

Function DA

1041-1117 Mulgoa Road, Mulgoa

Modification to Existing Consent

Section 96 (1A) Supplementary Planning Report

December 2015

Prepared by:

ae design partnership
architecture urban design planning

Prepared for:

Tom Lawson

t: 02 9519 4994 f: 02 9519 4995

<http://www.aedesignstudio.com.au>

23 Barr St Camperdown NSW 2050

Nom Architect N. R. Dickson 7061

Project:	Fernhill Estate, Mulgoa Road		
Document:	Supplementary Planning Report		
Revision:	Date:	Authored By:	Approved By:
[A]	22/12/15	Edward Green Tristan Kell	

Contents

Introduction	4
Proposed Modifications.....	5
Substantially the Same Development.....	6
Environmental Assessment	6
Conclusion.....	7

Introduction

This supplementary report is for a Section 96(1A) application for the modification of DA13/1402 at 1041-1117 Mulgoa Road, Mulgoa (also known as Fernhill Estate). The current approval is for the Use of the Site as a Function Centre for no more than 14 days in Six Month Period.

The applicant seeks to amend DA consent conditions 48-51 (relating to traffic).

Modifications to the proposal will have minimal environmental impacts and will be considered under 96 (1A) of the Environmental Planning & Assessment Act (1979).

The proposal will:

- Remain in accordance with Penrith LEP 2010 and DCP 2014.
- Be substantially the same development as approved as per DA13/1402.
- Improve traffic management procedures at future small function events, based on known traffic volumes and sight distances at past events at the site since DA13/1402 was approved.

This Section 96 (1A) application includes:

- Section 96 application and fee.
- Traffic Management Plan prepared by GTA Consultants (September 2015).
- Statement of Environmental Effects prepared by ae design partnership (December 2015).

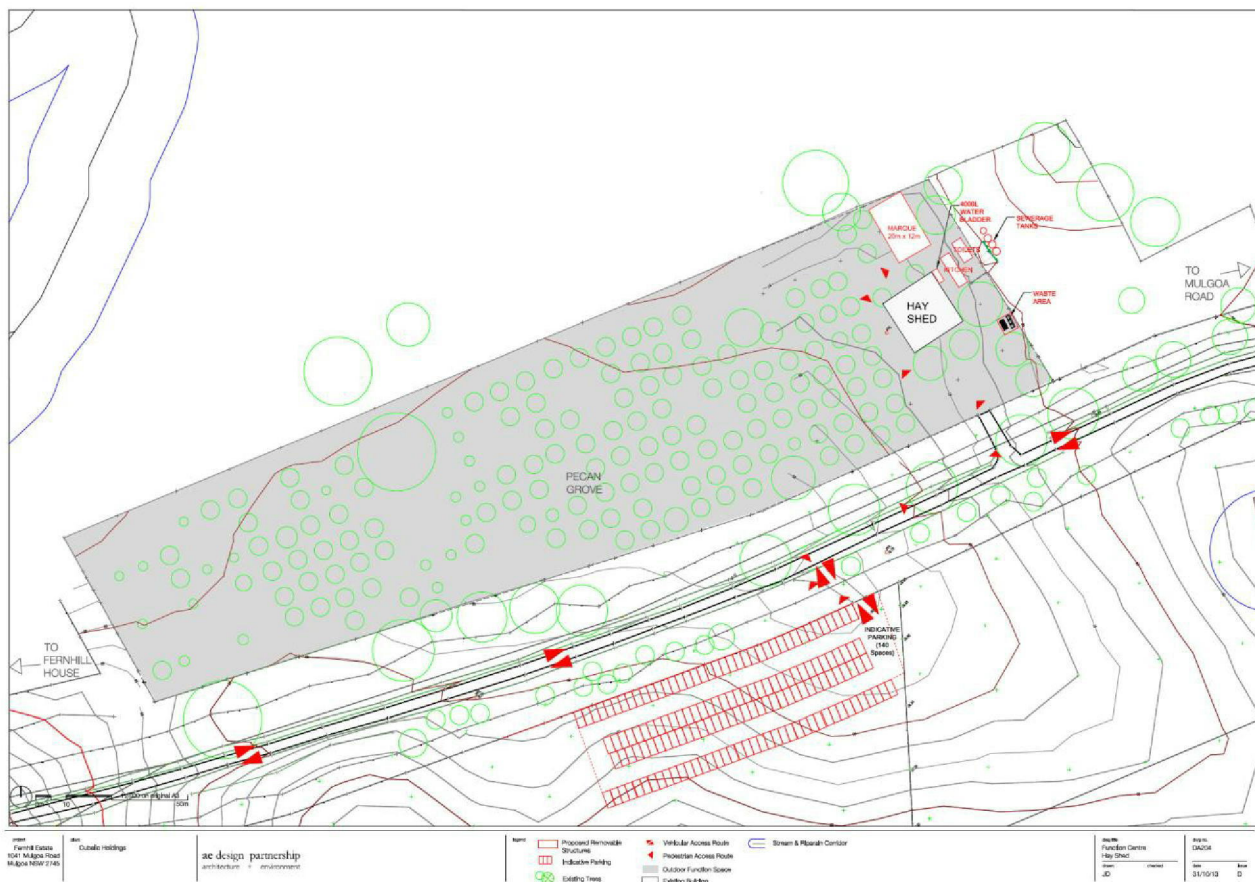


Figure 1: Hay Shed Precinct Function Centre (ae design partnership)

Proposed Modifications

This application is to seek approval for 14 events within the hayshed over a six month period. This approval was provided pursuant to clause 2.8 Temporary Use of Land of the Penrith Local Environment Plan, 2010.

Since DA13/1402 was approved, seven (7) small function events have been held at the subject site as part of this consent. This has allowed a better understanding of the traffic related impacts of such functions. Details of these small function events are tabulated below:

Function Date	Type of Event	No. of Guests	Approx. No. of Cars	Average Car Occupancy
26/04/14	Wedding	250	105	2.4
03/05/14	Birthday	-	-	-
11/05/14	Symphony Concert	300	120	2.5
06/09/14	Wedding	92	40	2.3
13/09/14	Wedding	80	30	2.7
27/09/14	Wedding	91	30	3.0
27/10/14	Wedding	160	70	2.3
Average (all functions)		162	66	2.5

Figure 2: Hay Shed Small Function Details (GTA Consultants 2015, p. 5)

An updated Traffic Management Plan was prepared by GTA Consultants in September 2015, in review of the known impacts of the first seven (7) small function events at the subject site. The report recommends the following traffic related changes to the DA consent:

"The small functions do not meet the requirements for use of VMS or traffic controllers for the following reasons:

- They generate low traffic volumes.*
- They are held at times where traffic along the surrounding roads are considered to be very much at 'non-peak'.*
- They make use of an existing access location.*
- The access locations provides safe sight distances (more than 200m) in any direction along Mulgoa Road." (p. 7)*

"Based on the known traffic volumes and sight distances, the use of traffic controllers and VMS (Variable Message Signs) are not considered to be required from strictly a traffic perspective." (p. 7)

"RMS prefers VMS to be used for large events and/or roadworks that present a noticeable impact to the surrounding road network. The ongoing approval to use VMS for such small functions is not guaranteed through the ROL application process" (p. 9)

"The unnecessary use of traffic controllers is also not generally supported for small functions that do not present a noticeable change to typical traffic conditions along the key roads in the vicinity" (p. 9)

Based on the findings of GTA Consultants, it is proposed that the small functions planned over the next six-month period be held without being restricted by the additional planning and management detailed in consent conditions 48-51 of DA13/1402.

The applicant notes that this proposal relates only to the Hay Shed precinct of approved DA13/1402.

Substantially the Same Development

This application is a modification to a consent to enable more appropriate traffic management conditions.

The proposed modifications will result in a development that is principally the same as the development for which consent was provided, and is of minimal environmental impact as:

- There is no change to the building envelopes or approval.
- The environmental impacts of the modified development will not impact the environment or amenity of adjacent properties.
- This site at large (Fernhill Estate) possesses state heritage significance, and the temporary use of a portion of the site as a function centre contributes towards its preservation and restoration.

Environmental Assessment

Section 96 (3) of the Act requires the consent authority to take into consideration such of the matters referred to in Section 79C (1) of the Environmental Planning and Assessment Act.

This supplementary Statement of Environmental Effects assess the relevant planning instruments and provisions applicable to the land. Modifications to the proposal are consistent with DA 13/1402 and are consistent with:

- (a) *the provisions of:*
- (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iv) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates.*

The development is consistent with the approval in relation to:

- Penrith LEP 2010; and
- Penrith DCP 2014.

There are no draft controls or VPA.

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

There are no changes to:

- Built-form
- Residential Amenity
- Visual impact
- Environmental Sustainability
- Adjoining properties
- Geotechnical and groundwater conditions

(c) the suitability of the site for the development.

The proposed amendments make the DA conditions more suitable as:

- The Traffic Management Plan prepared by GTA Consultants is based on traffic engineering practice and supported by information gathered from the seven (7) small functions already held at Fernhill Estate. The assessment proposes amendments to the DA conditions in order enable more suitable traffic management procedures, based on the recorded traffic impacts of small function events at the subject site.

(d) any submissions made in accordance with this Act or the regulations,

There were no relevant submissions made as part of the previous development applications that would concern this application.

(e) the public interest.

The proposed modifications to the consent enable more appropriate traffic management procedures at future small function events and is therefore within the public interest.

Conclusion

This Section 96 (1A) application is recommended for approval on the grounds that the proposed modifications to conditions of consent are consistent with the previous approval DA13/I402 and Section 79C of the Environmental Planning and Assessment Act 1979.