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To: Borg Belinda <bborg@penrithcity.nsw.gov.au>
CC: Stephanie Barker <Stephanie@aedesignstudio.com.au>
Date: 11/12/2013 12:46:29 PM
Subject: FW: Emailing: 131127 Central Precinct SEE Temporary Events, Fernhill Interim Events HIS v2

Hi Belinda,

The latest Statement of Environmental Effects and Heritage Impact Statement provided to you on 4 December 2013 is currently not on Council's website. Could you please organise that these documents are uploaded on the website?

Please do not hesitate to contact me if you have any questions.

Regards,

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-----Original Message-----

From: Tristan Kell
Sent: Wednesday, 4 December 2013 2:30 PM
To: 'bborg@penrithcity.nsw.gov.au'
Cc: Stephanie Barker; alecon@bigpond.com
Subject: Emailing: 131127 Central Precinct SEE Temporary Events, Fernhill Interim Events HIS v2

Belinda,

Attached is an updated Statement of Environmental Effects, We have updated pages 31-33. However, this means that 4 double sided pages are required to be replaced, which are 30-38. This will ensure the contents page is correct. (Updates 6.7 in relation to 5.10.10) Please also replace page 51. (Updates 3 months to 6 Months within DCP Compatibility Table.)

Attached is an updated Heritage Impact Statement, Could you please replace page 18 of this document? (Updates 3 months to 6 Months)

If you have questions to any of the above please do not hesitate to contact me. Much appreciated for your help.

Regards,

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HERITAGE IMPACT STATEMENT

Fernhill estate, Mulgoa Road, Mulgoa NSW

Proposed Use of the Estate for Events



for

Simon & Brenda Tripp

November 2013

EXECUTIVE SUMMARY

Fernhill is a rare colonial estate on the edge of the Sydney basin that has retained its early buildings, largely intact, and its original grant lands in totality. There is no other similar estate within the Sydney region that has retained its buildings, land and setting.

The early estate was expanded by a previous owner to include land to the north, south and west extending the size of the holding considerably. The core site that is the original grant land, while protected by both Penrith Council and the NSW Heritage Council in their heritage registers has been sub-divided in the past into a number of lots. The land to the north and south has been recently heritage listed by Penrith Council as “Fernhill curtilage” in relation to its heritage value to Fernhill. The land to the west is not heritage listed. Much of the expanded holding has been subject to forest re-growth establishing significant landscapes and resulting in large areas of the site having environmental protection in addition to heritage listing.

This DA is an interim application for the use of the site for small events, for a period of 6 months, under Clause 2.8 Temporary Uses of the Penrith LEP 2010. The use is limited to the Central Precinct which is the land area that forms the current SHR listing boundary.

A separate DA for sub-division of parts of the broader estate and a broader range of uses will be submitted at a later date and when that DA is approved (assuming that council do approve the application), this approval would lapse as it would be incorporated within the more comprehensive DA.

The reason for a separate DA is to facilitate the use of the site to avoid the need for separate applications for individual events while the broader approvals are being assessed.

The background to the application is set out more fully in the other reports with the DA, however in relation to heritage issues, the major outcome sought from this application is:

- the provision of income to undertake the conservation and maintenance works to the property.

This DA creates uses that are capable of generating ongoing funding for the management of the place and its conservation and maintenance, and proposes a schedule of annual works that will conserve and maintain the house and landscape.

The DA is submitted under clause 2.8 but also in satisfaction of the heritage provision of the LEP (Clause 5.10 (10)) that allows Council to approve works and uses that are usually outside the LEP controls for the various zonings that cover parts of the estate. This provision only applies where Council is satisfied that there is a substantive and necessary benefit to the conservation of the heritage place in approving the works.

The conclusion of this HIS is that the future of Fernhill as an historic estate is threatened and this DA is a first stage in securing the estate and undertaking conservation work.

It is our opinion that Fernhill is unlikely to survive as an estate if this and the ensuing proposals do not proceed.

The HIS considers lands that are on the State Heritage Register (SHR) and Local heritage schedule. The input of the NSW Heritage Council has been sought in preparing the application, and the Heritage Council has been briefed on the broader development proposal.

The range of uses that are proposed is part of a ‘working business plan’ for the estate that will allow the place to be self-funding into the future, while providing high levels of public access. This has not occurred before, as the estate has largely been a private estate.

The uses extend the present equestrian-related and other rural activities that are found on the property and add a range of small events that suit the property and which are capable of generating income. Event-type uses have been developed, as there is only a small range of options available for a property such as Fernhill to become self-supporting. This pattern of use of large country estates has been extensively used in Britain and Europe with success in both conserving the estates and providing a sound financial basis for preservation.

The usual pattern for development of large estates in Australia is to excise land for development from the historic estate, retain the house on a smaller holding, develop new uses for the house complex that are not based on residential occupation of the buildings and, as a result, alienate the land that once formed the setting. That approach to development inevitably results in a significant compromise of heritage values.

This proposal (as part of the broader proposal for the whole estate), in contrast, sets out a development model where Fernhill House and significant estate lands are secured as an entity, the house remains in residential use and a select and managed range of uses and events take place on the estate that provide the ongoing funding necessary for conservation.

The heritage benefits from this approach, apart from the retention of Fernhill Estate as a large landholding, are that there are options available in the future for how the place is used that can only exist if the property remains intact.

A key aspect in developing this approach has been the examination of the sustainability of the property and its ability to accommodate the uses that are proposed. Fernhill is a large estate that has extensive facilities that are well suited to the uses proposed. The racetrack, stabling and paddock facilities that currently exist provide for the equestrian activities that are presently undertaken. The site can accommodate parking and a range of small events (that is events of up to 300 people but with a typical usage of less than 300) without impacting on the house and central garden areas and events can be undertaken without adversely affecting heritage values.

The SEE considers other potential impacts.

To assist in understanding the scope of work required to Fernhill in the longer term to achieve its conservation - that is after the property has been secured - a schedule of works has been set out and is attached to the CMP that has been lodged with Penrith Council and provided to the NSW Heritage Council for endorsement (after review). It is noted that the new owners of the estate have already committed around \$2,000,000 to conservation works to the buildings and site to ensure that the place is both stabilised and returning to good condition. A considerably larger amount has been spent on the property more generally to ensure its future.

This Heritage Impact Statement has been written to support a range of small scale uses on the Fernhill estate including conferences, functions, recreation and entertainment uses.

No new buildings are proposed for these uses in this DA, however permission is sought for the installation of temporary marquees, portable toilets and kitchen and temporary car parking, and traffic management arrangements. Entry and exit points for events are discrete and traffic management will ensure safe entry and exit to and from the estate.

To provide a context for this interim application the objectives behind the broader proposal are:

- To ensure the Fernhill estate remains a large rural estate without further subdivision into the future (by consolidation of the remaining land, that is the land after approved sub-division of some peripheral lands to the estate, onto one land title).

- To enhance the economic viability of the estate, ensuring funds for ongoing conservation and maintenance works to the estate. A Voluntary Planning Agreement will be made with Penrith Council and a Maintenance Plan will be prepared in relation to ongoing maintenance and conservation works to Fernhill estate.
- To open up the estate for public events, thus providing a public benefit from the management of the estate.

This report accompanies a revised (draft) Conservation Management Plan September 2013 (CMP) for the Fernhill estate recently prepared by Paul Davies Pty Ltd. The revised CMP divided the Fernhill estate into ten (10) separate landscape precincts for the purpose of significance analysis, however the current development proposal, while referring to the CMP analysis of the estate, has identified “use precincts” within the estate which are distinct from the CMP landscape precincts.

This HIS supports the DA as a creative and sound way of conserving one of the major early Colonial period estates of Sydney.

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FIGURES

Cover: Satellite image of Fernhill Estate lands, with the current Fernhill estate boundary outlined in red. Overlay prepared by Paul Davies Pty Ltd utilising satellite image from NSW Land & Property Information Six Maps

Figure 1: Current boundary of the Fernhill Estate lands (outlined in red). This land encompasses a variety of allotments of land, as outlined in Figure 2 below. Source: Image prepared by Paul Davies Pty Ltd, overlay onto NSW Land & Property Information Six Maps satellite image.....3

Figure 2: site plan showing the Fernhill estate land, including Lot and DP numbers for allotments4

Figure 3: Fernhill SHR listing boundary, which includes Lot 2, DP 541825, Lot 10, DP 615085 (including small parcel of land on the eastern side of Mulgoa Road) and Lot 11, DP 615085. The SHR boundary aligns with the boundary of the Central Precinct. Source: SHR listing form, NSW Heritage Branch, OEH5

Figure 4: Extract: Penrith LEP 2010 Heritage Map 007, showing part of the Fernhill site at left (coloured, Heritage Item No. 2260128). This also shows the locations of adjacent heritage items, numbered (see Table 2 for detail).6

Figure 5: Extract: Penrith LEP 2010 Heritage Map 001, showing the western part of the Fernhill estate under the LEP heritage listing (coloured) at right. The nearby separately listed sites are Fairlight (Heritage Item No. 2260140 to the south), which adjoins Fernhill estate lands which are not heritage-listed, and item 2260141 to the west, which is a local heritage item in the LEP. (Details of heritage items in the vicinity of Fernhill outlined in Table 2 below).7

Figure 6: Core Fernhill estate area, including Lot 2, DP 541825 (centre, which contains the house and garden), Lot 10, DP 615085 (which includes a small parcel of land on the eastern side of Mulgoa Road), and Lot 11, DP 615085. Note: Mulgoa Road forms most of the eastern boundary of this area. Source: NSW Land & Property Information Six Maps.....13

1.0 INTRODUCTION

1.1 THE BRIEF

This heritage impact statement (HIS) has been prepared on behalf of Simon & Brenda Tripp to accompany a development application to Penrith City Council for a development proposal for the use of the State Heritage listed and locally heritage-listed Fernhill located at Mulgoa Road, Mulgoa.

1.2 APPROACH AND METHODOLOGY

This HIS will review the relevant statutory heritage controls, assess the impact of the proposal, make recommendations as to the level of heritage impact and provide recommendations to mitigate any heritage impacts.

The methodology used in this report is in accordance with the principles and definitions set out in the Australia ICOMOS Burra Charter, the guidelines of the NSW Heritage Manual and in accordance with the latest version of The NSW Heritage Branch Statements of Heritage Impact guidelines.

This HIS draws on an updated CMP for the site prepared by Paul Davies Pty Ltd in October 2013.

1.3 LIMITATIONS

The site has visited on many occasions by Paul Davies of Paul Davies Pty Ltd between 2005 and 2013. The Fernhill site was inspected and thoroughly photographed at that time.

The historical outline provides a brief summary only of material covered extensively in the updated CMP for the site.

1.4 AUTHOR IDENTIFICATION

This report was prepared by Paul Davies Pty Ltd, Architects and Heritage Consultants, 180 Darling St Balmain NSW 2041.

This report was authored by Chery Kemp, Heritage Specialist and Paul Davies, Director.

1.5 OWNERSHIP

Fernhill is presently owned by Angus Securities who have been in control of the estate since it went into receivership. Angus Securities have entered a joint venture with Simon and Brenda Tripp to consolidate the core part of the estate and to seek development from the peripheral areas of the estate to settle the debts that presently exist on the property.

1.6 DEFINITIONS

For the purposes of this report

Local refers to Penrith City Council area; and

State refers to New South Wales.

The following definitions are used in this report and are from the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).

Fabric means all the physical material of the place.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstance, include preservation, restoration and adaptation and will be commonly a combination of more than one of these.

Maintenance means the continuous protective care of the fabric, contents and setting of a place, and is distinguished from repair. Repair involves restoration or reconstruction and should be retreated accordingly.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either re-creation or conjectural reconstruction, which are outside the scope of the charter.

Adaptation means modifying a place to suit proposed compatible uses.

Compatible use means a use involving no change to the culturally significant fabric, changes, which are substantially reversible, or changes requiring minimal impact.

1.7 SITE LOCATION

The current Fernhill estate land encompasses approximately 653 hectares in 14 titles, while the core historic Fernhill estate has an area of 435 hectares. This core area, which is encompassed by the State Heritage Register listing, includes three allotments: Lot 2, DP 541825 (containing Fernhill house & garden); Lot 10 DP 615085 (surrounding the core house & garden allotment, and including a small parcel of land on the eastern side of Mulgoa Road) and Lot 11, DP 615085 (area north of the racecourse, with a frontage to Mulgoa Road). The overall site includes two lots fronting Mulgoa Road, 6 lots in Mayfair Road and a large rear parcel of land in two lots fronting Fairlight Road.

This DA is for land within the Central Precinct.



Figure 1: Current boundary of the Fernhill Estate lands (outlined in red). This land encompasses a variety of allotments of land, as outlined in Figure 2 below. Source: Image prepared by Paul Davies Pty Ltd, overlay onto NSW Land & Property Information Six Maps satellite image

Lots currently encompassed by the Fernhill estate are outlined in the table below.

Table 1: Lots currently part of the Fernhill Estate including heritage status and description

Name of area	Lot and DP Nos.	Heritage Listing Status	Description and road frontage (if any)
Central or Core Fernhill Estate Area	Lot 2, DP 541825	SHR and LEP listed	Fernhill house and garden
	Lot 10, DP 615085	SHR and LEP listed	Area surrounding house and garden, with frontage to Mulgoa Road on the eastern side, and including a small parcel of land on the eastern side of Mulgoa Road
	Lot 11, DP 615085	SHR and LEP listed	Area north-east of house and garden, with frontage to Mulgoa Road on the eastern side
Northern Area	Lots 1-4, DP260373	LEP listed as part of Fernhill curtilage area	Four forested lots fronting Mayfair Road to the north

Name of area	Lot and DP Nos.	Heritage Listing Status	Description and road frontage (if any)
	Lot 2, DP 211795 Lot 12, DP610186	(Item No. 2260873)	Forested lot with no road frontage, lot east of Lot 1, DP 260373 Forested lot with a long frontage to Mayfair Road to the north
Western area	Lot 31, DP 237613 Lot 1, DP549247	Not heritage listed	Two sparsely forested lots to the west and south-west of the core area. Lot 31 has no road frontage. Lot 1 has a road frontage to Fairlight Road at its southern end, and also adjoins the site of the SHR and LEP-Listed Fairlight (Lot 22, DP 625510). Both of the lots encompass land originally belonging to the Fairlight estate.
Eastern area	Lot 1, DP 570484 Lot 6, DP173159 Lot 100, DP717549	LEP listed as part of Fernhill curtilage area (Item No. 2260873)	Area north of Mulgoa village, on the western side of Mulgoa Road, all lots with frontage to Mulgoa road

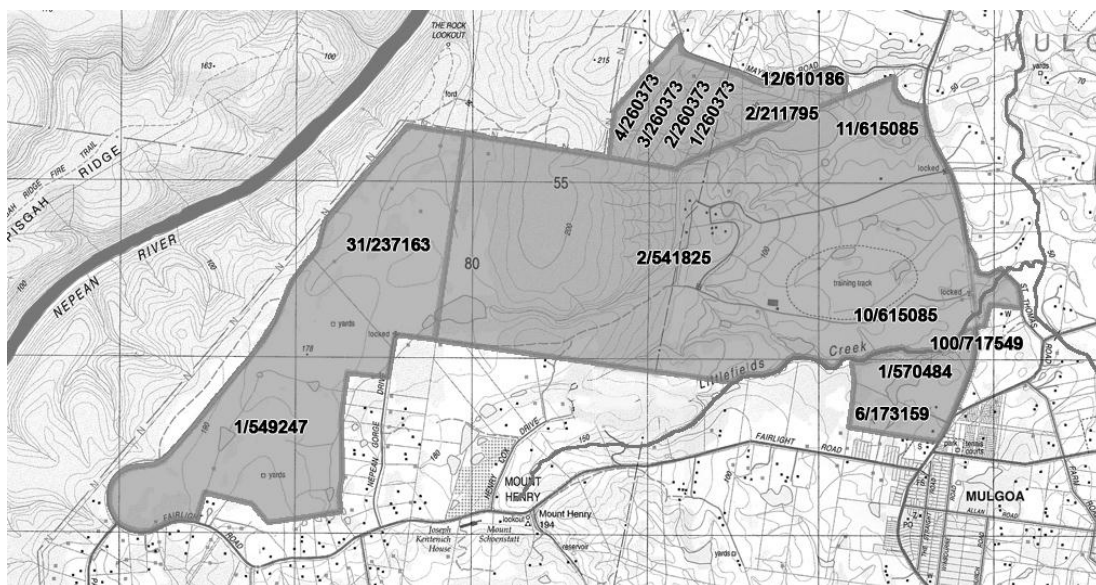


Figure 2: site plan showing the Fernhill estate land, including Lot and DP numbers for allotments

1.8 STATUTORY LISTINGS AND CONTROLS

NSW Heritage Act 1977

Fernhill is included on the State Heritage Register (SHR) as item no 00054 gazetted 2 April 1999. Earlier a Permanent Conservation Order was placed on the property in 1981. The SHR boundary is outlined on Figure 3 below. Note that the area under the SHR listing does not include the whole Fernhill estate. At the time of listing the core estate comprised 2 lots, since then there has been further sub-division.



Figure 3: Fernhill SHR listing boundary, which includes Lot 2, DP 541825, Lot 10, DP 615085 (including small parcel of land on the eastern side of Mulgoa Road) and Lot 11, DP 615085. The SHR boundary aligns with the boundary of the Central Precinct. Source: SHR listing form, NSW Heritage Branch, OEH

Penrith Local Environmental Plan 2010

Fernhill, its outbuildings and landscape are heritage listed in the Penrith LEP 2010 as Item No. 2260128, an item of state significance. The listing includes the parcel of land on the eastern side of Mulgoa Road, north of the site of St. Thomas Anglican Church, Mulgoa.

Areas of the extended site have also been heritage listed in the Penrith LEP 2010 as items of local significance for their significance in relation to Fernhill (see details in Table 1 below). The LEP heritage listing boundary for Fernhill is outlined in Figures 4 and 5 below, and includes Lots 10 and 11, DP 615085 and Lot 2, DP 541825 (the SHR listed area) as the core "Fernhill" listing.

Fernhill was also a heritage item in the previous Penrith LEP, however the adjoining lands were not listed at that time.

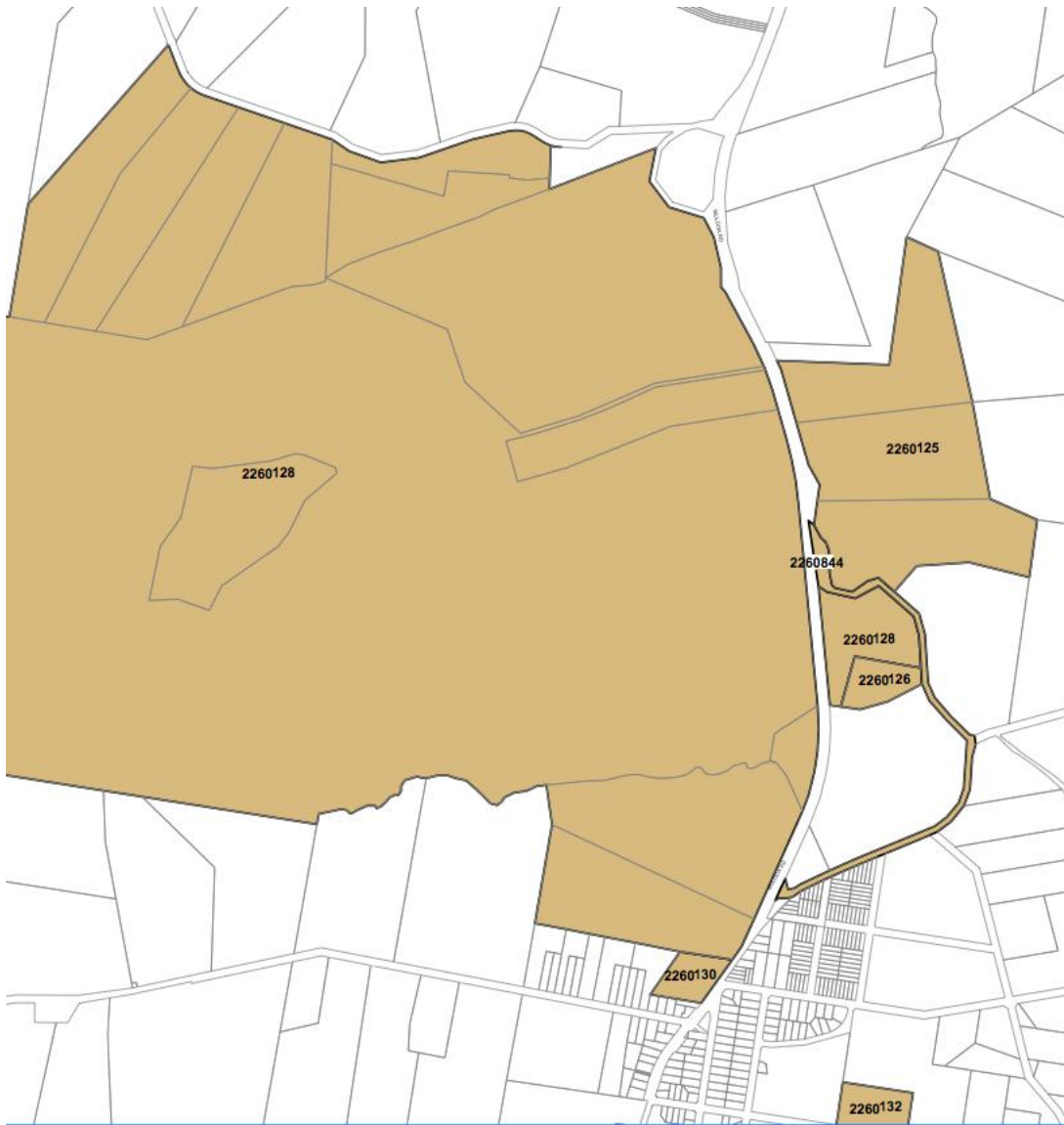


Figure 4: Extract: Penrith LEP 2010 Heritage Map 007, showing part of the Fernhill site at left (coloured, Heritage Item No. 2260128). This also shows the locations of adjacent heritage items, numbered (see Table 2 for detail).

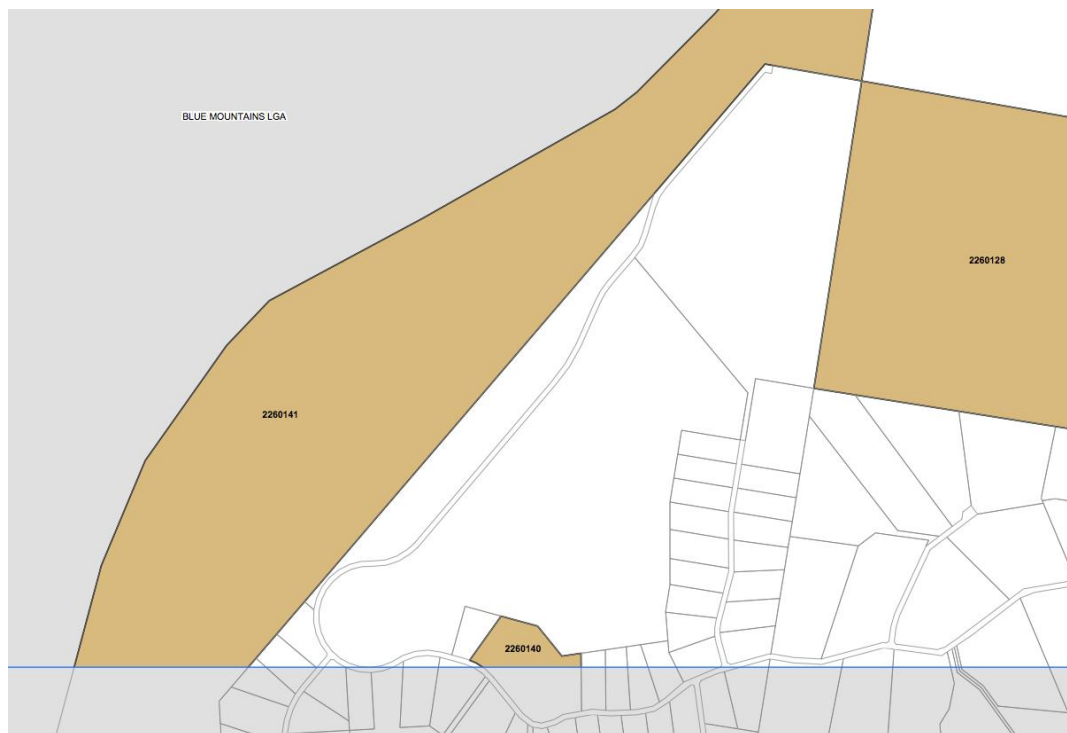


Figure 5: Extract: Penrith LEP 2010 Heritage Map 001, showing the western part of the Fernhill estate under the LEP heritage listing (coloured) at right. The nearby separately listed sites are Fairlight (Heritage Item No. 2260140 to the south), which adjoins Fernhill estate lands which are not heritage-listed, and item 2260141 to the west, which is a local heritage item in the LEP. (Details of heritage items in the vicinity of Fernhill outlined in Table 2 below).

Fernhill is in the vicinity of a number of other heritage items on the SHR and on the Penrith LEP 2010 heritage list, outlined in Table 2 below and illustrated in the Figures 4, 5 and 6 above. The below list covers the whole of the site however, a number of sites such as Fairlight and Table Rock lookout are remote from this DA and most adjoining heritage items have no direct link to the two locations that are proposed for use under the application.

Table 2: Heritage Items in Mulgoa in the vicinity of Fernhill

Item name	Address	Lot & DP Nos.	Heritage Status	Heritage Item No. in LEP 2010
Curtilage of Fernhill	1147-1187 Mulgoa Road and 10-156 Mayfair Road	Lot 100, DP 717549; Lot 1, DP 570484; Lot 6, DP 173159; Lot 5, DP 23781; Lot 12, DP 610186; Lot 2, DP 211795; Lots 1-4, DP 260373.	Local	2260873
Mulgoa Public School building, hall, residence and trees	1189-1193 Mulgoa Road	Lot 1, DP 853475	Local	2260130
St Thomas Anglican Church and cemetery	43-57 St Thomas Road	Lot 1, DP 996994 and Lot 1, DP 1035490	State	2260126
The Cottage	1012-1046 Mulgoa Road and 2-24 St Thomas Road	Lots 2-4, DP 241971	State	2260125

Item name	Address	Lot & DP Nos.	Heritage Status	Heritage Item No. in LEP 2010
Former Mulgoa Road Alignment	St Thomas Road		Local	2260844
Fairlight (house, outbuilding and gardens)	377–429 Fairlight Road	Lot 22, DP 625510	State	2260140
Table Rock Lookout	716–782 Fairlight Road	Lot A, DP 164835	Local	2260141

1.9 NON-STATUTORY LISTINGS

Fernhill was identified in the Cumberland County Council list of Historic Buildings 1961-1967, and was listed on the (now obsolete) Register of the National Estate.

Fernhill is listed on the NSW National Trust Register.

2.0 HISTORICAL SUMMARY

The history of the Mulgoa Valley, the Mulgoa Township, the Fernhill Estate, the Cox family and landscape design in the 19th century is included in the recently updated CMP for the site. Below is a summary of the Cox family history relating to Mulgoa and the development of the Fernhill estate from the CMP.

2.1 COX FAMILY

The Mulgoa Valley has particular historic associations with the Cox family. They were in the Valley for three generations between the 1810s and 1900s. The different branches of the family were centred on the estates of Glenmore, Winbourne, Fernhill and Mulgoa Cottage.

The Cox family name is associated with the development and improvement of stock: cattle sheep and horses. The Cox family pioneer in the Mulgoa Valley was William Cox (1764-1837) who had arrived in New South Wales on the *Minerva* in 1800. Cox was a lieutenant in the NSW Corps, and as a member of the Officer class in Colonial NSW enjoyed the privilege of farming on a land grant while still holding down his official military duties. Within one year of arriving in Sydney, Cox had secured land grants of 1,500 acres of agricultural land at Petersham, Ryde and Castle Hill. Cox was rewarded for his work supervising the construction of first road over the Blue Mountains with 2000 acres on the Macquarie River near Bathurst, the property given the name Hereford.

On the first day of his governorship, New Years Day 1810, Macquarie reinstated a number of Colonel William Paterson's grants of 1809 made in the Mulgoa Valley, including 300 acres to Edward Cox, the youngest son of William Cox. Edward at the time of the grant was aged four and a half years and the application for the grant was made by his mother Rebecca, who stated she required the land.

The following is a list of land grants to the Cox family in the Mulgoa Valley:

- 300 acres to Edward Cox: 1 January 1810
- 100 acres to William Cox: 8 October 1816;
- 200 acres to William Cox: 8 October 1816;
- 820 acres to William Cox: 8 October 1816;
- 600 acres to George Cox: 8 October 1816;
- 400 acres to Henry Cox: 18 January 1817;
- 760 acres to William Cox: 18 January 1817; and
- 850 acres to William Cox: 5 April 1821

The Cox family acquired neighbouring freehold land in the 1810s and 1820s to increase their pastoral land.

In the Valley each of the Cox brothers established from the 1820s their own estates – Winbourne, Glenmore and Fernhill. George Cox's (1795-1868) Winbourne was developed from 1824, shortly after his marriage to Elizabeth Bell of Belmont, Richmond in 1822. Henry Cox's (1796-1874) Glenmore was developed from 1823 on his marriage to Frances McKenzie, the daughter of Alexander McKenzie, an official of the Bank of New South Wales. Edward Cox's (1805-1868) Fernhill was the last to develop, but originally incorporated the earliest of the homesteads – William Cox's Mulgoa Cottage (c. 1811). William built Cox's Cottage for his sons and their tutor in 1811. William Cox's sons, George, Henry and Edward all lived at Mulgoa Cottage prior to their marriages and development of their own estates.

The family's wealth was based on large pastoral properties west of the Blue Mountains, near Bathurst and Rylstone.

Edward King Cox (1829-1883) was born at Mulgoa Cottage, the eldest son of Edward Cox and his wife Jane Maria. He was sent to Europe in 1852 to study sheep breeding, and prior to his return in 1855 married Millicent Anne Standish, the second daughter of Richard J.L. Standish of Gin Lodge, Tralee, County Kerry, Ireland. On their return, Edward King took on the management of the family's large sheep stations at Rawdon, Rylstone with Mulgoa Cottage as the head station. At Mulgoa Cottage were born Edward Standish (1856) and Herbert Montgomerie Standish (1859). The couple's other children were born at either Fernhill or Rawdon.

Edward King Cox is acknowledged 'as the great improver of Australian merino'. Edward King improved the merino stud developed by his father through introducing Silesian merino in 1856 on his return from Europe, and Tasmanian rams in 1869 after his father's death.

2.2 FERNHILL ESTATE

Edward Cox was originally granted 300 acres in 1810, which he increased in the 1830s through alienation of land owned by his brothers and father. By 1840 the landholdings of Edward Cox totalled 2,315 acres. Today, Fernhill Estate (385 hectares or 951 acres) incorporates Edward Cox's original land grant and portions of Hobby's and Slade's original grants.

Edward Cox's land has been cleared extensively since 1810 by members of the Cox family along with their other landholdings to establish pastoral land. The first building constructed on the current Fernhill land was the stables in 1839. The building (still standing) housed the stonemasons whilst the house was constructed. The Cottage was the first building built on the estate dating from around 1810, however it is located on the eastern side of Mulgoa Road and is not on the current Fernhill site.

Fernhill House was completed some time between 1842 and 1845 and while the architect is not documented, it bears features suggestive of the work of Mortimer Lewis (who was the NSW colonial government architect for 15 years). It appears to have been designed originally as a two-storey building, with the 1840s recession leading to its construction as a single storey dwelling. All the sandstone for construction was quarried on the property. Two stonemasons that Edward Cox imported from Ireland have been identified, Thomas Brady and Michael Meally, both from County Clare.

The house was built on gently sloping land with panoramic views around the valley.

Fernhill Estate was described as follows in Our Antipodes of Colonel Godfrey's account of his visit to Australia in 1852:

A handsome stone house overlooks by far the most lovely and extensive landscape – as a home view – I ever met with in Australia: and its beauty is much enhanced by the taste and success of the proprietor in weeding out the thinly leafed and unsightly kinds of the gum-tree and preserving only that species of eucalyptus called the apple-tree, which, with its stout gnarled branches and crisp tufted foliage, is, when standing alone or in clumps on parkish looking ground, by no means a bad representative of the English oak... a stranger might imagine himself at the country-house of some substantial English squire ...there is a unity of homelike landscape unlike anything else of its kind I have met with out of England.

Edward King Cox inherited Fernhill Estate in 1868 on the death of his father, Edward. Edward King Cox reorganised the estate for the breeding of thoroughbred horses and shorthorn cattle.

Edward King Cox died at Fernhill in July 1883. On probate his estate (over 2300 acres) was valued at £95,572. Under the terms of his will, the Fernhill Estate was broken up between his two eldest sons. The area west of Mulgoa Road was inherited by Edward Standish Cox, which is the Fernhill Estate. The area east of Mulgoa Road was inherited by Montgomerie Standish Cox, part of which is now The Cottage. Edward Standish Cox owned Fernhill Estate until 1896.

After passing out of Cox family ownership in 1896, Fernhill had a number of owners and changes as follows:

- 1896 to 1906 Frederick Thomas Humphery and Edward Perry Simpson
- 1906 to 1924 Henry James Bell (who brought the property under the Real Property Act, with the Torrens Title issued to Bell on 23 May 1908). During Bell's ownership the house was tenanted by Richard Beindge Baynes and his family (till 1926). Baynes was an alderman for the Shire of Nepean and for the Municipality of Mulgoa, serving as Mayor 1909-1912. There are a number of photographs of Fernhill taken by gifted amateur photographer Arthur Wigram Allen in this period.
- 1924 Baynes' wife Anne Augusta nee Bell (daughter of Henry James Bell) acquired ownership. The Baynes family ceased occupation of Fernhill around 1926, and it briefly operated as a boarding house, during which time it was visited by James Fairfax, who described it in a 1931 publication *Historic Roads Around Sydney*.
- 1930-1955 Hilda Mary Moyes nee Bonner, wife of George Sydney Moyes acquired the property, and resided there, however by the mid-1950s the property had become run-down.
- 1949 a portion of the Fernhill estate was acquired for realignment of Mulgoa Road. This separated a portion of the estate from the remainder.
- 1953 the Water Board placed an easement across the western portion of Fernhill for the overhead ropeway used in the Warragamba Dam construction, the easement being released in 1967. In April 1961 the Electricity Commission of NSW placed an easement adjacent to the Water Board easement and installed an electricity transmission line.
- 1955-1980 Moorilla Pty Ltd, later Fernhill Pastoral Company, acquired the property, both companies owned by John Darling, an influential merchant banker in Sydney at the time. The Darlings contracted the large architectural firm Peddle Thorp & Walker to restore the house and property, upgrading services at the time. The first phase of conservation work was completed in early 1963, using materials from demolished Sydney buildings of the time. The Darlings ran a retail plant nursery, a chicken hatchery, a piggery, poll Hereford cattle, a wildlife breeding facility and sanctuary and a stone mason's yard on the property. The Darlings built several new dams on the property, realigned the entry from the new Mulgoa Road alignment, and planted shade trees along the northern drive, along Mulgoa Road and in clusters around the property.
- 1966 Fernhill estate subdivided into two allotments: a lot of 926 acres; and a 25 acre lot around the house and the northern right of way from Mulgoa Road.
- 1969 renowned landscape architect Paul Sorensen redesigned the landscaping of Fernhill for the Darling family, including a rose garden, pergolas and a summerhouse. The 1830s stables were converted to a flat.
- July 1970 the carriage loop east of the house had been removed.
- 1978 interim heritage order under the 1977 NSW Heritage Act placed over the eastern part of the property

- 1980 September – purchase by Owston Nominees No. 2 Pty Ltd, a company owned by wealthy Western Australian entrepreneur Warren Anderson. The Andersons constructed a number of new buildings on the property, new landscaping and the two originally separate cellars were connected.
- 3 July 1981 whole property placed under a Permanent Conservation Order under the NSW Heritage Act
- 2 April 1999 Fernhill was listed on the NSW State Heritage Register
- 2001 Fernhill estate extensively damaged by fire, destroying a number of outbuildings and damaging fencing and landscaping
- 2010 Fernhill listed on the Penrith LEP 201 heritage schedule.
- 2011 Fernhill placed in receivership and the contents of the property are sold. Angas Securities take control of the property
- In late 2012 the Tripp family enter a joint venture with Angas to release debt and acquire the balance of the property after select development.

3.0 PHYSICAL DESCRIPTION

3.1 FERNHILL ESTATE – CENTRAL OR CORE AREA

A thorough physical description of the Fernhill estate and its' surrounds is included in the recently revised Conservation Management Plan, which should be referred to. The Core Area is described in detail in the CMP as Precinct Nos. 1, 2, 3, 4, 5, 6 and 7 of the Fernhill estate. The core area has a frontage to Mulgoa Road, and includes towards its western end, on a small rise, the house and garden and the surrounding Fernhill estate grounds which include landscaping, fenced paddocks, driveways, numerous dams, outbuildings, and a racecourse. It includes a small parcel of land on the eastern side of Mulgoa Road (Lot 2, DP 615085) that does not form part of this application. The core area contains the following allotments of land: Lot 2, DP 541825; Lot 10, DP 615085; Lot 11, DP 615085; and Lot 2, DP 615085.



Figure 6: Core Fernhill estate area, including Lot 2, DP 541825 (centre, which contains the house and garden), Lot 10, DP 615085 (which includes a small parcel of land on the eastern side of Mulgoa Road), and Lot 11, DP 615085. Note: Mulgoa Road forms most of the eastern boundary of this area. Source: NSW Land & Property Information Six Maps

4.0 SIGNIFICANCE

4.1 STATEMENT OF SIGNIFICANCE (FROM REVISED CMP 2013) FOR FERNHILL

Fernhill Estate has historical, associative, aesthetic and representative significance and rarity values at a State level. Fernhill has social significance and research potential at a Local level.

Fernhill comprises an extensive area of modified and natural landscape, that provided a picturesque setting for the house completed c.1842 for Edward Cox. The house was sited like a Greek temple on a rise with significant views to the Mulgoa Valley and specifically St Thomas' Church and Cox's Cottage. These views are, however, no longer present.

The house was constructed of sandstone quarried on the site.

Fernhill is significant for its cultural landscape, which is a rare Australian example of the English landscape school's practice of modifying the natural landscape to create a romanticised natural appearance embellished by a richness of cultural features. The landscape demonstrates a cultural phase in Australia when landscape design was influenced by the teaching of Thomas Shepherd, who advocated the adaptation of the English design technique.

Fernhill is possibly the only intact early colonial parklike estate that was designed with the principles of the English Landscape Garden (a landscape 'Park' in the picturesque manner) but relying entirely on indigenous plant material and the process of elimination (thinning and tree removal) rather than planting. There are significant views and vistas within the property, such as the winding carriage drive to the house through retained apple gums (*Angophora floribunda* and *A. subvelutina*) with remnant glimpses of the house through the clumps of trees carefully created by thinning of native bushland and a reflection of the house in the pond along the southern drive.

The landscape and house have been altered in character and detail during the late 20th century, which has reduced its integrity and changed the relationship of the house with its landscape. Remnant trees from the 19th century house garden include pines (Stone, Bunya and Hoop) and Camphor Laurels. Landscape architect Paul Sorensen's garden layout from the 1970s largely removed the immediate pastoral setting of the house, separating the house from the broader landscape. This layer of landscape, however, contains fine features including the rose garden, the decorative pergola, and the use of retaining walls and terraced gardens.

Fernhill had an important historical and visual relationship with St. Thomas' Church and Cox's Cottage, but these visual links are now lost. Changes to the land east of the house have altered the relationship of the house with its landscape, St Thomas Church and Cox's Cottage. This group of Cox related sites demonstrate the ambitions and changes in wealth and status of an important early colonial family (the Cox's) from 1810 to 1880s, and despite the loss of visual connection, they retain a loose and important historical relationship.

The Cox family have a particular association with Mulgoa Valley where they lived for three generations. The Cox family pioneer in the Valley was William Cox (1764-1837), who made a substantial contribution to the administration, building, pastoral and agricultural development of the NSW colony. William built Cox's Cottage in the Valley for his sons in 1811. Each of William's sons established their own estates in the Valley from the 1820s: Winbourne (George), Glenmore (Henry) and Fernhill (Edward). The Cox family is associated

with the development and improvement of stock (cattle, sheep and horses), not just in Mulgoa, but also throughout NSW.

Fernhill is of social significance as one of the early colonial settlements in the Mulgoa Valley, which contributes to the community's sense of identity.

Fernhill has low archaeological potential associated with the use of the house and 1839 stables. The property may also have Aboriginal archaeological potential on the western portion of the Estate.

Fernhill Estate also has areas of environmental significance, including Cumberland Plain Woodland and Shale Sandstone Transition Forest, which are both listed at the State and Federal level as endangered ecological communities.

4.2 SIGNIFICANCE OF THE CORE FERNHILL ESTATE AREA

All of the significance values outlined in the Statement of Significance above are reflected in the core Fernhill estate area, which reflects the original historical Fernhill land grant of 1810, and which comprises of 3 lots – Lots 10 (most of the land surrounding the house and garden, with a frontage to Mulgoa Road and a parcel of land on the eastern side of Mulgoa Road) and 11, DP 615085 (north-eastern corner, fronting Mulgoa Road) and Lot 2, DP 541825 (the house and garden lot). This area comprises the SHR listed land of the Fernhill estate, and encompasses 385 hectares.

Heritage issues relating to the core Fernhill land are:

- the overarching objective of ensuring the ongoing conservation of the house, significant garden features and the wider estate grounds
- the protection of the estate as a setting for the Fernhill house and garden (via proposed consolidation of the core estate lands and the northern curtilage area into one allotment as proposed in the broader DA's)
- the need to provide funds for ongoing conservation works, and
- impact of proposed uses on the heritage significance of the core Fernhill estate

4.6 GRADINGS OF SIGNIFICANCE

The gradings of significance for the Fernhill estate are outlined in Section 4.3 of the revised CMP (pages 148-155).

The elements of the Fernhill estate outlined in Table 3 below have been graded as Moderate, High or Exceptional significance. All other elements of the Fernhill Estate have been graded as of Little Significance, Neutral or Intrusive. In understanding an assessment of the heritage impact of the proposal, this HIS will primarily look at the impact of the proposal on the elements of the Fernhill estate listed in Table 3, potential impacts on heritage items in the vicinity, and will also discuss view issues.

Table 3: Elements of Exceptional High or Moderate Significance in areas affected by the proposal

Structure, Space or Element	Grading/Grading No	Notes
Stables Building (c.1839)	Exceptional (1)	Overall grading
Fernhill House (c.1842)	Exceptional (1)	Overall grading
Stone line water reservoir (excluding 1980s concrete roof)	Exceptional (1)	Located west of the north wing of the house

Structure, Space or Element	Grading/Grading No	Notes
Ruin of winery, date unknown (pre-1950s, possibly mid-1800s)	High (2)	
Original alignment of southern driveway, serpentine carriage drive approach to the house including section of drive near Mulgoa Road no longer used	Exceptional (1)	Located in the landscape to the east of the house
Pair of ornamental stone bridges, part of the original fabric of the site (historical design element in the landscape, rebuilt in the 1960s and again in the 1980s)	Exceptional (1)	Located along the southern driveway to the house
Two quarry sites and setting (used to source sandstone for Fernhill's early buildings; one is located below the road that leads past the aviaries and workshop building to the north-west of the house; the other is located on the far bank of the creek opposite)	Exceptional (1)	West of the house
Reflection pool along southern driveway to house (historically significant design element in landscape)	Exceptional (1)	Along southern driveway to the house
High stone wall with distinctive banding of large and small coursed sandstone rubble with a peak top course (may be contemporary with house)	Exceptional (1) to High (2)	Various areas around the house (note this is distinct from 1980s stone walling around the estate)
Undulating 'park-like' cultural landscape grounds of Estate remaining from the early period of development	Exceptional (1)	Landscape feature
Retained Rough-barked Apple (<i>Angophora floribunda</i>) and Broadleaved Apple (<i>Angophora subvelutina</i>) throughout Estate grounds	Exceptional (1)	Landscape feature, part of CMP precincts 2-7
Remnant natural landscape (Cumberland Plain Woodland, Shale Sandstone Transition Forest, Sandstone Ridgetop Woodland, Western Sandstone Gully Forrest)	Exceptional (1)	Landscape feature, part of CMP precinct 6
Remaining plantings in the broader landscape from the colonial period including apple gums (<i>Angophora floribunda</i> and <i>A. subvelutina</i>) along the original driveway alignment (historical design element)	Exceptional (1)	Located in the landscape and along the southern driveway to house
Remnant colonial era trees including pines (Stone, Bunya and Hoop) and Camphor Laurels, late 19th century	Exceptional (1)	In the grounds around the house to the south & east
Archaeological potential of original carriage loop (removed with landscape works by Sorensen in 1970s)	Exceptional (1)	East of the house
Archaeological potential of cesspit (located west of original south wing, covered by laundry addition to south wing in early 1980s)	Exceptional (1)	Under laundry addition to south wing of the house
Archaeological deposits associated with early phases of the house (disturbed and impacted by substantial fill following landscaping works by Sorensen in 1970s and subsequent landscaping works in 1980s)	Exceptional (1)	Located in the area surrounding the house and stables
Northern driveway alignment (potentially established in the early 20th century)	Moderate (3)	Located in the landscape to the east of the house

Structure, Space or Element	Grading/Grading No	Notes
Portion of new southern driveway alignment (changed in the 1950s following realignment of Mulgoa Road)	Moderate (3)	South-east corner of Estate
Tennis court, 1920s	Moderate (3)	South-west of the house
Timber pergola with Doric order sandstone columns (designed by Sorensen in the 1970s)	Moderate (3)	North of the house
Rose garden, sandstone stairs and stone sundial (designed by Sorensen in the 1970s)	Moderate (3)	North of the house
Dammed lake and island (designed by Sorensen in 1970s) with timber bridge and summer house added by Andersons (1980s)	Moderate (3)	East of the house
Littlefields Creek (area of Cumberland Plain Woodland regrowth; creek and its tributaries are original alignments)	Moderate (3)	Southern property boundary
Areas of Cumberland Plain Woodland regrowth	Moderate (3)	Located in CMP precincts 3 and 7
Areas of Alluvial Woodland regrowth	Moderate (3)	Located in CMP precincts 3 and 5

5.0 THE PROPOSAL

The proposal for use of the site for events in this application covers the core or central precinct for a period of 6 months. This means that the majority of proposed uses are within established use areas of the site.

Events in this application are:

Small events for up to 300 people that require minimal infrastructure, traffic or other controls.

The current infrastructure of the site, with some temporary and modest amplification, can accommodate small uses.

The development application is submitted under *Clause 2.8* of Penrith Local Environmental Plan 2010.

This clause provides the opportunity for the consent authority to grant consent to development for any purpose (of a building that is a heritage item or on the land on which it is located), or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by the LEP, provided the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The overall proposal for Fernhill is described in detail in the Fernhill Working Heritage Masterplan.

The fundamental issue in this application is that the proposal not only satisfies the five criteria above to allow Council to consider it, but it does so in a way that achieves a necessary and potentially outstanding heritage outcome. It is also important that this application is understood as an interim arrangement working towards a broader outcome that secures the key parts of the estate.

The overall proposal is unlike any other project that we have been involved in where a similar clause has been invoked. There appears to be little doubt that without the application of the clause and Council's favourable determination, that Fernhill, as an intact colonial estate will not survive. This does not mean that Council should determine the matter without discernment or proper consideration of all potential impacts and matters. Quite the reverse, we are of the view that provided all other issues that are relevant are addressed and Council is satisfied that the proposals for development are sound, that this proposal can achieve an outstanding heritage outcome that will assist to:

- retain the core property intact through, in part, consolidation of all of the remaining Fernhill lands after the proposed sub-division

- expand the core property to include most of the additional lands that council has identified and land that goes beyond that
- conserve the house and landscape
- establish a long-term and viable funding option to ensure the place does not again go through difficulty
- protect the environmental values of the estate to a high level.

The DA proposal is for:

The use of the land and of existing structures and temporary structures for the purposes of a **Function Centre Venue**, (Function Centre land use under Penrith LEP 2010), etc., as set out in the proposal.

Event uses envisaged in the application include (refer to the SEE for full details of the activities which are summarised here):

FUNCTION CENTRE VENUE

- Private functions in the house garden and ballroom for up to 90 people
- Private functions in the great hall for up to 215 people
- Private functions in the house garden and tennis court area for up to 300 people
- Private functions in the house garden, great hall and western lawn for up to 300 people
- Private functions in the hayshed area for up to 300 people

6.0 HERITAGE PLANNING CONTROLS

6.1 NSW HERITAGE ACT 1977 (AS AMENDED)

The proposal requires, in part, approval from the NSW Heritage Council under Section 60 of the NSW Heritage Act as the proposed uses, while involving no new construction works to the SHR-listed portion of Fernhill, have, without proper consideration, the potential to impact the heritage values of the place.

The proposal for the state heritage listed land is to provide temporary structures (marquees, portable toilets) and new and expanded existing uses on the Fernhill estate lands.

There is also development proposed adjacent to the state listed heritage item and while the Heritage Council is not a consent authority for this part of the application, they have been consulted during the development of the proposal.

A key aspect of the proposal is that a Heritage Agreement will be prepared to ensure that adequate and appropriate funds, derived from the proposed uses on the estate, will be used for the maintenance and conservation of the heritage components of the estate including its landscape.

As the eastern and western areas where subdivision is proposed are outside the SHR listed boundary, these subdivisions do not require NSW Heritage Council consent.

6.2 LEP HERITAGE CONTROLS

Clause 5.10 'Heritage Conservation' in the Penrith LEP 2010 applies to the Fernhill estate lands as most of the land is heritage listed. The relevant objectives of Clause 5.10 (1) are:

- (a) to conserve the environmental heritage of Penrith;
- (b) to conserve the environmental significance of heritage items including associated fabric, settings and views;
- (c) to conserve archaeological sites;
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Clause 5.10(4) requires the consent authority (in this case Penrith City Council) to "*consider the effect of the proposed development on the heritage significance of the item or area concerned*" prior to granting consent.

This HIS addresses these issues.

Clauses 5.10(5) and (6) enable the consent authority to require the submission of a CMP and/or a Heritage Impact Statement in relation to any development proposal affecting a heritage item.

This HIS and the revised Fernhill CMP have been submitted to comply with these LEP clauses.

Clause 5.10(7) requires referral to the NSW Heritage Council in the event that the proposed development affects an archaeological site on land other than land listed on the SHR (i.e. this clause does not apply to the SHR listed portion of the Fernhill estate).

The NSW Heritage Council have been briefed on the development and their input on the broader development has been sought.

Clause 5.10(8) requires the consent authority to consider the affect of development on an Aboriginal place of heritage significance, before granting consent, and requires the consent authority to notify the local Aboriginal community about the proposal and to take into account any response received within 28 days.

There are Aboriginal heritage sites within the broader site and any works that may affect those sites will be referred as required.

Clause 5.10(10) regarding development in the vicinity of heritage items applies to the proposal. The proposal relies on Clause 5.10(10) *Heritage Incentives* of the Penrith LEP 2010 for approval. This clause states:

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The applicability of this clause, along with the change in ownership of Fernhill Estate, triggered the recently prepared revised Conservation Management Plan (CMP) for the site.

6.3 DCP HERITAGE CONTROLS

Section C7 Culture and Heritage of the Penrith DCP 2010 applies to the site and provides planning objectives and guidelines relating to heritage items.

As there are no works proposed the DCP is not particularly relevant to this application.

7.0 ASSESSMENT OF HERITAGE IMPACT

7.1 DISCUSSION

This proposal is for a range of modest uses to be undertaken on the property largely within existing buildings and established areas. The uses range from weddings to small corporate events and small conferences. While a limit of 300 people per event has been established, the actual size of events will vary from 20 people upwards with an expected average of between 100 and 150.

The various events would take place throughout the week with a focus on weekends for private events and weekdays for corporate events. It is possible to hold several events at a time as the locations are quite separate, but holding regular multiple events is not proposed.

As the house is also a private residence the number of events that take place directly around the house will be less than those at the Great Hall and the Hayshed as these locations do not impact directly on the use of the house.

There are no real physical impacts on the fabric of the place from running small events, however, wear and tear always occurs and the house itself needs to be very carefully managed to avoid accidental damage. This would be achieved by limits on usage and using appropriate seating and fitout items.

English Heritage have addressed this issue in a publication on running events in heritage houses with a set of guidelines on how to properly manage events and avoid impacts. We recommend that the guidelines in this document be the basis of holding events in and in close proximity to the house to ensure that management practices are sound.

For events away from the main house, that is in the Great Hall, Hayshed or in external areas around those buildings there are no specific heritage attributes that could be affected by the nature or scale of events proposed. These are relatively recent structures and areas and appropriate good management is sufficient to address events in these locations.

Similarly events within the immediate garden of the main house are unlikely to cause any adverse impacts to heritage values as the gardens are heavily modified from their original form and in their current form, while attractive, do not have high heritage value. Perhaps the most important aspect of holding events in the gardens is to ensure that the grassed areas have sufficient time between events to prevent undue wear and deterioration.

If physical impacts can be adequately managed, and they can, other considerations related to possible heritage impact are parking and access and the suitability of the uses themselves.

Parking is addressed by providing dedicated and managed areas for parking the required number of cars for these events. As the events are relatively small the requirement for vehicles is also relatively low. However the allocated parking areas will be used on a frequent basis and need to be managed for appropriate surface treatment and maintenance. The areas nominated for parking at the house are not areas that are subject to regular rural uses (that is they are not areas of paddocks or locations that are potentially part of the productive farm use of Fernhill) so that issues such as possible compaction of the ground or frequency of use do not affect the rural values of the place.

We note that the parking for the hayshed area is an interim proposal and that while parking is shown on the drawing in a specific location that it will need to rotate within the locality and that this will need to be monitored and managed. It is also likely that for small events that

cars may park along the edge of the driveway on the verge. Further details of parking will be developed with the applications to follow.

It would however be necessary and wise to monitor parking locations and to allow for some formalisation over time perhaps by the use of gravel as a base for parking. This would not be appropriate within established paddock areas.

Servicing of events also needs to be considered in terms of potential impact. Locations of temporary kitchen and toilets are provided in the SEE, these are small facilities that will come and go as required. In time (and not part of this DA) consideration will be given to discrete facilities being located on a more permanent basis.

Servicing vehicles also need to be considered. Each location has capacity to accommodate service vehicles for deliveries and rubbish removal without impact as good road access exists to each location. Servicing already takes place at each location and is accommodated without impact.

In considering whether event type uses, even ones of a small scale, are appropriate to occur on a property such as Fernhill there are three principle considerations:

1 Has this occurred elsewhere and has it been managed successfully?

The answer is yes to both questions. The use of historic properties for events is a world wide practice that has allowed many properties to survive. It is a fundamentally sound and low impact way to provide income and find uses for properties that are often no longer viable.

There is excellent precedent for the range of uses proposed and the scale is of such a modest nature that there are almost no impacts.

A key element of any use on an historic property is good management. This is essential to both protect the place but also to provide a product to users that is attractive and showcases the site with its heritage and other values.

2 Are there viable alternatives that can sustain the property into the future?

The broader project for the estate, of which this DA is a first minor stage, will propose a sustainable future for the core estate. There are basically two ways such a property can survive. One option is that a wealthy owner supports the property and continues the minimal range of rural uses that cannot generate funding to sustain and support the property. This approach is tied to the ability or desire of a particular owner to maintain the place. The second option is to establish a range of uses in conjunction with some selective development of non-core areas that provide an income stream to support the conservation of the place. This is a model that requires council consent as it involves uses that are not allowed under the rural zoning.

We conclude that while a philanthropic owner may provide a short term solution that a long-term solution requires a sustainable business model that can survive a particular owner. Consequently we suggest that developing a range of viable and sustainable uses as one of the few ways that the property can remain as an intact estate into the future.

3 Does it fundamentally affect the heritage values of the place?

We would suggest that introducing event uses, particularly those of the scale proposed in this DA, does not fundamentally affect the heritage values of the place. The estate remains, in fact its retention is largely a result of being able to change the use of the property, the landscape remains, visitors are able to use the landscape and experience the place in ways that has not been possible and the changes required to introduce the use are minor.

It is also important to consider that the conservation is usually active (although there are times when it is passive). That is, to conserve Fernhill both as an entity and in terms of fabric and setting, actions are required. Introducing new uses is in itself an act of conservation as it allows the place to be retained and conserved as an estate. Without an action such as introducing events, conservation is unlikely to take place as the estate is not likely to survive.

There will inevitably be arguments about how the estate came to be in the situation it is now in, but they are not relevant to the matters that have caused this and the following applications to be prepared. This proposal allows uses that are largely benign of very low impact to take place that will generate some funds that will go towards the conservation of the place. This is a sound conservation and management outcome.

It is not suggested that all funds will go directly to conservation. Already the current occupiers have undertaken a large amount of conservation work to allow the place to be used. We note that while there have been various claims about the condition of the place prior to 2013, at the point at which the current occupiers took occupancy the estate and buildings were deteriorating through lack of maintenance and use. Any property that is not actively used falls into disrepair and the approximately 3 years of uncertainty along with any outstanding maintenance works at that time have resulted in a need to undertake a significant amount of work. Previous studies and reports, the last prepared in 2008, identified a range of works that were required that were still required in 2013 with the addition of a further 5 years of deterioration and 3 years of vacancy. Ongoing maintenance is a cornerstone policy of the CMP and regular funds are required to meet that need. This DA goes a small way to establishing the funding necessary to undertake the required maintenance and conservation work to the property.

In summary not only does the proposal not affect core heritage values, it actually is a positive aspect of the conservation of the place.

7.2 ASSESSMENT AGAINST LEP AND DCP HERITAGE PLANNING CONTROLS

LEP HERITAGE CONTROLS

Table 4: Clause 5.10: Assessment of Heritage Impact

LEP Clause	Discussion and Response
Clause 5.10 (1) (a) to conserve the environmental heritage of Penrith	The proposal is predicated on conserving Fernhill and its estate. Fernhill is one of the major heritage items within the Penrith local government area. Use of the site, with appropriate controls, can achieve conservation without undue impacts on heritage values. The proposal achieves the objective of this clause.
Clause 5.10 (1) (b) to conserve the environmental significance of heritage items including associated fabric, settings and views;	The proposal conserves the environmental significance of the place. The fabric of the buildings and site is conserved and maintained, this is set out in various schedules of work and has already been demonstrated by the works undertaken over the last 10 months to stabilise and repair the place. This extends to the setting which is also set out in detail in the work schedules. Views have also been carefully considered and are to be retained and where feasible recovered as part of the longer term works program for the site.

LEP Clause	Discussion and Response
Clause 5.10 (1) (c) to conserve archaeological sites;	There are no works within the proposed consolidated estate that affect any known archaeological site.
Clause 5.10 (1) (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Refer to comment above.
Clause 5.10(4) requires the consent authority (in this case Penrith City Council) to <i>"consider the effect of the proposed development on the heritage significance of the item or area concerned"</i> prior to granting consent.	The development application and section 60 application process provide for both Penrith City Council and the Heritage Council to consider any effects of development on the heritage values of the place.
Clauses 5.10(5) and (6) enables the consent authority to require the submission of a CMP and/or a Heritage Impact Statement in relation to any development proposal affecting a heritage item.	A CMP has been prepared and is provided with the application along with this HIS and schedules of works. The CMP has been submitted for endorsement and the documents satisfy the LEP requirement.
Clause 5.10(7) requires referral to the NSW Heritage Council in the event that the proposed development affects an archaeological site on land other than land listed on the SHR (i.e. this clause does not apply to the SHR listed portion of the Fernhill estate).	The application is both referred to the NSW Heritage Council and in part consent is sought for activities within the State Heritage listed area.
Clause 5.10(8) requires the consent authority to consider the affect of development on an Aboriginal place of heritage significance, before granting consent, and requires the consent authority to notify the local Aboriginal community about the proposal and to take into account any response received within 28 days.	NA
Clause 5.10(10) regarding development in the vicinity of heritage items applies to the proposal.	This clause applies to consideration of potential impacts on adjacent heritage items that are not subject to this application. These sites are set out in the earlier section of this report. There are no adverse impacts from this proposal on the St Thomas Church and "The Cottage" sites. While these sites share boundaries with Fernhill they are separate and not visually or directly connected to the areas that are proposed for sub-division. It is possible that there may be some impacts related to intensified uses of Fernhill, but these would be amenity issues that are addressed in the other reports and not heritage issues. Overall the relatively small number of events that are proposed that will actually cause any intensification of use, should not create issues related to these sites. There are no uses proposed that have any direct or indirect impacts on other heritage items in the vicinity.

LEP Clause	Discussion and Response
<p>Clause 5.10(10) <i>Heritage Incentives</i> of the Penrith LEP 2010 for approval states:</p> <p>(10) Conservation incentives</p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</p>	<p>The DA is submitted on the basis that this clause applies to the site.</p>
<p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent,</p>	<p>Refer to earlier comments.</p>
<p>b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority</p>	<p>The CMP is submitted for endorsement, the Heritage Council has the opportunity to review it as part of this proposal.</p>
<p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out</p>	<p>This is provided for in the proposal as set out in the various schedules.</p>
<p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance,</p>	<p>In this case the heritage item is Fernhill.</p> <p>The introduction of new uses onto Fernhill estate could have some potential to create heritage impacts on the estate. These could be through damage to areas of the estate, over use of land, inadequate maintenance and restoration of the landscape, overuse of the house, etc.</p> <p>The proposal has considered the potential uses that can generate income to sustain the property and sets out a range and extent of uses that are sustainable without adverse impacts on the place. A key to future uses is their management to ensure that any impacts are avoided.</p> <p>This proposal also responds to the CMP, which requires the key landscape areas of the site to be maintained in an open park-like form and looks to locate any future elements outside the key areas of the estate.</p>
<p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	<p>Fernhill is a very large estate that is capable of a range of uses and developments without undue adverse impacts on neighbours.</p> <p>The two most likely areas of impact on amenity are traffic and possible noise related to an event. Both of these issues are addressed in other reports in detail.</p> <p>Provided that traffic and noise can be managed so that amenity of neighbours is not affected, the uses proposed are appropriate under this clause.</p>

The proposal is considered to comply with the Clause 5.10 of the Penrith LEP 2010, and relies on the operation of Clause 5.10(10) of the LEP.

DCP CONTROLS – SECTION C7 of the Penrith DCP 2010

Control 7.1.3 Heritage Items Objectives

Response: The proposal encourages the conservation of the significant elements of the Fernhill Estate. The revised CMP has provided a thorough understanding of the Fernhill Estate, which has informed the development of the proposal. The proposed event uses of the Fernhill Estate are considered appropriate to the estate's heritage significance.

Control 7.1.3 C. Controls 1 a)

Response: The development application maintains the heritage significance of the item. The proposal conserves the heritage significance of the Fernhill Estate by:

- Ensuring ongoing income for conservation of the estate
- Not impacting on significant view lines
- Not impacting on heritage items in the vicinity

Control 7.1.7 Development in the vicinity of a heritage item

The proposed subdivisions are considered to comply with the objective of this clause as they have been designed to complement the heritage significance of Fernhill and the heritage items in the vicinity.

Control 7.1.8 Archaeological site

Response: NA

Control: 7.1.12 Conservation Incentives C Controls (a) to (f)

Response: It is considered that the conservation of the Fernhill Estate depends (in part) on the granting of consent, as the proposal ensures ongoing income for maintenance and conservation of Fernhill estate.

7.2 Aboriginal Culture and Heritage

Response: NA

7.2 ASSESSMENT OF IMPACT IN RELATION TO HERITAGE ISSUES

HERITAGE ISSUES RELATING TO THE CORE FERNHILL LAND

The heritage issues for this area are:

- the overarching objective of ensuring the ongoing conservation of the house, garden and wider estate grounds
- the protection of the estate as a setting for the Fernhill house and garden (via proposed consolidation of the core estate lands and the northern curtilage area into one allotment)
- the need to provide funds for ongoing conservation works, and
- impact of proposed uses on the heritage significance of the core Fernhill estate

Response:

The proposal is in accordance with the revised Fernhill CMP submitted to Council with the proposal, so that the proposal fulfils Clause 5.10(10)(b) of the 2010 LEP heritage provisions.

The proposal will not adversely affect the heritage significance of the Fernhill estate, or its setting, or the heritage significance of Aboriginal places of heritage significance, for the following reason, thus complying with Clause 5.10(10)(d) of the 2010 LEP:

- The proposed uses on the Fernhill estate will provide funds for maintenance and conservation and continue existing recent uses such as equestrian uses, and introduce new compatible uses to the estate (conferences, events) which do not require any permanent new buildings (though temporary marquees and portable toilets and signs for traffic arrangements relating to events are envisaged).

The proposal will not have any significant adverse effect on the amenity of the surrounding area for the following reason, thus complying with Clause 5.10(10)(e) of the 2010 LEP:

- The proposed uses on the Fernhill estate lands will be carefully managed, and will continue the careful management which has already occurred in relation to previous large events on the land such as Tough Mudder (April 2013), which attracted 15,000 participants over the course of the two-day event (according to the TheTelegraph.com.au).

The proposal is considered to fulfil the requirements of Clause 5.10(10) of the Penrith 2010 LEP, allowing consent for the proposal under that Clause where the land covered by the proposal falls under the LEP heritage schedule.

POTENTIAL IMPACTS OF NEW USES ON THE CORE ESTATE

The impact of new uses could be varied in that they could arise from physical impacts from a use, wear and tear from the nature or frequency of uses, the need for supporting infrastructure, the long-term change in the character of the place or a range of other possible subtle matters.

The uses for the place can be considered in several groups. A foundational aspect of the proposal for use is small sized functions that operate on a regular basis throughout the year on an average of 1 or 2 per week. They will be varied and range from weddings to corporate events. They will mostly take place around the house and garden and particularly the great hall to the rear and also the hayshed area. There will be limited functions in the ballroom as the house is occupied by the family.

Parking and access for these events is straightforward and will be at the rear of the site with guests walking to the venue.

Apart from the use of the entry road these functions do not affect any other part of the site.

Some activities will use a marquee on the former tennis court area. This is a screened area in the garden that has little impact visually or physically on the house and its setting.

8.0 CONCLUSION

The proposed uses on the Fernhill estate are to ensure ongoing income for maintenance and conservation of Fernhill as a large rural estate, and the proposal is considered to comply with Penrith LEP Clause 2.8 and Clause 5.10(10), and be approvable under this clause.

The proposal is considered to have no adverse heritage impacts.

Fernhill Estate

SHORT TERM

Central Precinct Function Centre- Statement of Environmental Effects



ae design partnership
architecture + environment

November 2013

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared for the Fernhill Estate, Mulgoa Road, Mulgoa, in the Penrith Local Government Area. The Estate is a rural property of approximately 650 hectares that includes areas and items of state and local heritage significance and biodiversity value. This proposed development has been identified for the opportunity to safeguard ongoing heritage conservation as part of an overall Fernhill Estate Working Heritage Masterplan and is consistent with the Conservation Management Plan (September 2013) that is currently being considered for endorsement by the Office of Environment and Heritage.

Through careful consideration of the heritage values and social, economic and environmental considerations, the Masterplan recognises the capability of the extensive landholding for an iconic venue for Western Sydney and discrete residential development of peripheral lands as well as significant areas for biodiversity conservation. The delivery of the Masterplan vision is multi-faceted requiring a suite of approvals through various processes and authorities. This Development Application (DA) is being submitted at the request of Council as an interim step towards the delivery of the overall Masterplan and seeks the short term for the use of Fernhill Estate for small events and functions within the subject land while long term plans are progressed.

Specifically, this DA is an interim application for the House (1842) and Garden Area and Hayshed and Pecan Grove Area, within the State Heritage Area, for function events and activities, for a six month period, as set out in the proposal. The interim application will support the on-going work to preserve and maintain the heritage as set out in the Conservation Management Plan. The reason for this separate DA to facilitate the use of the site to avoid the need for separate applications for individual events.

The DA is submitted pursuant to clause 2.8 but also in satisfaction of the heritage provision of the LEP (Clause 5.10 (10)) that enables Council to approve works and uses that are not permitted within the LEP controls. This provision only applies where Council is satisfied that there is a substantive and necessary benefit to the conservation of the heritage place in approving the works.

A Heritage Impact Statement forms part of this application and concludes that the future of Fernhill as an historic estate is threatened and this DA is a first stage in securing the estate and undertaking conservation work.

A more comprehensive DA is to be lodged in the near future that proposes the first stage of subdivision and a wider range of events envisaged over the long term. This more comprehensive DA will also contain the delivery framework to ensure long-term heritage and biodiversity conservation outcomes and includes lot consolidation and detailed heritage maintenance requirements. It is anticipated that any approval for this DA within the 6 month period would lapse as it would be incorporated into the more comprehensive DA.

The activities and events, subject of this DA will be considered in the context of clause 5.10 and specifically 5.10 (10) of the Penrith Local Environmental Plan, which allows the consent authority to grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

- (b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) The proposed development would not have any significant adverse effect on the amenity of the surrounding area.

As such, this proposal's accordance with the Conservation Management Plan as described in the Heritage Impact Study is of utmost importance, as the Conservation Management Plan is the heritage management document that provides analysis and policy for the future use of the site.

The proposed development that this submission is applying for:

- Use of land, existing structures and temporary structures for the purpose of:
 - Events and functions that include less than 300 people within the House and Garden Area and the Hayshed and Peacan Grove Area.
 - These events include private and corporate functions. Temporary facilities may be required to assist some events (refer to description of events table – Appendix 2).

The land subject (the site) of this DA is the three lots that are located within the State Heritage Area. The Lot and Deposited Plan numbers for the site are listed below:

LOT	DP No
Lot 10	DP 615 085
Lot 11	DP 615 085
Lot 2	DP 541 825

The Statement of Environmental Effects draws on a series of technical inputs that have been developed as part of the overall Masterplan for the site, the relevant studies provided with this application are as set out in the following table.

DOCUMENT	CONSULTANT
Statement of Environmental Effects	ae Design Partnership
Survey	Land Partners
DA Drawings: DA200 - DA204	ae Design Partnership
Conservation Management Plan	Paul Davies Pty Ltd: Heritage Architects
Heritage Impact Study	Paul Davies Pty Ltd: Heritage Architects

Draft Working Heritage Masterplan	ae Design Partnership
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Technical advice where relevant material has been referenced include:

DOCUMENT	CONSULTANT
Indigenous Heritage and Archaeology Report	Austral
Central Precinct Ecological Assessment	GHD
Bush Fire Risk Memo	GHD
Social Impact Report	Elton Consulting
Indicative Approach for Plan of Management	Sentry Business Resilience Solutions
Acoustic	Wlikinson Murray
Accessibility	Accessibility Solutions NSW
Transport, Traffic and Parking	Central Precinct - GTA Consultants
Waste Management	Closed Loop Site Services

The SEE prepared for the proposed development incorporates the following;

- An analysis of the site context, including identification of the site, characteristics of the existing and surrounding development including local context.
- Identification of the planning context, including existing relevant planning controls.
- A description of the proposed development.
- A comparison of the development and the Local Environment Plan and Development Control Plan.
- Identification and analysis of key development issues associated with the relevant planning controls.
- Assessment of matters listed for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

2.0 ENVIRONMENTAL PLANNING INSTRUMENTS

2.1 Overview

This section outlines the relevant state and local planning controls applicable to this development. The proposed events and activities will form an application pursuant of the Penrith City Council 2010 Local Environment Plan and Development Control Plan. This will be lodged under part 4 (division 2) of the Environmental Planning and Assessment Act (1979).

It will also address the objectives of the Penrith Local Environment Plan (2010) and specifically the Heritage Conservation considerations in 5.10.

2.2 State Planning Controls

- State Environmental Planning Policy (SEPP) Infrastructure (2007). The proposed development is not impacted by this SEPP as Mulgoa Road doesn't have a high enough volume of traffic. As described on Map 13 of the RTA Traffic Volume Maps for Road Noise Assessment (November 2008).
- SREP 20 Sydney Regional Environmental Plan - Hawkesbury Nepean River, the subject land is located with the catchment of the above mentioned instrument and its land, which is isolated within a Local Government Area, identified in the Schedule to the instrument.
- State Environmental Planning Policy (SEPP) 55 Remediation is not applicable to the site as there is no requirement for remediation that has been identified.

2.3 Local Planning Controls

The relevant local planning controls include:

- Penrith Local Environmental Plan 2010
- Penrith City Council Development Control Plan 2010.

A detailed assessment of the PLEP 2010 planning controls is included within section 7 of this report in accordance with the EP&A Act (1979). An assessment of the PDGP 2010 is located in Appendix One.

3.0 SITE CONTEXT

3.1 Location

Fernhill Estate, Mulgoa is located within the Penrith Local Government Area. The site resides approximately 10 kilometres south of Penrith and 61 kilometres west of Sydney CBD. The Estate is generally bounded to the east by the Mulgoa Road and St Thomas' Church, to the west and north west by environmental land adjacent to the Nepean River and the Blue Mountains National Park, to the south by rural allotments and Mulgoa Village, and to the north by Mayfair Road. This is illustrated within Figure 1, context map. The eastern portion of the Estate is considered part of the Penrith DCP (2010) identified Northern Mulgoa Village Gateway.

The total area of the Estate approximately 635 hectares and consists of cleared land, remnant vegetation and contiguous vegetation. It contains the NSW State heritage listed area of the historic Fernhill land as well as local heritage and environment conservation areas within the Penrith City Council 2010, LEP.

The State Heritage Listed land within Fernhill Estate that this application relates to has an area of 385 hectares.

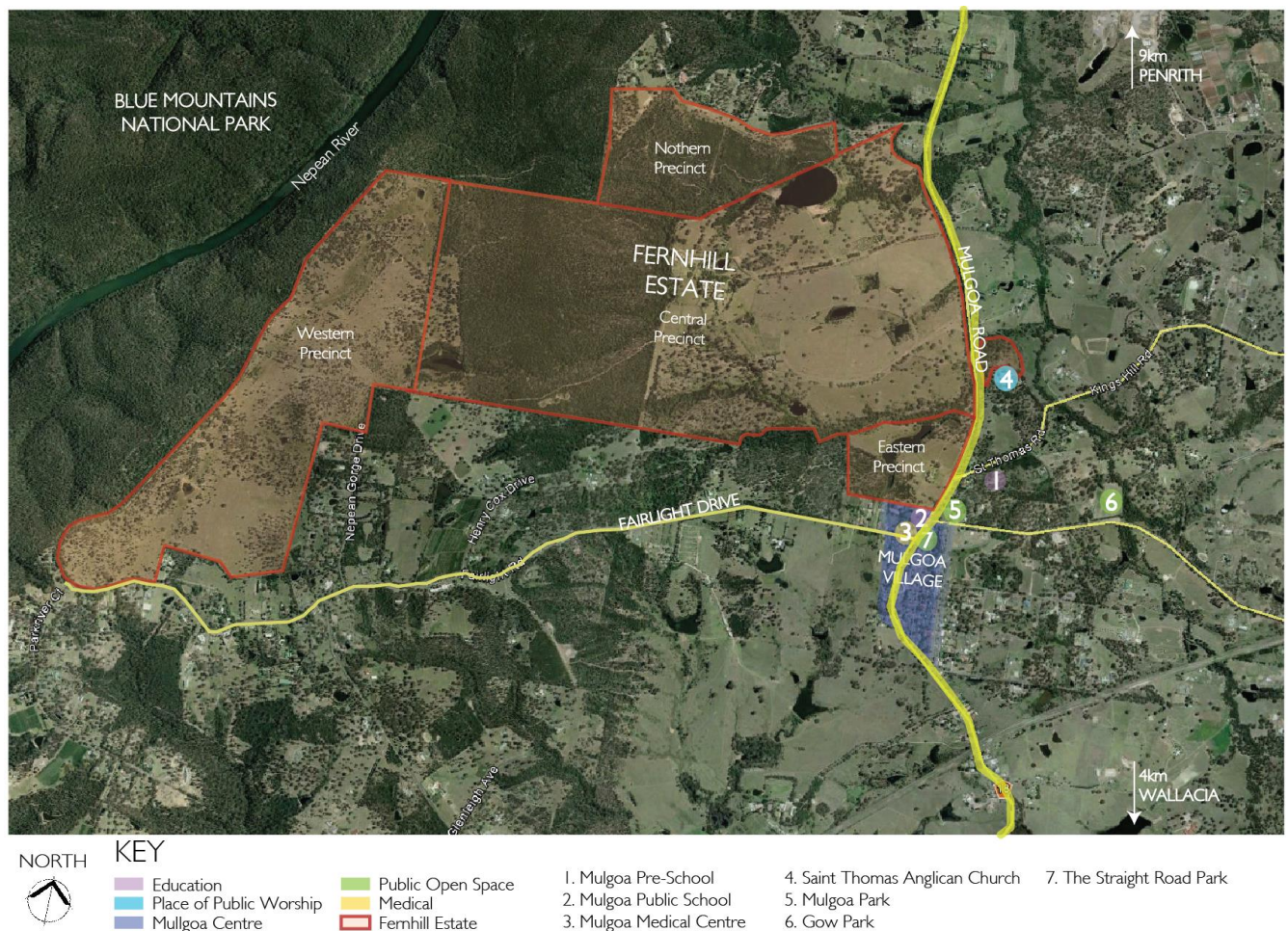


Figure 1: Context Map

The Estate is recognised as having four precincts illustrated in Figure 2;

- Central Precinct – State Heritage Area including the historic Fernhill house, outbuildings and landscape, and a portion of land separated by Mulgoa Road to the east.

- Northern Precinct – in the vicinity of Mayfair Road which has local heritage significance associated with the curtilage of Fernhill.
- Eastern precinct – north of Mulgoa Village which has local heritage significance associated with the curtilage of Fernhill.
- Western Precinct- adjacent to Fairlight Road and rural and environmental areas.

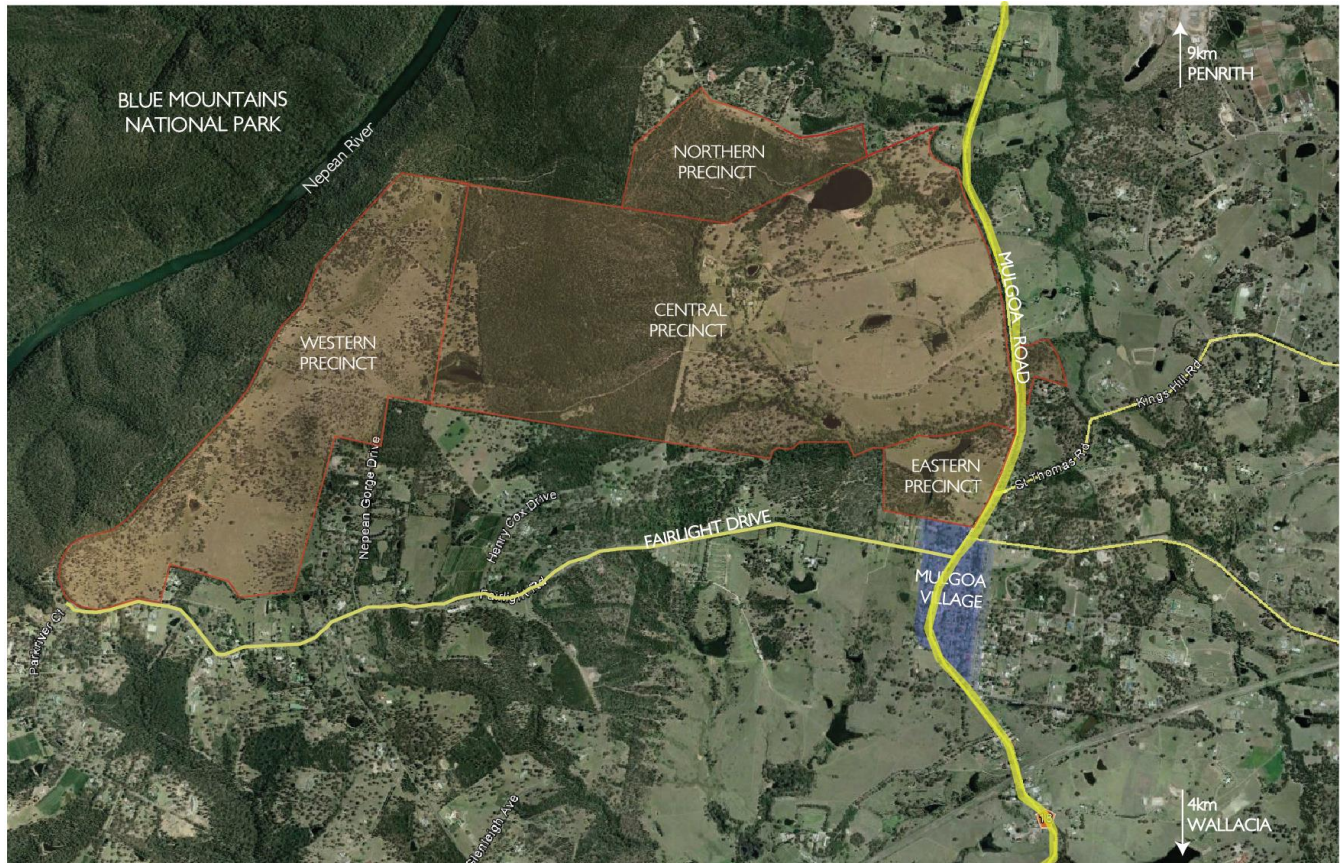


Figure 2 Fernhill Precinct Map

The Central Precinct contains the historic house and stables and other existing structures, dams, and a racetrack. The subject area proposes to utilise the land and some of the existing structures to provide events and activities on site, namely:

- the House and Garden area located within the centre of the Central Precinct, and
- the Hayshed and Pecan Grove areas located to the north east of the Central Precinct.

3.2 Land Uses

The western portion of the Central Precinct is zoned E2 (Environmental Conservation), however the majority of the site is E3 (Environmental Management), under the Penrith City Council Local Environmental Plan 2010 illustrated in Figure 3 below. To the south east of the Estate are RU5 (Village) and RE1 (Public Recreation) land.

The House and Garden, and Hayshed and Pecan Grove areas, where activities in this application are proposed, are completely contained within the E3 Environmental Management zone.

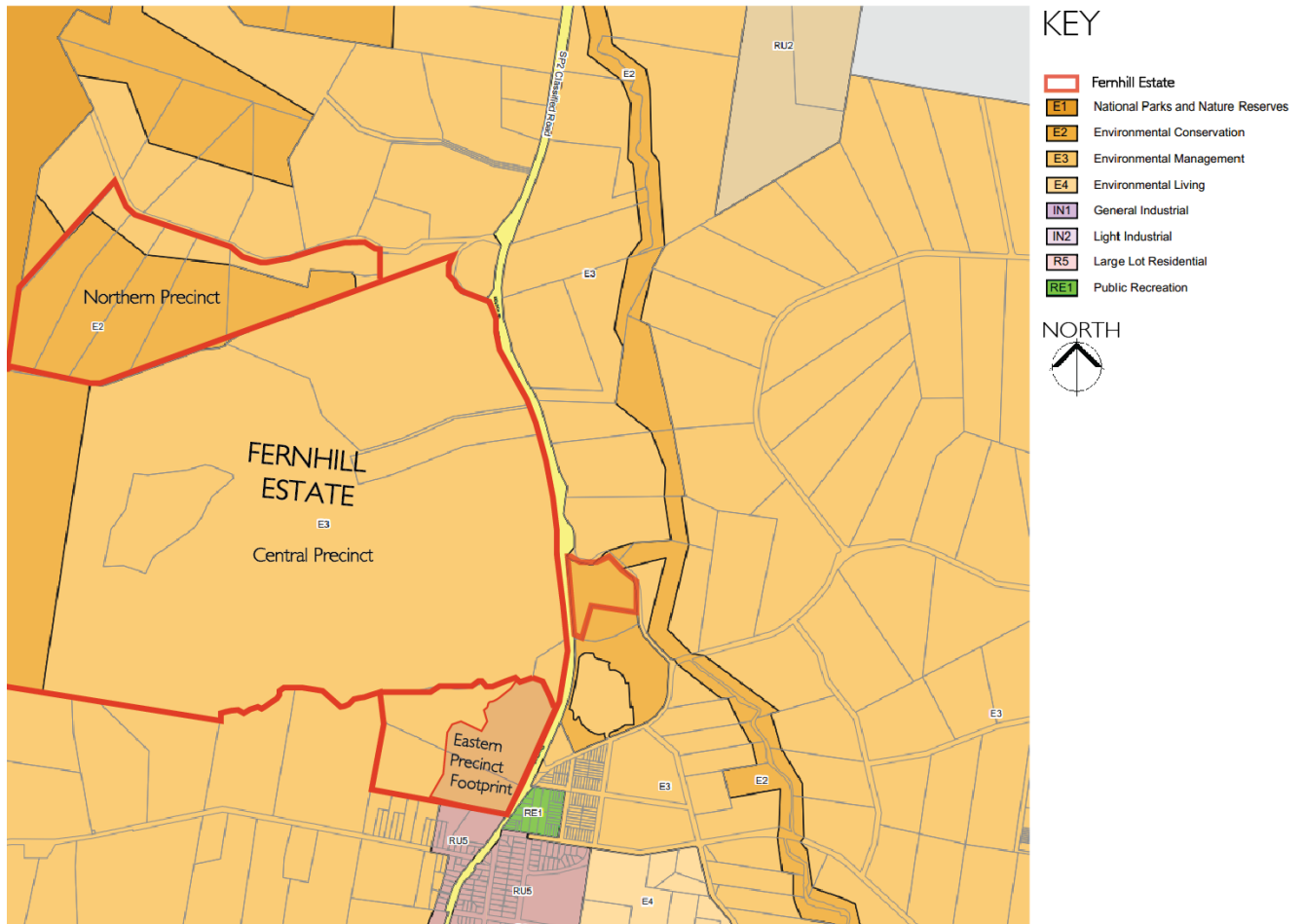


Figure 3 Land Use Zone Map.

The subject site for this Development Application is State listed as Heritage Items, as identified within the PLEP 2010 and in Figure 4 below.

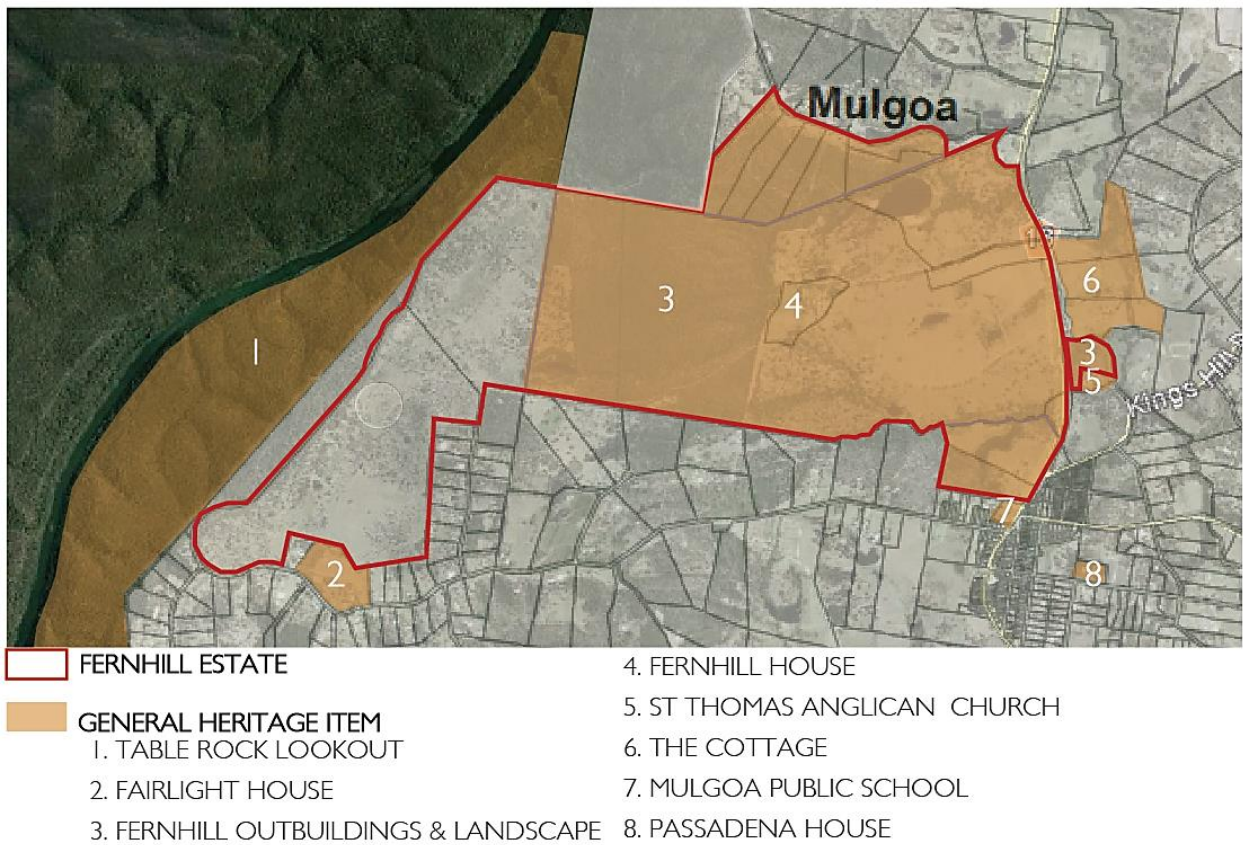


Figure 4 Heritage Map.

3.3 Existing Character and Site Analysis

The Central Precinct is located on approximately 385 ha of the Fernhill Estate. It is characterised by undulating hills, ranging from 100 metres to 215 metres above sea level, and a Cumberland Plain ecological profile. The Central Precinct has areas of extensive native vegetation, particularly west of the historic home, that serve as ecological bio-linkages to the Blue Mountains National Park to the west. The majority of the area to the east of the historic house have been cleared and used for agricultural practices and development over time.

The areas where activities are proposed as part of this application are described below.

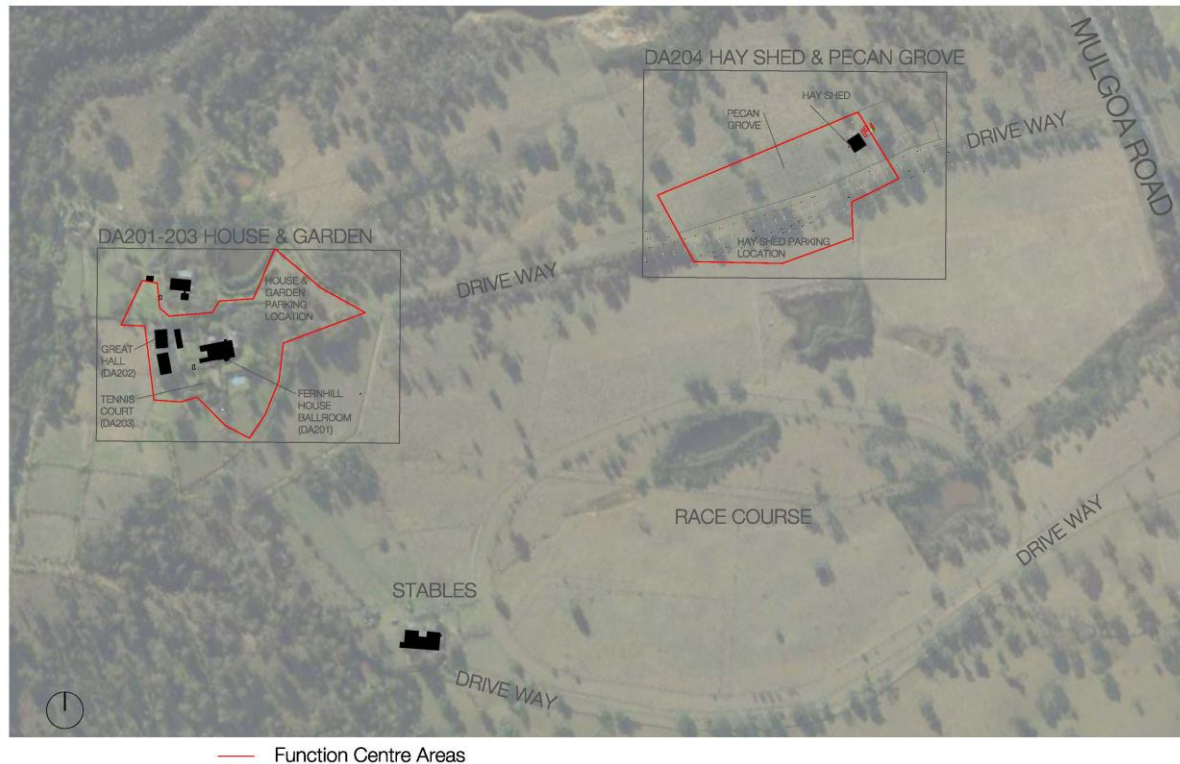


Figure 5: Central Precinct Map and Activities Location

The House and Garden Area

This area is defined by Fernhill House and its associated gardens, the area also includes the former stables building, Great Hall, carport, tennis court and swimming pool. This area is the most heritage significant area in the Central Precinct due to proximity and inclusion of Fernhill House.

Fernhill House is located on a natural hill with surrounding gardens that have filled platforms, retaining walls, ponds and a range of devices such as pergolas and decorative plantings that have separated the house from its rural setting. It also includes a pool and tennis court.

As documented in the Conservation Management Plan the house was constructed between 1839 and 1842, it may not have been occupied by Edward Cox and his family until around 1845. The house is orientated to the south and east with its principal rooms and the original courtyard providing access to the kitchen and servants' quarters. Various external and internal elements of the house were symmetrically planned. The interior of the house has undergone extensive change over the last 50 years. Much of this work has reconstructed damaged and missing elements after many years of neglect.

The former stables and other service buildings are situated to the north-west of the house. The stables building was constructed in 1839 as a single-storey building with sandstone walls and floors; the stone quarried from Fernhill. While this building has been substantially rebuilt and refurbished by subsequent owners, part of it remains a working stable.

The House Garden has several elements and was largely modified by landscape architect Paul Sorensen in the late 20th century. Features include a pergola and lawn area, an enclosed rose garden, paved car park, Chinese Elm grove, various garden walls and stairs, and various other plantings. There is also a covered water reservoir, swimming pool, tennis court and gardener's shed, as well as the dammed lake complete with island summerhouse.

The formal house gardens are well established and the modifications to the land forms are major and significant and are largely not easily reversible. The house garden should remain as the immediate garden setting for the house. While limited changes within the garden could be made, there should be no further development within the frontage of the colonnaded veranda to the south or the main eastern façade.

The House and Garden Precinct also includes an area of grassy paddock to the north east of the historic house as suitable for temporary parking which can be accessed via the main driveway. This area is largely screened from the historic house and garden through vegetation and the land sloping away to the north.

Hayshed and Pecan Grove Area

The Conservation Management Plan sets out the landscape context for the Hayshed and Pecan Grove (also referred to as the Orchard) as part of the landscape area 'North of House and Northern Driveway'. It describes the area as including a large dam, orchard and associated farm buildings (including the hayshed), various mature trees, grassy pastures, several enclosed animal pens, the Creek and gorge to the west and areas of regrowth on the slopes north of the Creek line. The southern area is divided into paddocks with a scattering of eucalyptus and presents as an open pastoral landscape. Due to the gentle slope of the land to the north and the open trees cover, much of this area falls visually outside the core views and vistas that are available up and down the property east to west. A strip of land along the southern edge of the dam extending to the hayshed and incorporating the orchard presents a discrete landscape unit within this area.

The Hayshed and Pecan Grove Area is directly north of the Northern Driveway. The Pecan Grove is located immediately west of the Hayshed and to the north and east are exotic grass paddocks with various mature trees and several enclosed animal pens. The Precinct also contains an area of grassy paddock as suitable for temporary parking to the south of the Northern Driveway.

As noted in the Conservation Management Plan, due to the gentle slope of the land to the north and the open trees cover, much of this area falls visually outside the core views and vistas that are available up and down the property east to west. A strip of land along the southern edge of the dam extending to the Hayshed and incorporating the Pecan Grove orchard presents a discrete landscape unit within this area. As illustrated in Figure 5 above, it is a small portion of this area proposed to be used for events.

3.4 Vehicle Access

The Estate has a road frontage to Mulgoa Road, Mayfair Road to the north and also connects to Fairlight Road, Nepean Gorge Drive and Nepean River Lookout Access Road.

Mulgoa Road, is a sub arterial State road providing a major link to Penrith and the M4 motorway. In proximity of the site, Mulgoa Road has one traffic lane in each direction with unsealed shoulders. Given the semi-rural location, this is typical of a major rural roadway. The speed limit is typically 80km/h reducing to 60km/h within

the Mulgoa Township. This road will be used to access the House and Garden and Hayshed and Pecan Grove areas for events.

There are two access points to the Estate from Mulgoa Road, the main entrance (closer to Mulgoa Village) with its formal gate, signage and bay area and the secondary entrance also known as the northern or Tradesman entrance. Access to the proposed function centres is by the main entrance from Mulgoa Road.

4.0 DEVELOPMENT PROPOSAL

This development application specifically relates to the House and Garden area and the Hayshed and Pecan Grove area. These two areas within the Central Precinct will be utilised for function events and activities that will involve less than 300 people and parking for up to 140 private vehicles.

The Development Application seeks permission for up to fourteen small functions in a six month period to cater for the period that coincides with corporate end of year functions, weddings and other private functions. These are proposed under the temporary events that permit up to 28 days on events in a calendar year

It is noted that functions will involve a range of people which is set out in this section. In summary function size will typically be smaller than 300 people as it is governed by the seated capacity of the function rooms such as the ballroom capacity of 56 -90 people, Great Hall 150-215 people and the Hayshed up to 200 people and the Marque capacity of 160 – 200 people. The maximum figure of 300 people relates to occasional functions associated with the use of the outdoor Garden, Western Lawn or Hayshed/Pecan Grove areas such as gathering for outdoor events.

The proposed use falls under a 'function centre' within the Penrith LEP 2010, "means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

The frequency of events takes into account that Fernhill remains a family home and rural property. It is envisaged that functions will take place on a regular basis.

Appendix Two attached contains a table that addresses the range of considerations noted for each type of function event and activity that is proposed.

The proposed layout for these events are illustrated in the Development Application Drawings prepared by ae design partnership:

DA DRAWING	Drawing Title
DA:200	Site Plan
DA:201	Ballroom
DA:202	Great Hall
DA:203	Tennis Court and Western Lawn
DA:204	Hayshed

1. House and Garden Area

This area comprises of the main house and garden area which includes, house gardens (rose garden, northern garden), tennis court. Areas for parking include a carport to the west of the house, car space adjacent to the house (accessible) and land to the north east of the house for 140 spaces. The areas designated for proposed activities are the Ballroom and Great Hall venues and surrounding outdoor garden areas.

The house garden is defined as the landscaped area around the house, as largely modified by the landscape architect Paul Sorensen in the 1970s. To the north, the garden is framed by a pergola with sandstone columns, covered in Wisteria, and a timber superstructure. This area of the garden was raised to create a level lawn surface. To the west, is a rose garden, with sandstone steps linking the pergola, garden and rear of the house. To the east, there is a paved car park, reflecting pool, and grove of Chinese elms with

stairs to the front door of the house. To the south, there are filled platforms, retaining walls, ponds, pergolas, and decorative planting that separates the house from the pastoral grounds, as well as lawn tennis court and swimming pool with a pool house.

The House and Garden area is suitable for functions and events, which are short duration events in various configurations that will involve less than 300 people, as set out in the following:

1.1 Ballroom:

The Ballroom is in the southern part of the 1842 house. The Ballroom has a distinctive bow front, colonnade, and stairs to the gardens curving around the perimeter, with the entrance through tall French doors with transom lights. The columns are single pieces of turned sandstone and all the windows have internal and external shutters. Internally, it has timber floorboards and fabric walls that are consistent with the curtains, with the ceiling decoration the most ornate in the house.

The Ballroom area is approximately: 110m²

The Ballroom can be accessed through the house from the colonnade.

This size room can accommodate up to:

- 56 people seated at tables for a private function
- 90 people seated in row chairs for corporate functions

Layout and Management of the Event:

- Is set out in DA drawing 201.
- Layout of the event is illustrated in DA Drawing 201.
- Parking will be allocated in the north east of the house, 140 vehicles can be accommodated. There will be designated disabled parking and a temporary timber ramp to the ballroom, refer to the GTA Parking and Traffic Assessment (2013).
- The food will be prepared off site and served from bassinets. The temporary kitchen will be at 2.5m by 6m, located adjacent to the house. Drinking water will be provided from existing underground 300,000L water tanks.
- Removable toilets will be provided at a ratio of 1:40 the location is within the main lawn.
- Waste will be removed from a private contractor at the conclusion of the event, with five 240 litre bins and a single 1100 litre recycling bin required, refer to the Closed Loop Waste Management Report (2013).

1.2 Great Hall

The Great Hall, also known as the games room, is the large stable style building situated to the north west of the house. It is surrounded by lawns and paved verandas and is a similar size and design to the heritage stable building. It was constructed in the 1980s as the billiards room and is clad in sandstone with a slate roof. It is directly north of the 1839 stable building and to the west of the rose garden and second car park. It has existing amenities including an open kitchen area and toilet/shower.

The Great Hall dimensions are: 18m x 26m approximately 468sqm. A marquee may also be constructed in various configurations for additional standing and sitting room.

The Great Hall can be accessed from the lawn / veranda areas from the west or east.

The Great Hall can accommodate guests:

- 150 people seated at 15 tables of 10 for a private function
- 215 people seated in row chairs for a corporate function

Layout and Management of the Event:

- Is set out in DA drawing 202.
- Parking will be again be allocated in the north east of the house, at an estimated rate of 1 car per 2.5 people, meaning parking will be required for up to 120 attendee cars, and 15 staff cars, to a total of 135. There will be designated accessible parking.
- The food will be prepared off site and served from bassinets. The temporary kitchen will be at 2.5m by 6m, temporary commercial cooking facilities will be incorporated within the southern component of the great hall to enable catering.
- Amenities like toilets will be provided through portable toilets located on site depending on the scale and nature of the event, refer to DA drawing 202.
- Waste will be removed from a private contractor at the conclusion of the event, with ten 240 litre and three 1100 litre recycling skip bin required, refer to the Closed Loop Waste Management Report (2013).

1.3 Tennis Court & Lawn and Western Lawn

The lawn area adjacent to the house will predominantly be used in conjunction with the ballroom. When lawn areas are used exclusively, and not in conjunction with the ballroom, a marque is proposed to be located on the tennis court to provide shelter.

This area will also be for private or corporate functions. It will be located on the tennis courts at a maximum size of 12m by 20m, which can accommodate 160 people seated and 200 people standing.

The Western Lawn may also be used predominantly in conjunction with the Great Hall. The Western Lawn can also accommodate a marque of a maximum size of 12m by 20m, for 160 people seated and 200 people standing.

The size of the various gardens and associated areas are:

- Tennis court adjacent to front lawns 13m x 30m approximately 390sqm.
- Lawn area surrounding the pool and pool house approximately 450sqm.
- Rose garden 8m by 23m approximately 184smq.

Layout and Management of the Event:

- Is set out in DA drawing 202 and 203.
- Parking will be again be allocated in the north east of the house, at an estimated rate of 1 car per 2.5 people, meaning up to 120 cars for attendees and 20 staff cars at a total of 140 cars, must be catered for as noted in the GTA Parking and Traffic Assessment (2013).
- The food will be prepared off site and served from bassinets. The temporary kitchen will be at 2.5m by 6m, located in the car park adjoining the house. Drinking water will be provided from temporary water tanks located adjacent the food serving area, refer to the Sentry Report (2013).
- amenities like toilets will be provided on site with 4 toilets located in the Pool House directly beneath the ballroom lawns, a toilet in the gym located alongside the tennis court on the ballroom lawns, 2 toilets in the house accessible from the ballroom, and additional disabled and portable toilets located on site depending on the scale and nature of the event, refer to the Sentry Report (2013).
- Waste will be removed from a private contractor at the conclusion of the event, with five 240 litre bins and a single 1100 litre recycling bin required, refer to the Closed Loop Waste

Management Report (2013).

This application proposes this garden precinct for private and corporate functions, with the area defined as function centre within the PLEP2010 as it is a place for the holding of events.

1.4 Access and Parking

Parking requirements associated with the small regular events is for up to 300 people in the House and Garden Area. These events will attract an anticipated up to 140 vehicles. These events will not require any additional works to accommodate traffic and will utilise the main entrance and existing driveways. There is a small existing car park adjacent to the house 11m x 13m and a large carport adjacent to the great hall.

Smaller events will see parking adjacent to the driveway north of the House. An existing cleared grassy area that can accommodate more than 140 cars has been identified access from the main driveway. Further parking is available in the formal car park adjacent to the Northern lawn and the carport area west of the House. Accessible parking for House and Garden functions is located in the carpark immediately south west of the House and for functions in the Great Hall in the adjacent carport. These spaces are suitable to cater for both event patron vehicles and staff vehicles. The range of events sizes will enable parking to be regularly rotated within this area to mitigate any impacts on the grassy paddock.

2. Hayshed Area

Containing the Hayshed, Pecan Grove and grassy paddocks with various mature trees, this area is identified by its scenic rural character and undulating landscape surrounding Lake Jessica.

2.1 Hayshed

The Hayshed's dimensions are approximately 19m by 19m. The building has a large open area that is appropriate for accommodating functions. Pavers have been incorporated within the entrance to the hayshed and ancillary removable buildings to the immediate east the building. The two buildings that are adjacent to the hayshed are removable buildings that will be used for amenities and preparing food. In addition to this, a marquee may be constructed on the lawn north of the Hayshed, and in conjunction with the Hayshed can accommodate 200 people seated.

Layout and Management of the Event:

- Is set out in DA drawing 204.
- Parking for these events will be located in the Eastern Paddocks at an estimated rate of 1 car per 2.5 people, meaning up to a maximum of 120 private vehicles.
- The food will be prepared off site and served from bassinets. The removable kitchen will be at 6m by 3m, located in to the east of the Hayshed. Drinking water will be provided by a suitably licensed water contractor and stored in a potable.
- Waste will be removed from a private contractor at the conclusion of the event, with an estimated ten 240 litre and three 1100 litre recycling skip bin required, refer to the Closed Loop Waste Management Report (2013).

2.2 The Hayshed Lawn area and driveway

This area incorporates the outdoor area and driveway to the hayshed. The area has substantial trees that surround the hayshed and kept grass. The space will be utilised as an outdoor area ancillary to the Hayshed.

2.3 Pecan Grove

Pecan grove is located to the west of the Hayshed, 275m from an east-west direction and 70m from a north-south direction. The paddock has rows of introduced fruit trees and grass.

This application proposing this area be used in association with the use of a place to hold functions or events.

2.4 Access and Parking

Parking requirements associated with the small regular events is for up to 300 people in the Hayshed and Peacan Grove Area. These events will attract an anticipated 150 vehicles. These events will not require any additional works to accommodate traffic and will utilise the main entrance and existing driveways.

Smaller events will see parking adjacent to the northern driveway and driveway to the Hayshed. An existing cleared grassy area that can accommodate more than 140 cars has been identified in the paddock immediately south of the Hayshed. Accessible parking for Hayshed will be adjacent to the hayshed driveway. These spaces are suitable to cater for both event patron vehicles and staff vehicles. The range of events sizes will enable parking to be regularly rotated within this area to mitigate any impacts on the grassy paddock.

5.0 KEY CONSIDERATIONS

This part of the proposal provides a description of the key considerations within the proposal. This part of the SEE will assess the environmental considerations within House and Garden and Hayshed areas that are within the Central Precinct.

5.1 Social and Economic Assessment

The assessment of social issues carried out by Elton Consulting (2013) on the Working Heritage Masterplan involved the examination of relevant demographic data, strategic planning documents and a review of background material associated with the introduction of public activities within the Central Precinct of the Fernhill Estate.

Based on studies, the report concludes a range of social benefits that are likely to result from the activation of the Central Precinct including those proposed in this application at the House and Hayshed areas.

Positive impacts identified within the Social Issues Assessment, prepared by Elton Consulting are provided below.

- Support and fund ongoing repairs and maintenance of this iconic heritage property and its environmental values for public benefit.
- Facilitate public access to use parts of the Estate, including parts of the House and Garden itself and other facilities.
- Promote the historic and heritage values of Fernhill Estate and Penrith's rural heritage more broadly, and encourage social involvement in the history of the area.
- Temporarily support employment in the area for the setting up and running of small events over the six months.

Key social and economic benefits include:

- Introduction of **public access** to Fernhill – a supply of public accessible activities are proposed for these areas, which encourages local residents to experience the unique heritage value and local significance of Fernhill. While this will be over a short term for a six month period, it will be contingent to community engagement and the continued survival of the Fernhill heritage estate into the future.
- Stimulation of **local economic activity** – temporary staff and resources are required for the hosting of the small events over the six months.
- The additional activities within the Central Precinct will provide **employment opportunities** for local residents within the community. There will be opportunities for temporary and part time work as a result of the temporary events.
- **Conservation** of the unique natural and heritage environment – the proposal seeks to preserve heritage and landscape values for the benefit of the community, with these small and temporary events having a negligible impact on the estate.
- **Awareness and opportunity** for people to experience the State heritage item and an exposure to an important landmark within the Mulgoa Valley.
- Working Heritage Approach – provides a supply of community and commercial activities that are relevant in financially supporting the **restoration** and **ongoing conservation** of the estate,

including state heritage listed items and landscape.

Potential impacts on the local community that require considerations include traffic and noise. The proposal will have a negligible implications on the traffic flow of Mulgoa Road (GTA, Traffic Impact Report, 2013). The function centres proposed are also located within existing buildings and are further than 500m to any neighbouring dwelling, thus potential noise impacts are unlikely. The proposed events are appropriate for the heritage setting of Mulgoa Valley. Thus potential adverse, social impacts are not applicable to this proposal.

5.2 Heritage Impact

Fernhill is a rare colonial estate in that it has retained its early buildings, largely intact, and its original grant lands in totality. There is no other similar estate within the Sydney region that has retained its land and setting. The early estate was expanded by the previous owner to include land to the north, south and west extending the size of the holding considerably. The core site that is the original grant land, while protected by both the local council and the NSW Heritage Council in their heritage registers is made up of several lots. The land to the north and south of the core site has been heritage listed by Penrith Council as "Fernhill curtilage" in relation to its heritage value to Fernhill, and the land to the west is not heritage listed.

Within the Central Precinct it is proposed to have a range of uses that are capable of generating ongoing funding that can contribute to the management of the place and its conservation and maintenance. This application relates to the small functions in two appropriate locations, over a short period of six months.

The Conservation Management, which incorporates a detailed schedule of works that will conserve and maintain the house and landscape in the long-term will be subject of a more comprehensive application in the near future. However it is noted that ongoing maintenance is a cornerstone policy of the Conservation Management Plan and regular funds are required to meet that. This application goes a small way to establishing the funding necessary to undertake the required maintenance and conservation work to the property.

The range of uses that are proposed are part of a working heritage plan for the estate that will contribute to the place to be self-funding into the future, while providing high levels of public access. This has not occurred before, as the estate has largely been a private estate.

The Heritage Impact Statement determines that the proposal will not adversely affect the heritage significance of the Fernhill Estate. It further determines that the proposal will not have any significant adverse effect on the amenity of the surrounding area.

5.3 Environmental Impacts

The proposed uses of the House and Garden Precinct will not impact existing ecology. There are no building or earth works proposed within the precinct as existing buildings and temporary structures such as marques will be used to hold the events. A waste management plan and event strategy will be in place to minimise the implications of temporary events on the ecology.

The location of the function centre and Hayshed area will not impact on any drainage lines or water bodies as illustrated within Figure 6.

Figure 6 illustrates that the house and garden precinct and hayshed area are located in areas that are not environmentally sensitive, thus the proposal will have a negligible impact on the ecology of the subject land.

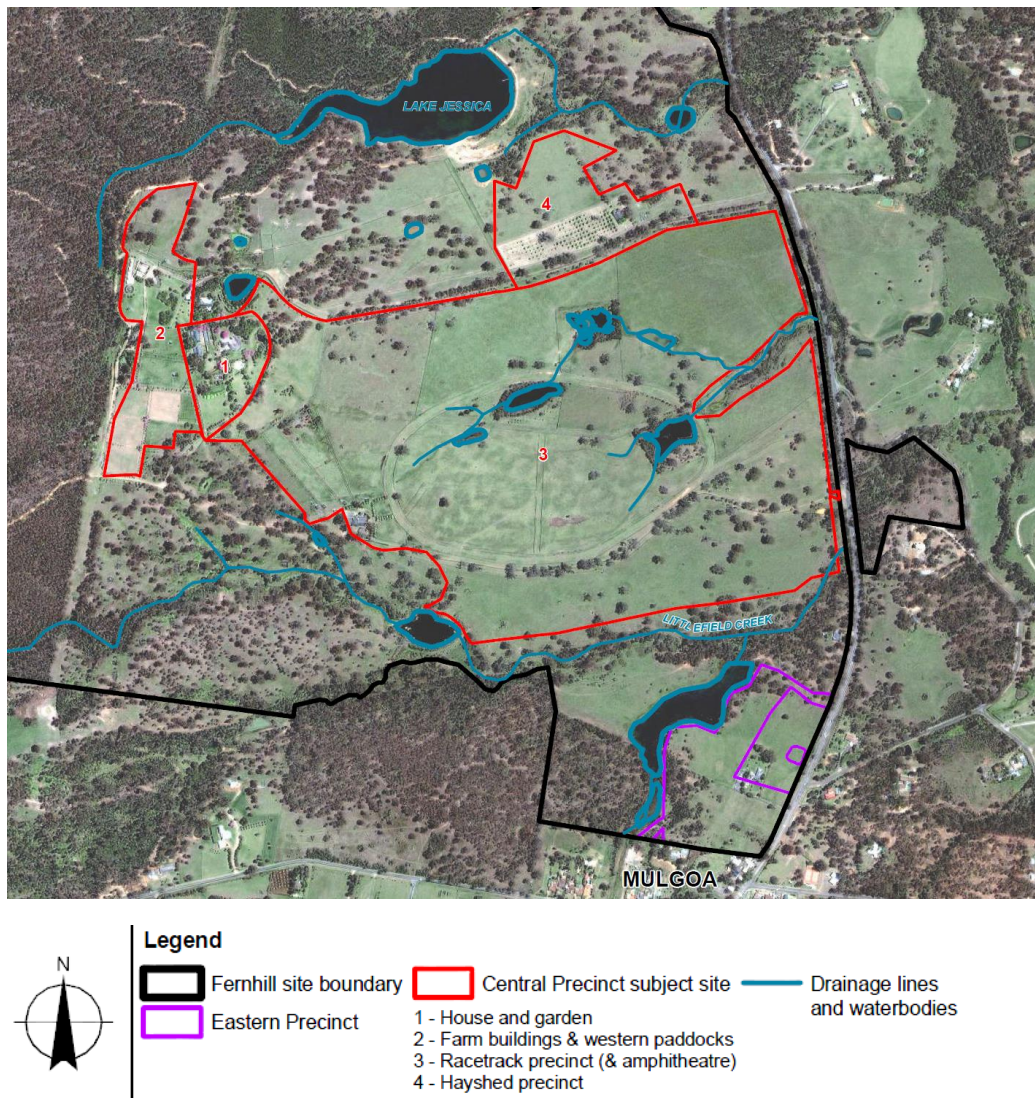


Figure 6 Location of Drainage Lines and Water Bodies (GHD, Ecology Report, 2013)

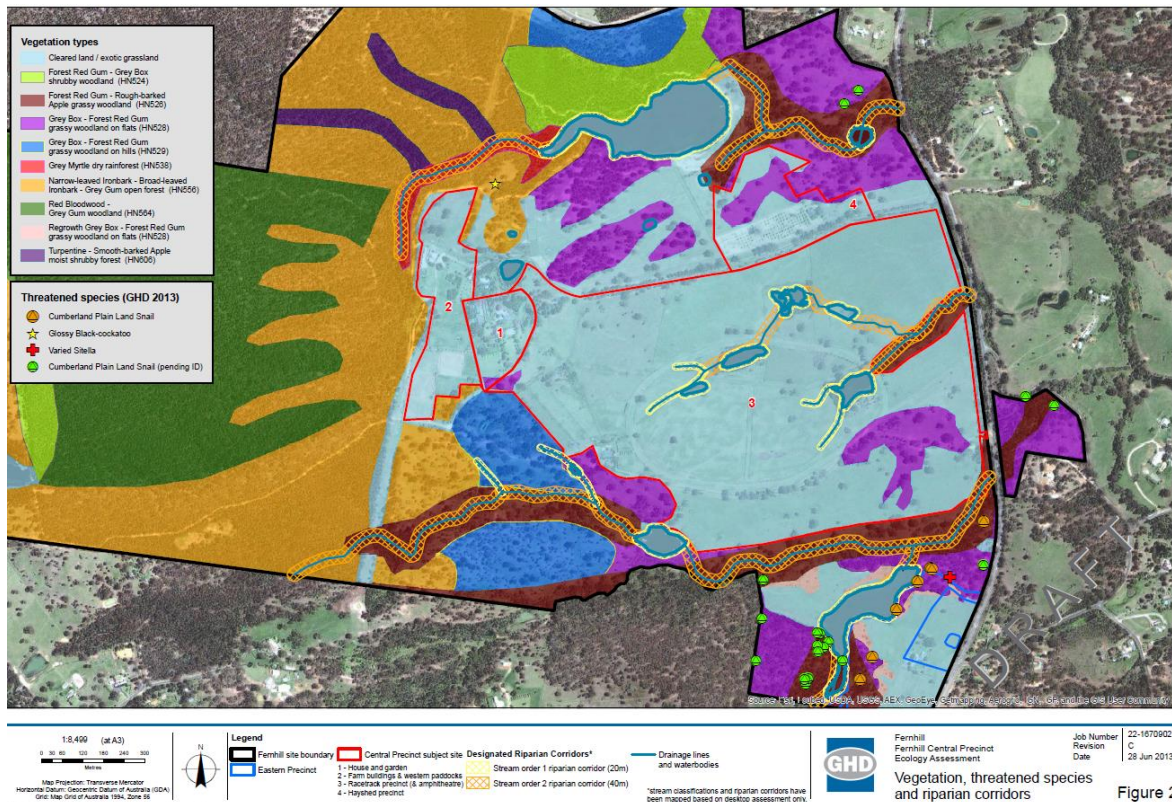


Figure 7 Ecology Map Central, (GHD, Ecology Report, 2013)

5.4 Bushfire

Operational restrictions and actions will be developed which will apply during the fire season based on specific fire danger ratings, and corresponding to a particular event size and area. An example of such actions could be a person assigned to monitor site weather conditions and the media to maintain bushfire awareness, or the exclusion of visitors to heavily vegetated parts of the property during severe, extreme or catastrophic fire danger days.

Pre-planned actions, corresponding to the specific event size, to undertake when a bushfire is detected on or near the property or when an official bushfire warning is issued by fire authorities for the site.

Details of evacuation routes and the nearest neighbourhood safer place or a refuge of last resort to seek shelter should also be included.

Advising site staff, contractors and visitors of the specific bushfire risks they may be exposed to and how to mitigate these risks, in accordance with the Prepare Act Survive format. This information can be prepared in as a simple Prepare, Act, Survive preparedness guide, a sub-plan to the Bushfire Management Plan, and used as a site induction and information tool for persons new employed, contracted, or visiting the sites as part of events. These guides can be tailored by event size as necessary.

5.5 Contamination

A contamination assessment is not required for the Central Precinct under SEPP 55 – Remediation of Land. There are no earthworks or additional permanent structures proposed in the Central Precinct.

5.7 Operational Management and Servicing

Advice on operational management has been provided by Sentry to confirm the suite of requirements and ensure health and safety measures are appropriately addressed by function operations as set out in Appendix 2. These include appropriate risk and safety management, emergency management, security management, liquor licencing and management, food and catering, parking and accessibility arrangements.

Events located within the house and garden precinct and the hayshed precinct will utilise the existing water tank. A 300,000L water tank is located underground east of the entrance to Fernhill House. Potable water is transported to the site by private contractors when the tank runs out.

For electricity, the events will utilise on-site existing services.

In addition to this, the existing toilets within the buildings and toilet blocks will primarily be used where appropriate. Additional disabled and portable toilets can also be supplied and located on site depending on the scale and nature of the event. At the Hayshed, amenities like toilets will be provided via two removable toilet blocks that contains 5 female and 3 male toilets, with additional disabled and portable toilets located on site depending on the scale and nature of the event.

A waste management plan and event strategy will be in place to manage waste from functions as set out in Appendix 2. Waste management will occur in designed areas within the function areas to minimise the risk of any impacts of functions. At the conclusion of functions a private contractor engaged to remove waste at the conclusion of the event. A report by Closed Loop Waste Report (2013) provided specific bin requirements for each event (refer Appendix 2).

Catering for a function will be prepared off site and brought to the function areas designates serving stations, with meals prepared off site and served from bassinets. The serving station will either occur in existing kitchen facilities in the function building, or by temporary kitchens setup adjacent to the event location, refer to the events table attached.

5.8 Acoustic

The types of events proposed within this SEE will not have adverse noise impacts on neighbouring properties.

Typical small events that are proposed for these areas would be up to a manageable 300 people. Noise impact from these regular events would typically be negligible. Operators of the events should be aware of the Noise Management Plan for the venue and if amplified music takes place as part of the event, the noise emission should be appropriately limited. In addition to this, the siting of these events are in the centre of the Central Precinct, which places them at a minimum distance of 500 metres from the nearest dwelling. This contributes to the acoustic assessment of these events as having insignificant potential noise impacts.

5.9 Traffic and Parking

A Traffic and Parking assessment was undertaken as part of this application.

"The main access driveway allows for events up to 300 people with the existing 80km/ph speed zone...without the need for upgrade works or external traffic control. The intersection is expected to operate safely with minimal queuing and delay on Mulgoa Road" (GTA, Traffic Impact Assessment, 2013).

Small events are planned for the Fernhill Estate catering for up to 300 people in the House and Garden and Hayshed precinct. These events will attract an anticipated 100-140 vehicles. These events will not require any additional works to accommodate traffic.

For these events, parking for private vehicles will occur north east of the house and garden precinct. This space is suitable to cater for both event patron vehicles and staff vehicles. Parking for events located within the hayshed will occur within the eastern paddocks within close proximity to the hayshed.

5.10 Accessibility

An accessibility report was prepared by accessible solutions, that indicates functions that are held within the house and garden precinct, and hayshed area can be accessed by people with disabilities;

1. Accessible Parking: Fernhill House - The courtyard area to the southern edge of the house provides an accessible parking and drop-off point that adjoins a pedestrian ramp to access the ground floor level of Fernhill House (Figure 8 and 9).



Figure 8 Accessible Parking Space (Accessible Solutions Access Report, 2013)



Figure 9 Accessible Parking Ramp (Accessible Solutions Access Report, 2013)

2. The ramp has a gradient exceeding 1:14 which could be modified to achieve 1:14 or a temporary ramp system installed to achieve 1:14 to facilitate appropriate access.

3. The existing paved pathway to the verandah and Ballroom entry provides a generally level surface and subject to cleaning and in-fill of the raked joints the pathway will satisfy AS1428.1.

4. The verandah of Fernhill provides low level thresholds through several double doorways into the ballroom. Temporary threshold ramps as illustrated adjacent can be provided to facilitate wheelchair access in a manner consistent with AS1428.1.
5. Accessible Toilets – While there are no permanent accessible toilets within the property there are numerous suppliers of sanitary facilities for temporary events that can also provide an accessible facility.
6. Longer term, the installation of a permanent accessible sanitary facility can be provided.
7. Marquee lawn Area will be accessible from the courtyard parking which is at the same level and will include an accessible pathway connection.
8. Wayfinding Signage & Staff Training – The event management will ensure that people with disabilities will be afforded with appropriate information and assistance to use the accessible facilities. The management systems shall incorporate;
 - (a) Booking Systems that provide information about the range of accessible facilities and services such as; accessible parking locations, accessible pathways to accessible venues / or viewing areas, hearing augmentation area for outdoor amphitheatres and website access that requests patrons to indicate requests for assistance.
 - (b) Event signage that incorporates directional signage and/or contact personnel to accessible facilities.
 - (c) Staff Training that incorporates disability awareness training.
9. Accessible Parking: Great Hall - The carport adjacent to the Great Hall provides an accessible parking and drop-off point that adjoins a pedestrian access to the Great Hall.
10. Access Path to the Great Hall – The existing paved pathway to the veranda of the Great Hall provides a generally level surface, and subject to a small 1000mm pathway in-fill from driveway to the entry path, will satisfy AS1428.1.
11. The veranda of the Great Hall provides low level thresholds through several double doorways. Temporary threshold ramps as illustrated adjacent can be provided to facilitate wheelchair access in a manner consistent with AS1428.1.
12. Accessible Toilets – While there are no permanent accessible toilets within the property there are numerous suppliers of sanitary facilities for temporary events that can also provide an accessible facility. Appendix B provides examples.
13. Longer term the installation of a permanent accessible sanitary facility can be provided (Accessibility Solutions, Access Report, 2013).
14. Accessible Parking: Hayshed - The area will provide an accessible parking and drop-off point that adjoins a pedestrian access to the Hayshed.
15. The Hayshed will provide a paved forecourt that incorporates a level threshold entry consistent with AS1428.1.

6.0 ENVIRONMENTAL PLANNING ASSESSMENT

The proposal will be assessed under part 4 of the Environmental Planning and Assessment Act (1979), through the Penrith City Council Local Environment Plan of 2010. The following compatibility table assess the permissibility of the proposed development within Fernhill.

The proposed development requires approval from the consent authority through Clause 2.8 as uses not permissible in the E3 zones are proposed within the subject land.

An assessment of the proposed development is provided in the form of a compatible table. The Central (CP) will be assessed within each objective and Control of the Penrith LEP 2010.

CLAUSE		CONTROL	PROPOSED	COMPLIES
2.1	Land Use Zones	Central Precinct zoned: E3, Environmental Management where proposed activities are to occur.	Temporary Events	YES (permissible under Clause 2.8)
			Events and Functions Possibly classified as 'Function Centre', and 'private under LEP definitions.	NO 'Function Centre' not permissible in the E3 zone. (pursued through C2.8)

6.1 Aims of Penrith LEP 2010

The proposed uses of the central precinct are consistent with the PLEP local strategy, adopted in 2010. It addresses the environmental and heritage concerns for the subject site that were appropriately considered in the design process for events and activities.

AIMS OF THIS PLAN	COMMENTS
a) To promote development that is consistent with the council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony and urban and rural qualities with a strong commitment to environmental protection and enhancement.	<p>The proposal will meet the councils vision for Penrith by providing events that:</p> <ul style="list-style-type: none"> Will not impact the rural qualities of the area by undertaking events in existing structures of the precinct and maintaining vegetation as buffers, which separate the activities from Mulgoa Village and surrounding development. The events will open Fernhill Estate to be available to the public, enhancing the prosperity of the region through the establishment of an iconic venue in a rural heritage setting.
b) To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.	<p>The proposal will encourage:</p> <ul style="list-style-type: none"> Economic investment by temporary job creation associated with running events over the six month period, and potentially increased patronage to the Mulgoa area including the Mulgoa Village shops and businesses. The opening of Fernhill Estate to be available to the general public encourages community engagement and provides events for social interaction in a sustainable adaptive reuse of heritage. No existing native vegetation will be cleared.

	<ul style="list-style-type: none"> Assist in the sustainable heritage conservation of an area and item of State Heritage significance.
c) To encourage development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change.	The proposal will limit the impacts of climate change by utilising existing structures. The proposal for temporary events is part of a broader Masterplan that sets out to retain existing vegetation and adding to this through bio-banking, and preserving permeable surfaces to mitigate potential flooding.
d) To protect the environmental values and heritage of Penrith, including places of historic, aesthetic, architectural, natural, cultural, visual, and aboriginal significance.	<p>The proposal will protect:</p> <ul style="list-style-type: none"> Environmental values by retaining existing vegetation on site and locating events in existing structures are gardens, thus minimising the potential degradation of land. Historic values by not proposing any changes to heritage items or additional permanent structures on site, so there will not be any impacts on heritage qualities. By formally opening the estate to the public for the first time, the historic places will be enhanced by community engagement. Heritage and archaeological sites will be protected in accordance with the Austral Archaeological Pty Ltd Report (2013) and the CMP, as addressed in section 5.2.1 of this proposal.
e) To provide for an urban environment that is active, attractive, and safe for residents and visitors.	<p>N/A</p> <p>No urban environment is proposed.</p>
f) To foster viable employment, transport, education, and future investment opportunities that are suitable to the needs and skills of the residents and the workforce.	<ul style="list-style-type: none"> Events proposed in the Central Precinct will allow the Fernhill Estate to run as a viable business and will temporarily create jobs in the local area. The opening of Fernhill Estate to be available to the public for the first time, with history tours accompanying some events, will educate and engage interested members of the community with the important heritage items.
g) To protect views and vistas from main roads and other vantage points	<p>N/A</p> <p>The proposal does not include any permanent structures to be built in the Central Precinct, with temporary structures set up for only short periods of time to support functions over the 28 days and are located with regard to heritage considerations. Thus, views and vistas are maintained.</p>
h) To reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social wellbeing of its rural communities	<p>N/A</p> <p>This short-term function proposal does not include any residential development.</p>

6.2 Penrith LEP 2010 - Zone Objective of E3 Environmental Management

The proposal for events and activities will be located entirely within the E3 zoned area:

ZONE OBJECTIVE	COMMENT
To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	The proposal has been developed as part of an overall Masterplan under the guidance of a Conservation Management Plan that sets out to protect manage and restore heritage and biodiversity values within the Estate. This interim proposal for functions in the short-term will provide some income to help support ongoing conservation as long term plans are progressed.
To provide for a limited range of development that does not have an adverse effect on those values.	The proposal includes a variety of activities that will have a positive impact on the cultural, ecological and aesthetic characteristics of the subject land. The proposed activities are an appropriate use of existing structures and associated garden areas as set out in the Conservation Management Plan. The generation of income will mitigate adverse effects as it will support the overall heritage and ecological conservation.
To minimise conflict between land uses within the zone and land uses within adjoining zones.	The activities within the Central Precinct will not conflict with adjoining RU5 and E2 zones by only using infrequent temporary structures, and accommodating activities and events that encompass the character and context of the site as discussed in detail within the heritage impact study, which forms part of this application.
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.	The events and activities will either occur in existing buildings with existing infrastructure, or temporary facilities like kitchens, toilets and parking.
To preserve and improve natural resources through appropriate land management practices.	The proposed development, being focussed around existing structures, does detract from the Estate's ability to preserve and improve natural resources through appropriate land management.

6.3 Penrith LEP 2010 - cl. 2.8 Temporary Use of Land

OBJECTIVES	COMMENTS
The objective of this clause is to provide for the temporary use of land	Temporary events will be located within existing structures or lands in the House and Garden and

if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.	<p>Hayshed and Pecan Grove areas. It does not involve the construction of any permanent structures, or alterations to the landscape.</p> <ul style="list-style-type: none"> • Economically, the temporary events will provide temporary employment opportunities for local residents through the running of functions and local businesses servicing the functions. • Socially, the events will provide opportunities for community involvement for better community cohesion. • For amenity, the events will not alter the landscape, and so will retain views. • Environmentally, the temporary events are located in existing buildings and gardens, and thus are not located in environmentally sensitive areas and will not impact on any drainage lines, water bodies or sensitive ecological areas.
Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.	<p>N/A. The temporary events do not require developing the site.</p>
Development consent must not be granted unless the consent authority is satisfied that: (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and	<p>N/A. There is no development proposal for the Central Precinct.</p>
(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and	<p>The impacts of these small, temporary, events will be negligible.</p> <ul style="list-style-type: none"> • There is no proposed alterations to existing structures or the landscape, and thus views are maintained. • Acoustically, the events are located a minimum distance of 500m from the nearest residential property, are small scale, and will utilise the Noise Management Plan for the venue. • These events will not require any additional works to Mulgoa Road or the access driveway to accommodate traffic. • Parking will be provided on site, located to the north east of the house.
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and	<p>The temporary events will not alter any part of the landscape and as previously noted, are not located in environmentally sensitive areas and will not impact on any drainage lines or water bodies.</p>

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.	The temporary events will provide some income to support ongoing restoration and conservation works, and thus the historic estate will be in better condition than when events commenced.
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6.4 Penrith LEP 2010 – cl. 5.10.8 Aboriginal Places of Significance

Objectives	Comment
(a) Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and	Advice from Austral Archaeological Pty Ltd on their analysis of any adverse impacts that the proposal may have on any Aboriginal item, and has found that there will be no impacts on identified archaeological sites.
(b) Notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.	This is the only precinct on site with no potential archaeological impacts as no permanent structures or construction is proposed in the Central Precinct.

6.5 Penrith LEP 2010 – cl. 6.6 Servicing

Objectives	Comments
(l) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.	
a) the development will be connected to a reticulated water supply, if required by the consent authority, and	N/A
(b) the development will have adequate facilities for the removal and disposal of sewage, and	The proposed functions in the Central Precinct will either be held in existing structures with existing servicing, or temporary structures like portable toilets and kitchens will be used. Refer to the proposal section of this application.
c) the need for public amenities or public services has been or will be met.	The proposed functions in the Central Precinct will either be held in existing structures with existing servicing, or temporary structures like portable toilets and kitchens will be used. Refer to the proposal section of this application.

6.6 Penrith LEP 2010 – cl. 6.9 Mulgoa Valley

Objectives	Comments
I (a) to establish specific planning controls for land in the Mulgoa Valley (<i>the valley</i>),	The subject land is within the Mulgoa Valley.
I (b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,	The proposed use of the house and garden precinct and hayshed areas will not have any adverse impacts on the agricultural activities within the area. The commencement of the events will provide support for the maintenance of the estate as per the CMP.
I (c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,	The proposal will enable people from within the area and surrounding areas to experience the rural, natural and heritage qualities within the Estate.
I (d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.	The traffic generation of the events proposed within this application will not have an adverse effect on Mulgoa Rd.
(3) Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following: (a) that any proposed building will not be located on a ridge top and will not intrude into the skyline when viewed from a road or other public place,	N/A No building is proposed.
(b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley,	There is no adverse impact from the short term adaptive reuse as stated in the Heritage Impact Statement, and enhance the significance of the heritage item.
(c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,	N/A No building is proposed.
(d) that the proposed development will not detract from the "Vistas of heritage items" specified on the Scenic and Landscape Values Map,	N/A
(e) that extensive areas of vegetation will not be cleared for the proposed development	N/A
(f) that adequate provision has been made for the landscaping of the land to which the development relates and about whether any trees or other vegetation on the land should be preserved,	Within the central precinct the landscape upkeep of the heritage listed estate incorporated within the CMP prepared for the estate.
(g) that the agricultural viability of holdings and potential of the land will not be adversely affected,	Agricultural activities and holdings will continue within the subject area.

(h) that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,	N/A None of these items will be affected from the proposal.
(i) that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,	N/A There are no building works proposed that will impact on views or vistas.
(k) that any upgrading required to maintain safety and efficiency will not detract from the present rural character of Mulgoa Road.	N/A There are no proposed upgrade works associated with this application.

6.7 Clause 5.10 PLED (2010)

This proposal has been considered in the context of clause 5.10 of the PLEP 2010. The following compatibility table provides an assessment of the heritage impact of the proposal, which was provided in the Heritage Impact Assessment prepared by Paul Davies Pty Ltd.

LEP CLAUSE	COMMENT
Clause 5.10 (1) (a) to conserve the environmental heritage of Penrith	The proposal is predicated on conserving Fernhill and its estate. Fernhill is one of the major heritage items within the Penrith local government area. Use of the site, with appropriate controls, can achieve conservation without undue impacts on heritage values. The proposal achieves the objective of this clause (Paul Davies Pty Ltd, 2013.)
Clause 5.10 (1) (b) to conserve the environmental significance of heritage items including associated fabric, settings and views;	The proposal conserves the environmental significance of the place. The fabric of the buildings and site is conserved and maintained, this is set out in various schedules of work and has already been demonstrated by the works undertaken over the last 10 months to stabilise and repair the place. This extends to the setting which is also set out in detail in the work schedules. Views have also been carefully considered and are to be retained and where feasible recovered as part of the longer term works program for the site. (Paul Davies Pty Ltd, 2013.)
Clause 5.10 (1) (c) to conserve archaeological sites;	There are no works within the proposed consolidated estate that affect any known archaeological site. (Paul Davies Pty Ltd, 2013.)
Clause 5.10 (1) (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Refer to comment above.
Clause 5.10(4) requires the consent authority (in this case Penrith City Council) to <i>"consider the effect of the proposed development on the heritage significance of the item or area concerned"</i> prior to granting consent.	The development application and section 60 application process provide for both Penrith City Council and the Heritage Council to consider any effects of development on the heritage values of the place (Paul Davies Pty Ltd 2013).

Clauses 5.10(5) and (6) enables the consent authority to require the submission of a CMP and/or a Heritage Impact Statement in relation to any development proposal affecting a heritage item.	A CMP has been prepared and is provided with the application along with this HIS and schedules of works. (Paul Davies Pty Ltd 2013).
Clause 5.10(7) requires referral to the NSW Heritage Council in the event that the proposed development affects an archaeological site on land other than land listed on the SHR (i.e. this clause does not apply to the SHR listed portion of the Fernhill estate).	The application is both referred to the NSW Heritage Council and in part consent is sought for activities within the State Heritage listed area. (Paul Davies Pty Ltd 2013).
Clause 5.10(8) requires the consent authority to consider the affect of development on an Aboriginal place of heritage significance, before granting consent, and requires the consent authority to notify the local Aboriginal community about the proposal and to take into account any response received within 28 days.	N/A
Clause 5.10(10) <i>Heritage Incentives</i> of the Penrith LEP 2010 for approval states: (10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:	The proposal seeks Councils' consent to vary several development standards to achieve the conservation of Fernhill. It is being argued that without the use of this clause Fernhill is unlikely to survive as an intact historic estate and that this loss would be a major heritage loss within the Penrith Area.
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent,	Refer to earlier comments.
b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority	The CMP is submitted for endorsement, the Heritage Council has the opportunity to review it as part of this proposal. (Paul Davies, Pty Ltd 2013).
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out	This is provided for in the proposal as set out in the various schedules. (Paul Davies, Pty Ltd, 2013)
(d) the consent to the proposed development would require that all necessary conservation work identified in the heritage	In this case the heritage item is Fernhill. The introduction of new uses onto Fernhill estate could have some potential to create heritage impacts on the estate. These could be

<p>management document is carried out</p>	<p>through damage to areas of the estate, over use of land, inadequate maintenance and restoration of the landscape, overuse of the house, etc. The proposal has considered the potential uses that can generate income to sustain the property and sets out a range and extent of uses that are sustainable without adverse impacts on the place. A key to future uses is their management to ensure that any impacts are avoided. This proposal also responds to the CMP, which requires the key landscape areas of the site to be maintained in an open park-like form and looks to locate any future elements outside the key areas of the estate. (Paul Davies, Pty Ltd, 2013)</p>
<p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	<p>Fernhill is a very large estate that is capable of a range of uses and developments without undue adverse impacts on neighbours. The two most likely areas of impact on amenity are traffic and possible noise related to an event. Both of these issues are addressed in other reports in detail. Provided that traffic and noise can be managed so that amenity of neighbours is not affected, the uses proposed are appropriate under this clause. (Paul Davies Pty Ltd, 2013)</p>

The proposal is considered to comply with the Clause 5.10 of the Penrith LEP 2010, and relies on the operation of Clause 5.10(10) of the LEP.

6.8 Sydney Regional Environmental Plan No. 20 Hawkesbury and Nepean River

The SREP map for applicable sites places the Central Precinct, and the temporary event locations, within the boundary of this environmental plan. This is due to the subject sites proximity to the Nepean River, approximately 1 kilometre from the western boundary of the precinct and 2.5 kilometres from the nearest occupied area in the precinct. The development complies with the water quality strategies outlined by appropriate infrastructure provision and stormwater management. The temporary events will have negligible impacts.

CLAUSE	PLANNING POLICIES AND RECOMMENDED STRATEGIES	COMMENT
2C	Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability	The development will not impact the Nepean River banks, riverine vegetation, or water quality, given the distance to the river where activities will be occurring, the fact that the central precinct will contain no additional permanent structures, and the substantial E2 vegetation buffer to the west of the activities centre.
2E	Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916	A vegetation buffer of Ironbark Grey Gum Open Forest, and Red Bloodwood Grey Gum Woodland along the E2 zoning in the western portion of the central precinct will protect the adjacent Blue Mountains National Park lands from any potential impacts of temporary events.
2G	Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils	No permanent structures will be constructed in the Central Precinct, so no contamination is likely. Waste from events will be managed in accordance with the Closed Loop Cleaning and Waste Management Plan (2013).
2H	New development in conservation area sub-catchments should be located in areas that are already cleared	Events are held in existing structures or within the vicinity of these.
3A	Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters	No permanent structures will be constructed in the Central Precinct, so no contamination is likely. Waste from events will be managed in accordance with the Closed Loop Cleaning and Waste Management Plan (2013).
3D	Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard	NA The existing structures in the Central Precinct have sewage infrastructure systems in place that will cater for events in addition to portable toilets.

	to the nature and size of the site.	
3E	Develop in accordance with the land capability of the site and do not cause land degradation	NA
4B	Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.	NA
4D	Consider the impact of development on the level and quality of the water table	Water quality will not be impacted given there will be no permanent structures constructed in the Central Precinct, with events using the land, existing structures, and temporary structures.
6A	Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.	Temporary events will not alter the landscape.
6B	Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land	Events will take place in existing structures and gardens. Temporary structures, such as marquees, will be located adjacent to the buildings or in the garden areas.
6C	Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.	Environmental impacts will be minimised through locating these temporary events in existing structures and gardens that are not in environmentally sensitive areas and will not impact any drainage lines or water bodies.
6E	Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and	Existing flora and fauna within this precinct will not be impacted as, <i>"the proposal is not likely to have a significant effect on the local</i>

	migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.	<p><i>populations of any threatened biota</i>" (GHD 2013, p. 40) because:</p> <ul style="list-style-type: none"> ▪ It will not remove or modify any native vegetation. ▪ There are extensive areas of habitat for threatened biota in the locality, ▪ The proposal will not significantly interfere with the operation of any key threatened processes.
6F	Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas	No permanent structures are to be constructed on site, and existing native vegetation will be maintained on site to maintain bio-linkages and as a buffer in the west to the Blue Mountains National Park.
7A	Maintain areas of extensive, prominent or significant vegetation to protect the character of the river	No vegetation will be removed.
7B	Ensure the proposed development is consistent with the landscape character as described in the Scenic Quality Study.	The proposal is consistent with existing character by not constructing any permanent structures, carefully maintaining heritage views and landscapes through locating development in existing buildings and garden areas.
7C	Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants	The temporary events will occur in existing buildings and garden areas that will not alter the landscape in any way, and are located away from neighbouring properties, so as to be unobtrusive to neighbours.
7F	Consider opportunities to improve riverine scenic quality.	The proposal does not include any permanent structures, the removal of vegetation, or alteration of the landscape. Thus, existing riverine scenic qualities will be conserved.
9F	Consider the ability of the land to accommodate on-site effluent disposal in the long term.	<p>NA</p> <p>The existing structures in the Central Precinct already have sewage infrastructure systems in place that will cater for events in addition to portable and or removable toilets.</p>

9G	Consider any adverse environmental impacts of infrastructure associated with the development concerned	Infrastructure associated with events, such as toilets, kitchens, and marquees, will be transported to and from the site and such will not be permanent structures and so will not impact the environment on site.
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7.0 SUITABILITY

The following section provides a summary of the suitability of the site for the proposed development according to Section 79C (1) (C) of the EP& A Act 1979:

- The detailed investigations that have been undertaken support and justify this application including all relevant heritage, social, economic and environmental considerations. This proposal is considered to be of public benefit and provide an opportunity to commence the maintenance of the State listed Heritage Fernhill Estate as per the Conservation Management Plan, as well a public access to a significant heritage area.
- The site can accommodate functions within existing structures and outdoor areas without the need for any new permanent structures.
- The proposal is consistent with the Conservation Management Plan being an appropriate use of a heritage site. It does not have any adverse heritage impacts, rather it is the first step in the delivery of a sustainable working heritage model being developed for the Estate.
- Implications for traffic, parking, and noise have been shown to be minimal and highly manageable.
- The use of the House and Garden and Hayshed areas will provide additional economic benefits for the township of Mulgoa.
- The activities proposed within the proposal will provide temporary employment opportunities for local residents through the running of functions and local businesses servicing the functions.

8.0 CONCLUSION

The application to enable the activation of the Central Precinct under clause 2.8 within the PLEP 2010, should be approved;

- The detailed investigations across all relevant issues that have been undertaken support and justify this application. This proposal is considered to be of public benefit and provide an opportunity to preserve Fernhill Estate as one of few remaining houses in a landscape setting.
- Adaptive reuse of heritage is appropriate to support ongoing heritage conservation.
- The uses identified in this application will provide the opportunity to make the place available to the public for events and provide support for the essential restoration and conservation of the heritage significance of the site.
- The uses of the Central Precinct will not involve any construction works, with existing structures, land, and temporary structures to be used on site. Thus, impacts regarding vegetation and wildlife, contamination, and stormwater are negligible.
- The activation of the Central Precinct will support the overall vision for the majority of the subject land to be retained within an estate, thus allowing the conservation of important archaeological and aboriginal items of significance through the appropriate management.
- The events will also contribute to the role of Mulgoa and local employment for the running of events and promoting economic investment and growth.
- The proposal has a potential to provide a range of social, cultural and economic benefits to the local and wider community through the activation of an iconic function venue in Western Sydney.

This proposal responds appropriately to its context, relevant local planning instruments, and the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979. Accordingly it is recommended that the application should be approved.

Appendix One: Compatibility Table Penrith DCP 2010

Clause	Objective / Control	Proposed	Comply
DCP Principles	Principle 1 Provide a long-term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	The approval of the proposal will enable the long term preservation of the Fernhill Estate, providing an important asset for the Penrith City Community.	YES
	Principle 2 Achieve long term economic and social security.	The proposal will provide a sustainable long term business model that preserves an important asset for the community.	YES
	Principle 3 Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them	The temporary events will not alter the landscape or ecology, as they do not require permanent structures and are located in existing building and garden areas.	YES
	Principle 4 Enable communities to minimise their ecological footprint.	The activities proposed in the Central Precinct do not involve the removal of any ecology, with existing vegetation retained and events located in existing structures and gardens.	YES
	Principle 5 Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.	The preservation of the Central Precinct's vegetation will nurture existing ecosystems within the subject land.	YES
	Principle 6 Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.	The vision behind the proposed events are to capitalise on historical values, engaging the community with the Estate, and thus preserving the history and natural environment of the areas.	YES
	Principle 7 Empower people and foster participation.	The local community have been involved and informed in the development of this proposal, to ensure that the proposal is integrated within the existing local community.	YES
	Principle 8 Expand and enable cooperative networks to work towards a common, sustainable future.	The project team has collaborated with a variety of networks to ensure that the proposal is viable and will be sustainable for the long term.	YES

	Principle 9 Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.	N/A	N/A
	Principle 10 Enable continual improvement, based on accountability, transparency and good governance.	The operation and maintenance of the heritage values of the Central Precinct will be accountable to external bodies to ensure the long term transparency, good governance and preservation of the heritage values within the subject land.	YES
CI Site Planning and Design Principles	a) Improve the sustainability of development through improved site planning that takes into account social, economic and environmental opportunities and constraints;	The proposal acknowledges the opportunity of the Fernhill Estate CP to provide a range of activities and events that create jobs, encourages community engagement and social interaction, increases patronage to the Mulgoa Village and associated shops and businesses, and utilises existing buildings and gardens that thus does not damage existing vegetation.	YES
	b) Ensure that developments address the key principles of site planning, urban design and design excellence by:	No development is proposed.	
	i) responding to the natural topography and landform of the site;	The natural topography has been considered with events occurring inside existing structures or gardens, to not obstruct existing views from Mulgoa Road and surrounding developments.	YES
	ii) protecting areas of scenic or visual importance in the City of Penrith;	The character within the Fernhill Estate has been retained through preserving existing vegetation and heritage qualities, to preserve the scenic quality of the subject land.	YES
	iii) adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact;	N/A No urban environment is proposed.	YES

	iv) incorporating safety and security measures in its design;	N/A No urban environment is proposed.	YES
	v) utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and	N/A No urban environment is proposed.	YES
	vi) Incorporating the principles of universal design to maximise accessibility for all people.	N/A No urban environment is proposed.	YES
	c) Ensure that non-residential buildings (and their future uses) are designed to incorporate design and sustainable excellence by: i) being accredited under the Australian Buildings Greenhouse Ratings certification system, now part of the National Australian Built Environment Rating System (NABERS) and/or Green Star certification system, whichever is applicable; and ii) ensuring that energy and water consumption is minimised	N/A No urban environment is proposed.	YES
C2 Vegetation Management – B.- General Objectives	a) Adopt the principles of Ecologically Sustainable Development ('ESD') in protecting and enhancing Penrith's native vegetation;	The proposal will not impact any existing vegetation, but will be located in existing structures and gardens, and thus are ecologically sustainable.	YES
	b) Preserve existing trees and vegetation for the benefits they provide;	Native vegetation in the precinct will be retained.	YES
	c) Preserve existing trees and vegetation, where possible, during the design, development and construction process and justify any tree or vegetation removal to Council;	NA. No development or construction is proposed.	YES

	d) Protect and enhance native vegetation and biodiversity in the Penrith local government area, including habitat for threatened species, populations and ecological communities and corridors for	Noted, refer to section 5.1.2.	YES
	e) Retain native vegetation in parcels of a size and configuration which will enable existing plant and animal communities to survive in the long term;	The retention of native vegetation and biodiversity is achieved through no alterations to the landscape proposed.	YES
	f) Protect and enhance the landscape character and scenic qualities of the Penrith local government area; and	The parcels of vegetation that are retained within the proposal are significant in size and biolinkages to the Blue Mountains National Park, and will preserve flora and fauna for the long term.	YES
	g) Manage the conflict between protecting and removing vegetation to address natural hazards such as bushfires.	The landscape character of the subject land is retained through the preservation of vegetation and thus the rural setting, with significant setbacks existing between vegetation and heritage buildings.	YES
2.1 Preservation of Trees and Vegetation Objectives	a) Prescribe which species or kinds of trees or other vegetation are protected by Clause 5.9 of Penrith LEP 2010 and this Section of the Plan;	Complies. No native vegetation is proposed to be removed.	YES
	b) Promote the benefits of trees and other vegetation;	The preservation of trees and their importance is integral to the proposal. Ecological communities are promoted through bio-banking and retaining native vegetation for scenic, ecological, and bio linking purposes.	YES
	c) Protect and enhance native vegetation, habitat for native fauna and biodiversity;	This is obtained through the protection of native vegetation	YES
	d) Protect and enhance native vegetation for its scenic values and to retain the unique visual identity of the landscape;	This is achieved through retaining existing vegetation.	YES

	e) Manage non-native vegetation in accordance with its cultural and landscape significance;	No alterations to the landscape are proposed.	YES
	f) Ensure that any new development takes into account existing vegetation in the site planning, design, development, construction and operation of the development; and	The existing landscape of the heritage listed Fernhill Estate is maintained within the heritage agreement.	YES
	g) Ensure there are mechanisms for the long term protection, management and maintenance of trees and vegetation.	The long term mechanism is the bio-banking of vegetation within the subject land, for temporary events no alterations to the landscape are proposed.	YES
	1. Development Consent a) In accordance with Clause 5.9 of Penrith LEP 2010, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation which is prescribed by this Plan without development consent.	The proposal retains all existing native vegetation.	YES
2.2.Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas - B. Objectives	a) Protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land; and	Existing areas of native ecology will be maintained, refer to section 5.2.1 of this proposal and the GHD Central Precinct Ecology Assessment report (2013).	YES
	b) Enhance connections between remnants of indigenous vegetation; and	The proposal retains all existing native vegetation, which is well connected and forms a buffer between heritage properties and surrounding roads and the Blue Mountains National Park.	YES
	c) Prevent the fragmentation and degradation of remnant vegetation; and veg	The proposal retains all existing native vegetation.	YES
	d) Ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors,	N/A No clearing or development is proposed.	YES

	natural waterways and riparian land.		
Complimentary Objectives	a) Promote the establishment and retention of biodiversity corridors and areas of remnant indigenous vegetation that contribute to the long-term survival of native fauna and flora species in the area;	Complies The proposal retains all existing native vegetation, which is well connected and forms a buffer between heritage properties and surrounding roads and the Blue Mountains National Park.	YES
	b) Maintain (and where possible increase) the current area of native bushland and retain the natural species diversity of bushland as far as possible;	Noted.	
	c) Encourage the planting of a diversity of indigenous species to enhance biodiversity values, scenic quality and landscape character; and	No alterations to the landscape are proposed.	YES
	d) Facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.	All native vegetation will be maintained, and thus edge effects and degradation will be minimised for effective weed control.	YES
2.2.Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non Urban Areas – C. Controls	b) In accordance with Clause 6.4 Development on natural resources sensitive land of Penrith LEP 2010, development consent is required for the following in biodiversity corridors and areas of remnant indigenous vegetation: i) the subdivision of land; ii) earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line); iii) the carrying out of a work; iv) clearing vegetation (including slashing or underscrubbing); v) Irrigation with treated effluent. c) Clause 1 a) iv) above does not include slashing or underscrubbing undertaken for the purposes of controlling	N/A. No development or events are proposed in a biodiversity corridor.	YES

	declared pests under the Rural Lands Protection Act 1998 or to maintain dams, fences or asset protection zones.		
2.3.Bushfire Management – B. Objectives	a) Minimise the risk to life, property and the environment in the event of a bushfire, including the lives of emergency personnel	Bushfire mitigation is incorporated within the operation report, which forms part of this application.	YES
	b) Ensure that all development on bush fire prone land makes adequate provision for access for emergency personnel, vehicles and equipment	There will be no development of the site, and thus bushfire measures are already in place with the existing structures on site. Additional bushfire mitigation methods for the running of events are section 5.4 of this application.	YES
	c) Balance the risk of bushfire to life and property with the other principles in this Plan, including the need to protect and enhance existing vegetation where possible; and	Vegetation will be protected on site, with existing bushfire mitigation methods in place for the existing structures on site, and additional mitigation methods for the running of events outlined in section 5.4 of this application.	YES
	d) Recognise that land not classified as 'bushfire prone land' may still be subject to the impact from bushfire, particularly through ember attack	The central proportion of the precinct where events are to take place is not bushfire prone, under the Penrith City Council Bushfire Prone Land Map.	YES
2.3.Bushfire Management – C. Controls	a) If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any Development application on that land must address the bush fire protection measures set out in the document 'Planning for Bushfire Protection 2006 (PBP).	Bushfire mitigation methods are discussed in section 5.4 of this application.	YES
	b) If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire	N/A No subdivision is proposed.	YES

	protection purposes', then the development will be Integrated Development under the Environmental Planning and Assessment Act 1979.		
3.3. Watercourses, Wetlands and Riparian Corridors - B. Objectives	b) Minimise disturbance and/or impacts on natural water bodies;	N/A	YES
	c) Rehabilitate existing riparian corridors and ensure that width, buffers to development, quality of landscape and diversity of vegetation to support principles of ecological sustainability are provided	No changes to the landscape are proposed, all vegetation on site will be retained.	YES
	a) Water saving devices must be incorporated into any internal renovation (taps, toilets, etc);	N/A No renovation is suggested in the proposal.	YES
C5 Waste Management		A Waste Management Plan forms part of this application, which addresses the DCP requirements.	YES
C7 Heritage B Objectives	a) Encourage the retention of existing heritage items and their significant elements;	The proposal encourages the conservation of the significant elements of the Fernhill Estates, including the heritage landscape.	YES
	b) Ensure development is based on the understanding and conservation of the heritage significance of the item;	The revised CMP has provided a thorough understanding of the Fernhill Estate, which has informed the development of the proposal.	YES
	c) Encourage heritage items to be used for purposes that are appropriate to their heritage significance;	The proposed event uses of the Fernhill Estate are considered appropriate to the estate's heritage significance (Heritage Impact Statement, 2013).	YES
	d) Maintain the setting of the heritage item including the relationship between the item and its surroundings;	No changes to the buildings or lands are proposed, and thus native vegetation is retained, and so heritage items and the heritage landscape will be maintained.	YES
	e) Encourage the removal of inappropriate alterations and additions, and the reinstatement of significant	N/A No development or alterations are proposed.	N/A

	missing details and building elements; and		
	f) Protect and conserve built heritage in accordance with the Principles of the Burra Charter.	The proposal ensures that ongoing conservation works will be undertaken to the significant elements of the Fernhill Estate.	YES
C Controls	a) Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):	The Heritage Impact Statement provided within the appendix has addressed all the requirements within the DCP	YES
	i) The heritage significance of the item as part of the environmental heritage of Penrith;	Complies No development is proposed, and temporary structures will not impact the significance of heritage items or the settings.	YES
	ii) The impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features;	Complies No development is proposed, and temporary structures will not impact the significance of heritage items, or the landscape by being located in existing buildings and garden areas.	YES
	iii) The measures proposed to conserve the heritage significance of the item and its setting;	Complies No development is proposed, and temporary structures will not impact the significance of heritage items or the settings.	YES
	iv) Whether any archaeological site or potential archaeological site would be adversely affected by the proposed development;	Complies Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not destroy any archaeological resources.	YES
	v) The extent to which the carrying out of the proposed development would affect the form of any significant subdivision pattern; and	Complies	YES
	vi) The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.	Complies	YES

	b) Development of a heritage item must:	N/A	
	i) Be consistent with an appropriate Heritage Impact Statement or Conservation Management Plan;	The Working master plan has been guided by the Heritage Impact Statement and Conservation Plan to ensure that the proposal is consistent with this critical document.	YES
	ii) Be consistent with the Heritage Inventory Assessment Report;	Complies	YES
	iii) Protect the setting of the heritage item;	Any activity within a heritage item will occur according to the CMP and Heritage Working Master Plan.	
	iv) Retain significant internal and external fabric and building elements;	No changes to the heritage items are proposed	YES
	v) Retain significant internal and external spaces;	Complies No permanent alterations to internal and external spaces are proposed. Temporary structures will not impact the significance of these spaces.	YES
	vi) Remove unsympathetic alterations and additions;	N/A No changes are proposed.	N/A
	vii) Reinstall missing details and building elements; and	N/A No changes are proposed.	N/A
	viii) Use materials, finishes and colours that are appropriate to the significant periods of development or architectural character of the item.	N/A No development is proposed.	N/A
	c) Alterations to the room layout of heritage items are to ensure that the original room configuration remains discernable and can be interpreted.	N/A No changes are proposed.	N/A
	d) If there is any likelihood of an impact on any significant archaeological relics from a period prior to the current building, development must ensure that the impact is managed according to the	No development is proposed in the precinct, and the Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not	YES

	assessed level of significance of those relics.	destroy any archaeological resources.	
7.17 Development within the Vicinity of Heritage Conservation Area	The objective of this section is to ensure that the development of land or a building in the vicinity of a heritage item or heritage conservation area is undertaken in a manner that complements the heritage significance of the site or area.	N/A. No development is proposed in the CP.	YES
7.1.8 Archaeological Sites	The objective of this section is to ensure that development is undertaken in a manner that acknowledges and protects sites of archaeological significance.	No development is proposed in the precinct, and the Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not destroy any archaeological resources.	YES
7.1.12 Conservation Incentives and Fee Concessions	The objectives of this section are to provide incentives to owners/applicants for development applications involving heritage items.	The applicant is pursuing the application through 2.8 of the PLEP 2010.	YES
	a) That the conservation and retention of the heritage significance of the place depends on the granting of consent;	It is considered that the conservation of the Fernhill Estate depends on the granting of consent, as the proposal ensures ongoing income for maintenance and conservation of Fernhill estate.	YES
	b) That the proposed use is in accordance with a conservation management plan or a detailed schedule of conservation works for the building which has been endorsed by Council;	N/A	N/A
	c) That the granting of consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan or a detailed schedule of conservation works for the building is carried out;	The granting of consent for the proposal will ensure that all necessary conservation work identified in the CMP will be carried out.	YES
	d) A detailed long term maintenance plan for the building is specified;	The CMP includes a detailed long-term maintenance plan for the Fernhill Estate. A VPA will be made to ensure that funds from the various uses on the	YES

		consolidated Fernhill estate lands will be put to conservation of the estate buildings and land.	
	e) That the proposed use would not adversely affect the heritage significance of the place; and	The proposed uses within the estate will not negatively impact the heritage significance of the estate, or the amenity of the surrounding area.	YES
	f) That the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.	N/A	N/A
7.2 Aboriginal Culture and Heritage	The objective of this section is to preserve items and sites of Aboriginal archaeological significance located within the City of Penrith.	Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not destroy any archaeological resources.	YES
C10 10.2 Traffic Management and Safety	a) Provide safe and efficient travel routes for all vehicles in the Penrith LGA;	No proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity,	YES
	b) Reduce the number of vehicle and pedestrian accidents per capita;	No proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity,	YES
	c) Ensure the safety of cyclists, pedestrians and passing traffic during construction of development;	N/A No development is proposed in the precinct.	YES
	d) Cater for current and future growth of vehicle traffic usage;	For temporary events over the short six month period, no proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity from the events.	YES
	e) Encourage the orderly and economic provision of road and intersection works;	Noted.	YES
	f) Ensure that existing roads and intersections are upgraded	N/A	N/A

	to provide a satisfactory level of service consistent with the volume and	Mulgoa Road and the access road are capable of accommodating the capacity from the events.	
	g) Avoid new direct access to and from arterial, sub-arterial and other major roads.	The CP is currently accessible via Mulgoa Road. This will not be altered.	YES
C12 Noise and Vibration	The objective of this section is to ensure that future development that generates noise or vibration does not adversely affect the amenity of surrounding land uses.	The proposed activities within the Central precinct will be managed to preserve the amenity of surrounding land uses.	YES
E2 Mulgoa Valley	a) Conserve the rural landscape of the Mulgoa Valley;	No alterations to the landscape are proposed.	YES
	b) Protect the setting of the villages of Mulgoa and Wallacia within the rural landscape;	There are no changes to the landscape or buildings proposed, and thus there will be no changes to the setting of Mulgoa or Wallacia.	YES
	c) Conserve heritage items and vistas within the Valley;	No alterations are proposed to heritage items or lands. However, the commencement of temporary events will help fund ongoing maintenance and conservation of Fernhill estate. No development is proposed and events will be predominantly located in the west of the precinct away from Mulgoa and Wallacia village.	YES
	d) Protect natural ecological elements within the Valley;	No alterations to the landscape are proposed.	YES
	e) Protect the agricultural capability of prime agricultural land; and	N/A No agricultural areas will be affected.	YES
	f) Ensure that development in the Valley is consistent with conserving its rural and natural landscape, heritage and agricultural qualities.	N/A No development is proposed.	YES
B. Additional Objectives	a) Protect the surviving early colonial rural landscape from any further degradation;	N/A	N/A

	b) Ensure development does not prejudice the remaining evidence of the Cox family's associations with the Valley, its houses and gardens;	The proposal ensures the preservation of the Fernhill Estate.	YES
	c) Preserve and enhance the visual relationship between the sites of Cox's Cottage, St Thomas's Church and Fernhill;	No alterations to the heritage buildings or lands are proposed, thus the visual relationship is preserved.	YES
	d) Conserve the surviving structures, features and gardens at the major historic and archaeological sites;	No alterations to the heritage buildings or lands are proposed, and the commencement of temporary events will help fund the ongoing maintenance and conservation of Fernhill estate.	YES
	e) Protect the visual catchments of heritage items by appropriately siting development having regard to the significance of the setting;	N/A.	N/A
	f) Prevent development within the historic landscapes and curtilages of heritage items which may detract from the significance of those sites; and	No building or permanent structures are proposed within the landscape or curtilages of the heritage items within the Fernhill Estate.	YES
	g) Prevent any activity which could destroy the potential archaeological resources of any heritage items.	N/A	N/A
2.2.2 Siting Objectives	In addition to the general objectives for Mulgoa Valley, the objective of this section is to ensure that buildings are sited to protect and enhance the rural and natural landscape of the Valley, particularly when viewed from roads and other public places.	N/A	N/A
2.2.4	In addition to the general objectives for Mulgoa Valley, the objective of this section is to protect and enhance existing indigenous vegetation and historic introduced vegetation that contributes to the Valley's rural and natural landscape and its heritage values.	N/A	YES
2.2.5	In addition to the general objectives for Mulgoa Valley,	N/A	N/A

	the objective of this section is to ensure the visual impact of access roads, parking areas and services is minimised.		
2.2.6	In addition to the general objectives for Mulgoa Valley, the objective of this section is to ensure fences, gates and entrances are in harmony with the existing landscape and character of the Mulgoa Valley Precinct.	The entrances to the proposed Fernhill Estate will remain within the current character and setting.	YES
2.3 Controls relating to natural hazards or other constraints	a) Protect the present rural character and function of Mulgoa Road and;	N/A	YES
	b) Ensure any new development does not impact on the safety and efficiency of Mulgoa Road.	N/A	YES

FUNCTION CENTRE VENUE PLEP 2010 definition: Building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility	Mode (Size of Function)	Duration of Typical Function	Temporary Structures	Parking Requirements and Accessibility (GTA Report)	Food Preparation Kitchen Facilities (Sentry Report)	Amenities W.C Requirements (Sentry Report)	Waste Management Requirements (Closed Loop Report)	Management of Event: Set up and Pack Up
<p>Private Function: House Garden Area - Ballroom</p> <p>Functions include events such a private celebration, wedding, an association or club function and corporate functions such as a conferences, presentation or workshop</p> <p>This is illustrated within DA 201.</p> <p>Functions held in the Ballroom will typically be catered and often set around a meal. Patrons will be allowed to walk throughout the adjoining house gardens.</p> <p>The Ballroom can be set up in various configurations with maximum number able to be seated in the Ballroom is 56 people at table and 90 people in rows of chairs (eg. a corporate function based in the ballroom centred on a presentation set up in row chairs).</p> <p>The maximum number of people to be in the ballroom when there is a seated meal is 50.</p>	<p><90 people</p> <p>The number of staff at an Event of this size would be 8 staff (at least 2 qualified first aid. These would be key staff members. Depending on the type of Event extra temporary staff of up to 8 people might be engaged.</p>	<p>Morning Function 7.00am to 12pm</p> <p>Morning Tea 10am to 2pm</p> <p>Lunch Functions 12.00pm to 3.30pm</p> <p>Evening Functions 4.30pm to 11.30pm</p> <p>Corporate Events 8.30am to 6.00pm</p>	<p>Nil Function wholly contained in Ballroom so no temporary structures are required.</p>	<p>Parking located in the north east of the house; 1 vehicle per 2.5 people ie. Up to 100 vehicles can be provided.</p> <p>Accessibility arrangements include designated disabled parking and temporary timber ramp to Ballroom.</p>	<p>The food will be prepared off site and served from bassinets. The temporary kitchen will be 2.5 x 6m and is located adjacent to the house.</p> <p>A refrigeration trailer 2x2 for the cooling of cold drinks.</p> <p>Potable will be provided from existing underground 300,000L water tank located to the east of the entrance to the house.</p>	<p>The ratio of toilets to people attending events in this area of the venue will be 1:40.</p> <p>Temporary toilets will be located adjacent to the ballroom,</p>	<p>Waste system includes: 5 x 240L Wheelie Bins 1 100L Recycling Skip Bin</p> <p>Waste will be removed from a private contractor after the conclusion of an event.</p>	<p>1-2 Days depending on time of function: - Breakfast and Morning Tea functions will typically start between 7.00am and 10.00am. Set up will be the evening before function, pack up in the afternoon of function. - Lunch and Evening Functions will be set up on the morning of the function and packed up the following morning.</p>
<p>Private Function: House Garden Area - Great Hall</p> <p>Functions include events such a private celebration, wedding, an association or club function and corporate functions such as a conferences, presentation or workshop</p> <p>This is illustrated within DA 202.</p> <p>Functions held in the Great Hall will typically be catered and often set around a meal. Patrons will be allowed to walk throughout the adjoining lawns.</p> <p>The Great Hall can be set up in various configurations with maximum number able to be seated in the Great Hall is 150 up to 215 people (eg. a corporate function based in the Great Hall centred on a presentation set up in row chairs).</p>	<p><215 people (Mode 1)</p> <p>The number of staff at an Event of this size would be 8 staff (at least 2 qualified first aid</p>	<p>Morning Function 7.00am to 12pm</p> <p>Morning Tea 10am to 2pm</p> <p>Lunch Functions 12.00pm to 3.30pm</p> <p>Evening Functions 4.30pm to 11.30pm</p> <p>Corporate Events 8.30am to 6.00pm</p>	<p>Nil Function wholly contained in Great Hall so no temporary structures are required.</p>	<p>Parking located to the north east from the house ; 1 vehicle per 2.5 people Parking required for up to 120 cars for attendees plus up to 15 staff cars; total 135 cars</p> <p>Accessibility arrangements include designated disabled parking; no temporary ramps required.</p>	<p>The meal will be prepared off site and served from bassinets. The temporary kitchen will be located within the kitchen area in the southern end of the Great Hall, the kitchen will be 2.5 x6m. A refrigeration trailer 2x2 for the cooling of cold drinks.</p> <p>Potable Water will be provided from existing underground 300,000L water tank located to the east of the entrance to the house.</p>	<p>The ratio of toilets to people attending events in this area of the venue will be 1:40.</p> <p>There is a toilet unit @ 50m to the North of the Great hall. It is unisex and has 5 toilets, hand basins and paper towel dispensers. The great hall has 1 toilet that can be used for guests. Disabled and portable toilets will be placed on site depending on the nature of the event and the number of attendees.</p>	<p>Waste management system includes: The amount of 240 L Bins would be increased to 10 for this sized Event with 3 x 1100 Recycling Skip Bins.</p> <p>Waste will be removed from a private contractor after the conclusion of an event.</p>	<p>1-2 Days depending on time of function: - Breakfast and Morning Tea functions will typically start between 7.00am and 10.00am. Set up will be the evening before function, pack up in the afternoon of function. - Lunch and Evening Functions will be set up on the morning of the function and packed up the following morning.</p>

<p>Private Function: House Garden Area – Western Lawn Marque and Great Hall</p> <p>Functions include events such a private celebration, wedding, an association or club function and corporate functions such as a conferences, presentation or workshop</p> <p>This is illustrated in DA 202</p> <p>Functions held in the Great Hall with a Marque located on the Western lawn will typically be catered and often set around a meal. Patrons will be allowed to walk throughout the adjoining lawn area.</p> <p>The Great Hall / Marque can be set up in various configurations with maximum number able to be seated in the Great Hall is 215 or Marque is 200 people.</p> <p>An informal or standing function based in the Great Hall that also uses a Marque and lawn area, may be able to accommodate up to 300 people.</p>	<p><215 people formal function</p> <p><300 people outdoor (standing) function</p> <p>8 key staff with staff (at least 2 qualified first aid) with up to 12 temporary staff</p>	<p>Morning Function 7.00am to 12pm</p> <p>Morning Tea 10am to 2pm</p> <p>Lunch Functions 12.00pm to 3.30pm</p> <p>Evening Functions 4.30pm to 11.30pm</p> <p>Corporate Events 8.30am to 6.00pm</p>	<p>1 x Marque: The maximum size proposed is 12m x 20m which can accommodate up to 160 people seated and up to 200 people in a presentation style (seated or standing).</p> <p>Designated lawn area for function when standing.</p>	<p>Parking located in Western Paddocks; 1 vehicle per 2.5 people</p> <p>1 vehicle per 2.5 people.</p> <p>Mode 1: Parking required for up to 120 cars for attendees plus up to 20 staff cars; total 140 cars</p>	<p>The meal will be prepared off site and served from bassinets.</p> <p>The temporary kitchen will be located in the Great Hall, which will be 2x6m. the food serving area. A refrigeration trailer 2x2 for the cooling of cold drinks.</p> <p>Potable will be provided from existing underground 300,000L water tank located to the east of the entrance to the house.</p>	<p>The ratio of toilets to people attending events in this area of the venue will be 1:40.</p> <p>There is a toilet unit @ 50m to the North of the Great hall. It is unisex and has 5 toilets, hand basins and paper towel dispensers. The great hall has 1 toilet that can be used for guests. Disabled and portable toilets will be placed on site depending on the nature of the event and the number of attendees.</p>	<p>Waste management system 10 x 240L Wheelie Bins 3x1100L Recycling Skip Bin</p> <p>Waste will be removed from a private contractor after the conclusion of an event.</p>	<p>1-3 Days depending on time and size of function:</p> <ul style="list-style-type: none"> - Breakfast and Morning Tea functions will typically start between 7.00am and 10.00am. Set up will be the evening before function, pack up in the afternoon of function. - Lunch and Evening Functions will be set up on the morning of the function and packed up the following morning.
<p>Private Function: House Garden Area - Tennis Court Marque and Main Lawn</p> <p>Functions include events such a private celebration, wedding, an association or club function and corporate functions such as a conferences, presentation or workshop.</p> <p>This is illustrated in DA 203.</p> <p>Functions will be held in a marquee located on the tennis court area and, weather permitting set outdoors on the lawn. Functions will typically be catered and often set around a meal. Patrons will be allowed to walk throughout the adjoining house gardens and the colonnade of the House. In some instances the function area may also include the use of the Ballroom.</p> <p>The marque / lawn area can be set up in various configurations with maximum number able to be seated in the marque is 200 people (eg. a corporate function based in the marque set up for a presentation set up in row chairs).</p> <p>An informal or standing cocktail function based in the lawns, such as a launch could accommodate up to 300 people.</p>	<p><215 people formal function</p> <p><300 people outdoor (standing) function</p> <p>Max 8 key staff (at least 2 qualified first aid) with up to 12 temporary staff</p>	<p>Morning Function 7.00am to 12pm</p> <p>Morning Tea 10am to 2pm</p> <p>Lunch Functions 12.00pm to 3.30pm</p> <p>Evening Functions 4.30pm to 11.30pm</p> <p>Corporate Events 8.30am to 6.00pm</p>	<p>1 x Marque: The maximum size proposed is 12m x 20m which can accommodate up to 160 people seated and up to 200 people in a presentation style (seated or standing).</p> <p>Designated lawn area for function when standing.</p>	<p>Parking located to the north east of the house and garden precinct. ; 1 vehicle per 2.5 people</p> <p>1 vehicle per 2.5 people.</p> <p>Mode 1: Parking required for up to 120 cars for attendees plus up to 20 staff cars; total 140 cars</p>	<p>The meal will be prepared off site and served from bassinets. The temporary kitchen will be located in the Car Park adjoining the House. A refrigeration trailer 2x2 for the cooling of cold drinks.</p> <p>Potable Water will be provided from existing underground 300,000L water tank located to the east of the entrance to the house.</p>	<p>The ratio of toilets to people attending events in this area of the venue will be 1:40.</p> <p>There are 4 toilets (2M and 2 F) in the pool house located directly beneath the ballroom lawns; 1 toilet next to the gym located alongside the tennis court on the ballroom lawns; and 2 guest toilets in the house very easily accessible from the ballroom as well as additional toilet and bathroom facilities within the house.</p> <p>Disabled and additional portable toilets will be placed on site depending on the nature of the event and the number of attendees.</p>	<p>Waste management system includes: 10 x 240L Wheelie Bins 2x1100L Recycling Skip Bin</p> <p>Waste will be removed from a private contractor after the conclusion of an event.</p>	<p>1-3 Days depending on time and size of function:</p> <ul style="list-style-type: none"> - Breakfast and Morning Tea functions will typically start between 7.00am and 10.00am. Set up will be the evening before function, pack up in the afternoon of function. - Lunch and Evening Functions will be set up on the morning of the function and packed up the following morning.

<p>Private Function – Hayshed or Marque or Combined Hayshed and Marque</p> <p>Functions include events such a private celebration, wedding, an association or club function and corporate functions such as a conferences, presentation or workshop</p> <p>This is illustrated within DA-204</p> <p>Functions held in the Hayshed and/or a Marque located on the lawn north of the Hayshed and will typically be catered and often set around a meal. Patrons will be allowed to walk throughout the adjoining lawn area and Pecan Grove.</p> <p>The Hayshed / Marque can be set up in various configurations with maximum number able to be seated in the Hayshed or Marque is 200 people.</p> <p>An informal or standing function based in the Hayshed area that also uses a Marque and lawn area, may be able to accommodate up to 300 people.</p>	<p>Hayshed or Marque function <215 people</p> <p>Informal function <300 people</p> <p>Max 8 key staff (at least 2 qualified first aid) with up to 12 temporary staff</p>	<p>Morning Function 7.00am to 12pm</p> <p>Morning Tea 10am to 2pm</p> <p>Lunch Functions 12.00pm to 3.30pm</p> <p>Evening Functions 4.30pm to 11.30pm</p> <p>Corporate Events 8.30am to 6.00pm</p>	<p>1 x Marque: The maximum size proposed is 12m x 20m which can accommodate up to 160 people seated and up to 200 people in a presentation style (seated or standing).</p> <p>Designated outdoor area for function when standing adjoining marque or Hayshed.</p>	<p>Parking located in Eastern Paddocks; 1 vehicle per 2.5 people</p>	<p>The meal will be prepared off site and served from bassinets. The removable kitchen will be located to the east of the Hayshed. The removable kitchen at the hay shed is 18m x 3m. It has 2 sinks, a separate hand basin, air conditioning and fly screens. Drinking Water will be provided within water temporary water tanks that is 4,000L water bladder.</p>	<p>Removable toilets are located to the east of the Hayshed. There is a removable toilet block at the Fernhill Hayshed with male and female facilities. The Female toilet has 5 toilets, a full length sink and paper towel dispensers. The male toilet block has 3 toilets , a sink and paper towel dispensers</p>	<p>Waste management area located adjacent to amenities and includes: 10 x, 240L Wheelie Bins 3 x 1100L Recycling Skip Bin (Pick up as required)</p> <p>Waste will be removed from a private contractor after the conclusion of an event.</p>	<p>1-3 Days depending on time and size of function:</p> <ul style="list-style-type: none"> - Breakfast and Morning Tea functions will typically start between 7.00am and 10.00am. Set up will be the evening before function, pack up in the afternoon of function. - Lunch and Evening Functions will be set up on the morning of the function and packed up the following morning.
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