

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA17/1092

**Development:** Staged construction of the Wallacia Memorial Park, including cemetery, chapel, administration building, services outbuilding, parkland areas, internal roads, car parking, associated landscaping and site servicing works.

**Site:** 13, 17 and 37 Park Road, Wallacia NSW

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 11 May 2021

**Date from which consent takes effect:** Date the consent is registered on the NSW Planning Portal.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 13, 17 and 37 Park Road, Wallacia NSW also known as Lot 1 and Lot 2 in DP 1254545 and Lot 3 and 4 in DP 18701.

The conditions of consent are as follows:

## Draft Conditions of Consent

DA17/1092 – 13, 17 and 37 Park Rd, Wallacia NSW

### TERMINOLOGY

1. Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979 (**EP&A Act**).
2. Any reference in this consent to a "Compliance", "Occupation" or "Subdivision" Certificate is a reference to such a certificate as defined by Sections 6.3, and 6.16 of the EP&A Act. Reference to a "Construction Certificate" means a Construction Certificate under section 6.4 of the EP&A Act or if the Former Building and Subdivision provisions apply, under s109C of the Act.
4. Any reference to the "Site" means the land at 13 17 and 37 Park Road, Wallacia, also known as Lot 1 and Lot 2 in DP 1254545 and Lot 3 and 4 in DP 18701.
5. Any reference to the "Council" is a reference to Penrith City Council.

### Deferred commencement conditions

#### 1. Conditions to be complied with prior to the consent becoming operational

The following conditions of consent must be complied with prior to this development consent becoming operational:

- a. The Manager of Development Services at Penrith City Council is to be provided with the following amended and additional plans and reports:
  - (i) A final Tree Removal and Retention Plan for the Site. The final Tree Removal and Retention Plan is to be accompanied by advice from a qualified bush fire consultant detailing how the Plan demonstrates compliance with the requirements of the NSW Rural Fire Service referenced in consent Condition 3. The final Tree Removal and Retention Plan is to be marked to indicate where any additional canopy reduction (via pruning) and/or tree removal is needed as a result of the advice from the qualified bush fire consultant. The Tree Removal and Retention Plan and the bush fire consultant's advice are to correlate with the endorsed Arboricultural Impact Assessment (AIA) the subject of deferred commencement condition 1(b), the Court approved Travers Flora and Fauna Assessment Report, dated 25.10.2017, the Court approved Travers Vegetation Management Plan (VMP), dated 27 April 2018 and is to have had regard to Tables 1 and 2 in the Tree Tables document prepared by Catriona Mackenzie, Narelle Sontar and Florence Jaquet, dated 25 March 2021 as annexed to this Draft Conditions set. The Plan shall document all stages of the development.
  - (ii) Deleted.
  - (iii) Deleted.
  - (iv) Deleted.
- b. Council is to be provided with a full Arboricultural Impact Assessment (**AIA**) report. The AIA report must include, however may not be limited to, the following:
  - Provide a low, medium or high retention value rating for assessed trees based on their Useful Life

Expectancy and Landscape and/or Ecological Significance.

- Include an assessment of all proposed works (cut, compacted fill, trenching, buildings, civil, stormwater & drainage, burial sites, retaining walls and other landscape works) reflected in the approved DA drawings and determine the impact of those works on the trees.
- Determine the level of encroachment (i.e Minor or Major Encroachments), approximate percentage and encroachment type.
- Assess Major Encroachments against Clause 3.3.4 of Australian Standard 4970-2009 Protection of trees on development sites and requires the Arborist to demonstrate how the tree/s will remain viable.
- Include specific recommendations for measures to retain trees, particularly those of Medium to High Retention Value located in proximity to the proposed works.
- Retain identified habitat trees (as included in the Travers Tree Assessment) where possible, and safe to do so (must be supported with valid tree risk reasons if removal is proposed).
- The recommendations and agreements (including tree retention schedules produced) as part of the supplementary Landscape Experts Joint Report.

The AIA report is not to include ecological or heritage assessments or comments unless the author is suitably qualified.

Any recommendation for the removal of trees that are not impacted by works will require an accompanying tree risk assessment (TRA) undertaken by an arboriculturist with current TRA qualifications (e.g TRAQ, QTRA), and demonstrate the nominated tree/s pose an unacceptable risk to persons or property.

No trees are approved for removal under this Consent until Council has reviewed and approved the AIA report and agreed to or amended the number of proposed trees to be removed. In particular, before approving the AIA report the Council may request additional information if it concludes that the AIA report requires further information about tree impact assessment.

Proposed tree removals are to be clearly shown on a tree retention/removal plan. To limit unnecessary or premature tree removal, the timing of tree removals should reflect the timelines for approved works of the Approved Memorial Park Landscape Design Response document prepared by Florence Jaquet Landscape Architect, as amended as required by this consent.

**General**

- 1 The approved development must be carried out in accordance with the following plans and documents except as may be amended by the following conditions.

Document no.	Document title and details	Prepared by	Revision	Date
<b>Florence Jaquet Landscape Plans - With the exception of any tree removal indicated.</b>				
L000	Cover Sheet	Florence Jaquet	E	21.12.2020
L001	Tiling Plan	Florence Jaquet	E	21.12.2020
L100	Site Masterplan	Florence Jaquet	E	21.12.2020
L101	Overall Site Plan	Florence Jaquet	E	21.12.2020
L102	Burial Extent & Types	Florence Jaquet	E	21.12.2020
L201	Site Plan	Florence Jaquet	E	21.12.2020
L202	Site Plan	Florence Jaquet	E	21.12.2020
L203	Site Plan	Florence Jaquet	E	21.12.2020
L204	Site Plan	Florence Jaquet	E	21.12.2020
L205	Site Plan	Florence Jaquet	E	21.12.2020
L206	Site Plan	Florence Jaquet	E	21.12.2020
L207	Site Plan	Florence Jaquet	E	21.12.2020
L208	Site Plan	Florence Jaquet	E	21.12.2020
L601	Typical Lawn Burial Area	Florence Jaquet	E	21.12.2020
L602	Typical Low Headstone Burial Area	Florence Jaquet	E	21.12.2020
L603	Typical High Headstone – Full Monumental Burial area	Florence Jaquet	E	21.12.2020
L604	Typical Terraced Burial Area	Florence Jaquet	E	21.12.2020
L700	Typical Road Sections	Florence Jaquet	E	21.12.2020
<b>Narelle Sonter Botanica Plans – With the exception of any tree removal indicated.</b>				
L501	Site Plan 1 of 2, Sheet 1/17 (with the exception of clubhouse landscaping and associated works).	Botanica	D	21.12.20
L502	Site Plan 1 of 2, Sheet 2/17	Botanica	E	23.03.21
L503	Street Tree Plan 1 of 2, Sheet 3/17 (with the exception of clubhouse landscaping and associated works).	Botanica	D	21.12.20
L504	Street Tree Plan 1 of 2, Sheet 4/17	Botanica	E	23.03.21
L505	Vegetation Buffer plan 1 of 2, Sheet 5/17 (with the exception of clubhouse landscaping and associated works).	Botanica	E	23.03.21
L506	Vegetation Buffer plan 2 of 2, Sheet 6/17	Botanica	E	23.03.21
L507	Vegetation Buffer Details, Sheet 7/17	Botanica	F	23.03.21
L508	Administration & Maintenance Landscape plan, Sheet 8/17	Botanica	D	21.12.20

L509	Chapel Landscape Plan, Sheet 9/17	Botanica	D	21.12.20
L510	Stormwater Management Plan Strategy Landscape Plan, Sheet 10/17	Botanica	D	21.12.20
L511	Softscape Details, Sheet 11/17	Botanica	D	21.12.20
L512	Phase 1 & 2: Site Plan 1 of 2, Sheet 12 of 17 (with the exception of clubhouse landscaping and associated works).	Botanica	D	21.12.20
L513	Phase 1 & 2: Site Plan 2 of 2, Sheet 13 of 17	Botanica	D	21.12.20
L516	Phase 1 & 2: Landscape Plan 3, Sheet 16/17	Botanica	D	21.12.20
L517	Phase 1 & 2: Landscape Plan 4, Sheet 17/17	Botanica	D	21.12.20
L518	Site Plan, Phase 2 -East, Sheet 18/18	Botanica	B	23.03.21
Ignite Architectural plans				
DA00	Cover	Ignite	C	16.12.20
DA02	Site Plan - Overall	Ignite	D	16.12.20
DA03	Site Plan - Chapel	Ignite	E	16.12.20
DA04	Site Plan - Admin	Ignite	E	16.12.20
DA05	Chapel Floor Plan	Ignite	C	16.12.20
DA06	Chapel Elevations	Ignite	C	16.12.20
DA07	Chapel Sections	Ignite	C	16.12.20
DA08	Admin Floor Plan, Elevations & Sections	Ignite	C	16.12.20
DA09	Chapel Renders	Ignite	C	16.12.20
DA10	Admin Renders	Ignite	C	16.12.20
Warren Smith & Partners plans				
C1.01	Cover Sheet & Sheet list	WS&P	2	16.12.2020
C1.02	Specification Notes	WS&P	2	16.12.2020
C1.03	General Arrangement Plan	WS&P	2	16.12.2020
C1.04	Typical Sections	WS&P	2	16.12.2020
C2.01	Sediment and Erosion Control Plan	WS&P	2	16.12.2020
C2.02	Sediment and Erosion Control Details	WS&P	2	16.12.2020
C5.01	Road Longitudinal Sections Sheet 1 – Road 1	WS&P	2	16.12.2020
C5.02	Road Longitudinal Sections Sheet 2 – Road 1	WS&P	2	16.12.2020
C5.03	Road Longitudinal Sections Sheet 3 – Road 1	WS&P	2	16.12.2020
C5.04	Road Longitudinal Sections Sheet 4 – Road 2 to 5	WS&P	2	16.12.2020
C5.05	Road Longitudinal Sections Sheet 5 – Road 6 & 7	WS&P	2	16.12.2020
C6.01	Stormwater Key Plan	WS&P	2	16.12.2020
C6.02	Stormwater Layout Plan Sheet 1	WS&P	2	16.12.2020
C6.03	Stormwater Layout Plan Sheet 2	WS&P	2	16.12.2020
C6.04	Stormwater Layout Plan Sheet 3	WS&P	2	16.12.2020
C6.05	Stormwater Layout Plan Sheet 4	WS&P	2	16.12.2020
C6.06	Stormwater Layout Plan Sheet 5	WS&P	2	16.12.2020
C6.07	Stormwater Layout Plan Sheet 6	WS&P	2	16.12.2020
C6.08	Stormwater Pit Schedule Sheet 1	WS&P	2	16.12.2020

C6.09	Stormwater Pit Schedule Sheet 2	WS&P	2	16.12.2020
C6.10	Stormwater Pit Schedule Sheet 3	WS&P	2	16.12.2020
C7.03	External Works Plan Sheet 3	WS&P	3	18.03.2021
C7.04	External Works Plan Sheet 4	WS&P	3	18.03.2021

- 2 The approved development must be carried out substantially in accordance with the following reports except as may be amended by the following conditions.

Document no.	Document title and details	Prepared by	Revision	Date
-	Urbis Planning Report	Urbis	-	23.12.2020
-	Addendum Statement of Environmental Effects	Urbis	-	29.1.2021
Project no. 2110	Aboriginal Archaeological Report	Austral Archaeology		5 March 2021
Project no. 2110	Aboriginal Cultural Heritage Assessment	Austral Archaeology		5 March 2021
Project no. 2110	Historical Archaeological Assessment	Austral Archaeology	Version 1	5 March 2021
Ref (A17162W)	Watercourse Assessment	Travers Bushfire & Ecology	-	25/10/2017
A17162	Vegetation Management Plan	Travers Bushfire & Ecology	Version 1/ Issue 1	27 April 2018 (Cover page)
Ref (A17162)	Flora and Fauna Assessment Report	Travers Bushfire & Ecology	-	25/10/2017
20WOL_15736	Biodiversity Impact of Sewer – Wallacia Memorial Gardens letter and Plan no. SK-11, Issue 2 – Job no. 593600, dated October 2020, prepared by Warren Smith & Partners	EcoLogical, Warren Smith & Partners	-	8 March 2021
P1706171JR03V04	Soli Salinity Assessment for Wallacia Memorial Park, NSW	Martens	4	22 Dec 2020
P1706171JR09V01	Remediation Action Plan for Wallacia Memorial Park, NSW	Martens	2	2 March 2021
P1706171JR02V04	Detailed Site Investigation for Wallacia Memorial Park, NSW	Martens	1	22 Dec 2020
-	Civil Engineering Services, Development Application Report	Warren Smith & Partners	02	24 Dec 2020
-	Construction Management Plan	-	-	Dec 2020
-	Operational Waste Management Plan	-	-	Dec 2020
	Wallacia Memorial Park Landscape Design Response	Florence Jaquet	A	11 Dec 2020
	Amended Landscape Specification Planting Works	Botanica Landscape and Horticultural Specialists		18 December 2020
	Amended Water Sensitive Urban Design Strategy and Stormwater Management Plan	Stormy Water Solutions		15 December 2020
	Construction Waste Management	Nettcorp		December 2020
	Construction Management Plan	Nettcorp		December 2020
	Plan of Management			



- (a) The approved landscape plans for the development are to be amended to:
- (i) correlate with the Council endorsed final Tree Removal and Retention Plan and AIA, and the Court approved Vegetation Management Plan (VMP) and Flora and Fauna Assessment Report; and
  - (ii) clearly indicate the Inner Protection Area and Outer Protection Area specified in condition 3(a) below on the required Asset Protection Zone so as to avoid unnecessary pruning or tree and vegetation removal.
- (b) The approved Burial Extent and Types Plan is to be amended so that it indicates:
- (i) the reduction in height of headstone memorials to 450mm maximum for the areas of the site impacting the visual amenity of the residential dwelling at 115 Park Road, Wallacia as detailed in the plan at annexure 3 of the joint expert landscape report filed 8 March 2021 in proceedings NSWLEC 2019/364850; and
  - (ii) that no burial plots, ash internments or areas for ash scattering are to be located within the 18.5ha area of the proposed publicly accessible open space, recreation area (which is marked on page 34 of the approved Landscape Design Response).
- (c) The Memorial Park Landscape Design Response document prepared by Florence Jaquet Landscape Architect, revision A, dated 11.12.2020 is to be amended to reflect the approved design. In particular, the document is to accurately detail the following:
- The approved works and timeline for each stage or phase of the development,
  - The approved network of paving, pathways and roads having regard to the endorsed final Tree Removal and Retention Plan and is to have had regard to Table 2 in the Tree Tables document prepared by Catriona Mackenzie, Narelle Sonter and Florence Jaquet, dated 25 March 2021 as annexed to this Draft Conditions set.
  - The approved area to be provided as 'recreation area' (being 18.5ha) is to be identified,
  - The areas approved for the location of ashes internments, ashes scattering and full body burial plots, which must not be within the 18.5ha recreation area (as marked on page 34 of the approved Landscape Design Response).

2AA The approved development is to remain compliant with the NSW Natural Resources Access Regulator (NRAR) General Terms of Approval issued under Section 89, 90 or 91 of the Water Management Act 2000, which have been issued by NSW Natural Resources Access Regulator as attached to NRAR correspondence dated 8 November 2018, Reference no. IDAS1103386.

2AAA **Prior to any works commencing** the applicant must gain the necessary approvals from Water NSW in relation to the construction of a new dam on the third order watercourse.

- 3 The approved development is to comply with the conditions of the NSW Rural Fire Service bush fire safety authority as referenced in correspondence dated 21 April 2021, reference no. DA-2017-04404-CL55-1 and in correspondence dated 9 November 2020, reference no. DA20200119000233-CL55-1 and as detailed below:

a. Asset Protection Zones

At the commencement of works and in perpetuity, the property around the Clubhouse, proposed Chapel, Administration building, existing Workshop and existing Communications Tower, shall be maintained as shown in Schedule 1 Bushfire Protection Measures (Golf Course Design – Project Ref. 18CMCT02\_BF001, Issue 1, dated 9 December 2019) and (Cemetery Design – Project Ref. 18CMCT02\_BF001, Issue 1, dated 9 December 2019) of the Bushfire Assessment Report prepared by Travers Bushfire & Ecology (Report Ref. 18CMCT02BF, dated 6 December 2019).

When establishing and maintaining an IPA the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 metres above the ground;

- tree canopies should be separated by 2 to 5 metres;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down and break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

When establishing and maintaining an OPA the following requirements apply in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*;

- trees tree canopy cover should be less than 30%;
- canopies should be separated by 2 to 5 metres;
- shrubs should not form a continuous cover;
- shrubs should form no more than 20% of ground cover;
- grass should be kept mown to a height of less than 100mm; and
- leaf and other debris should be removed.

**Reason:** The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

b. Construction Standards

New construction of the proposed Chapel building must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS 3959-2018 Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

**Reason:** The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

c. Property Access

Proposed access roads shall comply with the following requirements of section 6.8.2 of *Planning for Bush Fire Protection 2019*:

- a minimum carriageway width of 5.5 metres kerb to kerb is provided;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- a minimum vertical clearance of 4 metres is provided to any overhanging obstruction, including tree branches;
- dead end roads are not more than 200 meters in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
- the minimum distance between the inner and outer curves is 6 metres;

- the cross fall is not to exceed 3 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

**Reason:** The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

d. Water and Utility Services

The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australia Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - i. Lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
  - ii. No part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above ground gas service pipes are metal, including and up to any outlets.

**Reason:** The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

e. Landscaping Assessment

Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- a minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;

- avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- use smooth bark species of trees which generally do not carry a fire up the bark into the crown;
- avoid planting deciduous species of trees that may increase fuel at surface/ground level (i.e. leaf litter);
- avoid climbing species to walls and pergolas;
- locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- locate combustible structures such as garden sheds pergolas and materials such as timber garden furniture away from the building; and
- low flammability vegetation species are used.

f. Emergency and Evacuation

A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The Bush Fire and Emergency Management Plan should include planning for early relocation of occupants.

**Reason:** The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

4 No approval is granted for

- a. any alterations and additions to the golf clubhouse (including any addition of a swimming pool, gymnasium or bowling green), the golf clubhouse carparking or the entry to the golf clubhouse from Park Road.
- b. any tree removal west of the Jerrys Creek watercourse other than what is detailed on the final Tree Removal and Retain Plan to be submitted to Council for endorsement in accordance with deferred commencement condition 1(a)(i).

5 No access to the site from Mulgoa Road shall be established.

6 A flood evacuation plan is to be prepared for the site in consultation with the NSW State Emergency Service (SES) and adequate signage is to be provided (located on the external wall of the administration building), advising visitors of the cemetery as to the path of evacuation.

7 Those acting on the consent are to provide a courtesy bus service which will ferry cemetery patrons between the chapel and administration building to connect with the local bus service on Mulgoa Road and the golf clubhouse building— providing at least two services to and from the cemetery every day.

**8 Prior to the commencement of works approved by this consent**, the Certifying Authority must ensure that the plans detailing a 1.5m wide concrete accessible path of travel is provided along the Park Road frontage of the site from the pedestrian refuge at the clubhouse driveway to east of Lot 1 in DP 1108408 (also known as 31-35 Park Road), where it shall connect to the internal pathway networks. The development shall provide a 1.5m wide accessible path of travel from the Park Road frontage in this location, to the golf course workshop building, the administration building and the chapel building.

The accessible path of travel must be constructed and completed **prior to the commencement of cemetery operations**.

A separate Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required within the verge area of Park Road) prior to the commencement of works approved by this consent.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

Advisory notes:

- (a) Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently.
- (b) Separate approval may be required from Transport for New South Wales for classified roads. All works associated with the Roads Act approval must be completed prior to the commencement of operations.
- 9 This consent grants approval for a maximum of 40,000 full body burial plots which are to be located in the areas as marked on the Court approved landscape plans and in accordance with the final Burial Extent and Types Plan, all as amended in accordance with condition 2A.
- 10 **Prior to the use commencing**, public outdoor colour coded waste bins (catering for recyclables and residual waste) are to be provided in the locations identified on page 6 of the Court approved Operational Waste Management plan. One bin set is to be located near the chapel building and one bin set is to be located near the administration building.
- 11 **Prior to the commencement of any works in relation to the cemetery**, a Public Art Strategy and Implementation Plan is to be prepared for the development and is to be submitted to the Manager of Development Services at Penrith City Council for approval. The Strategy and Implementation plan is to identify the process for local artist engagement and selection and is to detail the process and timing of art installation including the timing for the completion of art installation for each Phase or Stage of the development and any ongoing maintenance or decommissioning required. The Plan is to detail the number of artworks, their general location and any design parameters are to be included. Those acting on the consent are to ensure that artworks are installed for each Phase or Stage of the development, prior to the commencement of the next phase or stage.
- 12 Construction, installation and connection works in relation to the cemetery wastewater sewer connection are to be in accordance with the Court approved EcoLogical advice letter dated 8 March 2021 and the attached plan no. SK-11, Issue 2 – Job no. 593600, dated October 2020, prepared by Warren Smith & Partners.
- 13 **Prior to the cessation of the operation of the 9-hole golf course**, the applicant must obtain development consent from the relevant consent authority for any change to the ongoing use of the existing clubhouse. No approval is granted under this consent for alterations and additions to the existing golf clubhouse or its operations that would result in the dominant activity at the clubhouse being for the holding of functions.

Advisory note: Those acting on the consent are to be aware of the limitations of the existing use rights pertaining to the existing golf clubhouse building including those under clause 41(2)(a)-(d) of the Environmental Planning and Assessment Regulation 2000, and are advised to discuss their proposal with Council prior to the lodgment of a development application.

- 14 **Prior to the cessation of the use of the 9-hole golf course and prior to the commencement of the use of that part of the site for a cemetery**, a comprehensive and updated Arboricultural Impact Assessment and a Flora and Fauna Management Plan are to be undertaken for that Phase or Stage of the development. Each report shall identify trees for removal, retention and protection and must aim to retain trees and vegetation to the same or a greater level than that identified within the Court Approved AIA and Flora and Fauna Management Plan. The reports shall maintain the 'significant view corridor' and have regard to the requirement to retain trees with the Stage 2 and Stage 3 landscape buffer as noted on the approved Narelle Sonter Landscape Botanica plans and shall provide an update on the works undertaken as part of the Court approved Vegetation Management Plan. Each report is to be prepared by a qualified AQF 5 Arborist and suitably qualified and experienced Ecologist, respectively.
- 15 The Applicant must prepare a Biodiversity Management Plan approved by Council prior to the commencement of construction. The Plan must include details of surveys for potential unrecorded orchid species and measures to respond to the identification of this species if detected. The Plan must be prepared in accordance with the most recent and relevant vegetation guidelines, particularly *Recovering Bushland on the Cumberland Plan: Best practice guidelines for the management and restoration of bushland* (DEC, 2005) or its equivalent at such time as the Plan is prepared.
- 16 **Prior to the cessation of the use of the 9-hole golf course and prior to the commencement of the use of that part of the site for a cemetery the following is to be provided:**
- A Plan of Management for the recreation area (noted on plans as being 18.5ha of publicly

accessible open space) is to be provided to the Manager of Development Services at Penrith City Council for review and approval. The Plan of Management for the recreation area is to include the following details:

- Details and schedule of all maintenance, mowing, graffiti and rubbish removal and the like,
  - Details of the expected or restricted recreation activities which can occur on the site,
  - Contact details for complaints or reporting,
  - A surveyed plan of the area nominated as publicly accessible open space,
  - Details of any lighting, paving, access points, signage or fencing proposed.
- b. A Positive Covenant is to be placed on the title of Lot 1 and Lot 2 in DP 1254545 requiring maintenance of the recreation area (noted on plans as being 18.5ha of publicly accessible open space) on the subject lots to be undertaken in accordance with the Council endorsed Plan of Management which is to, in addition to the matters at (a) above, incorporate the following:
- That the registered proprietor of the burdened lot shall undertake regular maintenance of the land burdened in accordance with the endorsed Plan of Management for the recreation area and to the satisfaction of Penrith City Council. The registered proprietor of the burdened lot must also comply with any reasonable written request of the Council to undertake such maintenance within such time period nominated.
  - Where the registered proprietor of the burdened lots fails to comply with any written request of the Penrith City Council referred to under (b) above, the registered proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
  - Full and free right for the Penrith City Council and every person authorised by it to enter upon the burdened lot in order to undertake maintenance in accordance with the adopted Plan of Management to ensure the land burdened functions in accordance with the adopted plan of management.
- c. A restriction is to be placed on the title of Lot 1 and Lot 2 in DP 1254545 which will permit access and use by all members of the public to the nominated areas on those lots identified in the approved documentation set as being 'publicly accessible open space' being a total of 18.5ha, and as is indicated on page 34 of the Wallacia Memorial Park Landscape Design Response document, prepared by Florence Jaquet Landscaped Architect, revision A, dated 11.12.2020.

A copy of the registered title with restriction is to be provided to the Manager of Development Services at Penrith City Council prior to the cessation of the 9-hole golf course use. Public access to this area is not to be restricted or otherwise impeded and is to be provided in perpetuity. The restriction is to include that the areas identified as being a 'recreation area' cannot be utilised for burials, memorialisations, ash internments or for the scattering of ashes.

- d. Signage is to be installed; (i) to ensure that users of the recreation area noted as being 'publicly accessible open space' on Lots 1 and 2 in DP 1254545 are made aware that Lot 6 in DP 747868 also known as 1556 Mulgoa Road is private land and that unauthorized access is prohibited; and (ii) at the Park Road frontage near, the golf clubhouse entry to alert the public to the existence of the recreation area and that public access is available through the clubhouse carpark and also via the pavement along Park Road and via the cemetery pedestrian entry.
- 17 Public access to the 'publicly accessible open space'/recreation area is not to be restricted and a safe and direct accessible path of travel to the recreation area is to be provided from the existing golf clubhouse carpark. Users of the publicly accessible open space/recreation area are not to be prohibited from parking in the existing golf clubhouse carpark.
- 18 **Prior to the commencement of the approved works**, a detailed site-specific Tree Protection and Management Plan (TPMP) is to be prepared for the development by an AQF Level 5 Arboricultural consultant and submitted to and approved by the Manager of Development Service at Penrith City Council. The TPMP is to be prepared in accordance with the principles and specifications identified in AS 4970 – 2009 Protection of tree on development

sites and the information in the approved Arboricultural Impact Assessment report and is to include, but not be limited to the following:

- A site plan showing the correct Tree Protection Zone (TPZ) offsets for trees to be retained within 20 metres of any proposed works,
- A site plan showing the locations of proposed tree protection fencing, trunk and ground protection within the identified TPZ of trees to be retained within 20 metres of the works,
- Identifying any unacceptable activities within which are to be restricted from occurring within the fenced tree protection zones,
- Crown pruning specifications to AS 4373-2007 Pruning of amenity trees, where applicable,
- Tree root protection monitoring and compliance reporting schedule and key hold points,
- Tree root protection specifications for excavation or soil fill within the identified TPZs.

The tree protection measures contained within the TPMP shall be shown clearly on the For Construction plans, including landscape, civil, stormwater and construction management plans.

The relevant certifying authority must ensure that the For Construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPMP.

The TPMP is to correlate with the final endorsed Arboricultural Impact Assessment.

A Project Arborist is to be appointed to monitor tree protection during construction in accordance with the requirements in the TPMP.

All tree protection measures as detailed in the Council approved TPMP must be installed and certified in writing as fit for purpose by the Project Arborist, or by a consulting arborist with a minimum AQF Level 5 arboricultural qualification. A Compliance Certificate is to be issued by the Project Arborist certifying that all tree protection measures as detailed in the approved TPMP have been complied with prior to the construction works commencing.

- 19 Those acting on the consent must ensure that all service installations including fire hydrants, electrical substations and utility trenching are not to impact trees and vegetation marked for retention and protection.
- 20 No signage is approved as part of this consent. Approval is to be obtained prior to the erection or installation of any signage which requires development consent.
- 21 **Prior to the commencement of works** the Soil Salinity Assessment report prepared by Martens dated 22 December 2020 is to be updated to take into account the amended and additional Arboricultural Impact Assessment and Tree Protection and Management Plan.
- 22 **Prior to the commencement of works**, those acting on the consent are to ensure that all recommendations of the Wallacia Memorial Park New South Wales Aboriginal Cultural Heritage Assessment, Final Report prepared by Austral Archaeology, dated 5 March 2021 have been adhered to.  
An Aboriginal Heritage Impact Permit (AHIP) is required to be issued **prior to the commencement of works**.
- 23 **Prior to the commencement of works**, the relevant certifying authority for the proposal is to ensure that one copy of the final Aboriginal Cultural Heritage Assessment containing the results of the test pit excavations, is to be lodged with the Registrar of the AHIMS database and also provided to all Registered Stakeholders (as have been identified in the Austral Assessment).
- 24 If any archaeological relics or items or places of aboriginal cultural significance are uncovered during the course of the carrying out of the works authorised by this consent, no further works are to be undertaken until or unless further directed by Penrith City Council or the NSW Office of Environment and Heritage.

The applicant is advised that depending on the possible significance of any relics, place or items, an

archaeological assessment and an excavation permit under the Heritage Act 1977 may be required to be obtained before further work can be commenced in or around the impacted area of the Site.

- 25 **Prior to the commencement of works approved under this consent** the Plan of Management (operational) prepared by Catholic Metropolitan Cemeteries Trust is to be amended as follows:
- To include details surrounding the management and maintenance of the riparian and revegetation areas and an Appendix which is to contain the Court approved Vegetation Management Plan, prepared by Travers dated April 2018, version 1. This is to ensure that these areas are protected from being utilised for burials or other activities.
  - To delete and amend all sections that reference works and activities that are not approved as part of this Consent including subdivision, pool, gymnasium and bowling green.
  - To update the site masterplan and staging to reflect the activities and timing approved by this Consent.
  - To include a copy of the approved final Burial Extent and Types Plan as amended in accordance with condition 2A and include that memorials and headstones are to be limited to a maximum height of 1.5metres from ground level, except where they are limited to a lesser height as indicated on the endorsed final Burial Extent and Types Plan.
  - To include a copy of the Tree Protection and Management Plan which will provide guidance on burial plots located near trees.

A copy of the amended Plan of Management is to be provided to Penrith City Council.

- 26 No approval is granted for the installation of mausoleums or similar styled memorial structures housing tombs or otherwise used for burials.

27 Deleted

- 28 **Prior to the commencement of any works and prior to any tree or vegetation removal**, a copy of the final Arboricultural Impact Assessment is to be provided to Penrith City Council.

- 29 **Prior to the cessation of the 9-hole golf course use and prior to the year 2050 (whichever occurs first)**, the activities identified within the Vegetation Management Plan (VMP) prepared by Travers Bushfire and Ecology, version 1, dated 27 April 2018 are to be completed. Upon completion and prior to the cessation of the 9-hole golf course use, a compliance statement from the appointed Project Ecologist is to be submitted to the Manager of Development Services at Penrith City Council confirming that the activities identified within the VMP are complete and are in accordance with that document and have considered the final approved Arboricultural Impact Assessment and the Court approved Flora and Fauna Assessment report, prepared by Travers Bushfire and Ecology, dated 25/10/2017.

The ecologist's compliance statement is to identify the qualifications of the project ecologist and of the bush regeneration team engaged to undertake the activities and must be accompanied by evidence attesting to the works having been completed in accordance with the Court approved VMP including (although not limited to):

- that nest boxes have been installed, and
- permanent protection fencing has been installed, and
- details of any retained and relocated hollows.

The compliance statement is also to include evidence that the actions to be implemented to protect and restore remnant vegetation, riparian areas and associated habitats have been undertaken having regard to the native species richness targets and densities for the restoration areas and is to document the management of these areas having regard to the aims, objectives and timeline (including annual monitoring evidence) outlined within the Court approved VMP.

Advisory note: Weed control - Only operators with Chemcert or equivalent training must undertake the spraying of weeds. The use of Glyphosate based herbicides is recommended in accordance with the manufacturer's label.

- 30 **Prior to the issue of a Construction Certificate or works commencing which ever occur first**, a registered surveyor is to mark out on the site, the locations of both the temporary and permanent protection fencing required by the project ecologist and in accordance with the areas identified for regeneration and protection within the Court approved Vegetation Management Plan, prepared by Travers dated April 2018, version 1.



- 31 **Prior to cemetery related construction works commencing** temporary construction proof protective fencing is to be installed around the areas identified for regeneration, revegetation and protection in accordance with the requirements of the project ecologist, in accordance with the Court approved Vegetation Management Plan, prepared by Travers dated April 2018, version 1.
- 32 **Prior to the commencement of any works and prior to the commencement of any tree removal**, a fully qualified and suitably experience Project Ecologist is to be engaged to review the Arboricultural Impact Assessment (AIA) and is to conduct a site inspection to identify all habitat trees approved for removal including those identified in the Court approved Flora and Fauna Assessment prepared by Travers Bushfire and Ecology, dated 25/10/2017.
- Habitat trees approved for removal are to be physically and clearly marked on the site and where it is ascertained that these trees cannot be retained, the trees are to be dismantled by a climbing arborist and removed under supervision of the project ecologist. In accordance with the Court approved Vegetation Management Plan, prepared by Travers dated April 2018, version 1, sections containing good quality hollows are to be retained, modified with supports and re-attached to suitable trees within the identified restoration areas.
- 33 In accordance with the recommendations of the Travers Flora and Fauna Assessment, habitat tree **HT10** (refer Figure 3 – Flora and Fauna Survey efforts and results p.5 of the Travers Flora and Fauna Assessment Report) which was recorded to support microbat roosting activity **is not to be impacted by works and is to be retained and protected throughout the development of the site.**
- 34 **Prior to any works commencing** those acting on the consent are to ensure that any actions required as a result of the recommendations under section 7.1 of the Flora and Fauna Assessment prepared by Travers Bushfire and Ecology, dated 25/10/2017 have been undertaken, including those listed at section 7.1 dot points 5, 6, 7, 8 and 9 as per the report's recommendations.
- 35 Low planting in those areas identified in the agreed landscape treatments at desirable viewpoints from Park Road and adjoining residences at Annexure 2 of the Joint Landscape Expert Report in the Land and Environment Court proceedings number 2019/364850, shall be adopted as specified in the following landscape plans by Botanica, dated 23.03.21, which include specific plant species, mature heights and planting quantities to demonstrate existing views from Park Road residences will be retained
- Vegetation Buffer Plan L505/E
  - Vegetation Buffer Plan L506/E
  - Vegetation Buffer Details L507/F
- 36 To avoid future premature tree removal, all proposed canopy trees within the 15 metre landscape buffer along Park Road are to be planted no less than 6 metres from the boundary interface with the TfNSW road widening easement adjoining the site.
- 37 No changes to existing ground levels are to occur as a result of gabion wall construction within the Tree Protection Zone of trees to be retained in the 15metre landscape buffer along Park Road. No approval is granted for the placement of fill, soil or gabion walls under or in close proximity (within the Tree Protection Zone) to existing trees which are to be retained as part of the development.
- 38 All trees other than those approved for removal must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970-2009 and the Approved Tree Protection and Management Plan. All trees not affected by construction (i.e. roads and buildings) are to be retained. Separate Council approval must be given for any tree removal not approved as part of this consent.
- 39 Where burial plots are proposed within the tree protection areas or in close proximity of trees, the advice of a suitably experienced and qualified Arborist with a minimum AQF Level 5 qualification is to be sought. No approval is granted for the placement of burial plots which would impact tree protection zones by greater than

**40 Approved hours of operation and amenities**

The approved operational hours of the cemetery memorial gardens are:

24hours, seven days for staff and visitors.

Pedestrian access gates to the cemetery must remain open 24 hours, seven days per week.

Toilet and handwash amenities (male, female and accessible) must be made available and must be open to the public, staff and visitors of the cemetery between 7.00am and 6.00pm seven days.

The approved operating hours of the chapel building are:

8.00am to 6.00pm, seven days. Staff may be present at the building outside of these hours.

The approved operating hours of the administration building are:

6.00am to 6.00pm, seven days. Staff may be present at the building outside of these hours.

- 41 All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 42 The Applicant must prepare a lighting plan to the satisfaction of the Manager of Development Services at Penrith City Council.
- 43 The Applicant must ensure all lighting associated with the development:
- (a) Complies with the latest version of AS 4282 1997 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
  - (b) Is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- 44 The development must be consistent with the objects and principles of the *Water Management Act 2000* and all Department of Industry – Water, Controlled Activity guidelines.
- 45 **Prior to the issue of a Construction Certificate**, the architectural plans are to be delineated to ensure that waste or service vehicles do not make a reverse manoeuvres in any area designated for staff or visitor car parking.
- 46 **Prior to the issue of a Construction Certificate**, plans are to be amended to indicate that the waste and recycling bin storage areas are to comply with the following:
- (c) They must be designed and constructed such that the floor falls to a floor waste which is connected to the sewer.
  - (d) A hose, hose cock and hot and cold-water supply is to be provided.
  - (e) All external waste and bin storage areas are to be screened from view.

Advisory notes:

- Waste and recycling storage areas are to be kept in a clean and tidy manner. Bulky waste is not to be stored outdoors prior to collection. Waste storage areas are to be kept secured to prevent bird and rodent infestation or access and to prevent unauthorised dumping.

- 47 Any graffiti at the site, including on fencing, gates, signage, the buildings or electrical substations is to be removed as soon as practical and any vandalism to property is to be promptly repaired.

- 48 **Prior to the commencement of cemetery works**, a Site Fencing and Hoarding Plan must be submitted to and approved by Penrith City Council. That plan is to include all required site fencing and hoarding, including the locations, heights and the materials and finishes proposed. Any advertising, display or sales information is to be limited and is not be a dominant feature of the site fencing or hoarding.

All construction fencing and hoarding is to be maintained in good working order and is to be kept tidy. All damage and/or graffiti is to be removed and/or rectified as soon as practicable.

- 49 The operating noise level of any plant and associated equipment must not exceed 5db(a) above the background noise level when measured at the boundary of the affected receiver.

Noise emissions from operating any stationary plant and associated equipment to surrounding properties must comply with the trigger levels determined (and assessed) in accordance with the NSW EPA Noise Policy for Industry.

When noise from mobile maintenance plant (for example, grass cutting equipment) exceeds the trigger levels determined in a), operation shall be limited to between 8am and 6pm.

The provisions of the Protection of the Environment Operations Act 1997 (as amended), apply to the development to regulate any offensive noise.

The external walls of approved buildings including any attachments, must comply with the relevant requirements of the National Construction Code (NCC). **Prior to the commencement of works and prior to the use of the buildings**, the relevant Certifying Authority must:

(a) Be satisfied that suitable evidence has been provided to demonstrate that the products and systems proposed for use or which are to be used in the construction of any external walls (including finishes and claddings such as synthetic or aluminum composite) panels comply with the relevant requirements of the NCC; and,

(b) Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate that compliance with the NCC can be achieved.

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

### **Environmental - Public Health**

- 51 A person who operates a mortuary or crematory must notify the Director-General of the Ministry of Health of the following prior to the issuing of the Occupation Certificate or commencement of the use:

- (a) the name and location of the mortuary,
- (b) the name and address of the person who operates the mortuary,
- (c) the telephone number of the mortuary or of the person who operates the mortuary,
- (d) in the case of a mortuary—the name and address of any funeral director that has access to the mortuary.

The person who operates the mortuary must notify the Director-General of any change in the particulars.

- 52 The construction and operation of the mortuary shall comply with the Public Health Act 2010, Public Health Regulation 2012, Clause 86 and Schedule 2 of Local Government (General) Regulation 2005, NSW Health Guidelines for the Funeral Industry and any other relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.

- 53 Refrigerated body storage facilities in a body preparation room or holding room shall not be used for any other purpose than to store bodies. No more than 12 deceased in suitable coffins are to be refrigerated in the body holding room. Deceased are not to be held in the room for no more than 48 hours from the time of being received. Deceased must be refrigerated immediately upon delivery.

- 54 A cemetery authority must maintain a register of all burials carried out at the cemetery. An entry relating to each burial must be made immediately after the burial has been carried out. Each entry must include the following:

- (a) the name, age and last address of the person whose body or remains have been buried,

- (b) the date of the person's death,
- (c) the date of the burial,
- (d) the section and allotment where the burial has been made,
- (e) the name of the person (if any) who continues to hold any right of burial in that allotment,
- (f) the name of the funeral director who transported the body to the cemetery,
- (g) the fees paid to the cemetery authority for the burial.

The cemetery authority must keep a copy of the register at the cemetery and make it available for inspection on request by an authorised officer.

- 55 A person who buries a body contained in a coffin must place the coffin so that its upper surface is not less than 900mm below the natural surface level of the soil where it is buried as required under the Public Health Regulation 2012.

Above ground burial structures are not permitted to be erected or used on the premises.

Should 'shallow burial' be carried out, prior approval from NSW Department of Health will be obtained in accordance with compliance with NSW Health Policy Directive 'Shallow Burial' Document Number PD2013\_045.

- 56 A person must not use a holding room for any purpose other than the storage of bodies.

#### **Demolition & Construction Works**

- 57 All demolition works are to be carried out in compliance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to the carrying out of any demolition works**, all services must be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All material arising from any demolition or excavation works must be disposed of at a Council-approved location or waste facility. Details of the proposed disposal location(s) for all excavated material from the Site must be provided to the Principal Certifying Authority **prior to the commencement of any demolition works**.

- 58 All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 The Demolition of Structures. Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

- 59 **Prior to commencement of any demolition works on the Site**, a "Portaloo" with appropriate hand washing facilities must be located on the Site and made available throughout the construction and demolition works.

- 60 The worksite and adjacent verges are to be maintained and kept neat and tidy throughout construction and demolition works, until occupation of the building.

- 61 **Prior to commencement of any demolition works on the Site, the Principal Certifying Authority is to be satisfied that:**

- Any appropriate measures are in place so as to comply with the SafeWork NSW Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current SafeWork NSW Asbestos License.

Any demolition works involving the removal of any asbestos from the Site must only be carried out by a licensed asbestos removal contractor who holds a current SafeWork NSW Asbestos License.

Any asbestos-laden waste, including asbestos cement flat and corrugated sheeting, must be disposed of at a tipping facility that is licensed by the Environmental Protection Authority to receive asbestos wastes.

- 62 Dust suppression techniques are to be employed during the carrying out of any demolition works, so as to reduce any potential nuisance from dust, to surrounding properties.
- 63 During the carrying out of any construction and demolition works, all mud and soil from vehicular movements to and from the Site, must be contained so as to avoid being deposited on any public road.
- 64 All demolition works are restricted to the following hours in compliance with the NSW Environment Protection Authority Noise Control Guidelines:
  - Mondays to Fridays, 7.00am to 6.00pm,
  - Saturdays, 8.00am to 1.00pm if inaudible on any neighbouring residential premises, otherwise from 8.00am to 1.00pm.
  - No demolition work is permitted on Sundays and Public Holidays.

Advisory note:

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise apply to all construction works.

### Environmental Matters

- 65 **Prior to the commencement of any earthworks or remediation works on site**, the Applicant must engage a Site Auditor accredited under the Contaminated Land Management Act 1997 NSW Site Auditor Scheme.
- 66 The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remediation Action Plan and relevant guideline produced or approved under the *Contaminated Land Management Act 1997*.
- 67 **Upon completion of the remediation works and prior to the commencement construction**, the Applicant must submit to Council, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended use as a cemetery, associated parklands and recreation area.
- 68 **Use of the cemetery development must not commence**, until such time as an Approval to Operate a system of On-site Sewage Management under section 68 of the Local Government Act 1993 is issued by Penrith City Council for use of the pump to sewer infrastructure.
- 69 The relevant Certifying Authority is to ensure that the development is carried out having regard to the Soil Salinity Assessment for Wallacia Memorial Park, Wallacia, NSW report prepared by Martens, Report no. P1706171JR03V04, dated 22 December 2020.
- 70 Site remediation works shall be carried out generally in accordance with:
  - (a) the Remediation Action Plan, Wallacia Memorial Park, Wallacia NSW, prepared by Martens & Associates Pty Ltd, dated 2 March 2021, reference P1706171JR09V01,
  - (b) Penrith Development Control Plan,
  - (c) ANZECC and NHMRC Guidelines; and
  - (d) applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted for approval to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- (i) Written notification that the site remediation works have been completed is to be submitted within 30 days of the said works having been completed.
- (ii) A Validation Report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted within 60 days of the said works having been completed and before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.

Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.

71 An appropriately qualified person/s shall:

- (a) Supervise the remediation works.
- (b) Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
- (c) Address off site impacts and proposed management strategies where relevant.
- (d) (after completion of works) Certify by way of a Compliance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Compliance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the notice of commencement.

Advisory note: Penrith Development Control Plan 2014 defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”

72 Any erosion and sediment control measures shall be installed **prior to the commencement of works on Site** including the approved clearing of any Site vegetation. Any erosion and sediment control measures are to be maintained so as to comply with the approved erosion and sediment control plan(s) and the Department of Housing's “Managing Urban Stormwater: Soils and Construction” 2004.

73 **Before any fill material is imported to the Site**, a validation certificate, issued by an appropriately qualified person, is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for its reference.

Advisory note: Under Penrith Development Control Plan 2014, an “appropriately qualified person” is defined as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”

74 Any waste materials stored on the Site are to be contained within a designated area such as a waste bay or bin, to ensure that no waste materials are allowed to enter the stormwater system or any neighbouring properties. The designated waste storage areas shall provide at least two waste bays or bins, so as to allow any waste materials to be separated from recyclable material and are to be fully enclosed at times including when the Site is unattended.

75 All excavated and other waste material generated as a result of the development are to be disposed of at a

lawful waste management facility. Where the disposal locations or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

76 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

77 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009. Prior to the commencement of construction works, a Construction Management Plan (CMP) is to be prepared by a suitably experienced / qualified person and submitted to and approved by the Council. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CMP is required to include (but is not limited to) the following:

- *Water quality management,*
- *A Construction Noise and Vibration Impact Assessment and Management Plan, prepared by an appropriately qualified acoustic consultant. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.*
- *Hours of operation*
- *Dust suppression,*
- *Waste management (including solid and liquid waste),*
- *Erosion and sediment control,*

All construction activities on the site are to be implemented and carried out in accordance with the approved CMP.

78 All excavated material and other wastes generated as a result of the construction of the approved development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Any waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials has not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

79 No fill material shall be imported to the Site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,

- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- provide confirmation (based on the fill classification) whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified and experienced professional shall:

- Supervise the filling works,
- Carry out an independent review of all documentation relating to the filling of the Site upon completion of the approved filling works, and submit a report of his or her findings to the Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that all fill materials that have been placed on the Site, comply with all conditions of this consent and that the Site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the Site, further Site investigations or remediation works may be requested to be carried out. In these circumstances, such further Site investigations or remediation works shall be carried out prior to the carrying out of any other works approved under this consent.

- 80 Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council are to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence

### **BCA Matters**

- 81 The applicant or the owner of the approved building(s) must provide Penrith City Council with an annual fire safety statement. The annual fire safety statement for the building must:
- (a) deal with each essential fire safety measure in the building, and
  - (b) be given:
    - within 12 months after the last such statement was given, or
    - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

For the purposes of this condition "owner of a building" includes the Owners' Corporation.



82 All aspects of the design of the approved building must comply with the applicable performance requirements of the Building Code of Australia (**BCA**) so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements under the BCA can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
  - complies with the performance requirements, or
  - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the responsibility of the owner to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate or statement for the approved building.

### **Health Matters and OSSM installations**

83 All rainwater tanks must be maintained so as not to create a nuisance within the approved development or to any adjoining properties and must be protected against mosquito infestation.

### **Utility Services**

84 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the cemetery use commencing**.

85 **Prior to the commencement of the operation of the cemetery and its ancillary buildings**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the approved development.

No approval is granted for the installation of a pad mounted substation in any other location other than that which is indicated on the plans listed as approved, as part of this consent, or that may be endorsed in writing by the Manager of Development Services at Penrith City Council.

86 **Prior to the issue of a Construction Certificate**, Penrith City Council must be consulted about and must approve the proposed location of the hydrant booster if its location, design and scale differs from that which is indicated on the listed plans in this consent. Details must be provided to the Manager of Development Services at Penrith City Council to confirm the material and design dimensions of any heat shield that may be required. The need for the installation of a heat shield is to be avoided through design and hydrant positioning.

### **Construction Work**

87 Stamped plans, specifications, a copy of this development consent, the Construction Certificate and any other Certificates that are relied upon, shall be available on Site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the Site:

- the name of the Principal Certifying Authority, their address and telephone number,

- the name of the person in charge of the work Site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work Site is prohibited,
- the designated waste storage area must be covered when the Site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage (but no more than 2 signs) stating the details required by this condition are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work Site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

**88 Prior to the commencement of any construction works:**

(a) Toilet facilities at or in the vicinity of the work Site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of the approved development must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice to the owner of the adjoining allotment of land of his or her intention to do so and furnish particulars of the excavation to the owner. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of the approved development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work Site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work Site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

(e) Remediation works as detailed in the Court approved Remediation Action Plan prepared by Martens and Associates must be completed and validated as successful. The requirements of Condition 72 of this consent must be adhered to in this respect.

**89 Construction works that are carried out in compliance with this consent, and which involve the use of heavy**

vehicles, heavy machinery and any other equipment likely to cause noise or vibration impacts to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7.00am to 6.00pm
- Saturdays, 7.00am to 1.00pm if inaudible on neighbouring residential premises, otherwise 8.00am to 1.00pm.
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building and which do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997, in regulating offensive noise also apply to all construction works.

### **Engineering & Civil Matters**

- 90 Those acting on the consent are to prepare a Groundwater Management Plan in consultation with Council and the Department of Industry – Water, to Describe any restrictions and outline ongoing monitoring and reporting measures.

Records of monitoring are to be made available to Council upon request.

- 91 The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains/or easement, and if further requirements need to be met prior to construction.

- 92 The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of Council. The CEMP must include:

(a) Detailed baseline data,

(b) Details of:

- (i) The relevant statutory requirements (including any relevant approval, licence or lease conditions)
- (ii) Any relevant limits or performance measures and criteria
- (iii) The specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures,

(c) A description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria,

(d) a program to monitor and report on the:

- (i) impacts and environmental performance of the development
- (ii) effectiveness of the management measures set out pursuant to paragraph (c) above,

(e) A contingency plan to manage any unpredicted impacts and their consequences and to ensure that

- (i) ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible,

(f) A program to investigate and implement ways to improve the environmental performance of the

- (i) development over time,

(g) A protocol for managing and reporting any:

- (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria)
- (ii) complaints
- (iii) failure to comply with statutory requirements,

(h) A protocol for periodic review of the plan.

93 As part of the CEMP required, the Applicant must include the following:

- (a) a Construction Traffic Management Plan,
- (b) an Erosion and Sediment Control plan,
- (c) a Construction and Demolition Waste Management Plan and
- (d) Community Consultation and Complaints Handling.

No works approved as part of this consent are to commence until the CEMP is approved. The Applicant must carry out the construction of the development in accordance with the approved CEMP.

94 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to implement the approved development shall be undertaken by the applicant at no cost to Penrith City Council.

95 **Prior to the commencement of works approved by this consent**, an Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website. Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

96 **Prior to the commencement of works approved by this consent**, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required within the verge area of Park Road). These works may include but are not limited to the following:

- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
- (b) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage),
- (c) Road occupancy or road closures,
- (d) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve,
- (e) Temporary construction access, and
- (f) Provision of a heavy-duty vehicular crossover for the maintenance shed access off Park Road.

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Advisory notes:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently.
- Separate approval will be required from Transport for New South Wales (TfNSW) for works within Park Road between table drain to table drain.
- All works associated with the Roads Act approval must be completed prior to the commencement of operations.

97 **Prior to the commencement of works approved by this consent**, the Certifying Authority shall ensure that the proposed Park Road main cemetery access driveway intersection treatment is accepted by Transport for New South Wales (TfNSW) with no impact upon the existing trees on the southern side of Park Road; no impact on existing property driveway access movements; (noting that Park Road is a TfNSW classified road under the control of TfNSW).

However, if TfNSW require adjustments to the proposed Park Road main cemetery access driveway intersection, then an intersection treatment that is acceptable to TfNSW and Council shall be provided that includes:

- no impact on the existing trees on the southern side of Park Road;
- addresses any impact on the existing property driveway accesses on the southern side of Park Road; and, Detailed plans shall be submitted to Penrith City Council and TfNSW for approval prior to the commencement of any works approved by this consent (noting that Park Road is a TfNSW classified road under the control of TfNSW).

**98 Prior to the commencement of works approved by this consent**, the Certifying Authority shall ensure that the design of the Park Road main cemetery access driveway intersection is generally in accordance with the plans by Warren Smith & Partners, reference 5936001, drawing No's C7.03 and C7.04, issue 3, dated 18/03/2021. The design shall minimise the impact upon the row of trees along the southern side of Park Road as agreed in the Joint Statement of Traffic Experts, Appendix E being concept design plan by TTPP Transport Planning, reference 19292, drawing No 19292CAD007 Figure 1, revision A, dated 10-03-2021. Full details are to be submitted with the application for a Roads Act approval from Penrith City Council and TfNSW (noting that Park Road is a TfNSW classified road under the control of TfNSW).

**99 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that any applicable application, including the payment of application and inspection fees, and lodgement of any Works Authorisation Deeds (WAD), has been lodged with and approved by the TfNSW for any road and intersection works within Park Road.

A copy of the TfNSW approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

**100 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that engineering plans are consistent with the stamped approved plans and that all engineering works have been designed in accordance with this Consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The engineering works may include but are not limited to the following:

- (a) Public and private roads and pavements
- (b) Stormwater management (quantity and quality)
- (c) Interallotment drainage
- (d) Private access driveways
- (e) Sediment and erosion control measures
- (f) Flood control measures
- (g) Overland flow paths
- (h) Traffic facilities
- (i) Earthworks
- (j) Bridges, culverts, retaining walls and other structures
- (k) Landscaping and embellishment works

The engineering works must be supported by engineering plans, calculations, specifications and any certification relied upon.

**101 A Stage 3 (detailed design) Road Safety Audit (RSA)** shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit, on the proposed road and intersection works in Park Road by an

accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Roads Act application.

Prior to the Section 138 Roads Act approval, the Certifier shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifier for information purposes.

**102 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that:

- (a) Off street access and parking complies with AS 2890.1.
- (b) Sight distances for driveways at the street frontage have been provided in accordance with AS 2890.1. The required sight lines around the driveway entrances shall not to be compromised by landscaping, fencing or signage.
- (c) All cars can enter and exit the site in a forward direction.

**103 Prior to the commencement of works approved by this consent**, the Certifying Authority shall ensure that plans detailing an accessible path of travel is provided from the pedestrian refuge in Park Road to the golf clubhouse building's entry.

**104 Prior to the commencement of works approved by this consent**, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for New South Wales (TfNSW). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee or Transport for New South Wales (TfNSW). Please contact Council's City Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

**105 Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for any civil works within the verge area of Park Road. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Advisory Note:

Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

**106 Prior to the commencement of works approved by this consent**, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS 1742.3 Traffic Control Devices for Works on Roads and the Transport for New South Wales (TfNSW) publication Traffic Control at Worksites and certified by an appropriately accredited TfNSW Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Advisory Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

**107 Prior to the commencement of operations**, street lighting is to be provided for all new intersections on Park Road. The design of any street lighting shall be in accordance with Australian Standards.

**108** The stormwater management system shall be consistent with plans lodged for development approval, prepared by

Stormy Water Solutions, Drawing No's 2087/SWS/1 to 2087/SWS/13, Issue V1, dated 15/12/2020 and plans prepared by Warren Smith & Partners, Job No 5936002, Drawing No's C1.01 to C6.10, Revision 2, dated 16/12/2020.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for the formal approval of construction plans.

The engineering plans shall include the following:

- (a) Details of emergency overflow weirs for all basins.
- (b) Details of stabilised access tracks for maintenance purposes to all basins. All access tracks shall be located clear of existing trees and tree protection zones.

**109 Prior to the commencement of works approved by this consent**, the Principal Certifier for the project, shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

**110** The Applicant must: (a) not commence construction of the development until the stormwater management system is approved and, (b) carry out the construction of the development in accordance with the approved stormwater management system.

**111 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3 Plumbing and Drainage – Stormwater Drainage.

**112 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that the wastewater disposal system is generally in accordance with the 'Sewer and Water Servicing Sketch' plan by Warren Smith & Partners, Job No 5936000, Drawing No SK-11, Issue 2, dated 06/11/2020 and complies with the requirements of the letter from Sydney Water, Case No 188145, dated 18/02/2021.

The Certifier shall ensure that the location of the rising main is not in conflict with, and located clear of, the future road widening area for Park Road zoned SP2 Infrastructure (Classified Road) under Penrith LEP 2010. All pump stations are to be located above the 1% AEP flood level for both local and mainstream flooding events. Full details are to be submitted with the application for the formal approval of construction plans.

**113 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that the proposed development is compatible with the recommendations of the Updated Flood Modelling letter and plans prepared by Martins and Associates Pty Ltd, reference number P17606171JC10V02, dated 23 December 2020.

**114 Prior to the commencement of works approved by this consent**, sediment and erosion control measures shall be installed in accordance with the approved plans and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

**115 Prior to the commencement of works approved by this consent**, the Certifier shall ensure that the location of any pad mounted electrical substation is clear of the future road widening area for Park Road zoned SP2 Infrastructure (Classified Road) under Penrith LEP 2010. Access arrangements to the pad mounted substation shall be in accordance with the requirements of Endeavour Energy.

**116** All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority / Superintendent in consultation with the Principal Certifier.

117 **Prior to the commencement of operations** and upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed to the satisfaction of Council.

118 **Prior to the commencement of operations**, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

119 **Prior to the commencement of operations**, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management systems shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the commencement of operations where Penrith City Council is not the Principal Certifier.

120 **Prior to the commencement of operations**, the Principal Certifier shall ensure that the:

- (a) Stormwater management systems (including on-site detention and water sensitive urban design)
- (b) Overland flowpath works

- have been satisfactorily completed in accordance with the approved plans and the requirements of this consent;
- have met the design intent with regard to any construction variations to the approved design, and;
- any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

121 **Prior to the commencement of operations**, a restriction on the use of land and positive covenant relating to the:

- (a) Stormwater management systems (including on-site detention and water sensitive urban design)
- (b) Overland flowpath works

shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments – Appendix F.

122 **Prior to the commencement of operations** and the installation of regulatory/advisory signage and line marking within Park Road, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Advisory Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges

123 **Prior to the commencement of operations**, directional signage and line marking shall be installed indicating directional movements and the location of customer/visitor parking to the satisfaction of the Principal Certifier.

124 **Prior to the commencement of operations**, all car spaces and loading areas are to be sealed, line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.



125 **Prior to the commencement of operations**, a Maintenance Bond is to be lodged with Penrith City Council for any civil works within the verge area of Park Road.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Advisory Note:

Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

126 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

127 Subleasing of car parking spaces is not permitted by this Consent.

128 **Prior to the commencement of works approved by this consent**, an updated Arboricultural Impact Assessment (AIA) shall be undertaken confirming that there are no impacts on existing trees Approved for retention and protection with regards to proposed civil works including cut/fill, batters, gabion retaining walls and associated works. The AIA shall also assess the concept plans of the proposed intersection works in Park Road as shown in the 'Signage and Line marking Plan' by Warren Smith & Partners, Job No 5936001, Drawing No's C8.03 & C8.04, Issue 1, dated 13/09/2019.

**Prior to the commencement of works approved by this consent**, the Principal Certifier for the project shall ensure any recommendations of the AIA are implemented on engineering plans.

### **Landscaping Matters**

129 All landscape works are to be constructed in accordance with the endorsed landscape plans and are to be prepared to comply with Appendix F5, Section 2.9 Landscape Technical Specifications of the Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the endorsed plans required by this consent including the Vegetation Management Plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

130 The approved landscaping for the approved development must be installed by a suitably qualified experienced landscape professional, with the exception of works approved to be carried out under the approved Vegetation Management Plan which require a project ecologist and bush regeneration team.

131 Upon completion of the approved landscape works associated with the development, an Implementation Report for the landscaping works must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by an appropriately qualified and experienced landscape professional.

132 Those acting on the consent are to ensure that the approved trees, shrubs and other vegetation within the 15m landscape buffer around the site and within the internal landscape buffers for each stage or phase are healthy and thriving. Any trees, shrubs or other vegetation which is dead, dying or is not thriving is to be replaced as

soon as is practical to ensure that the visual impacts of the development are adequately mitigated.

133 All plant material associated with the construction of approved landscaping is to be planted in compliance with Appendix F5, Landscape Technical Specifications of the Penrith Development Control Plan 2014.

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

#### **Trees on Public & Private Property**

134 All precautions shall be taken to adequately protect trees on adjacent private, and adjacent public property (ie. footpaths, roads, reserves, etc.) against damage during construction of the approved development.

No trees on public property shall be removed, pruned or damaged during construction including by the erection of any fences, hoardings or other temporary works. No construction materials may be placed beneath the canopy of street trees.

#### **Certification Matters**

135 **Prior to the commencement of any earthworks or construction works** on Site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and Environmental Planning and Assessment Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

#### Information to accompany the Notice of Commencement

Two days before any earthworks or construction/demolition works are to commence on site (including the clearing of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

**Reason for Conditions:** These conditions have been imposed to ensure the protection of the environment and a better design outcome.

## Catholic Metropolitan Cemeteries Trust v Penrith City Council

### LEC No. 2019/364850

#### PROPOSED TREE REMOVALS – PHASE 2 and 3 of the DA.

**Table 1**

Trees proposed for removal for cemetery phase 3 development (includes ArborSafe material currently before the Court Monday 22.03.21, and additional review by experts 24.03.21).

NOTE: includes dead trees (highlighted in blue) to be removed (identified dead habitat trees to be retained included in Table 2).

Living trees proposed to be removed = **220**. Dead trees to be removed = 38)

8	247	285	494	640	768	862	956	2030
14	248	286	496	641	774	875	957	2032
41	249	291	531	642	776	876	958	2033
42	250	292	538	643	777	877	1001	2034
44	251	293	539	646	778	878	1006	2035
58	252	298	541	647	779	879	1152	2036
60	253	299	542	648	780	880	1163	2037
66	254	300	543	649	793	884	1166	2038
67	256	301	544	656	796	886	1177	2039
68	257	302	550	702	797	881	1178	2040
97	260	303	559	709	798	897	1179	2041
118a	261	304	566	711	799	898	1181	2042
137	262	316	567	712	800	899	1182	2043
138	263	364	568	713	801	900	1180	2044
141	264	369	579	717	802	905	1184	2045
142	265	370	581	718	803	909	1186	2067
143	266	371	583	719	804	910	1188	2068
144	267	372	584	720	810	911	1190	2069
145	269	373	589	721	814	919	1197	
146	270	374	590	722	823	935	1199	
147	271	376	596	723	826	936	1203	
148	274	383	597	728	827	937	1209	
149	275	408	598	729	833	939	1210	
150	276	409	599	730	844	941	1211	
152	277	418	600	735	845	942	2000	
173	278	419	627	748	846	944	2001	
175	279	435	628	749	848	946	2005	
176	282	436	631	750	849	948	2015	
182	283	437	634	765	850	953	2017	
183	284	475	637	767	854	954	2018	

## Catholic Metropolitan Cemeteries Trust v Penrith City Council

### LEC No. 2019/364850

#### TREES WITH POTENTIAL TO BE RETAINED – PHASE 2 and 3 of the DA.

**Table 2**

The trees listed in this table are those generally in proximity to works and disturbance areas that have potential to be retained, subject to further assessment.

All remaining trees not affected by the disturbance zones shown on *Results of ArborSafe Assessment* Plan 1/Sheet 1 (18.03.21), 2a and 2b/Sheets 2 and 3 (19.03.21), 3a and 3b/Sheets 4 & 5 (22.03.21) by Botanica.

Trees identified by experts for potential retention in supplementary joint report, subject to minor redesign and protection measures. Trees 289, 294, 376, 500, 577, 580, 585, 763, 795, 805 and 802.

Additional trees that have potential for retention subject to further arboricultural assessment, including protection measures and potential redesign are included in the list below.

Additional trees (previously proposed to be removed) but not impacted by works and of low-medium risk and can be retained, are highlighted green.

'H' trees are dead trees with identified or potential habitat value that can be retained.

Total of trees potentially retainable (including highlighted trees), and those subject to future detailed arboricultural impact assessment, mitigation measures, or minor design modifications = **76**.

268	368	549	712	795	888	939	1002
272	375	559	713	724 H	895	943	1166
273	376	577	724	733 H	896	944	1168
281	380	580	733	737 H	905	956	1170
289	381	582	753	805	911	966	1172
290	387	585	763	824	918	968	1174
294	406	616	766	839	926	969	
297	413	673	775	840	927	982	
305	500	674	781	882	932	990	
316	547	711	782	883	938	1000	

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