sphacelata*.
- The waterbodies have been constructed therefore do not form a natural wetland community nor a native or threatened wetland ecological community.
- Ornamental and Managed Landscape - covers the remainder of the site to include the fairways and greens, planted vegetation between the fairways, general landscaping and revegetation. Many of the trees utilised are ornamental species which include pines and deciduous trees. There are many native trees used in the landscaping as well, but very few that would occur in Cumberland Plain Woodland or River-flat Eucalypt Forest on Coastal Floodplains.

### Fauna

Based on surveys undertaken to inform this application, the following provides a summary:

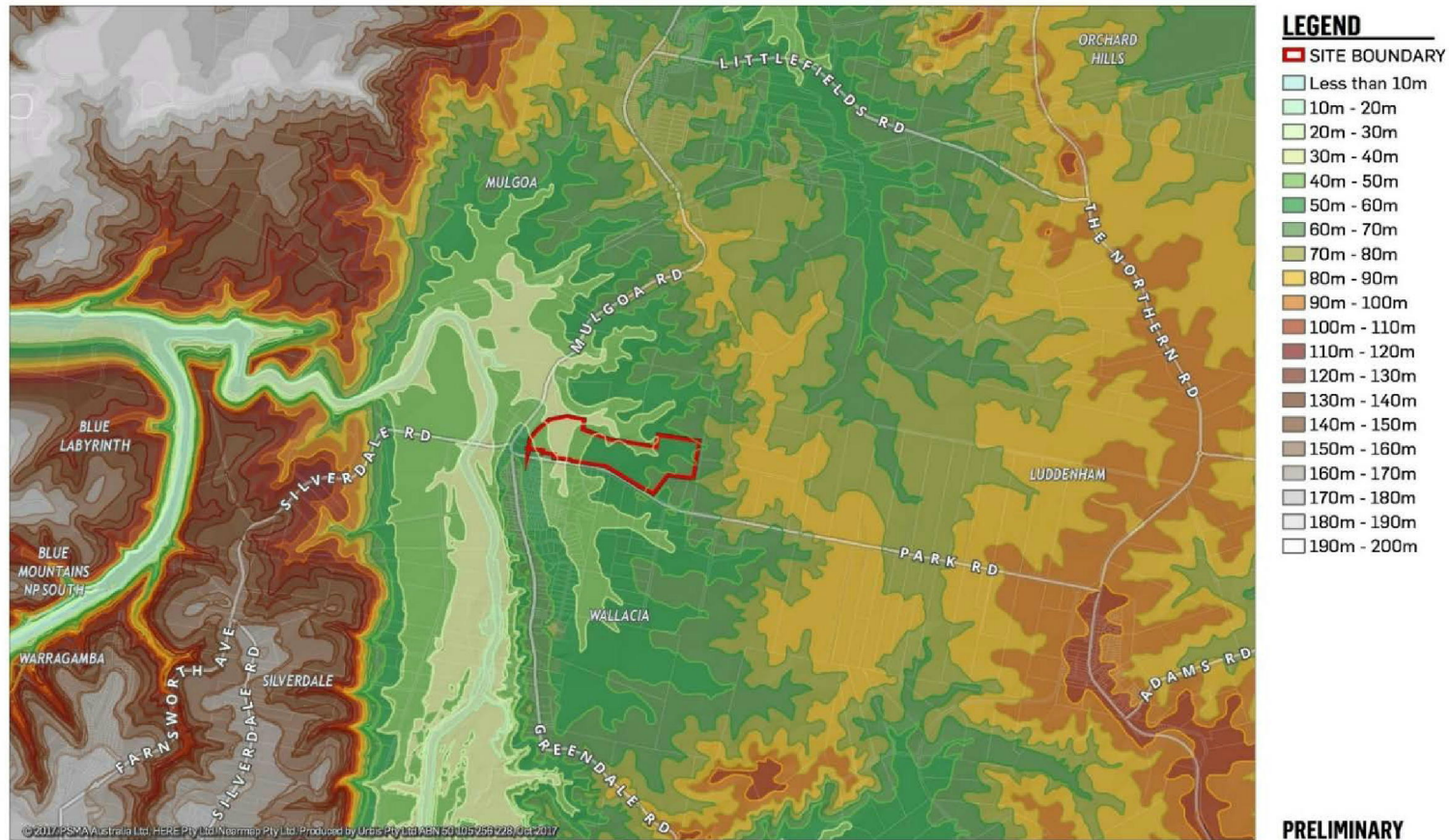
- A total of nineteen (19) trees containing forty-five (45) hollows were recorded within the tree study area.
- The recorded hollows present may be suitable for hollow-dependent threatened species with considered potential to occur including the recorded East-coast Freetail Bat, Large-footed Myotis and Greater Broad-nosed Bat.
- Six (6) state listed threatened fauna species including Grey-headed Flying-fox, Large-eared Pied Bat, East-coast Freetail Bat, Eastern Bentwing-bat, Greater Broad-nosed Bat and Large-footed Myotis were recorded present during survey. The East-coast Freetail Bat was only recorded to a 'probable' level of certainty.

## 2.7. TOPOGRAPHY

As summarised earlier, the following describes the topographic characteristics of the site:

- The site is located within highly undulating terrain, with general grades of 5-10% and slightly steeper grade of up to 20 % in creek banks and drainage depressions. Site topography is illustrated in Figure 4.
- A creek (Jerrys Creek) is located within a depression which bisects the western portion of the site. The western portion of the site drops eastwards from approximately 50m AHD near the north-western boundary, to Jerrys Creek at an elevation of approximately 36m AHD and then gradually rises to 50m AHD towards the centre of the site.
- The eastern portion of the site is generally flatter with a northerly aspect and varies from approximately 65m AHD near the eastern site boundary, falling to 45m AHD within the drainage depression near the centre of the site.
- Elevations range between approximately 69.0m AHD (eastern side) and 35m AHD (western side) near Jerrys Creek. Lowest site elevations are generally associated with onsite creeks and drainage depressions.

Figure 4 - Site topography



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**WALLACIA GOLF COURSE**  
TOPOGRAPHY AND ELEVATION PLAN



1:40,000 @ A4

0 0.2 0.4 0.6 0.8

**PRELIMINARY**

DATE: 17.10.2017  
JOB NO: SD6970  
DWG NO: 001-001



## 2.8. GEOLOGY AND HYDROLOGY

A summary of key geologic and hydrologic conditions follows:

- The Penrith 1:100,000 Geological Sheet 9030 (1991) identifies low lying areas associated with Jerrys Creek as fluvial soil comprised of fine-grained sand, silt and clay. Wianamatta Group Bringelly Shale underlies the remainder of the site, comprised of shale, carbonaceous claystone, claystone, laminite, fine to medium grained lithic sandstone, rare coal and tuff.
- The NSW Environment and Heritage eSPADE website identifies the low lying areas associated with Jerrys Creek as Richmond soils consisting of poorly structured orange to red clay loams, clays and sands. Texture may increase with depth. Ironstone nodules may be present. Plastic clays in drainage lines. Deep acid non-calcic brown soils, red earths and red podzolic soils occur on terrace surfaces with earthy sands on terrace edges.
- Immediately to the east is the Luddenham soil landscapes consisting of shallow dark podzolic soils or massive earthy clays on crests, moderately deep red podzolic soils on upper slopes, and moderately deep yellow podzolic soils and prairie soils on lower slopes and drainage lines.
- The Blacktown soil landscape is identified immediately to the west of the creek, consisting of shallow to moderately deep hardsetting mottled texture contrast soils, red and brown podzolic soils on crests grading to yellow podzolic soils on lower slopes and in drainage lines.
- The site generally drains via overland flow into Jerrys Creek across the western portion of the site and a drainage depression near the central northern portion of the eastern site area. Jerrys Creek drains to the Nepean River approximately 400 m to the west of the site.

## 2.9. ROAD NETWORK AND PUBLIC TRANSPORT

Transport connectivity to the site is summarised as follows:

- Access to the existing Panthers Wallacia golf club is permitted via Park Road, which provides also provides access onto Silverdale Road and Mulgoa Road within the immediate vicinity of the site.
- Park Road is a local road under the jurisdiction of Penrith City Council and provides single lanes in east and west directions, with a posted speed limit of 60km/h. The majority of Park Road is marked with double continuous white lining, restricting vehicles to no overtaking. Some sections of Park Road do permit overtaking when broken white dividing lines and double white lines with a broken line are shown.
- Silverdale Road is a local road under the jurisdiction of Penrith City Council and provides a route between Wallacia and Silverdale, with links to Warragamba via Warradale Road and Farnsworth Avenue. Silverdale Road has a posted speed limit of 60km/h and is marked by double continuous white lining. Silverdale Road meets Park Road and Mulgoa Road via a three-arm priority roundabout intersection, just west of the development site.
- Mulgoa Road is located north-west of the development site and provides travel in north and south directions, via single lanes. Within proximity of the site, Mulgoa Lane has a school zone, resulting in a reduced speed limit of 40km/h for 380 metres, between the hours of 8am-9:30am and 2:30pm-4pm. Beyond this, the speed limit is increased to 60km/h.
- The subject site is situated approximately 145 metres from northbound bus services and approximately 185 metres from southbound and eastbound services, located on Mulgoa Road. Bus service 795 is the only service which stops at these bus stops and provides travel between McCarthy High School, Emu Plains and Weir Road at Ninth Street, Warragamba.

## 2.10. OPEN SPACE AND RECREATION FACILITIES

The site is characterised by lawn with rows and pockets of vegetation and its use as a Golf Course has given it a very structured layout with straight fairways and tree plantings, dominated by exotic and man-made plantings.

With the exception of the golf course the only other recreation facilities that exist within proximity of the site include are Fowler Reserve; and Sales Park.

## 2.11. PLANNING BACKGROUND

Penrith City Council has endorsed a Planning Proposal on 24 July 2017, that seeks to amend the Penrith LEP to:

- Amend LEP 2010 to remove “cemeteries” and “crematoriums” from the list of land uses permitted with consent from the E3 Environmental management zone;
- Include an additional local provision that recognises the landscape value of the Wallacia Area and Mulgoa Valley, prohibits cemetery and crematoria development and overrides any other provision of LEP 2010.

This Planning Proposal affects the site, however is yet to receive a Gateway Determination under s.56 of the Act and as such carries no status for the purposes of this DA.



## 3. PROPOSED DEVELOPMENT

### 3.1. VISION AND OBJECTIVES FOR THE SITE

The vision and objectives of Wallacia Memorial Park (WMP) are stated below and are established in the Landscape Design Response Report prepared by Florence Jaquet Landscape Architect at **Appendix F**.

#### The Vision

- A distinctive landscaped cemetery, in line with CMCT's aspirations to be the best and the pride of the cemetery industry.
- A Sculpture Park, offering a tourism destination but also opportunities for local and Australian artists to exhibit their work.
- A respectful space open to all,
- A cemetery which respects and safe keeps any important colonial and indigenous landscapes.
- An Arboretum for future preservation and education of generations to come.
- A concept which respects the land, its landform and ecology by carefully laying roads and any built environment around existing trees.
- Private burial spaces, partially concealed from the internal roads so as to provide privacy to mourners and minimise visual impact throughout.
- Much needed burial space for the area whilst offering choice, at affordable prices, in varied settings, for a multi-denominational community.

#### The Objectives

- Minimise the impact on the existing environment, especially the topography and the Cumberland Plain Woodland.
- Protect the existing landscape qualities of the areas currently enjoyed from the public domain.
- Provide an environmentally sensitive development
- Achieve Best Management Practices in all aspects of cemetery provision, including Stormwater Management and Ecological Sustainable Developments.
- Provide an exceptional public and green space for the community, for perpetuity.
- Provide a quality burial ground for the whole community.

The Landscape Masterplan is contained in **Appendix F** and illustrated in Figure 5 overleaf.

Figure 5 – Landscape Masterplan



Source: Florence Jaquet Landscape Architect

## 3.2. DEVELOPMENT FOR WHICH CONSENT IS SOUGHT

### 3.2.1. Summary

The Crown DA seeks approval for the following specific uses and works for the site:

- Use and operation of the site for a “cemetery” for 88,000 burial plots and including ancillary “crematorium” and associated publicly accessible parklands / “recreation areas”;
- The development will be constructed in stages reflective of an indicative staging plan, however consent is sought for the entire development. The cemetery is anticipated to have a life span of 140 years.
- The development will be constructed in stages reflected of an indicative staging plan contained in **Appendix F**, however consent is sought for the entire development; Stage 1 is anticipated to be exhausted in the year 2113.
- A new chapel and ancillary crematorium, a new single storey administration building and services outbuilding;
- Operating Hours proposed as follows:
  - Monday to Friday – 7:00am to 5:00pm.
  - Saturday – 7:00am to 12:00pm.
- A newly refurbished function area associated with funerals held at the site;
- Provision of a new internal road network accessible from Park Road;
- Provision of on-site formal car parking for up to fifty (50) cars and provision of kerbside shoulder carparking throughout the internal road network;
- Landscaping of the entire site with associated the planting strategy and provision of new ponds and wetland/detention basin;
- Burial areas and memorialisation guides;
- Provision of a new 6,500L storage tank adjacent the chapel and provision of a new electrical substation;
- Tree removal; and
- Stormwater infrastructure and other site services.

### 3.2.2. Landscape Design and Planting

This DA seeks approval for the Landscape Plans at **Appendix B**. The Landscape Plans details the location of burial areas, publicly accessible parklands, significant landscape features, new built form, public art, site access, roads and other supporting infrastructure. The Landscape Plans has been informed by all technical reports which accompany this DA and are consistent with the Landscape Masterplan contained in **Appendix F**.

The Landscape Plans in Appendix B is directly supplemented by the following documents which accompany this DA and for which consent is also sought:

- Detailed Landscape Plans including Planting Schedules (**Appendix C**)
- The Planting Schedules detail the locations and species of new planting across the site. Key elements of the proposed planting schedules are detailed below.
  - Planting has been carefully considered to conceal new built form when viewed from significant vantage points within the site and from surrounding sites.
  - Species selection has considered the existing landscape character of grassed areas, native vegetation and historical settings.
  - Planting has been selected to screen burial areas and memorials when viewed from roadways within the site, from Park Road and from Wallacia Golf Course.
- A landscape specification for the planting works is included in **Appendix N**.



### 3.2.3. Burial Areas and Memorialisation

The proposed landscape design reflects an ability to accommodate approximately 88,000 full body burial plots in addition space for ash interments. Unique to WMP, this DA includes a highly considered landscaped response to the planning and design of burial areas across the site.

A key objective of WMP has been to design a memorial park where burial areas and memorialisation are visually subordinate to the open character of the site and surrounding area.

The proposal includes areas for lawn burials, natural burials, burial rooms, ash interments and crypts. The different burial areas and typologies across the site are subject to memorialisation design guides which are a location specific response to ensure the protection of the visual qualities of the landscape.

The proposed design for each burial area and typology are described below and is detailed in full within the following documentation:

- Landscape Plans (**Appendix B**);
- Detailed Landscape Plans (**Appendix C**); and
- Landscape Masterplan (**Appendix F**)

### 3.2.4. Lawn Burials

Lawn burial areas are characterised by grassed areas and simple plaque style memorialisation which sit flush within the lawn. Lawn cemetery design is considered contemporary cemetery design across Australia. The lawn cemetery is scattered across the site and will accommodate lawn burials only with a mix of low headstones (300mm) and high headstones (1200mm), and concealed concrete beams in segregated areas across the site.

Lawn burials areas are to abide by the following burial and memorialisation guides:

- Use of flush lawn plaques;
- Concealed concrete beams below ground level;
- Rows of graves to generally follow topography of land;
- Re-grading only where localised water ponding may occur; and
- Occasional specimen tree planting for shade and respite.

The above principles will ensure memorialisation has minimum visual impact on the landscape. These principles are further detailed within the Landscape Plans (**Appendix B**). Figure 6 overleaf highlights lawn burial areas in green, pink and blue.

Figure 6 – Lawn Burial Areas



Source: Florence Jaquet Landscape Architect

### 3.2.5. Ash Interments

Dedicated spaces for ash interments are provided throughout WMP. WMP will cater for the increasing proportion of cremations by provided substantial space for the interment of cremated remains.

Guidelines for ash interments are as follows:

- Provide new and sculptural designs in keeping with design rationale;
- Provide a variety of 'Ash interment option' varying in prices, aesthetics and cultural relevance; and
- Provide options for ash interments along all path networks which are within 50m off a road, with memorialisation to complement the 'park-like' setting as these paths will also be used for recreation.

### 3.2.6. New and Existing Built Form

This DA seeks consent for the construction of two (2) new buildings on the site, the Chapel & Crematorium, and Administration Building, whilst refurbishment is proposed to the existing Function Rooms, and the use of the existing on-site workshop will continue, although associated with the new land use. The proposed buildings are detailed in the Architectural Plans (**Appendix D**) prepared by Ignite.

Through highly considered siting, design and materials selection, the buildings achieve a seamless integration with the natural qualities of the landscape. The design of the buildings has been driven by several design principles. The key design principles include:

- **Administration Building** - The administration/office is the first visible building from Park Rd and the main entrance. It is a destination on its own, usually for enquiries and pre-arrangements. It is half way between the workshop and the Chapel and provides a link in staff movements between all buildings.
- **The Chapel** - The Chapel (and crematorium below) is carefully sited on the edge of a steep hill and way from the main ridge on site to minimise its visual impact and take advantage of the topography for basement access.

It is located in the eastern part of the site, where views onto the iconic Blue Mountains can be enjoyed. This elevation (even if not on top of the ridge) responds to its religious function and the aspiration of faithful mourners to be close to their God.

From the main gate, the Chapel will be visible after the first bend and mourners will be logically drawn to it, following the sweeping roads gently climbing towards the east.

The road leads to carpark provided adjacent to the buildings. A small “off-shoot” road enables visitors to drop off any less-able relatives directly at the entrance of the building complex. It will also be used by the hearse to deliver the coffin to the Chapel as part of the funeral service.:

- **Function Rooms:** - The Function rooms’ primary function is to host funeral wakes. It is purposely separated from the Chapel to respond to the change of sentiment/ mood experience by mourners after a Chapel service. Their journey between the two buildings represents the journey between the “mournful service” and the “celebration of life” which follows.

Its separation from the Chapel gives it a more private venue in which mourners can mingle, talk and commemorate loudly if need be, something that would be detrimental if located close to the quiet Chapel.

- **The Workshop:** - The workshop and ground staff facilities are secluded, utilising the existing shed. It is easily accessible from Park Road by material delivery vehicles via its own (and existing) entrance. It is centrally located and accessible from within the cemetery. It therefore provides easy access to the interment areas for the day to day operations.

The proposed buildings directly support the use of the site as memorial park and publicly accessible parklands. The locations of each proposed building and the site access points from Park Road are indicated in the masterplan drawing above and viewed in **Appendix B**. The following sections provide a description of each building and a numeric overview of new built form, including the parking provisions for each building.

### 3.2.7. Chapel

The Chapel will provide a multidenominational facility for services associated with WMP. The Chapel has been positioned in the centre of the site to present as a ground level building with roof feature, and a basement level to achieve integration with the natural landscape. The building provides panoramic views of the site and its surrounding landscaped area.

The built form and architectural roof features have been designed to create a dramatic entry to the Chapel. Soft materials and tones have been chosen to ensure that the Chapel complements its landscaped setting as indicated in the photomontages at Figure 7. The tree of life provides a pleasant outlook when viewed from the interior of the Chapel.

The ground floor of the Chapel has been designed to suit the requirements of individual services. The ground floor of the Chapel is framed by separate forecourts to the east and west of the building. The basement level accommodates the mortuary and crematorium. The mortuary facilities are dedicated for the use of chapel itself for storage both pre-and post-ceremonies.

The Chapel can nominally accommodate up to 100 visitors seated.

The Chapel plans are provided in the at Architectural Plans at **Appendix D** prepared by Ignite.



Figure 7 – Photomontages of the Chapel



### 3.2.8. Administration Building

The proposed Administration Building is located west of the Chapel. The building is single storey and accommodates ancillary office space and an interview rooms, kitchen area, and amenities. The proposed Administration Building is detailed in the Architectural Plans at **Appendix D** as prepared by Ignite.

Figure 8 – Administration Building



### 3.2.9. Function Building

The proposed Function Building will involve the adaptive re-use of the existing Wallacia Golf Course clubhouse building located at the western portion of the site. The Function Building includes a flexible function space which can be purposed as one or two rooms, a kitchen, amenities. These plans have been prepared by Altis and are also contained in **Appendix D**

### 3.2.10. Workshop

The Proposed Workshop Building is existing on site. The building is not open to the public and is for staff use only. The building includes staff areas, storage areas, and machinery and workshop areas. No changes are proposed

### 3.2.11. Numerical Overview

A numeric overview relating to each proposed building is provide below in Table 2 below

Table 2 – Numerical overview relating to each proposed building.

Building	Maximum Height (m)	Car parking spaces
Chapel	12.62	40 including 2 disabled Shoulder parking available on surrounding road network
Function Building	As existing	61 existing
Administration building	3.44	10
Workshop	As existing	6



### 3.2.12. Site Access and Parking

#### 3.2.12.1. Site Access

Vehicular access is proposed from three access points on Park Road as indicated in Figure 9. The details of entry and the available vehicle movements are provided in the Table 3 below.

Figure 9 – Location of Road Access



Table 3 – Site Access Arrangements

Entrance reference	Vehicle movements
Access A	Access A is proposed to be the main entrance to the WMP. This intersection would allow full movements into and out of Park Road
Access B	Access B is for staff use only, and will allow access to the workshop building.
Access C	Access C is a secondary entry and will be primarily utilised in relation to the function centre.

Due to the road width, available at the proposed access point B, the road is to be widened to maintain traffic lanes in both direction and provide the CHR(s). The proposed priority intersection has been designed in accordance with the Austroads Guide to Road Design Part 4A (2017).

#### 3.2.12.2. Internal Access and Parking

Consent is sought for all internal roads (approximately 3.4km), footpaths and on-site parking as indicated on the Masterplan at **Appendix B**. The road alignment has been developed to promote ease of access between buildings and through burial areas. The Masterplan has been developed to align with the existing topography and to minimise cut and fill where possible. The proposed widths of the internal roads have been designed in accordance with the Planning for Bushfire Protection specifications.

The width of the primary internal roads will measure 8 metres in width, between the kerbs, allowing two-way access and parallel parking on both sides of the road. It is also proposed to provide a localised 'one-way' internal road, (shown at location A above) which links the existing Panthers golf club (which is likely to be used as function rooms/condolence rooms) to Mulgoa Road.

The proposal includes 117 formal on-site car parking spaces which are co-located with the buildings and the. The Landscape Masterplan and Road Masterplan have been developed to accommodate road-side parking throughout burial areas. Road-side parking will facilitate access to burial and interment sites.

### 3.2.13. Fencing and Gates

Proposed fencing and gates reflect both public and private interfaces and are detailed in the Landscape Design Report contained in **Appendix F**.

### 3.2.14. Tree Removal

The proposed development and removal of unsafe or dangerous trees results in the removal of 382 trees of 1800 trees or 21.22% of the trees estimated to occur within the subject site. A Tree Assessment Report has been prepared by Travers Bushfire and Ecology to assess the condition and significance of each tree on site (**Appendix O**). Tree removal is required and recommended for the following reasons:

- **Required to accommodate proposed development:** 215 trees (11.94% of total trees) are required to be removed to accommodate the proposed development.
- **Unsafe trees:** 167 trees (9.28% of total trees) have been deemed unsafe are recommended for removal.

### 3.2.15. Stormwater Drainage System

As detailed in the Civil Engineering Services Report (**Appendix K**) and the Civil Engineering Plans at **Appendix E**, the proposed stormwater network has been designed to store the majority of the site's catchment on site.

The stormwater drainage network has been designed to capture and reticulate the majority of the site's catchment to a number of proposed basins on site. These basins will act as on-site detention, ensuring the post development flow rates of the development do not increase when compared with the pre-development state.

The required volume of these tanks has been calculated using a RORBS model and is outlined in the Stormwater Management Plan (SWMP) by Stormy Water Solutions. The location of these basins is outside of the 5% AEP flood extents as per PCC requirements.

The road stormwater network has been design to accommodate the 5% AEP storm event and allow for safe overland flow during the 1% AEP storm event. Water captured in the system will discharge directly to a proposed retarding basin or a vegetated swale upstream of a basin. In four (4) locations, the piped network will discharge directly to a proposed basin.

In five (5) locations on site, the stormwater network will discharge to a vegetated swale which will reticulate into a retarding basin. The swales will serve the dual purpose of retarding flow and providing treatment to the water before entering the Council network.



## 4. KEY PLANNING APPROVAL CONSIDERATIONS

### 4.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT (NSW) 1979

#### 4.1.1. Crown Development

Part 4 Division 4 of the EP&A Act allows for DAs to be made by, or on behalf of the Crown. Among other persons, Clause 226 of the EP&A Regulations prescribes that a public authority (not being a Council) is the Crown for the purposes of Part 4 Division 4 of the EP&A Act.

The proponent is the CMCT, which is a Crown cemetery trust within the meaning of the Cemeteries and Crematoria Act 2013 and is therefore a Crown authority for the purposes of the DA and Clause 89 of the EP&A Act.

#### 4.1.2. Integrated Development – Section 91

##### Rural Fires Act 1997

The development site is identified in part as being bush fire prone land for the purpose of the Rural Fires Act 1997. Approval is therefore warranted and sought by this application under Section 100B of the Rural Fires Act 1997.

##### Water Management Act 2000

The proposed development seeks consent for works to and within 40m of a registered waterway. Approval is therefore warranted under Section 91 of the Water Management Act 2000.

### 4.2. BIODIVERSITY CONSERVATION ACT (NSW) 2017

In August 2017, the NSW State Government Gazetted the Biodiversity Conservation Act 2017. Transitional arrangements related to biodiversity assessment for the various categories of development consent or approval that are underway or have been made already has now been established under the Biodiversity Conservation (Savings and Transitional) Regulation 2017. In regard to local development such as that proposed the regulations state the following:

*Local developments in the following western Sydney local government areas will have 12 months from 25 August 2017 to submit an application under the previous legislation: the local government areas of Camden, City of Campbelltown, City of Fairfield, City of Hawkesbury, City of Liverpool, **City of Penrith** and Wollondilly.*

As the proposal is located within the Penrith Local Government Area this application has been considered under the Threatened Species Conservation Act 1995 being the previous legislation.

### 4.3. ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the central piece of environmental legislation within Australia and applies to matters of national environmental significance.

Field investigations undertaken by Travers Ecology and Bushfire have confirmed that the matters of consideration under the EPBC Act are located on the site:

- Three (3) threatened fauna species East-coast Freetail Bat, Greater Broad-nosed Bat and Large-footed Myotis,
- No threatened flora species were detected during the survey.

A Flora and Fauna report has been prepared for the application which forms **Appendix P** of this report. The assessment confirms that whilst matters for consideration under the EPBC Act are located on the site, the proposal is not considered to cause a significant impact on matters of national environmental significance. As such referral under the EPBC Act is not required for the application.

## 4.4. STRATEGIC PLANNING CONTEXT

The following strategic planning documents are relevant to the assessment of the subject application:

- A Plan for Growing Sydney;
- Draft Greater Sydney Regional Plan;
- Draft Western City District Plan;

### 4.4.1. Plan for Growing Sydney

Released in December 2014, *A Plan for Growing Sydney* (the Plan) includes a range of goals, directions and actions that aim to support the strategic growth of Sydney over the long term.

The Plan sets four goals which are supported by 22 directions and underpinned by 59 actions. The key directions relevant to this application include:

- **Direction 1.11: Deliver infrastructure**
- **Direction 4.1: Protect our natural environment and biodiversity**

The relevant actions under these directions are addressed in Table 4 below.

Table 4 – A Plans for Growing Sydney – Responses

Direction / Action	Response
<i>Action 1.11.5: Deliver long-term planning for cemeteries and crematoria Infrastructure</i>	<p>The proposal directly relates to a recognised shortage of burial space across Metropolitan Sydney, as identified within A Plan for Growing Sydney and publications released by Cemeteries and Crematoria NSW.</p> <p>The applicant's knowledge in this sector underscores that there is a strong demand for additional burial space in Western Sydney. Previous Cemetery Demand Assessments undertaken for the applicant, have confirmed that if no additional burial space was provided in the Western Sydney Catchment Area, existing plots would be fully absorbed by approximately 2042.</p>
<i>Action 4.1.2: prepare a Strategic Framework for the metropolitan Rural area to enhance and protect its broad range of environmental, economic and social assets.</i>	<p>Consistent with this action, the proposal will increase the amount of publicly accessible open space for residents and visitors of the broader locality. The publicly accessible parklands in addition to the memorial park, will provide open space for passive recreation activities.</p>

### 4.4.2. Draft Greater Sydney Regional Plan

The draft Greater Sydney Region Plan supports the vision for a metropolis of three cities that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. Placed on exhibition on October 2017, the draft plan identifies the subject site as being a part of the Western Parkland City.

The Plan sets four goals which are supported by 10 Directions and 40 objectives. The key directions and objectives relevant to this application include:

- A city supported by infrastructure;
- A city in its landscape.

The relevant objectives are addressed below in Table 5.

Table 5 – Draft Regional Planning Directions

<b>Direction / Objective</b>	<b>Response</b>
<b><i>Objective 1 Infrastructure supports the three cities</i></b>	<ul style="list-style-type: none"> <li>The proposal directly relates to a recognised shortage of burial space across Metropolitan Sydney, as identified within A Plan for Growing Sydney and publications released by Cemeteries and Crematoria NSW.</li> </ul>
<b><i>Objective 2 Infrastructure aligns with forecast growth – growth infrastructure compact</i></b>	<ul style="list-style-type: none"> <li>Previous comments above are relevant to this objective</li> </ul>
<b><i>Objective 3 Infrastructure adapts to meet future needs</i></b>	<ul style="list-style-type: none"> <li>Previous comments above are relevant to this objective</li> </ul>
<b><i>Objective 4 Infrastructure use is optimised</i></b>	<ul style="list-style-type: none"> <li>Previous comments above are relevant to this objective</li> </ul>
<b><i>Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i></b>	<ul style="list-style-type: none"> <li>A Flora and Fauna report has been prepared for the application which forms <b>Appendix P</b> of this report. The assessment confirms that whilst matters for consideration under the EPBC Act are located on the site, the proposal is not considered to cause a significant impact on matters of national environmental significance</li> </ul>
<b><i>Objective 31 Public open space is accessible, protected and enhanced</i></b>	<ul style="list-style-type: none"> <li>The proposal creates a publicly accessible landscaped memorial park for the residents of Western Sydney.</li> </ul>

#### 4.4.3. Draft Western City District Plan

The draft District Plan guides the District’s transformation as part of the Western Parkland City over the next 20 to 40 years by building on the communities and natural assets that exist today.

The draft District Plan provides a Planning Priorities to guide planning at a district level. The Priorities relevant to this proposal are addressed below in Table 6.

Table 6 – Draft District Plan Priorities

<b>Priority</b>	<b>Response</b>
<b><i>Planning Priority W1 Planning for a city supported by infrastructure</i></b>	<ul style="list-style-type: none"> <li>It is considered that the responses above remain equally applicable to and remain aligned with these broad priorities of the Draft District Plans.</li> </ul>
<b><i>Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City</i></b>	
<b><i>Planning Priority W14 Protecting and enhancing bushland and biodiversity</i></b>	
<b><i>Planning Priority W18 Delivering high quality open space</i></b>	



# 5. PLANNING ASSESSMENT - SECTION 79C HEADS OF CONSIDERATION

## 5.1. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

The following environmental planning instruments and development control plans are relevant to the assessment of the proposal:

- *Environmental Planning and Assessment Act 1979; (The Act)*
- *State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP 44)*
- *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP2007)*
- *Penrith Local Environmental Plan 2010 (PLEP)*
- *Penrith Development Control Plan 2014*

A summary assessment of the proposal's compliance with the above is provided in the sections below.

### 5.1.1. Environmental Planning and Assessment Act 1979

Clause 5 of The Act details the key objects for planning throughout NSW. These objectives and the design response are detailed in Table 7 below:

Table 7 – Assessment of the Application Against the Objectives of the Environmental Planning and Assessment Act 1979

Objects	Design Response
<p>a) to encourage:</p> <p>i. the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment</p>	<p>The proposed development represents a sustainable and unique landscape which is a contemporary alternative to traditional cemetery design. The proponent being CMCT will act as stewards for the site to ensure its proper management in perpetuity.</p> <p>Whilst deliberately aimed at addressing an identifiable need for western Sydney, the facility will provide resource accessible to metropolitan Sydney.</p>
<p>ii. the promotion and co-ordination of the orderly and economic use and development of land</p>	<p>The proposed development responds to the acknowledged need for additional cemetery space within Metropolitan Sydney in a manner consistent with the objectives of the planning controls which apply to the site. The proposed development for this reason contributes to the orderly and economic development of the land.</p>
<p>iii. the protection, provision and co-ordination of communication and utility services,</p>	<p>The proposal has been informed by discussions with the relevant service providers to ensure that all required communication and utility services are provided on site. Where adequate capacity does not currently exist within existing infrastructure for the development to occur new facilities are proposed by this application.</p>

iv. the provision of land for public purposes,	As a Crown entity, CMCT acquired the site to enable its development for the purposes of a general cemetery, accessible to all member of the public.
v. The provision and co-ordination of community services and facilities	The proposed development of the site as a cemetery is as a direct result of an established and acknowledged shortfall in burial space within metropolitan Sydney. The facility will provide long term relief to this shortage in addition to publicly accessible open space. In this regard, the proposal is considered to make a significant contribution to the co-ordination of community services and facilities.
VI. the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats	WMP has been designed to preserve and respect its natural landscape and the visual qualities of the site. The development will contribute to the preservation of the site's ecology, and visual landscape, which are key values and are integral to the management of the site from now and into the future.
vii. ecologically sustainable development	A sustainability strategy has been prepared for the proposed development and is attached as <b>Appendix Y</b> of this report.
viii. the provision and maintenance of affordable housing,	The proposal will not impact on the provision and maintenance of affordable housing.
b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State,	In accordance with the relevant provisions of the <i>Environmental Planning and Assessment Act 1979</i> this application is made to Penrith Council and will be determined by the Western City Planning Panel.
c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.	The DA will be publicly notified by Council in accordance with the relevant policies.  The applicant has not undertaken community consultation for the proposal.

### **5.1.2. State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP 44)**

SEPP 44 Koala Habitat Protection applies to land within Local Government Areas (LGAs) listed under Schedule 1 of the Policy. In addition, Part 2 of the Policy outlines a three (3) step process to assess the likelihood of the land in question being potential or core koala habitat. Part 2 applies to land which has an area of greater than 1 hectare or has, together with any adjoining land in the same ownership, an area of more than 1 hectare.

The study area is not required to be considered under SEPP 44 - *Koala Habitat Protection* as it falls within the Penrith LGA, which is not listed on Schedule 1 of this Policy.

The Flora and Fauna Assessment undertaken by Travers Ecology and Bushfire and attached as **Appendix P** of this report notes that no koalas were directly observed at the time of fauna survey, which included diurnal searches of trees and spotlighting. In addition, there was no secondary evidence of Koala habitation in the area including characteristic scratches on trees and scats beneath trees.

### **5.1.3. State Environmental Planning Policy No 55 – Remediation of Land**

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) was gazetted on 28 August 2005 and applies to NSW. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to granting consent to a DA.

A Site Investigation has been undertaken by Douglas and Partners which is attached as **Appendix M** of this report. Given that the investigation occurred during the pre-purchase phase, the investigation was limited to a site walkover, review of aerial photographs, NSW EPA data base searches and listing of other potential site contamination issues based on DP experience with sites of a similar nature and scale.

The investigation identified 15 PAEC at the site and immediately surrounding areas. The majority of PAEC are associated with the identification of the following:

- Current onsite sheds and demolition / removal of several former sheds. The environmental concern is due to potential for chemical storage and hazardous building materials used within sheds;
- Possible burial of asbestos pipes given the age of the site and use as a golf course; and
- Areas of filling at the site.

The potential for contamination in PAEC associated with current / former sheds, pipe burial and filling is considered likely to be relatively localised in relation to the size of the site and presents a low to medium hazard rating (hazard rating of 1 to 2). Further intrusive investigation however is recommended to ascertain the extent of each PAEC and the presence or absence of related PCOC.

In addition, given the site's use as a golf course for the past 40 years the use of fertilizers, pesticides and herbicides at the site is likely to have occurred. Whilst the likelihood of widespread fertilizer, pesticide and herbicide contamination at the site is considered to be low there is potential for localised hotspot contamination in the vicinity of former and current sheds due to storage / mixing malpractice and spillages; areas of spray equipment turning; tee boxes; and putting greens.

Noting the limited scope of works, Douglas Partners considers that the potential risk of significant constraints to the proposed redevelopment of the site associated with land contamination, salinity and acid sulphate soils is low to medium. Further testing is recommended and it is preproperate that such be required as a condition of development consent and occur prior to the use commencing, including undertaking any necessary remediation work.

### **5.1.4. State Environmental Planning Policy (Infrastructure) 2007**

This SEPP aims to facilitate the effective delivery of infrastructure across the State. In this regard, development that is proposed to generate a threshold amount of traffic must, in accordance with Clause 104 of this policy, be referred to the RTA (now the RMS) for concurrence.

For development not otherwise classified by the SEPP, the relevant threshold is 200 or more motor vehicles. The proposed development will under peak operating conditions will breach this threshold and as such referral to the RTA (now the RMS) under Clause 104 of the SEPP is therefore required.



### 5.1.5. Penrith Local Environmental Plan 2010

The *Penrith Local Environmental Plan 2010* (PLEP 2010) is the principle environmental planning instrument applying to the site. An assessment of the proposal against the relevant provisions of the PLEP 2010 is provided in the subheadings below.

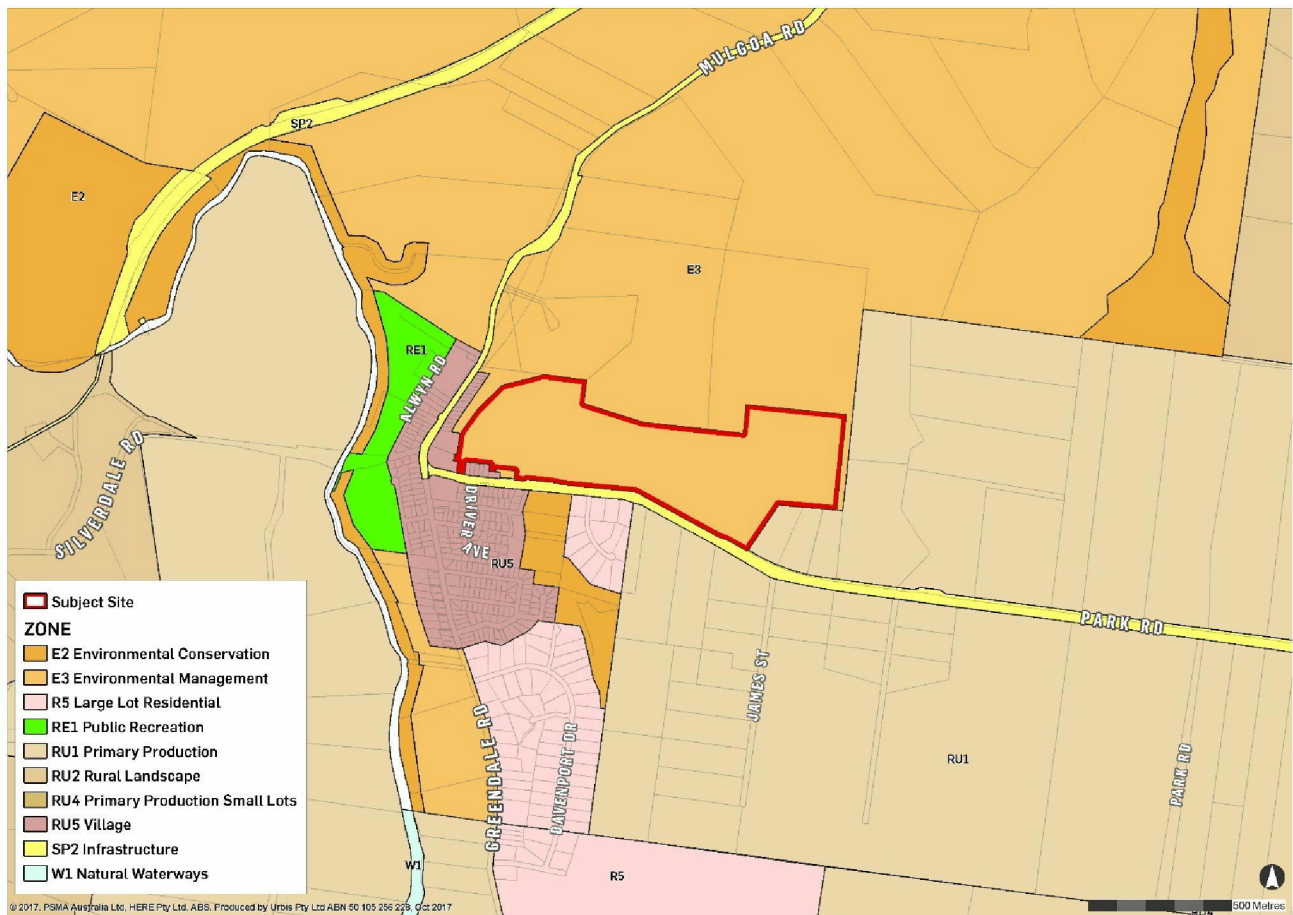
#### Zoning and Permissibility

The site is zoned E3 Environmental Management under the PLEP 2010 and as illustrated in Figure 10 below.

The objectives of the E3 Environmental Management Zone are as follows:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.
- To preserve and improve natural resources through appropriate land management practices.

Figure 10 – Zoning Map



The use of the site is defined as a ‘cemetery’, meaning a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

Cemeteries are permitted with development consent within the E3 zone, and subsequently the proposed use of the site for a memorial park is permitted with development consent.

The Chapel, Administration Building and Function Facility are contemplated in the above definition and considered ancillary land uses to the overall use of the site as a cemetery and are therefore permitted as ancillary uses.

Conversely a crematorium and a mortuary are both separately defined as respectively being

*a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services*

*premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation*

In both instances the proposed facilities are of an incidental scale, being integrated within the basement level of the chapel building.

In the case of the proposed crematorium, the anticipated rates of cremation are expected to be equivalent to circa 26% of burials, based on advice by CMCT and using Rookwood Crematoria as a benchmark. The Landscape Masterplan at **Appendix F** states that 80 burials are expected in the first year and increasing by 15%pa for the next 10 years then 10%pa every 10 years thereafter. This means that for the first year of operations, total interments are estimated at 102, with 80 burials and 22 ash interments. CMCT advise, and again based on Rookwood benchmarks, the ratio of burials to interments will remain the same, i.e 79% burials and 21% ash interments from the crematoria, reinforcing its ancillary nature to the dominant use

It is worth noting that 'Funeral homes' are also permitted with development consent within the E3 zone, and it could be considered that some of the services offered at the site are consistent with those undertaken at 'funeral homes'. A funeral home *is premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons*. The mortuary facilities proposed are focussed on storage of deceased persons pending their interment, hence the capacity for only 4 bodies. No preparation and embalming of bodies will be undertaken as reflected in the plans.

#### **Clause 4.3 – Height of Buildings**

There is no maximum building height across the site under the PLEP 2010. The proposal seeks consent for the construction and operation of four (4) buildings across the site. The proposed building height and its relevant compliance is detailed in Table 8 below.

Table 8 – Building Heights

<b>Building</b>	<b>Maximum Height (m)</b>	<b>Compliance</b>
Chapel	12.62	Yes
Function Building	As existing	Yes
Administration building	3.44	Yes
Workshop	As existing	Yes

#### **Clause 4.4 – Floor Space Ratio**

The subject site is not limited to a Floor Space Ratio (FSR) under the provisions of the PLEP2010.

The proposal seeks development consent for very minimal gross floor area as the majority of the site will be landscaped open space.

#### **Clause 5.1 – Relevant Acquisition Authority**

Part of the frontage of the site adjacent Park Road is identified to be reserved for acquisition by RMS. Subsequently the proposal will be required to be referred to RMS.





- *The proposed new buildings will be contemporary in design and materiality. This is appropriate as these buildings are visually and physically removed from proximate heritage items due to the natural topography of the site, and provide for a well-resolved design approach to the new cemetery.*
- *The proposed works will not affect the setting or landscape elements of the proximate heritage items. The proposed works will not be visible from views of the principal elevation of the Wallacia Hotel from Mulgoa Road, and will not disrupt the landscaped setting to the front of this building.*
- *The proposed cemetery (but not the proposed buildings) will eventually be visible to the rear of the former St Andrew's Anglican Church heritage item, when viewed from Park Road, given the church's relatively cleared setting and lack of immediately adjoining structures. However, the presence of a landscaped cemetery to the rear of an existing church building is not considered to detrimentally impact on the significance of the item, rather this proposed adjacent use is considered appropriate and complementary to the former and significant use of this item as a church.*

The proposed works are therefore supported and recommended for approval from a heritage perspective.

### **Clause 7.1 – Earthworks**

A Geotechnical Assessment has been prepared by Martens Consulting Engineers and is included at **Appendix L**. In summary the report finds the following in relation to earthworks.

- Excavation works for the development will involve excavating clayey subsoil materials with some excavation areas likely to encounter rock of various strengths, depending on location.
- It is considered that the observed clay soils at the site are able to support structures such as buildings and roads with a range of commonplace structural solutions.
- Excavations in burial plots will likely remain open for an estimated period of 2 days. Temporary shoring or appropriate grave shoring inserts will unlikely be required during excavation works unless excavations remain open for a longer period (greater than 2 weeks) or during prolonged or heavy rainfall periods.

The Geotechnical Assessment makes a number of recommendations in relation earthworks preparations that can be included as conditions of consent.

### **Clause 7.2 – Flood Planning**

Jerry's Creek bisects the western portion of the site and the impact associated with planning for the design flood event has been addressed in **Appendix S** and has informed the overall design response.

### **Clause 7.4 – Sustainable Development**

Steensen Varming have prepared Sustainability advice for the development of the parklands and buildings and is provided at **Appendix Y**.

The measures recommended as part of the advice prepared have been incorporated into the proposed site redevelopment.

### **Clause 7.5 – Protection of scenic character and landscape values**

The objectives of this clause are as follows:

*(a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,*

*(b) to ensure development in these areas is located and designed to minimise its visual impact.*

The sites design ensures the sites scenic values and the surrounding landscapes scenic values are preserved. The Landscape Design Response prepared by Florence Jaquet Landscape Architect at **Appendix F** outlines the landscape design response.

### **Clause 7.6 – Salinity**

A preliminary Salinity Assessment has been prepared by Martens Consulting Engineers and is included at **Appendix L**.

Results indicate sub-surface materials at the site can generally be categorised as having a slight salinity risk potential with low lying areas having a moderate risk potential. Therefore, specific saline soil management strategies are required at the site.

Additional assessments would need to be carried out to confirm and improve characterisation of the site salinity conditions, such as in the low-lying areas / drainage depressions. These issues would be typically addressed through conditions of consent.

### **Clause 7.7 Servicing**

Warren Smith & Partners have prepared a Civil Engineering Services Report at **Appendix K**.

This report outlines the stormwater strategy plan and road design associated with the proposed development and aims to address the following: -

- Stormwater drainage works;
- Proposed road design and;
- Sediment and erosion control.

The report identifies the sites capability of being connected to adjoining services, and providing its own servicing infrastructure.

### **5.1.6. Penrith Development Control Plan**

The Penrith Development Control Plan 2014 (PDCP 2014) applies to the site. An assessment of the proposal against all relevant provisions of the PDCP 2014 is provided in **Appendix H**.

## **5.2. VOLUNTARY PLANNING AGREEMENT**

No Voluntary Planning Agreement applies to the land and no VPA is proposed as part of this DA.

## 5.3. THE LIKELY IMPACTS OF THE DEVELOPMENT

### 5.3.1. Compatibility

The zone objectives place compatibility as a key consideration in the assessment of the planning merit of this proposal. In that regard, the proposal for a memorial park in the manner depicted must be capable of demonstrating its alignment with the key planning controls for the site and locality as reflected in both PLEP and PDCP.

The Landscape Design Report contained in **Appendix F** details the vision and objectives of WMP. The document provides a thorough account of the design process and details the how the Landscape Masterplan documentation achieves consistency with the objectives of the project whilst also responding to all opportunities and constraints present on the site and thus acts as reference document to guide development across the entire site and by which an assessment of compatibility in a planning sense can be based.

From an on-going land use compatibility perspective, an overarching Plan of Management has been prepared in **Appendix J** which sets out CMCT commitment both to itself and the wider community on the transparent expectations the cemetery will operate by. These commitments include management of site use in a manner responsive to its locality, its community and other key stakeholders.

In assessing the impacts of the proposal, it is appropriate and necessary to have regard to the Planning Principle established on “compatibility” in the matter of Project Venture v Pittwater Council (2005) NSW LEC 191. Whilst the Project Venture judgement related specifically to “urban environments”, it is considered the principle established have uniform application across all environments where the nature of land uses proposed must have regard to its relationship to surrounding land uses. This is particularly the case when compatibility is embodied in the zone objectives for the E3 zone.

Roseth SC stated that:

*“24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?”*

#### **Physical impacts in the surrounding development**

Roseth SC stated that:

*“The physical impacts, such as noise, overlooking, overshadowing, and constraining future development potential, can be assessed with relative objectivity.”*

This list is not exhaustive and the following assessment addresses each of these impacts as well as others considered applicable in this instance being, traffic generation, visual impacts and critically its compatibility in its scenic and landscape context.

#### **Noise impacts**

An acoustic assessment has been prepared by Acoustic Studios and is attached as **Appendix X** of this report. The assessment considers the relationships between the cemetery use proposed for the Wallacia Memorial Park and the surrounding development

- Traffic Noise Intrusion

Traffic noise intrusion to new buildings including the Chapel, Functions Rooms and Administration building including noise from Park Road and internal roads within the cemetery grounds have been assessed to ensure that levels will meet applicable criteria. Recommendations for controls have been provided where required to achieve the relevant criteria. These matters can be undertaken as a Condition of Consent prior to the relevant Construction Certificate.

- Traffic Noise Generation



Based on the traffic generation estimates associated with the WMP, traffic noise levels in 2027 are not predicted to exceed the relevant Road Noise Policy criteria at the residential properties at 68 to 72 Park Road and the Wallacia Christian Church, considered the nearest and potentially worst affected receivers. Consideration of feasible and reasonable mitigation is therefore not required as per the RNP

- Mechanical plant

At this stage, final plant selections have not been made, therefore, a detailed assessment has not been carried out. Any plant selections will be reviewed to ensure that noise emissions meet the applicable environmental noise criteria. During the detailed design stage, the acoustic consultant shall provide detailed design advice to the architect and mechanical engineer to ensure that noise emissions from mechanical plant are effectively controlled to meet the relevant criteria at the nearest receiver boundaries.

Based on the findings of the Acoustic Assessment subject to appropriate mitigation methods being installed from 2027 onwards the proposed development will be compatible with the Environment on Noise Grounds.

### ***Overlooking and Overshadowing***

No overlooking or overshadowing of surrounding properties occurs as a consequence of the proposal.

### ***Future Development Potential***

The proposal will not prevent access to adjacent sites, prevent additional services being provided to support additional development or isolate any sites. The proposal is therefore considered to not restrict future development potential on adjacent allotments. The proposed use by its nature is relatively benign compared to other permitted uses in E3 Environmental Management zone and its design does not place unnecessarily restrictions on adjacent land uses.

### ***Visual Impact***

As noted within the Landscape and Visual Impact Assessment attached as **Appendix T** of this report the given the relatively low elevation of the components of the proposal above ground level, the visual catchment is highly constrained by the presence of vegetation and built form.

As a result, perpendicular views are only possible from a limited number of roadways aligned adjacent to the Project. The main interfacing road is Park Road and views from the roadway to the Project area are heavily, to partially screened. Silverdale Road has the greatest length of roadway aligned towards the proposal. However, all views are screened by intervening vegetation or built form, most notably the existing Wallacia Golf Course clubhouse which is located at the axis of the viewline.

The Project is assessed as having a negligible to low visual impact on surrounding sensitive uses and viewpoints. Views to the Project are typically screened by either perimeter or on-site vegetation, or built form along its western and south western interfaces. Adjacent elevated areas to the north and west are not elevated enough to allow for overlooking of the project. Views from surrounding scattered rural residences to the east and north are typically either screened, or heavily filtered by surrounding vegetation.

### ***Heritage Context***

As noted in the Heritage Impact Statement prepared by Urbis and attached as **Appendix U** of this report the proposed works are not considered to have any impact on the significance, curtilage or setting of the proximate heritage items, for the reasons outlined in this report.

The proposed cemetery development will be a low-impact staged development, commencing in the eastern portion of the site, furthest from the proximate heritage items. The proposed cemetery related works will require only minor landscaping works providing for burials across the site and associated headstones and pathways. These works are considered to be minor works which will not overshadow or physically impact on the proximate heritage items.

All proposed built elements (administration building, chapel and ancillary crematorium) are to be located at the eastern portion of the site, and will not require intervention to protect the heritage items.

### ***Traffic Generation***

As noted in the Traffic Impact Assessment undertaken by The Traffic Planning Partnership (TTPP) at **Appendix W**, both Park Road and the proposed site access have sufficient capacity to accommodate expected traffic volumes anticipated from the development. The existing Panthers Golf Club intersection also has appropriate spare capacity to cope with vehicles entering the site in relation to the proposed 'Function Room' facility.

### 5.3.2. Flora and Fauna Assessment

Field investigations undertaken by Travers Ecology and Bushfire (**Appendix P**) have confirmed that the matters of consideration under the EPBC Act that are located on the site:

- Three (3) threatened fauna species East-coast Freetail Bat, Greater Broad-nosed Bat and Large-footed Myotis,
- No threatened flora species were detected during the survey.

A Flora and Fauna report has been prepared for the application which forms **Appendix P** of this report. The assessment confirms that whilst matters for consideration under the EPBC Act are located on the site, the proposal is not considered to cause a significant impact on matters of national environmental significance. As such referral under the EPBC Act is not required for the application.

The Flora and Fauna Report concluded the following:

*The proposal will remove and modify existing remnant habitat present within the study area. This is mostly the removal of mature trees for the placement of roads, buildings, stormwater detention or due to poor health.*

*With respect to threatened fauna species, this may include direct or indirect impacts on hollow-dependent microbats such as the recorded East-coast Freetail Bat, Greater Broad-nosed Bat and Large-footed Myotis. These species utilise hollows for roosting and breeding and impacts on such habitat features may be significant to the long-term viability of local populations.*

*Habitat tree HT10 was recorded to contain a microbat roosting hollow during survey. The locating of roosting hollows can however prove difficult given that roost sites may also vary through a single week. Measures have been recommended to identify all roosting sites that may be present and the resident species. Any recorded threatened microbat roost should be avoided.*

*No threatened flora species were detected during the survey by Travers bushfire & ecology. The site provides low quality habitat for only a few species, all of which occur outside of floodplains within Cumberland Plain Woodland.*

*Native vegetation is of moderate quality, but the riparian vegetation is heavily impacted by weed invasion in the mid-storey. Many patches of vegetation are along fairways and have had the understorey removed and mown. One such patch appears to be impacted from overuse of herbicide.*

*The impacts on Cumberland Plain Woodland are often the result of remnant trees being located within an asset protection zone. It is likely that all trees could be retained in these areas as the understorey is fully managed and compliant with planning for bushfire standards. Where APZs occur in the location of remnant canopy trees, they have been counted as an impact which appears to overstate the amount and proportion of impact up to 40% of all Cumberland Plain Woodland. For River-flat Eucalypt Forest on Coastal Floodplains, the impact is 0.15 ha of 5%.*

*Given consideration to the available habitat present, local records and species with potential to occur, the 7 part test of significance (Attachment 4) has concluded a not significant conclusion with respect to the potential impact upon threatened species, communities and populations. This is provided recommended mitigation measures are carefully adhered to. Therefore, a Species Impact Statement should not be required for the proposed subdivision and development.*

*The Significant Impact Criteria for species listed under the EPBC Act was reviewed to assess the impacts of the proposed subdivision layout on nationally listed species. It is concluded that there will not be a likely significant impact on any nationally listed threatened species and as such, a referral to the Commonwealth Department of Environment (DOE) is not required.*

A number of recommendations were made in the report which can be listed as potential conditions of development consent, should Council consider it appropriate.

### 5.3.3. Design and Appearance of Buildings

The following observations are made in relation to built form design.

- The proposed new chapel and administration building has been specifically designed to relate to the constraints of the site, with particular emphasis on managing the slopes of the site whilst maintaining the relationship with the adjoining residential properties.



- The Chapel is to be a congregational place to facilitate remembrance & ritual of passing. A place for multid denominational & interfaith gatherings to pay respect to a loved one as they transition to the afterlife. The development is a contemporary design and proposes state of the art funerary chapel & associated facilities both nationally & internationally. The Architectural Statement prepared by Ignite at **Appendix G** explains the concept behind the Chapel.
- As the development occupies a large, site with the irregular shape, the architectural design of the proposal has been undertaken to reflect those specific characteristics. The architectural design of buildings has been designed to be integrated into the surrounding park grounds and not appear as dominant features
- The proposal is not considered to be out of character with the existing landscape and local character of the area. The new buildings occupy only a very small proportion of overall site area and can be sympathetic to the changing character of the landscape to accommodate new burial grounds.
- The proposed development responds to the context of the site by addressing the development away from the site boundaries. The proposed vehicle entry placement will reduce traffic impacts and provide distinct entry points to different uses on the site.
- The scale of the development is consistent with the scale and bulk of other cemeteries within Sydney.
- The height of the development is unlikely to adversely impact on the streetscape and the proposal has been able to demonstrate that it will have an acceptable impact on the amenity of the surrounding buildings.

#### 5.3.4. Tree removal

The proposed development and removal of unsafe or dangerous trees results in the removal of 382 trees of 1800 trees or 21.22% of the trees estimated to occur within the subject site. A Tree Assessment Report has been prepared by Travers Bushfire and Ecology to assess the condition and significance of each tree on site (**Appendix O**). As detailed within the Tree Assessment Report, the impacts, key findings and recommendations of the proposal are as follows:

- **Required to accommodate proposed development:** 215 trees (11.94% of total trees) are required to be removed to accommodate the proposed development.
- **Unsafe trees:** 167 trees (9.28% of total trees) have been deemed unsafe are recommended for removal.
- For any trees that are to be retained, it is recommended that Tree Protection Zones (TPZ) are to be implemented for any retained tree in accordance with Australian Standard AS4970 (section 5.1).
- In the event that trees can be retained it is considered that an AQ5 qualified arborist be engaged to manage any construction works within or immediately adjacent to the TPZ and to identify any other mitigation measures to maintain or improve their condition where the works proposed impact on more than 10% of the TPZ

#### 5.3.5. Watercourse Management

A Watercourse Assessment has been prepared for the application by Travers Bushfire and Ecology. This report as attached as **Appendix Q** of this report and confirms that the proposal will provide a good level of riparian protection and revegetation including native vegetation protection zones immediately adjoining the riparian corridors and as such is considered to have a positive impact on the watercourses located on site when considered holistically.

Figure 6 of **Appendix Q** identifies the Vegetated Riparian Zones, and the assessment concludes:

*The riparian zone widths in accordance with the NSW Office of Water Controlled Activity Guidelines (2012) are:*

- *Watercourses 8, 9, 10, 12, 14, 15 – VRZ is 10m from top of bank.*
- *Watercourses 6 & 7 – VRZ is 20m from top of bank*
- *Watercourse 5 – VRZ is 30m from top of bank.*
- *Watercourses 1, 2, 3 & 4 – VRZ is 40m from top of bank.*



No other watercourses are present onsite – watercourse 11 and 13 are recommended to be declassified as watercourses to drainage lines requiring no riparian protection.

Alternative solutions for highly degraded watercourses are appropriate for this site and approvable under a Controlled Activity Approval from the NSW Office of Water in accordance with the requirements of the Water Management Act 2000.

Ongoing management of the site's riparian zones will generally be in accordance with the Controlled Activity Guidelines for Riparian Corridors as issued by the NSW Office of Water and the issued General Terms of Approval.

This will require the preparation of a vegetation management plan for all retained watercourses to accurately define planning densities, spacing and plant species to be used. However, this report proposes alternative outcomes to effectively integrate and maintain the functions of riparian lands.

Riparian vegetation will be established, maintained and existing vegetation will be retained and strategically enhanced to improve riparian protection. All watercourses except that of Jerry's Creek will be restored to the required vegetation riparian zone. Partial revegetation of the Jerry's Creek riparian corridor will be revegetated (inner 50% of the riparian corridor) to improve ecological connectivity and to stabilise all existing banks but the outer flood conveyance zones within the land will be retained as open space.

### 5.3.6. Bushfire

Travers Bushfire & Ecology undertaken a Bushfire Protection Assessment and is included at **Appendix R**. The proposed development is categorised by the NSW Rural Fire Service (RFS) as infill development and must be assessed in accordance with *Planning for Bush Fire Protection 2006 (PBP)* under Section 79BA of the *Environmental Planning & Assessment Act (EP&A Act)*.

The Bushfire Protection Assessment concludes the following:

*The bushfire risk posed to the buildings will be reduced to an acceptable level of risk as an appropriate combination of bushfire protection measures can be applied to the development in accordance with PBP.*

*The assessment has concluded that the proposed development will provide compliance with Planning for Bushfire Protection (PBP) 2006 with the following proposed alternative solutions:*

- *Road carriageway widths of 6.5m (two-way) and 3.5m (one-way) for all roads regardless of curve radius as well as 2.1m wide grassed parking bays in accordance and in compliance with the pre-DA advice received from the NSW RFS for a similar project involving a proposed cemetery at Macarthur Memoria Park (RFS ref;*

*DOC17/38466).*

- *The proposed buildings will be provided with hydrants in accordance with the relevant Australian Standard. Hydrants are not proposed to be installed within the remainder of the road system.*

*The bushfire attack assessment has been undertaken and will be applied in accordance with;*

- *Table 2.4.3 (simplified procedure – Method 1) of AS3959 Construction of buildings in bushfire prone areas (2009) for the multipurpose chapel and maintenance building.*

*Building construction standards have not been recommended for the administration building and function centre due to the surrounding managed land (>100m from bushfire prone land).*

In addition to the above recommendation, the assessment undertaken by Travers has made a total of seven recommendations which can be enforced for the project as conditions of consent. It is considered that based on this assessment and the subsequent recommendations that appropriate mitigation methods can be put in place to ensure the safe operation of the site in perpetuity.

### 5.3.7. Geotechnical Considerations and Stability

A Geotechnical Assessment has been prepared by Martens Consulting Engineers and is included at **Appendix L**. In summary the report finds the following in relation to earthworks.

- Excavation works for the development will involve excavating clayey subsoil materials with some excavation areas likely to encounter rock of various strengths, depending on location.

- It is considered that the observed clay soils at the site are able to support structures such as buildings and roads with a range of commonplace structural solutions.
- Excavations in burial plots will likely remain open for an estimated period of 2 days. Temporary shoring or appropriate grave shoring inserts will unlikely be required during excavation works unless excavations remain open for a longer period (greater than 2 weeks) or during prolonged or heavy rainfall periods.

The Geotechnical Assessment makes a number of recommendations in relation earthworks preparations that will be adopted during detailed design and construction.

### 5.3.8. Groundwater

A Groundwater Assessment has been prepared by Martens Consulting Engineers and is included at **Appendix L**.

The Assessment concluded the following:

- *Groundwater levels were measured between approximately 2.0 and 3.9 mBGL in areas sloping into drainage depression and Jerrys Creek.*
- *Based on the limited groundwater assessment results, the risk of the proposed development resulting in adverse impact on groundwater conditions is considered to be low across the majority of the site, except low lying areas associated with Jerrys Creek. Similarly, the base of the single burial plots will be able to maintain a minimum 1 m buffer from groundwater over the majority of the site.*

The assessment also recommended further assessment of groundwater condition be undertaken for confirmation of the above to include:

- *Detail surveying of the groundwater well locations and levels to obtain more accurate groundwater data.*
- *Ensure groundwater monitoring period includes at a minimum 2-3 significant wet weather events and corresponding dry weather periods.*
- *Detailed groundwater modelling (using MODFLOW) of the site to determine groundwater levels over the entire site.*

Given the conclusion of low risk, but subject to more detailed investigations, it is considered that this issue can be addressed through conditions of consent and prior to the commencement of the use.

### 5.3.9. Stormwater Management

Warren Smith & Partners have prepared a Civil Engineering Services Report at **Appendix K**.

This report outlines the stormwater strategy plan which includes the following:

- *The stormwater drainage network has been designed to capture and reticulate the majority of the site's catchment to a number of proposed basins on site.*
- *These basins will act as on-site detention, ensuring the post development flow rates of the development do not increase when compared with the pre-development state. The required volume of these tanks has been calculated using a RORBS model and is outlined in the Stormwater Management Plan (SWMP) by Stormy Water Solutions. The location of these basins is outside of the 5% AEP flood extents as per PCC requirements.*
- *As per PCC specification, the road stormwater network has been design to accommodate the 5% AEP storm event and allow for safe overland flow during the 1% AEP storm event. Water captured in the system will discharge directly to a proposed retarding basin or a vegetated swale upstream of a basin. In four (4) locations, the piped network will discharge directly to a proposed basin.*
- *In five (5) locations on site, the stormwater network will discharge to a vegetated swale which will reticulate into a retarding basin. The swales will serve the dual purpose of retarding flow and providing treatment to the water before entering the Council network.*
- *Regrading of the existing topography is proposed for the gully which currently runs under the alignment of Road 6. As detailed in Stormy Water Solution's SWMP this gully is to be transformed into a vegetated swale (Vegetated Swale 5A) for flow retardation and water treatment. It will also be used as provision for ecological offsets elsewhere on site. It is proposed that the gully is realigned to be west of Road 6 to maintain the flow path for the upstream catchment.*



As confirmed within the report, the majority of the development reticulates to the existing private dams onsite, no council assets are immediately affected by the post development runoff.

### 5.3.10. Contamination

This issue has been addressed earlier in this report as part of SEPP 55 considerations.

### 5.3.11. Heritage Impacts

There are no items of heritage located on the Site. However, the site is located immediately adjacent to the following items of heritage:

- Wallacia Hotel (item 325);
- Archaeological heritage on Luddenham Homestead site (item A849);
- St Andrew's Anglican Church (item 326).

The proposed works have been assessed for their potential impact on the proximate heritage items and heritage conservation areas in the Heritage Impact Statement prepared by Urbis at **Appendix U** which concludes:

- *The proposed works are not considered to have any impact on the significance, curtilage or setting of the proximate heritage items, for the reasons outlined in this report.*
- *The proposed cemetery development will be a low-impact staged development, commencing in the eastern portion of the site, furthest from the proximate heritage items. The proposed cemetery related works will require only minor landscaping works providing for burials across the site and associated headstones and pathways. These works are considered to be minor works which will not overshadow or physically impact on the proximate heritage items.*
- *All proposed built elements (administration building, chapel and ancillary crematorium) are to be located at the eastern portion of the site, and will not require intervention to the heritage items.*
- *The proposed new buildings will be contemporary in design and materiality. This is appropriate as these buildings are visually and physically removed from proximate heritage items due to the natural topography of the site, and provide for a well-resolved design approach to the new cemetery.*
- *The proposed works will not affect the setting or landscape elements of the proximate heritage items. The proposed works will not be visible from views of the principal elevation of the Wallacia Hotel from Mulgoa Road, and will not disrupt the landscaped setting to the front of this building.*
- *The proposed cemetery (but not the proposed buildings) will eventually be visible to the rear of the former St Andrew's Anglican Church heritage item, when viewed from Park Road, given the church's relatively cleared setting and lack of immediately adjoining structures. However, the presence of a landscaped cemetery to the rear of an existing church building is not considered to detrimentally impact on the significance of the item, rather this proposed adjacent use is considered appropriate and complementary to the former and significant use of this item as a church.*

The proposed works are therefore supported and recommended for approval from a heritage perspective.

### 5.3.12. Archaeology

An Aboriginal Due Diligence and Historical Archaeological Assessment report has been prepared for the site, and is included at **Appendix V**

The conclusions of the report include:

- *A Search of the Aboriginal Heritage Information Management System Database returned no site in the study area.*
- *As several streams and creeks pass through the site, the study area may contain Aboriginal cultural material, although the level of archaeological is dependent low levels of modern disturbance.*
- *These areas may warrant the preparation of a full Aboriginal cultural heritage assessment, dependent on the nature of any proposed development in these locations.*
- *There are zones of varying degrees of historical archaeological potential located in the study area which may contain archaeological deposits.*



The report includes recommendations to be considered as conditions of development consent, should Council consider it necessary.

### 5.3.13. Traffic and Parking

A Traffic Impact Assessment undertaken by The Traffic Planning Partnership (TTPP) is included at **Appendix W**. The key findings from this report are provided below:

- *There is sufficient SISD at the proposed site access point. It is considered that vehicles egressing the site would have sufficient visibility to exit the site safely.*
- *Internal road widths satisfy NSW Rural Fire Services requirements.*
- *There are sufficient internal car parking spaces for visitors and staff, with additional kerbside parking within the internal road layout, providing appropriate parking provision.*
- *Both Park Road and the proposed site access have sufficient capacity to accommodate expected traffic volumes anticipated from the development. The existing Panthers Golf Club intersection also has appropriate spare capacity to cope with vehicles entering the site in relation to the proposed 'Function Room' facility.*
- *The proposed development is expected to generate moderate levels of traffic and would not have a detrimental impact on the existing road network.*
- *Overall, there will be no adverse traffic and parking implications associated with the proposal.*

In light of the above, no traffic implications are likely to occur as a result of the proposal.

### 5.3.14. Visual Impact

A Visual Impact Assessment of the project has been undertaken by Urbis and is included at **Appendix T**

The Visual Impact Assessment concludes the following:

#### **Landscape Character Impacts**

*The Project is of a character which is very similar to the existing golf course landscape. Both are comprised of an undulating, natural landform, with curving, lineal bands of trees in a predominately open grassed setting. Built form in both the existing and proposed scenarios is limited to small, isolated buildings set in the round.*

*The proposal will also comprise low walls for memorial plaques and plaques or headstones at ground level. The low profile of these components will ensure that there will be no interruption to views over the tree canopy line.*

*Based on the assessment of visual compatibility with the existing landscape of the surrounding setting, the components of the project will result in a landscape not dissimilar to the golf course landscape.*

#### **Visual Impacts**

*The Project is assessed as having a negligible to low visual impact on surrounding sensitive uses and viewpoints. Views to the Project are typically screened by either perimeter or on-site vegetation, or built form along its western and south western interfaces.*

*Adjacent elevated areas to the north and west are not elevated enough to allow for overlooking of the project.*

*Views from the southern boundary along Park Road are typically screened or filtered by vegetation. A few limited locations allow for unobstructed views to the foreground. Banded vegetation within the project site prevent more extensive views.*

*Views from Mulgoa Road and Greendale Road are screened mainly by built form. The single storey residences fronting Mulgoa Road and immediately adjacent to the Project, are surrounded by standard height, 1.8 m high fencing around the rear yards of the residences. This screens views to the ground plane of the Project from both the interiors of the residences as well as the rear yards. From the rear yards, the Project is also partially screened from view by foreground canopy vegetation around the perimeter of the Project site*

*Views from surrounding scattered rural residences to the east and north are typically either screened, or heavily filtered by surrounding vegetation.*

*There are potentially views from a limited number of residences at the eastern end of Donahoes Avenue, 1.8 km from the project area. However, based on the distance, as well as the presence of vegetation throughout the Project site, any visual impacts will be limited.*

### **Lighting Impacts**

*Within both the Category E2 and E3 areas of the setting the Project will not result in a lighting impact due to the primarily daytime use of the proposed activity. The lighting requirement would be very similar to that of the existing golf course operations and consequently, any lighting impact would also be very similar.*

## **5.3.15. Social and Economic Impacts**

The proposed use of cemeteries on the subject site will have a range of positive social and economic impacts. A Strategic Demographic Assessment prepared by Urbis has been undertaken and is contained in **Appendix I**. The report highlights the social need for the proposed facility and broader economic benefits.

## **5.3.16. Sustainability**

Steensen Varming have prepared Sustainability advice for the development of the parklands and buildings and is provided at **Appendix Y**.

The measures recommended as part of the advice prepared have been incorporated into the proposed site redevelopment and within the Plan of Management in **Appendix J**

## **5.3.17. Acoustic Impacts**

An Acoustic Assessment of the proposal has been prepared by Acoustic Studio at **Appendix X**. The assessment specifically addressed the impacts of the following:

- Traffic Noise Intrusion;
- Mechanical Plant; and
- Building Use.

The preliminary assessment subsequently made the following conclusions and observations:

- *From the preliminary assessment and details provided in the previous sections, we make the following comments with respect to offensive noise.*
- *The primary noise emissions from the proposal will likely be noise associated with traffic generation and operational use of the Chapel;*
- *Operational noise from the Chapel is predicted to comply with the relevant criteria, however restrictions to daytime hours (7am to 6pm) are recommended to ensure impacts to surrounding receivers are minimised;*
- *Traffic noise from external and internal roads noise is predicted to comply with the relevant criteria, however the use of internal roads should be monitored during operations, particularly during peak hours and areas in close proximity to site boundaries/sensitive receivers;*
- *Mechanical plant for site buildings will be selected and noise controls implemented to ensure that the noise emitted is not loud in an absolute sense and not loud relative to the pre-existing ambient and background noise levels that surround the site.*
- *Noise from mechanical plant is generally broadband, and will be controlled so that there are no characteristics that will make it particularly irritating.*
- *By controlling noise emissions (associated with the operation of the proposed development) in accordance with the relevant criteria, amenity of noise sensitive receivers will be maintained and noise emissions should not be intrusive. Therefore it is expected that people and noise sensitive receivers will not be adversely affected by the development.*
- *We consider that the proposed development will meet all relevant noise emission criteria and the nearest sensitive receivers.*



It is therefore considered appropriate that appropriate consent conditions be included reflecting acoustic recommendations where appropriate.

### 5.3.18. Air Quality

An Assessment of Air Quality was undertaken by Northstar Air Quality and is included at **Appendix EE**. The assessment concluded the following in relation to air quality emissions from the site generated by the proposed crematorium.

It is critical to reiterate that the methodology adopted is based on very conservative levels of use, and significantly beyond the level of use expected for the site, given its ancillary nature.

Legislation, regulation and guidance relating to air quality resulting from the operation of crematoria fall into two categories;

- **In-stack emission limits:** limits on the emission of pollutants at the point of emission; and,
- **Ambient air quality criteria:** standards and goals associated with the impact of those emissions within the wider environment.

The impacts of the crematorium operation on both aspects have been assessed and the conclusions of the assessment are as follows:

#### **In-stack Emission Limits**

*A review of NSW, Australian and UK legislation and guidance has been performed, with the most stringent in-stack emission limits across all jurisdictions adopted for this assessment.*

*Potential exceedances of the in-stack criteria (for mercury and dioxins and furans) are predicted without the inclusion of emission control.*

*However, with the inclusion of proposed emissions controls no exceedances of those criteria are predicted.*

#### **Ambient Air Quality Criteria**

*The results of the assessment of the potential impacts of the Proposal site operation upon the surrounding environment indicate that even without the inclusion of emissions controls, all air quality criteria adopted are predicted to be achieved.*

*Even with the inclusion of existing (background) air quality data, achievement of all relevant criteria is predicted.*

*The predictions presented cover the area of maximum predicted impact, being Davenport Drive, Wallacia.*

#### **Mitigation and Monitoring**

*The assessment indicates that the inclusion of mitigation measures is not necessarily required to meet the ambient air quality criteria. However, it is stressed that the POEO Act (1997) requires the inclusion of these controls. Detail is provided within the report as to the method for emission control, how this meets best practice and any ongoing monitoring requirements to ensure the ongoing efficacy of those control measures.*

*The results of the air quality impact assessment indicate that the granting of Development Consent for the Proposal should not be rejected on the grounds of air quality.*

### 5.3.19. Mechanical Services

Stenson Varming have provided advice to inform possible ESD and mechanical pathways for further development after DA approval.

The advice is included at **Appendix Y** and advises that mechanical systems shall be designed to meet the stated performance requirements of the project, encompass good design principles and compliment ESD. In addressing the above the key systems and servicing objectives of the proposal, key items have been identified as follows:

- *Low energy and water consumption*
- *Low operational maintenance requirements*
- *Simple control and efficient operation*



- Provide required levels of occupant comfort associated with space functional use

### 5.3.20. Building Code of Australia

The proposal is capable of compliance with the BCA as detailed in the BCA Assessment contained in **Appendix AA**.

### 5.3.21. Disabled Access

An Access Review for MMP has been undertaken by Morris Goding Accessibility Consulting and is included at **Appendix BB**. The report provides a preliminary assessment of the proposal against the relevant provisions of the Disability Discrimination Act, Access to Premises Standards and the Building Code of Australia.

The report includes recommendations to be addressed at construction certificate stage to ensure ingress and egress, paths of travel, accessible toilets and circulation areas can comply with relevant statutory guidelines.

### 5.3.22. Waste Management

#### Demolition and Construction

A Demolition and Construction Waste Management Plan has been prepared by Waste Audit and is included at **Appendix CC**. The Plan identifies the following potential demolition and construction waste sources:

- Excavation Material;
- Green Waste;
- Bricks tiles and concrete;
- Liquid waste from cleaning vehicles and minimising dust;

The Plan identifies prevention measures to ensure waste does not enter stormwater, and also provides litter management measures. Records will be kept of all wastes and recyclables generated and either used on site, or transported off-site.

The Plan also outlines management procedures for hazardous waste, including asbestos.

#### Operational Waste

An Operational Waste Management Plan (OWMP) has been prepared by Waste Audit to detail and assess the ongoing waste management arrangements for WMP. The OWMP is contained at **Appendix DD**. the OPWP highlights the following key objectives and actions for waste management across the site:

#### **Objective 1: Minimise the environmental impacts of the operations of the development**

- Ensure maximum diversion of waste from landfill through the correct containerisation and transportation of waste materials; and
- Educate staff on the correct segregation of waste materials and appropriate management streams.

#### **Objective 2: Minimise the impact of the management of waste within the development on local residents**

- Ensure waste is managed to avoid odour and litter; and
- Undertake waste collection during suitable times.

#### **Objective 3: Ensure waste is managed to reduce the amount of landfill and minimise the overall quantity of waste generated**

- Implement systems to segregate waste materials and display signage to encourage recycling.

The OWMP details the bin requirements for each of the existing and proposed buildings on the site based on the waste and recycling generation estimates contained within the PDCP 2014. The footprints and recommended locations for the external bins relating to each of the buildings are detailed within the OWMP. As detailed, all staff will be adequately trained and educated on the management of waste and recycling to ensure the segregation of materials. Site management are to undertake regular monitoring of waste systems to ensure waste streams are operating effectively.

CMCT will use their own private garbage contractor for waste and recycling collection. The OWMP confirms that the truck is capable of collecting both waste and recyclables generated on site.

## **5.4. SITE SUITABILITY**

In accordance with the matters for consideration under Section 79C of The Act, an assessment of the site suitability has been carried out. The assessment concludes that the site is suitable for the proposed development for the following reasons:

- The uses are permissible with development consent on the site;
- The proposal responds to an identified need for cemetery space with Metropolitan Sydney particularly within Western Sydney;
- The proposed development is appropriate for the sites location and has been designed having full consideration for the scenic and environmental constraints of the site;
- The existing utility infrastructure and services can be extended, augmented or amplified (if required) to accommodate increased demand from the development;
- The proposed traffic generation will not adversely affect the existing operations of the surrounding road network; and
- The proposed built form has been assessed to be compatible with the surrounding development and environment.

## **5.5. PUBLIC SUBMISSIONS**

The DA will be notified by Council and following its lodgement. A formal Response to Submissions can be made following the conclusion of the public notification period to address any additional issues as necessary.

## **5.6. THE PUBLIC INTEREST**

It is considered that the proposed development is in the public interest as the proposal will have a number of important economic, environmental and social impacts. These are detailed listed below:

- The proposal will provide needed burial space for the West of Sydney whilst offering choice, at affordable prices in varied settings;
- The proposal will ensure the perpetual maintenance of a significant parcel of land within the Penrith Local Government Area;
- The proposal provides 42 hectares that will be for the sole purpose of publicly accessible passive recreation;
- The proposal is considerate of the heritage contributions of adjacent items and looks to celebrate and interpret these aspects for the benefit of all; and
- The proposal is considerate of the scenic aspect of the site and ensure is considered to enhance the overall visual qualities of the site when viewed from the public domain.

## 6. CONCLUSION

The proposed development has been assessed against all relevant planning controls and policies. The overall vision for the site and the manner in which that vision has been translated into this DA is considered to be fully consistent with these controls and policies.

The compelling reasons why a positive assessment and determination of the project should prevail are summarised below:

- The proposal has been designed to comply with all state and local planning provisions which apply to the site with specific reference to the site-specific provisions detailed in the Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014.
- The design responds positively to the site conditions and the surrounding environment. The design has been formulated having close regard to the known scenic, environmental and topographical qualities of the site. The proposed design is highly sympathetic and responsive to site context, conditions and values.
- The proposal provides for opportunities for positive ecological outcomes by the integration of these values into the proposed built form and landscape design.
- The proposal does not give rise to any significant upgrading of public assets and infrastructure, notably Park Road, to support it.
- The proposal responds to the demonstrable need and demand for cemetery space in Sydney and the Western Sydney region, with limited sites and opportunities to meet the long-term spatial requirements of the applicant. The proposal will provide an inter-generational piece of social infrastructure that will provide lasting social benefits, operated by CMCT who have a record of managing such facilities dating back 150 years in Sydney.
- Accordingly, the proposal is in the public interest as it will long term relief to the identified shortfall in burial plots within the Western Sydney Region; and facilitate public access to a previously privately owned element of the Penrith LGA at no cost to the community. Further it is noted that 42 hectares of the site will be made available for publicly accessible passive recreation. This reflects an emerging global trend in cemetery design and embodies principles of social connectedness and passive celebration of lives past within a parkland garden setting.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that respects and responds to the prominent site location and the amenity of surrounding developments. The proposal therefore is considered well-worthy of Council support and ultimately approval from the Sydney Western City Planning Panel.



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