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URBIS

STATEMENT OF ENVIRONMENTAL EFFECTS

NEPEAN GARDENS, WALLACIA COUNTRY CLUB AND GOLF COURSE

PREPARED FOR
CATHOLIC CEMETERIES BOARD
DECEMBER 2019

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EXECUTIVE SUMMARY

In July 2019, the Sydney Western City Planning Panel (**SWCPP**), and acting on the direction of the Independent Planning Commission (**IPC**) of NSW, refused a Crown development application (**DA**) for the development of a new cemetery and associated facilities on land currently occupied by Wallacia Golf Club at 13 Park Road Wallacia.

This new DA has been prepared in direct response to the key issues raised by the IPC in relation to the former DA. Arising from the headline changes, this Statement of Environmental Effects (**SEE**) has been prepared on behalf of the Catholic Cemeteries Board (**CCB**) (**the applicant**) and St Johns Park Bowling Club (**SJBC**). The Catholic Cemeteries Board is a not-for-profit organisation and is not a crown cemetery operator under the Cemeteries and Crematoria Act 2013. Therefore, this application is not a Crown DA.

On 28 November 2019, the Catholic Metropolitan Cemeteries Trust (**CMCT**) exchanged three separate sales of land contracts for three different portions of the site. Two of these portions have been purchased by CCB and relates to the Golf Course and Nepean Gardens. The Wallacia Country Club portion is to be acquired by St Johns Bowling Club.

The new approach has arisen as part of an alternative plan for the site to allow for the permanent acquisition of Wallacia Country Club and future perspective of purchasing the Wallacia Golf Course by St Johns Park Bowling Club. This also enables the CCB to operate the cemetery with a long-term lease of the Golf Course to St Johns Park Bowling Club. As will be demonstrated in this SEE and supporting documentation, this new proposal has strong merit, particularly focussing on key issues of local character and social impact. Most notably and in response to these issues, **this DA is characterised by the following “big moves”**:

- More than **halving in physical scale** of the earlier cemetery proposal and limiting its extent to the eastern portion of the site;
- A consequential **circa 69% reduction in burial capacity** to 27,000 plots from the previous proposal that envisaged circa 88,000 burial plots; and
- The **permanent retention of a golf course with enhanced club facilities** achieved by the subdivision of the western portion of the site.

This new DA has been assessed under the provisions of Section 4.15 of the EP&A Act and other relevant environmental planning instruments. The proposal is considered acceptable and worthy of approval for the following reasons:

- **The proposal satisfies the E3 Environmental management zone objectives.**

The proposed cemetery is permissible with consent under the E3 zoning, and Wallacia Country Club and Golf Course is a continuation, expansion and intensification of existing uses on the site. The proposed works involve a high-quality development that has minimal impacts on the environmental management of the site. The proposed works include the retention and revegetation of large areas of threatened ecological communities and will contribute to the green grid.

- **The proposal is consistent with applicable local and state planning policies.**

The proposed works meet the objectives and intent of the PLEP 2014 and are consistent with the key controls of the PDCP 2014.

The proposed cemetery use provides additional burial space which is consistent with the directions under the Sydney Regional Plan: A Metropolis of Three Cities and the Western District Plan.

- **The proposal achieves a high level of local amenity and does not negatively impact local character.**

The retention of a redesigned and golf course on-site protects the community's associations and sense of place with the Wallacia Village and the surrounding rural context.

Nepean Gardens is a modern cemetery and has been designed to remain visually subordinate to its rural setting. The proposal is for a modern cemetery, which is designed as a landscaped park where modest headstones are set in lawn and laid out in a grid pattern.

The above consideration of the proposed visual amenity and scenic values of the golf course and cemetery demonstrate the site is suitable for the proposed development.

- **The proposal is in the public interest.**

The DA will deliver critical burial infrastructure for Wallacia and surrounding communities. The Metropolitan Sydney Cemetery Capacity Report identifies the probable exhaustion of burial space in Metropolitan Sydney by 2051, if not before. The proposal will contribute 27,000 full-body burial plots for the benefit of the Wallacia community and surrounding communities.

The proposed scale of the cemetery allows for the retention of a golf course and establishment of other new sporting facilities on site which is recognised as an important social anchor and centralised place for recreation for the Wallacia community. Critically, these new and enhanced recreational facilities are being proposed by the St John Park Bowling Club, operators of the existing Wallacia Bowling Club, currently located in a suburban residential setting close by the Site. This a community-based organisation with strong ties to the Wallacia community.

The diversity of recreational uses facilitates a much greater reach in terms of personal recreational interests amongst a community and encourages intergenerational uses. These uses proposed include golf, lawn bowls, swimming, a gym and places for passive outdoor recreation, which together with an enhanced registered Club will significantly support long term viability of the golfing facilities.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act, it's considered that the proposal represents a sound and balanced development outcome that respects and positively responds to the site location and amenity of the surrounding locality and hence supports the local character of the area.

1. INTRODUCTION

1.1. OVERVIEW

In July 2019, the Sydney Western City Planning Panel (**SWCPP**), and acting on the direction of the Independent Planning Commission (**IPC**) of NSW, refused a Crown development application (**DA**) for the development of a new cemetery and associated facilities on land currently occupied by Wallacia Golf Club at 13 Park Road Wallacia.

This new DA has been prepared in direct response to the key issues raised by the IPC in relation to the former DA. Arising from the headline changes, this Statement of Environmental Effects (**SEE**) has been prepared on behalf of the Catholic Cemeteries Board (**CCB**) (**the applicant**) and St Johns Park Bowling Club (**SJBC**). The Catholic Cemeteries Board is a not-for-profit organisation and is not a crown cemetery operator under the Cemeteries and Crematoria Act 2013. Therefore, this application is not a Crown DA.

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The new approach has arisen as part of an alternative plan for the site to allow for the permanent acquisition of Wallacia Country Club and future perspective of purchasing the Wallacia Golf Course by St Johns Park Bowling Club. This also allows the CCB to operate the cemetery with a long-term lease of the Golf Course to St Johns Park Bowling Club. As will be demonstrated in this SEE and supporting documentation, this new proposal has strong merit, particularly focussing on key issues of local character and social impact. Most notably and in response to these issues, this DA is characterised by the following “big moves”:

- More than **halving in physical scale** of the earlier cemetery proposal and limiting its extent to the eastern portion of the site;
- A consequential **circa 69% reduction in burial capacity** to 27,000 plots from the previous proposal that envisaged circa 88,000 burial plots; and
- The **permanent retention of a golf course with enhanced club facilities** achieved by the subdivision of the western portion of the site.

This last bullet point above is important as the proposed subdivision will enable St Johns Park Bowling Club to consolidate its current “Club Wallacia” activities in nearby Roma Street Wallacia onto the site Wallacia Country Club, taking permanent control and investing in a newly reconfigured golf course and upgraded club. This represents a significant and potentially unique opportunity to provide lasting certainty for the golf club use and to improve its financial viability.

This DA represents a balanced approach to the redevelopment of the site. It responds to the known shortage of burial space and will deliver critical interment infrastructure for surrounding and wider communities at a scale which is compatible with the Wallacia Village. Importantly, the proposed scale of the cemetery allows for the retention of a golf course on site which is recognised as an important social anchor and place for recreation for the Wallacia community.

The SEE accompanies a DA to Penrith City Council seeking approval for the development and use of land at 13 Park Road, Wallacia (Lot 2 in DP1108408, Lot 1 in DP1254545, Lot 3 in DP18701 and Lot 4 in DP18701), as a cemetery, golf course, registered club with associated facilities and landscaped grounds and land subdivision.

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

- Nepean Gardens:
 - Use and operation of a portion of the site for a ‘cemetery’ for 27,000 burial plots and associated publicly accessible parklands and recreation areas to operate Nepean Gardens;
 - A new chapel building with ancillary refrigerated holding room and a new single-storey administration building;
 - Provision of a new internal road within Nepean Gardens accessible from Park Road;

- Landscaping the entire Nepean Gardens site with associated planting strategy and provision of new ponds and wetland/ detention basin;
- Burial areas and memorialisation guides; and
- Provision of on-site formal car parking for up to fifty (50) cars and provision of kerbside shoulder car parking throughout the internal road network.
- Wallacia Golf Course:
 - Reconfigured 9-hole golf course; and
 - Practice putting green and community putting course.
- Wallacia Country Club:
 - Alterations and additions to the existing Wallacia Country Club building to include:
 - Golf pro-store;
 - Expanded gaming facilities, kitchen and dining area;
 - Function rooms; and
 - Additional parking area.
 - Synthetic bowling green; and
 - New swimming pool and gym complex.
- Tree removal associated with new golf course and Nepean Gardens;
- Stormwater infrastructure and other site services; and
- Subdivision of Lot 2 in DP 1108408 into two allotments.

This SEE describes the site, its context and the proposed development, and provides an assessment of the proposal in terms of the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2. PROJECT TEAM

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

Table 1 – Project Team

Consultant	Input	Appendix
Urbis	Statement of Environmental Effects	-
Florence Jaquet Landscape Architect	Landscape Masterplan	Appendix A
Ignite	Architectural Plans - Nepean Gardens	Appendix B
Axil Architects	Architectural Plans - Wallacia Country Club	Appendix C
Harrison Golf	Golf Course Design Plans	Appendix D
Degotardi Smith & Partners	Survey Plans	Appendix E
Degotardi Smith & Partners	Subdivision Plan	Appendix F
Warren Smith & Partners	Civil Engineering Plans – Nepean Gardens	Appendix G
Warren Smith & Partners	Civil Engineering Services Report – Nepean Gardens	Appendix H

Consultant	Input	Appendix
Warren Smith & Partners	Civil Engineering Plans – Wallacia Country Club	Appendix I
Warren Smith & Partners	Civil Engineering Services Report – Wallacia Country Club	Appendix J
Florence Jaquet Landscape Architect	Landscape Masterplan - Nepean Gardens	Appendix K
Florence Jaquet Landscape Architect	Landscape Design Response - Nepean Gardens	Appendix L
Narelle Sonter Botanica	Detail Landscape Plans - Nepean Gardens	Appendix M
Narelle Sonter Botanica	Detailed Landscape Plans – Wallacia Golf Course	Appendix N
Ignite	Architectural Design Response – Nepean Gardens	Appendix O
Axil Architects	Architectural Design Response – Wallacia Country Club	Appendix P
Stormy Water Solutions	Water Sensitive Urban Design Strategy and Stormwater Management Plan - Nepean Gardens	Appendix Q
Stormy Water Solutions	Stormwater Management Plan - Nepean Gardens	Appendix R
Vic Lilli	BCA Assessment Report – Wallacia Country Club	Appendix S
D M Ball & Associates	BCA Assessment Report – Nepean Gardens	Appendix T
JN Responsive Engineering	Lighting Design – Wallacia Country Club	Appendix U
Axil Architects	Acoustic Report – Wallacia Country Club	Appendix V
Urbis	Social Impact Assessment	Appendix W
Urbis	Heritage Impact Assessment	Appendix X
Austral Archaeology	Historical Archaeological Assessment	Appendix Y
Austral Archaeology	Aboriginal Due Diligence Assessment	Appendix Z
GRC Hydro	Flood Impact Assessment	Appendix AA
Douglas Partners	Contamination Cover Letter	Appendix BB
Douglas Partners	Contamination and Hazardous Materials Assessment	Appendix CC
The Transport Planning Partnership	Traffic Impact Assessment	Appendix DD
Martens Consulting	Preliminary Geotechnical, Groundwater and Salinity Assessment	Appendix EE
Martens Consulting	Groundwater Report	Appendix FF
Morris-Goding Accessibility Consulting	Access Report – Wallacia Country Club	Appendix GG
Morris-Goding Accessibility Consulting	Access Report – Nepean Gardens	Appendix HH
Travers Bushfire and Ecology	Tree Assessment	Appendix II

Consultant	Input	Appendix
Travers Bushfire and Ecology	Biodiversity Development Assessment Report	Appendix JJ
Travers Bushfire and Ecology	Bushfire Protection Assessment	Appendix KK
Travers Bushfire and Ecology	Watercourses Assessment	Appendix LL
Travers Bushfire and Ecology	Vegetation Management Plan	Appendix MM
NettCorp	Construction Management Plan	Appendix NN
Waste Audit and Consultancy Services	Construction and Operational Waste Management Plan	Appendix QQ
Urbis	Landscape and Visual Impact Assessment	Appendix SS
Steensen Varming	Sustainability Strategies – ESD Report	Appendix TT
Napier & Blakely	Nepean Gardens CIV Report	Appendix UU
Napier & Blakely	Wallacia Country Club CIV Report	Appendix VV
Napier & Blakely	Wallacia Golf Course CIV Report	Appendix WW
-	Boundary Realignment Documentation	Appendix XX
Urbis	Plan of Management – Nepean Gardens	Appendix YY

1.3. STRUCTURE OF THE REPORT

This SEE is structured as follows:

- **Section 2 and 3** – Provides a description of the site context, including identification of the site, existing development on the site, surrounding development and the environmental factors affecting the site;
- **Section 4** – Details the critical shortage of burial space in Sydney and highlights the nexus between the proposal and the need to plan for new cemeteries, details the previous DA history for the site;
- **Section 5** – Provides a detailed description of the proposed development, inclusive of the three primary components, Nepean Gardens, Wallacia Country Club improvements and Wallacia Golf Course;
- **Section 6** – Establishes the strategic planning framework and policies relevant to the proposal and details the proposal's consistency with each policy;
- **Section 6, 7, 8 and 9** – Assesses the proposed development against the relevant planning controls and matters relevant to the proposed development in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*; and (the Act); and
- **Section 9** – Assesses the suitability of the site for the proposed development and details the reasons why the proposed development is in the public interest.
- **Section 10** – Concludes that the proposal is in accordance with section 4.15 of the Act warrants approval from Council.

2. SITE DESCRIPTION

The Site is located within the suburb of Wallacia, which is situated approximately 18 km south of the Penrith central business district. The Site is a large lot in the eastern extent of the Wallacia Town Centre and is located less than 5km east of the future Western Sydney Aerotropolis. **Table 2** below provides the key site address details.

Table 2 – Site Details

Address	13 Park Road, Wallacia
Legal Description	Lot 2 in DP1108408 Lot 1 in DP1254545* Lot 4 in DP18701 Lot 3 in DP18701
Lot Size (approx.)	44,440sqm (44.44ha)

* It is noted that the Survey Plans at **Appendix E** show the site boundaries in the current format. Lot 1 in DP1254545 has recently been subject to a boundary realignment and was previously known as Lot 502 in DP1079728. The new shaped lot has been approved but not yet registered with NSW Land Registry Services, the Subdivision Certificate Notice of Determination and title survey are at **Appendix XX**.

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

Figure 1 – Aerial Map of the Site



The Site currently accommodates Wallacia Golf & Country Club, comprising of an 18-hole golf course, golf club, maintenance shed and car park. A telecommunications tower is located towards the eastern extent of the site. St Johns Park Bowling Club currently operates the golf course under lease agreement from the Catholic Metropolitan Cemeteries Trust.

The Site is largely cleared land reflective of its golf course use with vegetated areas comprised mainly of mature trees that line fairways. There are also a number of constructed dams and ponds across the site. Jerrys Creek bisects the western portion of the site. **Figure 2** provides a selection of site photos.

Figure 2 – Site Photos



Picture 1 – View from 2nd Tee Looking west



Picture 2 – View from Fairway Looking North



Picture 3 – View from 18th Tee Looking west



Picture 4 – Existing Maintenance Shed



Picture 5 – Sample Watercourse



Picture 6 – Adjacent Heritage Church

Source: Urbis

Consistent with the earlier observation, the site is characterised by rows and pockets of vegetation and its use as a golf course has given it a very structured vegetated character layout with, dominated by both exotic and man-made plantings.

With the exception of the golf course, the only other recreation facilities that exist within proximity of the site include are Fowler Reserve; and Sales Park. As mentioned earlier Wallacia Bowling Club is located in nearby Roma Street, Wallacia, approximately 500m to the south of the Site.

3. SURROUNDING LOCALITY AND SUB-REGIONAL CONTEXT

To the north of the Site are rural uses, including cleared land and dams fed by perennial and non-perennial creek lines. To the east of the Site are larger lot residential uses. Park Road forms the predominant southern boundary of the Site. The following uses are located immediately adjacent to the southern boundary:

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

Low density and rural-residential uses front Park Road to the south.

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

The landscape in the vicinity of the Site is undulating in character with ridgelines to the east and west of the site. Less than 500m to the west of the Site lies the Nepean River, at a low-lying elevation of 20 metres Australian Height Datum (AHD). Continuing westward, the land significantly climbs to form the Blue Mountains National Park South which rises to elevations above 200m AHD forming the western ridgeline.

To the east of the Site, the land gradually rises from 60m AHD to approximately 100m AHD forming the eastern ridgeline. Topography is further discussed **Section 3.3** of the report.

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

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

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

3.1. SUB-REGIONAL CONTEXT

The Site is located within a sub-regional context that will be the witness of significant change in character over the short to medium term as city shaping infrastructure is delivered, most notably:

- The Western Sydney Airport (WSA) due to open in 2026; and
- The proposed M9 corridor that intersects with Park Road (and connects with an upgraded The Northern Road and new M12 Motorway which is due to be open concurrent with the WSA),

The WSA will fundamentally transform what is largely a peri-urban area, of which Wallacia is but one of several small self-contained villages proximate to the WSA.

In this respect, the current character of the site reflects its location at the north-eastern extent of the Wallacia local centre which is concentrated around the intersection of Mulgoa, Park, Greendale and Silverdale Roads. The suburb of Wallacia extends across both Penrith and Liverpool LGAs (**Figure 3**). At the time of the 2016 ABS Census the suburb of Wallacia accommodated 593 dwellings and was home to 1,632 residents.

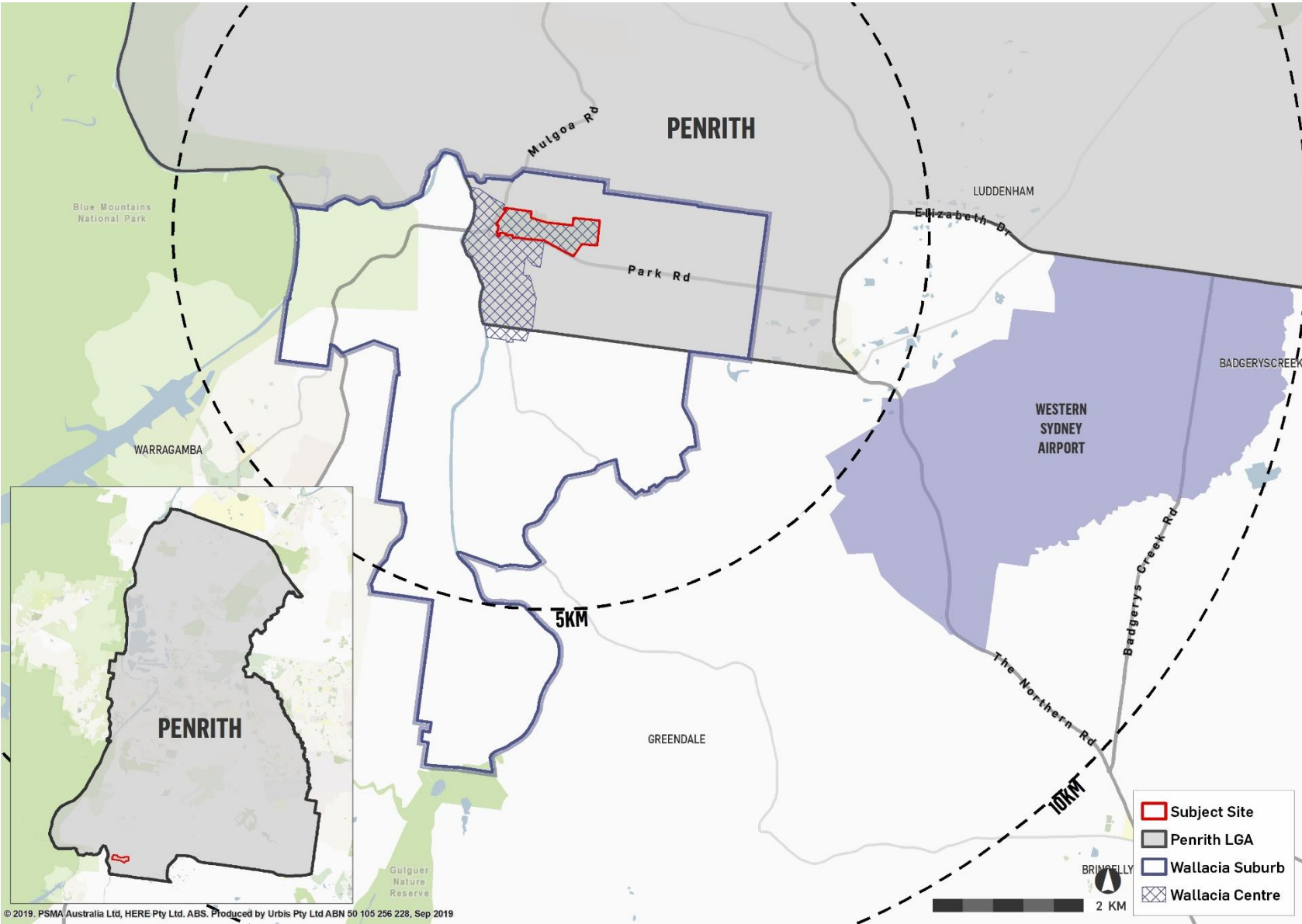
The surrounding area is characterised by a mix of large rural residential lots, productive land and general residential. Similar to the Site, many lots are 20ha and over (**Figure 4**). Wallacia is located to the west of the Western Sydney Priority Growth Area and surrounding land uses will be undergoing significant change over the coming years.

Figure 5 illustrates the Site, in a sub-regional context is:

- Within 5km proximity to the WSA, measured at its closest point;
- Within 3km of the intersection of the M9 (Sydney Outer Orbital) motor way corridor;
- The M9 corridor itself defines the current boundary of a proposed “agribusiness precinct”, identified by the NSW Government as area for high intensity export focussed agricultural business activity taking advantage of enhanced transport linkages in immediate proximity to WSA; and
- Between 5 and 10km of proposed new passenger and freight rail infrastructure.

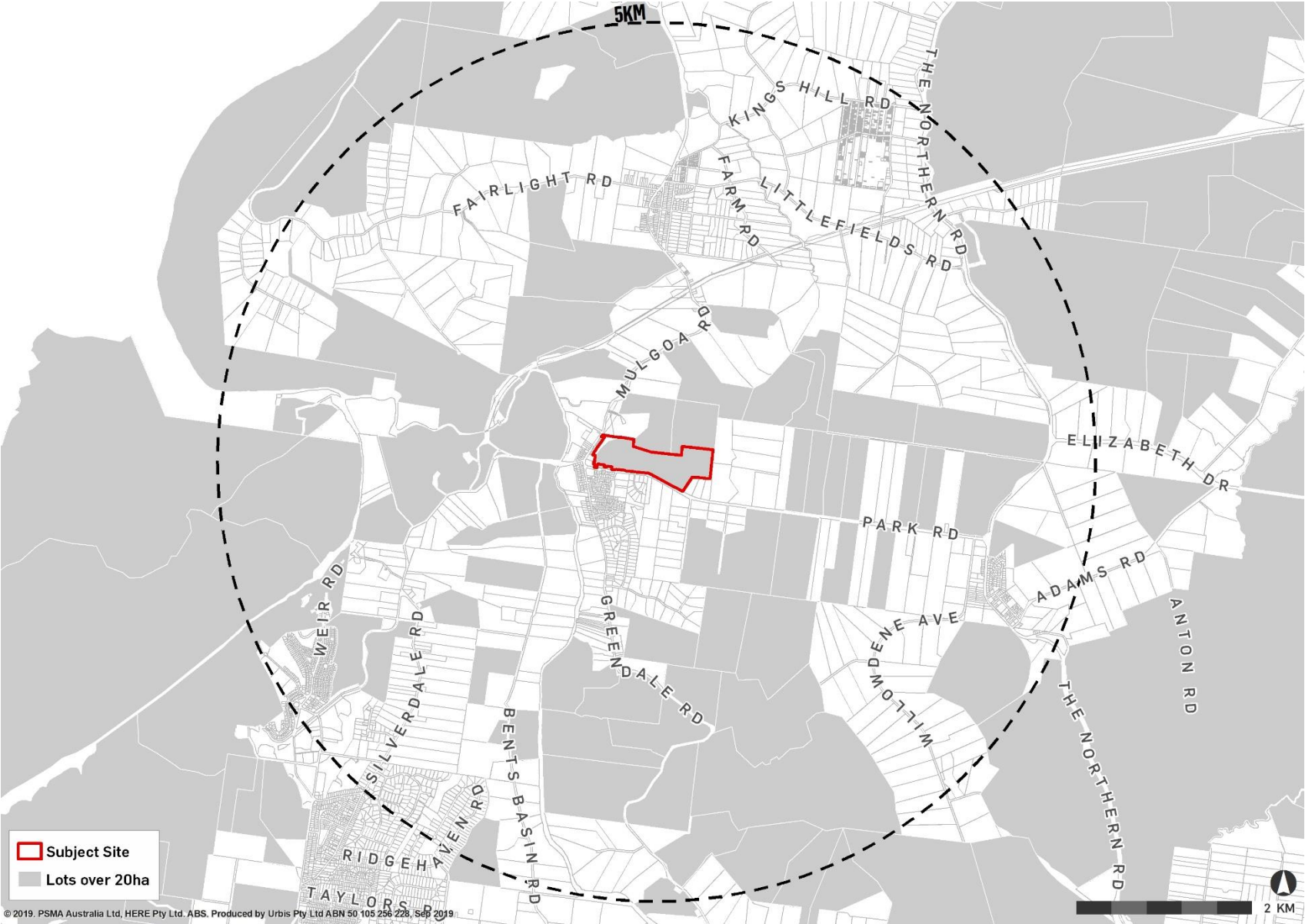
Taking into account these changes, Wallacia will be one of the closest existing residential areas to the new WSA when it opens in 2026. Notably, Wallacia is not affected by the proposed ANEC contours associated with WSA as they relate to residential areas. This feature, when combined with the largely landscaped nature of the proposed uses subject to this DA, will in some ways significantly protect the existing rural landscape character of the site. Its “buffering” effect from changes that will inevitably occur as a consequence of the matters listed above and should not be overlooked or understated.

Figure 3 – Site vs. Locality



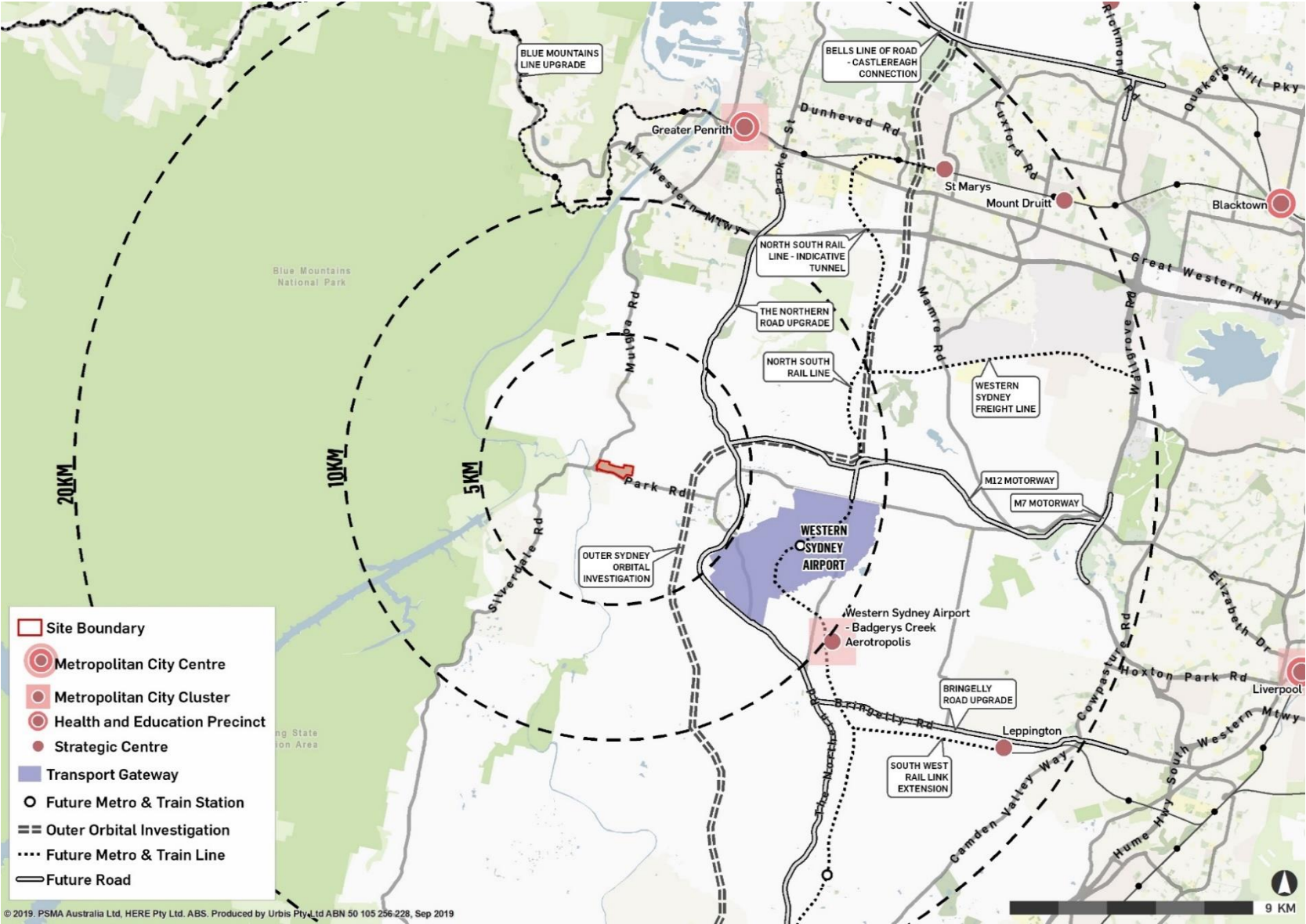
Source: Urbis

Figure 4 – Surrounding Lots Ove 20ha



Source: Urbis

Figure 5 – Context Plan



Source: Urbis

3.2. ECOLOGY

3.2.1. Flora

As detailed in the Biodiversity Development Assessment Report (BDAR) (**Appendix JJ**), four (4) vegetation communities are recorded on-site in 2017 and 2019, these include:

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

3.2.2. Fauna

Surveys undertaken by Travers Bushfire and Ecology for the BDAR, found the following fauna species within the site:

- A total of twenty-two (22) trees containing fifty-six (56) hollows were recorded within the tree study area.
- The recorded hollows present may be suitable for hollow-dependent threatened species with considered potential to occur including the recorded Eastern Coastal Free-tailed Bat, Large-footed Myotis and Greater Broad-nosed Bat.
- Six (6) state listed threatened fauna species including Grey-headed Flying-fox, Large-eared Pied Bat, Eastern Coastal Free-tailed Bat, Large Bent-winged Bat, Greater Broad-nosed Bat and Large-footed Myotis were recorded present during survey. The East-coast Freetail Bat was only recorded to a 'probable' level of certainty.

3.3. GEOLOGY AND HYDROLOGY

A summary of key geologic and hydrologic conditions follows:

- The Penrith 1:100,000 Geological Sheet 9030 (1991) identifies low lying areas associated with Jerrys Creek as fluvial soil comprised of fine-grained sand, silt and clay. Wianamatta Group Bringelly Shale underlies the remainder of the site, comprised of shale, carbonaceous claystone, claystone, laminite, fine to medium grained lithic sandstone, rare coal and tuff.
- The NSW Environment and Heritage eSPADE website identifies the low-lying areas associated with Jerrys Creek as Richmond soils consisting of poorly structured orange to red clay loams, clays and sands. Texture may increase with depth. Ironstone nodules may be present. Plastic clays in drainage lines. Deep acid non-calcic brown soils, red earths and red podzolic soils occur on terrace surfaces with earthy sands on terrace edges.
- Immediately to the east is the Luddenham soil landscapes consisting of shallow dark podzolic soils or massive earthy clays on crests, moderately deep red podzolic soils on upper slopes, and moderately deep yellow podzolic soils and prairie soils on lower slopes and drainage lines.

- The Blacktown soil landscape is identified immediately to the west of the creek, consisting of shallow to moderately deep hard setting mottled texture contrast soils, red and brown podzolic soils on crests grading to yellow podzolic soils on lower slopes and in drainage lines.
- The site generally drains via overland flow into Jerrys Creek across the western portion of the site and a drainage depression near the central northern portion of the eastern site area. Jerrys Creek drains to the Nepean River approximately 400 m to the west of the site.

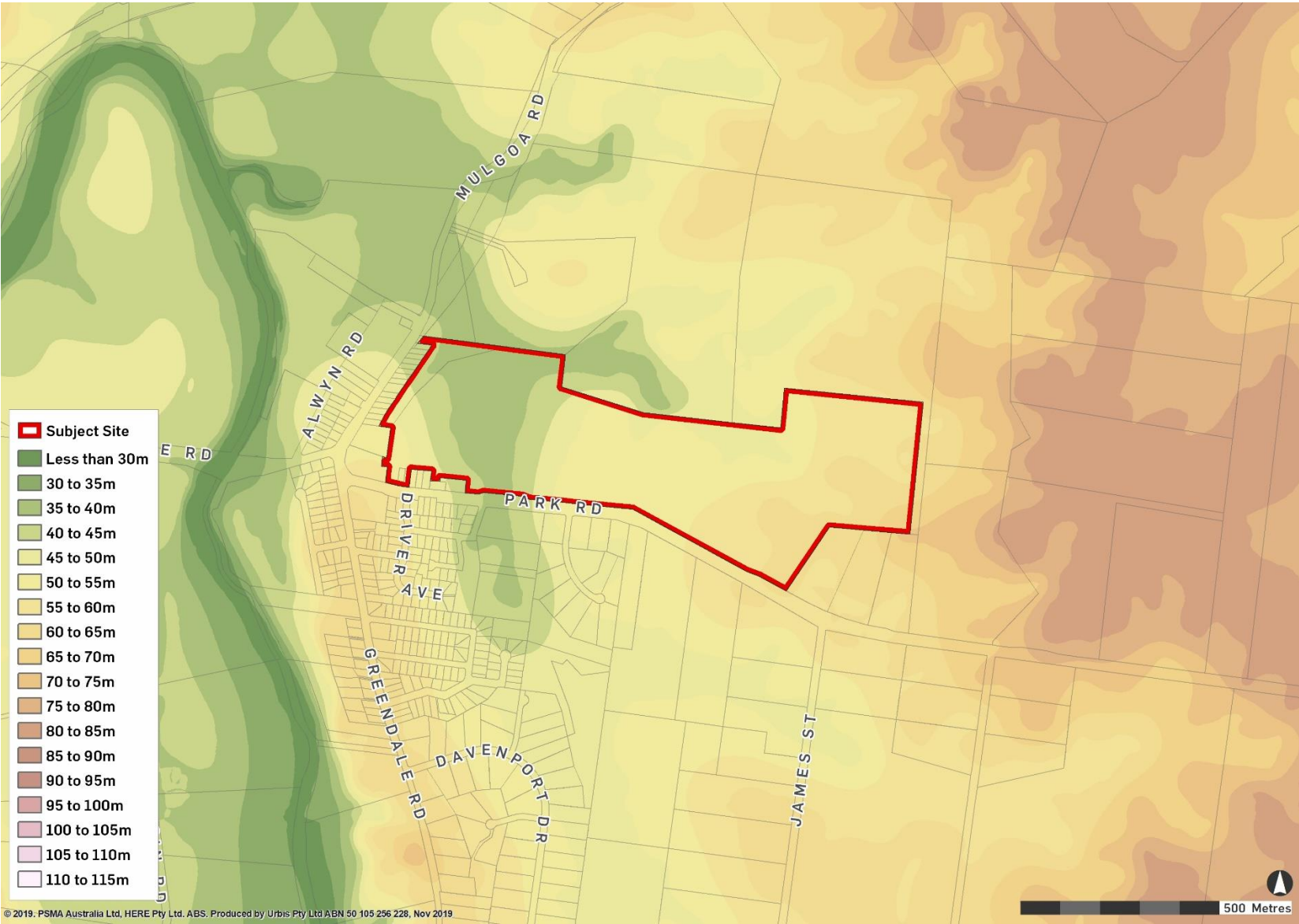
3.4. TOPOGRAPHY

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

- The site is located within highly undulating terrain, with general grades of 5-10% and slightly steeper grade of up to 20% in creek banks and drainage depressions.
- A creek (Jerrys Creek) is located within a depression which bisects the western portion of the site. The western portion of the site drops eastwards from approximately 50m AHD near the north-western boundary, to Jerrys Creek at an elevation of approximately 36m AHD and then gradually rises to 50m AHD towards the centre of the site.
- The eastern portion of the site is generally flatter with a northerly aspect and varies from approximately 65m AHD near the eastern site boundary, falling to 45m AHD within the drainage depression near the centre of the site.
- Elevations range between approximately 69m AHD (eastern side) and 35m AHD (western side) near Jerrys Creek. Lowest site elevations are generally associated with onsite creeks and drainage depressions.

Site topography is illustrated in **Figure 6**.

Figure 6 - Site Topography and Elevation Plan



Source: Urbis

3.5. ROAD NETWORK AND PUBLIC TRANSPORT

Transport connectivity to the site is summarised as follows:

- Access to the existing golf club is permitted via Park Road, which also provides access onto Silverdale Road and Mulgoa Road within the immediate vicinity of the site.
- Park Road is a state road and provides single lanes in east and west directions, with a posted speed limit of 60km/h. The majority of Park Road is marked with double continuous white lining, restricting vehicles to no overtaking. Some sections of Park Road do permit overtaking when broken white dividing lines and double white lines with a broken line are shown.
- Park Road meets Silverdale Road, and Mulgoa Road via a three-arm priority roundabout intersection, just west of the development site.
- Silverdale Road is a local road under the jurisdiction of Penrith City Council and provides a route between Wallacia and Silverdale, with links to Warragamba via Warradale Road and Farnsworth Avenue. Silverdale Road has a posted speed limit of 60km/h and is marked by double continuous white lining.
- Mulgoa Road is a state road and is located north-west of the development site and provides travel in north and south directions, via single lanes. Within proximity of the site, Mulgoa Road has a school zone, resulting in a reduced speed limit of 40km/h for 380 metres, between the hours of 8am-9:30am and 2:30pm-4pm. Beyond this, the speed limit is increased to 60km/h.
- The eastern extent of the subject site is situated approximately 145 metres from northbound bus services and approximately 185 metres from southbound and eastbound services, located on Mulgoa Road. Bus service 795, operated by Busways, is the only service which stops at these bus stops and provides travel between McCarthy High School, Emu Plains and Weir Road at Ninth Street, Warragamba. The 795 service offers services in each direction on weekdays, departing roughly every hour during the morning and afternoon peak.
- Route 789 is located on The Northern Road to the east of the site, which operates from Penrith to Luddenham and is operated by Busways. This service offers one service in the morning and one in the afternoon on weekdays and does not operate on the weekend.

Figure 8 below shows the public transport routes and planned transport infrastructure surrounding the site. **Figure 7** below shows the timetables of the two public transport routes operating in proximity to the site.

Due to the close proximity of the Western Sydney Airport, it can be reasonably anticipated that the public transport network will undergo significant change over the next 10 years coinciding with the opening of the WSA in 2026 together with significant new transport infrastructure.

Figure 7 – Pubic Transport Timetables

Monday to Friday	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Service Information	S								
Penrith Station	06:26	07:22	08:28	09:47	14:09	15:30	15:44	16:33	18:03
Station St at Jamison Rd, Penrith	06:29	07:26	08:32	09:52	14:14	15:35	15:49	16:38	18:08
Nepean Shores Resort Tench Av, Jamisontown				09:56	14:18	15:39			
Regentville Auto Mulgoa Rd near Spencer St, Regentville	06:34	07:31	08:37	10:01	14:23	15:45	15:56	16:45	18:13
Nepean District Christian School, Mulgoa	–	–	08:45		–	–	–	–	–
Mulgoa Public School Mulgoa Rd, Mulgoa	B06:42	B07:39	08:51	10:08	14:32	15:52	16:05	16:52	18:20
Davenport Dr before Kadiera Cl, Wallacia			08:58	10:15	14:40	16:00	16:13	17:00	18:27
Silverdale Rural Fire Brigade, Marsh Rd, Silverdale	–	B07:51	09:10	10:27	14:55	16:14	16:28	17:13	18:40
Weir Rd at Ninth St, Warragamba	A06:56	07:58	09:17	10:34	15:03	16:22	16:36	17:21	18:48
Monday to Friday	Δ								
Penrith Station	19:03								
Station St at Jamison Rd, Penrith	19:07								
Regentville Auto Mulgoa Rd near Spencer St, Regentville	19:11								
Mulgoa Public School Mulgoa Rd, Mulgoa	19:18								
Davenport Dr before Kadiera Cl, Wallacia	19:25								
Silverdale Rural Fire Brigade, Marsh Rd, Silverdale	19:38								
Weir Rd at Ninth St, Warragamba	19:46								
Saturday	Δ	Δ	Δ	Δ					
Penrith Station	09:47	13:47	15:47	18:47					
Station St at Jamison Rd, Penrith	09:52	13:52	15:52	18:52					
Nepean Shores Resort Tench Av, Jamisontown	–	13:55	15:55	18:55					
Regentville Auto Mulgoa Rd near Spencer St, Regentville	09:56	14:00	16:00	19:00					
Mulgoa Public School Mulgoa Rd, Mulgoa	B10:04	14:08	16:08	19:08					
Davenport Dr before Kadiera Cl, Wallacia	–	14:16	16:16	19:16					
Silverdale Rural Fire Brigade, Marsh Rd, Silverdale	–	14:28	16:28	19:28					
Weir Rd at Ninth St, Warragamba	A10:19	14:35	16:35	19:35					
Sunday & Public Holidays	Δ	Δ							
Penrith Station	10:10	16:10							
Station St at Jamison Rd, Penrith	10:14	16:14							
Nepean Shores Resort Tench Av, Jamisontown	–	16:17							
Regentville Auto Mulgoa Rd near Spencer St, Regentville	10:19	16:23							
Mulgoa Public School Mulgoa Rd, Mulgoa	B10:27	16:31							
Davenport Dr before Kadiera Cl, Wallacia	–	16:40							
Silverdale Rural Fire Brigade, Marsh Rd, Silverdale	–	16:51							
Weir Rd at Ninth St, Warragamba	A10:41	16:58							

Picture 7 – 795 – Penrith to Warragamba

Monday to Friday		S							
Service Information									
Penrith Station	A06:57	15:37							
Parker St after Derby St, Kingswood	07:05	15:49							
Orchard Hills Medical Centre, Bringelly Rd, Orchard Hills	–	15:54							
The Northern Rd after Castle Rd, Orchard Hills	P07:11	15:55							
Cross Rd Penrith Anglican College, Orchard Hills	–	16:00							
Old Northern Rd opp 2051, Orchard Hills	07:15	16:05							
The Northern Rd near Elizabeth Dr, Luddenham	07:23	16:12							
Adams Rd at The Northern Rd, Luddenham	07:27	16:18							

Picture 9 – 789 – Penrith to Luddenham

Source: Transport for NSW – Valid from 17 November 2019

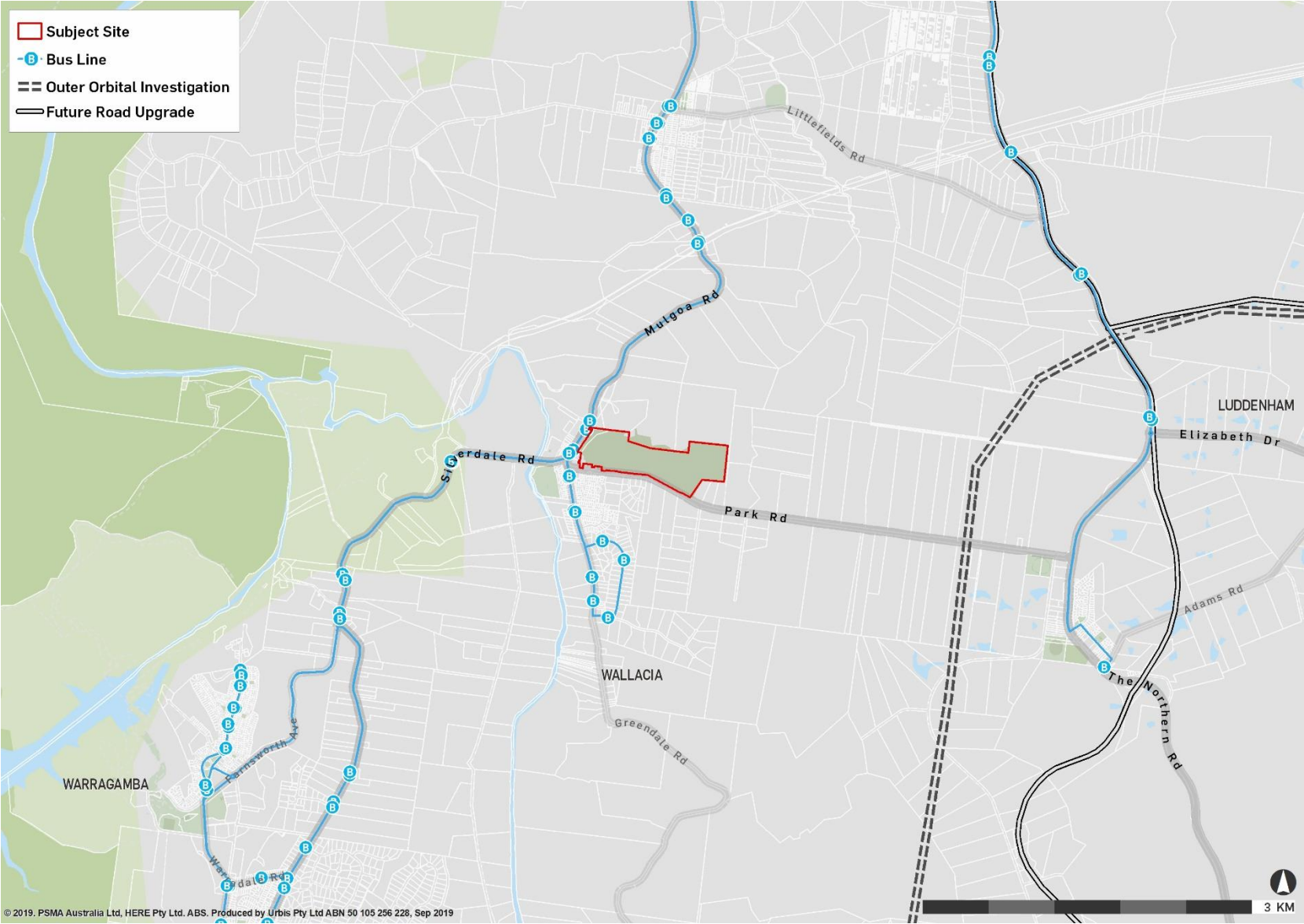
Monday to Friday	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Service Information	S								
Weir Rd opp Ninth St, Warragamba	05:34	06:37	T06:59	08:02	09:21	10:38	13:38	15:07	16:42
Weir Rd (Warragamba PS), Warragamba	05:35	06:38	07:00	08:03	09:22	10:39	13:39	15:10	16:43
Marsh Rd opp Silverdale Rural Fire Brigade, Silverdale	05:39	06:42	07:04	08:07	09:25	10:42	13:42	15:15	16:46
Davenport Dr before Kadiera Cl, Wallacia	05:49	06:52	07:16	08:18	09:35	10:52	13:52	15:55	16:56
Mulgoa Public School Mulgoa Rd, Mulgoa	05:58	07:01	07:28	08:27	09:43	11:00	14:00	16:03	17:04
Nepean District Christian School, Mulgoa				08:31					
Regentville Auto Mulgoa Rd near Spencer St, Regentville	06:05	07:08	07:39	08:38	09:50	11:07	14:07	16:11	17:12
Nepean Shores Resort Tench Av, Jamisontown	–	07:13	–	08:43	09:55	11:12	14:12	–	–
Na Hunter Oval Station St, Penrith	06:10	07:20	07:47	08:48	10:00	11:17	14:17	16:18	17:19
Penrith Station	06:16	07:27	07:56	08:57	10:09	11:26	14:26	16:27	17:28
Monday to Friday	Δ								
Weir Rd opp Ninth St, Warragamba	D17:25								
Weir Rd (Warragamba PS), Warragamba	17:26								
Mulgoa Public School Mulgoa Rd, Mulgoa	B17:35								
Regentville Auto Mulgoa Rd near Spencer St, Regentville	17:43								
Na Hunter Oval Station St, Penrith	17:50								
Penrith Station	17:58								
Saturday	Δ	Δ	Δ	Δ					
Weir Rd opp Ninth St, Warragamba	08:17	10:22	14:37	D16:37					
Weir Rd (Warragamba PS), Warragamba	08:18	10:23	14:38	16:38					
Marsh Rd opp Silverdale Rural Fire Brigade, Silverdale	08:22	10:27	14:42	–					
Davenport Dr before Kadiera Cl, Wallacia	08:31	10:36	14:51	–					
Mulgoa Public School Mulgoa Rd, Mulgoa	08:39	10:44	14:59	B16:48					
Regentville Auto Mulgoa Rd near Spencer St, Regentville	08:47	10:52	15:07	16:55					
Nepean Shores Resort Tench Av, Jamisontown	08:52	10:57	15:12	–					
Na Hunter Oval Station St, Penrith	08:56	11:01	15:16	17:02					
Penrith Station	09:04	11:09	15:24	17:10					
Sunday & Public Holidays	Δ	Δ	Δ	Δ					
Weir Rd opp Ninth St, Warragamba	–	10:43	–	D17:03					
Weir Rd (Warragamba PS), Warragamba	–	10:44	–	17:04					
Marsh Rd opp Silverdale Rural Fire Brigade, Silverdale	–	10:47	–	–					
Davenport Dr before Kadiera Cl, Wallacia	–	10:57	–	–					
Mulgoa Public School Mulgoa Rd, Mulgoa	–	11:04	–	B17:16					
Penrith Station	09:10	–	14:10	–					
Station St at Jamison Rd, Penrith	09:14	–	14:14	–					
Nepean Shores Resort Tench Av, Jamisontown	09:17	–	14:17	–					
Regentville Auto Mulgoa Rd near Spencer St, Regentville	L09:23	–	L14:23	–					
Regentville Auto Mulgoa Rd near Spencer St, Regentville	09:24	11:11	14:24	17:23					
Nepean Shores Resort Tench Av, Jamisontown	–	11:15	–	–					
Na Hunter Oval Station St, Penrith	09:29	11:19	14:29	17:31					
Penrith Station	09:37	11:28	14:37	17:39					

Picture 8 – 795 – Warragamba to Penrith

Monday to Friday									
Service Information									
Adams Rd at The Northern Rd, Luddenham	07:28	16:26							
The Northern Rd near Elizabeth Dr, Luddenham	07:32	16:29							
2051 The Northern Rd, Glennmore Park	07:41	16:37							
Bringelly Rd after The Northern Rd, Kingswood	07:46	16:42							
Kingswood High School, Bringelly Rd, Kingswood	07:52	–							
Parker St at Derby St, Penrith	07:54	16:48							
Penrith Station	08:02	16:56							

Picture 10 – Luddenham to Penrith

Figure 8 – Existing and Planned Transport Infrastructure



Source: Urbis

4. DEMAND FOR BURIAL SPACE AND DEVELOPMENT BACKGROUND

4.1. DEMAND FOR BURIAL SPACE IN WESTERN SYDNEY

The critical shortage of burial space across Sydney is widely acknowledged. The Metropolitan Sydney Cemetery Capacity Report, released by Cemeteries and Crematoria NSW (CCNSW) in November 2017, identifies the probable exhaustion of burial space in Metropolitan Sydney by 2051, if not before.

Within the Blue Mountains, Liverpool and Penrith Local Government Areas combined, the '65+ year' age group population is expected to grow by 62,750 people from 2016 to 2036, at an average annual growth rate between 2.7% and 5.0% (Urbis 2017).

The number of deaths each year is expected to be higher than historic levels and this will result in a higher level of demand for cemetery space than historically experienced. Within this area, it is projected there will be some 45,000 deaths over the period 2017 to 2032. By projecting the remaining unused burial sites in the Catchment Area beyond 2017, it is estimated that if no further burial sites become available, capacity will be reached at 2048 (Urbis 2017).

The provision of burial space is an important responsibility as our communities grow. Full body burials are a requirement and/or preference for a number of faiths and cultural groups. The evolving cultural identity of Sydney and the Penrith LGA will require forward planning and adequate land supplies to ensure that these practices can be catered for.

In response to the regional and local demand for burial space across Sydney, a review of all draft Local Strategic Planning Statements (LSPSs) which relate to Western Sydney, inclusive of Sydney's north west and south west fringes has been undertaken, inclusive of the following:

- Northern Beaches
- Ku-ring-gai
- Hornsby
- The Hills Shire
- Blacktown
- Penrith
- Blue Mountains
- Fairfield
- Liverpool
- Campbelltown
- Sutherland
- Camden
- Wollondilly

Except for the Blacktown and The Hills Shire LSPS, all other Councils fail to identify any short term or ongoing actions within their draft LSPS relating to planning for additional cemetery infrastructure, which is inconsistent directions to plan for this infrastructure at regional and district strategic planning levels. All of the above LGAs are located along Sydney's urban fringe and contain important peri urban areas with land likely suitable for new cemeteries given the availability of larger land holdings and the proximity of these areas to urban centres and new communities.

Given the known demand for burial space across Sydney, Councils have a responsibility to plan for additional burial land and to ensure that appropriately zoned land is available to streamline the planning process for critical cemetery infrastructure, as per the directions under the Greater Sydney Region Plan - A Metropolis of Three Cities.

As the Wallacia site is zoned to allow for cemeteries, it is an entirely reasonable planning response for this DA to be lodged and considered having regard to largely design issues previously raised by the IPC. This however must take place equally and in the full knowledge that the site can make a positive contribution to addressing the well documented lack on long term supply of interment space.

4.2. CEMETERIES AND CREMATORIA NSW – STRATEGIC PLAN 2015-2020

The Cemeteries and Crematoria Strategic Plan 2015-2020 (Strategic Plan) was prepared by Cemeteries and Crematoria NSW to outline the priorities and implementation of the new regulatory framework for the Interment industry.

The Strategic Plan sets out four goals which are supported by 12 strategies. The key goals and strategies relevant to this application are:

- **Respect** - All people in NSW have access to a range of interment services that preserve dignity and respect and support cultural diversity
 - Strategy - Promote best practice service provision to ensure dignity and respect
- **Land Availability** - Sufficient and suitable land is available to meet future demand for interment services
 - Strategy - Ensure that cemeteries and crematoria are considered during land use planning
 - Strategy - Facilitate new cemetery proposals that deliver strategic additional capacity

The relevant actions under these directions are addressed in **Table 3** below.

Table 3 – Cemeteries and Crematoria Strategic Plan 2015-2020 - Responses

Priority Area/ Strategy	Response
Respect - All people in NSW have access to a range of interment services that preserve dignity and respect and support cultural diversity	
Strategy - Promote best practice service provision to ensure dignity and respect	<p>The proposed Nepean Gardens is a multi-denominational cemetery facility. The proposed design is a memorial park where a range of burial and ash interment options are available based on religious, ethical and cultural preferences and practices.</p> <p>The proposed chapel is multi-denominational facility for services associated with the site and can be adapted to suit the needs of individual services.</p>
Affordability and Sustainability - All people in NSW have access to affordable and sustainable interment options	
Strategy - Promote preservation of the built and natural environment and provision for perpetual care	<p>The portion of the site designated for the Nepean Gardens has been designed as a memorial park where burial areas and memorialisation are visually subordinate to the open character of the site and surrounding area.</p> <p>The design respects the land, its landform and ecology and is designed around existing trees and minimises visual impact throughout while providing privacy to mourners.</p> <p>Nepean Gardens has minimal impact on the existing environment of the site, especially the topography and the Cumberland Plain Woodland found across the site.</p>
Land Availability - Sufficient and suitable land is available to meet future demand for interment services	
Strategy - Ensure that cemeteries and crematoria are considered during land use planning	The proposed cemetery is in line with the Greater Sydney Region and Western City District Plans.

Priority Area/ Strategy	Response
Strategy - Facilitate new cemetery proposals that deliver strategic additional capacity	In the surrounding catchment area, it is projected that existing supply will be exhausted by 2048 if no further burial sites become available. The proposed cemetery will deliver an additional 27,000 burial spaces over the next 50 years and will help to alleviate demand issues.

4.3. METROPOLITAN SYDNEY CEMETERY CAPACITY REPORT (2016-2017)

The Metropolitan Sydney Cemetery Capacity Report (2016-2017) (Capacity Report) was prepared by Cemeteries and Crematoria NSW and analyses the remaining cemetery capacity in the Sydney metropolitan area. The site is located within the Metro Sydney – West precinct.

The analysis identifies that if current cremation and ‘grave occupancy’ rates continue, burial space in Sydney cemeteries will be exhausted around 2051, with likelihood of unavailability of burial plots where no pre-purchase was undertaken from ten or more years before that time.

The Capacity Report examines eight (8) different scenarios for future capacity. Under the different scenarios the West precinct capacity will be exhausted by 2041 at the earliest and 2056 at the latest. It is also noted that with the effect of pre-sales, the availability of ‘at-need’ grave plots will be unavailable well in advance of these dates.

The proposed cemetery will contribute towards an alleviation of the shortage of burial plots and will assist with extending the cemetery capacity of the West precinct by several years.

4.4. DEVELOPMENT APPLICATION – DA17/1092

A Crown Development Application was lodged by the Catholic Metropolitan Cemeteries Trust (CMCT) on 3 November 2017 for the redevelopment of the 18-hole Wallacia golf course into a memorial park with space for 88,000 burial plots and associated facilities. It should be noted that the DA was submitted as a Crown DA as CMCT is a crown cemetery operator under the *Cemeteries and Crematoria Act 2013*. The proposal included:

A Cemetery for 88,000 burial plots and chapel, crematorium, function centre, administration building, internal roads, car parking, landscaping, services and stormwater works.

The proposal was to occur over three stages with a capacity of 88,000 burial plots that would provide up to 140 years of burial capacity.

This application was considered by the Independent Planning Commission (IPC) and directed the refusal of the DA on 12 July 2019 by the Western City Planning Panel.

The design and scope of the proposal has been reduced and adapted in response to the issues and concerns raised during the assessment process.

A Class 1 appeal of the refusal of DA17/1092 has been commenced. The proceedings number is NSWLEC 2019/364850. That matter is set down for first directions hearing on 18 December 2019.

Key changes are discussed below in **Section 5.2**.

4.5. PREVIOUS APPROVALS

The Wallacia Golf Course and Country Club was founded in 1932. Since that time the country club building has taken various forms. Based on historical photographs the current club house appears to have been built sometime prior to 1988.

A search conducted under the *Government Information (Public Access) Act 2009* (GIPA Act) of the site revealed the following available approvals:

Table 4 – Previous Approvals and Consents

Approval Type	Reference No.	Approval Date	Description
Development Application	DA 379-87	3/5/1988	Extensions to the existing club house in accordance with plans number 1-5 submitted to Council on 6 th April 1988
Building Permit	17457	10/11/1988	For the erection of a offices (not in class 6-9). / Club to 3 for the value of \$400,000.
Development Application	DA 970005	10/2/1997	Machinery shed in accordance with plans submitted to Council on 6 January 1997
Section 68 Approval	BLD 970014	10/2/1997	Construction of/to – farm shed-enclosed no floor for the value of \$30,000
Development Application	DA 992949	27/10/1999	Telecommunications facility
Development Application	DA03/3129	13/1/2004	Telecommunications facility
Development Application	DA03/1128	16/12/2003	Improvements to Wallacia Golf Course
Construction Certificate	DA03/1128 s96(1) Mod	4/12/2006	Improvements to Wallacia Golf Course
Development Application	DA12/1129	14/2/2013	Authorisation of fill material for golf tee and golf ball landing pad

5. PROPOSED DEVELOPMENT

5.1. SUMMARY

As shown in **Figure 9**, the DA seeks approval for the following specific uses and works for the site:

- Nepean Gardens:
 - Use and operation of a portion of the site for a 'cemetery' for 27,000 burial plots and associated publicly accessible parklands and recreation areas to operate Nepean Gardens;
 - A new chapel building with ancillary refrigerated holding room and a new single-storey administration building;
 - Provision of a new internal road within Nepean Gardens accessible from Park Road;
 - Landscaping the entire Nepean Gardens site with associated planting strategy and provision of new ponds and wetland/ detention basin;
 - Burial areas and memorialisation guides; and
 - Provision of on-site formal car parking for up to fifty (50) cars and provision of kerbside shoulder carparking throughout the internal road network.
- Wallacia Golf Course:
 - Reconfigured 9-hole golf course; and
 - Practice putting green and community putting course.
- Wallacia Country Club:
 - Alterations and additions to the existing Wallacia Country Club building to include:
 - Golf pro-store;
 - Expanded gaming facilities, kitchen and dining area;
 - Function rooms; and
 - Additional parking area.
 - Synthetic bowling green; and
 - New swimming pool and gym complex.
- Tree removal associated with new golf course and Nepean Gardens;
- Stormwater infrastructure and other site services; and
- Subdivision of Lot 2 in DP 1108408 into two allotments.

An existing maintenance building, and telecommunications tower are located on the site and will remain unchanged as part of this proposal.

Figure 9 - Masterplan



Source: Florence Jaquet Landscape Architect – Landscape Masterplan

5.2. SUMMARY OF KEY CHANGES – CURRENT PROPOSAL VS DA17/1092

The current proposal has been significantly changed in response to the IPC refusal of DA7/1092. **Table 5** below contains a summary of the key changes in the proposed scheme. **Figure 10** shows a comparison between the current proposal and DA17/1092 masterplans.

Table 5 – Summary of Key Changes

DA 17/1092 ECM Wallacia Memorial Park (2017)	Current DA Nepean Gardens (2019)	Differences between DAs
Lodged as a Crown development application as CMCT is a crown cemetery operator under the Cemeteries and Crematoria Act 2013	Lodged as a local development application by CCB.	As the applicant is not a crown cemetery operator under the Cemeteries and Crematoria Act 2013 the application will not be lodged as a Crown DA.
Memorial Park's size is 44.4ha	Memorial Park size: 21.38 ha	Memorial Park has been considerably reduced in size to 21.38 Ha (representing less than half of the proposal's surface area or a 52% reduction).
Memorial Park offers 88,000 burial plots	Memorial Park offers 27,000 plots.	Reduction in Memorial Park by 61,000 burial plots. (i.e. a 69% reduction)
Memorial Park abuts the Village	Memorial Park is located 800m away from Village centre, at the most eastern end of the site.	The Memorial Park is now positioned 800m from the Village centre with resultant limited impact on the character of the village.
Memorial Park Administration building	Position and design unchanged	No difference
Memorial Park Chapel	Position unchanged. Design unchanged Layout reversed so Chapel faces the Blue Mountains Road leading to the Chapel basement has been relocated to respond to the "reversed" layout	No difference
Dead end court accessing the most easterly burial room straddles the existing (validated) ephemeral watercourse	The dead-end court has been shortened to limit its impact onto the riparian zone. Access to the burial room is via a footpath only.	Reduced impact on the riparian zone.
Retention of most fairway defining tree plantings to respond to historic layer provided by the existing the Golf Course	Unchanged Still retained in the Memorial Park precinct	Trees to be retained.

DA 17/1092 ECM Wallacia Memorial Park (2017)	Current DA Nepean Gardens (2019)	Differences between DAs
Some taller monuments located along Park Rd frontage but screened with planting	All taller monuments moved away from view	No taller monuments along Park Rd frontage
Public footpath (part of the Open Space provision) meanders throughout the site.	Due to community concerns about the perceived clash between mourners and the public, the public path has been separated and is largely out of burial areas.	Separation of public and memorial park pathways.
Limited screening internally to screen monuments. Screen provided either on one side of the road or the other.	Introduced the concept of burial rooms where burial zones with headstones are screened, providing partial views into the rooms. This also provides better separation between the public path and the memorial spaces (refer above point)	Redesign allows for burial zones which improve visual impacts.
15m landscape buffer all around the site as per LEP requirements	Unchanged	Landscape buffer around the site.
Burial zones located away from watercourses and drainage line (In line with Penrith CC's supplied guidelines "Cemeteries, Burials and the Water Environment" UK -2016)	Following the same guidelines	Burial zones are located away from watercourse and drainage.
All dams retained	The smaller dam in the north east corner (against the eastern boundary) has been relocated within the natural valley and closer to the large existing dam as part of an improved ecological solution.	Improvement of dam location and better connectivity to watercourses throughout the site.
A 13-hole Golf Course is available for 50+ years A 9-hole Golf Course for a further 15 years pending ultimate removal of the golf course use	A boutique 9-hole Golf Course designed and constructed to international standard.	Permanent retention of a golf course facility. Improved active recreation offering international standard golf course with supporting refurbished Country Club and putting tee.
A renovated Golf Club facility which acts as a function room for Funeral wakes	Wallacia Country Club: Refurbishment of the existing golf club to allow for new passive and active recreation areas. Offering a wider range of recreational activities for all ages (Hydrotherapy, swim school, bowling green,	Refurbished and improved Country Club to be owned and operated by the St John Bowling Club providing a range of active and passive recreational activities for the wide Wallacia and Mulgoa communities.

DA 17/1092 ECM Wallacia Memorial Park (2017)	Current DA Nepean Gardens (2019)	Differences between DAs
	<p>gymnasium, function rooms, gaming areas, lounge, dining and bar areas.</p> <p>New pro golf shop and cart store areas.</p>	
<p>A cemetery staff workshop within the existing Golf Course workshop.</p> <p>Both building and entry point retained as is.</p>	<p>A shared cemetery /Golf staff workshop within the existing Golf Course workshop.</p> <p>Both building and entry point retained as is.</p>	<p>Shared maintenance and upkeep of the golf course and memorial park to ensure better utilisation of the workshop and maintenance equipment.</p>
<p>No subdivision</p>	<p>Subdivision of Lot 2 in DP 1108408 into two allotments</p>	<p>Enables the leasing of the Golf Course Lot to St Johns Park Bowling Club.</p>

Figure 10 – Masterplan Comparison



Picture 11 – Current Proposal



Picture 12 – DA17/1092 – Refused Scheme

Source: Florence Jaquet Landscape Architect

5.3. NEPEAN GARDENS

Nepean Garden aims to provide the community with a cemetery that blends into its surrounding, respects the character of the locality and pays respect to its current use and to the original custodians of the land, the Dharug people.

Cemetery uses and community expectations are changing and the concept for Nepean Gardens is based on the belief that a cemetery can be a park, a sanctuary and open space for all to enjoy. Resulting in a landscaped cemetery that is nestled into the spaces already created by the existing Golf Course's planting framework, protected from external views and enjoying the long views onto the iconic Blue Mountains.

As illustrated in **Figure 11**, the proposed Nepean Gardens proposes the following specific uses and works for the site:

- Use and operation of a portion of the site for a 'cemetery' for 27,000 burial plots and associated publicly accessible parklands and recreation areas and parklands;
- The cemetery is anticipated to have a life span of approximately 100 years;
- A new chapel building with ancillary refrigerated holding room and a new single-storey administration building;
- Provision of a new internal road within Nepean Gardens accessible from Park Road;
- Landscaping the entire Nepean Gardens site with associated planting strategy and provision of new ponds and wetland/ detention basin;
- Provision of a new electrical substation;
- Burial areas and memorialisation guides; and
- Provision of on-site formal car parking for up to fifty (50) cars and provision of kerbside shoulder carparking throughout the internal road network.

Figure 11 – Nepean Gardens Masterplan



Source: Florence Jaquet Landscape Architect – Nepean Gardens Landscape Masterplan

5.3.1. New Built Form

This DA seeks consent for the construction of three (3) new buildings within the Nepean Gardens site, the Chapel building and Administration building. The proposed buildings are detailed in the Architectural Plans – Nepean Gardens prepared by Ignite Architects at **Appendix B**.

Through highly considered siting, design and materials selections, the buildings achieve a seamless integration with the natural qualities of the landscape.

The proposed building characteristics include:

- Single storey Administration building:
 - Reception;
 - Managers office
 - Interview rooms;
 - Staff office;
 - Kitchen area;
 - Storage;
 - Staff toilets;
 - Public toilets; and
 - Services and mechanical plant rooms.
- The Chapel:
 - Ground floor:
 - Arrival area and entry pavilion with small turning circle for drop-off and pick-up of visitors;
 - Atria/ cloister;
 - Amenities;
 - Chapel nave with pedestal and alter;
 - Chapel has seating for 75-100 people.
 - Sculpture garden;
 - Tree of life;
 - Condensers store area; and
 - Internal garden spaces.
 - Basement level:
 - Office/ wardrobe;
 - Bathroom;
 - Storage areas;
 - Parking bay and loading dock; and
 - Refrigerated holding area with Catafalque.

The Administration building (**Picture 12**) is the first visible building from Park Rd and it is a destination on its own, usually for enquiries and pre-internment arrangements.

The Chapel (**Picture 11**) is to be a congregational place to facilitate remembrance and ritual of passing. A place for multid denominational and interfaith gatherings to pay respect to a loved one as they transition to the afterlife. The proposed building is a contemporary design and proposes state-of-the-art funerary chapel and associated facilities.

The Chapel is located near the peak of the crest to take advantage of the iconic views towards the Blue Mountains. The elevation responds to the religious function and the aspiration of faithful mourners to be close to their god. It will only be visible after the first bend in the internal road from the front gate and mourners will be logically drawn towards it.

Figure 12 – Views of Proposed Buildings



Picture 13 – Proposed Chapel Building



Picture 14 – Proposed Administration Building

Source: Ignite – Architectural Plans – Nepean Gardens

5.3.2. Landscape Design and Planting

The proposed landscape design for Nepean Gardens has been prepared by Narelle Sonter Botanica at **Appendix L**. The Landscape Plans detail the location of burial areas, significant landscape features, new built form, public art, site access, roads and other supporting infrastructure. The Landscape Plans have been informed by all technical reports which accompany this DA and are consistent with the Landscape Masterplan contained in **Appendix K** prepared by Florence Jaquet Landscape Architect. A Landscape Design Response has been prepared by Florence Jaquet Landscape Architect at **Appendix L** that explores the design process and concept for Nepean Gardens.

The site has been designed to respect the existing landforms and has been carefully laid out to protect the existing trees. The scheme will retain Cumberland Plain Woodland and River Flat Eucalypt Forest wherever possible.

5.3.3. Burial Areas and Memorialisation

The proposed design reflects the need to accommodate approximately 27,000 full body burial plots in addition to space for ash internments. The design is a highly considered landscaped response to the planning and design of burial areas across the site and the need for minimal impacts upon views lines from the public domain.

A key objective of Nepean Gardens has been to design a memorial park where burial areas and memorialisation are visually subordinate to the open space character of the site and surrounding area. Burial areas are also to be screened from internal and external roads to provide privacy to mourners and minimise the visual impact throughout.

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

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

- Nepean Gardens Landscape Masterplan (**Appendix K**);
- Nepean Gardens Detailed Landscape Plans (**Appendix L**); and
- Nepean Gardens Landscape Design Response (**Appendix L**).

The burial areas have been laid out to minimise visual impact from the public domain. With more prominent burial types being located out of the direct line of sight of Park Road. Vegetation is used as screening between areas and from internal and external roads. There is a 15m wide 'burial free' landscape buffer along all boundaries in accordance with the PLEP requirements.

Ash Internment

Dedicated spaces for ash internments are provided throughout Nepean Gardens. The site will cater for the increasing proportion of cremations by providing substantial space for the interment of cremated remains.

Guidelines for ash internments are as follows:

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

Ash internments are not included in the total number of burial spots and the site has a significant capacity, with an expected internment capacity lasting over 100 years

Lawn Burial Types

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

concrete beams in segregated areas across the site. The number of burials for each type will be generally allocated across the site as follows:

- Plaques on beams (type 1) – 15,000 plots;
- Low headstones (types 2) – 8,000 plots; and
- High headstones or full monumental (type 3) – 4,000 plots.

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

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

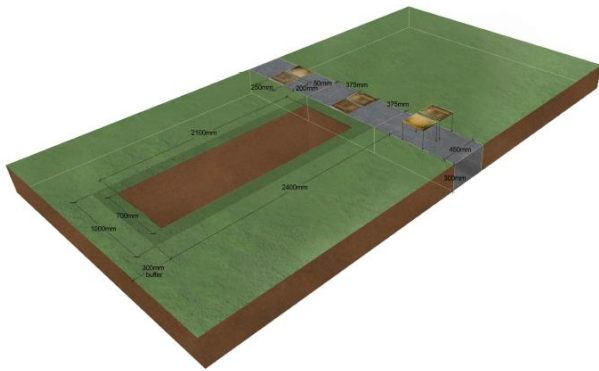
The above principles will ensure memorialisation has minimum visual impact on the landscape. These principles are further detailed within the Landscape Design Response (**Appendix L**). **Figure 13** below highlights lawn burial areas in green, pink and blue. **Figure 14** illustrates the typical lawn burial types.

Figure 13 – Burial Extent and Types

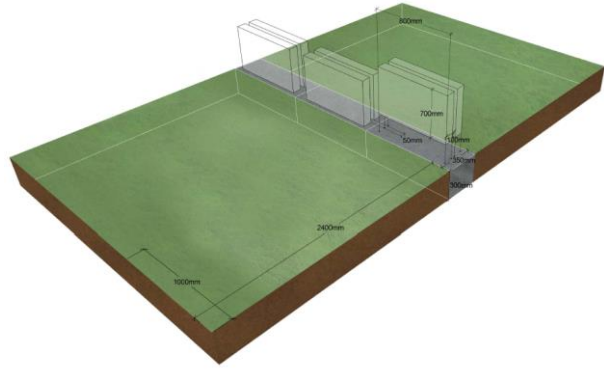


Source: Florence Jaquet Landscape Architect – Nepean Gardens Landscape Masterplan

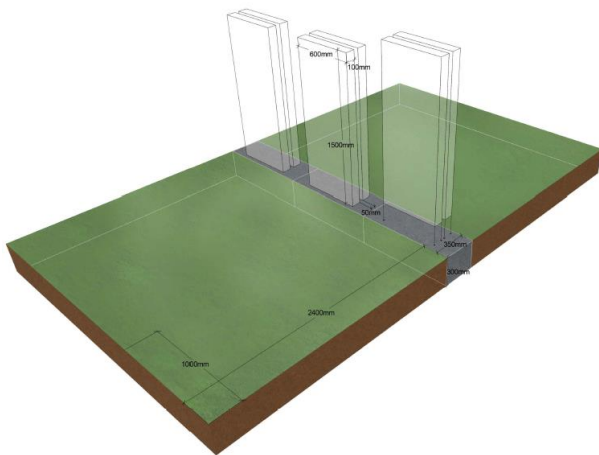
Figure 14 – Proposed Burial Types



Picture 15 – Typical Lawn Burial with Plaques on Concrete Beams



Picture 16 – Typical Lawn with Low Headstone (450mm max height) on Concrete Beams



Picture 17 – Typical High Headstone or full monumental (1,500mm max height) on Concrete Beams

Source: Florence Jaquet Landscape Architect – Nepean Gardens Landscape Masterplan

5.3.4. Internal Access

Consent is sought for all internal roads and footpaths as indicated on the Nepean Gardens Masterplan (**Figure 11**). The road alignment has been developed to propose ease of access between buildings and to burial areas. The roads and footpaths have been designed to follow the topography of the land, minimise cut and fill and minimise clearing of trees where possible. The internal roads have been designed in accordance with the Planning for Bushfire Protection specifications.

The primary internal roads will measure 8m in width, between kerbs, allowing two-way access and parallel parking on both sides of the road. The primary and secondary roads will be made of a different material to provide differentiation. All secondary roads have a threshold treatment at its junction with the main road to highlight the hierarchy difference and assist in way finding.

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

Proposed and existing site access points allow for two-way entry and exit in a forward direction. The new site access entrance at Nepean Gardens is considered to provide sufficient Safe Intersection Sight Distance, between Park Road and the internal roads.

Approximately 2km of walking paths are proposed. Paths are either:

- *Disability Discrimination Act 1992* (DDA) compliant: near and in between buildings. Materials will be either concrete or asphalt.
- DDA - non compliant:

- Wheelchair accessible through most of the Public Open Space areas and to the entrance of each burial areas.
- Materials will be either concrete, asphalt, timber or matting.
- Mulched in the memorial forests and buffer zones.

Footpaths become boardwalks where a crossing is required over water courses and drainage lines. The boardwalks are timber with non-slip property, on steel frame structure for ease of maintenance and durability.

Refer to the Landscape Report – Nepean Gardens (**Appendix K**) and Traffic Impact Assessment (**Appendix DD**) for additional information.

5.3.5. Parking

Nepean Gardens includes fifty (50) formal on-site car parking spaces which are co-located with the buildings with kerb-side parking throughout the internal road network. Two-way roads are proposed to provide parallel parking on both sides and one-way roads to provide parallel parking on one side. The kerb-side parking will generally use reinforced grassed surface treatments to minimise hard impervious surfaces and visual impact.

No verge parking is proposed near the Cumberland Plain Woodland area to minimise the cut and fill and ultimately minimise impact on the protected vegetation. No parking is proposed on the minor access road to the rear of the Chapel.

There will also be six (6) car parking spaces for staff at the shared workshop building located within the Golf Course lot.

5.3.6. Fencing and Gates

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

5.3.7. Stormwater Drainage System

A Water Sensitive Urban Design Strategy (WSUD) and Stormwater Management Plan (SWMP) has been prepared by Stormy Water Solutions (**Appendix Q**) for Nepean Gardens which addresses flood storage and drainage requirements.

The stormwater drainage system proposed for Nepean Gardens represents a development strategy covering all requirements of best practice floodplain and catchment management. In addition, the WSUD strategy and SWMP meets all the requirements of the Penrith Development Control Plan 2014, Part C3 Water Management document.

The intention of the SWMP is to provide flood flow retardation storage by constructing a naturalistic “wetland” and “pond” systems in the base of retarding basins. These basins will act as on-site detentions to manage post development flow rates and will provide the additional flood storage on site to compensate for the increase in impervious areas within the development catchment.

Proposed works across the site will work to rehabilitate existing riparian corridors and ensure that width, buffers to development, quality of landscape and diversity of vegetation to support principles of ecological sustainability.

5.3.8. Proposed Hours of Operation

The proposed operation hours of the Chapel and Administration buildings are as follows:

- Chapel: seven (7) days - 8:00am to 6:00pm
- Administration building: seven (7) days – 6:00am to 6:00pm

The site and all that is offers will be maintained and opened to the public for perpetuity. Whilst the stated operating hours of the cemetery are stated above the cemetery grounds will be accessible to pedestrians 24 hours.

5.4. WALLACIA COUNTRY CLUB AND GOLF COURSE

Wallacia Country Club and Golf Course are independent from the Nepean Gardens development. They will be operated by St Johns Park Bowling Club and the golf course will be retained for the life of the development in the reconfigured 9-hole course form. The swimming pool and gym will be operated as a community facility that is open to all members of the public. That is there will be no requirement for membership of Wallacia Country Club to access the pool and gym facilities.

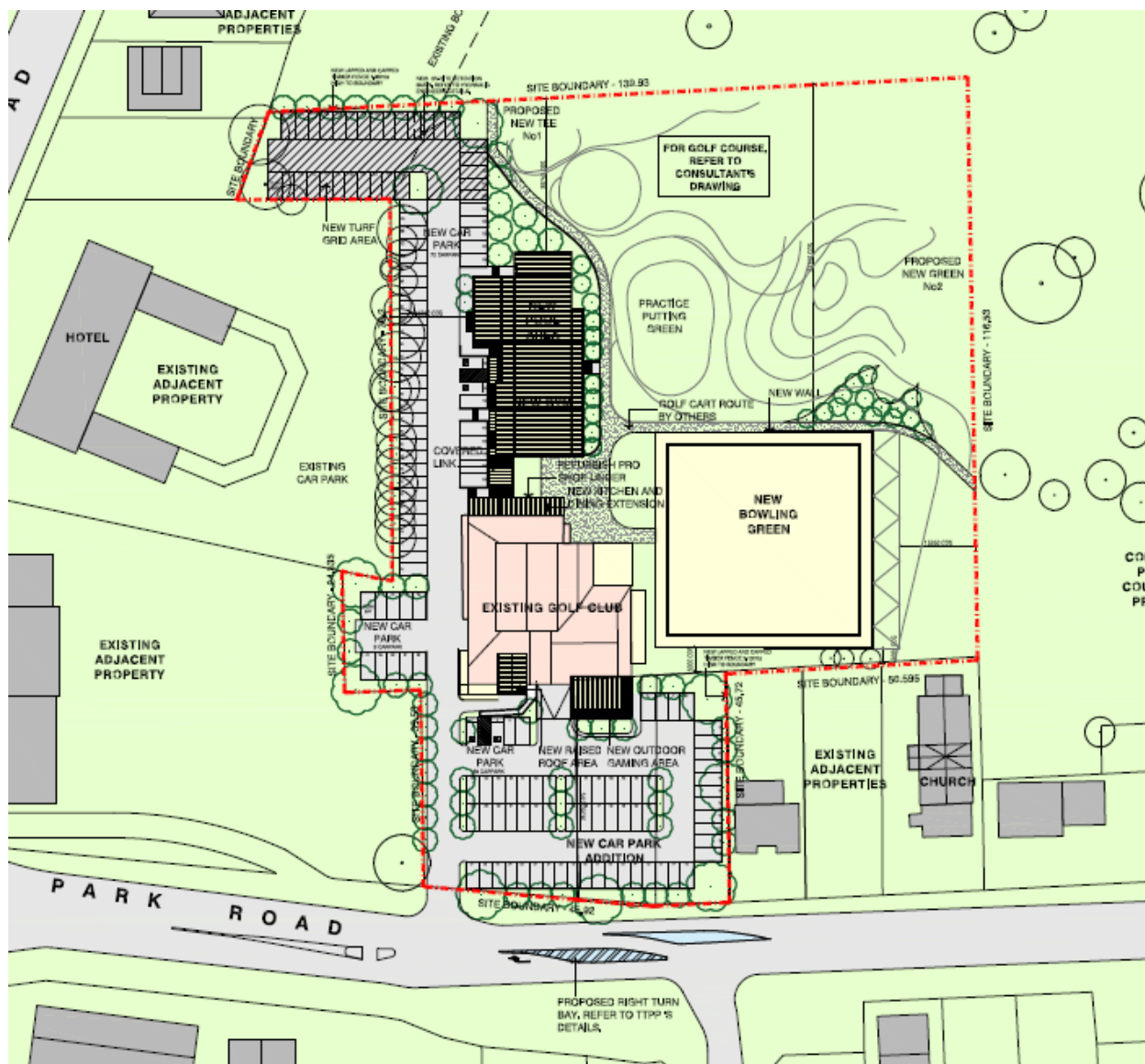
5.4.1. New and Existing Built Form

The DA seeks alterations and additions to the existing Wallacia Country Club building which involves expansion and renovation of the existing club building and a new building containing the pool and gym. The proposed works are detailed in the Architectural Plans – Wallacia Country Club prepared by Axil Architects at **Appendix C**. The following building works are proposed:

- Internal and external alterations and additions to the existing Country Club building including:
 - The lower ground floor includes:
 - Upgraded and reconfigured golf pro-store, kitchen and bar back of house areas, bathrooms and Junior's room;
 - New function room space with bar and covered link to pool and gym building;
 - Additional terrace area and storerooms; and
 - Removal of change rooms and stairwell
 - The ground floor includes:
 - Upgrades and reconfigured dining area, bathrooms, gaming machines area and kitchen;
 - Additional deck, outdoor gaming area, kitchen and dining area;
 - New ramp and planter to entrance; and
 - Removal of stage and TAB area.
- New swimming pool and gym building complex with separate entrances:
- The pool area includes:
 - Indoor swimming pool with pool hoist;
 - Pool deck;
 - Administration area;
 - Managers office;
 - Male and female bathroom;
 - Accessible bathroom;
 - Storeroom; and
 - Entrance to and from golf course pathway.
- Gym area includes:
 - Male and female locker rooms, toilets and accessible bathrooms;
 - Entry foyer with reception desk; and
 - Gym area.
- New synthetic bowling green.

The swimming pool will primarily be a learn-to-swim centre aimed at classes for pre-school and primary school children, seniors exercise classes with general recreational swimming for all members and visitors. The Gym is modest in scale and will provide a complementary sporting activity to the adjoining new bowling green, new swim centre and golf course.

Figure 15 – Proposed Wallacia Country Club Layout



Source: Axil Architects – Architectural Plans – Wallacia Country Club

The proposed Wallacia Golf Course will be reconfigured from its current 18-hole layout to boutique 9-hole design (**Figure 16**). The reconfiguration reflects the proposed subdivision of the Site discussed in **Section 5.7**.

The course has been designed to use the existing cleared corridors of the existing holes as much as possible in order to cause the least amount of disturbance to the existing landscape and avoid the removal of large trees. The existing corridors offered a good opportunity for first-class golf holes, adjustments were made to improve the golfing aspects of some of the holes and to improve the safe interaction between holes for golfers.

The following works are proposed to realise the proposed 9-hole course design:

- Minor cut and fill earthworks to all tees and holes;
- Introduction of a pond to the right of the proposed 5th hole green to improve safety and to ensure that the flood storage and flood passage in the riparian zone are not adversely affected;
- Removal of 465 trees to enable the relocation of some holes; and
- Revegetation and replacement planting throughout the riparian zone and long rough areas.

Figure 16 – Wallacia Golf Course Proposed Layout



Source: Harrison Golf – Golf Course Plans

The reconfigured golf course will result in an improved course of an international standard. There has been a growing trend for 9-hole golf courses that has aligned with the reduction of members at golf clubs and patrons generally spending less time playing golf. The reconfigured golf course will rejuvenate the existing course and create a high-quality round that can be completed in a shorter amount of time.

The reconfiguration is needed to ensure the sustainable and functional future of the golf club, which has been facing a declining membership and usage in recent years. The proposed course adjustments were made to improve the golfing aspects of the course and to improve the safe interaction between holes for golfers. The course has been designed to be worthwhile and interesting for members and visitors.

The course has been designed to reduce the costly and environmental-difficult expanses of turfgrass to a minimum. The contrast between manicured turf and the surrounding landscape is part of the appeal of every hole, as well as being good for the environment.

5.4.3. Earthworks

The proposed earthworks have been designed to minimise the disturbance to existing landscape elements. Most of the earthworks are cosmetic in nature, and none could be considered as 'bulk'.

The aim of the cut and fill works is to produce a natural, rolling shape to fit with the existing shape of the ground. Where possible the cut and fill operations have been balanced over localised areas to avoid having to transport material over large distances within the site.

The proposed cut and fill plans for the golf course can be found within the Golf Course Plans at **Appendix D**.

5.4.4. Landscape Design and Planting

Substantial planting is proposed wherever feasible in the 40m riparian zone that will still maintain a playable golf course. Trees, shrubs, grasses and edges are proposed within the creek itself. The proposed planting within the riparian zones and proposed revegetation and tree plantings elsewhere on the golf course are

shown on the Golf Course Plans at **Appendix D** and the detail Landscape Plans – Wallacia Golf Course by Narelle Sonter Botanica at **Appendix N**.

5.4.5. Parking

Parking for the Country Club and Golf course will be contained within the same parking area. It is proposed to provide a total of 127 car parking spaces with two (2) accessible spaces this is an increase of sixty-six (66) spaces. There will be six (6) staff car parking spaces for the workshop building.

The number of parking spaces required throughout the day is expected to fluctuate greatly with peak times between 6pm and 10pm.

A new loading dock area is proposed to facilitate a vehicle up to and including an 8.8m long medium rigid vehicle. All service vehicles will be able to enter and exit the site in a forward direction.

5.4.6. Proposed Hours of Operation

The proposed hours of operation are as follows:

Table 6 – Wallacia Country Club Proposed Hours of Operation

Use	Proposed Hours
Pool and Gym (approximate hours)	Monday to Sunday: 6:30am - 9pm
Wallacia Country Club	<p>Monday: 10am – 10pm</p> <p>Tuesday: 10am - 9pm</p> <p>Wednesday: 10am – 10pm</p> <p>Thursday: 10am – 10pm</p> <p>Friday: 10am – 12 am</p> <p>Saturday: 9am – 12am</p> <p>Sunday: 10am – 9pm</p>
Golf Course	Sunrise to sunset seven (7) days a week, consistent with current operations.

5.5. SITE ACCESS

Vehicle access to the site will generally be maintained as per existing conditions and are detailed as follows:

- **Entrance A** will be provided off Park Road and provide access to the Nepean Gardens internal road network and car parking facilities provided outside the administration building and the new chapel and crematorium
- **Entrance B** off Park Road, which is an existing driveway, will provide access to the on-site workshop and be restricted to staff only
- **Entrance C** off Park Road, which is an existing driveway, will provide access to the refurbished club and golf club.

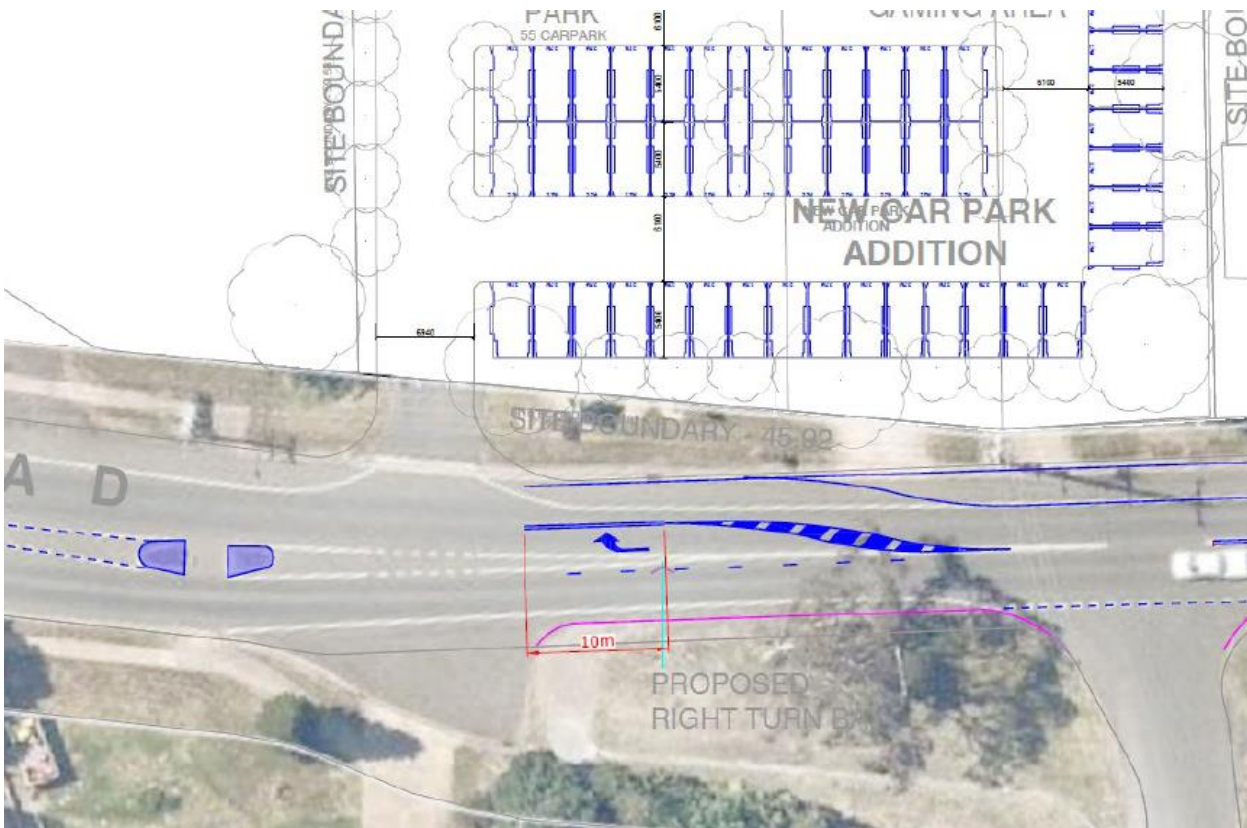
In addition to this, it is proposed to provide suitable intersection treatments at the access to/from Nepean Gardens and the refurbished club and golf club (i.e. channelized right-turn treatments (CHR)). The road will be widened to maintain traffic lanes in both direction and will be designed in accordance with Austroads Guide to Road Design Part 4A, see **Figure 17**.

Refer to the Traffic Impact Assessment prepared by The Transport Planning Partnership at **Appendix DD**.

Figure 17 – Concept Designs for Intersection treatments



Picture 18 – Nepean Gardens (Entrance A) – Concept Design of Access Road (CHR)



Picture 19 – Wallacia Country and Golf Club (Entrance C) – Concept Design of Access (CHR)

Source: TTPP – Traffic Impact Assessment

5.6. TREE REMOVAL

Across the golf course 465 trees are proposed to be removed to facilitate the redesign of the course. Many of the trees to be removed are exotic, of those most are pine trees. A Tree Assessment has been prepared by Travers Bushfire and Ecology at **Appendix II** which shows the locations of all trees to be removed.

To offset the loss of trees, revegetation and new tree plantings are proposed throughout Nepean Gardens and Wallacia Golf Course, as specified in the relevant Detailed Landscape Plans prepared by Narelle Sonter Botanica. The Vegetation Management Plan prepared by Travers Bushfire and Ecology (**Appendix MM**) specifies that the restoration works will include planting of approximately:

- 1,206 canopy trees;
- 1,854 sub-canopy trees;
- 8,570 shrubs/vines; and
- 303,100 groundcovers/sedges/rushes.

5.7. SUBDIVISION

As part of the proposed works, Lot 2 DP 1108408 into two (2) lots to reflect the proposed uses of Nepean Gardens and Wallacia Golf Course, refer to **Figure 18**. A Subdivision Plan has been prepared by Degotardi Smith & Partners at **Appendix F**. Proposed Lot 1 will be approximately 21.36ha and Lot 2 will be approximately 21.37ha.

The purpose of the subdivision is to appropriately allocate land for CCB to own and operate Nepean Gardens on proposed Lot 2, whilst enabling proposed Lot 1 to be leased by St Johns Park Bowling Club for a 9-hole international standard golf course with opportunity for the purchase of proposed Lot 2 by the Club in the future.

Figure 18 – Proposed Subdivision Plan



Source: Degotardi Smith & Partners

6. STRATEGIC PLANNING CONTEXT

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

- Greater Sydney Region Plan: A Metropolis of Three Cities;
- Western City District Plan;
- Greater Sydney Commission Review for provision of Cemeteries;
- Local Character and Place Guideline 2019
- Penrith draft Local Strategic Planning Statement and supporting reports; and
- Western Sydney Aerotropolis Plan 2019 – Draft Discussion Paper and accompanying exhibition documents

6.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan: A Metropolis of Three Cities (GSR Plan) sets the strategic directions and actions to manage the projected growth and change in Greater Sydney to 2056. The GSR Plan integrates the land use, transport and infrastructure planning framework for the five districts that make up Greater Sydney.

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

- **Direction 3** – A city for people
- **Direction 8** – A city in its landscape

The relevant actions under these directions are addressed in **Table 7** below.

Table 7 – Greater Sydney Region Plan - Responses

Direction/ Action	Response
Direction 3 – A city for people	
Objective 6 - Services and infrastructure meet communities' changing needs	<p>Cemeteries are identified under the GSR Plan as being key pieces of social infrastructure. It identified that there is a recognised shortage of burial space across Greater Sydney. This proposal is in response to the established need for additional burial space in a geographically and economically accessible location.</p> <p>The proposed cemetery and chapel are multi-denominational to reflect the diversity of cultures and backgrounds of the NSW population. Nepean Gardens will also be able to be utilised as public open space by the local community.</p> <p>The applicant's knowledge in this sector underscores that there is a strong demand for additional burial space in Western Sydney. Previous Cemetery Demand Assessments undertaken for the applicant, have confirmed that if no additional burial space was provided in the Western Sydney Catchment Area, existing plots would be fully absorbed by approximately 2042.</p> <p>The proposed golf course redesign and expanded Wallacia Country Club will provide additional social and recreational infrastructure for the changing local community. The swimming pool, bowling green, gym and golf course are passive and active recreation activities that will benefit the local community in line with changing expectations and needs for community facilities.</p>

Direction/ Action	Response
Direction 8 – A city in its landscape	
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The Site contains some remnant Cumberland Plan woodland, this will be retained and restored where possible. The riparian corridor will be restored to maximise biodiversity and protection of threatened flora and fauna species found on the site.
Objective 28: Scenic and cultural landscapes are protected	The proposed works have been designed to protect the visual and scenic landscape of the Wallacia area. The Landscape and Visual Impact Assessment at Appendix SS found that the proposed works will result in a landscape not dissimilar to the existing golf course landscape. Overall, the development will have a negligible to low visual impact on surrounding sensitive uses and viewpoints. Views to the Project are typically screened by either perimeter or on-site vegetation, intervening elevated topography, or built form along its western and south western interfaces.
Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	The Site is identified as being a metropolitan rural area, while the site is not used for agricultural or productive uses, the site is underutilised under its current use. The proposed use will not contribute to increased urbanisation of the Wallacia local area. The use of a portion of the site as a cemetery is a more productive use than the current situation and will not alter the natural environment greatly. The reduction and redesign of the golf course allows for the continuation of the golf course use to be feasible for the operator and more attractive to potential users.
Objective 31: Public open space is accessible, protected and enhanced	The current use of the site as a golf course means that the land is not publicly accessible open space. The redevelopment of a portion of the site opens part of the land for use as public open space while maintaining the recreation land of the golf course at a reduced scale.

6.2. WESTERN CITY DISTRICT PLAN

The Western City District Plan (District Plan) sets the strategic direction and actions to manage the population, dwelling and employment growth of the Western District to 2056 in line with the GSR Plan. The District Plan links the economic, social and environmental goals between the regional and local planning.

The District Plan and the GSR Plan both identify cemeteries as important pieces of social infrastructure:

Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking.

The provision of 27,000 burial plots on a portion of the site contributes greatly to meeting the significant demand for additional burial space across Greater Sydney.

The District Plan sets out four goals which are supported by 10 directions and underpinned by 22 objectives. Similar to the GSR Plan the key directions relevant to this application are:

- **Direction 3** – A city for people
- **Direction 8** – A city in its landscape

The relevant actions under these directions are addressed in **Table 8**.

Table 8 – Western City District Plan - Responses

Direction/ Action	Response
Direction 3 – A city for people	
Objective W3: Providing services and social infrastructure to meet people's changing needs	<p>The proposed multi-denominational cemetery contributes towards provision of services and social infrastructure to meet the needs of a growing population while also providing additional public open space.</p> <p>The reduced golf course provision also meets the changing recreational needs of the community as the need and use of golf courses reduces over time. The expansion of the Wallacia Country Club provides additional social infrastructure with a new swimming pool, gym and bowling green.</p>
Direction 8 – A city in its landscape	
Objective W14: Protecting and enhancing bushland and biodiversity	The Site contains some remnant Cumberland Plan woodland, this will be retained and restored where possible. The riparian corridor will be restored to maximise biodiversity and protection of threatened flora and fauna species found on the site.
Planning Priority W16: Protecting and enhancing scenic and cultural landscapes	The use of the site as a cemetery and golf course will be a minimal impact upon the scenic and cultural landscape of the Wallacia locality. The Landscape and Visual Impact Assessment at Appendix SS found that the proposed works will result in a landscape not dissimilar to the existing golf course landscape. Overall, the development will have a negligible to low visual impact on surrounding sensitive uses and viewpoints. Views to the Project are typically screened by either perimeter or on-site vegetation, intervening elevated topography, or built form along its western and south western interfaces.
Planning Priority W17: Better managing rural areas	The proposed use will not contribute to increased urbanisation of the Wallacia local area.
Planning Priority W18: Delivering high quality open space	The proposed uses will provide high quality, shared public open space that will be maintained and managed in perpetuity.

6.3. GREATER SYDNEY COMMISSION REVIEW FOR PROVISION OF CEMETERIES

In February 2019, the Premier requested the Greater Sydney Commission (GSC) provide advice and recommendations on the strategic planning considerations for the provision of new cemeteries.

The request has been made under Section 10 (1)(a) of the *Greater Sydney Commission Act 2015* and the GSC's advice will inform the NSW Government on the key planning criteria to be considered in assessing cemetery proposals.

At the time of preparing this SEE the report had not yet been released and will not be considered in this proposal.

6.4. LOCAL CHARACTER AND PLACE GUIDELINE 2019

The Local Character and Place Guideline 2019 (the Guideline) was prepared by the NSW Government in response to the need for local character consideration to be elevated in the NSW planning framework. The

Guideline provides the tools and assistance for councils and communities to establish what is important about their local context and set a desired future character that aligns with the strategic vision for an area.

Whilst the Guideline was released in February 2019, the document has no statutory weight in the DA process. The IPC considered the Guideline in their assessment of DA17/1092 and specifically the definitions of “local character” and “place” provided within the Guideline. Their interpretation of these definitions led the IPC to consider the following key considerations were relevant in the assessment of DA DA17/1092:

- Visual amenity and scenic value;
- Social impacts;
- Site suitability; and
- Public interest.

An assessment against the Guideline is undertaken **Section 9.1** of this SEE.

6.5. PENRITH DRAFT LOCAL STRATEGIC PLANNING STATEMENT

In March 2018, amendments to the EP&A Act introduced new requirements for all councils to prepare and make Local Strategic Planning Statements (LSPS). An LSPS provides the reasoning for any future changes to Council’s planning controls and is intended to shape and inform how Council’s LEP and DCP will evolve over time.

Under Section 3.9 Local Strategic Planning Statements of the *Environmental Planning and Assessment Act 1979* (the Act), Councils must not make a local strategic planning statement unless the Greater Sydney Commission has advised the council in writing that the Commission supports the statement as being consistent with the applicable regional and district strategic plans.

The Greater Sydney Regional Plan: A Metropolis of Three Cities (the Regional Plan), identifies cemeteries and crematoria as key social infrastructure. Strategy 6.1 seeks to deliver social infrastructure that reflects the needs of the community now and in the future. The Regional Plan notes the following:

Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking.

(Greater Sydney Commission 2018, p.54)

No immediate or ongoing actions are identified in the draft Penrith LSPS relating to planning for additional cemetery infrastructure or collaboration with Cemeteries and Crematoria NSW, Department of Planning and Environment or the Greater Sydney Commission. This inconsistency is explicitly evident in the Phase 1 of the Penrith LEP Review, which proposes an LEP amendment to prohibit cemeteries and crematorium in the Mulgoa Valley and parts of Wallacia. CMCT has separately made submission to Council raises concerns over its draft LSPS.

Cemeteries are critical social infrastructure. Despite this omission in the Draft LSPS, the proposal has been assessed against the relevant Planning Priorities in **Table 9** below.

Table 9 – Penrith Draft Local Strategic Planning Statements - Responses

Priority Area/ Strategy	Response
Our Communities	
Planning Priority 6: Ensure our social infrastructure meets the changing needs of our communities	<p>The proposed multi-denominational cemetery contributes towards provision of services and social infrastructure to meet the needs of a growing population while also providing additional public open space.</p> <p>The reduced golf course provision also meets the changing recreational needs of the community as the need and use of golf courses reduces over time. The</p>

Priority Area/ Strategy	Response
	expansion of the Wallacia Country Club provides additional social infrastructure with a new pool, gym and bowling green.
Our Places	
Planning Priority 7: Enrich our places	<p>The proposed Nepean Gardens, golf course and Wallacia Country Club will have minimal impact upon the local character of the Wallacia local centre. The cemetery has been located away from the centre and will have minimal visual impact upon users of Park Road.</p> <p>Maintaining partial use of the site for the Wallacia golf course improves the activation and utilisation of the land and improves its financial viability, compared with the current use. Recognising the role that the golf course plays within the community, the course will be revitalised to ensure that the facility is current with the changing utilisation of golf courses.</p>

6.6. PENRITH COUNCIL – PLANNING PROPOSAL

In July 2017, the Penrith City Council endorsed a Planning Proposal, that sought to amend the Penrith LEP to:

- Amend LEP 2010 to remove “cemeteries” and “crematoriums” from the list of land uses permitted with consent from the E3 Environmental management zone (notwithstanding the fact that crematoriums are not currently listed as a permitted use in the E3 zone);
- Include an additional local provision that recognises the landscape value of the Wallacia Area and Mulgoa Valley, prohibits cemetery and crematoria development and overrides any other provision of LEP 2010.

On 20 December 2017 DPIE provided advice to Council which stated that Planning Proposals seeking to amend or prohibit cemeteries and crematoria will not proceed to Gateway until the Greater Sydney Commission has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region, the outcome is currently pending.

The planning proposal has been revived as part of the Local Strategic Planning Statement (LSPS) preparation and subsequent Penrith LEP Review. Penrith Council plans to undertake the LEP Review process in three phases as follows:

- LEP Review Phase 1: Immediate outcomes from Local Housing Strategy, Rural Lands and Villages Strategy, minor housekeeping amendments and consolidation of Planning Proposals where appropriate.
- LEP Review Phase 2: Outcomes of the strategies yet to be completed.
- LEP Review Phase 3: LEP-related outcomes from short-medium term actions within the LSPS.

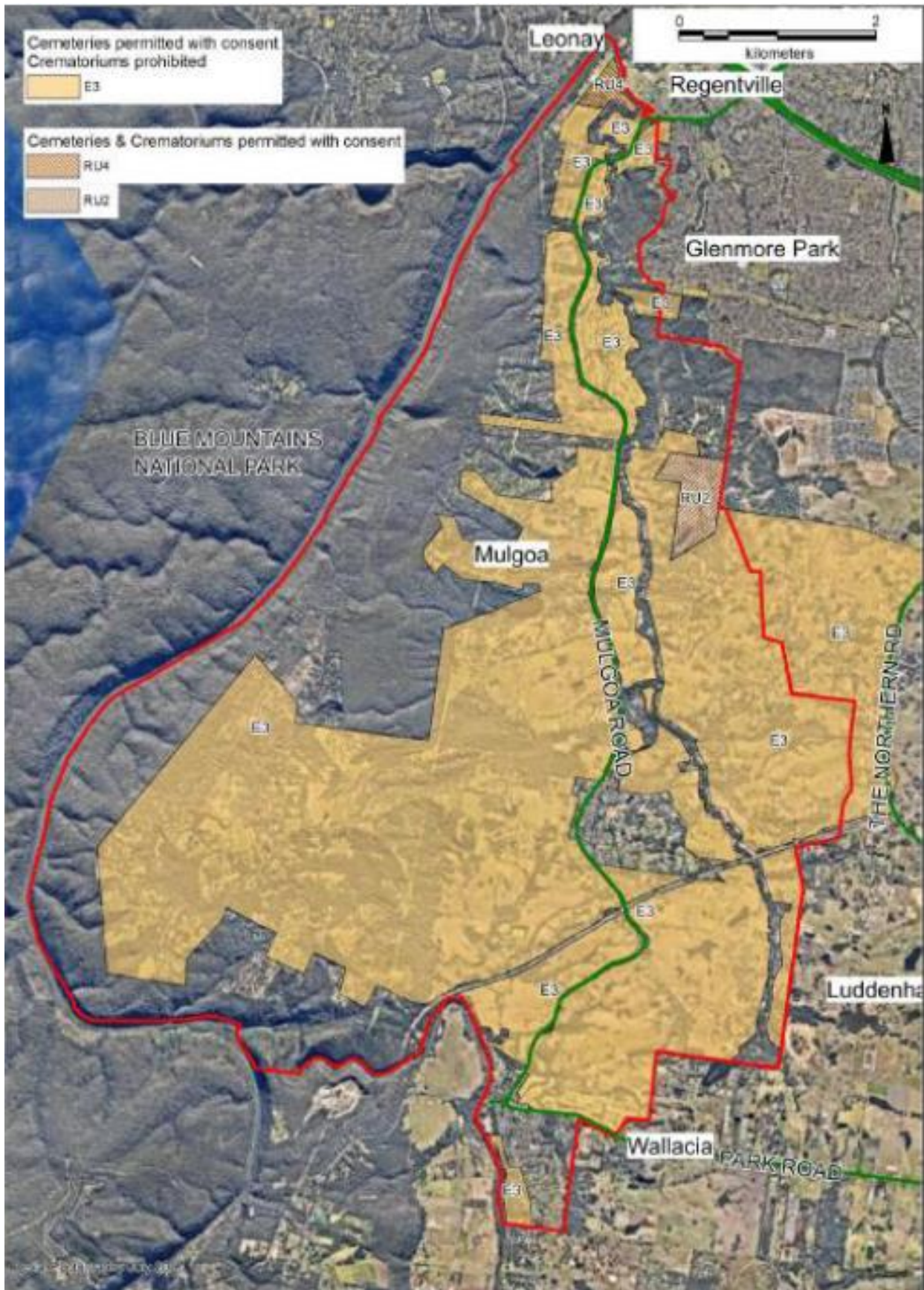
Phase 1 includes the prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia.

Despite the recommendation of the Penrith Local Planning Panel to remove any provision relating to cemetery prohibition on 11 September 2019, the LEP Review Phase 1 planning proposal (PP_2019_PENRI_001_00) was lodged with the Department for Gateway Determination on 30 September 2019. The Planning Proposal will prohibit cemeteries and crematoria within the E3 Environmental Management zone in the area outlined in red in **Figure 19**.

The planning proposal begun in 2017 was recently revived by the DPIE in response to the lodgement of the new planning proposal.

As the Planning Proposals are yet to receive a Gateway Determination under cl3.34 of the EP&A Act, it carries no status for the purposes of assessment of this DA.

Figure 19 – Zoning Map for Proposed LEP Amendment



Source: Extract from PP_2019_PENRI_001_00 Planning Proposal

6.7. WESTERN SYDNEY AIRPORT PLAN

On the 6th December 2019, the NSW Government released its WSA Plan 2019 and follows for its earlier Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan. In addition to the WSA Plan 2019 (which is a final Structure Plan), a package of supporting documents including a proposed SEPP were also released.

The Site is located in close proximity to the WSA but is and is located outside of the Structure Plan boundary (**Figure 20**). While the Site is not within the precinct identified for land use change, the WSA Plan identifies a number of measures that will potentially affect the Wallacia area.

The Land Application map of the Proposed Western Sydney Aerotropolis SEPP confirms that the Site is not subject to the SEPP. Rather the Proposed SEPP foreshadows the application of the National Airports Safeguarding Framework and (NASF) and includes proposed draft SEPP maps that illustrate:

- Obstacle Limitation Surface (OLS)
- Lighting Intensity
- Wildlife Buffers

Each of these maps extend across the wider WSA area and include the Wallacia Site and reflect statements made in the Proposed SEPP as follows:

The SEPP will formalise the application of airport safeguarding controls to land within the Aerotropolis boundary as well as beyond that boundary

Of the above 3 issues, the Proposed SEPP contains the following statements considered potentially relevant upon actual gazettal or any formal exhibition of a draft environmental planning instrument to give effect to these matters

To manage the risk of wildlife strikes within the Aerotropolis, the following measures are proposed: •

- *implementation of performance-based outcomes and acceptable solutions in the assessment of potentially incompatible land uses;*
- ***landscape design principles which will reduce wildlife attraction within a 3km, 8km and 13km radius of the Airport as mapped on the Wildlife Map;***
- ***building and site design guidelines which will reduce wildlife attraction within a 3km, 8km and 13km radius of the Airport;***
- *identifying appropriate referral triggers for development applications and planning proposals to regulatory agencies; and*
- *preparation of standard conditions which can be included as part of development consent. Radial wildlife buffers of 3km, 8km and 13km are mapped on the Draft Wildlife Buffer Zones Map extending beyond the Aerotropolis boundary.*

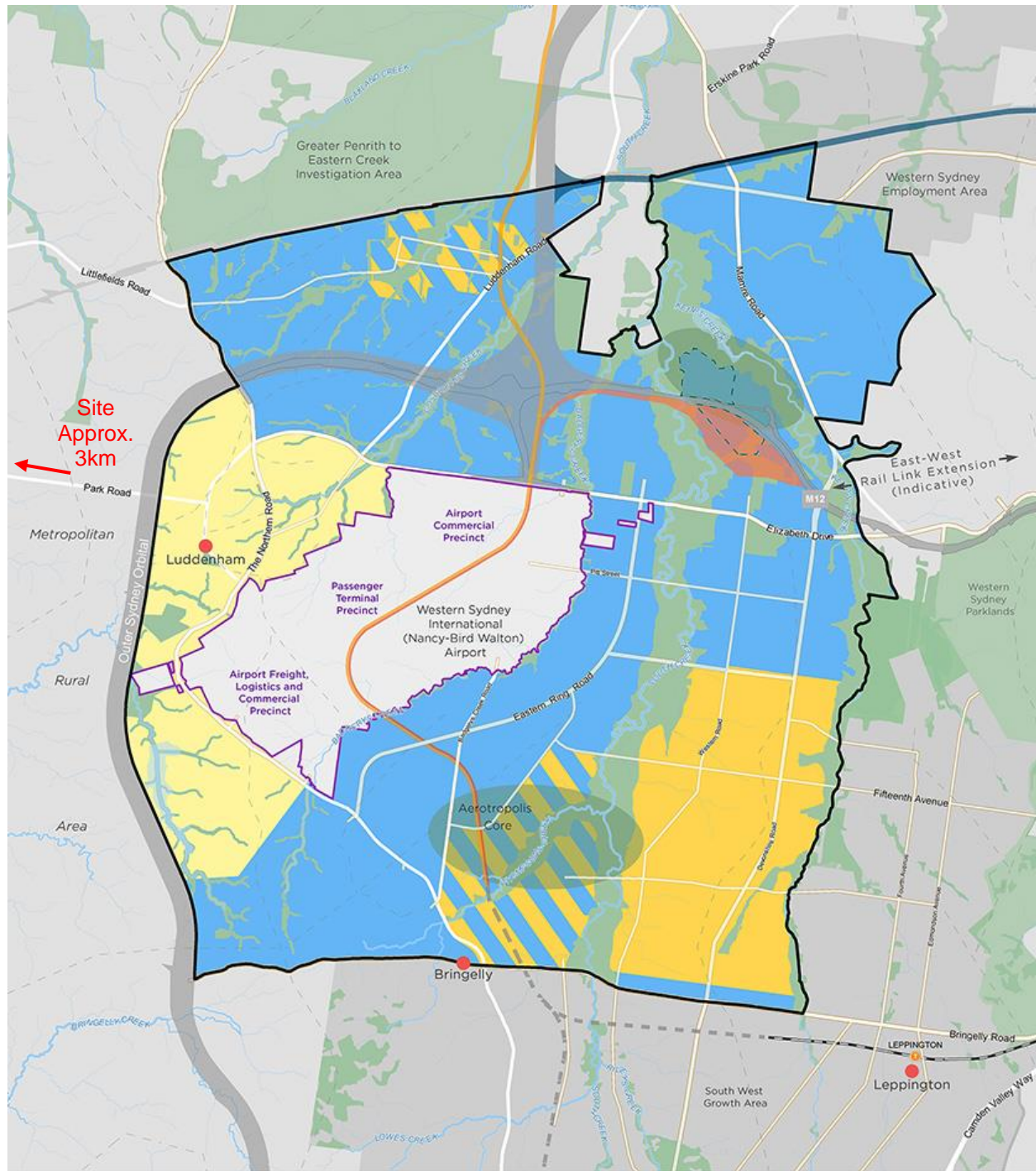
The Proposed SEPP suggests that referrals to Federal agencies as well as WSA will be required for certain DAs. No details have been provided on what DAs will trigger referral.

As the Proposed SEPP discussion paper does not as yet provide any details of what “landscape design principles” or “building and site design guidelines” actually are, nor is there an actual draft SEPP instrument, there is no statutory trigger for this DA to be assessed having regard to the Proposed SEPP. Accordingly, the Proposed SEPP is not a matter for consideration under s4.15 of the Act

Despite this, the growth associated with the WSA will bring significant pressure and change to the area both within and beyond the Airport precincts including fringe communities such as Wallacia as demand for additional housing and for workers and key support businesses as the precinct is developed.

It is considered that Wallacia has significant locational benefits for persons wishing to live close the WSA. This is because it is effectively on of the closest urban areas with direct access (via Park Road) to WSA without being affected by noise contours as evidenced by the latest noise contour mapping contained in the Government’s latest package (**Figure 21**).

Figure 20 - Western Sydney Aerotropolis Structure Plan



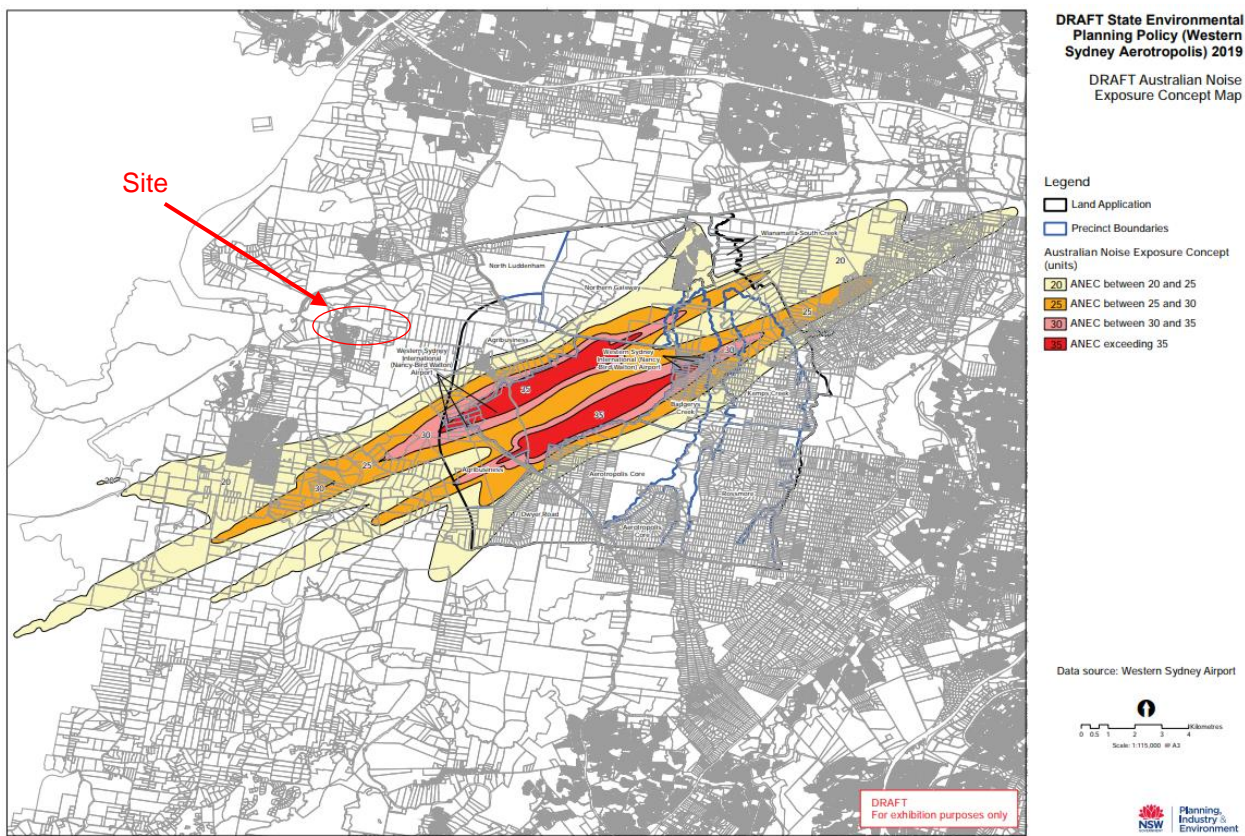
Structure Plan Western Sydney Aerotropolis

- | | | |
|--|---|--|
| Western Sydney Aerotropolis | Proposed Sydney Metro Greater West | Centre |
| Western Sydney International (Nancy-Bird Walton) Airport | Potential East-West Rail Link, Stabling and Critical Infrastructure | Agribusiness |
| Topographic Ridgeline | Proposed Future Rail Links (Investigation) | Environment and Recreation |
| Key Network Upgrades | Proposed Transport Corridor | Flexible Employment |
| Regional Parkland (Investigation) | Potential Western Sydney Freight Line Corridor | Urban Land |
| Critical Utility / Infrastructure (Investigation) | | Mixed Flexible Employment & Urban Land |



Source: NSW Government

Figure 21 – Draft WSA SEPP ANEC Map



Source: DPIE

7. SECTION 4.15 ASSESSMENT – ENVIRONMENTAL PLANNING INSTRUMENTS

The following assessment has been structured in accordance with Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

7.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1.1. Integrated Development – Division 4.8

Clause 4.46 of the EP&A Act requires that the development will require development consent from the following Acts:

Rural Fires Act 1997 No 65

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

Water Management Act 2000

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

7.2. BIODIVERSITY CONSERVATION ACT 2017

The *Biodiversity Conservation Act 2016*, together with the *Biodiversity Conservation Regulation 2017*, outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

This proposal has been determined to exceed the BOS threshold due to the extent of native vegetation removal, accordingly, a Biodiversity Development Assessment Report (BDAR) has been prepared by Travers Bushfire and Ecology at **Appendix JJ**.

The proposed development does exceed the nominated threshold triggers of 1) Sensitive Biodiversity Values Land and 2) the Area clearing Threshold as assessed in the BDAR. Therefore, biodiversity offsets are required under the BOS.

The proposal is not likely to cause serious and irreversible impacts on threatened biodiversity most at risk of extinction. The BDAR included a seven (7) part test of significance which concluded a not significant impact on threatened species and threatened ecological communities. With the implementation of the proposed mitigation measures and the purchase of biodiversity credits, it is considered that the impacts of the proposal on biodiversity will be minimal and can be appropriately managed.

7.3. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

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

A BDAR has been prepared by Travers Bushfire and Ecology and the field investigations undertaken confirmed that the matters of consideration under the EPBC Act are located on the site:

- Two (2) threatened fauna species Grey-headed Flying-fox and Large-eared Pied Bat;
- No protected migratory bird species;
- One (1) threatened ecological community, Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (CPSW); and

- No threatened flora species were detected during the survey.

The proposed development was considered to have a potentially significant impact on the critically endangered CPSW community, which is a matter of national environmental significance. As such, a referral to the Commonwealth seeking approval from the Minister for the Environment is recommended.

As per the requirements of the EPBC Act, the applicant will make a referral to the Commonwealth Department of Environment and Energy.

7.4. STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

7.4.1. State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) applies to land within LGAs listed under Schedule 1 of the Policy. In addition, Part 2 of the Policy outlines a three (3) step process to assess the likelihood of the land in question being potential or core koala habitat. Part 2 applies to land which has an area of greater than 1 hectare or has, together with any adjoining land in the same ownership, an area of more than 1 hectare.

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

The surveys undertaken by Travers Bushfire and Ecology for the BDAR, notes that no koalas were directly observed at the time of survey, which included diurnal searches of trees and spotlighting. In addition, there was no secondary evidence of Koala habitation in the area, including characteristic scratches on trees and scats beneath trees.

7.4.2. State Environmental Planning Policy No 55 – Remediation of Land

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

A Preliminary Site Investigation (PSI) was prepared in 2017 for the site (**Appendix CC**). A revised contamination assessment has been prepared by Douglas Partners to confirm the findings of the PSI are still valid (refer to **Appendix BB**).

The PSI was undertaken to provide preliminary contamination, salinity and acid sulfate soil information regarding the site for due diligence purposes. A site walkover and a review of site history information were undertaken to identify Potential Areas of Environmental Concern (PAEC) and Potential Contaminants of Concern (PCOC) which may have arisen from current and previous land uses. The investigation was limited to a site walkover, review of aerial photographs, NSW EPA database searches and listings of other potential site contamination issues based on sites of a similar nature and scale.

The PSI identified 15 PAEC at the site and immediately surrounding areas. These included:

- Current on-site sheds and demolition/removal of several former sheds.
- Possible burial of asbestos pipes given the age of the site and use as a golf course; and
- Areas of filling at the site.

The primary concern was the potential for chemical storage and hazardous building materials used within the sheds. Despite this, the potential for contamination was considered to be relatively localised and present a low to medium hazard rating. A further intrusive investigation was recommended to determine the extent of each PAEC and the presence or absence of related PCOC.

Given the site's use as a golf course, the use of fertilisers and pesticides is likely to have also occurred. Whilst the likelihood of fertiliser and pesticide contamination was considered low, there is potential for localised hotspot contamination in the vicinity of former and current sheds.

Overall, the PSI considered that the potential risk associated with land contamination, salinity and acid sulfate soils was **low to medium**.

A site walkover was conducted on 20 November 2019 to observe changes on the site since the issue of the PSI. The following potential contamination sources were identified:

- Presence of demolition waste – potential indicator of asbestos;
- Presence of potential asbestos-containing material;
- Potential for the leaching of shed metals into the surrounding soils;
- Small vegetated stockpiles.
- Presence of waste - indicating gullies across the site may have been used to dispose of waste in the past.

No changes were observed for the 15 PAEC identified in the PSI, and the remainder of the site appeared as described in the PSI. In addition, the following additional PAEC were identified during the recent site walkover in November 2019:

- PAEC 16 – Graded aggregate;
- PAEC 17 – Potential ACM-impacted fill;
- PAEC 18 – Metal sheds/storage areas;
- PAEC 19 – Stockpiles; and
- PAEC 20 – Surficial waste infill gully.

Considering the presence of PAEC, and as per the PSI, further assessment for contamination is recommended with reference to the *National Environment Protection Council (Assessment of Site Contamination) Measure 1999 (amended 2013)*.

To determine land use suitability, further assessment should focus on the identified PAEC and include:

- Intrusive investigations;
- Sampling;
- Analysis and assessment.

Further testing is recommended, and it be required as a condition of development consent and occur prior to the use commencing, including undertaking any necessary remediation work.

7.4.3. Draft State Environmental Planning Policy (Remediation of Land)

The draft *State Environmental Planning Policy (Remediation of Land)* (draft Remediation SEPP) is the proposed new land remediation SEPP set to replace SEPP 55. Public exhibition of the 'explanation of intended effect' for the draft Remediation SEPP and draft planning guidelines closed in April 2018.

The draft Remediation SEPP will retain the key operational framework of SEPP 55, which will require consent authorities to consider whether the site is contaminated, permit a consent authority to require additional information to satisfy itself as to whether the land is contaminated and retain two categories of remediation work, being work that requires consent and work that can be carried out without consent.

In terms of relevant changes applicable to development applications, new provisions will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation of sites.

Clause 7 of SEPP 55 is proposed to be incorporated into the draft Remediation SEPP. A new provision will be introduced to give a consent authority a discretion not to require a report of an investigation if it knows that the land is not contaminated or is otherwise suitable for the proposed use. In addition, the list of potentially contaminating activities and the purpose of a 'preliminary site investigation' and 'detailed site investigation' will be integrated into clause 7 of the draft Remediation SEPP. A detailed contamination assessment has been submitted as part of this application, refer to **Appendix BB** and **Appendix CC**.

7.4.4. State Environmental Planning Policy (Infrastructure) 2007

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

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

7.4.5. Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River

Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (SREP 20) applies to all land in the Penrith LGA with the aim of protecting the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The proposal has regard to the general planning considerations, specific planning policies and recommended strategies identified in Part 2 of SREP No. 20. It is concluded the proposal will not adversely affect the quality of the stormwater discharged to the drainage network.

7.5. PENRITH LOCAL ENVIRONMENTAL PLAN 2010

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

7.5.1. Zoning and Permissibility

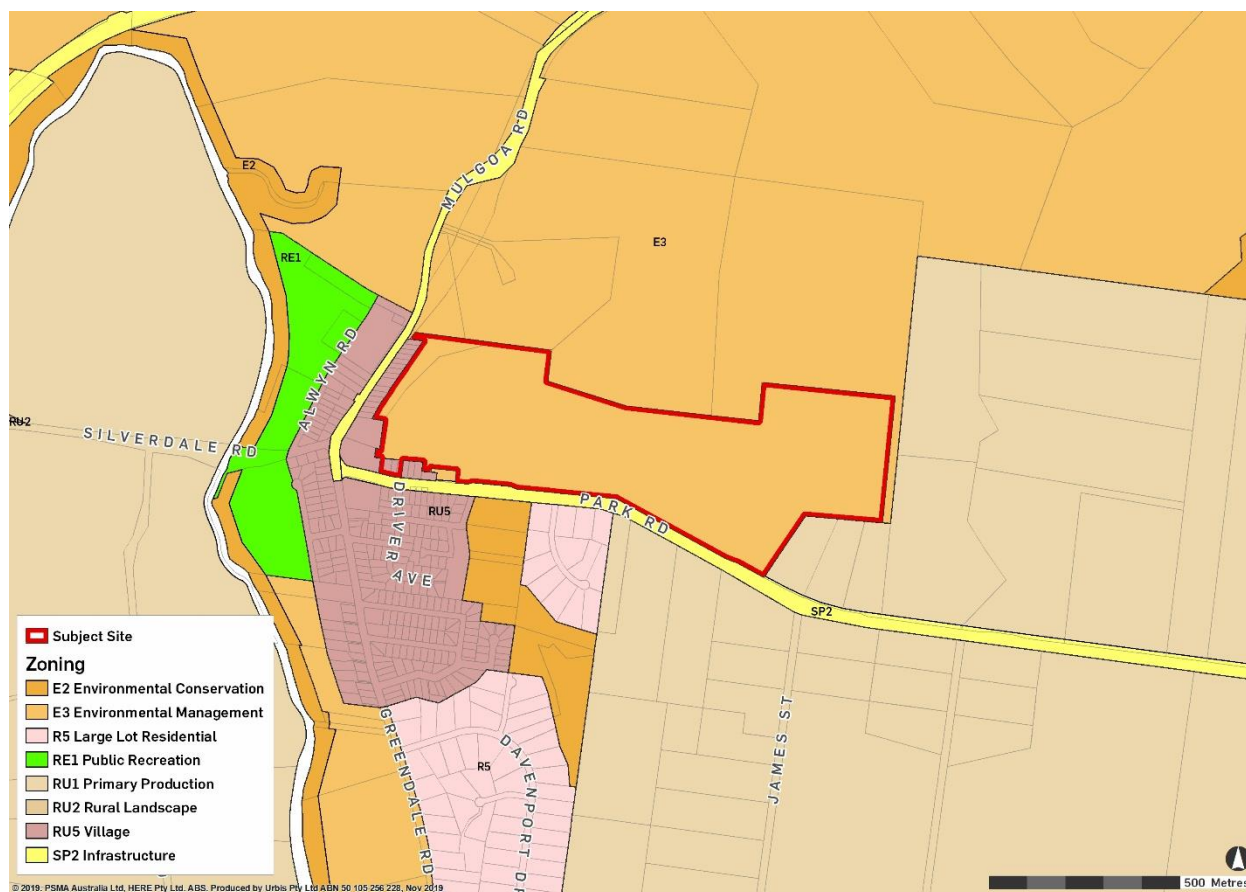
The site is zoned E3 Environmental Management under the PLEP 2010 (**Figure 22**). The objectives of the E3 Environmental Management zone are as follows:

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

As shown in **Figure 22**, a small portion of the site (i.e. circa 0.13ha) is in the Sites' southwestern corner and is zoned RU5 Village. The objectives of the RU3 Village zone are as follows:

- *To provide for a range of land uses services and facilities that are associated with a rural village.*
- *To provide limited housing development opportunities for existing and new residents, including an ageing population, where this is consistent with the other objectives of this zone.*
- *To ensure development is compatible with the role and character of the village, available infrastructure, services and facilities and with the environmental capabilities of the land.*

Figure 22 – Land Use Zoning Map



Source: PLEP 2010

The proposed uses of the site are defined as:

Cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a **golf course**, golf driving range, mini-golf centre, tennis court, paint-ball centre, **lawn bowling green**, outdoor swimming pool, equestrian centre, skateboard ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, **indoor swimming pool**, **gymnasium**, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Registered club means a club that holds a club licence under the Liquor Act 2007.

Cemeteries are permitted with consent within the E3 zone, and subsequently, the proposed use of part of the site for the Nepean Gardens cemetery is permitted with development consent.

The Chapel and Administration Building is contemplated in the above definition and considered ancillary land uses to the use of the site as a cemetery and are therefore permitted as ancillary uses. It is worth noting that 'Funeral homes' are also permitted with development consent within the E3 zone, and it could be considered that some of the services offered at the site are consistent with those undertaken at 'funeral homes'. A funeral home is defined as:

Funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

The refrigerated holding room facilities proposed are focussed on storage of deceased persons pending their interment, hence the capacity for only four bodies. No preparation and embalming of bodies will be undertaken as reflected in the plans.

As part of the proposed redevelopment of the Golf Course and associated clubhouse, the proposed swimming pool and gym building can be categorised as a community facility which is a permissible use in the E3 Environmental Management zone. Both uses would be open to the public and not restricted to members of the golf club.

The use of the site as a recreation facility (outdoor), i.e. golf course, and registered club are prohibited but for a small portion of land zoned RU5 where the golf course, gym and pool use are permitted under the current LEP. In this proposal, the land zoned RU5 is intended to be used for car parking (generally consistent with current use albeit now formalised) and associated with both the golf course and registered club patron demand.

As detailed earlier in this report, there is clear evidence of continued and lawful use of the site as a golf course and registered Club, which has been operational since 1932. A history of past approvals issued by the Council for the Site has been documented earlier in this report.

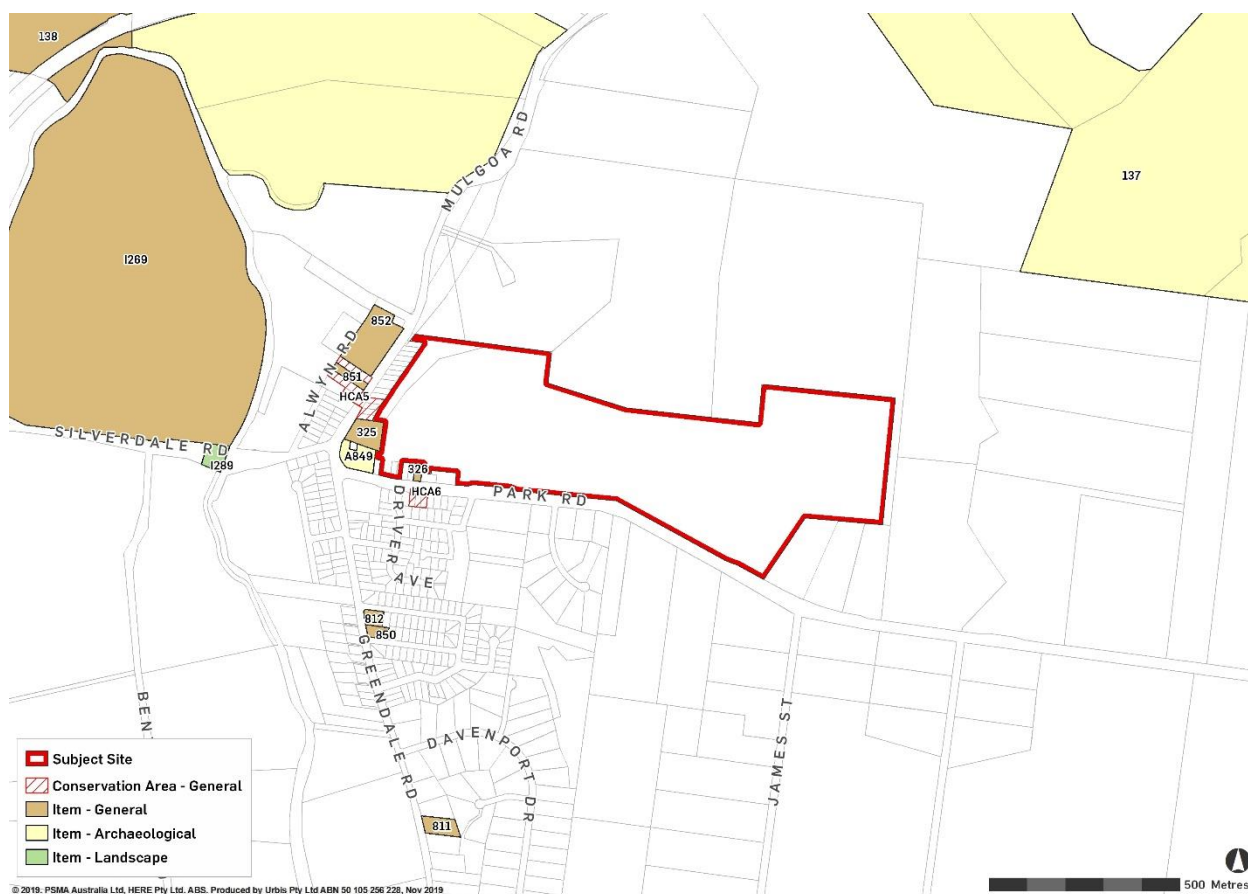
Given these circumstances, this DA relies on the existing use rights provisions of the Act and Regulation which allow the continued operation of the Site as a registered club and golf course pursuant to Part 4 Division 4.11 of the EP&A Act and Part 5 of the *Environment Planning and Assessment Regulation 2000*. The Act and the Regulation also enables an existing use to be "enlarged, expanded or intensified" or "altered or extended" or "rebuilt" subject to development consent. Notably, clause 41(e) and (f) of the regulation do not apply in this case as the proposal does not relate to a "commercial" or "light industrial" land use.

7.5.2. Clause 5.10 – Heritage Conservation

The subject site is not located in a Heritage Conservation Area and is not a local Heritage Item. However, the site is located immediately adjacent to the following items of heritage-listed below and as illustrated in **Figure 23** below:

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

Figure 23 – Local Heritage Map



Source: PLEP 2010

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

- *The subject site does not meet the requisite threshold for heritage listing at the local or state level.*
- *The proposed works are not considered to have any impact on the significance, curtilage or setting of the proximate heritage items, for the reasons outlined in this report.*
- *The subject site is not a heritage item, nor is it located within a heritage conservation area. The proposed works are not considered to have any detrimental heritage impact on the significance, curtilage or setting of the vicinity heritage items.*
- *The proposed works will not affect any significant existing views towards heritage items in the vicinity. The proposed works will not be visible from views towards the principal elevation of the Wallacia Hotel from Mulgoa Road, and will not disrupt the landscaped setting to the front of this building. The land to the rear of the former St Andrew's Anglican Church heritage item will be maintained as a golf course.*
- *The proposed development will be a low-impact development and the generally rural character of the area will be maintained. Across the eastern portion of the site, the proposed works will require only minor landscape works providing for burials and all proposed built elements (administration building and chapel) will not require intervention to the heritage items. Across the western portion of the site, the proposed alterations to the non-significant clubhouse, and additions including parking and recreation facilities will have no physical or visual impact on the heritage items in the vicinity.*
- *The proposed new buildings will be contemporary in design and materiality. This is appropriate as these buildings are visually and physically removed from proximate heritage items due to the natural topography of the site and provide for a well-resolved design approach to the new cemetery.*

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

7.5.3. Principle Development Standards

A table of compliance with the development standards of PLEP 2014 is included in **Table 10**.

Table 10 – PLEP 2014 Assessment

Control	Proposed	Compliance															
Clause 4.1 Minimum Subdivision Size	<p>A Minimum subdivision size of 20ha applies</p> <p>The proposal involves the subdivision of land into 2 lots. Proposed Lot 1 will be approximately 21.36ha and Proposed Lot 2 will be approximately 21.37ha.</p>	✓															
Clause 4.3 – Height of Buildings	<p>There is no maximum building height across the site under the PLEP 2010. The proposal seeks consent for the construction and/or additions to four (4) buildings across the site. The proposed building height and its relevant compliance are detailed in Table 11 below.</p> <p>Table 11 – Building Heights</p> <table> <tr> <th>Building</th><th>Maximum Height</th><th>Compliance</th></tr> <tr> <td>Chapel</td><td>12.62m</td><td>✓</td></tr> <tr> <td>Administration</td><td>3.44m</td><td>✓</td></tr> <tr> <td>Wallacia Country Club</td><td>9m</td><td>✓</td></tr> </table>	Building	Maximum Height	Compliance	Chapel	12.62m	✓	Administration	3.44m	✓	Wallacia Country Club	9m	✓	✓			
Building	Maximum Height	Compliance															
Chapel	12.62m	✓															
Administration	3.44m	✓															
Wallacia Country Club	9m	✓															
Clause 4.4 – Floor Space Ratio	<p>The subject site is not limited to a floor space ratio (FSR) under the provision of the PLEP 2010.</p> <p>The proposal seeks development consent for very minimal gross floor area as the majority of the site will be landscaped open space. The proposed floor space and its relevant compliance are detailed in Table 12 below. The proposed works will result in a floor area of 4,183sqm (0.09:1)</p> <p>Table 12 – Floor Space</p> <table> <tr> <th>Building</th><th>Maximum Floor Space</th><th>Compliance</th></tr> <tr> <td>Chapel</td><td>1,521sqm</td><td>✓</td></tr> <tr> <td>Administration</td><td>336sqm</td><td>✓</td></tr> <tr> <td>Wallacia Country Club</td><td>Existing: 1,065sqm Proposed: 1,681sqm</td><td>✓</td></tr> <tr> <td>Pool and Gym building</td><td>645sqm</td><td>✓</td></tr> </table>	Building	Maximum Floor Space	Compliance	Chapel	1,521sqm	✓	Administration	336sqm	✓	Wallacia Country Club	Existing: 1,065sqm Proposed: 1,681sqm	✓	Pool and Gym building	645sqm	✓	✓
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Administration	336sqm	✓															
Wallacia Country Club	Existing: 1,065sqm Proposed: 1,681sqm	✓															
Pool and Gym building	645sqm	✓															
Clause 5.1 – Relevant Acquisition Authority	Part of the frontage of the site adjacent to Park Road is identified to be reserved for acquisition by RMS. Subsequently, the proposal will be required to be referred to the TfNSW.	✓															
Clause 7.1 – Earthworks	A Preliminary Geotechnical, Groundwater and Salinity Assessment has been prepared by Martens Consulting and is included at Appendix EE . In summary, the report finds the following in relation to earthworks:	✓															

Control	Proposed	Compliance
	<ul style="list-style-type: none"> Excavation works for the development will involve excavating clayey subsoil materials with some excavation areas likely to encounter rock of various strengths. It is considered that the observed clay soils at the site are able to support structures such as buildings and roads with a range of commonplace structural solutions. Excavations in burial plots will likely remain open for less than 24 hours. Temporary shoring or appropriate grave shoring inserts will unlikely be required during excavation works unless excavations remain open for a longer period (greater than 2 days) or during prolonged or heavy rainfall periods. <p>The Geotechnical Assessment makes a number of recommendations in relation to earthworks preparations that can be included as conditions of consent.</p>	
Clause 7.2 – Flood Planning	Jerry's Creek bisects the western portion of the Site and the impact associated with planning for the potential flood event has been addressed in Appendix AA and has informed the overall design response.	✓
Clause 7.3 – Development on Natural Resources Sensitive Land	<p>The site is traversed by land identified as Natural Resources Sensitive Land. The proposed works include earthworks, carrying out of work and clearing vegetation and therefore will require consent is required. The objectives of the clause are as follows:</p> <ul style="list-style-type: none"> <i>a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,</i> <i>b) the importance of the vegetation in that particular location to native fauna,</i> <i>c) the strategic importance of the land as part of a biodiversity corridor,</i> <i>d) the sensitivity of the land and the effect of clearing vegetation,</i> <i>e) the relative stability of the bed and banks of any waterway that may be affected by the development, whether on the site, upstream or downstream,</i> <i>f) the effect of the development on waterway health, including pollution of the waterway, a significant increase or decrease in the amount or velocity of runoff entering the waterway, or a significant increase in siltation of the waterway,</i> <i>g) the effect of the development on the functions of aquatic ecosystems (such as habitat and connectivity).</i> <p>The site's design ensures the protection of natural resources where possible and works are located away from the identified land. The proposed continuation of the golf course use surrounding the identified land will result in little change to what is existing. A BDAR has been prepared (Appendix JJ) which outlines the mitigation measures and offsets that have been incorporated into the site design.</p>	✓

Control	Proposed	Compliance
Clause 7.4 – Sustainable Development	<p>Steensen Varming has prepared Sustainability advice for the development of the parklands and buildings and is provided at Appendix TT.</p> <p>The measures recommended as part of the advice have been incorporated into the proposed works.</p>	✓
Clause 7.5 – Protection of Scenic Character and Landscape Values	<p>The objectives of this clause are as follows:</p> <p><i>a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,</i></p> <p><i>b) to ensure development in these areas is located and designed to minimise its visual impact.</i></p> <p>The site's design ensures the sites scenic values and the surrounding landscapes scenic values are preserved. The Landscape Plans prepared by Florence Jaquet Landscape Architect at Appendix L outline the landscape design response. The Landscape and Visual Impact Assessment prepared by Urbis at Appendix SS outlines the visual impact of the proposed uses on the locality.</p>	✓
Clause 7.6 – Salinity	<p>A Preliminary Geotechnical, Groundwater and Salinity Assessment has been prepared by Marten Consulting Engineers and is included at Appendix EE.</p> <p>Results indicate sub-surface materials at the site can generally be categorised as having a slight salinity risk potential with low lying areas having a moderate risk potential. Therefore, specific saline soil management strategies are required at the site.</p> <p>Additional assessments would need to be carried out to confirm and improve characterisation of the site salinity conditions, such as in the low-lying areas/drainage depressions. These issues would be typically addressed through conditions of consent.</p>	✓
Clause 7.7 – Servicing	<p>Warren Smith & Partners have prepared a Civil Engineering Plans at Appendix G.</p> <p>This report outlines the stormwater strategy plan and road design associated with the proposed development and aims to address the following: -</p> <ul style="list-style-type: none"> • Stormwater drainage works; • Proposed road design and; • Sediment and erosion control. <p>The report identifies the site's capability of being connected to adjoining services and providing its servicing infrastructure.</p>	✓
Clause 7.19 Villages of Mulgoa and Wallacia	<p>The Site is partially covered by the Villages of Mulgoa and Wallacia clause. The objectives of this clause are as follows:</p> <p><i>a) to establish specific planning controls for land in the villages of Mulgoa and Wallacia,</i></p>	✓

Control	Proposed	Compliance
	<p><i>b) to protect residential amenity by prescribing minimum dimensions for dual occupancy and the creation of new lots through subdivision.</i></p> <p>The subdivision of land or dual occupancy dwellings is not proposed as part of this DA.</p>	

7.6. PENRITH DEVELOPMENT CONTROL PLAN 2014

The relevant matters to be considered under Penrith Development Control Plan 2014 (PDCP 2014) are outlined in **Table 13** below.

Table 13 – PDCP 2014 Assessment

Clause	Proposed	Compliance
C1 Site Planning and Design Principles		
1.1. Site Planning		
1.1.1. Site Analysis	A site plan has been included in the Masterplan at Appendix A and Landscape Plans at Appendix L .	✓
1.1.2. Key Areas with Scenic and Landscape Values	The Site is identified as being land with scenic and landscape values and is in close proximity to a gateway of visual sensitivity. Analysis of the visual impact of the proposed works upon the locality is contained within the Landscape, and Visual Impact Assessment prepared by Urbis at Appendix SS in accordance with Council requirements.	✓
1.2. Design Principles		
1.2.1. Application of Certification System	A Sustainability Strategies – ESD Report has been prepared by Steensen Varming at Appendix TT , which outlines a series of recommendations to achieve a minimum 4 star NABERS and Green Star rating.	✓
1.2.2. Built Form - Energy Efficiency and Conservation	The proposed development has been designed to achieve a high level of sustainability performance for the project, including high energy performance and environmentally sensitive design considerations. The recommendations outlined in the ESD Report can be implanted during the construction certificate stage.	✓
1.2.3. Building Form - Height, Bulk and Scale	The proposed buildings within Nepean Gardens are not in close proximity to other buildings and are of a height and scale, so they are not intrusive to the surrounding landscape. The administration building and chapel building has been designed to integrate into the surrounding environment and are not an obtrusive element in the setting. The proposed works to Wallacia Country Club are in close proximity to existing built form and do not extend above the existing building line.	✓
1.2.4. Responding to the Site's Topography and Landform	<p>The proposed development responds to the current site topography and landforms. The cemetery and golf course layout have been designed to respond to the existing golf course fairways where possible to minimise tree removal and earthworks.</p> <p>The proposed Administration and Chapel buildings within Nepean Gardens have been located to minimise visual impact from adjacent properties and maximise</p>	✓

Clause	Proposed	Compliance
	iconic views toward the Blue Mountains. The Chapel will not be visible until within the site. A site analysis has been undertaken as part of the proposed works and can be found within the Nepean Gardens Landscape Design Response at Appendix L .	
1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)	CPTED principles have been incorporated into the proposed building designs to maximise safety and amenity for staff and visitors.	✓
1.2.6 Maximising Access and Adaptability	An Access Report has been prepared by Morris Goding Access at Appendix GG . The report addresses the principles of Universal Design and provides recommendations for the improvement to ensure compliance with the Disability Discrimination Act.	✓
C2 Vegetation Management		
2.1. Preservation of Trees and Vegetation	For any trees that are to be retained, it is recommended that Tree Protection Zones (TPZ) are to be implemented for any retained tree in accordance with Australian Standard AS4970 (Section 8.6.2). The proposed development and removal of unsafe or dangerous trees results in the removal of 465 trees of 1,800 trees or 25.83% of the trees estimated to occur within the subject site. A Tree Assessment has been prepared by Travers Bushfire and Ecology to assess the condition and significance of each tree on-site (Appendix II).	✓
2.2. Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The Site's design ensures the protection of natural resources where possible and works are located away from the identified land. The proposed continuation of the golf course use surrounding the identified land will result in little change to what is existing. A BDAR has been prepared (Appendix JJ) which outlines the mitigation measures and biodiversity offsets that will be incorporated into the site design. The proposed works will contribute towards rehabilitation and revegetation of important ecological communities.	✓
2.3. Bushfire Management	Site is mapped as having vegetation buffer along the boundaries of the site. A Bushfire Protection Assessment has been prepared by Travers Bushfire and Ecology at Appendix KK in accordance with Planning for Bushfire Protection 2006 (PBP 2006) and Planning for Bushfire Protection 2019 (PBP 2019).\	✓
C3 Water Management		
3.1. The Water Cycle/Water Conservation	The proposed alterations and additions to the Wallacia Country Club will include water-saving devises and fixtures where possible. The proposed buildings within Nepean Gardens will be connected to rainwater tanks for re-use of collected rainwater.	✓

Clause	Proposed	Compliance
	Currently, the Golf Course has water rights of 9 ML/yr that can be used for stormwater harvesting on-site. At this stage, the SWMP has been formulated without accounting for the potential use of stormwater harvesting on-site.	
3.2. Catchment Management and Water Quality	<p>Stormy Water Solutions have prepared a Water Sensitive Urban Design Strategy and Stormwater Management Plan (WSUDS & SWMP) for Nepean Gardens at Appendix Q.</p> <p>The WSUD and SWMP outline that water discharge from Nepean Gardens and Wallacia Golf Course will comply with permissible discharge requirements. Vegetated swales and retarding basins are proposed for the dual purpose of retarding flow and providing treatment to the water before entering the Council network</p> <p>Any potential catchment impacts have been addressed and mitigated to ensure that post-development flow rates of the development do not increase when compared with the pre-development state.</p> <p>A Water Sensitive Urban Design inspection and maintenance schedule has been prepared for Nepean Gardens at Appendix G of the WSUDS & SWMP at Appendix Q.</p>	✓
3.3. Watercourses, Wetlands and Riparian Corridors	Approval is sought under the <i>Water Management Act 2000</i> through this DA for works near a watercourse. A Watercourses Assessment has been prepared by Travers Bushfire and Ecology at Appendix LL and impacts are discussed in Section 8.6.4 below. The proposed works include the restoration and revegetation of the existing watercourses on the site.	✓
3.4. Groundwater	A Preliminary Geotechnical, Groundwater and Salinity Assessment (Appendix EE) and Groundwater Report (Appendix FF) have been prepared by Martens Consulting Engineers. The reports found that the proposed development is unlikely to affect the groundwater levels and the burial plots will remain unaffected as they are not located in the vicinity of drainage depressions.	✓
3.5 Flood Planning	A Flood Impact Assessment has been prepared by Travers Bushfire and Ecology at Appendix AA . The proposal has been designed having regard to flooding constraints and reflects the recommendations contained in the specialist reports supporting the DA. The proposed works will not result in an increase in the flooding hazard or risk to other properties.	✓
3.6. Stormwater Management and Drainage	The stormwater management and drainage measures have been designed to comply with the Council's controls and requirements. As outlined in the Stormwater Management Plan - Nepean Gardens at Appendix R and the Civil Engineering Services Report – Wallacia Country Club Appendix J .	✓
3.7. Water Retention Basins/Dams	Consent is sought for water retention basins are proposed as part of the Nepean Gardens landscape masterplan.	✓
3.8. Rainwater / Storage Tanks	Rainwater storage tanks are included in the Nepean gardens and Wallacia Country Club buildings.	✓

Clause	Proposed	Compliance
C4 Land Management		
4.1. Site Stability and Earthworks	Consent is being sought for earthworks with cut and fill proposed across the site. A Preliminary Geotechnical, Groundwater and Salinity Assessment has been prepared by Martens Consulting Engineers at Appendix EE in accordance with the requirements.	✓
4.3. Erosion and Sedimentation	Erosion and sediment control of the site has been addressed within the Water Sensitive Urban Design Strategy and Stormwater Management Plan by Stormy Water Solutions (Appendix Q) and Civil Engineering Services Report – Wallacia Country Club by Warren Smith & Partners (Appendix J). A Sedimentation and Erosion Control plan will be prepared by the contractor during the construction certificate stage.	✓
4.5. Salinity	Results indicate sub-surface materials at the site can generally be categorised as having a slight salinity risk potential with low lying areas having a moderate risk potential. Therefore, specific saline soil management strategies are required at the site where development occurs in low lying areas.	✓
C5 Waste Management		
5.1. Waste Management Plans	Waste management plans for construction, demolition, and operational waste for Nepean Gardens and Wallacia Country Club have been prepared by Waste Audit and Consultancy Services at Appendix OO, Appendix PP, Appendix QQ and Appendix RR.	✓
5.2. Development Specific Controls		
5.2.4. Non-Residential Development Controls	<p>Wallacia Country Club and Nepean Gardens have designated areas for waste storage as shown in the appropriate Operational Waste Management Plan.</p> <p>In keeping with best practice sustainability programs, all waste areas; reuse areas and waste and recycling bins will be clearly differentiated through appropriate signage and colour coding to Australia Standards to reflect the materials contained.</p> <p>Waste/recyclables will be transported from internal bins to the larger bins located in the outside waste areas on a daily basis by staff. This process will take place for each individual building located on-site.</p> <p>The proposed works have been designed to follow the existing topography of the land where possible to minimise cut and fill work across the site. Reuse, recycling and disposal plans for all removed materials have been set out in the applicable Construction and Demolition Waste Management Plans.</p>	✓
C6 Landscape Design		
6.1.2. Protection of the Environment	<p>1. <i>ESD</i></p> <p>The landscaping of each of the proposed uses has been chosen to respond to the particular needs and the existing site conditions to produce considered designs that incorporate ESD and WSUD principles as outlined in the Nepean Gardens</p>	✓

Clause	Proposed	Compliance
	<p>Landscape Design Response at Appendix L and the Sustainability Strategies – ESD Report at Appendix TT.</p> <p><i>2. Soil Landscapes</i></p> <p>The site is associated with Luddenham soil landscapes, proposed planting has been selected accordingly.</p> <p><i>3. Minimising Soil Erosion</i></p> <p>Erosion and sediment controls have been addressed within the Preliminary Geotechnical, Groundwater and Salinity Assessment at Appendix EE.</p> <p><i>4. Avoidance of Excavation and Filling</i></p> <p>The proposed works have been designed to utilise the existing site layout and to minimise the cut and fill in order to retain the maximum number of trees across the site.</p> <p><i>5. Conserving the Soil</i></p> <p>Excavated soil will be reused on-site where possible and will comply with applicable controls.</p> <p><i>6. Species Selection</i></p> <p>Planting proposed will be native or indigenous that is appropriate to the site and surrounding climate. They will be planted with the intention of protecting and enhancing existing ecology and respecting the environment.</p> <p><i>7. Bushfire Resistant Species</i></p> <p>Plant species chosen will be bushfire and drought resistant.</p> <p><i>8. Protection of Trees and Vegetation</i></p> <p>The landscape plans have identified what vegetation is to be removed, retained and revegetated. Tree Protection Zones will be established near areas of construction. Street trees and vegetation will not be affected by the proposed works.</p> <p><i>9. Vegetation Communities</i></p> <p>Remnant Cumberland Plain Woodland and River-flat Eucalyptus Forest will be retained and protected with minimal removal needed for construction of the internal road in Nepean Gardens. Additional Cumberland Plain Woodland will be planted where possible to create green corridors and connection between existing habitats. A BDAR (Appendix JJ) and Vegetation Management Plan (Appendix MM) has been prepared by Travers Bushfire and Ecology.</p> <p><i>10. Irrigation/ Water Consumption</i></p> <p>Plant species chosen are drought resistant and minimise water consumption. The site will utilise passive irrigation where possible, with an efficient irrigation system where irrigation is required. The Site has opportunities for water storage and re-use on site.</p>	

Clause	Proposed	Compliance
	<p><i>11. Minimisation of Impervious Surfaces</i></p> <p>Verge parking within Nepean Gardens will use impervious surface treatments to minimise impervious surfaces (refer to Appendix L). Permeable paving options for or raised walkways will be utilised across the whole site where possible</p> <p><i>12. Salinity</i></p> <p>As outlined in the Preliminary Geotechnical Groundwater And Salinity Assessment there is slight to moderate salinity risk across the site and mitigation measures will be implemented during the construction certificate stage.</p> <p><i>13. Materials Selection</i></p> <p>Proposed materials will be locally sourced, re-used from on-site, recycled, or embody low-energy materials.</p>	
<p>6.1.3. Neighbourhood Amenity and Character</p>	<p><i>1. Landscape Character</i></p> <p>The landscaping of the proposed uses has been designed to respond to the existing site conditions, local character and will enhance the visual quality and amenity of the whole site. Landscaping will be utilised to screen sensitive areas for privacy and for views from public domain areas.</p> <p><i>2. Integration of Design</i></p> <p>The landscaping has been designed to be integrated with the proposed and existing built form on the site.</p> <p><i>3. Streetscape</i></p> <p>The streetscape of Park Road will not be affected by the proposed works. Screening planting will be implemented along the road to minimise visual impacts and potential golf ball incidents.</p> <p><i>4. Community Safety</i></p> <p>Within Nepean, Gardens landscaping has been designed to ensure the minimal visual impact of headstones from the main internal roads, and Park Rd. Screen planting will also provide privacy for mourners whilst retaining some views in and out for passive policing.</p> <p><i>5. Fencing and Retaining Walls</i></p> <p>Proposed fencing will retain 'post and wire' or existing rural fencing on all private boundaries, with a long-lasting, low and transparent fencing to public land. Fencing and gates with restrict vehicle entry outside of operation hours while allowing pedestrian entry 24/7. Entry gates and walls will be larger at the main entrances.</p> <p><i>6. Planting on Structures</i></p> <p>The proposed development does not propose planting on structures.</p>	<p>✓</p>

Clause	Proposed	Compliance
	<p><i>7. Buffer Zones</i></p> <p>Landscaped buffer zones have been designed in accordance with DCP requirements.</p>	
6.1.4. Site Amenity	<p><i>1. Contextual Design</i></p> <p>Proposed planting will screen sensitive items to minimise visual impacts.</p> <p><i>2. Open Space Requirements</i></p> <p>The site contains passive and active recreation areas. The Wallacia Golf Course will not be accessible to those not playing golf. Nepean Gardens will be accessible to pedestrians 24/7 with a dedicated public open space area.</p> <p><i>3. Deep Soil Zones</i></p> <p>All vegetated areas will be deep soil zones.</p> <p><i>4. Equal Access</i></p> <p>Access for people with disabilities in accordance with AS 1428.-2009 will be provided throughout the buildings and external pathways and footpaths will be DDA compliant for a majority of the site.</p> <p><i>5. Heritage</i></p> <p>The site is not a heritage item or within a heritage conservation area, although there are three local heritage items adjacent to the site. The proposed works will not negatively impact the heritage significance of the adjacent heritage items.</p> <p><i>6. Noise, Vibration and Dust Reduction</i></p> <p>Planting will provide noise, vibration and dust impact reduction to adjoining land uses and roads.</p> <p><i>7. Location of Utility Services</i></p> <p>The Wallacia Country Club and Golf Course will utilise existing utility servicing where possible to minimise impacts. Nepean Gardens has located utility services to minimise negative impacts on vegetation.</p> <p><i>8. Utility Areas</i></p> <p>External storage and waste areas will be suitably located and screened.</p> <p><i>9. Landscaping and Above Ground On-site Stormwater Detention</i></p> <p>On-site stormwater detention works comply with the relevant PDCP requirements.</p> <p><i>10. On-site Effluent Disposal and Landscaping</i></p> <p>On-site sewage management is not proposed.</p> <p><i>11. Car Wash Bays</i></p> <p>Car wash bays are not proposed.</p>	✓

Clause	Proposed	Compliance
6.1.5. Construction	All landscaping construction will meet the minimum 'Landscape Technical Specifications' as outlined in the PDCP.	✓
C7 Culture and Heritage		
7.1. European Heritage	A Heritage Impact Assessment has been prepared by Urbis at Appendix X that concludes that the proposed works are supported from a heritage perspective and are recommended for approval	✓
7.2. Aboriginal Culture and Heritage	An Aboriginal Due Diligence and Historical Archaeological Assessment have been prepared by Austral Archaeology (Appendix Z) that found that the site requires further archaeological investigation. This investigation will be completed prior to the beginning of construction works, and the appropriate mitigation measures will be implemented as required to ensure minimal heritage impact.	✓
C9 Advertising and Signage		
	Signage is not proposed as part of this DA and will be sought under a separate DA.	N/A
C10 Transport, Access and Parking		
10.1 Transport, Access	<p>A Transport Impact Assessment has been prepared for the site by TTPP at Appendix DD which addresses the objectives and controls as outlined in the PDCP 2014.</p> <p>The site is accessible by public transport, bus route 795, and will be supplemented by a Courtesy bus operated by Wallacia Country Club.</p>	✓
10.2 Traffic Management and Safety	<p>A traffic study was included in the Traffic Impact Assessment (Appendix DD) to determine adequate parking provision rates for the proposed uses.</p> <p>Traffic safety mitigation measures are to be implemented in the form of new channelised right-turn treatments for the new site access point to Nepean Gardens and the existing site access point for Wallacia Country Club and Golf Course.</p>	✓
10.3. Key Transport Corridors	The site is located on Park Road, which is a key transport corridor. The proposed new buildings are setback more than 30m from Park Road. The new site access for Nepean Gardens is in line with the existing character surrounding developments and will not impact the landscape character or heritage values of the area.	✓
10.4 Roads	The proposed internal roads in Nepean Gardens allow for two-way movement with kerbside parking. The internal roads would be of sufficient width to accommodate a fire truck with passing traffic.	✓

Clause	Proposed	Compliance															
10.5. Parking, Access and Driveways																	
10.5.1. Parking	<p>On-site parking has been provided in line with DCP parking rates, RMS rates or rates determined during the traffic and parking study for the uses not listed, as outlined in the Traffic Impact Assessment at Appendix DD.</p> <p>On-site loading docks have been included at the chapel and Wallacia country Club.</p> <p>A number of parking spaces are provided and summarised in Table 14 below. Justification for the shortfall in parking for Wallacia Country Club and Golf Course is provided in Section 8.4 and in the Traffic Impact Assessment at Appendix DD.</p> <p>Table 14 – Proposed Car Parking</p> <table> <tr> <th>Use</th><th>Recommended Parking Requirement</th><th>Parking Provision</th></tr> <tr> <td>Chapel</td><td>44 spaces</td><td>40 spaces (not including kerbside car parking)</td></tr> <tr> <td>Administration Building</td><td>8 spaces</td><td>10 spaces</td></tr> <tr> <td>Workshop</td><td>-</td><td>6 spaces (staff only)</td></tr> <tr> <td>Wallacia Country Club and Golf Course</td><td>141 spaces</td><td>127 spaces</td></tr> </table>	Use	Recommended Parking Requirement	Parking Provision	Chapel	44 spaces	40 spaces (not including kerbside car parking)	Administration Building	8 spaces	10 spaces	Workshop	-	6 spaces (staff only)	Wallacia Country Club and Golf Course	141 spaces	127 spaces	✓
Use	Recommended Parking Requirement	Parking Provision															
Chapel	44 spaces	40 spaces (not including kerbside car parking)															
Administration Building	8 spaces	10 spaces															
Workshop	-	6 spaces (staff only)															
Wallacia Country Club and Golf Course	141 spaces	127 spaces															
10.5.2. Access and Driveways	Proposed and existing site access points allow for two-way entry and exit in a forward direction. The new site access entrance at Nepean Gardens is considered to provide sufficient safe intersection sight distance, between Park Road and the internal roads. Access and driveways have been designed in accordance with the relevant controls.	✓															
10.6. Pedestrian Connections	Pedestrian footpaths are not proposed external to the site. Internal pedestrian pathways are as described in Section 5 and are compliant with the relevant controls.	✓															
10.7 Bicycle Facilities	Bicycle facilities are not provided as there will be less than 20 employees for each of the proposed uses.	✓															
C11 Subdivision																	
11.1. General Subdivision Requirements	<p><i>1. Engineering Works</i></p> <p>Road and other engineering works are not required to support the proposed subdivision.</p> <p><i>2. Site Planning</i></p> <p>The proposed subdivision is reflective of the site uses and the topography of the site. The subdivision will ensure the independent operation of the Golf Course and Nepean Gardens. The subdivision complies with the principles set out in Section C1 of the DCP.</p>	✓															

Clause	Proposed	Compliance
	<p><i>3. Subdivision of Natural Resources Sensitive Land</i></p> <p>The proposed subdivision will not result in fragmentation of the natural resources sensitive land on the site, the impacts of the development on this land have been addressed in Table 10.</p> <p><i>4. Vegetation Management</i></p> <p>No vegetation is required to be cleared and will not be impacted as a result of the subdivision.</p> <p><i>5. Water Management</i></p> <p>The proposed subdivision will not impact upon the water and flood management measures outlined in this DA.</p> <p><i>6. Land Management</i></p> <p>The proposed works have taken into account the land management issues of the site. The proposed subdivision is not affected by this.</p> <p><i>7. Culture and Heritage</i></p> <p>The proposed subdivision will not impact upon the cultural or heritage importance of the site.</p> <p><i>8. Access and transport</i></p> <p>Traffic generation impacts were taken into account in the proposed works and subdivision of the site. Each portion of the subdivision is accessible from Park Road</p> <p><i>9. Noise and Vibration</i></p> <p>The proposed new buildings on each portion of the subdivision are sufficiently setback to minimise impacts to nearby sensitive uses.</p> <p><i>10. Infrastructure and Services</i></p> <p>Each portion of the subdivision can be adequately serviced for wastewater disposal, utility services and water connection.</p>	
C12 Noise and Vibration		
12.1. Road Traffic Noise	<p>The noise emission mitigation measures will sufficiently screen road traffic noise impacts and buildings associated with Nepean Gardens are sufficiently set back not to be impacted by road traffic noise. The development does not generate a significant amount of traffic to impact road traffic noise to surrounding land uses.</p>	✓
12.4. Industrial and Commercial Development	<p>An Acoustic Assessment for Wallacia Country Club has been prepared by Axil Architects at Appendix V. The assessment specifically addressed the impacts of the following:</p> <ul style="list-style-type: none"> Noise associated with the licenced premises; and Noise associated with the car park, gym, pool and plant/ equipment. 	✓

Clause	Proposed	Compliance
	Subject to adopting the recommendations contained in Section 7 of the Acoustic Assessment, the operation of the site will comply with relevant acoustic criteria and ensure no unacceptable noise impact on nearby properties.	
C13 Infrastructure and Services		
13.2. Utilities and Service Provision	Warren Smith & Partners have prepared a Civil Engineering Services Report in Appendix G . The report addresses utilities and services management.	✓
13.3. On-Site Sewage Management	Warren Smith & Partners have prepared a Civil Engineering Services Report in Appendix G . The report addresses sewage management.	✓
13.4 Engineering Works and Construction Standards	All engineering works will be undertaken in accordance with the relevant Council provisions.	✓
D5 Other Land Uses		
5.8 Cemeteries, Crematoria and Funeral Homes	The proposed cemetery has been located with sufficient separation between buildings on the site and adjacent dwellings. Vegetated buffers of 15m or greater are located along all boundaries that vary in size depending on topography and site constraints. Park Road has sufficient capacity to accommodate the proposed uses without generating unacceptable traffic impacts. A Traffic Impact Assessment has been prepared by The Transport Planning Partnership at Appendix DD . The proposed cemetery is designed to enable compliance with the Public Health Act 1991 and Protection of the Environment Operations Act 1997 and supporting regulations. This is reflected in specialist studies that confirm the site is suitable for the use. Ongoing compliance with these statutes would form reasonable conditions of consent.	✓
E9 Mulgoa Valley		
9.1 Siting and Built Form controls		
9.1.1 Heritage Items and Vistas	All buildings will not impact on the view of heritage items and are sufficiently screened. This has been confirmed in both the Heritage and Visual Impact Assessments accompanying this DA.	✓
9.1.2 Siting	All buildings are sufficiently distanced from stream banks and watercourses reflecting the recommendations of specialist studies that have informed and support this DA. The front setback of Wallacia Country Club will remain unchanged; the Administration building is setback 68.4m from Park Road. Minimal excavation and	✓

Clause	Proposed	Compliance
	<p>filling are required for structures. Cut and fill has also been reduced where possible for the golf course redesign.</p> <p>The buildings associated with Nepean Gardens are sufficiently separated to avoid clusters and maintain the semi-rural and open space character. The additions to the Wallacia Country Club are located close to the existing buildings and are within proximity to the local centre and will not impact on the rural landscape appearance.</p>	
9.1.3 Building Form, Materials and Colours	<p>All proposed structures will not exceed two storeys.</p> <p>The proposed administration building will have a flat roof, Wallacia Country Club and extension will have a mix of peaked and flat roof features, while the Chapel has a pitched roof.</p> <p>The building facades provide good articulation with a horizontal emphasis and a mix of glazed and built elements for a variation to the facades. The new chapel building is a high-quality design reflective of the social benefit providing a space that is embracing of people of all faiths and non-faiths.</p> <p>The proposed building materials and colours will integrate with the surrounding landscape and provide variation to the building's appearance. A materials palette has been provided for the Wallacia Country Club and Nepean Gardens structures.</p> <p>Burial memorialisation is detailed in the landscape masterplan and appropriately reflect the memorial garden vision for the site, this is distinctly different from traditional cemeteries that placed heavy emphasis on significant memorialisation.</p>	✓
9.1.4 Planting	<p>Existing vegetation will be retained where possible. A comprehensive tree survey and analysis (Appendix II) has informed the landscape design philosophy that is embodied in the proposal.</p>	✓
9.1.5 Access, Parking and Services	<p>All internal roads will be sealed and follow the contours of the land.</p> <p>The parking areas for Nepean Gardens will not be visible from the road and will be consistent with contemporary cemetery design as outlined in the Landscape Design Response – Nepean Garden (Appendix L). Parking for the Wallacia Country Club and Wallacia Golf Course will be visible from Park Road and will be an extension of the existing parking arrangements surrounding the Club.</p>	✓
9.1.6 Fences and Entrances	<p>A fencing strategy has been prepared and forms part of the landscape masterplan and landscape design documentation. It is considered that the approach is sympathetic to the character of the area and responsive to the DCP objectives.</p>	✓
9.1.7 Signage	<p>No signage is proposed under this DA. Any future proposed signage will be subject to the Exempt and Complying Development Codes or a development application will be submitted to the consent authority for approval.</p>	✓

7.7. VOLUNTARY PLANNING AGREEMENT

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

8. SECTION 4.15 ASSESSMENT - LIKELY IMPACTS OF THE DEVELOPMENT

8.1. BUILT ENVIRONMENT

8.1.1. Compatibility

The zone objectives of the E3 and RU5 zones place compatibility as a key consideration in the assessment of the planning merit of this proposal. In that regards, the proposed works in the manner depicted must be capable of demonstrating its alignment with the key planning controls for the site and locality as reflected in both PLEP and PDCP.

The Landscape Design Report contained in **Appendix L** details the vision and objectives of Nepean Gardens and the Architectural Design Response – Wallacia Country Club prepared by Axil Architects at **Appendix P** outlines the vision for Wallacia Country Club. From an ongoing land use compatibility perspective, a Plan of Management has been prepared by Urbis and CCB for Nepean Gardens at **Appendix YY**, which sets out CCB's commitment both to itself and the wider community on the transparent expectation the cemetery will operate by. These commitments include management of site use in a manner responsive to its locality, its community and other key stakeholders.

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

Roseth SC stated that:

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

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?"

Physical impacts in the surrounding development

Roseth SC stated that:

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

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

Traffic and Parking

As noted in the Traffic Impact Assessment undertaken by The Traffic Planning Partnership (TPPP) at **Appendix DD**, Park Road has sufficient capacity to accommodate expected traffic volumes anticipated from the development. The additional parking provided for the proposed uses is sufficient for the expected traffic generation. Road intersection treatments are proposed to facilitate at the Nepean Gardens and Wallacia Country Club entrances are proposed to mitigate any negative traffic impacts.

The IPC raised that accessibility to the site via public transport 24-hours is low, with no bus services available between 6 pm and 6 am. It is anticipated that people wishing to access the site via public transport during those hours is unlikely. People visiting cemeteries usually travel via private transport or will organise travel around the available public transport services.

Noise Impacts

An Acoustic Impact Assessment has been prepared by Acoustic Logic at **Appendix V**. the assessment considered the relationships between the Country Club and the nearby noise sensitive receivers. Subject to adopting the recommendations contained in Section 7 of the Acoustic Assessment, the operation of the site will comply with relevant acoustic criteria and ensure no unacceptable noise impact on nearby properties.

Overlooking and Overshadowing

As a consequence of the single level scale and eastern orientation of new building works, particularly for the Country Club and community facilities buildings No overlooking or overshadowing of surrounding properties occurs as a consequence of the proposal.

Future Development Potential

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

Visual Impact

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

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

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

Heritage Context

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

The proposed uses will be low impact with the cemetery use located furthest from the proximate heritage items. The Golf Course will have little impact as it is a continuation of the existing situation. The Wallacia Country Club alterations and additions are within the urban context and will not overshadow or physically impact on the proximate heritage items. Intervention is not required to protect the heritage items.

Local Character

The proposed works will have a minimal impact on the existing local character of the area. The retention of the golf course and expansion of Wallacia Country Club responds to the community's desire for the retention of recreational uses in their community.

The golf course is an important element of the social fabric and sense of place that residents feel towards the Wallacia Village and surrounding rural context. The cemetery component has been reduced in order to be visually subordinate and is a significant distance from the Wallacia town centre. The introduction of a cemetery will be a gradual change and will only have a small impact upon the local character and the perception that locals have towards the site and locality.

Overall, while there will be a reduction in available land area for recreational activities due to the cemetery component of the proposal, the proposal will significantly improve the quality and diversity of recreational offerings, providing a better recreational experience than is presently available.

8.1.2. Built Form

Wallacia Country Club

The following observations are made in relation to the built form design of the Wallacia Country Club buildings:

- The proposed alterations and additions are an intensification of the current use and with the intention of creating a rejuvenated sporting and community club for 'A community within the community'.
- The overall design concept is to provide a welcoming and protective venue with contemporary quality. The approach to the interior aims to be better than usually found in the general club industry, due to the exceptional golf course site located in the centre of Wallacia. The aim is to achieve a 'Sense of Place' for patrons, making them feel as if they are part of a community club, with a unique atmosphere that will not readily date. Areas are to be flexible to accommodate the changing needs and desires of patrons, allowing both intimate spaces and larger group spaces. The Architectural Design Response prepared by Axil Architects at **Appendix P** provides additional information.
- The refurbished Club allows not only the upgrade of existing activities but also the opportunity to create new areas within the Wallacia local centre, with greater relevance for all ages. Patrons are increasingly seeking more versatile options from hospitality and sporting venues. The refurbished club will provide an entertainment, sporting and hospitality hub for the Wallacia community.
- The functional and operational areas within the Club and new sporting facilities have been designed to facilitate the overall Club's management, surveillance and security of the site and the adjoining neighbourhood.
- The proposed new swimming pool and gym building are located close to the existing structure and the established built area of the Wallacia local centre. The building has been designed to be cohesive with the existing Wallacia Country Club and is sufficiently set back from the street and adjacent properties.
- The proposed alterations and additions are unlikely to have an adverse impact on the streetscape as the pool and gym building will be largely blocked from sight and does not extend above the existing building height. The proposal has been able to demonstrate that it will have an acceptable impact on the amenity of the surrounding buildings.

Nepean Gardens

The following observations are made in relation to the built form design of the Nepean Gardens buildings:

- The proposed new chapel and administration building have been specifically designed to relate to the constraints of the site, with particular emphasis on managing the slopes of the site whilst maintaining the relationship with the adjoining residential properties.
- The Chapel is to be a congregational place to facilitate remembrance & ritual of passing. A place for multid denominational & interfaith gatherings to pay respect to a loved one as they transition to the afterlife. The development is a contemporary design and proposes state of the art funerary chapel & associated facilities both nationally & internationally.
- As the development occupies a large site with the irregular shape, the architectural design of the proposal has been undertaken to reflect those specific characteristics. The architectural design of buildings has been designed to be integrated into the surrounding park grounds and not appear as dominant features
- The proposed buildings are not considered to be out of character with the existing landscape and local character of the area. The new buildings occupy only a very small proportion of the overall site area and can be sympathetic to the changing character of the landscape to accommodate new burial grounds.
- The proposed development responds to the context of the site by addressing the development away from the site boundaries. The proposed vehicle entry placement will reduce traffic impacts and provide distinct entry points to the different uses proposed on the site.
- The height of the development will not adversely impact on the streetscape. The proposal has been able to demonstrate that it will have an acceptable impact on the amenity of the surrounding buildings.

8.1.3. Building Code of Australia

A BCA Assessment Report – Nepean Gardens has been prepared by Anthony Protas Consulting at **Appendix T** and a BCA Report – Wallacia Country Club has been prepared by Vic Lilli at **Appendix S**. The BCA Report states that the proposed Chapel and Administration buildings are readily capable of complying with the requirements of the BCA 2019.

8.1.4. Accessibility

An Access Report for Wallacia Country Club (**Appendix GG**) Nepean Gardens (**Appendix HH**) has been prepared by Morris Goding Access Consulting. The reports contain an assessment and recommendations to maximise reasonable provisions of access for people with disabilities.

The reports make recommendations regarding accessible paths of travel external to the building, entrances, emergency egress, circulation areas, lifts, stairs and ramps, sanitary facilities, common areas and parking. Subject to complying with the recommendations identified in the report, the development is capable of complying with:

- Federal Disability Discrimination Act (DDA);
- Disability (Access to Premises – Buildings) Standards 2010;
- Building Code of Australia (BCA) Part D3, F2, E3;
- AS 1428.1:2009 - (General Requirement for Access);
- AS 1428.4.1:2009 - (Tactile Ground Surface Indicators);
- AS 2890.6:2009 - (Parking for People with Disabilities);
- AS 1735.12:1999 - (Lift Facilities for Persons with Disabilities); and
- Penrith Council DCP 2014 Volume 1.

The recommendations within the Wallacia Country Club Accessibility Report have been incorporated into the design. The recommendations made in the Nepean Gardens Accessibility Report will be implemented during the detail design stage.

8.2. VISUAL IMPACT

A Landscape and Visual Impact Assessment has been prepared by Urbis at **Appendix SS**. The Landscape and Visual Impact Assessment concludes the following:

Landscape Character Impacts

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

The setting of the Project also includes built form of varying scales and density. Within this context, the form of the buildings of the Nepean Gardens component of the Project, as well as their limited number, result in a limited change that is consistent with the character of the setting.

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

The alterations and extensions to the Wallacia Country Club are consistent with the scale and form of the existing building, as well as its setting at the interface of the golf course and town centre.

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

Visual Impacts

The Project is assessed as having an overall negligible to the low visual impact on surrounding sensitive uses and viewpoints. Views to the Project are typically screened by either perimeter or on-site vegetation, intervening elevated topography, or built form along with its western and southwestern interfaces.

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

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

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

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

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

Lighting Impacts

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

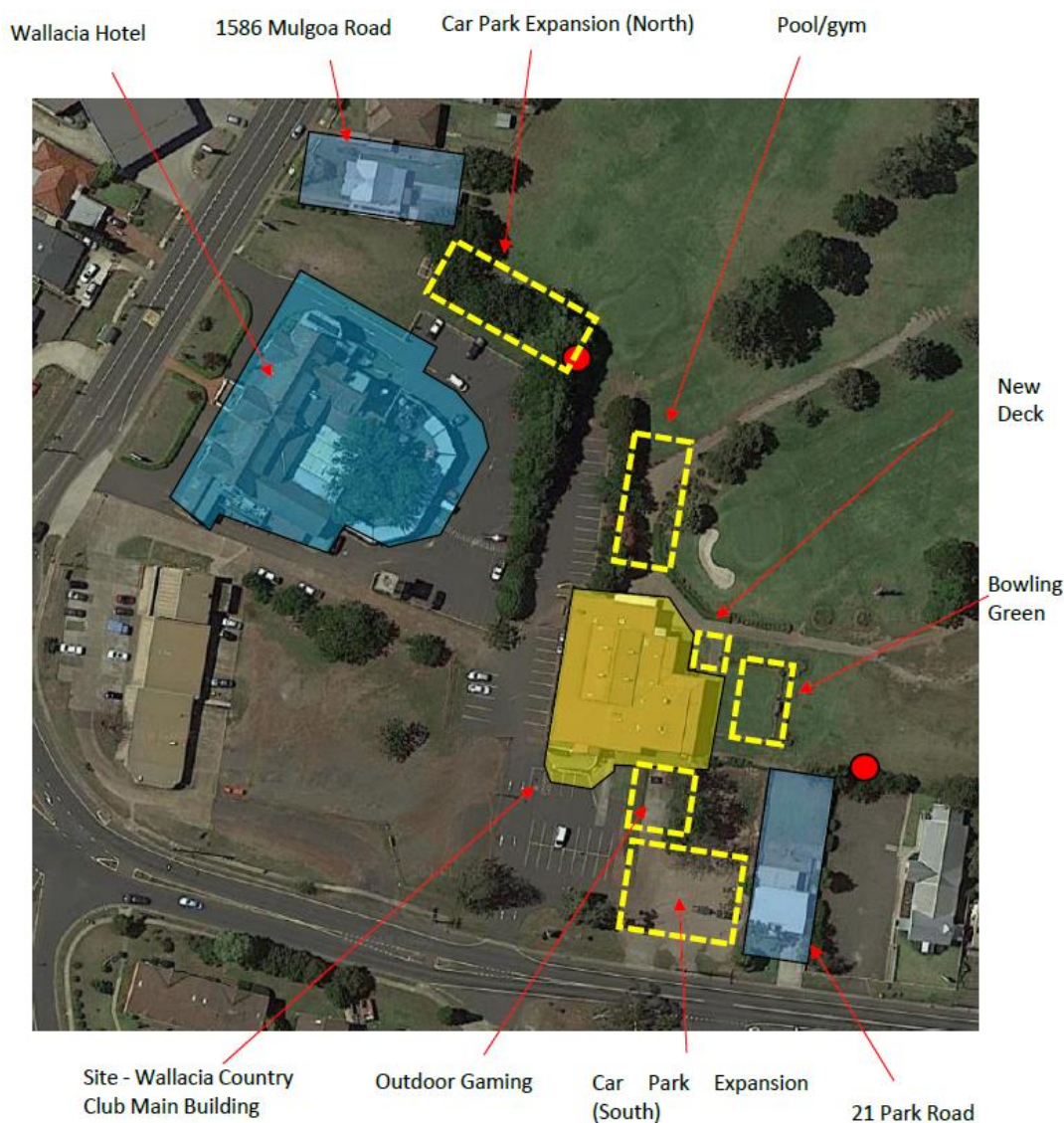
8.3. ACOUSTIC IMPACTS

An Acoustic Impact Assessment of Wallacia Country Club has been prepared by Acoustic Logic and is submitted at **Appendix V**. The report identifies relevant noise emission criteria, nearby noise sensitive receivers, potential operational noise and appropriate management controls if necessary.

The nearest sensitive noise receivers to the site include (see **Figure 24**):

- To the north/west of the site – single storey residence at 1586 Mulgoa Road and the Wallacia Hotel, (near the proposed gym/indoor pool and car park expansion); and
- To the east – single storey residence at 21 Park Road (the nearest residential property – to the south-east, near the car park expansion, outdoor gaming and main club building).

Figure 24 – Nearest sensitive noise receivers



Source: Acoustic Logic – Acoustic Impact Assessment – Wallacia Country Club

Long term unattended noise logging was conducted to quantify the existing acoustic environmental at the site. The following noise sources were assessed:

- Main building;
- The main building (function room, outdoor areas);
- Outdoor gaming;
- Gym and Pool;
- Car park expansion; and
- A preliminary assessment of noise from mechanical plant.

Relevant acoustic criteria applicable to the development are as follows:

- Noise associated with the licenced premises – the **Office of Liquor and Gaming acoustic criteria**.
- Noise associated with the car park, gym, pool and plant/equipment - **EPA Noise Policy for Industry**.

When assessing noise emissions from a licensed premise, noise emissions must comply with the acoustic requirements imposed by the Office of Liquor Gaming and Racing. These guidelines relate to noise

generated by patrons and by music. Sleep arousal impacts have also been considered for noise generated after 10 pm.

The following provides a summary of the acoustic impacts on nearby sensitive receivers:

1586 Mulgoa Road

The primary noise source impacting 1586 Mulgoa Road is the car park expansion in the north-west corner of the site. Noise emissions from the car park were assessed with reference to the EPA Noise Policy for Industry and concluded that the proposed noise impact is considered reasonable.

Wallacia Hotel

The primary noise sources impacting Wallacia Hotel are the proposed gym and pool. Noise emissions from the pool/gym have been assessed with reference to the EPA Noise Policy for Industry. Subject to adopting the following recommendations, the proposed noise impact is considered reasonable:

- Doors to have automatic closers.
- All glazing to be minimum 6.38mm (Rw 31). No ventilation louvres are to face west unless acoustically treated to the equivalent of the Rw 31 façade.
- Music to be kept to background levels (70dB(A)Leq(15min)).

21 Park Road

The primary noise sources impacting 21 Park Road are from the outdoor gaming, new deck and function room. Noise emissions have been assessed with reference to the Office of Liquor and Gaming acoustic criteria. The combined noise level of the gaming area, the new deck and the function room are compliant with Office of Liquor and Gaming acoustic criteria provided that the recommendations in Section 7 of the Acoustic Report are complied with. Recommendations include the outdoor terrace/deck on the ground floor ceasing use at 10 pm. The outdoor space on the lower ground floor also must not be used after 8 pm.

An assessment of noise from the outdoor gaming and function room has also been assessed post 10 pm. The combined noise level of the gaming area and the function room is compliant with the Office of Liquor and Gaming acoustic criteria provided that the recommendations in Section 7 are adopted.

The proposed car park expansion at the southern end of the site adjoins the western façade of 21 Park Road. The area in which the expansion is proposed is already used for vehicle parking. The assessment concludes that the proposed impact is reasonable. It is recommended that the spaces in the new car parks are not used by staff to ensure that the parking spaces close to property boundaries are not used after 10 pm. A solid fence is also recommended to be installed along the eastern boundary of the new eastern car park and perimeter of the new northern car park.

Noise from the mechanical plant has also been assessed. A detailed acoustic review of plant items will be undertaken at CC stage to ensure plant noise is acoustically treated such that noise emission will comply with the EPA Noise Policy for Industry.

Summary

Noise emissions associated with the proposed refurbishment of the Wallacia Country Club have been assessed with reference to relevant EPA, Office of Liquor and Gaming and Council acoustic guidelines. Subject to adopting the recommendations contained in Section 7 of the Acoustic Assessment, the operation of the site will comply with relevant acoustic criteria and ensure no unacceptable noise impact on nearby properties.

8.4. TRAFFIC AND PARKING

A Traffic Impact Assessment has been prepared by The Transport Planning Partnership at **Appendix DD**. The key findings from this report are provided below:

- *The revised DA seeks approval for a smaller scale cemetery on 21.37 hectares with a capacity to provide 27,000 burial plots, a reduced size 9-hole golf course on 21.7 hectares and a renovated and extended clubhouse for Wallacia Country Club, featuring a new bowling green, swimming pool and gymnasium.*

- *There is sufficient SISD at the proposed new site access point to the Nepean Gardens site. It is considered that vehicles egressing the site would have sufficient visibility to exit the site safely.*
- *Internal road widths within the Nepean Gardens site satisfy NSW Rural Fire Services requirements.*
- *There is sufficient car parking within the Nepean Gardens site for visitors and staff, with additional kerbside parking within the internal road layout, providing appropriate parking provision.*
- *Previous empirical data at similar club developments indicate that different land uses give rise to different parking demand throughout the course of the day. Based on this, the proposed renovated club and golf club is expected to generate a peak parking demand of 128 spaces to cater for the proposed additions to the club,*
- *It is proposed to provide 127 spaces for the renovated club and golf club site, which is considered satisfactory to serve anticipated peak parking demand arising from the proposal.*
- *Appropriate loading and unloading facilities will be provided on-site.*
- *The proposed car park and associated elements will be designed in accordance with design requirements as set out in AS 2890.*
- *Both Park Road and the proposed site access have sufficient capacity to accommodate expected traffic volumes anticipated from the development. The proposed golf club site access also has appropriate spare capacity to cope with vehicles entering the site in relation to the proposed function room facility after funeral services.*
- *Traffic modelling suggests that the key intersections surrounding the site and the site access points will continue to operate satisfactorily at LoS A/B during weekday and weekend peak conditions with the proposed development traffic. It is also proposed to provide appropriate intersection treatment at both site access points.*
- *The proposed development would not have a detrimental impact on the existing road network.*

There will be no adverse traffic and parking implications associated with the proposal.

Details of the traffic and parking arrangements proposed in association with the proposal are summarised below.

8.4.1. Parking

Nepean Gardens

Parking will be provided through two (2) on-site car parks associated with each building as well as kerbside parking in the internal road network. Two-way roads are proposed to provide parallel parking on both sides and one-way roads to provide parallel parking on one side.

The assessment of the proposed parking provision for the cemetery component of the proposed development is provided in **Figure 25**.

Figure 25 - Proposed Parking Assessment – Nepean Gardens

Site	Size (Ha)	Burial Plots	Chapel Capacity
Liverpool Cemetery	8	24,000	Seated: 180 Standing: 70
Rookwood Cemetery	286	189,400	Crematorium / Chapel: 162 seats SACRED Heart: 80 seats St Michaels: 60 seats Mausoleum: 200 seats Total: 502 seats
Proposed Nepean Gardens Cemetery	21	27,000	Seated: 110

Source: TTPP – Traffic Impact Assessment

Note: that there are an additional 6 staff car parking spaces accommodated at the workshop building within the golf course grounds, which will be a shared maintenance facility between the Golf Course and Nepean Gardens.

These key parking generators associated with the cemetery would require 52 spaces and the provision of 50 spaces plus ample kerbside parking would sufficiently accommodate these parking needs. Any overflow parking that may occur when the chapel is used at full capacity, the parking demand could be accommodated by kerbside parking around the facilities, which could accommodate over 200 spaces if required.

Wallacia Country Club and Golf Course

The car parking requirements for the proposed renovated club and golf club has been assessed using the following sources:

- Existing peak parking accumulation of the existing club site
- Penrith Development Control Plan (DCP) 2014
- Review of other existing aquatic centres undertaken as part of the Warringah Aquatic Centre planning (Strategic Leisure Group, 2013)
- Roads and Maritime Services' Guide to Traffic Generating Developments (2002)
- Roads and Maritime Services' Trip Generation and Parking Demand Surveys of Gymnasiums, Data and Analysis Report (2014).

Based on an assessment of the proposed car parking requirements of the additional land uses, the Country Club would require an additional 80 space for a total of 141 spaces. It is proposed to provide a total of 127 car parking spaces, including two accessible spaces, to serve the proposed development. This is considered appropriate for the proposal for the reasons explained below.

Previous empirical data at similar club developments indicate that different land uses give rise to different parking demand throughout the course of the day. A parking accumulation assessment estimated that the site's busiest day would be on a Friday. Therefore, it is assumed that the renovated club and golf club would require 87 spaces (i.e. existing car parking provision of 61 spaces plus an additional requirement of 26 spaces).

Based on the accumulation analysis, the peak parking demand of the future club is expected to be in the order of 128 spaces, which would occur between 6 pm and 10 pm. Therefore, the provision of 127 spaces is will satisfy the anticipated maximum parking demand for the club.

It is also noted that there is likely to be some multi-visiting between the club and swimming pool and/or gym use, which may further reduce the car parking demand estimated above. Nevertheless, the proposed car parking provision is satisfactory to serve the anticipated use of the club. The club would also continue to provide a free courtesy bus service for club patrons to promote non-car travel to/from the site, as well as promote alternative transport such as uber and taxis if car travel is necessary.

The car park and associated elements are proposed to be designed in accordance with relevant design requirements as set out in the Australian Standards. It is however envisaged that a condition of consent would be imposed requiring compliance with these standards and as such, any minor amendments can be dealt with prior to the issue of a construction certificate.

8.4.2. Traffic Generation

Nepean Gardens

There is no current traffic generation guidance given within the Roads and Maritime Services Guide to Traffic Generating Developments (2002) that outlines the traffic generation by cemeteries or gyms. However, the traffic generation can be determined through comparison with a similar site at the Liverpool and Rockwood Cemeteries and similar gym developments.

A summary of the traffic generation estimates arising from the proposal is provided in **Figure 26**. It indicates that the proposed development is expected to generate up to 115 additional trips during the weekday AM, 167 additional trips in the weekday PM and 166 additional trips in the weekend peak period. These additional trips are predominately associated with the proposed new cemetery use, which accounts for additional 94-95 trips during the peak hour.

Figure 26 - Proposed Traffic Generation Assessment – Wallacia Country Club and Golf Course

Land Use	Size	Peak Trip Rate			Peak Traffic Generation		
		Weekday AM	Weekday PM	Weekend	Weekday AM	Weekday PM	Weekend
Club (including bowling green)	+392m ²	Note [1]	3.94 trips per 100m ²	3.19 trips per 100m ²	0 trips	15 trips	13 trips
Function	37 spaces		1 trip per space		0 trips	37 trips	37 trips
Swimming Pool	14 spaces	1 trip per space			14 trips	14 trips	14 trips
Gym	+121m ²	5.6 trips per 100m ²			7 trips	7 trips	7 trips
Cemetery	27,000 burial plots	See Section 5.1			94 trips	94 trips	95 trips
Additional Traffic Generation					+115 trips	+167 trips	+166 trips

[1] The club and function use will not be operational during the network AM peak.

Source: TTPP – Traffic Impact Assessment

8.4.3. Loading

Nepean Gardens

Several service vehicles will access the site regularly, for refuse collection and delivery to the refrigerated holding facility. Service vehicles would enter the site via the main access from Park Road, located on the southern boundary of the site. The internal roads would be of sufficient width to accommodate a fire truck with passing traffic (if any).

Wallacia Country Club and Golf Course

The proposed new loading area within the renovated club and golf club site is designed to facilitate a vehicle up to and including an 8.8m long medium rigid vehicle. Swept path analysis has been conducted and is provided in Appendix C of the Traffic Impact Assessment. All service vehicles will enter and exit the site in a forward direction. In addition to this, all loading activities will be managed by club management to ensure appropriate and efficient operation.

As such, the loading facilities are considered adequate to service the anticipated loading requirements for Nepean Gardens and Wallacia Country Club and Golf Course.

8.5. HERITAGE IMPACTS

8.5.1. Built Heritage

The proposed works have been assessed for their potential impact on the proximate heritage items and heritage conservation areas in the Heritage Impact Statement prepared by Urbis at **Appendix X**. As outlined in **Section 7.5.2**, the proposed works are supported from a heritage perspective and are recommended for approval.

8.5.2. Archaeology

An Aboriginal Due Diligence Assessment (**Appendix Z**) and Historical Archaeological Assessment (**Appendix Y**) was prepared by Austral Archaeology.

The conclusions and recommendations of the report include:

- There are zones of varying degrees of historical, archaeological potential located within the site which may contain archaeological deposits.
- The archaeological remains may relate to Blaxland's Luddenham Farm and outbuildings, a Second World War air-raid shelter, or the original alignment of the Wallacia to Luddenham track.
- Any such archaeological deposits, should they be intact, are considered to range from local to State significance.
- A search of the Aboriginal Heritage Information Management System (AHIMS) Database returned no sites in the study area. This is likely due to a lack of any development within the study area rather than due to an absence of Aboriginal cultural material.
- However, several streams and creeks pass through the study area which suggests that parts of the study area may contain Aboriginal cultural material, although the level of archaeological potential is dependent on low levels of modern disturbance in the vicinity of these creeks.

Additionally, the archaeological assessment found that there is potential for archaeological remains of air raid shelter under the existing 10th green, see **Figure 27**. The proposed golf course reconfiguration and expanded car park will impact upon the air raid shelter if it is in this location. It is considered that the potential for the air-raid shelter to exist in this location, or at all, to be low, as it is based on a single verbal record and there is no evidence of its existence on the grass. An air-raid shelter would have made impacts to the grass over time due to issues with drainage.

The status of the shelter will be subject to further investigation and the standard procedure if any archaeological finds are made during the cut and fill works.

These areas of aboriginal and archaeological potential warrant further archaeological investigations due to the works that are proposed and additional investigations will be undertaken as per the recommendations made in the reports.

The Historical Archaeological Assessment and Aboriginal Due Diligence Assessment include recommendations to be considered as conditions of development consent, should Council consider it necessary.

Figure 27 – Historical Archaeological Potential of the Western Portion of the Study Area – Map Extract



Source: Austral Archaeology

8.6. ENVIRONMENTAL IMPACTS

8.6.1. Biodiversity

A Biodiversity Development Assessment Report (BDAR) has been prepared by Travers Bushfire and Ecology (**Appendix JJ**) to investigate the potential impacts of the proposed works and will be submitted to the Council upon completion for assessment. The BDAR will include the following:

- An assessment of the biodiversity values and the likely biodiversity impacts of the proposal in accordance with section 7.9 of the *Biodiversity Conservation Act 2016* and the Biodiversity Assessment Method (BAM);
- An avoid, minimise and offset framework including an assessment all direct, indirect and prescribed impacts in accordance with the BAM avoidance measures, mitigation measures to minimise impacts and offsetting principles. The report will include a total offset obligation and the proposed offset method for meeting the prescribed obligations; and
- An assessment of the likely impacts on listed threatened species, population or ecological communities and a description of the measures to minimise and rehabilitate impacts.

The BDAR considered the direct, indirect and cumulative ecological impacts of the proposal in respect to recorded biodiversity, threatening processes and extent of the impact. The following actions and designing of works have been undertaken to either avoid or minimise impacts on biodiversity values:

- *Cemetery has been located taking advantage of the disturbed zones*
- *Proposed fairways have taken advantage of existing fairways to minimize tree removal*
- *Strict hollow removal process to prevent impacts on hollow-dependent fauna and permit relocating of hollows with resident animals.*
- *Access roads located on existing tracks or through existing cleared zones where possible*
- *Preparation of a Vegetation Management Plan (VMP)*
- *Fencing to exclude stock and general access to quality bushland areas*
- *Restore and rehabilitate native vegetation, in particular, the CPW and RFEF*
- *Undertake feral pest management including control of foxes, cats, pigs, goats, avian pests, horses and any other miscellaneous species as required*
- *Limit vegetation removal in APZs*
- *Integrated weed management and control of high threat exotics*
- *Monitoring for evidence of disease*
- *Adaptive management*

The BDAR makes the following recommendations to minimise or ameliorate the potential negative impacts of the proposed works:

- *A Vegetation Management Plan has been prepared to outline the vegetation restoration areas advised by this report and to outline the extent of weed control measures. The vegetation management plan should aim to restore the riparian zone using locally occurrence native vegetation species from the communities. The VMP will revegetate 4.31 ha of RFEF 1.35 ha of CPW, and regenerate 1.76 ha of RFEF and 1.38 ha of CPW.*

Canopy trees plantings are to be specified and include at least one-half of locally occurring native species representing year-round nectar foraging potential.

Landscape planting of trees is to be installed around the perimeter of the site and in between fairways to provide a natural screen and connectivity, particularly along the northern boundary to restore arboreal connectivity for birds and arboreal mammals.

- *Sediment and erosion control measures in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) to minimise the impact of possible sedimentation to local drainage lines.*
- *Landscaping is to use locally-occurring native species commensurate with CPW on non-floodplain areas, and RFEF on floodplain areas adjacent to watercourses.*
- *A microbat was observed flying out of a hollow in HT10 during tree surveys in 2017. HT6 was also identified as a potential bat roost at this time. Despite the poor health of HT10, it has been identified for retention. Given the recording of hollow-dependent threatened microbats any requirement to remove hollow-bearing trees as part of the proposal will require a further survey to identify the species and subsequent best practice effort to effectively relocate the roost into a nearby retained tree.*
- *All hollow-bearing trees identified to be removed are to be stag-watched during warmer months between October - March to determine any use by microbats (DEC 2004). This is to be undertaken with an ultrasonic recorder so that any emerging bats can be identified. These hollows may alternatively be inspected by tree climber and videoscope for signs of current or previous use.*

Any habitat trees observed at this time to contain a threatened microbat is to be retained as a priority within the landscape with appropriate protection measures, if safe to do so. If the tree is unsafe and cannot be made safe then it is to be fenced to exclude access.

- *The removal of all hollows is to be under the supervision of a fauna ecologist. This is particularly given that microbats may regularly change roost sites and surveys may not be reliable. Any hollows found to contain fauna or otherwise identified as high-quality hollows by the fauna ecologist is to be prepared for reattachment to a retained tree. The management and relocation of resident fauna are to be undertaken by the fauna ecologist at the time of hollow removal and priority measures for threatened species encountered.*

In this case, the hollow section is to be effectively cut and relocated into a suitable nearby recipient tree to permit its ongoing use. This is particularly important given that artificially constructed bat boxes have not been demonstrated effective for most threatened microbat species. If the hollow is a large section, this may require the use of a crane and advanced securing measures and the selection of a large and structurally sound recipient tree.

- *It is recommended that all hollows that are not relocated to another tree are instead replaced with a constructed nest box placed along with the restored riparian areas. The number and type of boxes are to be estimated and installed prior to any habitat tree removal so that a represented number of the boxes may be used as temporary housing for the recovered displaced fauna. Therefore boxes suitable for the various fauna likely to be encountered is to be provided.*

The proposal is not likely to cause serious and irreversible impacts on threatened biodiversity most at risk of extinction. The BDAR included a seven (7) part test of significance which concluded a not significant impact on threatened species and threatened ecological communities. With the implementation of the proposed mitigation measures and the purchase of biodiversity credits, it is considered that the impacts of the Project on biodiversity will be minimal and can be appropriately managed.

8.6.2. Tree Removal

The Tree Assessment prepared by Travers Bushfire and Ecology at **Appendix II**, estimated there to be approximately 1,800 trees with a 10cm diameter at breast height on the site. Only the trees located within or in proximity to the proposed works were assessed 1,215 trees.

Table 15 is a summary of trees proposed for removal or retention:

Table 15 –Trees to be Removed or Retained

	Number of Trees	Proportion of Total Trees
Trees removed within the development footprint	237	13.17%
Removal of trees with a poor SULE ratings that have safety or nuisance concerns – SULE 4a to 4f and some others rated 3b or 3d	212	11.78%

	Number of Trees	Proportion of Total Trees
Trees removed for being invasive weeds	16	0.89%
Trees retained (750 assessed trees PLUS 585 estimated trees not assessed)	1,335	74.17%
Total	1,800	100%

The proposed works will require the removal of trees within or immediately adjacent to the development and additional trees of poor health or invasive species, results in the removal of a total of 465 trees or 25.83% of the estimated 1,800 trees on site.

Tree protection zones (TPZ) will be implemented for all retained trees that are within or in proximity to the proposed works. Tree protection strategies and measures are outlined in the Tree Assessment.

Within the site, there were twenty-two (22) hollow-bearing trees on the site. During the site survey, some were found to be occupied by native fauna such as microchiropteran bats, and other hollows are suitable for birds such as Rainbow Lorikeets. Nine (9) of the 22 assessed hollow-bearing trees (38.09%) are to be removed due to proposed works (3) or poor health/safety reasons (5). Thirteen (13) or 61.90% of all assessed hollow-bearing trees will be retained.

All hollows to be removed are to be relocated into retained trees nearby. Due to the preparation time required for this, in the interim twelve (12) nest boxes will be used to offset the loss. The hollow-bearing trees will be inspected by a suitably qualified expert prior to felling to ensure the best ethical treatment of resident fauna.

To offset the loss of trees, revegetation and new tree plantings are proposed throughout Nepean Gardens and Wallacia Golf Course. The Vegetation Management Plan prepared by Travers Bushfire and Ecology (**Appendix MM**) outlines the revegetation and restoration strategy to offset and minimise environmental impacts. The following restoration performance targets are outlined in the report and will be audited, and a compliance certificate issued to demonstrate satisfactory completion:

- *Installation and maintenance of temporary and permanent protection fencing, as well as sediment and erosion control items as specified by the project ecologist.*
- *The coverage of the weeds is to not be any greater than 10% after 3 years and 5% after 5 years as determined by the project ecologist.*
- *Planting in within the restoration areas includes planting of approximately 1,206 canopy trees, 1,854 sub-canopy trees, 8,570 shrubs/vines and 303,100 groundcovers/sedges/rushes, covering 32.5 ha.*
- *Minimum of 30 native, locally occurring species are to be utilised in the revegetation works. The provenance of the tube stock or plantings shall be provided to the project ecologist for certification purposes. Species should be chosen from Table 1 or alternatives as approved by the project ecologist.*
- *Any failed plantings are to be replaced during the 5 year maintenance period (20% contingency plantings).*
- *A minimum of 12 nest boxes of various sizes and types are to be installed in accordance with the Nest Box Specifications and Installation Plan.*
- *Improved diversity and density of native vegetation in all restoration areas.*

These vegetation management measures have been incorporated into the relevant Detailed Landscape Plans prepared by Narelle Sonter Botanica.

8.6.3. Flood Impact

A Flood Impact Assessment for the site and proposed development has been undertaken by GRC Hydro and is included at **Appendix AA**. The assessment identifies the flood impacts of flood events occurring for Jerrys Creek, which traverses the western portion of the site in a north-south direction. This area of the site is subject to the golf course proposal.

The key findings of the flood report are as follows:

- The proposed development causes negligible changes to the subject site's flood liability in the 1% AEP event for both the Nepean River and Jerrys Creek.
- Levels across the site remain largely unaltered. The proposed changes to levels for the golf course have been assessed and it is concluded that no impact on 1% AEP design flood levels for adjoining private property.
- The redevelopment of the clubhouse and the establishment of the new chapel and administration building occur outside of the 1% AEP flood extent and as such impacts are a non-issue.
- The Nepean Gardens is located in the eastern extent of the site and is largely unaffected by the Jerrys Creek 1% AEP peak flooding.

8.6.4. Watercourse Management

A Watercourse Assessment has been prepared by Travers Bushfire and Ecology at **Appendix LL**. The report confirms that the proposal will provide a good level of riparian protection and revegetation including native vegetation protection zones and all vegetation impacted by the proposed works within the riparian corridor have been offset with equivalent riparian corridor revegetation to result in a net positive gain of riparian vegetation.

Figure 28 identifies the Vegetated Riparian Zones (VRZ), and the assessment concludes:

The riparian zone widths in accordance with the NSW Office of Water Controlled Activity Guidelines (2018) are:

- Watercourses 8, 9, 10, 12, 14, 15 – VRZ is 10m from top of bank.
- Watercourses 6 & 7 – VRZ is 20m from top of bank
- Watercourse 5 – VRZ is 30m from top of bank.
- Watercourses 1, 3 & 4 – VRZ is 40m from top of bank.
- Watercourse 2 – VRZ is 40m from top of bank. However, existing golf course is being retained and modified and a full 40m VRZ is not viable as the golf course has an existing use right. However, will be enhanced;
 - Pull out old culverts
 - Remove suspended bridge
 - Remove piping
 - Full revegetation as shown on plan

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

With the upgrade of the golf course and proposed development of a cemetery, vegetated riparian zones will be affected. The current golf course has existing use rights for existing fairways that will be retained across the creek. Figure 8 identifies the areas existing use, VRZ gain, VRZ loss and VRZ retained due to the upgrade and proposed development. It has been calculated that there will be a loss of 0.79ha and a gain of 1.20ha resulting in an overall riparian gain of 0.41ha.

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

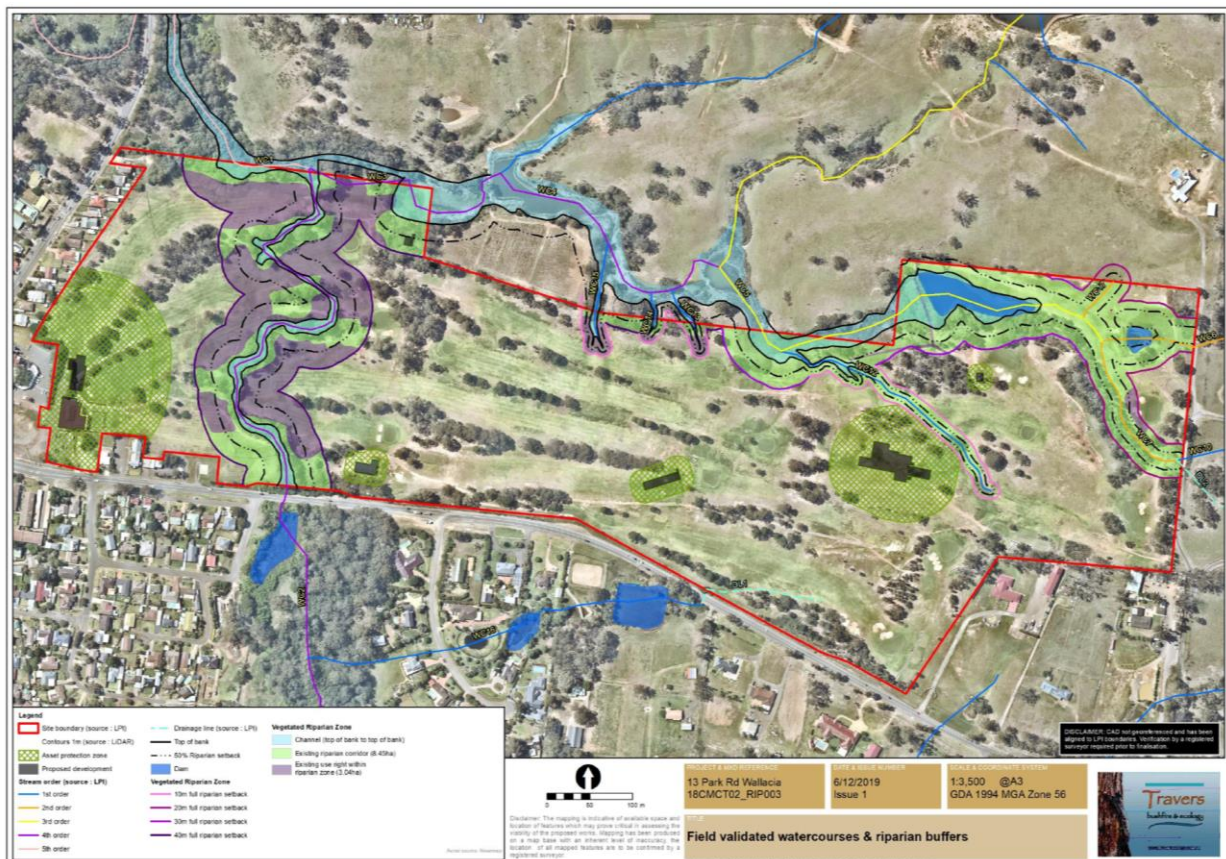
Ongoing management of the site's riparian zones will generally be in accordance with the Controlled Activity Guidelines for Riparian Corridors as issued by the NSW Office of Water and the issued General Terms of Approval.

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

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

The Vegetation Management Plan prepared by Travers Bushfire and Ecology (**Appendix LL**) outlines the revegetation works for the riparian corridor and the relevant Detailed Landscape Plans by Narelle Sonter Botanica have incorporated the recommendations into the design.

Figure 28 - Validated water courses & riparian corridors



Source: Travers Bushfire and Ecology – Watercourse Assessment

8.6.5. Bushfire

A Bushfire Protection Assessment was undertaken by Travers Bushfire and Ecology (**Appendix KK**). The proposed development is categorised by the NSW Rural Fire Service (RFS) as infill development and must be assessed in accordance with Planning for Bush Fire Protection (PBP) under Section 4.14 of the EP&A Act.

The Bushfire Protection Assessment concludes the following:

Our assessment found that bushfire can potentially affect the proposed buildings from the Coastal Valley Grassy Woodland and Coastal Floodplain Wetland communities proposed to be retained and/or rehabilitated on-site, resulting in possible ember and radiant heat attack.

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

The assessment has concluded that the proposed development will provide compliance with Planning for Bush Fire Protection (PBP) 2018 with the following proposed alternative solutions:

- Road carriageway widths of 6.5m (two-way) for all roads. Perimeter road standards have not been applied, based on the proposed use (Class 9b building), low occupancy numbers, low overall bushfire risk and a road design which provides adequate access opportunities for emergency services.
- The proposed buildings will be provided with hydrants in accordance with the relevant Australian Standard. Hydrants are not proposed to be installed within the remainder of the road system.
- The bushfire attack assessment has been undertaken and will be applied in accordance with PBP 2018 with an alternative solution approach undertaken for the chapel (based on upslope topography).

Building construction standards have not been recommended for the administration building, maintenance building or clubhouse due to the surrounding managed to land and / building use.

In addition to the above, there are a total of seven (7) recommendations which can be enforced for the project as conditions of consent. It is considered that based on this assessment and the subsequent recommendations that appropriate mitigation methods can be put in place to ensure the safe operation of the site in perpetuity.

8.6.6. Contamination

This issue has been addressed in **Section 7.4.2** and **Section 7.4.3** as part of SEPP 55 and Draft Remediation of Land SEPP considerations.

8.6.7. Groundwater and Salinity

A Preliminary Geotechnical, Groundwater and Salinity Assessment (PGGSA) and Groundwater Report have been prepared by Martens Consulting at **Appendix EE** and **Appendix FF**. The reports assessed the groundwater and salinity levels of the site as a whole with specific regard to the impact on burial plots.

The PGGSA and Groundwater Report conducted groundwater borehole testing across the whole site for a period of 440 days (22 September 2012 to 5 December 2018). The monitoring conducted indicated a lack of shallow groundwater in most wells, with only one well containing constant groundwater (MW117). Therefore, the burial plots will likely remain unaffected by groundwater unless located in the vicinity of drainage depressions. All burial plots are located to be sufficiently setback from water sources and drainage depressions and will not be affected by groundwater levels.

The PGGSA found that sub-surface soils can generally be categorised as having a slight salinity risk potential, with the low-lying areas having a moderate risk potential. Specific saline soil management strategies will be developed during the construction certificate stage where development occurs in low lying areas as outlined in Section 6.6 of the PGGSA.

8.6.8. Geotechnical Considerations and Stability

A Preliminary Geotechnical, Groundwater and Salinity Assessment has been prepared by Martens Consulting Engineers at **Appendix EE**.

Salinity Assessment

Investigations of the site found that the site can generally be categorised as having a slight salinity risk potential, with low lying areas having a moderate risk potential. Therefore, specific saline soil management strategies will be implemented for any works in low lying areas.

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

Geotechnical Assessment

Borehole investigations and testing were undertaken on the site, the investigation found:

- Soil treatment and stabilization may be required for construction of new structures due to generally high plasticity in the soils;

- The limitations for the Luddenham soil-landscape include; a high soil erosion hazard for concentrated flows, the clay soils have low to moderate shrink-well potential and there is low to moderate capacity for urban development;
- The high plasticity clay soils at the site are likely to have a high susceptibility to shrinkage and swell movement resulting from changes in soil moisture content. There is a localised dispersion risk within the clay soils;
- Waterlogged soils may pose a geotechnical constraint for the proposed development and development in these areas should be avoided where possible, and any works should take into account the subsequent low strengths of the clay subsoils;
- It is considered that the risk to property and loss of life by potential slope instability, such as landslide or soil creep, to be very low subject to the recommendations in this report and adoption of relevant engineering standards and guidelines; and
- Preliminary pavement thickness design testing was undertaken and recommends pavement types and material thicknesses for the proposed internal roads in Nepean Gardens.

The Assessment includes a number of general geotechnical recommendations that will be adopted during detailed design and construction.

8.6.9. Civil Engineering

Warren Smith & Partners have prepared a Civil Engineering Services Report for Nepean Gardens (**Appendix H**) and Wallacia Country Club (**Appendix J**).

Nepean Gardens

The Civil Engineering Services Report submitted in **Appendix H** outlines the stormwater strategy plan and road design for Nepean Gardens. It addresses stormwater drainage works, road design and sediment and erosion control. The report has been prepared in accordance with the Council's regulatory requirements including:

- Penrith City Council (PCC) Development Control Plan (DCP) 2014;
- PCC Stormwater Drainage for Building Developments – Working Draft (2013), and;
- PCC Design Guidelines for Engineering Works for Subdivisions and Developments (2013).

Road Design

The road alignment promotes ease of access throughout the site. To minimise the batter extends and earthworks required during construction, the longitudinal grade of the roads matches the existing topography as much as possible. Retaining walls have also been used to minimise earthworks. To ensure there are no issues in vehicle movement, the maximum longitudinal grade for all roads has been set at 10%. The road layout has also responded to various ecological concerns on-site to minimise the impact on existing sensitive vegetation on site.

Road Width

The road widths have been determined in consultation with the Rural Fire Service (RFS) and their *Planning for Bushfire Protection* specification. The minimum two-way road width is accepted by the RFS.

Stormwater Drainage System

The stormwater drainage network has been designed to capture and reticulate the majority of the site's catchment to a number of proposed basins on site. As per PCC specification, the road stormwater network has been designed to accommodate the 5% AEP storm event and allow for safe overland flow during the 1% AEP storm event.

Sediment and Erosion Control

The following measures are proposed to inhibit the movement of sediment off the site during the demolition and construction phases.

- Construction vehicles leaving the site shall be required to pass over a Temporary Construction Vehicle Entry consisting of a 1.5m long by 3m wide 'cattle rack'.

- All exposed earth areas shall be protected with a sediment and erosion control silt fence generally installed along the boundaries of the site.
- To manage dust, loose loads entering or leaving the site will be covered by a tarpaulin or like material in accordance with RMS and local Council Guidelines.
- Soil transport vehicles will use the single main access to the site.
- There will be no burning of any materials on site.
- Water sprays will be used across the site to suppress dust.
- During excavation, all trucks/machinery leaving the site will have their wheels washed and/or agitated prior to travelling on Council Roads.

Wallacia Country Club

The Civil Engineering Services Report submitted at **Appendix J** outlines the stormwater strategy plan and road design for Wallacia Country Club. It addresses Stormwater Drainage Works, On-Site Detention, freeboard requirements, water quality requirements and sediment and erosion control.

In order to comply with the PCC requirements for the adequate treatment of the stormwater runoff, treatment solutions have been provided to remove suspended solids, hydrocarbons, and nutrients prior to being discharged from the site.

The report also outlines maintenance procedures for the proposed stormwater treatment measures. In order to ensure the effective operation of treatment measures, regular maintenance will be undertaken for all the systems.

Sediment and erosion control measures are also outlined in the report. These are consistent with the measures outlined above for Nepean Gardens.

8.6.10. Stormwater Management

A Water Sensitive Urban Design Strategy and Storm Water Management Plan was also prepared for Nepean Gardens by Stormy Water Solutions (**Appendix Q**). The SWMP specifically applies to the flood storage and Water Sensitive Urban Design (WSUD) requirements of the site once it is developed as a Memorial Park. Stormy Water Solutions (SWS) has worked closely with WS&P, Florence Jaquet Landscape Architect (FJLA) and Travers Bushfire & Ecology (TB&E) to ensure an integrated approach to the unique site.

The stormwater drainage strategy proposed for the Nepean Memorial Park covers all requirements of best practice floodplain and catchment management. In addition, the WSUD strategy and SWMP meet all the requirements of the *Penrith Development Control Plan 2014, Part C3 Water Management* document.

Watercourse and Riparian Corridor Protection

There are two WSUD elements proposed within the riparian zone of the third-order stream. These are Wetland 1 and Retarding Basin/Pond 1. These are discussed below.

Placement of RBP1 in a Riparian Zone

RBP1 will utilise an existing water feature (pond in an existing dam) to perform the functions of the WSUD strategy and SWMP. TB&E have confirmed the modifications to the existing water feature have confirmed it retains its function as a third-order stream and outlet works can be constructed to ensure the functions required under the SWMP do not compromise the riparian corridor.

The RBP2 will incorporate a pond within the base of the retarding basin. Whilst this does not meet the Council requirement that online basins must not hold permanent water, this is an existing pond with an existing downstream embankment.

Placement of Wetland W1 in a Riparian Zone

Wetland W1 is a relocation of the small dam in the northeastern portion of the site. TB&E have advised that the existing dam can be removed because it is on first order stream and has been artificially constructed. The majority of the upstream catchment will be retained in its current form, and therefore the catchment hydrological response at the existing dam and downstream ecological wetland will not change.

TB&E have also advised that relocation of the existing small dam to the W1 location is acceptable and will result in structural integrity and ecological benefits to the riparian zone. However, as W1 will be performing a water treatment function, an offset somewhere else on-site may be required.

Placement of Wetland/Retarding Basin WLRB1

Constructed wetland WLRB1 will be collocated in Catchment 1. It is proposed to be located away from the Vegetated Riparian Zone for all affected waterways on site.

Placement of Vegetated Swales

The only other impact on the riparian zone of waterways is the remodelling of some Stream Order 1 and 2 watercourses as vegetated swales in Catchments 1 and 2. It is proposed to reconstruct these watercourses as a swales and, as such, the watercourses are assumed to be converted to drainage swale definition. This will require an offset elsewhere onsite.

Use of Riparian Zones in Formulating the SWMP

Provision of existing and future habitat corridors along existing watercourses and future swales has been a major objective in terms of providing future habitat for local fauna.

Water Quality Requirements

The strategy aims to retain stormwater pollutants to the above requirements. The MUSIC modelling indicates this objective can be exceeded if consideration of other benefits such as onsite harvesting of stormwater for site irrigation is considered. It is proposed to retain and maintain natural flow paths, discharge points and runoff volumes by:

- Vegetating existing mown (fairway) depressions with sedges rushes (and small trees on the banks), thus significantly increasing the ecological diversity of the drainage line, while slowing water down within the site; and,
- Minimising directly connected areas to the drainage system via using swales to disconnect pipe systems from the WSUD elements at the site outfalls etc.

Penrith DCP requires impervious areas directly connected to the stormwater system to be minimised. This has been achieved via specifying burial areas which direct runoff from headstones onto the grass and other landscaped areas designed to accept such flows.

Flood Storage Requirements

The conditions contained in Penrith DCP regarding OSD or retarding basins have been met. They have been designed to ensure:

- For all rainwater events up to and including the 1:100 Average Recurrence Interval (ARI) event, new developments and redevelopments do not increase stormwater peak flows in any downstream areas;
- They are located at a level that is above the 1:5 ARI flood level; and
- Must be designed using a catchment-wide approach (that is, consideration of the total catchment, and external site catchments must be undertaken).

Flood Protection Requirements

All cemetery development will be located outside the 1% AEP flood extent of the local waterways. The site piped drainage system has been designed to control:

- Minor stormwater flows under normal operating conditions for an ARI of 5 years, and
- Major stormwater flows under normal operating conditions for an ARI of 100 years.

Stormwater Harvesting

It is assumed that at least part of the 9 ML/yr (in line with the current water rights of the Golf course) can be used for stormwater harvesting on-site. Any take of water over and above 10% runoff would require a water access licence and approval.

At this stage, the SWMP has been formulated without accounting for the potential use of stormwater harvesting on-site. If this use is eventually taken up, the stormwater pollutant reductions will only increase.

Stormwater Quantity – Stream Forming Flows

The development has the potential to increase surface runoff flow rates and volumes leading to impacts on stream stability, receiving water ecology and flooding in Jerrys Creek and other receiving waters.

The post-development duration of stream forming flows shall be no greater than 3.5 times the pre-developed duration of stream forming flows. This is a condition that is typically met with retarding basins and vegetated swales aiming to mitigate the response time of the development by mimicking the pre-development response times. Detailed hydrographs will be produced at the detailed design stage of the project to show this condition can be met.

System Maintenance

Penrith DCP requires that retarding basins have a maintenance program in place and be placed on the title of the relevant allotment/property to ensure their retention and maintenance. At this stage, it is assumed the Memorial Park will be responsible for all WSUD assets proposed.

Treatment of Development and Burial Areas – All Catchments

In regard to drainage impact, the development largely consists of two types of development being:

- Development resulting in 100% imperviousness areas (roads, car parks, roofs etc), and
- Burial areas.

100% impervious areas (such as roads, car parks and roofs) have been designed to drain directly to pipes drainage systems. These systems outfall into the swales, wetlands and/or retarding basin/wetland systems for treatment of stormwater.

Burial areas have one additional treatment source in addition to those defined above. All burial areas are assumed to shed stormwater from their impervious areas directly into the surrounding grass, where it eventually makes its way to a local pipe or an outfall treatment element.

The Vegetated Swales 1A, 1B and 1C contribute to stormwater treatment and aid in the flood retardation strategy as well. By vegetating the systems, the velocity of the flow is significantly reduced. This increases the reaction time of the catchment to runoff and reduces flood flows.

Catchment 2

Catchment 2 is the largest catchment in the strategy. It incorporates a significant external catchment. WSUD strategy and SWMP elements proposed in Catchment 2 are:

- Buffer treatment of the impervious areas in burial areas,
- Vegetated Swales VS2A, VS2B, VS2C, VS2D, VS2E, VS2F and VS5G,
- Pond/Retarding Basin RBP2 (stormwater treatment and flood retardation function), and
- Wetland W2 (stormwater treatment function only).

Wetland W2 is a new wetland placed in a depression which is currently just mown golf course land. This wetland replaces the existing artificial asset located upstream. This existing wetland has been removed to reduce the risk associated with the structural collapse of its informal earthen batter. TB&E have advised that this asset can be removed as it is an artificial dam or a first-order stream.

The swales proposed in all the existing drainage lines will be planted with dense sedges and rushes to achieve stormwater treatment and flood storage functions. All proposed Vegetated Swales not only contribute to stormwater treatment but aid in the flood retardation strategy.

A Preliminary Geotechnical, Groundwater and Salinity Assessment has been prepared by Martens Consulting Engineers at **Appendix EE**. The report found that the site is suitable for the proposed development subject to the recommendations specified in the report.

8.7. CONSTRUCTION MANAGEMENT

Construction activities will be undertaken in accordance with the Construction Management Plan at **Appendix NN** and the Construction and Operational Waste Management Plans at **Appendix OO**, **Appendix PP**, **Appendix QQ** and **Appendix RR**.

8.8. SUSTAINABILITY

Steensen Varming has prepared a Sustainability Strategies – ESD Report for the development of the and is provided at **Appendix TT**. The Landscape Design Response – Nepean Gardens prepared by Florence Jaquet Landscape Architect (**Appendix L**) also addresses some site-specific environmentally sustainable design principles for the Nepean Gardens masterplan.

The measures recommended as part of the advice will be incorporated into the design during the construction certificate stage.

8.9. WASTE MANAGEMENT

8.9.1. Demolition and Construction Waste

A Demolition and Construction Waste Management Plan has been prepared for Wallacia Country Club (**Appendix QQ**) and a Construction Waste Management Plan has been prepared for Nepean Gardens (**Appendix OO**) by Waste Audit.

The Plans identify the potential sources and volumes of waste. The Plans identify prevention measures to ensure waste does not enter stormwater and also provides litter management measures. Records will be kept of all wastes and recyclables generated and either used on-site or transported off-site.

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

8.9.2. Operational Waste

An Operational Waste Management Plan (OWMP) has been prepared by Waste Audit for Nepean Gardens (**Appendix PP**) and Wallacia Country Club (**Appendix RR**) to detail and assess the ongoing waste management arrangements. The OWMPs highlight the following key objectives for waste management for both uses:

Objective 1: to minimise the environmental impacts of the operations of the development – this will be achieved by ensuring maximum diversion of waste from landfill; correct containerisation and transport of materials; correct segregation of materials into appropriate management streams; awareness among staff of waste avoidance practices.

Objective 2: to minimise the impact of the management of waste within the development on local residents – this will be achieved by ensuring waste is managed so as to avoid odour and litter and collected during suitable times.

Objective 3: to ensure waste is managed so as to reduce the amount landfilled and to minimise the overall quantity generated – this will be achieved by implementing systems that assist staff to segregate appropriate materials that can be recycled; displaying signage in all areas to remind and encourage avoidance and recycling to staff, and through associated signage in the commercial areas to reinforce these messages.

The OWMP details the bin requirements for each of the existing and proposed buildings on the site based on the waste and recycling generation estimates contained within the PDCP 2014. The footprints and recommended locations for the external bins relating to each of the buildings are detailed within the OWMP. As detailed, all staff will be adequately trained and educated on the management of waste and recycling to ensure the segregation of materials. Wallacia Country Club and Nepean Gardens will have different staff training and ongoing waste management systems as outlined in the relevant OWMP.

8.10. SOCIAL IMPACTS

A Social Impact Assessment has been prepared by Urbis at **Appendix W**. The revised proposal has considered and addressed a number of issues raised by the Independent Planning Commission for the previously lodged development application (DA 17/1092).

Of particular importance is the reduced scale of the Memorial Park. The Memorial Park has been considerably reduced in size to 21.38ha with an overall reduction of 61,000 burial plots. The Memorial Park is also now positioned 800m from the Village centre with limited impact on the character of the village.

It is also important to note the changing nature of the district due to the site's proximity to the Aerotropolis. As discussed earlier, the Western Sydney Airport Plan identifies a number of measures that will affect the Wallacia area. There will be significant growth and change to the area as demand for additional housing and for workers and key support businesses as the precinct is developed. Accordingly, over time, the character of the area will change, and there will be increased transport infrastructure to support the community and improve connections to the site.

The SIA involved a detailed assessment of the demographic and social characteristics of the community and a policy and literature review to understand the potential social impacts associated with cemeteries. Whilst there will be some short-term negative impacts on the community, the majority of impacts will have a high positive social impact. The SIA also makes recommendations to help manage and improve these potential impacts.

The key social impacts associated with the proposal are:

- *Availability of burial space: the provision of burial spaces on-site will generate a very high positive impact by increasing supply in an area of identified need. This positive impact is expected to be far-reaching, supporting both local and metropolitan needs.*
- *Provision of services and facilities: the increased availability of local services and facilities is expected to have a high positive impact on the local community by enhancing the site as a place for social interaction and recreation.*
- *Visual character: the potential change to the visual character of Wallacia is expected to have a low impact on the community. The proposal is very similar to the existing landscape and will have adequate screening to reduce viewpoints from surrounding sensitive receivers.*
- *Sense of place: the proposal will initially have a high negative impact on the community's sense of place as the proposal represents a change to the area and fear of the unknown is expected to be high. However, longer-term it is likely that the community can adapt to this change and the proposal will have a low impact on its sense of place. This is largely influenced by the retention and refurbishment of key facilities on site (clubhouse and golf course) which are valued by the community and the design of the cemetery in line with the rural character. Research also indicates that opposition to cemetery development is often very high in the planning stages, but that residents and visitors can adapt to this change over time to the point where the cemetery is seen as part of the urban fabric.*
- *Recreational space: the recreational opportunities provided on-site are likely to have a very high positive impact on the community. While there will be a reduction in available land area for recreational activities, the proposal will significantly improve the quality and diversity of recreational offerings, providing a better recreational experience than is presently available.*

The SIA makes the following recommendations to help manage and improve the potential impacts arising from the proposal.

- *Provide affordable burial spaces to at-need households within the local residential catchment area.*
- *Investigate the demand for a shuttle bus service to Nepean Gardens from nearby public transport infrastructure to increase accessibility to Greater Sydney residents. However, it's recognised that most people use private vehicles to attend a funeral service.*
- *Develop a formal program for the hydrotherapy and learn to swim pool and events hire space to help regulate and maintain access to all user groups.*
- *Consider providing affordable hire rates for use of Wallacia Country Club to community groups which provide local benefit.*
- *Prioritise the selection of native species across the site to better integrate with the existing natural landscape.*
- *Undertake consultation with the community to provide feedback on the proposal and input to the final design.*

- *Consider using local artists for any proposed sculptures as part of the Nepean Gardens or integrate local history as part of the clubhouse refurbishment to help integrate the cultural values of the area.*
- *Communicate with local residents throughout the design, construction and opening of the cemetery process, potentially including guided site visits for community members prior to the Nepean Gardens commencing operations.*
- *Provide pedestrian access to the grounds to enable public access to the open space contained as part of Nepean Gardens.*

Based on this assessment and the recommendations provided, it is likely that the proposal will generate a positive impact on the local community and the potential changes to the local character can be managed adequately through this proposal.

8.11. ECONOMIC AND WIDER BENEFITS

The proposed works provide several economic and broader benefits to the local and regional area. The site will assist with delivering crucial additional burial space capacity in the Western Sydney precinct. Cemeteries are essential to local communities as they provide a location for residents to remember friends and family. Cemeteries offer green spaces in urban areas and are considered to be an intergenerational investment in infrastructure. Cemeteries provide many broader benefits, including:

- Cemeteries are park-like settings which are actively maintained, contributing to a region's open space by virtue of their size and landscape;
- In some instances, cemeteries can act as community gathering places for special events. The parks provide aesthetic landscapes that can host a variety of events within designated venues. Rookwood Cemetery has hosted events such as commemorations, art events and workshops, and open days; and
- In some instances, cemeteries act as a haven for flora and fauna, providing a sanctuary for many different species to thrive in urban areas.

The economic benefits of the proposed works include:

- A \$6 million refurbishment of the existing Wallacia Country Club and a \$2.2 million reconfiguration and upgrade of the Golf Course. The expanded Country Club and additional recreation facilities will service the members and local community with new facilities for passive and active recreation and function rooms for events. The investment will act as an investment in the community and employ local workers.
- Nepean Gardens is estimated to cost \$14.5 million over the life of the project and will employ six to eight full-time staff to conduct the day-to-day business once operational.

9. SECTION 4.15 ASSESSMENT – OTHER MATTERS

9.1. SITE SUITABILITY

In accordance with the matters for consideration under Section 4.15 of the EP&A Act. The assessment within this SEE, and attached technical reports confirms that the site is suitable for the proposed development. In summary, the site is suitable for the following reasons:

- **Compliance with the relevant planning controls and policies**

The proposed cemetery is permissible with consent under the E3 zoning, and Wallacia Country Club and Golf Course are continuations of existing uses on the site. The proposed built form elements of the application are compliant with the controls under the PLEP 2010.

The proposed works are consistent with the PDCP 2014 controls for the redevelopment of the site.

The proposed cemetery use provides additional burial space which is consistent with the directions under the Sydney Regional Plan: A Metropolis of Three Cities and the Western District Plan.

- **Environmental impact management**

As demonstrated in **Section 8** of this SEE, a thorough assessment of the environmental impacts of the proposal has undertaken. The technical studies and documentation have informed the proposal to ensure that any adverse environmental impacts have been considered in the master planning process and that all environmental issues can be managed acceptably.

The site has a total area of 44.44 hectares and is capable of accommodating both the cemetery and golf club use. As demonstrated in the masterplan and the technical design documentation, two distinct uses of the site can be operated and managed in an independent yet compatible manner.

Nepean Gardens represents a site-specific response to the visual landscape. Nepean Gardens is a modern cemetery, which is designed as a landscaped park where modest headstones are set in lawn and laid out in a grid pattern. Modern cemetery design has a much more subtle and considered visual impact compared with older cemeteries, which are usually visually characterised by large headstones and concrete.

- **Site servicing and community needs**

The site is situated within an established area such as access to services and stormwater infrastructure readily available. These include electricity, gas, water and telephone services and drainage for stormwater and sewerage.

The proposal responds to the identified need for additional cemetery space within Metropolitan Sydney and the Western District.

The revised proposal presents a better utilisation of the site for the local community. The reduced cemetery size assists with delivering the growing need for additional burial space and fulfils the local communities desire for the retention of the golf course.

Future residents will be able to take advantage of new and upgraded passive and active recreation facilities throughout all three uses on a site which benefits from excellent access to the Wallacia town centre.

The protection of local character and place is linked to determining the site suitability of a proposal. As such, the table below applies the IPC's interpretation and application of the Local Character and Place Guideline 2019 Guideline relating to the DA. Local character and place relate to the following key considerations:

- Visual amenity and scenic value;
- Social impacts; and
- Public interest.

These considerations are assessed below:

Table 16 – Local Character and Place Guideline 2019 Considerations

Local character and place consideration	Proposal
Visual amenity and scenic value	<p>As discussed in Section 8 of this SEE and within the Landscape and Visual Impact Assessment at Appendix SS, the proposal is assessed as having an overall negligible to low visual impact on surrounding sensitive uses and viewpoints. Views to the proposal are typically screened by either perimeter or on-site vegetation, intervening elevated topography, or built form along with its western and southwestern interfaces.</p> <p>The proposal includes a reconfigured 9-hole golf course on the site. The scenic and rural qualities of the existing golf course are linked to the community's association of scenic values and sense of place with the Wallacia village and surrounding rural landscape. The retention of the golf course on site protects the community's associations and sense of place with the Wallacia Village and the surrounding rural context. The cemetery component of the development has been designed to remain visually subordinate to the surrounding rural context. The above consideration of the proposed visual amenity and scenic values of the golf course and cemetery demonstrate the site is suitable for the proposed development.</p>
Social impacts	<p>The recreational use of the site is an important aspect of the Wallacia social fabric. The proposed retention of the golf course on the site preserves the sense of place that residents feel towards recreational uses in their community.</p> <p>In addition to the retention of the golf course use, the proposal also provides other spaces for passive recreation, including the easternmost portion of the site which is designed for passive recreation. The SIA provided at Appendix W and discussed above in Section 8 of this SEE, notes that the recreational opportunities offered on-site are likely to have a very high positive impact on the community.</p> <p>While there will be a reduction in available land area for recreational activities due to the cemetery component of the proposal, the proposal will significantly improve the quality and diversity of recreational offerings, providing a better recreational experience than is presently available.</p> <p>The SIA also notes that the perceived negative social impacts associated with the cemetery in relation to the local character are often very high in the planning stages, but that residents and visitors can adapt to this change over time to the point where the cemetery is seen as part of the urban fabric.</p>
Public interest	<p>The social and economic welfare of a community is an important consideration when considering the public interest. Protection of social welfare is discussed above and occurs through the retention of the golf course on the site. The public interest is also served through the provision of burial space.</p> <p>The proposed club enhancements will benefit the community and represent positive change as the site moves forward as a place for recreation.</p>

9.2. PUBLIC SUBMISSIONS

Any submissions received by Council in response to this proposal will be considered under Section 4.15 of the EP&A Act.

9.3. THE PUBLIC INTEREST

This DA represents a balanced approach to the redevelopment of the site. It responds to a known shortage of burial space and will deliver critical burial infrastructure for surrounding communities at a scale which is compatible with the Wallacia Village. Importantly, the proposed scale of the cemetery allows for the retention of a golf course on site which is recognised as an important social anchor and place for recreation for the Wallacia community.

This DA has been prepared in direct response to the key issues raised by the IPC in relation to the former DA. The proposal has strong merit, mainly focussing on key issues on local character and social impact. Most notably in response to these issues, the following key changes have been made under this DA:

- More than halving in physical scale of the earlier cemetery proposal and limiting its extent to the eastern portion of the site;
- A consequential circa 69% reduction in burial capacity from the previous proposal that envisaged circa 88,000 burial plots; and
- The permanent retention of a golf course facility facilitated by the subdivision of the western portion of the site.

At the forefront of these significant changes, the proposed development is considered to be in the public interest for the following reasons:

- **Local character and sense of place**

The revised proposal has responded to the community submissions and issues raised by the DPIE and IPC in the previous DA which concluded that both the scale of the cemetery and the resulting loss of the golf course use were not in the public interest. The proposal provides a two-fold solution to this. The cemetery use has been significantly reduced in scale (circa 53% reduction in cemetery site area and 69% reduction in burial plots), and subsequently, this has allowed for the retention of a nine-hole golf course on the site.

In its assessment of the previous DA, the IPC considered the social welfare of the community to relate to local character and sense of place. The retention of the golf course on site protects the community's associations and sense of place with the Wallacia Village and the surrounding rural context. The cemetery component of the development has been designed to remain visually subordinate to the surrounding rural context.

Nepean Gardens has been designed a contemporary lawn cemetery and will remain visually subordinate to the surrounding landscape, while there the perceived negative social impacts associated with the cemetery in relation to local character is often very high in the planning stages, but that residents and visitors able to adapt to this change over time to the point where Nepean Gardens is seen as part of the urban fabric.

- **Provision of recreation space**

The proposal includes significant upgrades to the existing club facilities. While there will be a reduction in available land area for recreational activities due to the cemetery component of the proposal, the proposal will significantly improve the quality and diversity of recreational offerings. The diversity of recreational uses facilitates a much greater reach in terms of personal recreational interests amongst a community and intergenerational uses. The diverse array of recreational uses proposed include golf, lawn bowls, swimming, a gym and places for outdoor passive recreation.

The proposal will ensure the perpetual maintenance of a significant parcel of land within the Penrith Local Government Area for passive and active recreation uses and publicly accessible open space;

- **Provision of critical burial infrastructure**

The proposed development responds to the growing identified demand in internment requirements for Metropolitan Sydney and the Western District as identified in the CCNSW Metropolitan Sydney Cemetery Capacity Report 2017.

The proposed cemetery component is consistent with the directions established under the Greater Sydney Regional Plan: A Metropolis of Three Cities and the Western District Plan which identify the need for additional burial land based on the acknowledged diminishing supply of this infrastructure.

Nepean Gardens will provide capacity for 27,000 burial plots for the direct use by the surrounding community and broader Western Sydney.

For the reasons above, it is considered that the proposal has significant merit and is in the public interest.

10. CONCLUSION

This SEE has been prepared on behalf of the Catholic Cemeteries Board in support of a DA at 13 Park Rd, Wallacia for a cemetery (referred to as Nepean Gardens), 9-hole golf course, upgrades and expansions to the registered club on the site.

Fundamentally, this proposal has strong merit rectifies the shortfalls of the previous cemetery DA by ensuring the protection of local character sense of place associated with the golf club use. The DA responds to a known shortage of burial space and will deliver critical burial infrastructure for surrounding communities at a scale which is compatible with the Wallacia Village. Importantly, the proposed scale of the cemetery allows for the retention of a golf course on site which is recognised as an important social anchor and place for recreation for the Wallacia community.

This proposal has been considered under the provisions of Section 4.15 of the EP&A Act and other relevant environmental planning instruments. The proposal is considered acceptable and worthy of approval for the following reasons:

- **The proposal satisfies the E3 Environmental management zone objectives.**

The proposed cemetery is permissible with consent under the E3 zoning, and Wallacia Country Club and Golf Course is a continuation, expansion and intensification of existing uses on the site. The proposed works involve a high-quality development that has minimal impacts on the environmental management of the site. The proposed works include the retention and revegetation of large areas of threatened ecological communities and will contribute to the green grid.

- **The proposal is consistent with applicable local and state planning policies.**

The proposed works meet the objectives and intent of the PLEP 2014 and are consistent with the key controls of the PDCP 2014.

The proposed cemetery use provides additional burial space which is consistent with the directions under the Sydney Regional Plan: A Metropolis of Three Cities and the Western District Plan.

- **The proposal achieves a high level of local amenity and does not negatively impact local character.**

The retention of the golf course on site protects the community's associations and sense of place with the Wallacia Village and the surrounding rural context.

Nepean Gardens is a modern cemetery and has been designed to remain visually subordinate to its rural setting. The proposal is for a modern cemetery, which is designed as a landscaped park where modest headstones are set in lawn and laid out in a grid pattern.

The above consideration of the proposed visual amenity and scenic values of the golf course and cemetery demonstrate the site is suitable for the proposed development.

- **The proposal is in the public interest.**

The DA will deliver critical burial infrastructure for Wallacia and surrounding communities. The Metropolitan Sydney Cemetery Capacity Report identifies the probable exhaustion of burial space in Metropolitan Sydney by 2051, if not before. The proposal will contribute 27,000 full-body burial plots for the benefit of the Wallacia community and surrounding communities.

The proposed scale of the cemetery allows for the retention of a golf course and establishment of other new sporting facilities on site which is recognised as an important social anchor and centralised place for recreation for the Wallacia community. Critically, these new and enhanced recreational facilities are being proposed by the St John Park Bowling Club, operators of the existing Wallacia Bowling Club, currently located in a suburban residential setting close by the Site. This a community-based organisation with strong ties to the Wallacia community.

The diversity of recreational uses facilitates a much greater reach in terms of personal recreational interests amongst a community and encourages intergenerational uses. These uses proposed include golf, lawn bowls, swimming, a gym and places for passive outdoor recreation, which together with an enhanced registered Club will significantly support long term viability of the golfing facilities.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act, it's considered that the proposal represents a sound and balanced development outcome that respects and positively responds to the site location and amenity of the surrounding locality and hence supports the local character of the area.

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