



**ANGEL PLACE
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SYDNEY NSW 2000**

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ABN 50 105 256 228

19 February 2021

Mr Justin Doyle
Chair
Sydney Western City Planning Panel

enquiry@planningpanels.nsw.gov.au

Dear Mr Doyle,

PPSSWC – 45 13, 17 AND 37 PARK ROAD WALLACIA 2745, 512 MULGOA ROAD WALLACIA 2745, (DA019_0875)

1. INTRODUCTION

We are writing to you on behalf of our client and Applicant, Catholic Cemeteries Board Ltd, in respect of the above matter which was considered by the Western City Planning Panel (**the Panel**) on 17th February 2021. To assist the Panel in addressing certain items that were raised by the Panel, please consider the following.

2. BIODIVERSITY

- The applicant has commenced work towards the provision an Addendum to the BDAR – we are advised that this will be completed within an estimated timeframe of **2 weeks** or sooner.
- Concurrently the applicant has also commenced work on the provision of a fresh BDAR – we are advised that this will be completed within an estimated timeframe of **3 – 4 weeks**
- We are advised that it is not expected that there will be any material difference in the outcomes of the Addendum to the existing BDAR and the fresh BDAR
- We are taking the step of preparing the fresh BDAR so that no issue will arise on whether or not a new BDAR is in fact required.

3. PERMISSIBILITY

To summarise the Applicant's position in respect of the permissibility of the recreational elements of the proposal:

- The introduction of the bowling green relies on existing use rights.
- The refurbishment of the Golf Club, including Club House and reconfiguration of the golf course relies on existing use rights.

- The pool and gym are introduced as Community Facilities (as defined), a permissible use on the site under the Penrith LEP.

4. SITE SERVICING

Please find enclosed with this letter formal advice from Sydney Water dated 18th February 2021 which confirms availability of servicing subject to the terms of their Notice of Requirements (NOR). This NOR confirms that the proposal is capable of satisfying the requirements of Clause 7.7 of Penrith LEP.

5. REMEDIATION

Please find enclosed with this letter an Addendum to the Remediation Action Plan prepared by Martens dated 19th February and in support of the RAP currently before Council/The Panel specifically addressing the issue of road works in Park Road.

6. PROJECT STAGING

Currently, the proposal does not contemplate any staging.

However, if the Panel was of a mind to grant consent, the Applicant would be willing to accept an appropriately worded condition which requires the upgrading of the Club house, golf course and construction of associated community facilities to be commenced prior to the first internment associated with the cemetery use.

We trust that this information assists the Panel in its decision making.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Hoy", with a stylized flourish at the end.

David Hoy
Director
+61 2 8233 9900
dhoy@urbis.com.au

cc. Penrith City Council

attach

Sydney Water Notice of Requirements dated 18.2.2021

Addendum to Remediation Action Plan, prepared by Martens dated 19.2.2021

Case Number: 188145

February 18, 2021

CATHOLIC METROPOLITAN CEMETERIES TRUST
c/- WARREN SMITH & PARTNERS PTY LTD

**NOTICE OF ANTICIPATED REQUIREMENTS
for
SECTION 73 SUBDIVIDER/DEVELOPER COMPLIANCE CERTIFICATE
(Sydney Water Act 1994, Part 6, Division 9)
PENDING DEVELOPMENT CONSENT**

Developer:	CATHOLIC METROPOLITAN CEMETERIES TRUST
Your reference:	5936000
Development:	13 Park Road, Wallacia
Development Description:	Change of Use of part of existing Golf Course to Cemetery including 27,000 Burial Plots, Chapel and Administration Building, internal roads, new parking and amended access from Park Road, reconfiguration of Golf Course to 9 holes, new Pool, Gym, Putting and Bowling Greens and alterations and additions to Wallacia Golf Club, tree removal, landscaping, fencing, civil and stormwater works and new intersection works along Park Road and Subdivision.
Council:	Penrith City Council
Your application date:	November 13, 2020

Dear Applicant

Sydney Water has assessed your application for the anticipated requirements of a Section 73 Compliance Certificate (the Certificate) pending development consent for the development shown above. Detailed information on your anticipated requirements is outlined below.

You have until February 18, 2022 to meet those requirements and receive the Certificate. If you have not received the Certificate by then you will have to reapply (and pay another application fee) and Sydney Water will issue you with a new notice. We may have extra requirements and charges may change in the new notice.

The Water Servicing Coordinator (Coordinator) will be your point of contact with Sydney Water. They can answer most questions you might have on our developer process and charges.

This is not a final notice and Sydney Water is not liable for any actions you take as a result of this Notice. You do not have the authority to start construction of works.

Once you receive final development consent you should submit a copy to Sydney Water. Provided that there have been no significant changes to the development, we will send you a Confirmation Letter.

If the development application has been subject to significant change then this anticipated requirements application will be terminated and you must submit a formal Section 73 application.

You can also find out about this process by visiting www.sydneywater.com.au > Plumbing, building & developing > Developing > Land development. If you want to find out the status of your application, simply select 'Developer Application Progress' and enter your case number (shown above) and email address. A response will be sent automatically to you.

What You Must Do To Get A Section 73 Certificate

Summary

This is a summary of Sydney Water's requirements. The detailed list begins on the next page.

You must do all of the following things:

1. Engage a Water Servicing Coordinator (Coordinator) before you sign the enclosed Agreement.
2. Sign both originals of the enclosed Agreement and give them to the Coordinator. You must do all the things that we ask you to do in that Agreement.
3. After you have signed the Agreement you then need to build the required sewer works at your own cost.
4. See Section 4 for any Ancillary Matters

Other things you need to do:

At the end of this Notice are some other things that you may need to do. They are NOT a requirement to be met before the Certificate can issue but may well be a requirement in the future because of the impact of your development on our assets. You must read them before you go any further.

DETAILED REQUIREMENTS

1. Water Servicing Coordinator

You must engage your current or another authorised Coordinator to manage the design and construction of works that you must provide, at your cost, to service your development. If you wish to engage another Coordinator (at any point in this process) you must write and tell Sydney Water.

For a list of authorised Coordinators, either visit www.sydneywater.com.au > Plumbing, building & developing > Developing > Providers > Lists or call **13 20 92**.

Coordinators will give you a quote or information about costs for services/works, including Sydney Water costs.

2. Developer Works Deed

After you engage a Coordinator, you must engage other Developer Infrastructure Providers (Providers) to carry out, where needed, the design and construction of the works. They must all have the appropriate capability. Your Coordinator can assist you.

You and your Providers will need to enter into an agreement with Sydney Water. To do this you need to sign and lodge **both originals** of the enclosed Developer Works Deed (Deed) with your nominated Coordinator. You will then need to work with your Coordinator to have the other Providers sign the Deed.

Before signing the Deed, each party must also read and understand the conditions of the agreement that are set out in the Developer Works Deed – Schedule 1: Standard Terms document. That document as well as information about it are available at sydneywater.com.au > Plumbing, building & developing > Developing > Developer deeds & standard terms

The Deed and the Standard Terms set out for this development all parties' roles and responsibilities as well as other information.

You must do all the things that we ask you to do in the Deed. This is because your development does not have sewer services and you must construct and pay for the following works under this Deed to provide these services.

3. Water and Sewer Works

3.1 Water

Your development must have a frontage to a water main that is the right size and can be used for connection.

Sydney Water has assessed your application and found that:

The existing 200mm CICL water main in Park Rd will serve your development.

A water main is available to provide your development with a domestic supply. The size of your development means that you will need a connection larger than the standard domestic 20 mm size.

To get approval for your connection, you will need to lodge an application at Sydney Water Tap in™. You, or your hydraulic consultant, may need to supply the following:

- A plan of the hydraulic layout;
- A list of all the fixtures/fittings within the property;
- A copy of the fireflow pressure inquiry issued by Sydney Water;
- A pump application form (if a pump is required);
- All pump details (if a pump is required).

You will have to pay an application fee.

Sydney Water does not consider whether a water main is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

Once you have received your final Development Consent and the WSC has determined there are significant changes to the development that affect your design, your WSC will be required to submit a new application.

3.2 Sewer

Your development must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within your development's boundaries.

Sydney Water has assessed your application and found that:

- Your proposal to pump to the MH is to be limited to a maximum of 2 L/sec.

This private pumping arrangement must be assessed and approved by Sydney Water. You will need to lodge a Pressure Boosting and Pump Application in Sydney Water Tap in™.

You will have to pay an application fee.

- **You must construct a waste water main MH inlet to serve your development.** The terms of the Deed define this extension as 'Major Works'.

Once you have received your final Development Consent and the WSC has determined there are significant changes to the development that affect your design, your WSC will be required to submit a new application.

4. Ancillary Matters

4.1 Flow Management and Isolation of Sydney Water's Asset.

The above works will be constructed with a connection/cut-in to Sydney Water's (wastewater, water and/or stormwater) assets. To see that it complies with Occupational Health and Safety and Environmental legislation you must talk to your coordinator about the timely submission to Sydney Water of a request for flow management and asset isolation requirements.

4.2 Asset Adjustments

After Sydney Water issues this Notice (and more detailed designs are available), Sydney Water may require that the water main/sewer main/stormwater located in the footway/your property be adjusted/deviated. If this happens, you will need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it **before we can issue the Certificate**. Sydney Water will need to see the completed designs for the work and we will require you to lodge a security. The security will be refunded once the work is completed.

4.3 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use Sydney Water's **Permission to Enter** form(s) for this. You can get copies of these forms from your Coordinator or the Sydney Water website. Your Coordinator can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You

will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

4.4 Costs

Construction of these works will require you to pay project management, survey, design and construction costs **directly to your providers**. Additional costs payable to Sydney Water may include:

- design and construction audit fees;
- contract administration, Operations Area Charge & Customer Redress prior to project finalisation; and
- creation or alteration of easements etc.

Note: Payment for any Goods and Services (including Customer Redress) provided by Sydney Water will be required prior to the issue of the Section 73 Certificate or release of the Bank Guarantee or Cash Bond.

Your Coordinator can tell you about these costs.

5. Special Requirements

The Final Development Consent

This application is based on the development and consent shown on Page 1. You must give us the **final** Development Consent before we issue the Certificate so we can make sure that the development is the same.

If the development is the same and all the requirements of this Notice have been met, we will issue the Certificate. If the development is NOT the same you must reapply (and pay another application fee) and we will issue another Notice. The requirements and charges may change in that Notice.

OTHER THINGS YOU NEED TO DO:

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement of Sydney Water in the future because of the impact of your development on our assets. You must read them before you go any further.

Approval of your building plans

Please note that your building plans must be approved. This can be done at Sydney Water Tap in™. Visit www.sydneywater.com.au > Plumbing, building & developing > Building > Sydney Water Tap in™ or call 13 20 92.

This is not a requirement of the Certificate but the approval is needed because construction/building works may impact on existing Sydney Water assets (e.g. water and sewer mains). In any case, these works MUST NOT commence until Sydney Water has granted approval.

Your Coordinator can tell you about the approval process including:

- Possible requirements;
- Costs; and
- Timeframes.

Note: You must obtain our written approval before you do any work on Sydney Water's systems. Sydney Water will take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.

Disused Sewerage Service Sealing

Please do not forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to a Sydney Water sewer main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Soffit Requirements

Please be aware that floor levels must be able to meet Sydney Water's soffit requirements for property connection and drainage.

Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A **Boundary Trap** is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable **Backflow Prevention Containment Device** appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on **1300 889 099**.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a **contingency plan** for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on **1300 985 227** or businesscustomers@sydneywater.com.au

Fire Fighting

Definition of fire fighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the fire fighting flow of the development and the ability of Sydney Water's system to provide that flow in an emergency. Sydney Water's Operating Licence directs that Sydney Water's mains are only required to provide domestic supply at a minimum pressure of 15 m head.

A report supplying modelled pressures called the Statement of Available pressure can be purchased through Sydney Water Tap in™ and may be of some assistance when defining the fire fighting system. The Statement of Available pressure, may advise flow limits that relate to system capacity or diameter of the main and pressure limits according to pressure management initiatives. If mains are required for fire fighting purposes, the mains shall be arranged through the water main extension process and not the Section 73 process.

Large Water Service Connection

A water main are available to provide your development with a domestic supply. The size of your development means that you will need a connection larger than the standard domestic 20 mm size.

To get approval for your connection, you will need to lodge an application with Sydney Water Tap in™. You, or your hydraulic consultant, may need to supply the following:

- A plan of the hydraulic layout;
- A list of all the fixtures/fittings within the property;
- A copy of the fireflow pressure inquiry issued by Sydney Water;
- A pump application form (if a pump is required);
- All pump details (if a pump is required).

You will have to pay an application fee.

Sydney Water does not consider whether a water main is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

Disused Water Service Sealing

You must pay to disconnect all disused private water services and seal them at the point of connection to a Sydney Water water main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Other fees and requirements

The requirements in this Notice relate to your Certificate application only. Sydney Water may be involved with other aspects of your development and there may be other fees or requirements. These include:

- plumbing and drainage inspection costs;
the installation of backflow prevention devices;
- trade waste requirements;
- large water connections and
-
- council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your development as soon as possible. Your hydraulic consultant can help you here.)

END OF NOTICE

After you have submitted the design to comply with the anticipated requirements Sydney Water will review the information and issue you with a partial design package.

19 February 2021

URBIS Consultants
Attn: Charlotte Ryan
By email

Dear Charlotte,

RE: ADDENDUM TO REMEDIATION ACTION PLAN – PROPOSED NEPEAN GARDENS CEMETERY, WALLACIA, NSW

Overview

In response to Penrith City Council indicating that the Remediation Action Plan (**RAP**) prepared in respect of the proposed Nepean Gardens Cemetery, Wallacia, was deficient in that it had not considered the road works on Park Road, we provide this addendum to the RAP. This advice should be read in conjunction with the RAP.

Proposed Road Works

The proposed road works are those described in the WSP plans at Appendix A of a letter prepared by TTPP Transport Planning dated 9 July 2020 and include the provision of a right turn [with accompanying slip lane] to the Wallacia Country Club and to the cemetery for west travelling traffic. The following is noted in respect of the works:

1. The road works are located within Council owned road reserve (see Figure 1 and Figure 2). Land use will therefore not change in this area as a result of the development.
2. The road works will include widening of existing Park Road pavement to the south by around 3.5 m to provide for the turning bay and slip lanes, as well as minor driveway entry works.
3. The public has access to land affected by the proposed road works.
4. Minimal earthworks will be required to undertake the road works, noting:
 - a. The land affected by the works already forms part of the road reserve and in part contains pavement materials.
 - b. Any vegetation removed as part of the works would be chipped and taken to an appropriate off-site facility.
 - c. Stripping of soil and any unsealed pavement within the works area will include, assuming a pavement depth of say 400 mm to suitable subgrade, around 250 m³ excavated material at the cemetery entrance and 200 m³ of excavated material at the Wallacia Country Club entrance.

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Figure 1: Approximate extent of road works at cemetery entrance.



Figure 2: Approximate extent of road works at Wallacia Country Club entrance.

Remediation Requirements

The works within Council's road reserve will adhere to the following remediation strategy:

1. All material excavated from the works area will be considered to be waste and will therefore be classified in accordance with the NSW Waste Classification Guidelines.
2. All material excavated from the works area will be taken from site and disposed of to an appropriately classified waste facility.
3. Any unexpected materials discovered during the works will be managed in accordance with the unexpected finds protocol provided in the RAP.

The remediation approach recommended above ensures that the land within Councils reserve will be fit for the intended purpose, that being unchanged from the current use.

Please call Mr Grant Harlow at our offices if you have any further queries regarding this matter.

For and on behalf of

MARTENS & ASSOCIATES PTY LTD



DR DANIEL MARTENS

Managing Director, Principal Engineer
LLB(Hons1) BSc(Hons1), MEngSc, PhD, MAWA, FIEAust, CPEng, NER