

# *Fernhill Estate*

Master Development Assessment: Statement of Environmental Effects



December 2013

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## Executive Summary

This Integrated Development Application seeks;

- To consolidate lots in the Central and Eastern Precincts.
- To prevent fragmentation of State Heritage listed land into approximately 37 separate allotments, which isolates the State Heritage Listed Fernhill House and Landscape on a 10ha title.
- Approval of land-uses to undertake events and activities in the Central Precinct.
- Approval to subdivide 54 Torrens Title lots within the Eastern Precinct, pursuant of clause 5.10 (10) within the Penrith Local Environmental Plan 2010.
  
- This proposal is in the public interest and is considered appropriate as the residential subdivision of a portion of predominantly cleared land within the Eastern Precinct and will form logical extension of Mulgoa Village.
- The excess land within the Eastern Precinct that is not subdivided will become part of an enlarged allotment that is State Heritage Listed and has high ecological value.
- The extension of the Central Precinct will further protect the State heritage listed Fernhill House and Garden precinct from future development in perpetuity.
- The activities associated with the existing equestrian facilities and adaptive re-use of the State heritage buildings and landscape will provide funding to preserve and maintain the heritage item according to the Voluntary Planning Agreement with Council.
- The larger events that are proposed to occur up to six times per year will provide a unique area for large numbers of the public to experience a picturesque landscape setting of Fernhill
- This proposal is part of a wider public benefit to preserve the significant heritage and ecological values of Fernhill Estate, which contains one of few houses built with convict labour remaining in a landscape setting. Fernhill Estate will become an iconic venue in the Penrith local government area and Greater Western Sydney.
- Activities and events in the Central Precinct will not involve permanent changes to the landscape or heritage buildings. Temporary structures are proposed to be used on site with the adaptive re-use of land and buildings. Thus, impacts regarding vegetation, wildlife, contamination, and storm water are negligible.
- It will provide a manageable increase in population with available infrastructure and services. This rural village living opportunity within a portion of the Eastern Precinct will have minimal environmental impacts, and supports consolidation and Biobanking of the Central Precinct and areas of the Eastern Precinct.

Having considered all the relevant matters, the proposal represents a sound development outcome that will deliver a positive result for the State heritage listed Fernhill Estate, local Mulgoa community and the broader Penrith Region. The proposal is considered to be in the public interest and worthy of approval.

## *1. INTRODUCTION*

### *1.1 PURPOSE OF APPLICATION*

This Statement of Environmental Effects (SEE) has been prepared to support the Integrated Development Application (IDA) for Fernhill Estate. The Estate is a 643 ha rural property located in the Mulgoa Valley, to the north of the Mulgoa Village, in the Penrith local government area. The majority of the estate comprises the state heritage listed Fernhill which includes the historic house (1842), stables (1839) and picturesque landscape. This is a key heritage item in Penrith and Greater Western Sydney due to its history as part of the original land grants for the settlement of Sydney that was bestowed to a member of the Cox family in 1810. Parts of the Estate to the north and south-east are also recognised for their local heritage 'Fernhill curtilage' and areas to the west for biodiversity values.

The proposed development has been identified as part of the Fernhill Estate Working Heritage Master plan Vision. The Master plan Vision has been prepared to establish a sustainable future for the Estate that supports the heritage values as well as the environmental, social and economic considerations. The Master plan Vision was informed by a Conservation Management Plan that was prepared by Paul Davies Heritage Architects. This Plan sets in place appropriate conservation policies, opportunities and conservation requirements.

Specifically, the Master plan sets out to protect and enhance heritage and biodiversity values by amalgamating the core lands to secure an enlarged heritage precinct that incorporates state and local heritage as well as biodiversity values. This consolidation is made possible through the proposed discrete residential development on peripheral lands and biobanking of lands within the Estate. An enlarged core area can then also be protected and managed into the future through adaptive re-use where it is proposed to create an iconic equestrian centre and to accommodate equestrian events and other events and functions.

Consolidation is a major benefit of this Master plan Vision as it prioritises heritage and biodiversity values and provides for a central heritage core. Currently, there is significant fragmentation of the estate that incorporates a range of uses that do not economically support on-going heritage and biodiversity conservation. Further fragmentation is possible under existing planning controls however a master plan approach that prioritises heritage is better able to consider and deliver heritage outcomes. This approach is also able to better address environmental and public benefits.

For the Master plan Vision to be realised, an assortment of approvals through various processes and authorities must be achieved. This Integrated Development Application is a significant component of this process and is the Master Development Application because it seeks to approve two of the key development components and set in place arrangements to deliver consolidation and provide for on-going heritage conservation across the Estate.

The two development components subject of this application are:  
Subdivision of 54 Torrens title lots in part of the peripheral lands to the east; and A range of events and uses in the central State heritage listed area.



The delivery component is set out in the Letter of Offer submitted with this proposal. This letter outlines a proposed Voluntary Planning Agreement to be put in place for the Estate which seeks to establish a framework for broader heritage conservation outcomes and to coordinate all aspects of the Master plan Vision including the:

- Development of peripheral lands in the east, subject of this application.
- Development of peripheral lands in the west, subject to separate planning approval.
- Adaptive re-use of the heritage areas for an equestrian centre of excellence and a range of small regular and some larger functions and other community activities.
- Consolidation of land with heritage and biodiversity value to protect heritage and biodiversity areas against future subdivision; and
- Funding arrangements associated with the long-term heritage conservation.
- The first stages of delivery associated with this IDA relate to consolidation of allotments within the State Heritage listed area and consolidation of local heritage lands in the Eastern Precinct west of the proposed subdivision as well as provisions for the on-going maintenance of heritage.

## 1.2 BRIEF OVERVIEW OF THE PROPOSAL

The Eastern Precinct proposal, subject of this IDA, is for 54 Torrens Title residential allotments on the eastern part of the precinct, directly adjacent to the Mulgoa Public School. They are to be accessed from Mulgoa Road. The lots are an average of 1100 square metres with an average width of 26 metres (not including the large 2.76 ha lot), reflecting the character of residential development in the Mulgoa Village.

The proposed subdivision addresses scenic landscape and local heritage considerations, including details of appropriate house siting. It also includes the construction of road, storm water and infrastructure services in accordance with relevant standards associated with servicing the allotments.

The proposed activities and events within the Central Precinct are also subject of this IDA, which seeks the approval of a range of equestrian activities and events and other functions and events and the associated permanent and temporary infrastructure. A typical annual program is envisaged to involve:

Year round operation of equestrian activities including agistment and training; approximately thirty weeks of the year there may be smaller regular equestrian events associated with the equestrian centre of excellence as well as adaptive re-use of existing buildings and garden areas for functions/events comprising of weddings/celebrations, corporate workshops and heritage tours; and up to six large events that may comprise a combination of activities such as a picnic race, show-jumping and dressage events as well as concerts, markets and other community and recreation events. There are a range of land uses that require approval to support this program, as defined in the Penrith Local Environmental Plan 2010.

The main uses comprise a 'recreation facility (outdoor)' which includes equestrian and outdoor recreation uses, 'recreation facility (major)' which includes use of the racecourse for picnic races, a 'function centre' for adaptive re-use of existing buildings and lawn areas, and an 'entertainment facility' for concerts. The required operational infrastructure requirements and management framework for each event has been identified, with appropriate areas designated, under the Development Proposal section of this report.

The proposed Voluntary Planning Agreement sets out staged consolidation associated with development across the Estate as well as provisions for on-going heritage conservation. Consolidation activated by the development subject of this IDA includes:

Consolidation of 3 titles in the 385 hectare State heritage listed Central Precinct being Lot 10 DP 615085, Lot 11 DP 615085, and Lot 2 DP 541825. Consolidation of 17 hectares of local heritage listed land not part of the subdivision proposed in the Eastern Precinct in Lot 1 DP 570484 and Lot 6 DP 173159.

This consolidation will protect the enlarged Central Precinct of 402 hectares from future subdivision. Biobanking is proposed in parts of this enlarged Central Precinct and are subject to separate approval processes through the NSW Office of Environment and Heritage.

The two existing non-heritage farm/dwelling houses within the Eastern Precinct are proposed to be retained. This will involve the preservation of the existing home on the 1.73 hectare Lot 100 DP 717549 north of the proposed subdivision, and the creation of a new 2.76 hectare lot as part of the Eastern Precinct subdivision for the home currently located on Lot 1 DP 570484.

A separate Development Application for short-term small regular functions is currently being considered by Penrith City Council. This short-term program has been pursued to ensure that appropriate uses, which contribute to the immediate heritage conservation requirements of the property, are being implemented while the long term vision that is subject of this Development Application follows. This temporary events Development Application will cease upon the approval of this Development Application.

A separate Planning Proposal is also being considered by Penrith City Council for the subdivision envisaged in the Master plan Vision for the Western Precinct, as it requires rezoning prior to any future subdivision development. This proposal sets out provisions for the consolidation and protection of the majority of the precinct and limited development of 38 rural residential lots of minimum 2 hectares in size immediately adjacent to the existing rural residential areas on Fairlight Road and Nepean Gorge Drive. It is proposed that the Voluntary Planning Agreement attached to the Estate would provide for this subdivision and consolidation, which would also include the consolidation and protection of the six lots on Mayfair Road (Northern Precinct) recognised for their local heritage value.

Subdivision, other than that envisaged by the Master plan, will be limited through the consolidation of the Central Precinct with the Northern Precinct and parts of the Eastern and Western Precincts. This will combine these lands into a single landholding of over 553 hectares and restore it to a traditional estate, with any future development in the enlarged Central Precinct to be governed by the Conservation Management Plan and coordinated with the Master plan Vision.

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
- Strategic justification
- Identification of the planning context, including existing relevant planning controls.
- A description of the proposed development.
- Consideration 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.

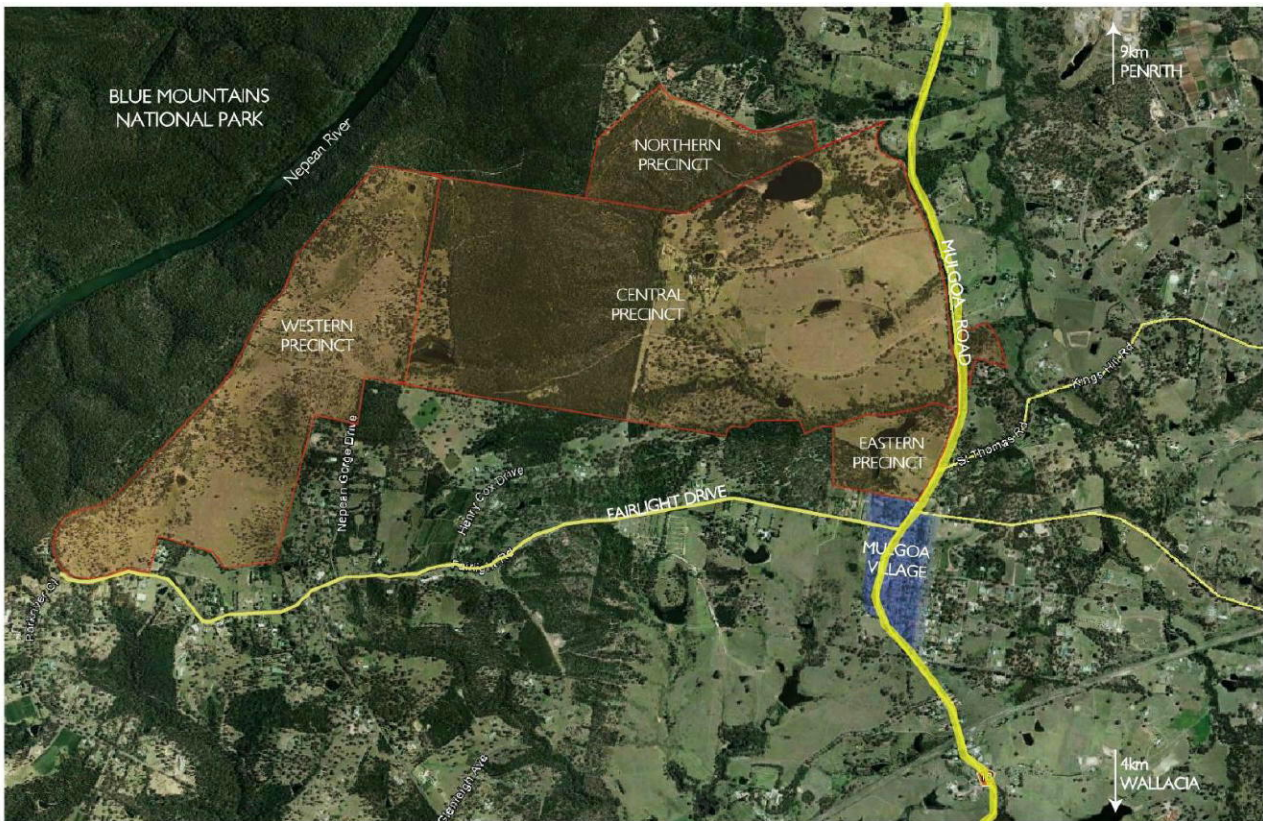
Assessment of matters listed for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

### 1.3 SITE DETAILS

The registered owner of the land is Angas Securities who has been in control of the Estate since it went into receivership. Angas Securities has entered into a joint venture with Simon and Breda Tripp to realise the Master plan Vision to develop peripheral areas of the estate and consolidate the core part of the estate for adaptive re-use and biobanking. Part of the delivery framework proposed is a Voluntary Planning Agreement which will be entered into by the landowners and relevant authorities for the conservation and protection of heritage items and lands and ecologically significant communities.

The Estate currently comprises of four precincts; the 385ha Central Precinct that is listed as a State Heritage Area, the 27.5ha Eastern Precinct and 53ha Northern Precinct that are both of local heritage significance, and the 77ha Western Precinct. Refer to Figure 1.





**Figure 1: The Precincts of Fernhill Estate**

The lot and deposited plan numbers for Fernhill Estate are set out in the following table. The sites where development is proposed as part of this Development Application are highlighted.

<i>Land Title</i>	<i>Precinct</i>	<i>Area</i>
Lot 100 DP 717549	Eastern	1.739
Lot 1 DP 570484	Eastern	15.61
Lot 6 DP 173159	Eastern	10.15
Lot 10 DP 615085	Central	325.2
Lot 11 DP 615085	Central	49.52
Lot 2 DP 541825	Central	10.15
Lot 31 DP237 163	Western	66.9
Lot 1 DP 549247	Western	111.1
Lot 12 DP 610186	Northern	4.492
Lot 2 DP 211795	Northern	7.766
Lot 1 DP 260373	Northern	10.11

Lot 2 DP 260373	Northern	10.11
Lot 3 DP 260373	Northern	10.11
Lot 4 DP 260373	Northern	10.11

## 1.4 PERMISSIBILITY

The events proposed for the Central Precinct are located largely in the State Heritage listed lands, in the existing heritage and equestrian buildings and facilities and the historic picturesque landscape. This part of the Central Precinct is currently zoned E3 Environmental Management under the Penrith Local Environmental Plan 2010 with highly vegetated area west of the house zoned E2 Environmental Conservation.

The subdivision proposed in the Eastern Precinct is located in local Heritage listed land as the 'curtilage of Fernhill'. The Eastern precinct is also currently zoned E3 Environmental Management under the Penrith Local Environmental Plan 2010. Planning controls in these areas also include specific considerations to the Mulgoa Valley, Natural Resource Sensitive Land areas, and heritage conservation provisions.

The E3 zone objectives are:

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

Development permitted in the E3 zone includes agriculture, animal boarding or training establishments, community facilities, dwelling houses, environmental facilities, farm buildings, information and education facilities, recreation areas and tourist and visitor accommodation. Minimum allotment sizes for the Eastern Precinct subdivision are currently set at 20 hectares. The existing allotments in Fernhill Estate however range in size both smaller and larger than the 20 hectare control.

These current zone and subdivision controls provide for land uses and fragmentation that would severely compromise the heritage value and heritage conservation as well as the environmental and cultural value of the estate. Consideration of the proposed subdivision and many of the uses and activities proposed as part of the adaptive-reuse can only be considered under heritage conservation provisions, which allow for conservation incentives.

It is important to note that while many of the specific uses are prohibited and are required to be considered under heritage incentive provisions, this Statement of Environmental Effects includes a strategic justification that demonstrates how the objectives of the E3 zone are addressed. This strategic justification further identifies that by allowing some prohibited uses the proposal may in fact deliver superior outcomes in terms of the E3 zone objectives, than those afforded by the current planning controls.

It is further noted however that the lands subject of consolidation and biobanking and environmental conservation works proposed in areas of the Central and Eastern Precinct are contained in areas of E2 Environmental Conservation and E3 Environmental Management land use zones (PLEP 2010). Within these zones, 'Environmental Protection Works' are permitted.



## 1.5 HERITAGE CONSERVATION AND INCENTIVES

The heritage incentives provisions in the Penrith Local Environmental Plan 2010 follow the standard template that guides all NSW LEPs. These incentives provide for the consideration of proposals that 'facilitate' heritage conservation. Specifically, the Penrith LEP 2010, clause 5.10 (10) 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.

The application seeks to be assessed in pursuit of Clause 5.10 (10) Conservation Incentives of the Penrith Local Environmental Plan 2010. The relevant heritage items of state significance are listed as "Fernhill", outbuildings and landscape' which applies to all three titles of the Central Precinct and 'Curtilage of "Fernhill"', which applies to all three titles in the Eastern Precinct. Consolidation of the Eastern Precinct lots into the Central Precinct is proposed prior to any commencement of subdivision of the Eastern Precinct as set out in the proposed Voluntary Planning Agreement. Associated heritage conservation requirements under the PLEP 2010 provisions include requirements for a Heritage Conservation Management Plan and Heritage Impact Statement.

A Conservation Management Plan has been prepared for the subject site that provides an analysis of the heritage Estate and policies for the appropriate future uses of the site. This Conservation Management Plan has been provided to the NSW Office of Heritage for their review and endorsement. An overview of the Conservation Incentive clause 5.10 (10) of the PLEP 2010 is included in the Conservation Management Plan.

The development proposed, subject of this application, was identified in the Working Heritage Master plan Vision that sets out a sustainable future for Fernhill which is underpinned by the Conservation Management Plan. This Statement of Environmental Effects sets out a comprehensive justification for the development proposed under conservation incentives, merit assessment and has an associated offer of a Voluntary Planning Agreement to establish a framework to ensure conservation outcomes.

The Master plan Vision and this applications record how the Estate faces an uncertain future given the existing fragmentation and the potential for further fragmentation under planning controls and limited permissible land uses, unless it can establish a sustainable approach to protect and conserve heritage.

The conclusion of the Heritage Impact Statement (HIS) prepared by Paul Davies Heritage Architects is that the future of Fernhill as an historic estate is threatened and this comprehensive development application is a definitive step in securing the Estate and undertaking conservation work.

## 1.6 CONSULTANT REPORTS

This application is supported by a range of technical studies appended to this Statement of Environmental Effects as listed below.

DOCUMENT	CONSULTANT
Working Heritage Master plan	ae Design Partnership
Heritage Impact Statement	Paul Davies Pty Ltd
Survey/DA Drawings	Land Partners ae design partnership
Civil Drawings	Mott Macdonald
Traffic and Parking Assessment	GTA
Traffic and Parking Assessment	Mott Macdonald
Ecology Assessment Central Precinct	GHD
Ecology Assessment Eastern Precinct	GHD
Bushfire Risk Management Central Precinct	GHD
Bushfire Risk Management Eastern Precinct	GHD
Social Impacts	Elton Consulting
Noise Assessment	Wilkinson Murray
Indigenous Heritage and Archaeology Report	Austral Archaeology
Infrastructure Services	Mott Macdonald
Storm water Management	Mott Macdonald
Waste Management	Closed Loop Site Services
Accessibility	Accessibility Solutions NSW
Operational Plan of Management	Sentry Business Resilience Solutions
Visual Landscape Plan	ae design partnership

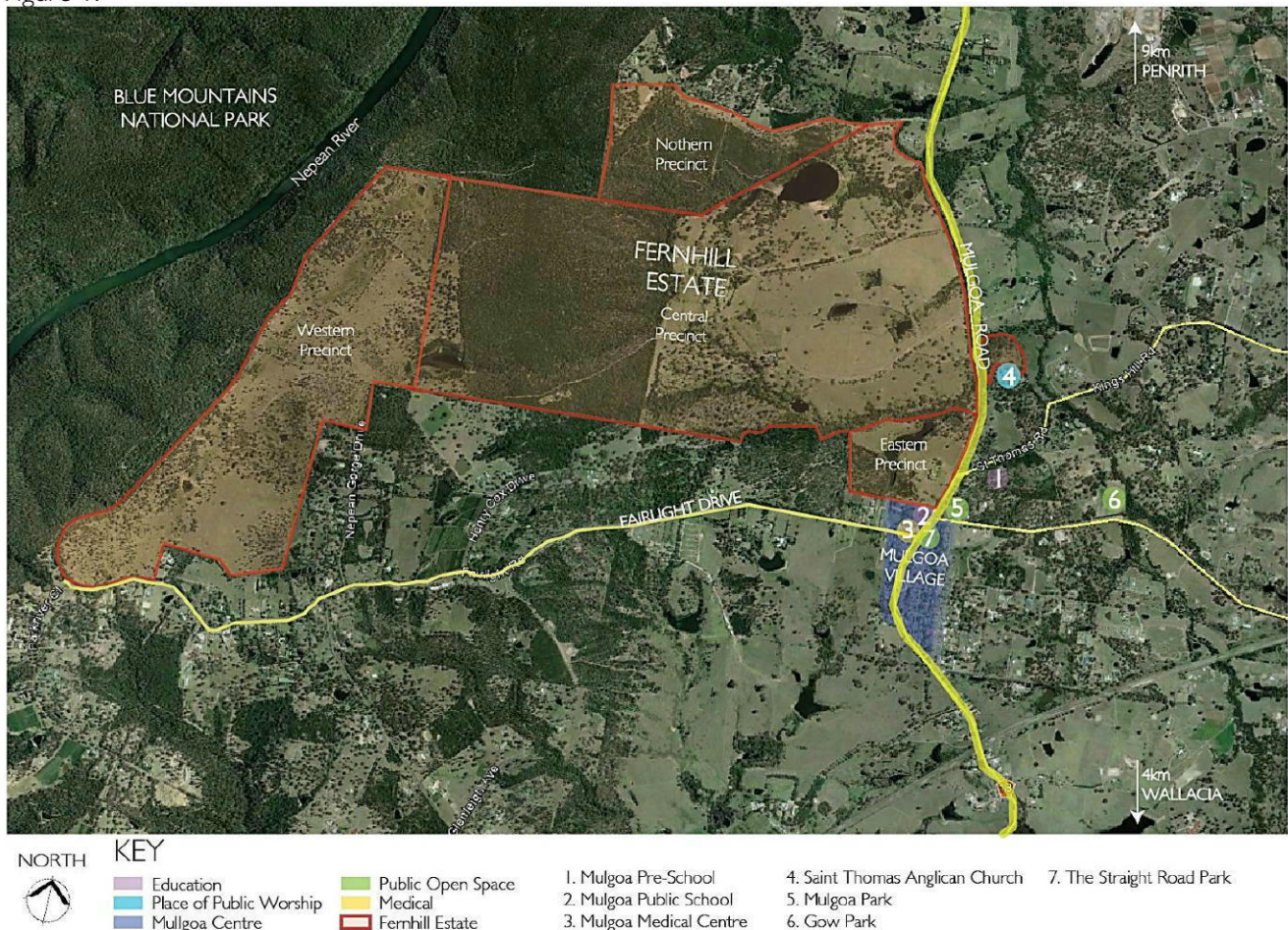


Letter of Offer	Angas Securities
Conservation Management Plan	Paul Davies Pty Ltd
Contamination Assessment	Douglas Partners
Geotechnical Assessment	Douglas Partners

## 2.0 CONTEXT

### 2.1 THE SITE - FERNHILL ESTATE

Fernhill Estate, Mulgoa is located within the Penrith Local Government Area. It is approximately 9 kilometres south of Penrith and 61 kilometres west of the Sydney CBD. The site is bounded to the east by Mulgoa Road and St Thomas Church, to the west by Fairlight Road and environmental land adjacent to the Nepean River and the Blue Mountains National Park, to the north by Mayfair Road, and to the south by Fairlight Road, rural residential land (6000sqm to 20 ha allotments) and Mulgoa Public School refer to Figure 1.



**Figure 2: Context Map**

The Estate is approximately 643 ha and is situated on undulating hills with two natural waterways that flow through the site to Mulgoa Creek in the east. There are large areas of cleared land, remnant vegetation and contiguous vegetation. The Estate contains several historic and more recent dwellings and farm buildings, and a range of historic and more recent landscape features including several ponds and dams, racetrack with stables, and stone and timber fencing. The estate comprises of 15 contiguous lots and is broken into four precincts as illustrated in Figure 2;

- The 385 hectare Central Precinct – State Heritage Area including the historic Fernhill House, outbuildings and landscape.
- The 27.5 hectare Eastern Precinct – north of Mulgoa Village that has local heritage significance associated with the curtilage of Fernhill.
- The 53 hectare Northern Precinct – in the vicinity of Mayfair Road which has local heritage significance associated with the curtilage of Fernhill.



- The 178 hectare Western Precinct – adjacent to Fairlight Road and rural residential and environmental areas.

The land in this application, subject to development, includes:

- 8.6 ha in the south eastern part of the Eastern Precinct proposed for subdivision; and
- A range of events and uses in the historic Central Precinct utilising the scenic landscape, equestrian facilities and adaptive re-use of heritage and other building and garden areas.
- Land in the Western Precinct is subject to a separate planning rezoning process through Penrith City Council. Areas within the Central, Eastern, Northern and Western Precinct are suitable for bio-banking that are subject to separate approvals through the Office of Environment and Heritage. These proposals are also part of the proposed Voluntary Planning Agreement that provides an overarching agreement for the estate.
- The following provides an overview of the location, settlement history and character of Fernhill Estate and Mulgoa Village. It draws on the Conservation Management Plan that provides a significant guiding framework for the understanding of Fernhill Estate as well as studies by Penrith City Council on the Mulgoa Valley and Village.

### 2.1.1 Central Precinct

The State Heritage listed Central Precinct is located on approximately 385 ha of Fernhill Estate and comprises 3 lots, Lot 10 DP 615085, Lot 11 DP 615085 and Lot 2 DP 541825. It is bound to the south by Littlefields Creek, to the west by a highly vegetated ridge, to the north by areas of vegetation and rural lots, and to the east by Mulgoa Road. To the north is the valley that includes a tributary of Mulgoa Creek and the large dam known as Lake Jessica. A small portion of historic lands is located east of Mulgoa Road as a result of the realignment of Mulgoa Road in 1949, when Warragamba Dam began construction, and contains riparian and ecological areas. The precinct has two access points from Mulgoa Road.

The Central Precinct is characterised by undulating hills, ranging from 100 metres to 215 metres above sea level and a Cumberland Plain ecological profile. There are 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 this has been cleared and used for agricultural practices and development since the 1840's.

The Conservation Management Plan prepared by Paul Davies Heritage Architects describes the Central Precinct as having a picturesque park-like landscape that was developed through the clearing of native vegetation and replanting with specific native species. The clustering of exotic plants near the house was also part of the original design. An important element of the picturesque landscape is the significant views and vistas to the rural landscape both within the property and beyond.

The house (1842) and the stables (1839) were the original built elements in Fernhill's picturesque landscape setting, approached from a carriage drive that passed over a tributary creek and ornamental bridges, past a reflecting pond and culminating at the house's eastern elevation in a carriage loop. The house is a single-storey ashlar sandstone building with an extensive basement. It was designed in the Greek Revival architectural style, with the stone quarried from the estate. The garden was laid out with the principles of an English landscape garden. The house was sited like a Greek temple on a gentle rise with significant views to the valley and specifically St Thomas' Church and Cox's Cottage.

Various farm buildings or structures were added throughout 20th century, including a chicken hatchery, piggery, bird aviaries and enclosures for deer and other game animals. These structures were in keeping with the use of the rural property and were situated away from the house.

The approach to the house was changed following the realignment of Mulgoa Road in 1949, which led to a new entry and portion of the southern driveway further south of the original entry off the new Mulgoa

Road. The original southern driveway alignment is still visible in the landscape with the remnant apple trees.

Further changes to the integrity of Fernhill's landscape character have included the creation of the easement for the movement of materials and then supply of electricity in relation to Warragamba Dam; the addition of large-scale farm buildings in the 1960s by the Darlings; the house garden alterations and additions by Sorensen in the 1970s; and the alterations and additions to the entire property's landscape by the Andersons from the 1980s. Fernhill Estate once had significant views and vistas through a cleared, open and managed landscape between Fernhill House, St Thomas's Church and to a lesser extent Cox's Cottage.

There were also significant views and vistas around Fernhill Estate from and to the house, its landscape and the Mulgoa Valley. Some of these broader views and vistas remain, but as discussed in relation to changes to the garden and pastoral areas, the designed early views and vistas are now largely lost. There are, however, many fine views and vistas still available within the property, to and from the house, from the house to the valley, and some minor and remnant view lines from Mulgoa Road to the house garden. This latter view is, however, is only available over adjacent lands that do not form part of the core Fernhill site.

The views have been lost due to two principal changes: the changes to the estate in relation to the garden setting around the house and the introduction of new landscape elements from the 1960s onwards; and the extensive regrowth of mostly Cumberland Plain Woodland that is in itself protected and valued but which has obscured the relationships between the historic elements.

The proposed events will be located in the Central Precinct in areas associated with the historic home, the stables and hall area west of the home, the stables and racetrack south east of the home, the Hayshed north east of the home, and the park-like landscape areas between the home and Mulgoa Road.

### 2.1.2 Eastern Precinct

The 27.5 ha Eastern Precinct is made up of 3 allotments; Lot 100 DP 717549, Lot 1 DP 570484, and Lot 6 DP 173159, and is primarily used for agriculture land and contains two dwellings. The land is bounded to the north by the Central Precinct and Littlefields Creek and a vegetated riparian corridor, to the east by Mulgoa Road, and the west by large rural residential lots. To the south is Mulgoa School, which is part of Mulgoa Village. The land contains a large farm dam that traverses the site from north to south and was originally a tributary of Littlefields Creek.

There are two existing, residential dwellings in the Eastern Precinct. One house is located adjacent to Littlefields Creek, on 100 DP 717549 in a wooded area and is known as Woodlands. The larger house is located within the open grazing area central to the Eastern Precinct on Lot 1 DP 570484. These dwellings will be retained.

The area within the Eastern Precinct proposed for subdivision fronts Mulgoa Road and is just north of Mulgoa Village, and bounded to the west by the established farm dam. This area is gently undulating, rising to a grassed low ridge, and is partially obscured by dense tree cover along the verge of Mulgoa Road. Much of the area faces Mulgoa Park to the east across Mulgoa Road.

### 2.1.3 Northern Precinct

The Northern Precinct, to the north of the State listed historic boundary of Fernhill, comprises 6 lots; Lot 4-5 of DP 260373. These lots are each 10.1 hectares in area and are accessed from Mayfair Road. Mayfair Road rises west from the valley and the Northern Precinct land falls increasingly steeply to the south to the historic boundary of Fernhill.

From 1825 to the early 1920s, the land formed part of Henry Cox's estate centred on Glenmore and substantial holdings to the north. Historically the land had been cleared with scattered tree cover, however there is substantial vegetation and ecology existing on these lots currently. Subdivision in the area commenced around 1920s, however formation of Mayfair Road did not occur until the 1960-70s.



Except for a flatter wide cleared grassy strip fronting Mayfair Road and area around the electrical transmission tower, the sloping land is densely vegetated. Significant regrowth has occurred since the 1950s, followed by some further clearing in the 1970s, but regrowth has continued recently since the 2000 bushfires.

#### 2.1.4 Western Precinct

To the west of the historic boundary of Fernhill is the Western Precinct, which is mostly cleared and has been used for pastureland, but most recently has been subject to some regrowth vegetation. There are several farm dams and the precinct can be accessed via Nepean Gorge Drive or at various points on Fairlight Road. Connection east to the historic Fernhill Estate is via a series of fire trails.

Originally this area formed a considerable part of Nathaniel Norton's Fairlight Estate holding to the south, which was granted in the 1820s and was centred on the original 1821 homestead. The current Fairlight House (erected 1863 by later Fairlight owner William Jarrett), is situated on a small holding adjoining the Western Precinct.

### 2.2 LOCAL CONTEXT – MULGOA VALLEY AND MULGOA VILLAGE

Fernhill Estate is located in Mulgoa Valley that runs parallel to the Nepean River and is the most western valley on the Cumberland Plain, being immediately east of the Blue Mountains. North of Mulgoa Valley are the outskirts of Penrith's urban area, including Glenmore Park and Regentville. Mulgoa Road is the central spine road connecting the Valley to Penrith and rural areas in the Liverpool and Camden local government areas.

The Penrith Development Control Plan 2010 describes the Mulgoa Valley Precinct as being: *"characterised by its predominantly rural landscape comprising creek flats, undulating agricultural land, wooded hills and escarpment, and large estate gardens. The backdrop of the Nepean River and Blue Mountains contributes to this landscape. The Precinct includes the villages of Mulgoa and Wallacia, which also have important cultural and natural heritage qualities."*

Aboriginal occupation of the Cumberland Plain and Nepean River Valley extends back around 10,000 years (Austral Archaeology 2013). Fernhill Estate is thought to lie near the boundary of two major aboriginal language groups; Darug speakers to the north and east and Gundungarra speakers to the south and west. According to Assessment, at the time of contact the band that lived in the Mulgoa Valley was the Darug and were known from the early part of the 19<sup>th</sup> century as the 'Mulgoa Tribe'.

European settlement expanded into the western reaches of the Cumberland Plain in the late 1700s and early 1800s. As stated in the Conservation Management Plan (CMP), Mulgoa Valley was a key area of settlement in the colony from 1810; with Macquarie's first series of official land grants made on 1 January 1810, which included the land that became part of Fernhill Estate. By 1830 the Cox family was in possession of about 9,000 acres of pastoral estates in Mulgoa Valley. The Penrith Development Control Plan 2010 notes that:

*"The Mulgoa Valley Precinct has played an important role in the history of the State's development. From 1810, the Valley was a key area of European settlement and it became closely linked to the activities of the wealthy Cox family and other prominent figures of the colony. The Precinct's heritage significance lies in the surviving sites, buildings, gardens and pastoral landscapes developed by the Cox family. These features provide some of the best remaining physical evidence in NSW of the manner in which the country was settled and the impact that this had on the landscape."*



As stated in the Conservation Management Plan, life in the Mulgoa Valley had changed little until the end of the 19<sup>th</sup> century. However at the end of this century there was a surge in development, which was responsible for the still existing Mulgoa Public School (1883), public hall (1891), and post office (1893). The area was developed further with the introduction of sealed roads, electricity, and sewage after the Second World War, with suburban subdivisions now bordering Fernhill to the north and south.

Today the Village of Mulgoa that is immediately south and south east of the Eastern Precinct consists of mainly residential allotments with single storey and two storey detached dwellings, a school, churches and shops located on Mulgoa Road. Surrounding the town are larger rural and rural residential allotments. Most of the town dates from the mid to late-twentieth century period with a few earlier buildings spread across the township. As noted in the Conservation Management Plan; unlike many historic villages, Mulgoa does not have a historic core or a historical focal point as a village, rather it is spread with the heritage buildings extending over several kilometres. Consequently, the township does not have a distinctive heritage character but does contain several heritage buildings.

Penrith City Council's Rural Villages Study (1999) notes that the villages of Mulgoa and Wallacia are;

*"Of unique significance to the city they remain a legacy of the smaller communities from which Penrith derived its origins and the villages retain strong connections with early pioneers who initiated settlement of the area".*

That they still reflect this heritage is due to the remaining historic buildings, properties, family associates and long-term residents and the survival of surrounding rural communities preserved in part by restricted development opportunities.

The uniqueness of these villages is further drawn from their setting within the landscape. *"Mulgoa Village lies within a valley where remnant vegetation provides an attractive landscape while evidence of occupation provides valuable cultural heritage".*

Recent development in Mulgoa Village has included some new residential development within the village off Littlefields Road. To the north east of the village and immediately opposite/adjacent to the Fernhill Estate a proposal for an Anglican school has been approved as an extension of the St Thomas Anglican Church Precinct.

The Penrith Development Control Plan 2010 also recognises the role of Mulgoa Road and states: *"An important part of the Mulgoa Valley Precinct and appreciating its landscape is the drive along Mulgoa Road. Roadside vegetation, hills, gullies, bends and the changing views of heritage items and the landscape are the main attributes."*

Mulgoa Road is currently an 80 kilometre two lane rural road that slows to 60 kilometres in the vicinity of Mulgoa Village. The original alignment, which followed St Thomas Road and formed the eastern boundary to the Fernhill Estate, was altered in 1949 when the Warragamba Dam began construction and severed the small part of Fernhill immediately adjoining St Thomas Church. In recent decades developments such as recreation venues, education establishments and equestrian activities on rural lands adjacent to Mulgoa Road have seen a series of safety measures and upgrades, such as widening and turning bays.

### 3. ENVIRONMENTAL PLANNING INSTRUMENTS

#### 3.1 OVERVIEW

This section outlines the relevant state and local planning controls applicable to the proposed development in parts of the Fernhill Estate listed as state and locally significant heritage in the Penrith local government area (LGA). This Integrated Development Application is lodged under Part 4 (Division 2) of the Environmental Planning and Assessment Act (1979).

The legislative Act that affects the site and activates the need for referrals as part of an Integrated Development Application include:

##### The Heritage Act, 1977

The purpose of the Heritage Act 1977 is to ensure cultural heritage in NSW is adequately identified and conserved. Fernhill is listed as a heritage item of significance on the State Heritage Register of NSW under this Act (Paul Davies, Pty Ltd, CMP, December 2013).

Other Legislative Acts that are considered in this submission are;

#### 3.2 COMMONWEALTH LEGISLATIVE ACTS

##### Environment Protection and Biodiversity Act

This is the Australian Government's environment and heritage legislation. This act is triggered by development or action that will have a significant impact on matters of National environmental significance. The Ecological Assessments identified 17 threatened ecological communities, 24 threatened flora species, 20 threatened fauna species and the sites close proximity to the World Heritage Listed Blue Mountains National Park area within 5km to the West of the subject area (GHD, Ecological Assessment 2013). These issues have been considered in Section 7 of this SEE Report.

#### 3.3 STATE LEGISLATIVE ACTS

##### National Parks and Wild Life Act, 1979

In addition to a range of other environmental and land management matters, the National Parks and Wildlife Act also includes provisions that apply to Aboriginal objects and places. If Aboriginal objects and places are found, the National Parks and Wildlife Service must be informed under Section 91 of the Act, and permits may apply under Section 90. A licence may also be required under the Act to damage or destroy threatened fauna species.

Penalties apply for the destruction of Aboriginal objects and places, and the harm of any protected species (Paul Davies, Pty Ltd, 2013). This has been considered within part 7 of this SEE and the Archaeology Report prepared by Austral Pty Ltd, which forms part of this application.

##### Noxious Weeds Act, 1993

This Act provides for the declaration of noxious weeds in local government areas. Landowners and occupiers must control noxious weeds according to the control category specified in the Act (GHD Ecological Assessment, 2013). Six types of noxious weeds were recorded on the site. This is considered in part 7 of the SEE and within the Ecological Assessment prepared by GHD.

##### Threatened Species Conservation Act, 1995

This Act identifies and protects native plants and animals in danger of becoming extinct. The Ecological Assessment prepared by GHD for the Central and Eastern Precinct identified 28 threatened flora species, 51 threatened fauna species and 28 threatened ecological communities under the Act. This is considered in part 7 of this SEE.

#### Rural fires Act 1997

This act has been prepared for the prevention, mitigation and suppression of bushfires and other fires in areas across the State that are constituted as rural fire districts. GHD has prepared a report in accordance with 100B of the Act, which assess subdivision in bushfire prone areas. This is considered in part 7 of this SEE and the Bushfire Assessment prepared by GHD that forms part of this application.

#### Office of Water Management Act 2000

This act has been prepared to promote the principles of ecological sustainable development, protect restore and enhance water sources and to ensure the best practice of water management is implemented in the State. The water management of the portion of the Eastern Precinct proposed for subdivision is considered within part 7 of this SEE report and the Mott Macdonald Storm water report, which forms part of this application.

### 3.4 LOCAL PLANNING LEGISLATION AND GUIDELINES

The key planning controls are contained in the Penrith Local Environment Plan 2010 (PLEP 2010) and Penrith Development Control Plan 2010 (PDCP 2010). This Statement of Environmental Effects sets out a comprehensive justification for the development proposed under PLEP 2010's conservation incentives and other relevant controls, refer to section 7 of this SEE.

The Letter of Offer for a Voluntary Planning Agreement forms part of this application. The Voluntary Planning Agreement is proposed under Subdivision 2 of Division 6 of Part 4 (93F) of the Environmental Planning and Assessment Act 1979 for the coordinated delivery of heritage outcomes.

The requirements of Clause 79C of the EP&A Act are addressed within part 8 of this SEE. It considers the following:

- any environmental planning instrument
- 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
- any development control plan
- 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
- the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- the suitability of the site for the development and
- any submissions made in accordance with this Act or the regulations
- the public interest are considered within

The SEE concludes that the development is an appropriate application under the conservation incentive provisions and satisfies all relevant legislative requirements.

### 3.5 CONSERVATION INCENTIVES

Due to the significant heritage aspects of the proposal, the application is sought under clause 5.10. (10) of the PLEP 2010 that contains Conservation Incentives to 'facilitate' heritage conservation outcomes, because the subdivision and some events and uses are prohibited under the relevant land use zones. Specifically, the Penrith LEP 2010 clause 5. 10. (10) allows the consent authority to grant consent for the development of a heritage item or land on which the heritage item 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 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 relevant heritage items of state significance are listed as “Fernhill”, outbuildings and landscape’, which applies to all three titles of the Central Precinct. The relevant heritage items of local significance are listed as ‘Curtilage of “Fernhill”’, which applies to all three titles in the Eastern Precinct. Consolidation of areas in the Eastern Precinct into the Central Precinct is proposed prior to any commencement of subdivision in the Eastern Precinct, as set out in the proposed Voluntary Planning Agreement.

Associated heritage conservation requirements under the PLEP 2010 provisions include requirements for a Heritage Conservation Management Plan and Heritage Impact Statement. A Conservation Management Plan has been prepared for the subject site that provides an analysis of the Heritage Estate and policies for the appropriate future uses of the site. This Conservation Management Plan has been provided to the NSW Office of Heritage for their review and endorsement. An overview of the Conservation Incentive clause 5.10 (10) of the PLEP 2010 is included in the Conservation Management Plan.

The development proposed, subject of this application, was identified in the Working Heritage Master plan Vision that sets out a sustainable future for Fernhill that is underpinned by the Conservation Management Plan. The Master plan Vision and this applications record how the Estate faces an uncertain future given the existing fragmentation and potential for further fragmentation under planning controls and limited permissible land uses, unless it can establish a sustainable approach to protect and conserve heritage.

The conclusion of the Heritage Impact Statement (HIS), prepared by Paul Davies Heritage Architects, is that the future of Fernhill as an historic estate is threatened and that this comprehensive IDA is a definitive step in securing the Estate and undertaking conservation work.

### 3.6 STATE PLANNING CONTROLS AND STRATEGIES

The relevant State Planning Controls include:

State Environmental Planning Policy (SEPP) Infrastructure (2007) because the main access road, Mulgoa Road, is classified as a State Road.

However, the proposed development is not impacted by this SEPP because Mulgoa Rd does not reach the volume of traffic required to activate the SEPP as described on Map 13 of the RTA Traffic Volume Maps for Road Noise Assessment (November 2008).

Traffic Reports have been prepared for the Central Precinct by GTA Traffic consultants and for the Eastern Precinct by Mott MacDonald to address traffic considerations as part of this IDA.

State Regional Environmental Plan 20, Sydney Regional Environmental Plan, Hawkesbury Nepean River which is a deemed State Environmental Planning Policy

The subject site is located within the catchment of the Nepean River, as identified in the Schedule to this instrument. The proposal does not conflict with the policy due to its proximity to the river and the

appropriate water quality strategies proposed. The requirements of SREP 20 and detailed strategies are set out in the Ecological, Infrastructure, and Storm water reports prepared by GHD and Mott MacDonald that form part of this application.

#### State Environmental Planning Policy (SEPP) 55 Remediation

This is not applicable at this stage in the development process there is no requirement for remediation that has been identified. A contamination report has been prepared by Douglas Partners for the Eastern precinct, as required. The activities proposed in the Central Precinct do not activate SEPP 55.

The relevant planning strategies that apply to the site are those that apply to the Penrith local government area and include the;

- Metropolitan Strategy for Sydney 2036 prepared in 2010 and Draft Metropolitan Strategy for Sydney 2031, which was prepared in 2013 and will replace the previous Metropolitan Strategy when endorsed by the Department of Planning.
- Draft North West Sub Regional Strategy

Together these strategies set out the coordinated approach for managing growth in the metropolitan region and how they apply at a local government level. They contain housing and employment targets, outline the hierarchy of centres, identify other areas for growth, address accessibility, and the protection of natural resources and heritage. A key part of the Metropolitan and Subregional strategies is to support sustainable growth, protect and enhance the environment, and promote heritage. In particular, objectives on the North West Subregional Strategy include:

- (E6. 2) Recognise Where Sydney's Cultural Heritage Contribute To Its Unique Character And Quality And Manage Change Appropriately; and
- (E6. 3) Interpret And Promote Sydney's Cultural Heritage.

## 3.7 LOCAL PLANNING CONTROLS AND STRATEGIES

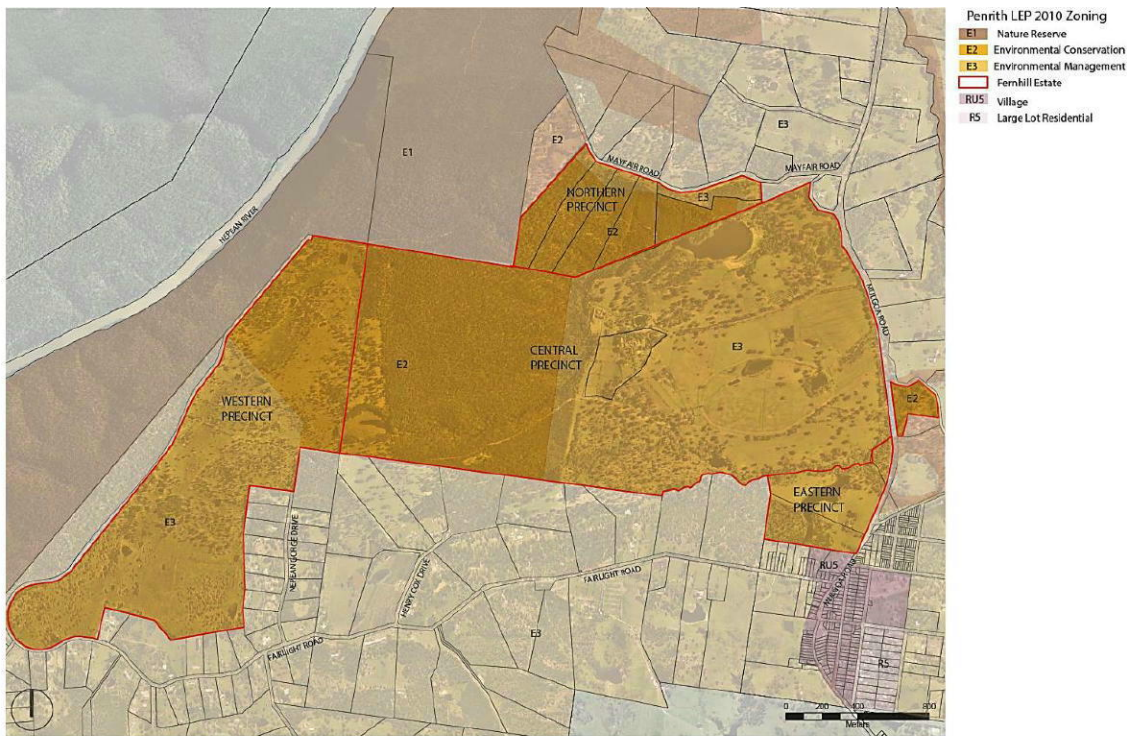
### 3.7.1 Penrith Local Environmental Plan 2010

The key controls in the Penrith Local Environmental Plan 2010 for this site include:

- cl 1.2 Aims of the LEP
- cl 2.3 Zone objectives and Land Use Table: E3 land use zone objectives where proposed development is permissible
- cl 5.10. (10) Conservation Incentives: where proposed development is otherwise prohibited
- cl 5.10. Heritage Conservation (1) Objectives, (4) Effect Of Proposed Development On Heritage Significance, (5) Heritage assessment, (6) Heritage Conservation Management Plans and (7) Archaeological sites
- cl 5.10 (8) Aboriginal Places Of Heritage Significance
- cl 6.4 Development On Natural Resources Sensitive Land
- cl 6.5 Protection Of Scenic Character And Landscape Values
- cl 6.6 Servicing
- cl 6.9 Mulgoa Valley
- cl 6.10 Villages of Mulgoa and Wallacia: where proposed development forms an extension of the Mulgoa Village

Some of the uses are prohibited and are required to be considered under 5. 10. (10) conservation incentive provisions, this Statement of Environmental Effects includes a strategic justification that demonstrates how the objectives of the E3 zone are addressed. This strategic justification further identifies that by allowing some prohibited uses the proposal may in fact deliver superior outcomes in terms of the E3 zone objectives, than those afforded by the current planning controls.





**Figure 3: Fernhill Estate Land Use Zones**

However, it is further noted that the lands subject to consolidation and biobanking and environmental conservation works proposed in areas of the Central and Eastern Precinct are contained in areas of E2 Environmental Conservation and E3 Environmental Management land use zones (PLEP 2010).

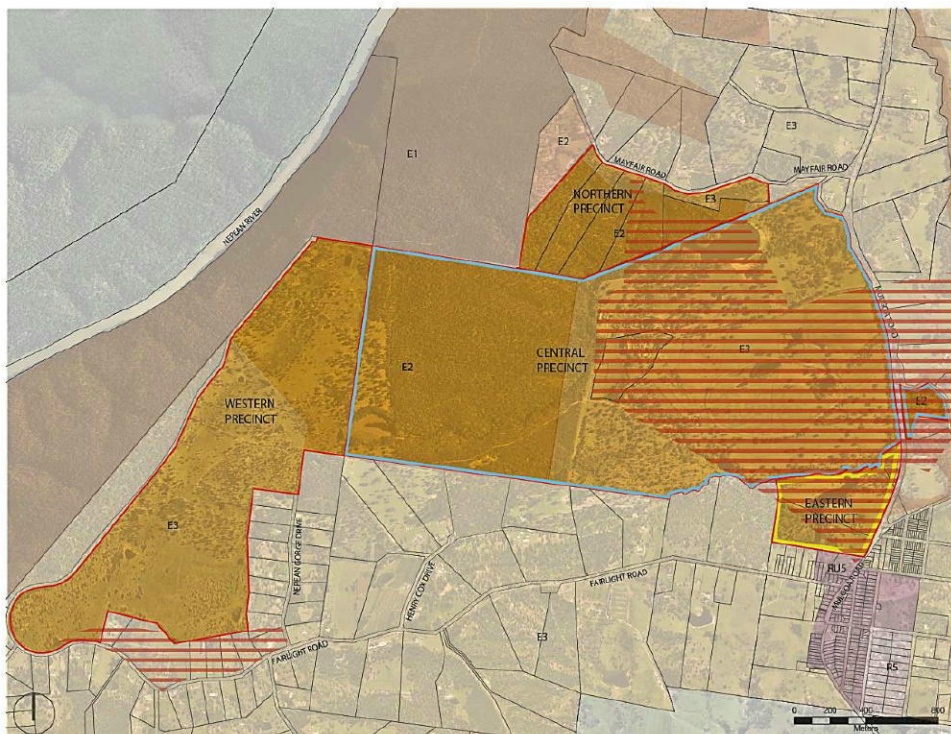
Within these zones, 'Environmental Protection Works' are permitted.

The provision for development on Natural Resource Sensitive Land forms part of the Additional Local Provisions in the PLEP (2010), and must be considered as a portion of the Eastern Precinct and Central Precinct around the tributary Littlefields Creek is applicable to this provision.

This ensures that development in the Eastern Precinct subdivision and proposed uses and events in the Central Precinct are located and designed to have minimal impacts on the sensitive environments.



The provision for protection of scenic character and landscape values applies to part of the Eastern and Central Precincts as shown on the map below. These considerations seek to minimise the visual impact of the development from major roads, identified heritage items and other public places and are addressed in the heritage Impact Statement and Visual Analysis Report provided with this application.



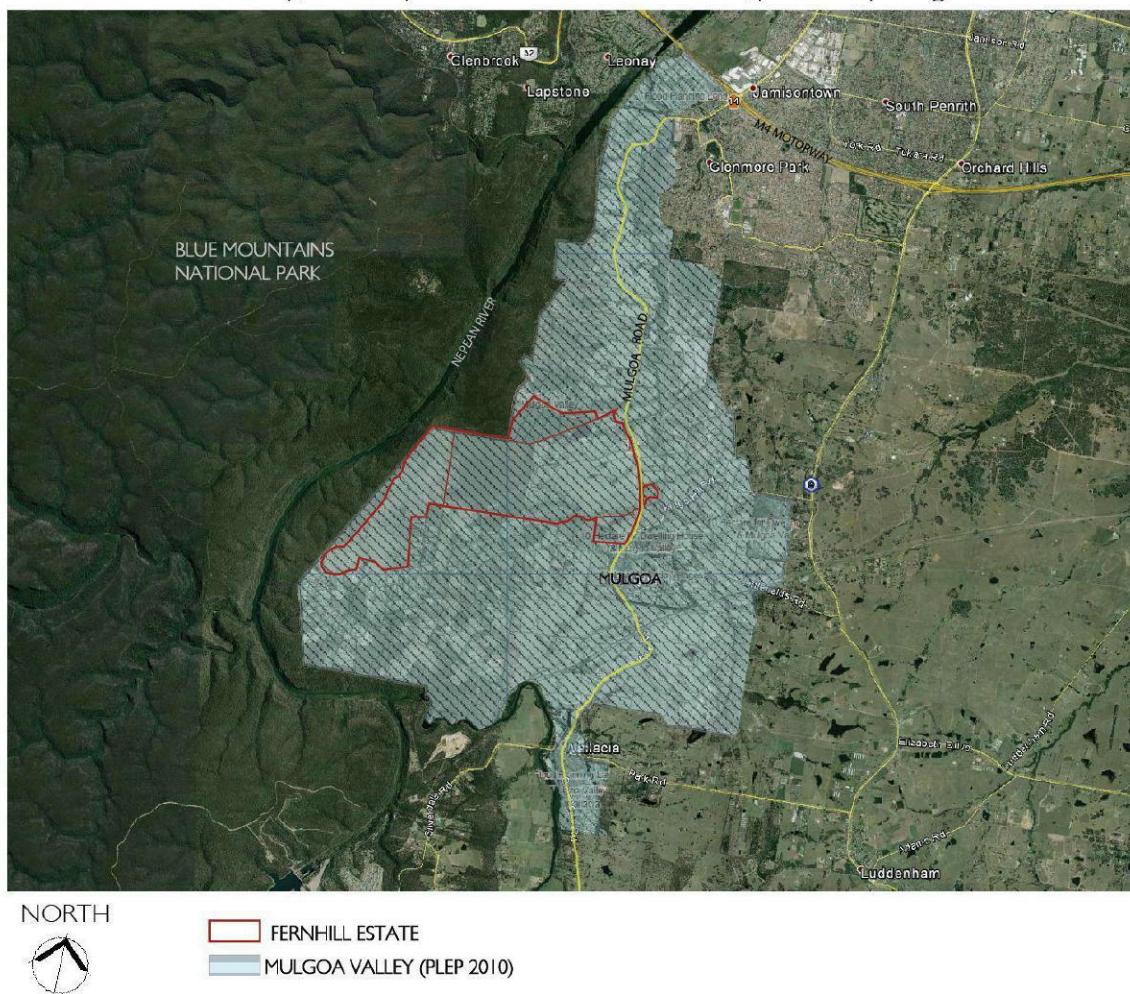
The provisions for servicing relates to the availability of services. An Infrastructure report has been prepared by Mott MacDonald that demonstrates how the proposed residential subdivision in the Eastern Precinct can be serviced. In the Central Precinct a combination of existing / upgrades and temporary



servicing infrastructure is proposed and outlined in Operational Management Plan that forms part of this application.

The provisions for Mulgoa Valley are to establish specific planning controls for land in Mulgoa Valley, and largely reflect the controls in the repealed State Regional Environmental Plan No.13 – Mulgoa Valley. Fernhill Estate constitutes a large portion of land in the Mulgoa Valley clause application map. Other objectives include:

- 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,
- 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,
- 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



**Figure 6: Mulgoa Valley**

These provisions are addressed in detail in section 7 of the SEE and draw on a number of reports that form part of this application including the Conservation Management Plan, the Heritage Impact Statement, the Ecological Reports, the Traffic Reports and Visual Analysis. The proposal has been informed by the Conservation Management Plan.

As the subdivision for residential development proposed in the Eastern Precinct effectively extends the Village, the provision relating to Mulgoa Village has also been addressed. This



includes considerations for appropriate lot sizes and widths for the rural village and are addressed in detail in Section 7.

### 3.7.2 Penrith Development Control Plan 2010

Council's development controls for the site are contained in the Penrith Development Control Plan 2010, and includes a wide range of objectives and controls across all aspects of development including sustainability, vegetation management, water management, waste management, landscape design, culture and heritage, public domain, advertising, transport access and parking, subdivision, noise, infrastructure services, rural land use and residential development.

The PDCP 2010 also contains specific controls for key precincts, which includes the Mulgoa Valley. The PDCP 2010 explains that the Mulgoa Valley Precinct plays an important role in providing:

- A nature and heritage conservation area on the fringe of the Sydney metropolitan area;
  - A rural, recreation and tourism centre for Penrith and suburbs in the surrounding region;
  - An area of limited rural living opportunities in sympathy with its landscape and heritage values; and
  - A landscape buffer between the Blue Mountains National Park and the suburbs of Western Sydney
- A detailed assessment of the PDCP 2010 is provided as an attachment to the SEE.

### 3.7.3 Penrith City Council Plans and Strategies

A series of strategies have been prepared by Penrith City Council to inform the planning controls outlined above. The relevant policies for consideration include:

- Penrith Regional City Community Strategic Plan 2031
- Penrith City Council's Social Planning Framework
- Penrith Inclusion Plan: People with Disability 2009-2013
- Penrith City Council Youth Action Plan 2010-2013
- Cultural Framework 2007 – 2011
- Recreational and Cultural Strategy (2003)
- Penrith Regional City Infrastructure Strategy
- Penrith Residential Strategy
- Penrith Rural Lands Study and Penrith Rural Lands Strategy
- Mulgoa and Wallacia Rural Villages Strategy

Many of these strategies relate to managing growth in the Penrith local government area whilst achieving key community aspirations that recognise Penrith's landscape, recreation, liveability and identity. These Council plans and strategies are addressed in several sections of the SEE Report and in the Assessment of Social Issues Report and Accessibility Report that forms part of this application.

## 4. *STRATEGIC ANALYSIS MULGOA VALLEY*

Fernhill Estate is located in Mulgoa Valley, which was previously covered by the Sydney Regional Environmental Plan No. 13- Mulgoa Valley (1987) but was repealed when provisions for the valley were included within the Comprehensive PLEP 2010. The extent of land incorporated within the Mulgoa Valley precinct is illustrated in Figure 6. The Penrith LEP and DCP set out how Mulgoa Valley provides an important strategic role in delivering:

A nature and heritage conservation area on the fringe of the Sydney metropolitan area (Penrith DCP, 2010).

A rural, recreation and tourism centre for Penrith and suburbs in the surrounding region (Penrith DCP, 2010).

An area of limited rural living opportunities in sympathy with the Blue Mountains National Park and suburbs of Western Sydney (Penrith DCP, 2010).

A landscape buffer between the Blue Mountains National Park and the suburbs of Western Sydney (Penrith DCP, 2010).

The strategic importance of the area is specifically catered for within clause 6.9 Mulgoa Valley and Clause 6.5 Scenic Values of the PLEP 2010 and clause E2 Mulgoa Valley Precinct of the PDCP 2010, which provide specific objectives and controls that aim to protect the important role Mulgoa Valley plays in Penrith City and the Greater Western Sydney region.

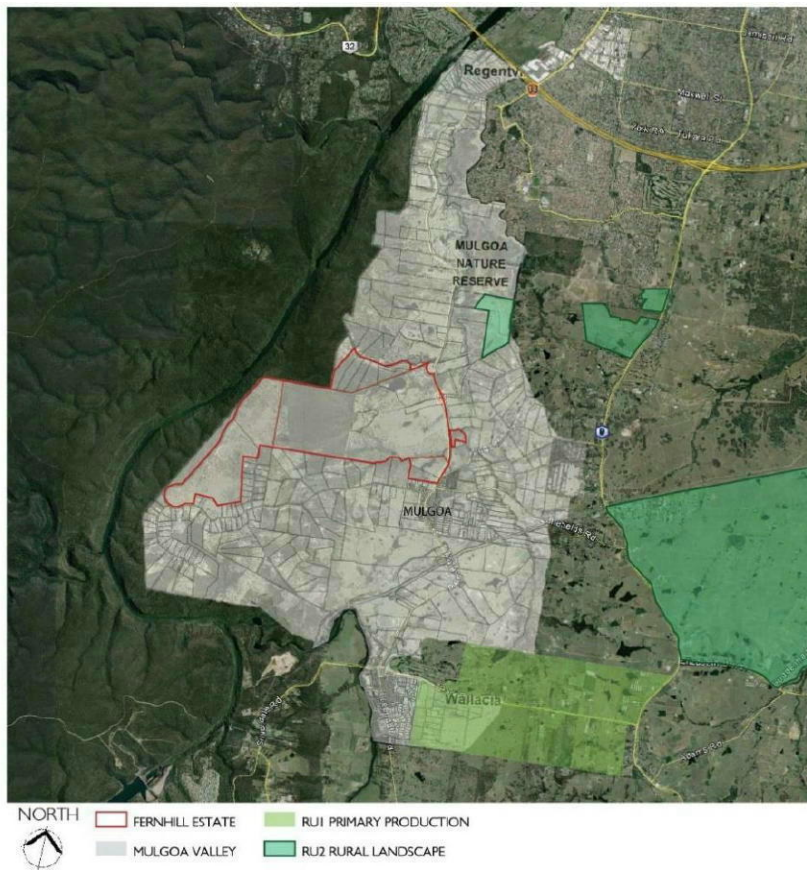
## 4.1 AGRICULTURE AND RESOURCE LAND

Mulgoa Valley is noted for its picturesque rural landscape as a “unique countryside setting” (PDCP 2010). The rural landscape in the Penrith LGA includes village areas, such as Mulgoa and Wallacia identified as within Mulgoa Valley, and the villages of Luddenham, Londonderry and rural land corridors in South Creek and Ropes Creek (Penrith Rural Lands Study 2003). It is noted in the Rural Lands Study (2003) that due to the poor financial sustainability of agricultural uses these rural areas are being placed under pressure for uses “to change from predominantly agriculture to one that is mostly rural residential”.

Agricultural activities have declined in the Mulgoa Valley (Penrith Rural Lands Study, 2003) and the Greater Western Sydney basin as demand for housing and employment land has increased. Mulgoa Valley has been preserved from intensive residential subdivision, however the allotment sizes typically accommodate rural residential living and executive housing rather than profitable agriculture. The Mulgoa area typically has larger allotments that vary from 2 hectares to 10 hectares, with some 40 hectares in size. These lots generally are not large enough to support productive agricultural activities and have attracted hobby farms and residents in search of the rural lifestyle rather than a land's productive potential, and such there is a lack of “agricultural pursuit” (Penrith Rural Lands Study 2003).

Throughout Mulgoa Valley from Regentville to Wallacia there is also a lack of large scale agricultural activities. As illustrated in Figure 7, the land zoned RU1 and RU2 that accommodates primary production is scarce in the Valley, generally occurring east of this area. While Fernhill Estate does not incorporate this intensive agriculture, it continues to have agricultural activities occurring on site such as the agistment of livestock and training of horses. But, much like the surrounding areas these activities are no longer economically sustainable to support the site and other activities are proposed to preserve the heritage listed house and garden as outlined in Section 5 of this application.





**Figure 7: Mulgoa Valley Agriculture and Resource Land**

## 4.2 TOPOGRAPHY AND SCENIC LAND

Mulgoa Valley is characterised by creek flats surrounded by wooded hills and escarpment areas. This area is defined by a steep and hilly valley in the west and a more undulating landscape in the east, with the Mulgoa Creek flats forming the centre of the valley. The topography varies in height from an average 100 metres to over 215 metres above sea level in the west, with topography in the east more variable and ranging in heights from 40 metres to 100 metres above sea level.

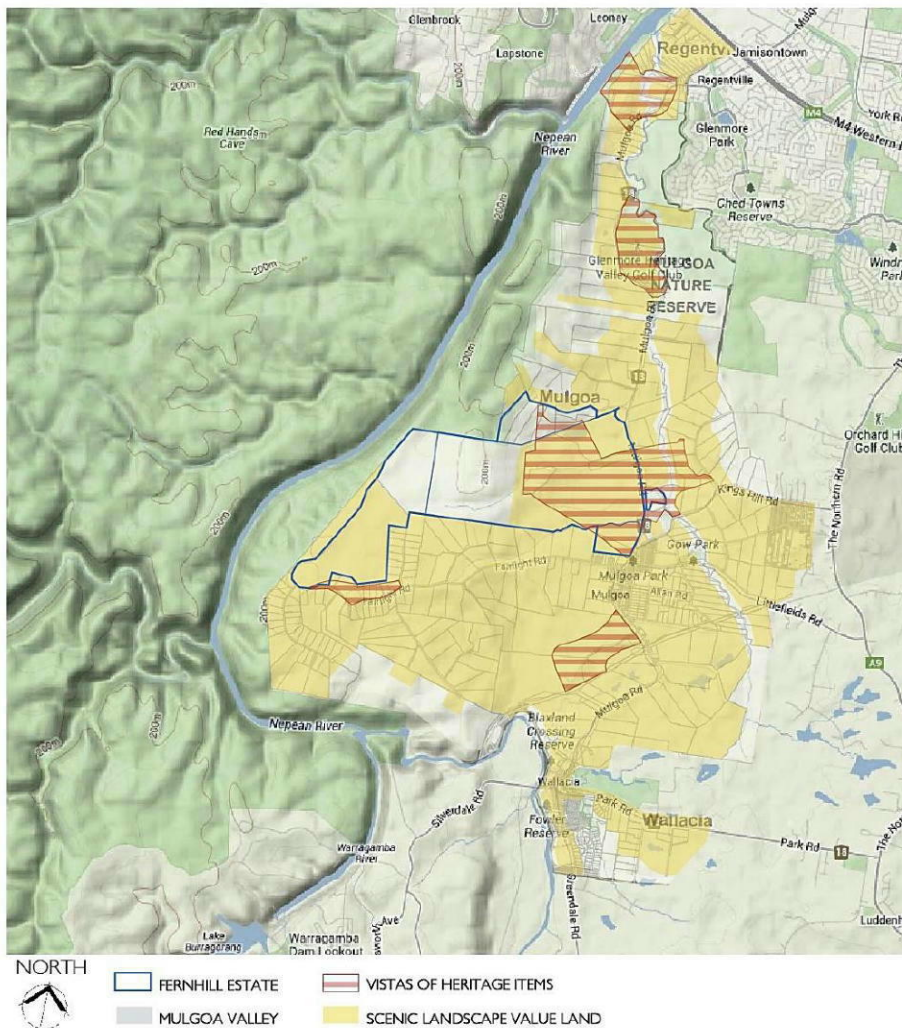
Almost the entirety of Mulgoa Valley has been identified as being of high scenic quality in clause 6.5 of the PLEP (2010), as illustrated in Figure 8 below. In relation to the provision, this land has been highlighted for its scenic value relating to the undulating topography and rural landscape that provides a picturesque countryside setting that can be observed from major roads, heritage items, and other public places.

A large portion of Fernhill Estate has also been identified as having significant scenic views that encompass Mulgoa Road. Clause 6.4 identifies land subject to biodiversity conservation. The analysis of views and vistas within the CMP prepared by Paul Davies Pty Ltd, has evaluated the priority and the extent of heritage vistas identified and notes that because of the regrowth of woodland within the site and dense tree cover along the verge of Mulgoa Road.

Fernhill Estate once had significant views and vistas through a cleared, open and managed landscape between Fernhill House, St Thomas Church and to a lesser extent Cox's Cottage. These views have been lost due to two principal changes:

The changes to the estate in relation to the garden setting around the house and the introduction of new landscape elements from the 1960s onwards;

And the extensive regrowth of mostly Cumberland plain woodland. This woodland has been identified as highly valued ecological land under the TSC Act (GHD, Ecological Report, 2013), and would be inappropriate to remove to regain views.



**Figure 8: Mulgoa Valley Topography and Scenic Land**

## 4.3 CATCHMENT AND WATER MANAGEMENT

Mulgoa Valley is located within the Nepean-Hawkesbury River catchment, as identified in SREP 20 discussed in section 8.2.1 of this application. The major watercourse in the vicinity of the subject land is the Nepean River that flows 300 metres to the west of the western border of Fernhill Estate.

It flows in a generally north direction past Mulgoa, continuing northwards until the Grose River joins the Nepean River near Penrith and the river changes its name to the Hawkesbury River. The total length of the Nepean-Hawkesbury River from source to sea is approximately 265 kilometres.

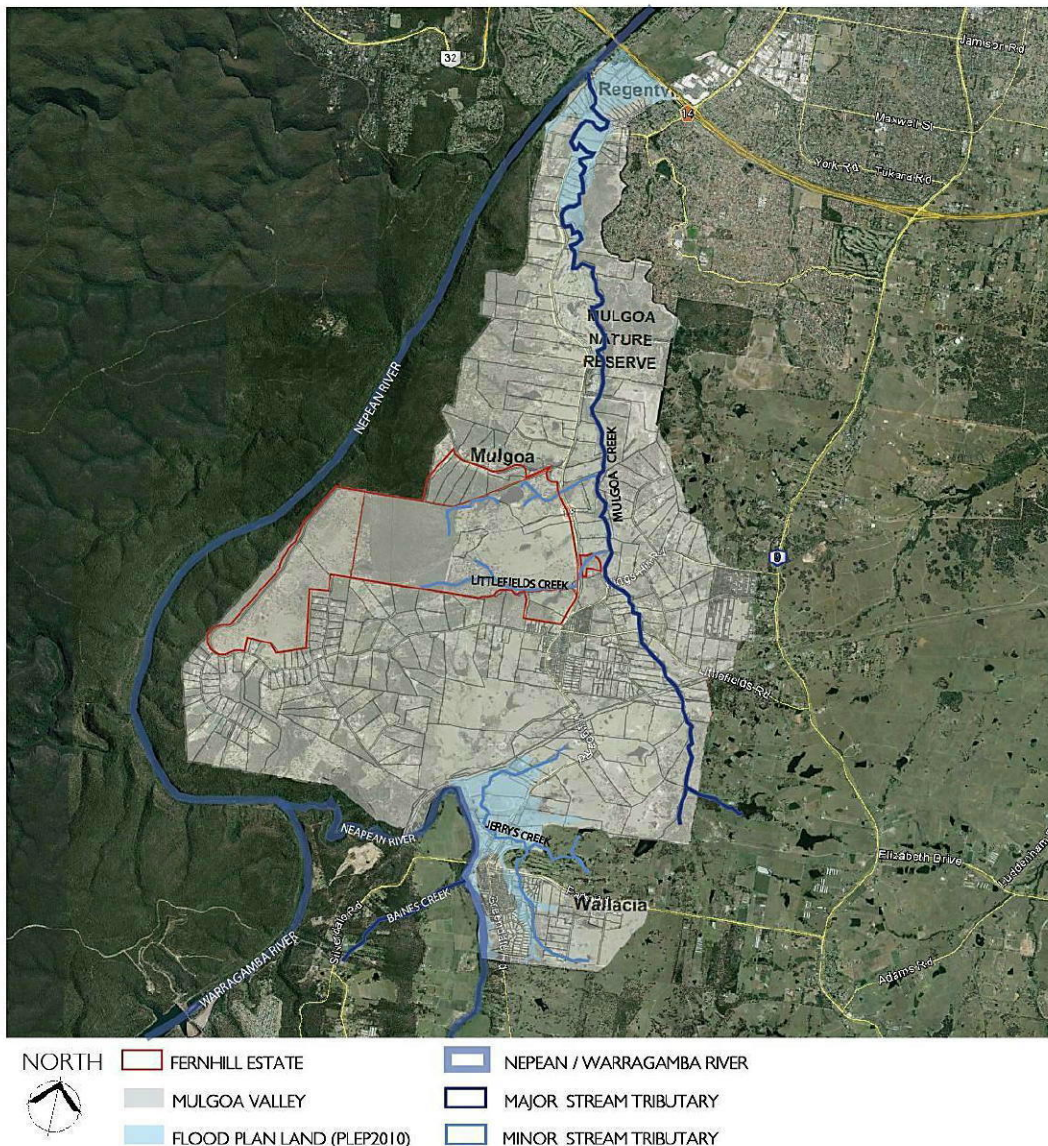
The Fernhill Estate subject area is dissected by two tributaries, to the south Littlefield's Creek, and to the north an unnamed tributary. Littlefield's Creek runs through the south east of Fernhill Estate, flowing in an easterly direction where it joins Mulgoa Creek, which in turn flows north to join the Nepean River near Penrith, refer to Figure 9. In addition to this, there are a number of



drainage lines that channel through the landscape and have been dammed to establish farm dams for livestock drinking water, found in the Central, Western and Eastern precincts.

The drainage lines in the western part of the study area are 1st order streams, the wetland/gully in the eastern part of the study area is a 2nd order stream, Littlefield's Creek is a 3rd order stream and the Nepean River is considered the major waterway in the region.

Flooding is an issue in Regentville and to the east and north of Wallacia in the plains that surround Jerry's creek, but is not an issue for the subject area illustrated in Figure 9.



**Figure 9: Water Sources and Catchments**

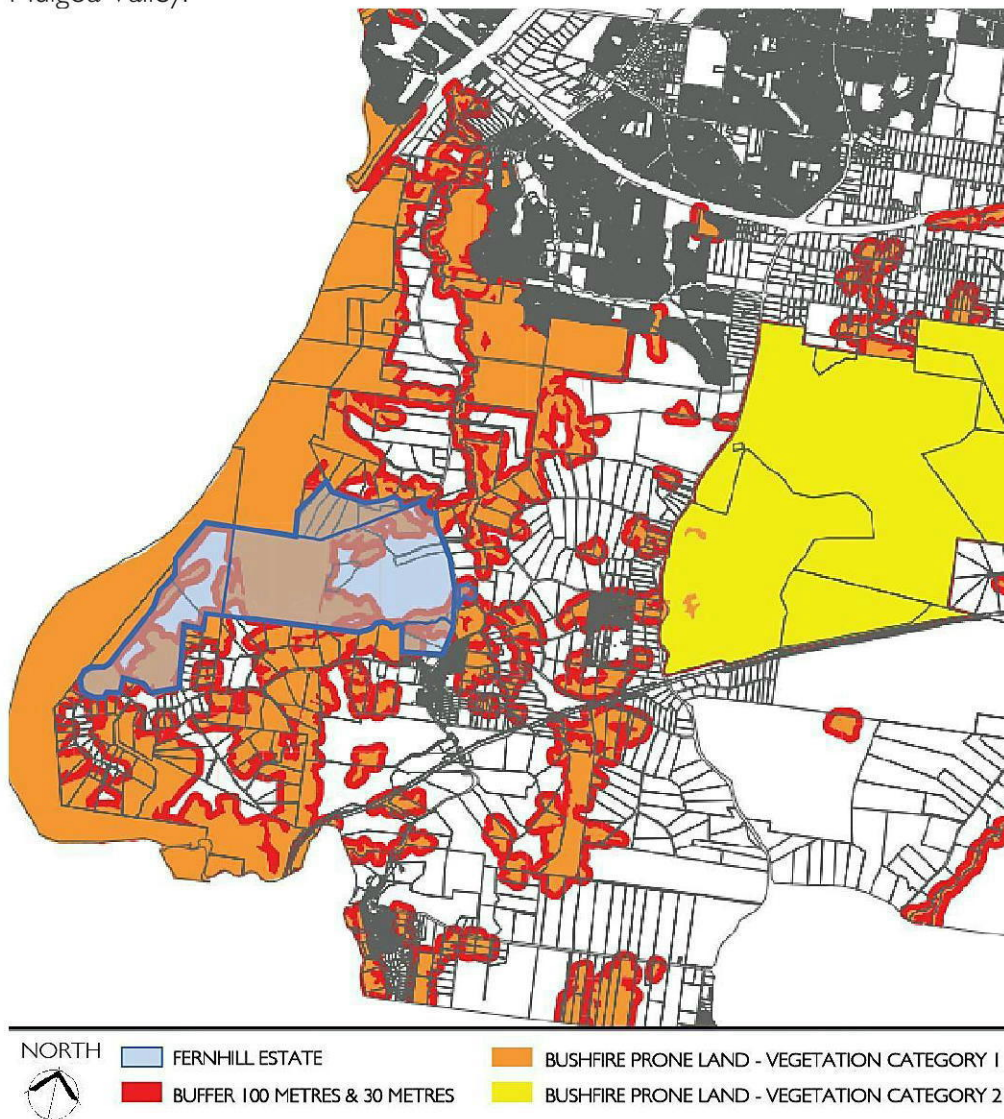
#### 4.4 BUSHFIRE

Mulgoa Valley has significant areas of Bushfire Prone Land –These areas can support high intensity bushfires. The Valley is also to the immediate west of the densely vegetated Blue Mountains National Park and its associated bushfire risk and management considerations.

In recent years significant improvements have been made to bushfire controls to ensure the protection of life and property as reflected in the 100m Asset Protection Zone identified in the Penrith Bushfire Prone Land Map.



The safe planning for bushfire is a major consideration in any future development within the Mulgoa Valley.



**Figure 10: Bushfire Prone Land**

## 4.5 ECOLOGY

Mulgoa Valley comprises of low rolling hills and valleys in a rain shadow area between the Blue Mountains and coastline. It has a vegetation profile characterised by woodlands and open forest with a grassy to shrubby understorey, poor drainage, and often salt affected soil (GHD, Ecological Assessment 2013).

The subject area, and much of Mulgoa Valley, is contained within the Cumberland Plain Mitchell Landscape with Penrith containing the highest percentage of remnant Cumberland Plain Woodland of any council in Sydney. However, due to previous land uses and agricultural practices such as livestock grazing, as well as potential impacts associated with edge effects, the condition of ecological communities varies across the valley with large areas of low quality regrowth vegetation.

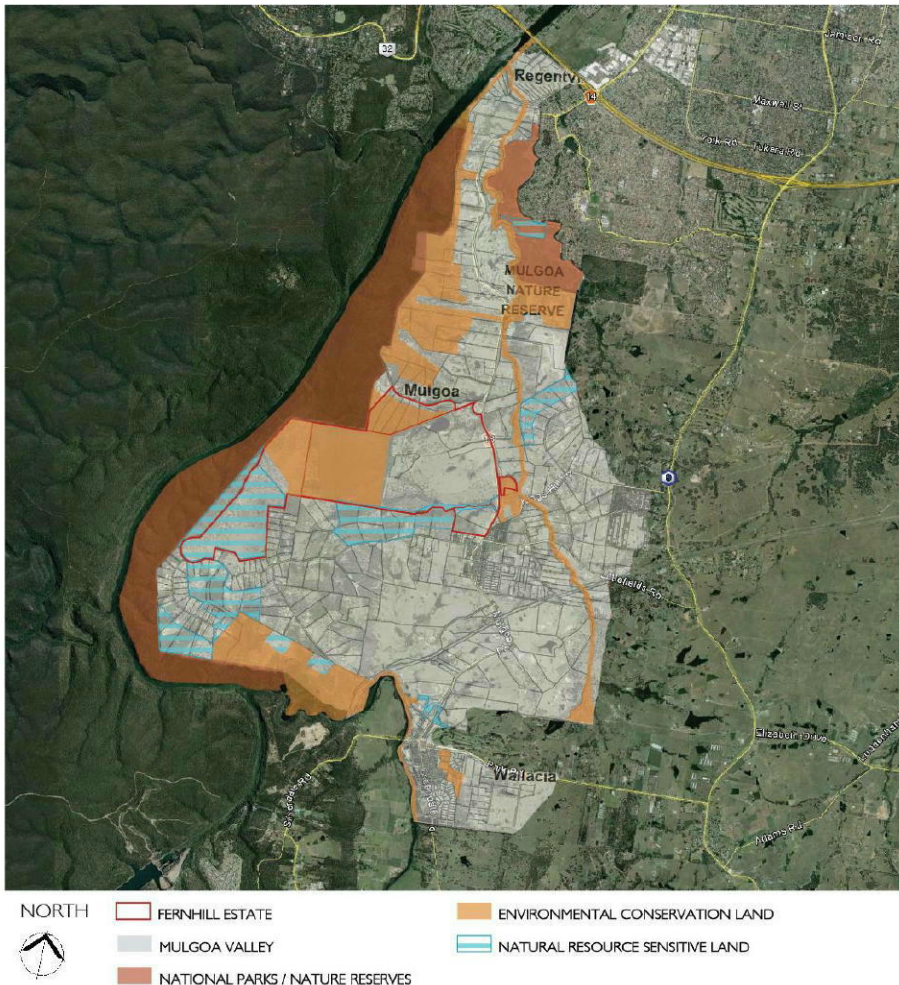


As noted in Figure 11, Mulgoa Valley contains vast areas of ecologically significant and protected land. The valley is categorised by E1 National Parks and Nature Reserve land to the west bordering the Nepean River and Blue Mountains National Park, and clusters of E2 Environmental Conservation Land as riparian corridors around significant waterways such as Mulgoa Creek (PLEP 20120), and areas of significant vegetation.

The Natural Resource Sensitive Land clause within the PLEP 2010, identifies areas within the Penrith LGA as having important hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat attributes. There are portions of this land identified within the Valley, typically environmental corridors that link to significantly valued environmental land, such as the Blue Mountains National Park or the habitat with the Mulgoa Creek riparian corridor.

Within Fernhill Estate, the Northern Precinct and a large portion of the Central Precinct are defined as Environmental Conservation Land. In addition to this, the northern border of the Eastern Precinct and the Western Precinct has been defined as Natural Resource Sensitive Land. This mapping is done at a local government scale and requires closer site studies to evaluate specific ecological communities and values.

The component in the Eastern Precinct is the riparian corridor associated with Littlefields Creek and includes Threatened Ecological Communities under the TSC Act 1997, while the ecological study in the Western Precinct concluded that vegetation on site had been extensively affected by previous grazing and clearing activities and alterations to drainage lines within the precinct, and so the quality of vegetation varied significantly between high to low (GHD 2013). There are also patches of noxious weeds and areas of no canopy or isolated paddock trees.



**Figure 11: Ecologically Significant and Protected Land**

## 4.6 INDIGENOUS HERITAGE

Aboriginal people inhabited Mulgoa Valley for thousands of years prior to European contact, with the valley serving as the boundary between two tribes; the Dharug and the Gundubgurra. With the expansion of settlements in Sydney through land grants from around 1810, conflict arose between the settlers and Aboriginal people, and as a result the clans went into decline. Cox's Cottage was built in 1811 and had Aboriginal workers by 1826 for wheat farming. It was around this period that the first serious conflicts occurred between Aborigines and European settlers. This conflict, in addition to continued development and agricultural practices that consequently cleared the valley for grazing, saw the end of their traditional way of life. The census in 1828 noted only 15 Aboriginal people were living in Mulgoa. However, remnants of their past have been found in archaeological sites around the Valley and within Fernhill Estate, that requires consideration.

## 4.7 NON INDIGENOUS HERITAGE

Mulgoa Valley has a visible European settlement history. It was a key area in the colony from 1810 with Macquarie's first series of official land grants made on the 1st of January 1810. Through these land grants, Mulgoa Valley was developed for large agricultural estates, with the valley becoming the architectural showpiece of the colony. The homes and estates of numerous members of the Cox family, such as Fernhill House, Glenmore and Windlourne.

In the late 19th century a surge of development occurred in the Valley including; Mulgoa Public School (1883), a public hall (1891), hotel (1891) and the post office (1893), which are noted as significant

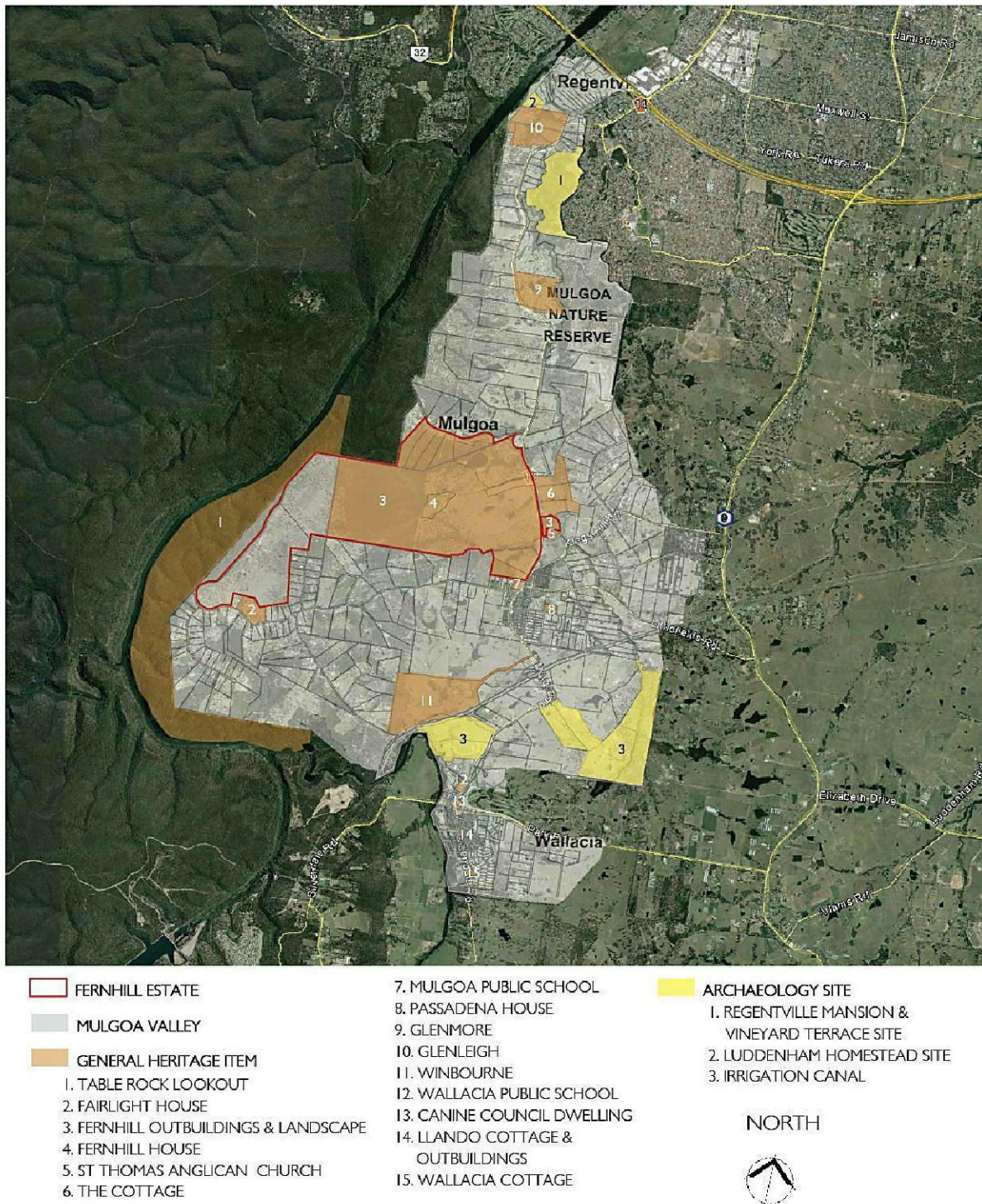


heritage items in the area. By the end of this century the old pioneering families over time had disposed of their estates either by sale or foreclosure.

The adjoining Cox Family estates of Glenmore, the estate of Henry Cox to the north which was sold in 1852, and Windbournem the estate, the estate of George Cox to the south, sold in 1901. The removal of the Cox family from the Valley was the culmination of a gradual withdrawal from their Pastoral estates on the Cumberland Plain. The ownership of the land that became Fernhill estate by Edward Cox and his descendants from 1810 was ended in 1896 when Edward Standish Cox defaulted on a mortgage on the property and the ownership passed to Fredrick Thomas Humphrey and Edward Perry Simpson. At that time, Humphrey was an official assignee of insolvent estates and tenants were installed at Fernhill.

Fernhill has remained intact and remains a significant landholding within the Valley. There have been four owners by Henry James Bell in 1906 and was sold to the Baynes family. The house and grounds were in a poor condition when purchased by John Darling in 1955. Warren Anderson purchased the property in the early 1980s and the property went into receivership in 2010.

At the end of the Second World War, Mulgoa Valley once again changed through the introduction of sealed roads, electricity, sewage, and the present pressures of suburban development. Particularly from the impacts of the construction of the Warragamba Dam, with the realignment of Mulgoa Road to improve access and introduction of electricity through to the Mulgoa Valley. This subdivision has not greatly impacted the Valley around Fernhill although rural residential development now borders the estate typically 2-10 ha.



**Figure 12: Mulgoa Valley Heritage and Archaeological Items**

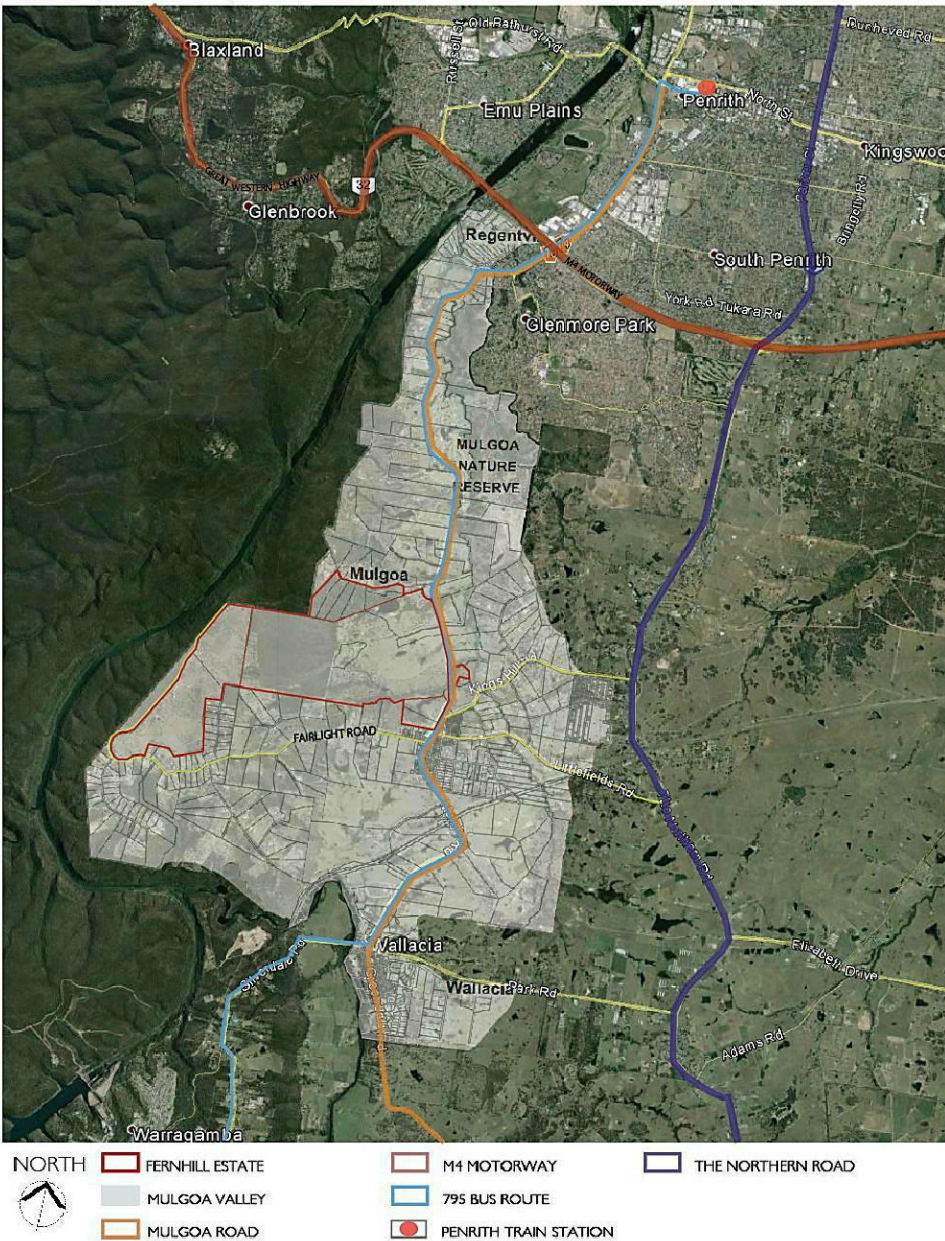
## 4.8 ACCESSIBILITY

Mulgoa Road bisects Mulgoa Valley in a north/south direction with a single lane travelling in each direction. It is accessible from the Penrith Rail Station transport interchange and the M4 West Motorway. The collector roads, such as Littlefields Road and Kings Hill Road, connect Mulgoa Road with the Northern Road.

Mulgoa Valley and Fernhill Estate has limited public transport infrastructure. The 795 bus runs from Penrith Station to Warragamba via Mulgoa Road. From Monday to Friday this bus runs 9 services daily and on weekend and public holidays there are only 3 services. In Mulgoa, the bus stops are at Mulgoa Primary



Regional public transport is 10km to the north of Mulgoa Village at Penrith Rail and Bus interchange.



### Figure 13: Accessibility; Roads and Public Transport

## 4.9 EDUCATION AND EMPLOYMENT

## Employment

Mulgoa Valley has employment opportunities consistent with the rural character of the area and the hierarchy of retail centres. The Mulgoa and Wallacia centres are classified as rural villages, characterised by their location in rural zones outside the metropolitan urban areas to the north and by their wide driving catchment. These centres have some retail and services and low intensity agricultural activities with limited local employment opportunities.

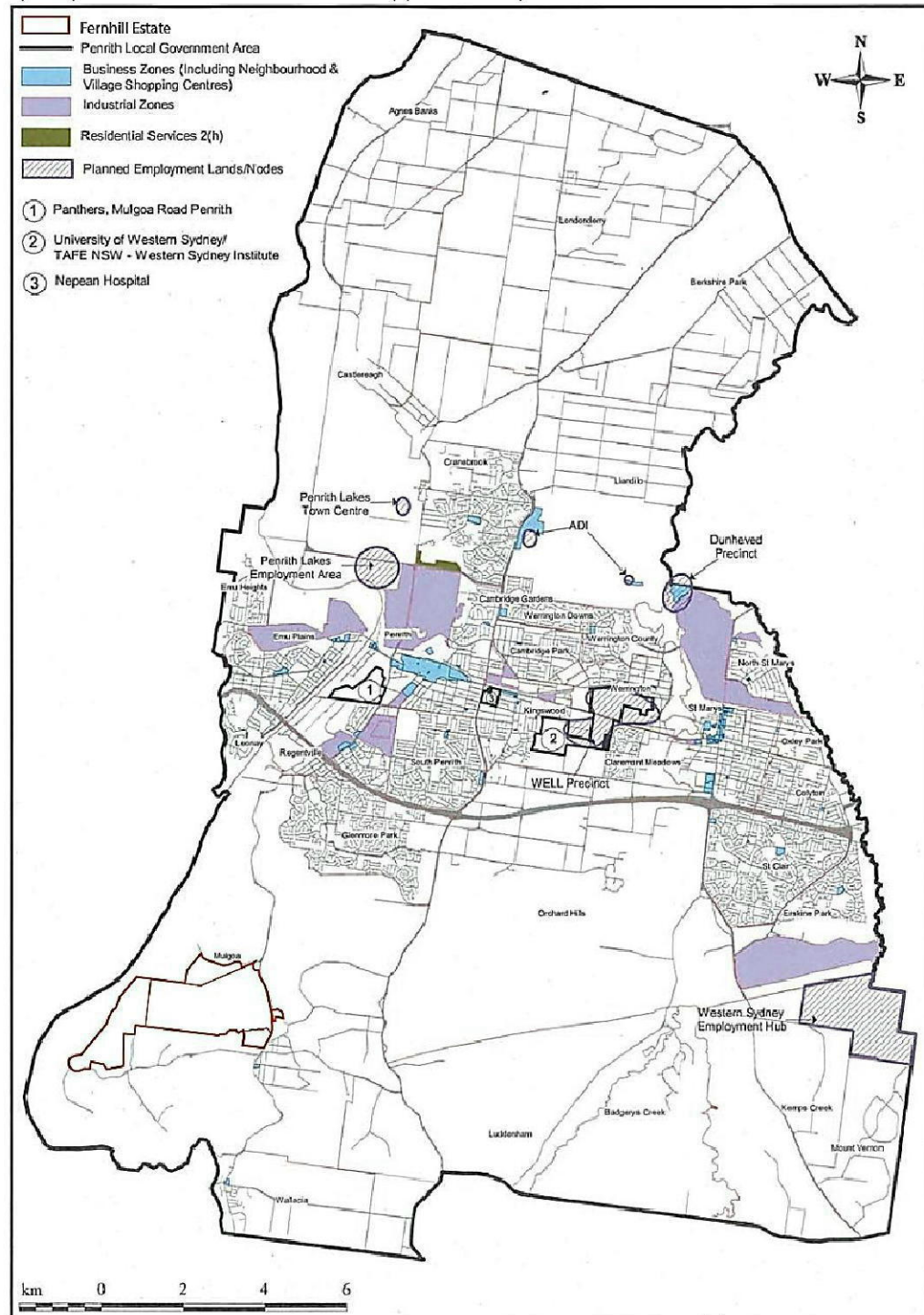
As noted in the Draft Metropolitan Strategy 2031, there is strong employment self-containment for the North West sub-region ensuring that the majority of workers in the Mulgoa Valley region are travelling to the business and industrial lands at Penrith. This area is predicted to undergo strong economic growth



over the next 25 years for an additional 11,000 jobs in Penrith, and there is future employment lands located approximately 14 kilometres to the east.

### Education

Within Mulgoa Valley there are 5 schools; Mulgoa Primary School border the Eastern Precinct to the south, Mulgoa Pre-School contained in St Thomas Church, Nepean Christian School off Mulgoa Road, Wallacia Public School, and Regentville Public School. Adjacent to Mulgoa Valley there are a number of other public and private schools in Penrith, Glenmore Park, and Jaminsontown approximately 6 kilometres to the north. For tertiary education, the University of Western Sydney Penrith campus and the Western Sydney Institute of TAFE is located approximately 11 kilometres to the north.



**Figure 14: Existing and Planned Employment Lands (Penrith Employment Planning Strategy 2007).**



## 4.10 RETAIL AND COMMUNITY SERVICES

The retail and community services in Mulgoa Valley are reflective of the hierarchy of centres; with Mulgoa and Wallacia defined as rural villages under the Draft North West Subregion Strategy. There are small retail centres at each village with a selection of basic shops and services, in addition to surrounding community infrastructure such as two churches; St Thomas' Anglican Church and St Marys Catholic Church, various recreational and sports parks, and Mulgoa Community Hall.

### 4.11 MULGOA VILLAGE CHARACTER ANALYSIS

This section provides an analysis of the character of Mulgoa Village and surrounding area as defined by conditions in the Penrith LEP and DCP 2010 and existing built environment. An analysis of streetscape, land-use, built form, and public realm is provided.

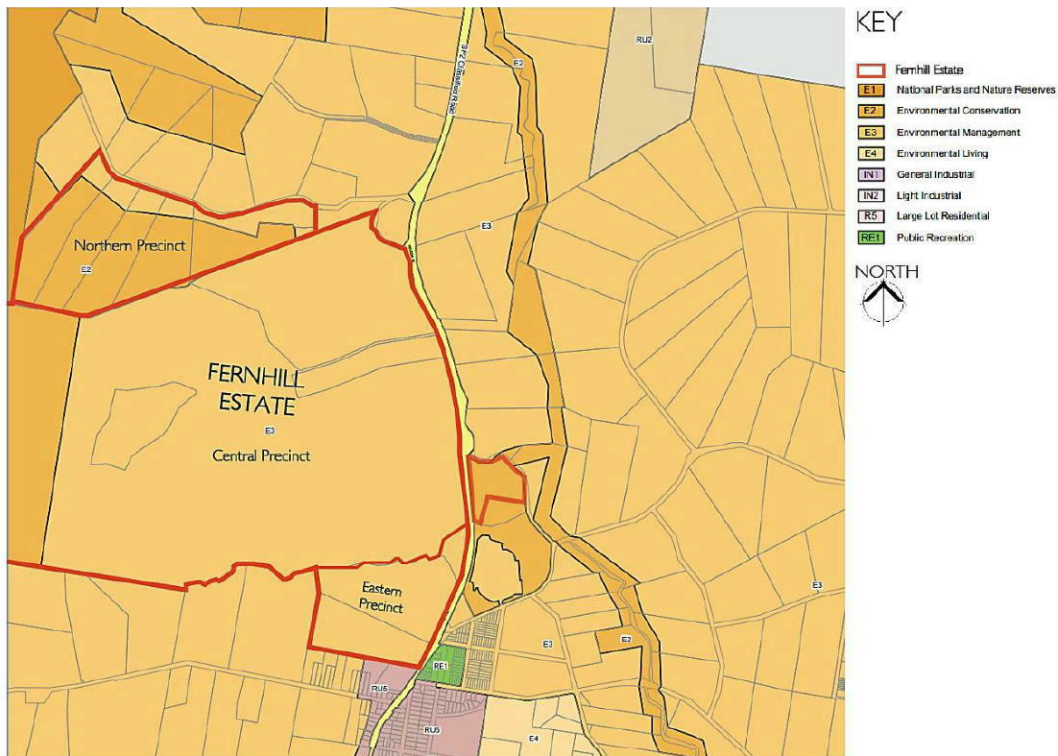
#### 4.11.1 Land Uses

Fernhill Estate is surrounded by RU5 Village, E3 Environmental Management, E2 Environmental Conservation, and E1 National Parks and Nature Reserves land zones. This is illustrated in Figure 10 below.

The predominant land uses in the area is E3 Environmental Management land utilised for rural residential dwellings and / or low intensity agricultural activities, and E1 Blue Mountains National Park land to the west bordering the Nepean River. Neighbouring the Eastern Precinct to the south are higher density detached dwellings and the community facility Mulgoa Primary School that constitutes the start of Mulgoa Village.

Within the village there are education facilities, a church, local shops, public open spaces, private open spaces and a residential area. Bordering these R5 smaller allotments are medium rural residential lots that transition to the larger rural allotments where agricultural activities are more likely to occur. We note that the area is likely to experience moderate transition whereby agricultural uses will be of a lower scale and less frequent, allotments will be smaller, and the separation between buildings will be reduced.

The Department of Planning (in a letter to Council in 2008) identified their desire that any urban lots adjoining Mulgoa Village be "integrated into, and enhance, the existing village structure". Currently the land uses that adjoin the village of Mulgoa Village to the North and south are rural lands. To the east and west of the village are larger rural residential allotments.



#### 4.11.2 Lot Sizes

Lot sizes in the locality surrounding Fernhill Estate vary considerably. While the majority of land to the north and east of the estate is defined as 20ha minimum lots by the PLEP (2010), lots vary in size between approximately 10 ha and 40 ha. These large rural residential allotments are also utilised for low scale agricultural activities.

Mulgoa Village is defined by smaller lots. Within the village between Winbourne Road and Mulgoa Road; the majority of residential buildings are set on 1,000sqm allotments in an area able to contain minimum 550sqm lots (PLEP 2010).

The south east portion of the Village between Winbourne Road and Allen Road have lot sizes of 4,000sqm to Church Road, in an area able to contain minimum 2,000sqm lots (PLEP 2010). These lots transition to medium rural residential lot sizes of 1-2ha east of Church Road, which are zoned for 1ha minimum lot sizes (PLEP 2010). A more recent subdivision has occurred on Littlefield's Road that has lot sizes ranging from 700 square metres to 1,200 square metres in a 2,000sqm lot size area (PLEP 2010). To the south west of Fernhill, below the Western Precinct, there is an area of 2h lots in a region zoned for 20ha lots (PLEP 2010).

Within the Village of Mulgoa lot sizes are typically consistent with the controls, however within the E3 and E2 Zones to the north and west of the village allotments sizes are typically inconsistent with the PLEP 2010 Minimum Allotment size.

#### 4.11.3 Height and Bulk

The height of development throughout the village and surrounding areas is a maximum of two storeys, consistent with the PDCP (2010) clause 1.2.4.



There is no specific FSR or height controls within 4.3 or 4.4 of the PLEP 2010 for the locality. Bulk and scale are determined by the Penrith DCP set out in DI Rural Land-uses, but are not consistently adhered to. The minimum setback from general roads is 15m and 30m from Mulgoa Road in 1.2.2 PDCP (2010), with front development setbacks ranging from 7m at the corner of Fairfield Road and Mulgoa Road to the minimum requirement in the village. In addition to this, the side setback minimum of 5m is disregarded in the village with development consistently constructed boundary to boundary. These minimum setback requirements are however achieved by development in the medium and larger rural surrounding Mulgoa Village. The maximum site coverage that a dwelling can employ, according to 1.2.3 of the PDCP (2010), is a ground floor PAD of 500sqm. This control is adhered to both in the Village and in the surrounding areas.

#### 4.1.4 Built Form

There is little consistency with the built form in Mulgoa Village and the surrounding areas. While the area exclusively adopts a pitched roof form, a maximum of two storeys, and in some streets in the Village there is a consistent building alignment and setback from the road, there is scarcely any other feature in common.

##### *MATERIALS AND COLOURS*

Clause 1.2.7 of the PDCP (2010) outlines the materials and colours to be used as “earthy tones” in keeping with the natural surroundings. Despite this, materials and colours vary considerably and cannot always be considered as natural earthy colours.

##### *LANDSCAPE / STREETScape*

There is no consistent landscape profile for the Mulgoa Area. Due to the variation in minimum lot sizes surrounding Fernhill Estate from 40 ha rural living lots to 550sqm Mulgoa Village residential allotments (PLEP 2010), the landscape profile differs considerably across the area.

In Mulgoa Village, landscaping generally occurs in the front and rear setbacks. The established vegetation is predominantly through mature trees, with some shrubbery and hedges, and large deep soil areas of lawn. This is not applied consistently to all lots with some having minimal to no vegetation on site and others with significant mature trees. There is no consistent landscape profile or streetscape.

Development on the larger rural dwellings lots further from the Village also have an inconsistent landscape profile. A number of allotments contain expansive mature vegetation surrounding the buildings with less of a landscaped quality, while others are predominantly cleared of vegetation with large areas of paddocks or lawns. Because of this, it is evident that there is no consistent landscape character in the Mulgoa locality.

#### 4.1.5 Public Realm

Parks in close proximity to the subject area occur to the east or within Mulgoa Village. The Eastern Precinct subdivision is located in an accessible area for travelling to and from surrounding parks and recreation sites. As noted in the context map, the Eastern Precinct is within a short 100 metre walking distance of Mulgoa Park in the south east across Mulgoa Road, a 200 metre walking distance to a park on the Straight Road to the south, and 800 metres to Gow Park to the east.

##### *MULGOA PARK*

This park borders Mulgoa Road to the west, Littlefields Road to the south, and residential development to the north and east. This park contains a fenced playground, picnic shelter, public toilet blocks, and two tennis courts available for community bookings, a large open area used for

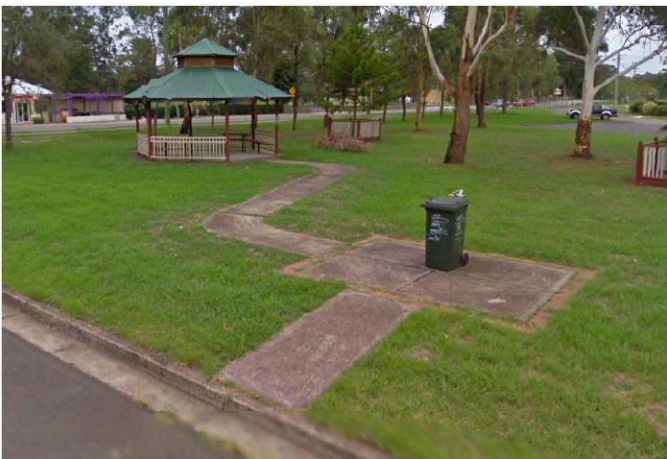
cricket and football games by sports clubs like the Nepean Football Club, a community hall that has a small dais stage used for community meetings and events, and a car park. It is described by the council to be in a “pleasant rural location” with lots of shade for large community events.



**Figure 17: Mulgoa Park Tennis Courts and Toilet Block**

#### *THE STRAIGHT ROAD PARK*

This park is a small triangular shaped fragment of land that borders Mulgoa Road to the north and west, Fairlight Road to the south, and The Straight Road to the east. It contains a gazebo with benches and a table, a public bin, internal path network, mature trees for shade, and lawn. There is also street parking available on Fairlight Road and the no-through the Straight Road. This parks proximity to the arterial Mulgoa Road and its relatively small size minimises its potential use.



**Figure 16: The Straight Road Park**

#### *GOW PARK*

This park borders Littlefields Road to the South, and rural residential development to the east, west and north. It is located approximately 800 metres east of the subject site. This park is predominantly utilised for public recreation activities. It incorporates two full-sized soccer fields and a cricket pitch in the middle of the soccer fields. Floodlights have been installed for training at night, in addition to amenities buildings, and a car park. This park would have to be accessed by private vehicle, with the nearest public transport stop located 900 metres to the west outside Mulgoa Primary School.



#### 4.11.6 Conclusion

The urban character of Mulgoa is inconsistent. The areas surrounding Fernhill Estate comprise of:  
To the south:

Smaller residential allotments in the Village that are consistently 2 storeys in height with a pitched roof form, small setbacks from the side boundaries, and areas of consistent building alignment to the road such as in the new subdivision at Littlefield's Road, the north half of Winbourne Road, and those fronting Allan Road and the Straight Road.

They are inconsistent in materials and landscaping form and lot sizes.

Medium 2ha rural residential lots with no consistency in the built form, setbacks, and landscaping.

Large rural residential allotments that are also used for low intensity agriculture and have no consistency aside from the height and roof form. Due to the variation in use and lot sizes, the built and landscaping form is highly variable.

To the west: Fernhill Estate is bounded by the Blue Mountains National Park and Nepean River. There is no built form.

To the north: Large rural residential allotments that are also used for low intensity agriculture and have no consistency aside from the height and roof form.

This is consistent to the east of the Estate, except for a small portion of land for medium rural residential allotments and Mulgoa Park recreational space and St Thomas' Church.

The key desirable elements for design within the locality include:

- A maximum two storey building height
- Pitched roof forms.
- Vegetated front and rear setbacks

The Eastern Precinct subdivision provides the opportunity to create a consistent built form to the north of the village adopting the key desired elements for design.

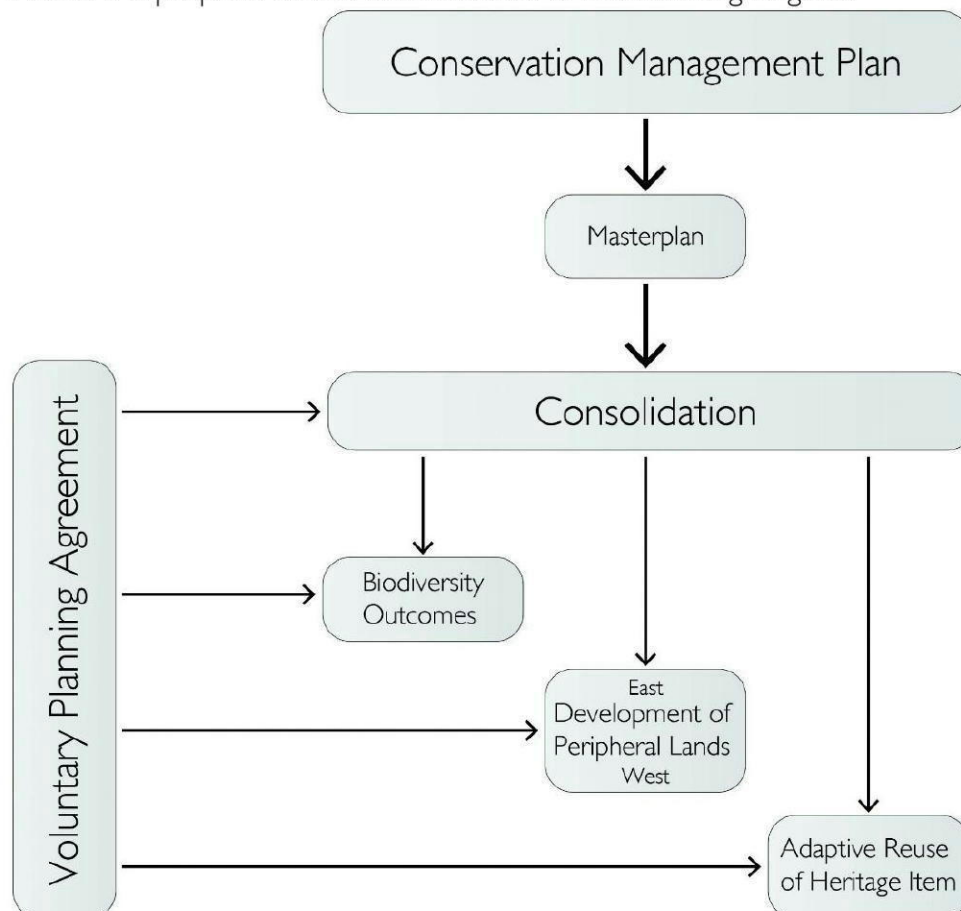
## 5. PROPOSAL

### 5.1 BACKGROUND

The master plan vision report has been prepared to establish a sustainable future for the Estate that supports the heritage values as well as the environmental, social and economic considerations.

The Master plan sets out to protect and enhance heritage and biodiversity values by amalgamating the core lands to secure an enlarged heritage precinct that incorporates state and local heritage as well as biodiversity values. This consolidation is made possible through the proposed discrete residential development on peripheral lands and biobanking of lands within the Estate. An enlarged core area can then also be protected and managed into the future through adaptive re-use where it is proposed to create an iconic equestrian centre to accommodate equestrian events, and other events and functions.

The Master plan vision was informed by a Conservation Management Plan (CMP) that was prepared by Paul Davies Pty Ltd. This CMP sets in place appropriate conservation policies, opportunities and conservation requirements. The Master plan is described in the following Section 6 Strategic Justification however the interrelationship of the Conservation management Plan to the proposal can be demonstrated in the following diagram.



**Figure 18: Fernhill Process Map**



For the Master plan vision to be realised, a number of approvals through various processes and authorities must be achieved these include:

Master DA for eastern Precinct subdivision, Adaptive re-use of enlarged central precinct, activates stage 1 of VPA (stage 1 of consolidation and heritage maintenance commitments).

Consolidation of Central and Eastern Precinct lands

Funding arrangements associated with the long-term heritage conservation, subject of this application

Voluntary Planning Agreement - notification and adoption

Biobanking Central Scheme

Biobanking Eastern Scheme

Biobanking Western Scheme

Planning Proposal for Western Precinct and subsequent Development Application for Subdivision and activation Stage 2 of VPA (final consolidation) Consolidation of the Northern Precinct local heritage lands and Western Precinct biodiversity lands.

The Integrated Development Application is a significant application (and is considered the Master Development Application) because it seeks to approve two of the key development components in the Eastern and Central Precincts and set in place arrangements to deliver consolidation through initially and letter of offer and then a VPA to provide for on-going heritage conservation across the Estate.

The letter of offer sets out the key aspects of the proposed Voluntary Planning Agreement be put in place for the Estate.

## 5.2 PROPOSAL OVERVIEW

The three key uses of this IDA comprise:

1. The subdivision of 54 Torrens Title lots within a portion of the Eastern Precinct; Minimum of 900 sqm with an average of 1,100 sqm in size and minimum width 20 metres and average width of 26 metres, and maximum building pad of 12.5m x 20m. The construction of road, storm water and infrastructure services in accordance with relevant standards associated with servicing the allotments;
2. Equestrian Centre of Excellence including: year round operation of equestrian activities including agistment and training; regular small equestrian events associated with the Equestrian Centre of Excellence. Signature Equestrian Events as part of the Signature events program described below
3. Functions, events and uses in the central State heritage listed area. A typical annual program is envisaged to involve: Adaptive re-use of existing buildings and garden areas for functions/events comprised of weddings/celebrations, corporate workshops and heritage tours;

up to six large events that may comprise of a combination of activities such as a picnic race, show-jumping and dressage events as well as concerts, markets and other community and recreation events.

The two existing non-heritage farm/dwelling houses within the Eastern Precinct are proposed to be retained. This involves the retention of the existing home on the 1.73 hectare lot on Lot 100 DP 717549 north of the proposed subdivision, and the creation of a new lot as one of the 54 lots proposed in the Eastern Precinct subdivision for the home currently located on Lot 1 DP 570484.

The equestrian uses for the Central Precinct are in keeping with the history of the Estate and for utilising predominantly existing structures. Equestrian uses have been associated with Fernhill since its establishment, including the training of two Melbourne Cup winners in 1877 and 1880. The Racetrack Precinct already contains the racecourse with rails, extensive fencing, larger paddocks, stables and associated smaller paddocks necessary for race meetings, dressage and show jumping events.

Signature events will typically be associated with the Equestrian Centre of Excellence and the adaptive re-use of the picturesque landscape setting for community and recreation events and concerts. The required operational infrastructure and management framework for each event has been identified, with appropriate areas designated, as set out in this section of the SEE.

The functions and events proposed are an adaptive re-use of the Estate whereby the House and Garden and Hayshed and Pecan Grove areas already contain the majority of structures necessary for the small regular functions proposed. These functions will predominantly utilise existing structures, as outlined below, with some temporary amenities brought to the site when the scale of the event requires it. The development proposed requires under a range of provisions in the land uses the Penrith Local Environmental Plan 2010. The proposed subdivision of the Eastern Precinct is proposed pursuant to cl 5.10.(10) conservation incentives as subdivision for residential development is otherwise prohibited under the Penrith Local Environmental Plan 2010 E3 Environmental management land use zone. The subdivision of the Eastern Precinct is key to the proposed consolidation and protection of the Estate from future subdivision. It enables the consolidation of an enlarged central core which can then accommodate adaptive re-use and provide for ongoing heritage maintenance.

The equestrian activities of agistment is permissible with consent as defined in 'agriculture' and training is permissible with consent as defined under 'animal boarding or training establishments' within the Penrith Local Environmental Plan 2010 E3 Environmental Management land use zone. The permissible uses in the E3 land use zone include:

*Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Funeral homes; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Roads; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals*

However, the subdivision of the eastern Precinct and the other activities and uses proposed in the Central Precinct are defined under the PLEP 2010 are not permissible in the E3 land use zone and are to be considered pursuant to cl 5.10.(10).

These include:

'recreation facility (outdoor)' which includes equestrian and outdoor recreation uses,  
'recreation facility (major)' which includes use of the racecourse for picnic races,  
a 'function centre' for adaptive re-use of existing buildings and lawn areas, and an 'entertainment facility' for concerts.

Ancillary activities associated with the adaptive re-use of the Estate includes:

'Camping' in the Pecan Grove - associated with signature events for up to 500 people up to 6 times a year and associated with the Fernhill Foundation, education and recreation activities for up to 50 people up to 30 times a year.

Car Parking' in a range of designated areas to support the various equestrian activities and events, small regular functions and signature events.

There are three key conservation measures to be set in place by this application under the proposed Voluntary Planning Agreement and these comprise:

- Stage 1 of consolidation of land within the Estate with heritage and biodiversity value to protect heritage and biodiversity areas against future subdivision which include:
- Consolidation of 3 titles in the 385 hectare state heritage listed Central Precinct being Lot 10 DP 615085, Lot 11 DP 615085, and Lot 2 DP 541825.
- Consolidation of 17 hectares of local heritage listed land not part of the subdivision proposed in the Eastern Precinct in Lot 1 DP 570484 and Lot 6 DP 173159.
- Financial support to provide for the on-going heritage conservation.



### 5.3 EASTERN PRECINCT SUBDIVISION

The Eastern Precinct will comprise of 54 Torrens Title residential allotments, with two access points from Mulgoa Road. The development incorporates the construction of road, storm water and infrastructure services to service the allotments. The proposed residential lots range in size and are generally between 900 and 1100 sqm in size and are shaped suitable for detached dwelling houses. The Eastern precinct also contains a large scenic lot associated with the existing farmhouse currently on Lot 1 DP 570484, which has a proposed area of 27,600sqm.

The key environmental consideration for the positioning of the residential subdivision is the ecological capacity of the site. The retention of the existing lake to the west of the proposed development and incorporation of a ten metre riparian buffer and ecologically significant communities to the west of the lake. The proposed area for subdivision is dominated by cleared land and exotic grassland. "The potential impacts of the proposal would affect a very small proportion of local habitats and their population" (GHD Ecological Eastern Precinct 2013).

The proposal will require the removal of vegetation, which is considered to be in moderate condition, however the removal of vegetation will not result in the isolation or fragmentation of any significant areas of vegetation.



**Figure 19: Site Plan Showing Areas of Activities (CMP, Paul Davies Pty Ltd, December 2013)**

The residential lots will be a logical extension north of the Mulgoa Village. It will create a transition between the Village and the heritage Fernhill Estate boundary abuts and relates to the nearby Mulgoa Village. The proposed allotment layout is illustrated in the sketch Figure 17 prepared by ae design partnership the area of development was informed by the CMP which is illustrated in the image below.



Eastern Precinct

ae design partnership

Figure 20: Sketch Layout of Eastern Precinct Subdivision

LOT NUMBER	AREA (SQM)	WIDTH (M)	DEPTH (M)
1	1183	16.95	38.98
2	1103	22.59	46.82
3	1081	21.38	45.28
4	1353	17.71	35.14
5	899	22.19	32.72
6	904	25.35	32.72
7	1058	30.07	33.51
8	1059	30.15	34.72
9	1116	28.9	35.6
10	1161	20.61	36
11	1240	19.07	36.72
12	1132	30.47	37.62
13	998	26.28	38.38
14	973	25.14	39.12
15	1083	27.42	39.92
16	1058	26.28	40.69
17	1173	26.28	41.71
18	1264	20.51	40.3
19	1208	19.47	38.16
20	1127	30.52	30.43
21	1056	31.65	30.43
22	903	25.57	38.68
23	943	17.29	42.3
24	908	22.23	35.98
25	912	32.26	25.53
26	1482	56.62	34.53
27	1347	33.56	31.78
28	1108	36.5	32.93

LOT NUMBER	AREA (SQM)	WIDTH (M)	DEPTH (M)
29	992	15.43	37.06
30	957	21.17	36.86
31	994	26.94	36.51
32	1051	29.77	36.17
33	1512	26.92	46
34	1336	22.46	38.43
35	1087	29.9	37.81
36	1059	17.86	25.2
37	1013	21.86	39.9
38	1070	25.99	40.35
39	938	23	40.77
40	967	23.53	41.2
41	1273	34.67	36.88
42	999	27.11	36.47
43	978	27.44	35.55
44	970	28.22	34.68
45	1093	31.9	31.99
46	961	17.51	25.78
47	930	25.98	34.92
48	945	26.35	34.92
49	970	26.95	35.74
50	977	22.62	35.01
51	27600	226.05	129.07
(existing large rural residential lot)			
52	2205	42.02	34.73
53	1062	29.75	36.38
54	1164	29.97	38.59

AVERAGE 1100.66 m<sup>2</sup> 26.38 m 36.50 m  
(excluding Lot 51)

Figure 21 Subdivision Table



### 5.3.1 Subdivision

The new subdivision will create 54 Torrens title lots of which 53 have an average size of 1,100 sqm and one large lot to accommodate an existing dwelling and a landscape setback area as set out in the table above. As this application is for the subdivision, the detailed design of future dwelling houses will be subject to further assessment from Penrith Council, however, key considerations as part of the subdivision are landscape and the siting of dwellings and these are addressed as follows:

The 53 residential lots have been designed to accommodate a typical building pad within the new subdivision will be 12m x 25m, which includes any garage or carport.

Lots 1-4 with frontage to Mulgoa Road will require dwellings to address Mulgoa Road and have vehicle access to the rear of the property from the new internal road proposed.

Other development controls such as bulk and height considerations will require dwellings to be consistent with the current controls for residential development in the Mulgoa Village which are contained in Penrith Development Control Plan 2010.

### 5.3.2 Roads

The proposed road reserve within the development will be 15.6m wide, consisting of a 8m asphaltic concrete road and 1.4m of deep soil landscape incorporating grass and street tree planting on both sides of the road, a 1.5m concrete footpath on either side of the road with separated by a 0.9m reserve, which buffers the footpath prior to allotment boundaries.

The internal road network within the proposed subdivision does not incorporate any long straights to mitigate speeding within the development. The road network has two access points from Mulgoa Road. The Northern entrance is left in and left out due to the site distances. The southern entrance can accommodate all access from Mulgoa Road to mitigate. Right turn movement from Mulgoa Road to be configured into a T-intersection with a right turn bay onto Mulgoa Road.

As part of bushfire mitigation a new 6m fire trail is proposed to the western boundary of the subdivision and this that has two access points within the new road layout.

### 5.3.3 Infrastructure

The proposed development will obtain access to potable water from a main that exists on Mulgoa Road, the main will require to be augmented through the proposed subdivision.

The sewage for each property will drain by gravity to a pumping station located on the western edge of the site, and then be discharged to the Mulgoa sewage system via a rising main.

The electricity for each property will be provided from overhead lines located on Mulgoa Road. The current site has telecommunication services available and can be extended from Mulgoa Road to provide service for allotments within the subdivision.

### 5.3.4 Storm water

The majority of the site drains to the existing farm dam a tributary of Littlefields Creek, while part of the large landscape Lot 51 drains to Mulgoa Road. Within the 53 lot residential subdivision, the storm water runoff will be mitigated through the construction of two onsite detention systems that incorporate an overflow weir, geotextile fabric, which have been sized to accommodate the runoff from the proposed development. A further detention basin is incorporated into Lot 51 to manage the storm water to Mulgoa Road. Various mitigation measures are incorporated to mitigate the impacts of pollutants leaving the site, such as gross pollutant traps.

### 5.3.5 Landscape

Lot 51, which accommodates the existing dwelling, provide a landscape buffer to Mulgoa Road. Planting is proposed to the western boundary of the lot, to the north-east along Mulgoa Road and in front of the natural ridge.

Throughout the residential subdivision street trees will be planted on either side of the road between the footpath and road. A six metre front setback incorporate landscape and a maximum building pad of 250m<sup>2</sup> will allow for a landscaped rear yard.

### 5.3.6 Implementation

Consolidation of the Eastern Precinct lots into the Central Precinct is proposed prior to any commencement of subdivision of the Eastern Precinct as set out in the proposed Voluntary Planning Agreement.

## 5.4 EQUESTRIAN CENTRE OF EXCELLENCE

Presently the main equestrian facilities at the property comprise 2,400m racetrack and range of paddocks to the east of the house, a range of smaller paddocks north, west and south of the house. To the south west of the racetrack is the main stables complex. There are a range of various horse shelters associated with paddocks. Fencing of paddocks is largely timber however some of the larger timber fenced paddocks contain smaller wire-fenced paddocks. West of the house there are some burnt out/damaged farm buildings that were also previously associated with equestrian activities.

This equestrian history and existing equestrian infrastructure form the basis of the proposed Fernhill Equestrian Centre of Excellence. Equestrian activities that are proposed year round include agistment and training and small regular events.

It is noted that under the relevant E3 Environmental Management zone in the Penrith Local Environmental Plan 2010 a range of equestrian related activities are permissible with consent under the definition of 'Animal boarding or training establishments' which is defined to mean:

*'a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purpose (other than agistment of horses), and includes any associated riding school or ancillary veterinary hospital.'*

The agistment of horses is permissible with consent in the E3 zone under the definition 'agriculture' which includes:

*'extensive agriculture' which includes 'the grazing of livestock for commercial purposes'; and 'intensive livestock agriculture' which includes 'the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed....'*

Other equestrian events are prohibited in E3 zone so are to be considered under cl. 5 10. (10) conservation incentives which allow the consideration of otherwise prohibited uses as part of a proposal to facilitate heritage conservation. These include:

'Equestrian centre' which encompasses the smaller regular equestrian events which falls under the definition 'Recreation facility (outdoor)'; and

Recreation facility (major) where signature events involve 'a large-scale sporting or recreation activity that is attended by large number of people whether regularly or periodically' and includes 'racecourses'. This definition would apply to some of the signature events envisaged associated with Equestrian Centre of Excellence such as the picnic races or horse show or major show-jumping.



## 5.4.1 Existing Facilities and Opportunities

### HISTORIC STABLES COMPLEX:

The historic stables west of the home was constructed in 1939. This was the first building constructed in 1839 on the estate. This building was refurbished and substantially rebuilt in the 1980s.

The skillion veranda on the eastern elevation appears to be an addition. The veranda on the western elevation was added in the 1980s. The external stone walls are original elements of the buildings.

The presentation of the stables in 2013 is a stone building with a slate roof with two large verandas. It is likely to originally have had a timber shingle roof like the house. The building is orientated north-south with gable ends and is set square to align with the house (Paul Davies Pty Ltd, CMP December 2013).

The stables adaptive re-use has included some offices in the northern part of the stables, accommodation facilities in the southern part of the stables however a central portion remain as stables but are not presently used.

The historic stables are currently well utilised through adaptive re-use. No changes or modifications are proposed as part of this application.

### RACETRACK STABLES COMPLEX:

The stables complex is located adjacent to the main drive just over one kilometre west from the main gate on Mulgoa Road. It is situated at the base of the rise upon which the house is located. Just past the stables complex is the reflection pond however the reflection of the house has been obscured by vegetation regrowth for some time.

Presently the Stables Complex can accommodate 29 horses in the stable block (17 horses), outside shelters (5) and other stables (7). The stables complex includes a covered round yard used for breaking in, lunging and handling horses and foals. Above the stables block is a self-contained 3 bedroom apartment. There are also 3 wash bays, 1 solarium and 13 tie ups as well as toilets, tack rooms, a feed room and a wash – storage room.

Parking at the stables complex can accommodate over 20 cars and around 18 trucks /floats. These are split between three yard areas; north yard - 16 cars, west yard – 6 trucks/floats and south yard - 12 trucks/floats and 6 cars.

Water supply to the stables complex is via rainwater tanks and/or pumped from the lake. A septic tank is located near the stables and uses a series of adjacent rubble pits. Stable manure is loaded on a trailer and taken to a compost area and reused as mulch and compost.

### RACETRACK AND PADDOCKS:

The property currently carries a number of horses and grazing cattle. The larger paddocks that border Mulgoa Road are used for grazing cattle and horses. The paddocks west of the house are currently used for agisting horses and foaling down mares. The paddocks to the south of Littlefields creek are currently used for grazing cattle and horses. The paddocks north of the north driveway (near Lake Jessica) are used for grazing cattle.

The property also contains several well defined trails which are used; they include trails to the western precinct with a connection to a trail that leads up to the Nepean lookout and back) and various other shorter ones through the central precinct such as a ride from stables over to the large lake and back.

Current equestrian activities include agistment and training. The property is currently home to 12 of the extremely rare Przewalski ponies. There is the capacity for the paddocks of the central precinct to accommodate up to 400 horses.

The racetrack is used privately for fitness work and training of horses. A jumping paddock is located within the racetrack adjacent to the stables complex.

Day to day activities include existing agistment, dressage, show jumping, training by arrangement. This can involve up to 40 lessons/coaching weekly, where people/horses come onto the property and there is currently approximately 30 horses being ridden on the property for training.

#### **OPPORTUNITIES:**

The Conservation Management Plan sets out a range of conservation policies and opportunities with this equestrian infrastructure.

In relation to the Racecourse Stables Complex the Conservation Management Plan notes that:  
*"The stables complex, while quite a large group of structures is well located in that it does not interrupt the views from the house and garden across the central area. The area around the stables had become deteriorated and there is potential to undertake upgrade of the structures but also to consider additional elements in this area provide they do not affect other visual qualities of the landscape."*

The racetrack and equestrian area is central and core part of the rural setting of Fernhill. "Key considerations in managing this area in the future include;

- Retaining the area as an open landscape without additional buildings or structures.
- Managing the paddock areas to retain their rural use
- Managing fences to prevent further sub-division of the landscape
- Managing the racetrack to allow its use, maintain it in good condition and to reduce its visual impact
- Managing the dams and planting to recreate the more open form landscape with small clumps of trees.

Managing uses so that they do not impact on the rural character to reinstate missing senescent trees" (Paul Davies Pty Ltd, CMP December 2013).

#### **5.4.2 Regular Equestrian Activities and Events**

The proposed layout for the Equestrian Centre of Excellence is illustrated in the Development Application Drawings prepared by ae design partnership and include:

- Paddocks for general agistment
- Racetrack and designated training areas
- Racecourse stables complex and surrounds for temporary infrastructure including stalls

DA DRAWING	Drawing Title
DA 304	Central Precinct – Equestrian Centre Site Plan
DA 305	Central Precinct – Equestrian Event Plan

#### **AGISTMENT**

The enlarged Central Precinct is over 400 hectares in area and contains over 58 hectares of paddocks designated for permanent livestock use and 21 hectares for temporary livestock use. Agistment numbers will be dependent on the owner's population of horses, which currently includes the 12 Przewalski ponies that are almost extinct. Grazing will be supplemented by feed to support this number of horses as permitted with consent in this land use zone.



#### TRAINING

As previously mentioned the racetrack is used privately for fitness work and the training of horses. Proposed activities include the racetrack being hired out for fitness work for eventers. It is also proposed that some cross-country fences be erected they could also train using these. These would be located in the centre of the track. There would be a maximum of 12. These would be portable and would not require earthworks.

#### EDUCATION TOURS

Education Tours are proposed to be held at stables and will involve school and other interest groups being invited to watch how a stable works eg farrier, equine dentist and washing horses. These tours would be occasional and associated with an event / or celebration at the property addressed in the events section of the application. The stables can accommodate an education tour group of 150 children people at any one time.

#### SMALL REGULAR EVENTS

Small regular events that can be accommodated on the property include competitions for show-jumping and dressage and training clinics by national and international coaches invited onto the property. Clinics would be arranged thru Jumping NSW, Equestrian Aust and Equestrian NSW. Clinics and coaching can be by private invitation and can also be open to spectators that want to come watch.

These clinic/coaching/ competitions can happen weekly and monthly according to demand. The existing stables can only support agisters and owner's horses. Stabling is not required for clinics as people can drive in and return home to their own properties. If stables were required for interstate visitors temporary one could be hired. These temporary stables would be located in the Stallion paddock to the east of the stables. There could be up to 60 of these located in this ½ acre paddock. This is the area previously used for the Fernhill Picnic Races 2013 held in November 2013 where 50 stalls were accommodated.

It is proposed that in support of show jumping activities the Fernhill Jump Club would be formed and affiliated with Equestrian Australia/NSW for insurance reasons. These meets would be held regularly, usually monthly, and no stables required as it is a day event only and involve less than 300 people.

In summary small regular equestrian events would comprise:

- shows/ competitions could be held monthly Hours would be 8am to 5pm.
- Trucks and floats would arrive from 6.30am with internal traffic management.
- A PA system would be required and subject to noise restrictions.

These training activities and smaller regular events would co-exist by allocating set times for various activities.

### 5.4.3 Signature Equestrian Events

The equestrian history and heritage setting of the property provides an iconic venue for occasional large events. Several such events have been identified and include:

- Picnic Races
- Signature Speciality Events eg Show jumping, Dressage and Cross Country

Picnic races and signature speciality events are proposed as part of the limited number of signature events to be held on the Estate each year and are address in the Signature Events section.

#### 5.4.4 Future Opportunities

"Equestrian infrastructure on the site can be expanded in carefully selected locations to provide additional facilities and to undertake a significant equestrian program without adversely impacting on heritage values these could take place:

Around the current stables complex with some potential to expand that facility.

Around the racetrack but without any new permanent elements or structures.

In the area immediately west of the original stables and great hall buildings where there are paddocks and loose boxes.

Around the area of the burnt out service and aviary buildings.

In parts of the southern paddocks near Littlefields Creek (Paul Davies Pty Ltd, CMP December 2013).

### 5.5 REGULAR FUNCTIONS AND EVENTS THROUGH ADAPTIVE RE-USE

Approximately thirty weeks of the year there may be smaller regular equestrian events associated with the equestrian centre of excellence as well as adaptive re-use of existing buildings and garden areas for functions/events comprised of weddings/celebrations, corporate workshops and heritage tours and school visits.

The use of the racecourse Stables complex and existing equestrian infrastructure is set out in the previous section. This section of the report 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 private and community function events and activities that will involve less than 300 people, as they are restricted by the capacity of the function rooms.

The ballroom can contain between 56-90 people, the Great Hall between 150-215 people, the Hayshed up to 200 people, and the associated marque between 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 that will have a larger capacity than exclusively utilising the buildings. These events will also incorporate parking for up to 140 private vehicles.

The proposed use falls under a 'function centre' within the Penrith LEP 2010, which "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." These events are of small scale and are envisaged to occur on a regular basis, taking into account that Fernhill House remains a family home and a rural property of heritage significance.

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	Central Precinct Function Centre Site Plan



DA 201	Central Precinct Function Centre House & Garden Ballroom
DA 202	Central Precinct Function Centre House & Garden Great Hall
DA 203	Central Precinct Function Centre House & Garden Tennis Court
DA 204	Central Precinct Function Centre Hayshed and Pecan Grove

## HOUSE AND GARDEN AREA

This area comprises of the main house and garden area including the house gardens (rose garden, northern garden) and 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 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:

### 5.5.1 Ballroom

The Ballroom is in the southern part of the 1842 Fernhill 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: 110m<sup>2</sup>

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 or standing for corporate functions

Layout and Management of the Event:

Layout of the event is illustrated in DA Drawing 201.

Parking will be allocated in the north east of the house where 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 the existing underground 300,000L water tanks.

Removable toilets will be provided at a ratio of 1:40 located on the main lawn.

Waste will be removed by 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).

### 5.5.2 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 has existing amenities including an open kitchen area and toilet/shower.

The Great Hall dimensions are: 18m x 26m approximately 468sqm.

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).

### 5.5.3 Tennis Court & Lawn and Western Lawn

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

This lawn adjacent to the house will be used 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 eastern lawn can also accommodate a marquee 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 that the garden precinct be utilised for private and corporate functions, with the area defined as a function centre within the PLEP (2010).

#### 5.5.4 Access and Parking

Parking requirements associated with the small regular events for up to 300 people in the House and Garden Area, is for an anticipated 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 locate parking adjacent to the driveway, north of the House. An existing cleared grassy area that can accommodate more than 140 cars has been identified and is accessible 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 it is located in the adjacent carport.

These spaces are suitable to cater for both event patron vehicles and staff vehicles. The range of events sizes and locations in this precinct will enable parking to be regularly rotated within this area to mitigate any impacts on the grassy paddock.

#### 5.5.5 Hayshed Area

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

### 5.5.6 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.

The space will be utilised in conjunction with the hayshed with the installation of temporary 12x20m marquees.

### 5.5.7 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 small markets.

### 5.5.8 Access and Parking

Parking requirements associated with the small regular events is for up to 300 people in the Hayshed and Pecan Grove Area. These events will attract an anticipated 140 vehicles. These events will not require any additional works to accommodate traffic and will utilise the main entrance and existing driveways.

Smaller events will locate parking adjacent to the driveway, north of the House. An existing cleared grassy area that can accommodate more than 140 cars has been identified and is accessible from the main driveway. 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 the 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.

## 5.6 SIGNATURE EVENTS

Up to six large events that may comprise of a combination of activities such as a picnic race, show-jumping and dressage events as well as concerts, markets and other community and recreation events.

The Fernhill property has, throughout its history been associated with equine activities. 1880 and 1877 Melbourne Cup winners were trained within the landholdings of the estate. Presently the area is utilised for grazing of livestock and equestrian training.

This is an extensive area that includes the racetrack, stables and eastern and southern paddocks. This area is characterised by its scenic landscape and existing equestrian and rural infrastructure including the racecourse, extensive fencing, larger paddocks, stables and associated smaller paddocks. It includes the area south of the north driveway, east of the main house and garden, west to Mulgoa Road property boundary and south to include lands west of the dam in the Eastern Precinct.

Appropriate uses proposed within this extensive area include the use of the:

- racecourse and stables associated with equestrian activities and other recreation activities
- land to the north of the racecourse where the landform creates a natural amphitheatre
- areas contained in large paddocks to the east and north east of the racecourse that are considered suitable for temporary car parking

All events sizes can be accommodated within the racetrack precinct, meaning it can contain between 300 and 15,000 patrons.



## 5.6.1 Racetrack

Features of the racetrack include a generally retained natural topography that has not been changed, meaning there has been little cut and fill of the landform. The racetrack is 2400m in length, with a rail that has been deemed satisfactory by NSW racing standards, and three small dams located within the racetrack precinct that were added in the 60s and 80s. The centre of the course is a flat area that contains several large paddocks. Equestrian activities appropriate for the racetrack area include:

Race training, demonstration events, and private racing (it is noted that any formal/professional racing requires a license).

Show jumping, dressage events, and training as well as other recreation activities that take place on existing natural surfaces within paddock structures located in the centre of the racetrack and areas closest to the stables.

Picnic areas, umbrellas, and a marque area with associated amenities for the equestrian and recreation activities in the south-centre of the racetrack.

School activities and sports training in the centre of the racetrack.

Markets and Community Fairs.

Concerts and Performing Arts events.

A set down area at the racetrack's centre south gate area or Hayshed.

Overflow parking to be located north and east of the racecourse.

Management of the Event (Sports Activities and Training)

The majority of patrons will be arriving via a coach service or school bus with a pick up and drop off point located adjacent the Hayshed. Any parking required will be allocated to the Eastern Paddocks, at an estimated rate of 1 car per 2.5 people, refer to the GTA Parking and Traffic Assessment (2013).

Typically this event will be self-catered. If food is required it will be prepared off site and served in bassinets, with a removable kitchen located east of the Hayshed. Drinking water will be provided from temporary water tanks located adjacent the food serving area, refer to the Sentry Report (2013).

Removable toilets will be provided adjacent to the Hayshed, refer to the Sentry Report (2013).

Waste will be removed from a private contractor at the conclusion of the event, with ten 240 litre bins and a three 1100 litre recycling bins required, refer to the Closed Loop Waste Management Report (2013).

Refer to DA drawing 300.

Management of the Event (Major Community Fair)

Attendees of the event will arrive via a special event bus or private vehicle. The special event shuttle will pick passengers up from a regional transport node, typically Penrith Station and one other. Parking will be allocated in the Eastern Paddocks, at an estimated rate of 2.7 attendees to a vehicle, refer to the GHD Traffic and Parking Assessment Report (2013).

Food will be provided via the temporary stalls, with drinking water available via temporary drinking water tanks, refer to Water Monster Report (2013).

Removable toilets will be provided at a rate of 1 toilet per 70 patrons.

Waste removed from a private contractor at the conclusion of the event. There will be two 25m<sup>2</sup> and a 45m<sup>2</sup> designated waste management areas for truck access and pick up. Horse waste will be picked up by track workers and stored within the stables and utilised for fertiliser, refer to the Closed Loop Waste Management Report (2013).

Refer to DA drawing 500 and 502.

Management of Events (Race Meeting):

Attendees of the event will arrive via a special event bus or private vehicle. The special event shuttle will pick passengers up from a regional transport node, typically Penrith Station and one other. Parking will be

allocated in the Eastern Paddocks, at an estimated rate of 2.7 attendees to a vehicle with 1 horse float per competitor, refer to the GHD Traffic and Parking Assessment Report (2013).

Food will be prepared off site and served from bassinets via a series of food stalls and temporary catering and corporate hospitality facilities, with drinking water provided through temporary water tanks, refer to the Sentry Report (2013).

Removable toilets will be provided at a rate of 1 toilet per 70 patrons, and will be located in the southern area inside the racecourse, refer to the Sentry Report (2013).

Waste removed from a private contractor at the conclusion of the event. There will be two 25m<sup>2</sup> and a 45m<sup>2</sup> designated waste management areas for truck access and pick up. Horse waste will be picked up by track workers and stored within the stables and utilised for fertiliser on site or handed to community organisations, refer to the Closed Loop Waste Management Report (2013).

Refer to DA drawing 700 and 701.

Appropriate use as defined by the PLEP 2010 for the racetrack is as a (major and outdoor) recreation facility and an outdoor space that can accommodate markets, which may have temporary structures and accommodate medium and large events.

### 5.6.2 Amphitheatre Area

To the north west of the racetrack is a large tract of land with a moderate slope from west to east, forming a natural amphitheatre. Within this natural amphitheatre, several locations for temporary stages have been proposed, which provide a variety of Amphitheatre configurations of several sizes.

The capacity of the Amphitheatre is significant and can accommodate large events up to 15,000 patrons. The impact of events on this area will be minimal, as smaller events can be rotated throughout the area and larger events will be held less frequently, thus ensuring that the landscape is not degraded. The stage sizes that may be used include:

Stage 1: has a capacity of up to 5,000 people (located 100m east west by 115m north south)

Stage 2: has a capacity of up to 10,000 people (located 235m east west by 218m north south)

Stage 3: has a capacity of up to 15,000 people utilising the whole area (located 307m east west by 225m north south).

#### Management of Events:

Attendees of the event will arrive via a special event bus or private vehicle. The special event shuttle will pick passengers up from a regional transport node, typically Penrith Station. Parking will be allocated in the Eastern Paddocks, at an estimated rate of 2.7 attendees to a vehicle, refer to the GHD Traffic and Parking Assessment Report (2013).

Food will be prepared off site and served from bassinets via a series of food stalls and temporary catering and corporate hospitality facilities located on the outer edge of the amphitheatre. Drinking water will again be provided through temporary water tanks.

Removable toilets will be provided at a rate of 1 per 70 patrons, located adjacent on the outer northern and southern edges of the amphitheatre, and also for major events they will be located at the southern edge of the racetrack, refer to the Sentry Report (2013).

For small events; waste will be removed from a private contractor at the conclusion of the event, with a 25m<sup>2</sup> area for waste collection. For large events there will be two 25m<sup>2</sup> and a 45m<sup>2</sup> designated waste management area for truck access and pick up, refer to the Closed Loop Waste Management Report (2013).

Refer to DA drawing 400, 401, 410, and 411.

This application is seeking to use this area as an outdoor entertainment facility and (major outdoor) recreational facility.



An appropriate use under the PLEP 2010 for the lawn area and driveway is a private open space associated with the hayshed.

### 5.6.3 Other Activities and Events within the Central Precinct

#### LARGE RECREATION EVENTS

This application is also seeking for the Central Precinct to be utilised for up to two large endurance athletic activities each year. These events falls under the definition of a major and outdoor recreation facility in the PLEP 2010, which is permissible in the E3 Environmental Management zone. In April 2013, Fernhill hosted a "Tough Mudder" race that incorporated up to 12,000 participants and utilised a 20km track containing up to twenty obstacles.

It is proposed that similar style events be held, which may incorporate mountain bike events or a combination of physical activities. It is proposed that these events utilise paths throughout the central precinct that avoid the areas of high ecological value.

Typically, the participants that will compete in these endurance events will take between 2 and 3 hours, some completing faster than others. Towards the end of the day, officials follow the final participants and, if necessary based on time and conditions, transport may be required to ensure their conclusion of the event within daylight hours.

The availability of food and beverages is a closely managed activity and a food and beverage management plan is provided within operational management plan.

A Heritage Impact Statement prepared by (Paul Davies Pty Ltd) acknowledged that large endurance events within a "large and significant area is considered to be within the scope of activities suitable for the Fernhill Site and also manageable in terms of its impacts". The event will be predominantly located in areas away from existing structures, with no permanent building structures associated, and the event will be managed to minimise the potential for site and heritage impacts. "The monitoring of such events will enable any issue of concern that arises to be addressed as part of future considerations for the site" (Paul Davies, HIS Tough Mudder DA, 2013).

In addition, the impact of this event on ecological communities in the Central Precinct have been identified as minimal. These style of events will require approximately 20kms of track in the precinct of varying terrain. Course layouts will utilise already cleared areas, existing tracks from fire trails and existing gaps between vegetation to ensure there is no clearing of trees or slashing of vegetation to form tracks. To prevent the degradation of vegetation adjoining these trails, temporary fencing will be placed along the tracks so that participants cannot enter these areas. The tracks will also avoid the areas that have been highlighted for possible future bio-banking initiatives, and given that the event will take place over a maximum two day span there are negligible threats of contamination to the site.

Management of the Event:

Patrons will typically arrive via special event buses private vehicle. Special event buses will pick up passengers from 1-2 regional transport nodes including Penrith Station. Parking will be allocated in the Eastern Paddocks at an estimated rate of 1 space per 2.7 attendees, refer to the GTA Parking and Traffic Assessment Report (2013).

Food will be prepared off site and served in bassinets via a series of food stalls located in the centre of the racetrack. Additional catering will be provided through a removable kitchen located to the east of the Hayshed, and up to 12 catering vans at 3m by 7m may be used. Drinking water will be provide via temporary water tanks located adjacent to the food preparation areas, refer to the Sentry Report (2013). Toilets will be portable and provided at a ratio of 1 toilet per 70 people attending, located in the centre of the racetrack, refer to the Sentry Report (2013).

Waste will be removed from a private contractor at the conclusion of the event, with a designated waste management area located in the centre of the racetrack and Eastern Paddocks including two 25m<sup>2</sup> and one 45m<sup>2</sup> area with truck access to remove larger skips.

Refer to DA drawing 300.

The required operational infrastructure have been identified to support such a program with areas designated and is activity in the Central Precinct includes:

A range of temporary structures such as marques, market stalls and seating

A range of temporary amenities and facilities including such as toilets and kitchen;

Designated car and bus parking areas

Designated waste management areas;

A range of temporary fencing, signage and accessibility measures to support safe access to and within the site for people and a range of vehicles.

#### FILMING AND PRODUCTION

The Central Precinct's landscape and heritage values provides the ideal setting for the filming of advertisements and drama productions. It is proposed that the central precinct be utilised as a facility for filming.

Temporary structures and vehicles associated with the filming and production of the event will not occur in ecologically sensitive areas and a management plan of for each production will be provided to Council within 30 days of the event occurring.

#### Management of the Activity:

It is anticipated that no more than 300 people would be involved in the production of a film.

Filming may occur between 6.00am and 9.00pm.

Neighbours and Council will be informed of any filming that will take place at least 30 days prior to the filming to take place on site.

These events will be managed by an external production company. The details of filming and management of the production will be incorporated within a management plan, which will be provided to Council prior to Filming.

#### ENVIRONMENTAL FACILITY VENUE

The central precinct has ecologically important communities that accommodate a variety of fauna and flora species. It is envisaged that educational institutions or local groups may utilise areas within the Central Precinct for bird watching and bushwalking.

The hayshed would be used as a meeting point for the activity and potentially food provision will be associated with the activity. This would be managed in a similar manner to a small regular function proposed within the hayshed.

#### Management of the Event:

It is anticipated that less than 100 people will be involved in using the environmental facility in the Central Precinct at any one time.

Areas proposed for bio-banking will be avoided.

No temporary structures or works are required for this activity.

It is envisaged that these activities would be managed by an external organisation with Consultation with Council.

## 5.7 ANCILLARY ACTIVITIES AND OPERATIONAL MANAGEMENT

### 5.7.1 Camping

Camping will be provided in the orchard (Pecan Grove) west of the Hayshed. The location consists of a the Hayshed, a large brick and stone building in a 25 acre paddock planted with Pecan Nut trees. The vegetation on site is predominantly cleared and exotic grasses.

Camping is associated with some of the signature events and is proposed for up to 500 people (approx. 200 square meters per person).



Tent sites will be clearly marked.

No camping will be allowed outside of designated spots.

Each tree is protected by screening around the base.

Temporary solar lighting will be provided at the base of each tree to highlight the demarcated areas.

Each camp site can accommodate 4 people, although an average of two people per site has been used in the proposal of 500 campers.

All camping will be pre-booked via the Fernhill website and only approved campers may enter the campsite.

Occasional camping associated with smaller events such as school recreation activities, sporting club or such is envisaged for up to 50 people on a maximum of 10 occasions a year and smaller groups of up to 20 people on a maximum of 20 occasions a year. A provision for a small amount of more regular camping associated with the Fernhill

Heritage Foundation heritage tours is proposed for up to 20 people on 20 occasions during the year.

Camping will be strictly limited to that associated with a single event or activity to ensure management of the campground is associated with that event and managed accordingly.

### 5.7.2 Car Parking

Car Parking has been identified to support the:

Smaller regular functions and activities for up to 300 people; and

Larger signature events for up to 15,000 people up to 6 times a year.

Parking for the small regular functions is required adjacent to the two venues; being the historic home and garden area and the hayshed precinct.

Parking for the historic home is located north of the house and will service all functions in the Fernhill Ballroom, Garden and Great Hall. The area identified as suitable for parking is highly modified and in recent decades has been a service area accommodating farming infrastructure, storage areas and the like. It can accommodate up to 140 event patron vehicles and 38 staff vehicles in a separate lot.

Parking for the regular functions on the Hayshed is to be located in the paddock directly south of the Hayshed. This area is also part of the parking area identified for signature events. As parking for up to 140 cars is required for regular functions in the Hayshed there will be a designated area within the paddock managed for parking associated with these regular events.

The larger signature events are proposed to have up to 15,000 people. Traffic Report by GTA consultants identify such an event would require traffic management including management of buses and parking for 3,700 – 4,000 cars.

There are three areas in the Central Precinct identified for this large scale occasional car parking and are illustrated within the Appendix 1 of the GTA Traffic and Parking Assessment (2013). Ecological studies have identified where natural environment areas within these eastern paddocks require protection and have been excluded from the parking area.

In total 3 car parking areas have been identified:

Car park 1 – capacity 1,200 cars;

Car park 2 – capacity 1,840 cars;

Car park 3 – capacity 2,640 cars

Bus Parking – capacity 20 buses and bus drop off and pick up

These parking areas will be subject to conditions to maintain the landscape. In circumstances of extreme rainfall, parking will not be allowed in the paddocks because of the potential for serious landscape damage and dangerous driving conditions and where necessary an event would be cancelled or postponed.

The potential impacts on grassland from the car-parking associated with events within the Central Precinct has been considered. The potential impacts on grasslands and the capacity of land to accommodate agricultural landuse, particularly grazing, following event parking in the Central Precinct.

An Environmental Management Plan will be to identify potential issues associated with soil compaction, loss of ground cover, contingency plans to be actioned in the event of wet weather and mitigation measures to avoid long term impacts on vegetation and site heritage value.

The EMP will identify potential impacts parking has on;

Compaction

Contamination

Different weather conditions

Impacts on agricultural uses

Scenic/heritage impacts

Describe mitigation and management measures including;

General Management including use of signage, avoidance and protection of ecological areas

Rotation of areas used for regular parking

Wet weather management

Treatment of paddocks after major events

## 5.8 OPERATIONAL MANAGEMENT

### 5.8.1 Traffic Management

Traffic Management has been identified to support the:

Smaller regular functions and activities for up to 300 people; and

Larger signature events for up to 15,000 people up to 6 times a year.

In order not to disturb the main gate to the south and due to safety restrictions with the north gate, a third gate to the property is proposed 75-80 metres to the south of the north gate. This third gate is proposed to provide direct access to car parking for the signature events as well as regular events at the Hayshed.

As recommended in the HIS, this third gate will have a temporary sign put in place on the day of events. Where it is being used as part of a larger signature event, this signage will be as described in the Traffic Management Plans that have been prepared by GTA and forms part of this application. The HIS supports this third gate as it significantly reduces traffic impacts on the Estate and addresses safety concerns in the operation of Mulgoa Road.

Traffic and Parking is addressed in detail in section 7.10.2 of this SEE.

## 5.9 USE OF EXISTING SERVICES

The sewage system in place comprises of a 40,000 litre treatment tank that can function as a holding tank. This tank will be pumped out via a tanker truck for off-site disposal, which will be undertaken at appropriate intervals. These intervals will vary depending on the inflow based on the events occurring in the Precinct, and thus the tank will be monitored by staff to ensure there is no risk of overflow. A pump out will be ordered when liquid levels are at no more than 50% of the tank capacity.

This is a suggested temporary measure while the system is being refurbished to accommodate the events proposed. This system will be subject to approvals from Penrith Council and a separate building certificate. Unauthorised building works associated with ancillary buildings adjacent to the hayshed are subject to a separate building certification process with Penrith City Council under section 121B of the Environmental and Planning and Assessment Act 1979.



## 5.9.1 Plan of Management

An operation plan of management has been identified to support the smaller regular events for up to 300 people and the larger signature events for up to 15,000 and forms part of this application. In summary it addresses all necessary operational issues including:

- Activity / events overview
- Activity and event location
- Stakeholder engagement
- Risk management
- Safety management
- Emergency management
- Security management
- Liquor licencing and management
- Food and catering
- Camping and campground
- Public transport
- Adjoining residents action plan
- Accessibility
- Waste management
- Environmental impact

Where relevant these plans note where Council will require more specific information/plans in the lead up to and reporting after an events as determined by the nature of the event involved and what the extent of those requirements.

Key features of the Plan of Management highlighted in Appendix 2 to the SEE include provisions for temporary structure associated with events and designated waste management areas which are also shown in the DA drawings.

A separate Accessibility Report has been prepared to ensure all events provide appropriate access for people with a disability and locations for accessibility infrastructure such as viewing platforms and disable toilets are also shown in the DA drawings.

Another factor in relation to operational management is the management of livestock within the Estate during a larger signature event.

## 5.9.2 Remediation

Remediation requirements has been identified to support the:  
Smaller regular functions and activities for up to 300 people; and  
Larger signature events for up to 15,000 people up to 6 times a year.

The remediation of impacts from the smaller regular events and the larger signature events relate to the impacts over time of parking on paddocks, the impacts of traffic within the estate and the impacts of use of temporary structures. Other factors such as those associated with waste management and environmental impacts have been addressed as part of the plan of management outlined above.

People circulating within the site will have minimal impact on the environment, given appropriate waste procedures are implemented, and ecologically sensitive areas are fenced off or away from the event. Small regular events will be located in existing structures or garden areas, and will be low intensity. There are no expected long or short-term damages to the environment associated with these events. Larger events are also of low intensity given the maximum number events proposed in a year is 6 and the size of the areas involved relative to the attendees involved.

The impacts of traffic on driveways is a consideration as increased use of the driveways will increase the need for maintenance of driveways as part of the upkeep of the overall Estate. In relation to regular events paved driveways are used to convey traffic so impacts are minimal. Where traffic goes into a paddock these impacts have been evaluated and mitigation measure proposed as outlined previously.

The use of temporary structures could potentially disturb the garden areas associated with regular small events or in the paddock areas associated with occasional large signature events. The potential for impacts of temporary structures have been largely mitigated through the identification of areas suitable for those structures as shown in the DA drawings, management requirements for installation and dismantling as set out in plan of management.

The marque locations adjacent to the historic home is the tennis court area which is already largely compacted. The marque location adjacent to the Hayshed is a paddock area associated with the Hayshed and not an area used by livestock. Occasional reseeding as part of general maintenance of the tennis court and Hayshed surrounds is considered sufficient to mitigate any disturbance from these temporary structures.

Larger signature events utilise temporary structure in two locations:

Centre of the racecourse associated with equestrian activities

Amphitheatre associated with concerts

Again, occasional reseeding as part of general maintenance of these areas is considered sufficient to mitigate any disturbance from these temporary structures.

## 5.10 HERITAGE CONSERVATION

A large part of the application is tied to the application of heritage incentives that are available in Penrith LEP 2010 where the Council may, at its discretion, allow uses that are necessary for the conservation of the heritage place. The various applications are unique in that the offer to conserve and maintain the heritage aspects of the Heritage Item include the consolidation of the State listed curtilage and its expansion. The proposed subdivision is outside the core curtilage and has negligible impact on the State Heritage listed item.

The agreed schedule of works, which forms part of the VPA will ensure the heritage buildings and grounds are maintained to a high standard. The work is outside the general maintenance and management of the estate that is not specific heritage works and is a considerable commitment into the future.



## 6. STRATEGIC JUSTIFICATION

### 6.1 HERITAGE CONSERVATION

A large part of the application is tied to the application of heritage incentives that are available in Penrith LEP 2010 where the Council may, at its discretion, allow uses that are necessary for the conservation of the heritage place. The various applications are unique in that they offer to conserve and maintain the heritage aspects of the Heritage Item include the consolidation of the State listed curtilage and its expansion. The proposed subdivision is outside the core curtilage and has negligible impact on the State Heritage listed item.

The agreed schedule of works, which forms part of the VPA will ensure the heritage buildings and grounds are maintained to a high standard. The work is outside the general maintenance and management of the estate that is not specific heritage works and is a considerable commitment into the future. The future of Fernhill will largely depend on how successfully new uses can be integrated into the site so that there is a strong financial basis to conserve and maintain the property. Any consideration of new uses should be based on ensuring that the heritage significance of the place is conserved.

Council's Rural Land Strategy, adopted in 2003, recognises the need for heritage incentives and notes in Section 6.4.4 Heritage and Culture, Implementation Strategy to *"provide incentives to protect the heritage values"* and the associated policy action is to *"encourage land owners to carry out a heritage curtilage study and conservation plans of historic homesteads including homestead gardens"*.

The Fernhill Heritage Conservation Management Plan gives careful consideration to development opportunities following a comprehensive analysis of the heritage values. The Plan identifies that the expansive property has a range of appropriate opportunities and these include:

- intensification of existing rural uses including agricultural uses and equestrian uses
- events and other outdoor recreation activities which can provide excellent public access to the site
- support activities such as small scale accommodation, restaurant winery/boutique brewery that could be integrated into the site in locations that are outside the core areas to support equestrian activities, events or to support the local and wider community
- Use of the main house and core buildings as the house and its associated outbuildings are also capable of some public access either in relation to small events or as part of activities taking place on the site.
- Support Buildings and Services to house infrastructure required to maintain and operate the property in appropriate locations that do not impact on core areas, views or vistas.
- Biobanking as Fernhill has extensive natural vegetation that has a value in its own right. There are opportunities for activities such as biobanking and improving the quality of the natural environment.
- Development of peripheral lands where there are several locations within the broader Fernhill holding that are not affected by heritage constraints and where careful development could take place without impacting upon the heritage values of the core property.
- There has been consideration over many years on the value of providing for development on non-heritage significant land to allow the very significant core holding to be consolidated and protected from future subdivision or development. This is a proven technique to aid in heritage conservation outcomes.

More recently the potential for biodiversity values of the property have also become apparent with the introduction of biobanking in NSW. This relationship of heritage and biodiversity values within the property is a part of its picturesque landscape and create an avenue to realise value in the historic setting.

It is noted however with increasing protection of biodiversity some of the picturesque landscape, views and vistas has been impacted on as protected biodiversity as it has re-established in parts of the Fernhill Estate and surrounding Mulgoa Valley.

The design philosophy is documented in the Working Heritage Master plan Vision which is a document that pulls together in one place all the various aspects of planning underway for Fernhill. In summary, the Working Heritage Master plan comprises four main parts:

Heritage conservation through consolidation enabled by:  
Biodiversity conservation  
Development of peripheral lands  
Working Heritage Business Plan - Adaptive re-use

These four parts are supported by a suite of necessary programs and strategies including heritage conservation, transport, environmental management and sustainability, economic and community development and management / implementation and are described in following sections.

#### 6.1.1 Heritage Conservation through Consolidation

The current owner of Fernhill, the receivers Angas Securities in association with Simon and Brenda Tripp, requires a stable financial basis to be established in order to maximise heritage and biodiversity conservation and consolidate areas of state and local heritage significance. The Master plan Vision identifies the limited development of the peripheral lands (in the Eastern and Western Precincts) and biobanking in a range of areas across the Estate that can deliver that stable financial base.

The Master plan Vision notes that:

*"On several occasions since its development in 1842, Fernhill has struck financial difficulty. Unlike other neighbouring heritage estates, Fernhill has been able to survive with its original curtilage intact. This Master plan strategy seeks to honour this heritage and consolidate the curtilage into the future through development of peripheral lands. Active re-use of the heritage buildings and landscape provides the mechanism to deliver ongoing heritage conservation maintenance."*

After careful identification of development areas in the peripheral eastern and western lands and potential biodiversity values, the overall outcome would comprise:

The retention of historic Fernhill established as a single (or limited) title complete with consolidation of lots to one/two parcels of the 385 hectare Fernhill to prevent future subdivision of the State Heritage area; and

Expansion of the State Heritage consolidated area to include: 52.7 hectares of land to the north at Mayfair Road, approximately 16 hectares land at the Eastern Precinct in recognition of their scenic and environmental value as part of the Fernhill setting, and approximately 87.6ha hectares of biodiversity value in the Western Precinct to facilitate biodiversity conservation

With the Fernhill heritage retained, an expanded Central Precinct is created that then requires ongoing management of the expanded heritage area. This will be managed through a 'Working Heritage Business Plan' for the enlarged Central Precinct that will facilitate a range of appropriate uses within the heritage area including equestrian, recreation and other event and entertainment functions. This adaptive re-use focuses on past equestrian history and the adaptive re-use of existing buildings and gardens and will provide a level of public access to Fernhill not previously seen.

A Voluntary Planning Agreement, proposed to be tied to the site, reinforces the objectives and purpose of this proposal.



### 6.1.2 Biodiversity Strategy

In recent times, mechanisms to deliver biodiversity conservation in the long term have been established through biodiversity offsets and biobanking. In 2008, the NSW Government released the Growth Centres Biodiversity Offset Program as part of a package of conservation measures to offset the impacts on biodiversity as Western Sydney's Growth Centres are developed. By pooling the offset resources, the program intends to target the largest and best remaining bushland on and around the Cumberland Plain for conservation. The program has identified priority areas of high-value ecology within Fernhill suitable for conservation.

Offset programs can work either through the acquisition of reserves or conservation agreements. This program does not preclude the ecological values at Fernhill being used to offset other development not related to the Growth Centres program.

The program notes that conservation agreements are a priority for properties that have suitable conservation values but are too small to be managed as public reserves, or for properties where the landowner is not interested in selling. The preferred conservation agreement for use in the program is a biobanking agreement; that is, an agreement made with landowners under the NSW Government's Biodiversity Banking and Offsets Scheme. Biobanking agreements provide permanent security for the land and funding for ongoing management and monitoring.

The areas at Fernhill suitable for consideration relate to the lands containing Cumberland Plain Woodland, which is found in areas to the south along the riparian corridor of Littlefields Creek and to the north along the Mayfair Road corridor, and areas of Shale Sandstone Transition Forest found in the western parts of the property.

The areas at Fernhill suitable for consideration relate to the lands containing Cumberland Plain Woodland, which is found in areas to the south along the riparian corridor of Littlefields Creek and to the north along the Mayfair Road corridor, and areas of Shale Sandstone Transition Forest found in the western parts of the property.

### 6.1.3 Peripheral Land Development Strategy

As identified in the Fernhill Conservation Management Plan:

*"There are several locations within the broader Fernhill holding that are not affected by heritage constraints and where careful development could take place without impacting upon the state heritage values of the core property. There has been consideration over many years on the value of providing for development on non-heritage significant land to allow the very significant core holding to be consolidated and protected from future subdivision or development. This is a key technique to conserve Fernhill. This is a matter that requires negotiation with Penrith Council and the NSW Heritage Council. Allowing development on non-significant parts of the estate to secure the core holding is a sound approach to heritage management and use of the property."*

Opportunities for such 'careful development' have been identified in the most south-east portion of the property adjacent to Mulgoa Village (the Eastern Precinct) and at the western-most portion of the property adjacent to existing rural residential areas (the Western Precinct). This involves the discrete extension of Mulgoa Village on lands outside the State Heritage area for residential development on lands at Mulgoa Road, known as the Eastern Precinct. Limited

expansion of the rural residential area west of Mulgoa Village is also proposed on lands not affected by heritage or environmental constraints, known as the Western Precinct.

#### Eastern Precinct

As set out in the Master plan Vision, the potential for a modest and sensitive expansion of the Mulgoa Village is proposed in the Eastern Precinct. Preliminary development layouts make provision for views from Mulgoa Road to Fernhill Estate, environmental values, bushfire and so forth. A total of approximately 54 residential lots are considered an appropriate level of development. This includes the existing home and 53 new home sites. This would deliver a sensitive residential development to provide interface between Fernhill and Mulgoa Village. The housing lots proposed are all over 900 square metres, with an average lot size of approximately 1000sqm square metres and width of approximately 25m. A large tract of land fronting Mulgoa Road is maintained with some landscaping proposed to present a quality setting to Fernhill and the Mulgoa Village. New housing north west of the intersection with St Thomas Road development is set 100 metres back from Mulgoa Road behind a natural rise and will not be highly visible from Mulgoa Road.

Demand for a more exclusive housing choice has emerged in Penrith in recent years as western Sydney's wealth and skills increase. Often referred to as 'Entrepreneurs Housing,' these large housing lots associated with a rural village provide a valuable alternative to estate housing available elsewhere in Penrith.

#### Western Precinct

As set out in the Master plan Vision, the Western Precinct of the Fernhill Estate is a rural/environmental area outside the State Heritage area that has the potential to support a level of rural residential development similar to that on nearby properties elsewhere along Fairlight Road. A rural residential subdivision of approximately 38 lots is proposed, with lots being a minimum of 2 hectares. The lots are arranged in two clusters.

The developable area identified has been established in close consultation with ecological, bushfire and infrastructure experts to ensure the suitability of the land for rural residential development. These lots will be accessed via an extension of Nepean Gorge Drive and new internal road that links through to Fairlight Road. The design of the layout gives appropriate consideration to the adjoining Fairlight House and much of the frontage to Fairlight Road will be conserved due to its biodiversity values.

There are few areas in western Sydney where rural residential development is appropriate, as areas are either developed for urban residential or have limited infrastructure to support growth. This western part of Mulgoa is ideally suited to this modest proposal as it complements the local rural village and surrounding rural residential character.

#### 6.1.4 Central Precinct Working Heritage Business Plan

Fernhill has long been a destination celebrated for its picturesque landscape and magnificent home and gardens. In recent decades, however, the property has been a private home and rural holding requiring significant resources to maintain. Current economic circumstances indicate a more sustainable economic model is one of adaptive re-use of heritage buildings and landscape. Adaptive re-use is a well-recognised way to ensure the viability of ongoing heritage conservation that includes significant public benefit.

The Working Heritage Business Plan coordinates the plans for and uses of the Central 'State Heritage' Precinct of Fernhill and buffer areas and includes:



cultural heritage overlay setting out Heritage Conservation Strategy and requirements for on-going funding of heritage conservation (through the proposed Voluntary Planning Agreement)

biodiversity overlay setting out a Biodiversity Conservation Strategy

adaptive re-use overlay (including permitted uses) setting out appropriate uses for the buildings and landscape including recreation events, an Equestrian Centre of Excellence, events and functions and entertainment activities and recreation events

Fernhill Heritage Foundation established to support heritage conservation through a not-for profit membership organisation.

As set out in the Conservation Management Plan, the lands within the Central Precinct accommodate the heritage and biodiversity conservation with limited opportunities for further development. Conservation policies have been established in the Conservation Management Plan to assist the property owner to manage Fernhill's diverse values and historic fabric. A conservation policy explains the principles to be followed to retain a place's heritage significance and how that significance can be enhanced when undertaking conservation and maintenance works or proposing change to the place.

These include policies for:

- Compliance with statutory controls and guidelines
- Conserving the natural environment
- Managing the cultural landscape
- Managing the built environment
- Managing the archaeological resource and Aboriginal heritage
- Managing use
- Interpretation
- Further research and investigations.

Within the cultural landscape several areas and activities have been identified that, subject to appropriate considerations, complement the rural setting and these are the focus of the Working Heritage Business Plan. These uses include equestrian events and activities, recreation events and activities, as well as a range of functions and entertainment uses and the supporting infrastructure required.

According to the Conservation Management Plan, some limited development may also be possible in areas to the north west of the house surrounding the rural structures and aviaries damaged by fire and on land outside the visual catchment adjoining the large dam in the northeast of the property. Limited expansion of existing structures such as the Racecourse Stables and Hayshed may also be possible. Detailed submissions addressing all relevant Conservation Policies are required before any such proposal within the State Heritage Area can be considered.

## 6.2 ALTERNATIVE OPTIONS

There are essentially four development options applicable to Fernhill Estate that provide the context to evaluate alternative options. These comprise the:

No development also called the 'as is' Option

- Development guided by a Conservation Management Plan; under a Conservation Management Plan to be independently reviewed and endorsed by the Heritage Office
- Development under existing Penrith Local Environmental Plan 2010 planning controls
- Development based on land capability considerations

The alternative option to retain Fernhill Estate 'as is', with no proposed development of peripheral lands or adaptive re-use of the historic core areas is not considered viable. The potential for Fernhill Estate to remain 'as is' would rely on a benevolent owner who could afford the upkeep of the property through an independent source. An International Expression of Interest in 2010 for the sale of the Estate confirmed there was no interest and no viability in the Estate 'as is'.

Historic Estates such as Femhill were typically created by wealthy and powerful individuals and families which is no longer as culturally relevant. It is understood a local interest group approached government to determine if there was interest in public acquisition of this historic estate and none was forthcoming. There are many examples across Western Sydney where this lack of interest in historic estates has seen places fall into disrepair and lost where no interest has been shown. As such the 'as is' option is not considered a sustainable alternative option.

The proposal subject of this application is the option for development guided by a Conservation Management Plan. A Conservation Management Plan provides a suitable framework to consider proposals under conservation incentives in a local environmental instrument as is detailed in this proposal.

The two remaining alternative options are presented and analysed to provide a context for consideration of the option proposed.

#### 6.2.1 Option 1 - Existing Planning Controls

In summary this provides for the fragmentation of the subject land into approximately 37 separate allotments and isolates the State Heritage Listed Femhill House and Landscape on its existing 10ha allotment.

Mulgoa Valley has been recognised within the Greater Metropolitan of Sydney as an important heritage landscape and environmental buffer to the Blue Mountains National Park. The Mulgoa Valley SREP was gazetted in 1987, which provided specific objectives and controls for the precinct. These controls that have now been repealed have been largely reproduced within clause 6.5 (Protection of scenic character and landscape values) and 6.9 (Mulgoa Valley) of the PLEP 2010 and parts of the Penrith Development Control Plan 2010 for the Mulgoa Valley Precinct. In relation to the proposal subject of this application these controls have been addressed in Section 8 of this application.

The Mulgoa Valley Regional Environmental Strategy was developed in 1984, and largely informed the Mulgoa Valley SREP and together with more recent studies undertaken by Penrith City Council such as Rural Lands Study have together informed subsequent PLEP 2010 and PDCP 2010 controls. The 1984 Regional Environmental Study was concerned with the conflict between conservation and development pressures, and identified that particular attention needed to be afforded to the following issues:

- Items of heritage significance.
- The landscape qualities of the area.
- Land uses that are under pressure, and
- Appropriate planning options for the development of the valley, with particular regard to conservation issues.
- The Catchments within the Valley
- Historic Landscape and Curtilage
- Visual Quality
- Natural Landscape
- Development Options

It was part of this RES and REP process that saw the listing of the historic Femhill on the State Heritage Register. The listing of the Eastern Precinct and Northern Precinct as being 'locally significant' and an extension of the Environmental Conservation zone into the Northern Precinct was made by Penrith City Council in 2010. Overall however, the planning controls remain largely unchanged and the original objectives for the valley are reflected in the current objectives of the cl 6.9 Mulgoa Valley which are to:

- a) to establish specific planning controls for land in the Mulgoa Valley (the valley),*
- (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,*
- (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,*



*(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 subdivision permissible under the PLEP 2010 in the current land use zones in the Mulgoa Valley include:

Central and Northern Precinct E3 area – minimum allotment size 20 hectares

Central Precinct, Northern Precinct and Western Precinct E2 area – minimum allotment size 40 hectares

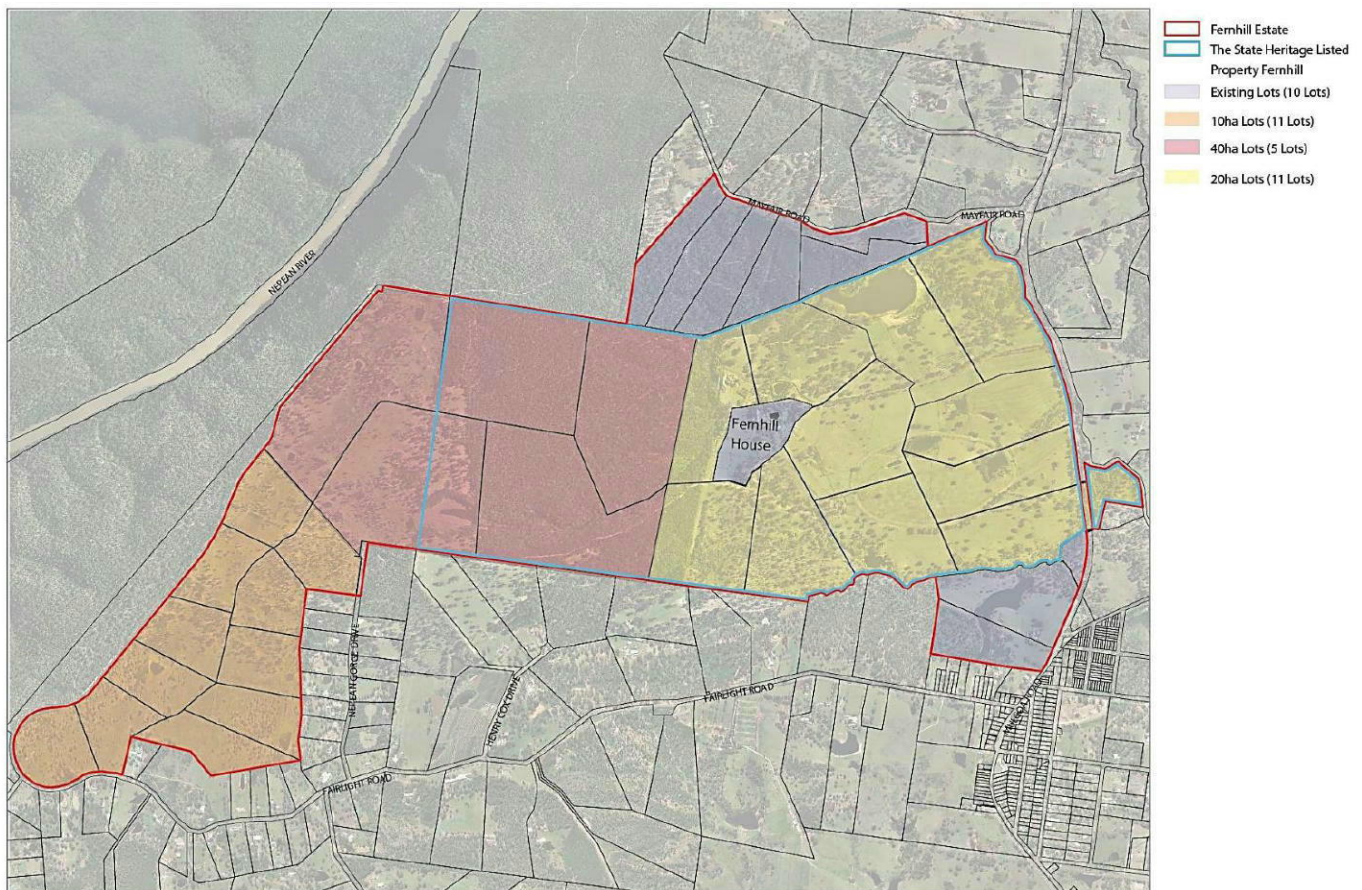
Western Precinct E3 area – minimum allotment size 10 hectares

Various configurations of the application of these allotment sizes typically identify subdivision of the Estate into a total of 30 – 37 allotments. This range reflects different ways to take into account the 15 existing allotments and zone boundaries. The schematic following Figure 19 demonstrates subdivision into 37 allotments.

Subdivision of the Estate into over 30 allotments would facilitate the sale of single lots to individuals and see a wide range of land uses permissible within the land use zones. Benefits of this fragmentation would include the realisation of the inherent value of property under existing controls.

These existing planning controls are contained under the PLEP 2010 and objectives for the Mulgoa Valley as stated above, so can be argued to deliver appropriate heritage, scenic rural, biodiversity and other outcomes. However an evaluation of this alternative option, particularly when considered in comparison to the proposed option, presents a range of impacts. These include:

- Isolation of the heritage house and other heritage features
- Decreased value of the historic picturesque landscape due to increased number of lots the potential for a mixed range of uses
- Amenity and scenic impacts due to the increased number of lots and the potential for a mixed range of uses, some of which may be otherwise prohibited and applied for under conservation incentives
- Virtually impossible to reverse once there is a series of private landowners
- Decreases potential for and likelihood of biodiversity conservation as coordination between landowners would be required to have greatest outcomes for biodiversity conservation
- Impacts on water quality, storm water management and riparian corridors as again coordination would be required between proposed land uses and various owners for outcomes.
- Loss of an historic curtilage and potential for an significant and iconic heritage venue
- Limited ability to ensure on-going heritage conservation of heritage



**Figure 21: Possible Subdivision of Estate**  
6.2.2 Option 2 - Land Capability

In summary this option is based on an analysis of the development potential of peripheral lands having regard to inherent land capability rather than planning controls. While not exhaustive in terms of land capability as the historic Fernhill area was retained, the previous 2007 – 2010 scheme for the site, prepared by Urbis, established the land capability for approximately 180 dwellings within the peripheral lands, including 90 x 4000sqm allotments within the Western Precinct and 90 x 550sqm allotments within the Eastern Precinct and the sale of the individual allotments within the Northern Precinct on Mayfair Road. This option demonstrates the greater development capacity of the Estate when land capability is a major consideration.

This scheme is still premised on the retention of the historic state heritage listed area and did not include land capability within the Estate which would generate an even greater level of development. It is noted that the retention of the state heritage listed area would continue to require on-going heritage conservation and suitable arrangements to ensure those outcomes would need to be established. A series of environmental, infrastructure and other technical reports established this capability in terms of an available development footprint, ability to manage bushfire risk, ability to service the development and social and economic benefits the scheme would make to the local and wider western Sydney area.

Developing to land capability in the peripheral lands sees the highest and best use of land that is in limited supply in the metropolitan region while retaining a significant state heritage site. The benefits of developing to land capability would be to take a long term view of the Estate and its location in Western Sydney while still prioritising heritage conservation of the historic Fernhill. While this proposal still represents limited expansion of the Mulgoa Village, and a limited increase in rural residential the impacts would be a notable increase of residential development along Mulgoa Road and an intensification of rural residential development around Fairlight Road. Opportunities to enhance biodiversity conservation would be



reduced by the larger development footprints in the Eastern and Western Precincts and the fragmentation of the Northern Precinct.

It can be argued that development of land capability on the peripheral lands, particularly where heritage conservation outcomes are put in place for the historic Fernhill, is an appropriate and sustainable use of such land given its metropolitan context. This option would require the careful balancing of heritage conservation outcomes in relation to perceived impact on the Mulgoa Village and valley.

The suite of planning documents over recent decades establishes the heritage significance of the Mulgoa Village and Valley as primarily twofold:

The 1800s settlement heritage which included the creation of historic places like Fernhill as documented in the Conservation Management Plan and select buildings in the Village; and

The rural character of the Mulgoa Village and Valley, which is considered an example of Penrith's broader heritage having grown from a series of small rural villages into a "prosperous region with a harmony of urban and rural qualities" (as stated in Council's Rural Land Strategy).

It is noted that Mulgoa Village is not a historic village, rather it is a rural village set in a rural landscape as Council's Rural Villages study of Mulgoa and Wallacia notes:

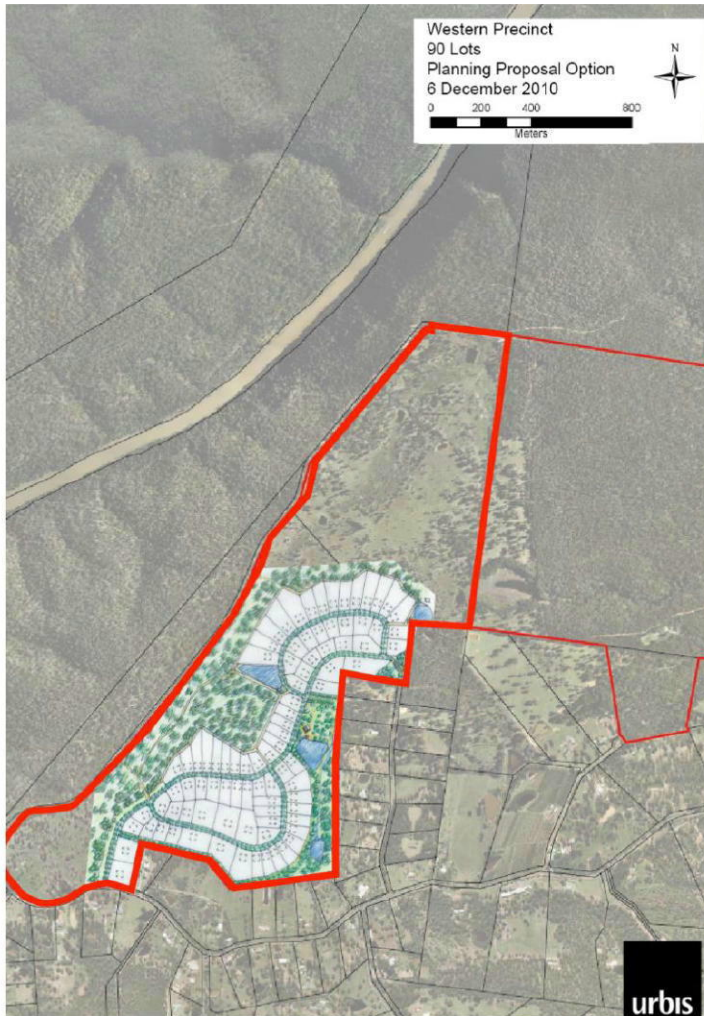
*"Of unique significance to the city they remain a legacy of the smaller communities from which Penrith derived its origins and the villages retain strong connections with early pioneers who initiated settlement of the area".*

Historically, Fernhill's primary relationship was to the St Thomas Church to the east and other Cox landholdings. Its later relationship to Mulgoa Village is largely a scenic one contributing to the broad 'rural landscape' setting. The retention of the historic Fernhill with development to land capability of peripheral lands would still retain the 1800s settlement heritage and, while expanded by 90 dwellings to the north and 90 dwellings in the rural living area, the Mulgoa Village would remain a rural village in a rural landscape setting.



Figure 22: Former Proposed Eastern Precinct Subdivision





**Figure 23: Former Proposed Western Precinct Subdivision**

## 6.3 Conclusion

Strategic Considerations form part of a wider integrated approach to heritage social, economic and environmental issues. These issues are considered in the master plan for the estate. As established in the Design Philosophy section, the strategic analysis of the site and context highlighted several key factors that have been carefully considered in the formulation of this proposal. These considerations form the strategic justification which is outlined following.

### 6.3.1 Heritage

To secure the core estate and actually expand the protected areas of the estate. The re-adaptation of the core heritage buildings and land for activities and events will enable the long term conservation and maintenance of the State heritage item.

### 6.3.2 Environmental

The proposed residential development would have residual implications on native bio-diversity, including threatened biota, which would be balanced and improved through the enlargement of the Central Precinct that will facilitate the Biobanking.

Biobanking will conserve and protect vulnerable habitats and ecological communities in perpetuity.

The enlargement of the central precinct will protect important ecological corridors through to the Blue Mountains National Park that would be risked if the amalgamated land holding was to be separately sold.

The residential subdivision will not result in any isolation or fragmentation of habitat, the majority of the subject area is located in already cleared land with predominantly exotic vegetation.

### 6.3.3 Rural Landscape

Events and activities proposed in the Central Precinct will intensify existing rural uses including agricultural and equestrian activities on the site. The consolidation of the estate will enlarge the amount of land that can be utilised for agricultural activities.

The consolidation of the estate will enable for the intensification of the equestrian centre and agricultural in the future as discussed earlier in this section.

The subdivision layout ensures that the development will be a logical extension of Mulgoa Village and enlarging the Central Precinct, which will be preserved as a rural landscape.

### 6.3.4 Amenity

The portion of the Eastern Precinct that is proposed to be developed is compatible with surrounding land uses. It is an extension of the northern portion of Mulgoa village, which currently consists of low density residential.

The layout of the subdivision will provide a consistent streetscape with landscape in the front and rear yards, which will contribute to the localities character and amenity of the public domain.

The cluster of vegetation that is west and the immediate east of the dam is retained in the proposal to preserve the existing environmental quality of the area.

The regular equestrian activities and small functions that will occur within the Central Precinct will have a negligible impact on the surrounding locality.

The six large events per year will impact on the local amenity of Mulgoa Village and surrounding properties, however with the implementation of management plans associated with these events these will be manageable and continue to improve with consultation with Council and Police after large events.

### 6.3.5 Traffic and Accessibility

Mulgoa Road is accessible from Penrith Station and the M4 motorway ensuring that the area is accessible to the population of Western Sydney.

The proposed third entrance and slip lane will improve traffic flow on Mulgoa Road for large events and improve internal traffic flow within the venue.

The additional population within the residential subdivision will have a negligible impact on Mulgoa Road.

### 6.3.6 Social Infrastructure

Mulgoa has the social infrastructure to accommodate the population increase from the proposed residential subdivision.

The additional population will provide additional numbers to Mulgoa Primary School, which has been declining in recent years.

The activities within the Central Precinct will provide additional recreational and entertainment opportunities for the locality.

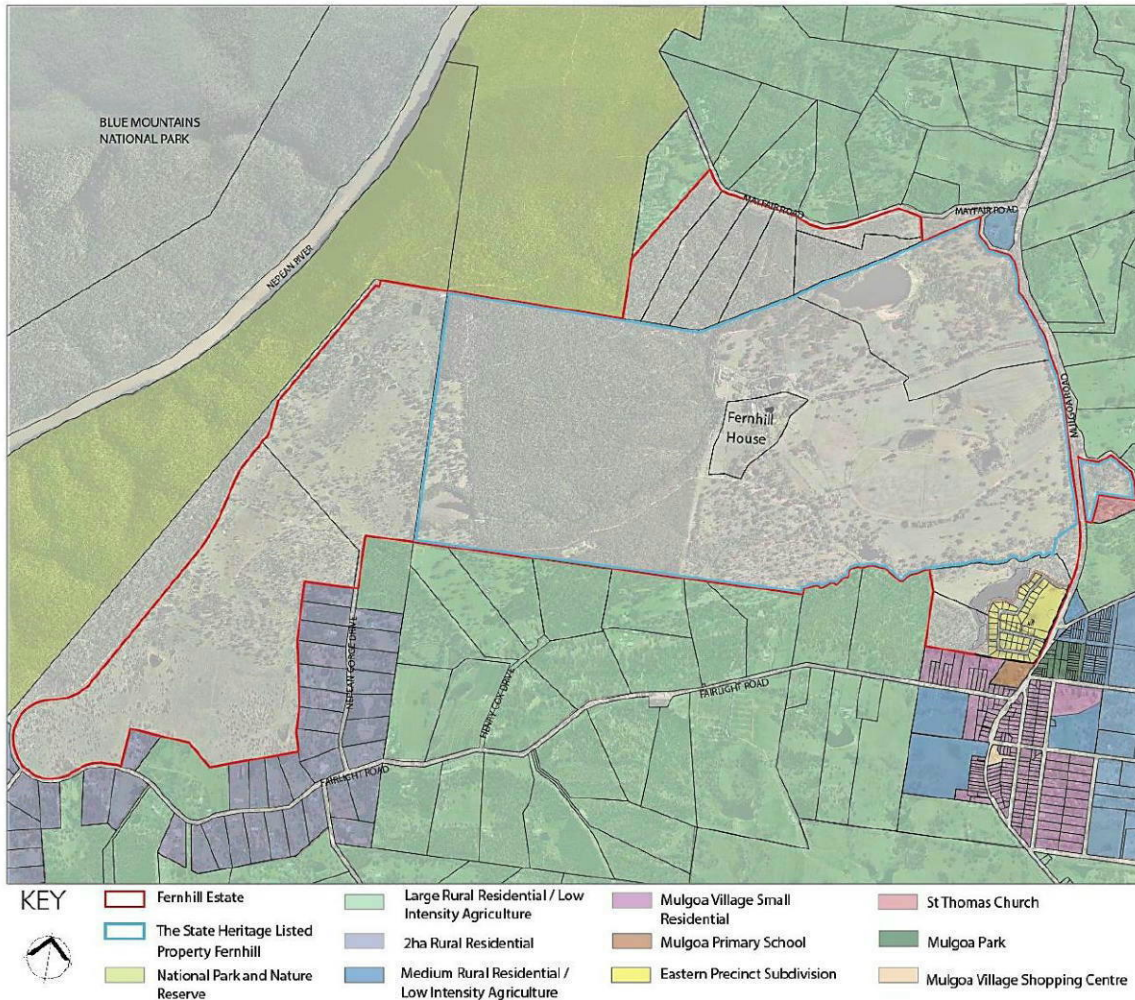


### 6.3.7 Economic Impacts

The residents within the new estate will likely travel to regional centres for work. The area is predicted to undergo significant economic growth ensuring that residents will have short travel times to and from work.

The events and functions proposed within the Central Precinct will provide additional employment opportunities for local residents within the locality and Penrith area.

## 7. ENVIRONMENTAL CONSIDERATIONS



**Figure 24: Contextual Land Use Analysis**

### 7.1 CONTEXT AND LAND-USE COMPATIBILITY

The character of this locality has not changed significantly over the past twenty years. Mulgoa is characterised by rural residential allotments and agricultural land uses. Fernhill Land Holdings have been utilised for agricultural purposes since the mid-19th century. This land use is no longer economically sustainable and consequently the Estate faces uncertain future due to debt associated with the property. The proposed redevelopment will generate a range of positive impacts to the site and surrounding areas.

The residential subdivision proposed within a portion of the Eastern Precinct will provide a logical extension of Mulgoa Village, providing additional housing opportunities and is in an appropriate location for minimum 900sqm allotments.

The location where functions and small events will be held; being within the House and Garden Precinct and Hayshed and Pecan Grove Precinct, is contextually appropriate. The events will be located in existing buildings and gardens and such are compatible with the existing uses on site and will have no impact on surrounding uses on neighbouring properties.



The location of signature events within the amphitheatre and racecourse area are sited to have minimal impacts on the State Heritage listed house and environmentally significant land surrounding. The number of large events during a calendar year will also minimise the cumulative impacts on the surrounding area. The master plan for the estate addresses the context of the area.

The rural residential subdivision proposed for the Western Precinct is an extension of the two hectare rural residential allotments located on Nepean Gorge Drive and Fairlight Road. The 54 lot subdivision within a portion of the Eastern Precinct forms part of the northern segment of Mulgoa Village. The amalgamation of Fernhill Landholdings will enable the original house and land to be preserved, enabling the public to experience the State Heritage listed land, whilst preserving important ecologies and rural landscape.

### 7.1.1 Scale

The residential properties located within the northern segment of Mulgoa Village are of a scale that does not exceed two stories or a lot size smaller than 750sqm. The proposed scale of development within the Eastern Precinct will be consistent with the existing development, and compliant with the Penrith LEP 2010 (6.11).

The Scale and bulk of the proposal will be integrated within the Village through;  
Utilising the slope of the area to reduce the apparent scale of the development when viewed from Mulgoa Road.

Adopting the existing low density residential character of the northern portion of the Village  
Preserving the large rural allotment on the ridgeline, which retains the rural landscape for the entrance to the Village from the North and provides a transition to large rural residential allotments to the north east.  
Complying with the PDCL Rural Land Use and Mulgoa Valley controls through the proposed building pads, as demonstrated in (DA drawing of the building pads and tree removal) and Appendix I of this SEE.

The scale of events proposed within the Central Precinct are within the capacity of the site. There is sufficient parking spaces to accommodate 6,800 vehicles and 15,000 patrons. The subject area has already successfully hosted several large events.

### 7.1.2 Built form

The proposed residential dwellings within the Eastern Precinct will be subject to separate Development Applications. There is the opportunity to adopt key desirable features and form a consistent built form with the surrounding Village through;

Articulating the facades of the proposed dwellings within the proposed subdivision will be assessed in future development applications.

The footprints of the proposed development is pursuant to the Penrith DCP 2010 and this is demonstrated within appendix I within this Statement of Environmental Effects.  
There is no proposed permanent building work associated with the events within the Central Precinct.

### 7.1.3 Landscape

The landscape design within the proposed residential subdivision will provide;

- A landscape setting appropriate for the Mulgoa Valley rural character by providing street tree planting and allotment sizes capable of providing landscaped setbacks.
- Enhanced streetscape character and amenity in the public domain through:

- Relating the landscaping and street tree planting to the desired character of the Village streetscape.
- Using planting and landscape elements appropriate to the scale of development.
- Retaining existing trees where possible within the Eastern Precinct, which will provide large trees within allotments and improve the character of the proposal.
- The amalgamation of the Northern Precinct and allotments within the Central Precinct will preserve the existing landscape that provides an important buffer to the Blue Mountains National Park and a picturesque landscape setting for the State heritage listed Fernhill House and Gardens.

## 7.2 VISUAL

The visual impact of this proposal is considered in the context that the Eastern Precinct allotments will be developed as detached residential dwelling houses. Development to this scale will result in a change to the existing landscape character. However it is considered that this change is reasonable as it will be consistent with the desirable characteristics of the existing Mulgoa Village, the desired future character of Mulgoa Village and the surrounding rural development in the Mulgoa Valley. The proposed development will result in an extension of built form along Mulgoa Road to the Northern Mulgoa Village Gateway. Development North of this point is setback and separated to create a transition from the village bush land rural setting. It is also noted that there are inconsistencies between areas identified as visually important in the Penrith LEP 2010 and the SREP 13 background documents. It is not clear in these documents which areas are to be retained as natural setting and which areas can accommodate change. Despite these inconsistencies this study has identified areas of visual significance and recommendations for development of allotments. While there is a corridor from Mulgoa Road and Mulgoa Park Fernhill House it is not discernible. The visual impact of the proposal is acceptable for the following reasons:

- The Eastern Precinct is an extension of the Mulgoa Village and offers opportunity to provide a visual transition between the village, the Historic Fernhill parkland landscape setting and the large lots rural surrounds to the north.
- The use of street tree planting along all roads will mitigate the visual impact of built form as viewed internal of the site as well as from external view points.
- Setbacks to Mulgoa Road provide separation and mitigate the visual impact of buildings on the allotments development.
- Littlefields Creek and associated riparian vegetation provides a visual barrier between the immediately adjacent Fernhill grounds and the Eastern Precinct.
- The location and size of infrastructure can be sited so that not to visually interrupt the surrounds. The size and location of infrastructure required to service the proposed development are compact enough to be strategically located and screened appropriately.
- Public domain views from Mulgoa Road foreground and distant ridgeline views are experienced for a short period due to the only ability to view from a vehicle. Fernhill house is a substantial distance from Mulgoa Road, the house is unable to be seen other than roof and taller trees in the gardens.

The visual report concludes "proposal does not disrupt any significant view afforded from adjoining properties" (Visual Landscape Assessment, ae design partnership, 2013).



## 7.3 SOCIAL AND ECONOMIC

An assessment was carried out by Elton Consulting that examined the social and economic trends and conditions, and expected impacts associated with the proposed subdivision of the Eastern Precinct and Central Precinct activities and uses. Based on studies, the assessment concludes that a range of social benefits are likely to result from events held in the Central Precinct and the subdivision of the Eastern Precinct.

The social and economic benefits include:

Provision of additional housing- the proposal caters for the demand for housing within Sydney. The development provides a unique style of housing that is currently not offered in the majority of residential subdivisions in Greater Western Sydney.

Stimulation of local economic activity – the manageable increase in the population of Mulgoa will generate local economic activity in the area by improved patronage to local businesses and services in the Village. Increased employment opportunities – the residential subdivision will increase the amount of construction jobs available in the area during the development of the subdivision. The proposed events and uses in the Central Precinct will also create employment, with staff required for the setup and operation of events. Conservation of the unique natural environment – the proposal seeks to preserve the heritage qualities and landscape of Fernhill, for the benefit of the local community. This will be undertaken by conserving identified native ecological areas and consolidating portions of the Eastern and Western Precinct with all lots in the Central and Northern Precincts, which will secure and expand the protected holdings of the Estate under a single title, and add to vegetation on site through Bio-banking initiatives.

Working Heritage Plan – residential, community and commercial activities proposed are pertinent in financially supporting the restoration and ongoing conservation of the Estate, including the State heritage listed items and landscape in the core Estate. This will occur through events located in the Central Precinct and the subdivision of the Eastern Precinct (and Western Precinct subject to different approvals). Access - Fernhill Estate will be open to the public and provide a landmark destination for Western Sydney that will enable a variety of events to occur in the future. The events and activities that are proposed in the Central Precinct will enable Mulgoa Valley to become a destination for recreation and tourism. Fostering community – the events will perform an important role in encouraging social interaction and community interaction within the Mulgoa Valley community. This will provide a community resource in the Penrith LGA that will encourage local involvement in the history and preservation of the State heritage listed buildings and landscape.

The negative social and economic impacts associated with events in the Central Precinct and the subdivision of a portion of the Eastern Precinct include;

While smaller events will have a negligible impact on surrounding residents, there is the potential for medium and large events to effect the locality. In addition to providing local residents with information on the changes to local traffic conditions prior to large signature events and ensuring that the operation of the events is in accordance with the approved traffic management plan endorsed by Council, residents will also have residents the opportunity to contribute to the review of large events with management of Fernhill Events to enable the continual improvement of the management of events. All potential environmental impacts are considered in detail in the following sections.

Negative impacts as a result of the Eastern Precinct subdivision are “expected to be minimal, given the relatively small size of the incoming population” (Elton 2013).

To assist the estate with some of its immediate management matters both within and off areas where bio-banking is to occur, an Aboriginal Heritage group has expressed interest in working with Fernhill Estate in a joint venture partnership. This will support indigenous training and employment opportunities, as well as documenting Aboriginal Heritage values present on the site. It includes the documentation of Aboriginal ecological resource use and traditional ecological knowledge, including knowledge of local resources that sustained life, and, were used for medicinal or food purposes. Predominantly they will undertake

environmental rehabilitation and restoration including rubbish and weed removal, land stabilisation, revegetation, land regeneration below the tree line, and environmental design and planning that will also identify and mitigate potential impacts and infringements before they occur.

## 7.4 HERITAGE

Fernhill is a rare colonial estate that has retained its early buildings, largely intact, and its original land grants 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, has been sub-divided in the past into a number of lots. The land to the north and south has been 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, which has become a significant landscape feature and has resulted in large areas of the site becoming subject to environmental protection controls in addition to heritage listing. This DA retains and protects all of the significant landscape areas and proposes to utilise bio-banking to ensure their future protection.

The proposed subdivision will not adversely impact Fernhill Estate due to the portion of the that ensures there is no impact on heritage items in the vicinity, including Mulgoa Public School. This involves the setback of houses in the northern section of the subdivision from Mulgoa Road by 100 metres behind a parkland setting, which provides a transition to larger rural residential allotments and buffers development from St Thomas' Church. Riparian corridors to the north and west will also shield development from the heritage listed core estate. It is considered there are no adverse heritage impacts arising from this subdivision.

The residential allotments will also enable the preservation of the Estate.

The proposed residential subdivision within the subject land, lands (outside the Fernhill SHR curtilage). This subdivision is proposed to contain 54 residential lots of an average of 1100 square metres each in area, plus parkland. The land forms part of the LEP-heritage listed Fernhill curtilage, and is also in the vicinity of the SHR Listed St Thomas Church & burial ground, and the LEP-listed St Thomas Road (original alignment of Mulgoa Road) and the LEP-listed Mulgoa Public School.

To ensure Fernhill Estate remains a large rural estate without further subdivision into the future, the Central, Northern and part of the Eastern and Western Precincts will be consolidated under a single title. This will secure and expand the protected lands and prevent the subdivision of the Estate in the future. To enhance the economic viability of the estate, ensuring there is economic support for ongoing conservation and maintenance works to the estate. This achieved through the subdivision of the Eastern and Western Precinct and events held in the Central Precinct. A Heritage Agreement will be made with the NSW Heritage 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 through funding restoration projects as mentioned, and also encouraging community involvement in the history of the estate as an important community asset.

## 7.5 ECOLOGY

### 7.5.1 Eastern Precinct

<i>Existing Ecological Profile:</i>	<i>Comment</i>
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Vegetation	<p>The site is contained within the Cumberland Plain Mitchell Landscape, comprising of low rolling hills and valleys in a rain shadow area between the Blue Mountains and Coast.</p> <p>The development footprint of the Eastern Precinct is 8.37ha;</p> <p>1.23ha of Grey Box- Forest Red Gum grassy woodland on flats in a moderate condition (CEEC listed under the TSC Act Cumberland Plain Woodland)</p> <p>Regrowth Grey Box- Forest Red low condition 0.80ha</p> <p>1.52ha Forest Red Gum – Moderate/ Good Condition (EEC Listed under the TSC Act- River-Flat Eucalypt Forest.)</p> <p>4.83hs Cleared land exotic grassland. The area has historically been grazed and the clearing of land and removal of vegetation is evident.</p> <p>The predominant vegetation species on the site are;</p> <p>Cleared land and exotic grasses as the predominant existing vegetation. In this there is no native over storey, mid storey, and less than 50% of the ground cover is native.</p> <p>The remaining vegetation is moderate to good condition Grey Box and Forest Red Gum.</p>
Fauna	<p>The GHD (2013) study identified over 70 species during field surveys, comprising three frog species, 56 bird species one mammal, one reptile species and one snail. Two threatened species were discovered:</p> <p>The Cumberland Plain Land Snail, which is listed as an endangered species under the TSC Act.</p> <p>The Varied Sittella, which is listed as a vulnerable species under the TSC Act.</p> <p>Glossy Black Cockatoo, which is listed as a vulnerable species under the TSC Act.</p> <p>Species observed were generalist species Cockatoo, Magpie, Australian Raven, Rainbow Lorikeet, birds of open woodland including Thorn bills, Fairy-Wrens the restless Fly Catcher, Red-rumped Parrot and Jacky Winter,</p> <p>Mammals observed were Freetail bat, Eastern Grey Kangaroos, Brushtail Possums, Russa Dear and European Cattle.</p> <p>Common Eastern Froglets, Brown-Striped Frogs and Verraux's Tree Frog.</p>
Hydrology	<p>The site is to the south by Littlefield Creek, and to the north by an un-name tributary of Mulgoa Creek that drains to the Nepean River. There are first and second order drainage lines that have been dammed at several spots within the site.</p>
Geology	<p>The majority of the site is part of the erosional soil landscape, according to the Hawkesbury Nepean 1:250,000 soil landscapes map.</p> <p>The site primarily consists of shale with sandstone beds as part of the subgroup Triassic Wianamatta Shales.</p> <p>A small portion in the east of the site is characterised by alluvial soils on quaternary alluvial gravel, sand, silt and clay.</p>
<b>Impacts</b>	<b>Comments</b>

Direct Impacts	<p>The proposal would result in the removal or modification of about 3.55 hectares of native vegetation within an overall area of 8.37ha.</p> <p>The extent of clearing of vegetation and habitats within the proposal is summarised in Table 7, Ecological Report for Fernhill Eastern Precinct, GHD 2013, A maximum 2.03 hectares of Cumberland Plain Woodland will be removed "which is approximately 0.14% of the total estimated vegetation community within the community.</p> <p>A maximum 1.52ha of River Flat Eucalypt Forest would be removed, which is approximately 0.24% of the total estimated area of that vegetation community.</p> <p>The removal of 3.55ha of native vegetation would involve removal of a moderately diverse range of non-threatened native plants, including a small number of mature trees. "This very minor reduction in the extent of native vegetation would not threaten the persistence of local populations of native plants" (GHD, 2013 Ecological Report, Eastern Precinct).</p> <p>The vegetation that would be removed provides habitat resources for native fauna species, including threatened species of fauna. The proposal would result in direct impacts on known local populations of two threatened fauna species, the Varied Sittella and Cumberland Plain Land Snail.</p> <p>The proposal would remove habitat resources for these two species and for a variety of other threatened fauna, including around:</p> <p>2.75 hectares of suitable forest and woodland habitat for the Cumberland Plain Land Snail</p> <p>GHD   Report for Fernhill - Fernhill Eastern Precinct Subdivision, 22/16709   38</p> <p>3.55 hectares of foraging and nesting habitat for threatened woodland birds such as the the Varied Sittella, Speckled Warbler (<i>Chthonicola sagittata</i>) and Scarlet Robin (<i>Petroica boodang</i>)</p> <p>2.75 hectares of foraging habitat, including four identified potential roost trees for tree-roosting microbats such as the Eastern Freetail-bat (<i>Mormopterus norfolkensis</i>) and Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>)</p> <p>2.75 hectares of foraging habitat, but no potential hollow-bearing nest trees for forest owls such as the Barking Owl (<i>Ninox connivens</i>) or cockatoos such as the Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)</p> <p>2.75 hectares of foraging habitat for migratory nectar feeders such as the Regent Honeyeater (<i>Anthochaera phrygia</i>), Swift Parrot (<i>Lathamus discolor</i>) and Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>)</p> <p>2.75 hectares of foraging habitat for large mammals such as the Spotted-tailed Quoll (<i>Dasyurus maculatus</i>) and Koala (<i>Phascolarctos cinereus</i>).</p> <p>The clearing of 2.75 hectares of native woodland and forest would</p> <p>The site is characterised by areas of cleared and exotic vegetation</p> <p>There are extensive areas of habitat for this threatened biota in the locality.</p> <p>The minor magnitude of impacts associated with the proposal would not threaten the viability or persistence of the species in the locality or the region.</p> <p>The subject site contains fragmented patches of habitat with less value than equivalent habitat in more extensive patches of native vegetation. The removal of habitat resources within the subject site is likely to have a relatively minor impact on local populations of threatened biota.species (if present) within exotic grassland in the subject site (which is unlikely). However, there are risks of habitat fragmentation, with mitigation methods for this addressed below.</p>
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Indirect Impacts	<p>Habitat fragmentation: the proposal involves the widening an existing gap of habitat and so vegetation clearing for the proposal will not directly isolate or fragment any areas of habitat.</p> <p>There potential sensitive receptors for indirect impacts on aquatic habitats in the study area including Littlefield Creek to the north of the subject site and wetlands to the west.</p> <p>Weed invasion and edge effects refers to the changed environmental conditions at the interface of intact vegetation and cleared areas. Construction may increase the degree of weed infestation through the dispersal of weed propagules into areas of native vegetation via erosion.</p> <p>The proposal involves widening an existing area of disturbed cleared land, thus the entire eastern and southern edges of vegetation adjoin cleared land and are at risk of weed invasion.</p> <p>Construction activities within the subject site introduce or spread pathogens such as Pphytopthpra, Myrtle Rust and Chytrid Fungus.</p> <p>The noise and light impacts on local habitat will be low as the site is adjacent to Mulgoa Road, which already has high volumes of traffic and noise.</p>
Erosion, sedimentation, contamination	<p>The provision of 54 allotments within the portion of the Eastern Precinct has been designed in accordance with the civil and storm water plans prepared by Mott Macdonald. The Water Sensitive Urban Design of the subdivision layout has been analysed in 7.1 6.2.</p>
Mitigation:	<p>Retain trees and understory within large residential lots.</p> <p>During the Detailed Design phase, native vegetation and habitat features may therefore be retained in some areas of the footprint, through tree preservation orders on residential lots, in public spaces or retention of canopy trees in APZ.</p> <p>The reduction of areas being cleared that have high ecological value should be minimized where possible.</p> <p>A Construction Environmental Management Plan would be required for construction. This would incorporate an Erosion and Sediment Control Plan, Vegetation Management Plan, Weed Management Plan, A landscape Plan, A fauna Management Plan.</p> <p>Prior to the clearance of areas of native vegetation, pre-clearance surveys would be required by an ecologist.</p>
Conclusion	<p>The subject site is dominated by cleared land and exotic grass land. The proposal will not result in the fragmentation of any habitat or contiguous vegetation.</p> <p>The potential impacts of the proposal would be restricted to a maximum 8.37ha of native vegetation. Only a very small portion of local populations would be affected.</p> <p>The small scale of the proposal and proposed mitigation measures it would be unlikely to result in any substantial impacts.</p> <p>The value of the habitats being removed is very low given the context and location of the site.</p>

#### 7.5.2 Central Precinct

<b>Existing Ecological Profile:</b>	<b>Comment</b>
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Vegetation	<p>The Central Precinct where events are proposed to be held as identified in Figure 2 of the Ecological assessment for the Central Precinct prepared by GHD.</p> <p>The development footprint of the Central Precinct is 113.87ha</p> <p>7.57ha Grey box in good condition listed under Threatened Species Act – Forest Red Gum grassy woodland on flats.</p> <p>0.39ha of Forest Red Gum – listed under Threatened Species Act – Rough Barked Apple grassy woodland</p> <p>105.91 Cleared land/ Exotic grassland</p>
Fauna	<p>The GHD (2013) study identified 62 species during field surveys, comprising three frog species, 56 bird species one mammal, one reptile species and one snail. Two threatened species were discovered:</p> <p>The Cumberland Plain Land Snail, which is listed as an endangered species under the TSC Act.</p> <p>The Varied Sittella, which is listed as a vulnerable species under the TSC Act.</p> <p>Species observed were generalist species Cockatoo, Magpie, Australian Raven, Rainbow Lorikeet, birds of open woodland including Thornbills, Fairy-Wrens the restless Fly Catcher, Red-rumped Parrot and Jacky Winter,</p> <p>Mammals observed were Freetail bat, Eastern Grey Kangaroos, Brushtail Possums, Russa Dear and European Cattle.</p> <p>Common Eastern Froglets, Brown-Striped Frogs and Verraux's Tree Frog.</p>
Hydrology	<p>The site is to the south by Littlefield Creek, and to the north by an un-name tributary of Mulgoa Creek that drains to the Nepean River. There are first and second order drainage lines that have been dammed at several spots within the site.</p>
Geology	<p>The majority of the site is part of the erosional soil landscape, according to the Hawkesbury Nepean 1:250,000 soil landscapes map.</p> <p>The site primarily consists of shale with sandstone beds as part of the subgroup Triassic Wianamatta Shales.</p> <p>A small portion in the east of the site is characterised by alluvial soils on quaternary alluvial gravel, sand, silt and clay.</p>
Direct Impacts	<p>The proposal involves the use of existing infrastructure or temporary events that would be located entirely in cleared land and exotic grassland.</p> <p>The disturbance footprints for events held in the subject site would comprise of only disturbed, cleared land containing exotic pasture species or environmental weeds. These areas contain little native vegetation cover and have limited value for native plants. Any impacts on vegetation in these areas through the placement of temporary infrastructure or traffic would remove a small number of individual non-threatened native plants and noxious and environmental weeds.</p> <p>The direct impacts and removal of habitat resources would have a negligible impact on local populations of habitat or threatened biota.</p> <p>The temporary events would be entirely excluded from these riparian corridors.</p> <p>It is highly unlikely that adult birds, microbats, terrestrial and aboreal mammals will be affected by the installation of temporary infrastructure.</p> <p>The small terrestrial fauna may be subject to risk during the installation of infrastructure.</p>



Indirect Impacts	<p>The proposal would have very minor indirect impacts on native vegetation and ecological communities.</p> <p>The events are located with a predominantly cleared area and with no works or removal of vegetation proposed the likelihood of indirect impacts on surrounding ecological communities are very low (GHD, Ecological Assessment Central Precinct, 2013)</p>
Mitigation:	<p>The proposal is the continuation and slight intensification of existing infrastructure and activities that occur within the central precinct.</p> <p>The proposal is unlikely to have any direct impacts on native biota and their habitats.</p> <p>During the large event planning phase, avoiding locations of high ecological value within the Central Precinct through;</p> <p>Supplementary ecological survey and constraints assessment prior to individual events.</p> <p>Identification of native vegetation and other no-go areas.</p> <p>Fencing of no-go areas and exclusion of temporary construction and public access.</p> <p>A Construction Environmental Management Plan would be required for construction. This would incorporate an Erosion and Sediment Control Plan, Vegetation Management Plan, Weed Management Plan, A landscape Plan, A fauna Management Plan.</p> <p>.</p>
Conclusion	<p>The proposal would not permanently remove or modify any native vegetation or otherwise threaten the viability or persistence of threatened biota in the locality.</p> <p>Potential impacts of the proposal on the life cycle of threatened biota would be restricted to the removal of a small number of threatened species (if present) within exotic grassland in the subject site (which is unlikely).</p> <p>There are extensive areas of habitat for this threatened biota in the locality.</p> <p>The minor magnitude of impacts associated with the proposal would not threaten the viability or persistence of threatened biota or species within the locality or region.</p> <p>Mitigation measures in accordance with an EMP are proposed to ameliorate potential indirect impacts, notably including fencing and exclusion of activities from native vegetation during events.</p> <p>The proposal would not result in a significant increase in the operation of any key threatened species nor have any effects that would substantially interfere with the maintenance or recovery of threatened biota.</p>

## 7.6 BUSHFIRE

### 7.6.1 Eastern Precinct

The Eastern Precinct has been designated as Bushfire Prone Land, under the Penrith City Council map. It has been noted that the vegetation formations within the Eastern Precinct can support high intensity bushfires, most likely burning in forest formations and as a faster moving surface fire in open woodland communities without a shrubby under storey. The subject land has been subject to high intensity bushfires in the past, such as the 2001 bushfires. A range of mitigation measures, have been proposed within the Bushfire Report, 2013, which are to be incorporated in the development of the Eastern Precinct subdivisions.

This includes:

Asset Protection Zones illustrated in Figure 5 of the Bushfire Report for the Eastern Precinct prepared by GHD. These comprise of inner protection areas (IPA) and outer protection areas (OPA). The IPA will extend from the building line. It is contained within the residential allotments and will be maintained by the property owner. The OPA will extend from the IPA towards the hazard. The landholder is responsible for the OPA contained within the subject land.

The maintenance of bushfire fuel within asset protection zones is important and the landowner will be responsible for this.

Perimeter access in the form of a fire trail will provide suitable access for fire management and suppression purposes. The fire trail is accessible from three points within the subdivision. The roads are at a width of 6m with a minimum trafficable width of 4m. Where the access from the public road meets the fire-trail, reversing bays are provided.

The perimeter fire trail will provide a strategic control line around the hazard side of the APZ; Fire Suppression and management activities can be undertaken by combat and management agencies using the fire trail without obstruction from residential traffic.

Tank water will supply the subject land and there will be dedicated tanks for firefighting.

## 7.6.2 Central Precinct

To mitigate the risk of bushfires on events in the Central Precinct, the following is proposed:

- The property will be managed during the bushfire season to maintain a low overall fuel hazard in areas that contain sensitive assets and in areas where people will assemble in large numbers. This will reduce the intensity and rate of spread of potential bushfires.
- Transmission corridors will be maintained in accordance with appropriate clearances and relevant standards, with routine checks.
- Fire emergency access and egress tracks will be clearly identified, signposted and maintained in accordance with the NSWRFs standards prior to the fire season.
- A person will be assigned to monitor weather conditions, bushfire threat ratings, and bushfires existing in the state, which will inform if an event can be safely held.
- The exclusion of patrons to heavily vegetated components of the property during severe, extreme, or catastrophic fire danger days.
- Pre-planned actions for when a bushfire is detected specific to the size and type of event including details of evacuation routes and procedures, and a meeting and refuge place.

## 7.7 ARCHAEOLOGY

### 7.7.1 Eastern Precinct

An archaeological assessment of the Eastern Precinct was undertaken, and identified 6 archaeological sites in the precinct. It is predicted that earthworks for the installation of services, infrastructure, and dwellings for the allotments will impact 2 of these archaeological sites. Mitigation methods have been proposed by Austral Archaeology including; text excavations to clarify the archaeological potential, undertaking a Care and Control agreement for the repatriation of artefacts retrieved, briefing contractors on site, and informing relevant stakeholders.



## 7.7.2 Central Precinct

This is the only precinct on site with no potential archaeological impacts as no permanent structures or construction is proposed in the Central Precinct. There are also no changes of use or development proposed for the Northern Precinct.

## 7.8 CONTAMINATION

### 7.8.1 Eastern Precinct

An assessment of the site for the suitability of urban development was undertaken in accordance with SEPP 55. It has indicated that there is a low risk of contamination, and “is not likely present an unacceptable risk of contamination with respect to rural residential land use” (Douglas Partners 2013). It is recommended that due to the extensive market garden history of this site further sampling should be undertaken prior to the issuance of a subdivision certificate for the proposal.

### 7.8.2 Central Precinct

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.

## 7.9 GEOTECHNICAL

### 7.9.1 Eastern Precinct

A geotechnical assessment of the Eastern Precinct has been prepared by Douglas Partners (2013). The assessment has revealed that there is no evidence of hillside instability within the natural landforms on site, no constraining erosive soils, and no saline soils. Sodic soils were observed, but will be managed through an appropriate on site drainage system to prevent dispersion and erosion. “The results of the land capability assessment have not identified any issue that would preclude the rezoning of the Eastern Precinct for residential development” (Douglas Partners 2013).

### 7.9.2 Central Precinct

A contamination assessment is not required for the Central Precinct. There are no earthworks or additional permanent structures proposed in the Central Precinct.

## 7.10 TRAFFIC AND PARKING

### 7.10.1 Eastern Precinct

The subdivision of the Eastern Precinct for an additional 54 residential allotments in the Mulgoa area is not anticipated to have any adverse impacts on traffic efficiency, road capacity, or road safety. This residential development represents a manageable and minor increase in population, and so traffic implications will be minimal.

The subject land will include two roads connecting to the existing road network at Mulgoa Rd. The anticipated future traffic generation for the subject land is 45 vehicles per hour in peak times. The additional traffic generation is minimal and will have no adverse impacts on surrounding traffic networks. However, the proposed events for the Central Precinct will increase vehicles on Mulgoa Road with the entrance for these events 750 metres to the north. GHD asserts that this intersection and the Eastern Precinct intersections will have no impact on each other, and for large events a Special Event Traffic

Management Plan will be undertaken with associated Traffic Control Plans to mitigate increased traffic impacting the subdivision.

The proposal will increase the traffic volume along Fairlight Drive by 27%, however this is not anticipated to have any significant impacts as the increase is well below the RMS Road Design Guidelines of 500vph for a collector road.

It is anticipated that traffic will be distributed to Mulgoa Road and 85% of traffic will head in a northerly direction and 15% will travel in a southern direction.

As part of this application it will be requested that the speed limit along Mulgoa Road be reduced from the entrance to the Fernhill Estate from 80kmph to 60kmph through to the Village of Mulgoa.

There is a bus service that currently operates on Mulgoa Road that connects the Village of Mulgoa with Penrith and Warragamba. This service operates approximately every hour in peak and every 2 hours off peak during the week and less frequently on weekends and during public holidays.

The proposed new roads within the subject land are designed to accommodate bus services in the future.

### 7.10.2 Central Precinct

A GTA traffic and parking assessment (2013) was undertaken for events in the Central Precinct. For all events it is proposed that the speed limit on Mulgoa Road where it adjoins Fernhill Estate be reduced from 80 km/h to 60km/h, to be consistent with the speed limit in the Village and to improve the Safe Intersection Sight Distance for cars entering or exiting the estate.

In addition to this, it is proposed that a third entry to Fernhill Estate be constructed. This entrance will be utilised for regular and larger events proposed within the Central Precinct. It will be located 75-80m south of the secondary (northern) entrance access drive, as illustrated in Figure 23. The intention of this alternative access is to improve accessibility to the events with direct and efficient access to on-site parking facilities. It has been designed to accommodate all potential events proposed for the Estate and the majority of traffic that will be generated. A dedicated right turn bay will also allow for full turning movements.

Small regular events are proposed to be held up to twice a week with a maximum expected 300 guests. These events will not generate unmanageable traffic or impact the utility of Mulgoa Road. Parking will be located on site; in and around the House and Garden and Hayshed and Pecan Grove areas, as discussed in detail in Appendix 2. The implications of this event will be negligible.

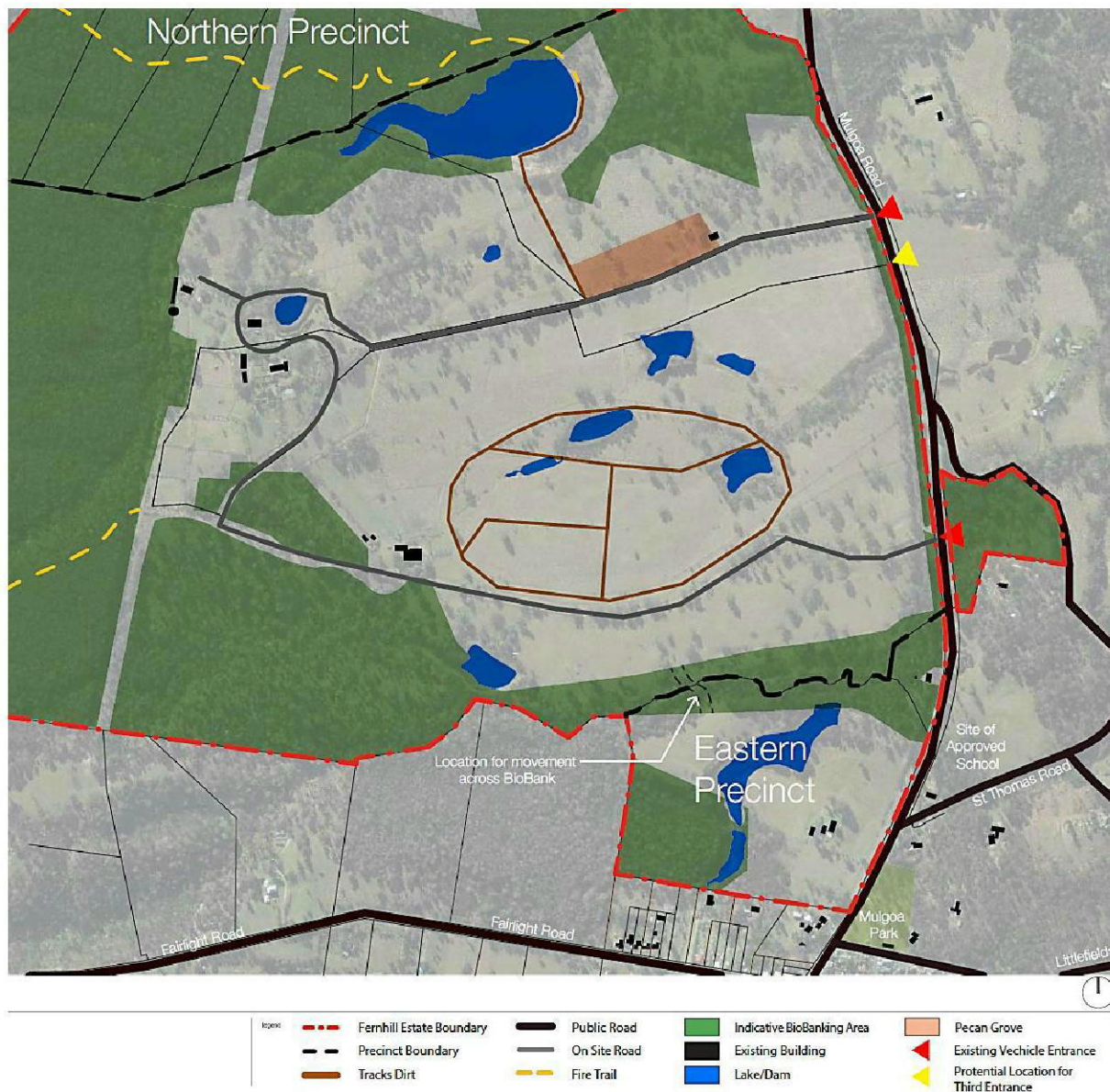
For medium sized events, which will be held up to twice a month and can accommodate up to 10,000 patrons, the proposed third entrance and channelised right turn bay will be required. The queues of right turning vehicles would not exceed the right turn storage capacity of the lane, and so the intersection will operate at a satisfactory level (GTA 2013). It is also proposed that static internal signage be erected to direct guests to the appropriate parking and event locations.

For large signature events, which are expected to occur six times a year and will accommodate up to 15,000 guests, a Special Event Traffic Management Plan will be implemented and include measures to manage the arrival of guests and limit the number of vehicles required to access the site. The plan will specifically address;

- Event specific site access arrangements, including the intended use of all three access driveways
- External road network traffic controls
- Extensive external signage, including a combination of static and visual message signs
- Local and regional event notification in newspapers and on radio.
- On-site pedestrian and vehicle management
- Paid parking arrangements and free parking for vehicles with higher occupancy rates.



It is also proposed that a special event coach service be implemented for large signature events and some medium sized events. This will be a free shuttle service that will transport event patrons between Fernhill Estate and Penrith Station, as an alternative and sustainable transportation mode. This service will be promoted to those attending the event.



**Figure 25: Third Entrance**

## 7.11 ACOUSTIC

### 7.11.1 Eastern Precinct

An acoustic report by Wilkinson Murray Acoustic (2013) was prepared as part of this proposal. The report identified that Mulgoa Road may affect the Eastern Precinct allotments. It is noted by Wilkinson Murray that Mulgoa Road does not have the volume of traffic, even with the additional vehicles from the subdivision, to be a significant disturbance on the allotments. This risk can be mitigated through careful site planning by retaining the existing large rural lot in the north east of the site to setback allotments closest to the entrance to the Central Precinct and vehicle traffic from events.

The housing precinct will also generate extra traffic on the road network, but given the minor increase in population it will not be sufficient to generate significant noise impacts. The effects of the Central Precinct events, and the possible implications for the Eastern Precinct is noted below.

### 7.11.2 Central Precinct

The acoustic report also analysed potential impacts from the events held in the Central Precinct. The report asserts that the types of events proposed within the Central Precinct will not have adverse noise impacts on neighbouring properties. The acoustic report outlines that Tough Mudder, a large event that had approximately 15,000 patrons, occurred with no noise complaints or significant implications on surrounding properties. "The Tough Mudder event showed that a large scale event could occur with minimal noise emission from the site" (Wilkinson Murray 2013).

Typical regular events 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.

Noise emission from medium sized events would typically be low impact. Any events that include amplified music outdoors; e.g. the Moonlight Cinema, should be aware of the Noise Management Plan and apply appropriate limits to noise levels of external speakers.

The larger scale of the regular events could be up to 15,000 attendees. The noise emission from 15,000 people cheering or singing would generally be audible at the residential premises.

Based on the noise monitoring of the Tough Mudder event it is considered probable that noise levels can be controlled within appropriate limits. It is recommended that larger events have a specific noise management plan tailored to the type of event.

## 7.12 STORM WATER MANAGEMENT

### 7.12.1 Eastern Precinct

The Eastern Precinct is bisected by an existing creek which runs S-N and functions as a tributary for large upstream catchments. Within the subject site, the creek widens to become a lake before discharging overflows to Littlefields Creek.

The proposed development footprint has been prepared to include:

- Retention of the existing lake;

- Proposed lot areas on the eastern side of the dam; and

- The implementation of a 10m riparian corridor from extent of existing top of water.

The existing catchment for the Eastern Precinct predominately consists of undeveloped rural paddocks and rural / residential properties while the existing terrain is typically undulating with grades ranging between 1% and 20%.

The Eastern Precinct contains existing ridges that direct surface flows to:

The Central dam; Littlefields Creek; and Mulgoa Road Council drainage system. Refer to Figure 02 in Appendix A (within the Storm water Report prepared by Mott Macdonald) for sub-catchment division.

The proposed residential development will increase the impervious areas from existing, however this will be managed to restrict flows to the current development flows (Storm water Report, Mott Macdonald).

The Water Sensitive Urban Design Strategy Proposed for the Eastern Precinct



The (minor) piped drainage system will be designed to control nuisance flooding and enable effective storm water management for the site. In accordance with council standards, the minor system will be designed for a minimum 5 year ARI. This minor piped system will incorporate a pit and pipe system to collect surface flows from the internal roads and convey to the nearest detention basin;

Quality devices shall be incorporated with future development across both the Eastern Precinct. At this stage, water quality treatment measures have been proposed and a treatment train consisting of Gross Pollutant Traps, bioretention swales and / or rain gardens within proposed detention basins and rainwater tanks provided to each lot. Detailed assessment will be undertaken as part of detailed design.

Water quality treatment devices shall be suitably positioned to avoid aesthetic impacts on riparian corridors. GPT's will be positioned alongside roadways just upstream of detention basins for maintenance access.

The major system (overland flow routes in and around structures, roadways, etc) will be designed to cater for 100 year ARI flows with overland flow paths directed to proposed detention basins shown on plan. The OSD philosophy is ensure that the proposed development does not have any net increase in flows to the existing lake or to the existing culverts beneath Mulgoa Road therefore ensuring that there is no flood affectation. Assessment will be completed to ensure that general safety and flooding issues will be addressed;

If the major system cannot meet the safety and flooding criteria, the capacity of the minor system will be increased.

Discharge from detention basins shall be made to the nearest riparian corridor as noted on the concept plans. Outlets shall be suitably designed in accordance with the relevant authorities and shall include suitable scour protection and aesthetic appearance.

Proposed channels shall be reconfigured as part of the development in the in order to convey 100yr flows and 5yr flows for Creeks 1 and 2 respectively. (Refer to Section 3.2 for full discussion, Storm water Report, Mott Macdonald.)

Riparian corridors shall be provided for Creek 1 on the Eastern Precinct (10 metre offset from top basin level) a number of detention basins shall be provided to achieve pre-post requirements. Each shall include a staged storage outlet with low flow box culvert arrangement and high level spillway. Refer Section 3.6 (Storm water Report, Mott Macdonald).

#### Flood Management

The Eastern precinct has two link roads which intersect the central lake and provide an entry and exit point for those properties on the western side. In order to assess the flood risk management, both 1 in 100year ARI and PMF events were considered.

Suitable flood management measures will also need to be incorporated in order to minimize potential risks and comply with regulatory requirements. These include, but are not limited to the following:

Appropriate signage and warning systems.

Flood evacuation strategies and during extreme events coordinated with the SES. Refuge to higher ground is available at Mulgoa Rd.

In conclusion it is recommended that the proposed development within the Eastern Precinct will have minimal impact on the water quality of the existing catchment or water quality up or down stream.

#### 7.12.2 Central Precinct

In the Central Precinct there are some moderate quality wetland, riparian, and aquatic habitat around Lake Jessica and an unnamed tributary. Temporary events will be entirely excluded from these riparian corridors (GHD 2013).

## 7.13 INFRASTRUCTURE SERVICES

### 7.13.1 Eastern Precinct

An Infrastructure Report has been compiled by Mott Macdonald, which forms part of this application. For the residential allotments in the Eastern Precinct, infrastructure will be provided by:

- Fernhill Estate is not currently connected to the Mulgoa Village Water supply, with water currently provided via on-site rainwater collection and dams. It is proposed that the existing system will be extended to the development via the main on Mulgoa Road, but the system will need to be augmented.
- The site is also not currently connected to mains sewer. It has been addressed by Sydney Water that the Eastern Precinct subdivision can be accommodated in the existing scheme (Mott Macdonald 2013). The sewage for each property will drain by gravity to a pumping station located on the site, and then be discharged to the Mulgoa sewage system via a rising main.
- Electricity will be provided to the subject site from Endeavour Energy via overhead power lines that currently exist along Mulgoa Road. The electricity infrastructure has the capacity to accommodate the proposed development.
- The site currently has access to telecommunications services located in Mulgoa Road. This will be upgraded and extended to the proposed development.
- There are no proposed gas infrastructure to service the allotments, as Mulgoa Village does not currently have gas available, with the nearest gas services located at Penrith at the corner of the M4 Motorway and Mulgoa Road.

### 7.13.2 Central Precinct

There are no additional permanent structures proposed for events in the Central Precinct. Facilities such as food, toilets, water, parking, and waste management will be tailored for each event depending on the scale and type. Refer to Appendix 2 of this Statement of Environmental Effects.

## 7.14 WASTE

### 7.14.1 Eastern Precinct

A waste management plan will be provided prior to the issuance of a construction certificate to mitigate the potential waste impacts of the construction works associated with the subdivision.

### 7.14.2 Central Precinct

Small Regular Events:

- A 240 litre wheelie bin and a 100 litre recycling bin will be required.
- These will be located in the western paddocks and picked up by an external contractor at the conclusion of the event to be taken to a sorting facility.
- The 240 litre wheelie bins will be moved to event area hot spots before the commencement of the event and taken back to the Western Paddock compound at the conclusion of the event.
- The waste contractor will clear bins on a regular schedule and the waste manager will contact the waste provider to schedule in extra clearances should the bins be full.
- The bins will be stored in a truck accessible fenced off waste compound area.
- 15 to 23m<sup>3</sup> skips will be brought in by the waste contractor deal with large amounts for wood or metal. These will be taken offsite at the end of the event for processing. Cardboard and paper bails will be brought in to deal with events that produce large amounts. These will help to reduce the volumes in the skips.

For large events of up to 15,000 people (Closed Loop Report 2013):



- 60 litre round bins, 120 litre wheelie bins, 240 litre wheelie bins, 1100 recycling bins, a 3 cubic skip, 15 cubic metre skip, 23 cubic metre skip, 23 cubic metre waste compactor, and CL050 organic recycling unit will be required.
- These events will also have a designated Waste Manager to oversee the running of events and the staff involved, and waste management will follow that of Mode 3 events.

In addition, there will be detailed overnight cleaning scheduled at the end of each night. This is further supported by early morning checks and cleaning of parks and gardens by Closed Loop staff.

The collection of equestrian effluent waste will be collected by a liquid waste contractor, with the solid manure mucked out by stable workers. Small amounts of manure will be sold and transported to local growers and the overflow taken to green compost facilities.

For continued management, a detailed waste report will be provided at the conclusion of events stating the weights of each waste stream and 50% diverted from landfill. Recommendations for improvements or changes will be made at this time for the following year's event.

## 7.15 CUMULATIVE IMPACTS

Fernhill Estate is located within Greater Western Sydney, a rural village located 61 kilometres west of Sydney CBD and 9 kilometres south of Penrith. Greater Western Sydney is an area that is undergoing a significant transition. To the south east of the site are the South West Growth areas and to the North are the North West Growth Areas; which are former rural allotments that have been re-zoned to accommodate the delivery of approximately 140,000 dwellings. To the immediate north of the Site is the extension of Glenmore Park, "Mulgoa Rise" an additional 600 dwellings within the second stage of Mulgoa Rise.

The cumulative impacts that will occur from the residential growth within the Greater Western Sydney Region and additional residential housing within Penrith LGA are;

- An increase in traffic on rural roads such as Mulgoa Road that will be utilised by new residents to access the Regional City of Penrith for employment, education and recreation.
- A greater demand for public transport and improved public transport, particularly along rural roads such as Mulgoa Road and The Northern Road, which link the South West Growth Areas to Penrith.
- Additional heavy vehicles on the road during the construction of these residential areas, potential dust storms that will affect the Greater Western Sydney Area.
- The demand for additional social infrastructure such as education.
- The continual decline of agricultural uses within the Western Sydney Basin as the demand for land for more intensive uses grows.

Within 10km east of the Fernhill Estate are the proposed Western Sydney Employment Lands. The NSW State Government has dedicated 10,700 ha of land to provide employment opportunities for people, whom live in Western Sydney. The land spreads across four Councils, with 5,179ha proposed within Penrith Council. The area is located in the middle of the North West and South West Growth Centres. The area will provide 57,000 jobs over the next thirty years, with 1,750 ha being utilised currently within the area.

The cumulative impacts that will occur from the Western Sydney Employment Lands are;

There will be new major roads, rail networks and freight lines that are linked to the site connecting the site to Greater Western Sydney.

The associated change in land use will result in a large portion of rural land to be transformed to employment lands, resulting in a further loss of agricultural land.

A significant increase in heavy vehicles on roads within the area, with a large proportion of the types of employment to focus around transport, logistics and warehouses.

A transition of rural roads such as Mulgoa Road and the Northern Road and a demand to increase their capacities to accommodate the additional need to utilise these roads of the next thirty years.

The second airport proposed for Sydney, located in Badgerys Creek less than 10Km to the South East of Mulgoa and employment lands associated with its development.

The cumulative impacts that will occur from the second Sydney airport that is proposed in Badgerys Creek are;

- Demand for significant improvement to infrastructure within the region, additional lanes in each direction for roads such as Mulgoa Road and the Northern Road.
- The associated change in land-uses that surround the airport. A large proportion of rural land will be transformed into employment lands.
- A much greater demand for public transport such as heavy rail, light rail and strategic bus routes.
- Additional heavy vehicles on the road during the construction of the airport, which could take up to 5 years.
- The regional cumulative impacts that will occur from the residential subdivision within the Fernhill Estate are;
- Additional 150 residents within the region, which will have no impact on the region of Greater Western Sydney.
- The impact on regional road networks would be negligible.
- The environmental impact within the region is minimal. The majority of the critical ecology on the site will be preserved through the preservation of significant proportions of vegetation and bio-banking.

The regional cumulative impact of the proposed subdivision is minimal and would be considered appropriate considering the overall change of the region. Smaller events that consist of less than 300 patrons will have negligible cumulative impacts on the local community. Larger events that will consist of up to 15,000 such the Picnic Races or Tough Mudder, which has previously been held at the venue has a moderate to major impact on the local community due to traffic impacts. However this scale of event is only proposed up to six times a year, thus minimising the cumulative impacts on the locality.

The regional cumulative impacts of the proposed events within the Master IDA are minimal; Small events will not generate substantial additional traffic and thus will have no impact on the region's traffic. Signature events that incorporate up to 15,000 people will be managed in the same way to ensure that the region's traffic is not significantly implicated. It must be noted that these types of events would typically happen only a maximum six times a year, so the overall implications are minor.

The additional turning lane and third entrance within the estate will minimise the cumulative impacts within the property and locality. The traffic flow of Mulgoa road will permanently be improved and the impacts of vehicles driving on the estate will be mitigated in a controlled manner.



In Summary

- The Greater Western Sydney Basin is undergoing a significant transition with a significant increase in population and employment lands to provide jobs within close proximity to the increasing population.
- The transition that is occurring within the Fernhill Estate is moderate, however required to secure the core estate and actually expand the protected areas of the estate under a single title.
- The overarching development will provide for long-term conservation and maintenance of a State Heritage listed item.
- There is 101.82ha that is proposed to be developed, whilst over 541 ha will be preserved in its current form. The proposed development will have a positive cumulative impact for the locality of Mulgoa, through the preservation of a historic estate that can be utilised by the people of Western Sydney through a variety of activities and events.
- The proposed subdivision is consistent with the character and scale of the properties within the portion of the Eastern Precinct being subdivided.
- The 541ha of land that is preserved will provide an important buffer from the expanding Greater Western Sydney basin through the biobanking and preservation of the ecological values within the site.

## 8. ENVIRONMENTAL PLANNING ASSESSMENT

### 8.1 OVERVIEW

The proposed residential subdivision development 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 to be facilitated from the consent authority through Clause 5.10.(10) as uses not permissible in an E3 zone are proposed within the subject land and the proposed subdivision in the Eastern Precinct has smaller allotments than the minimum lot sizes designated. An assessment of the proposed development is provided in the form of a compatible table within 8.3 of this report.

CLAUSE	CONTROL	PROPOSED	COMPLIES
2.1	Land Use Zones	Eastern Precinct zoned: E3, Environmental Management	Detached Dwellings YES
4.1	Principal Development Standards	Eastern Precinct Minimum Lot size: 20ha	minimum allotment size of 900m <sup>2</sup> and average of 1100m <sup>2</sup> NO Minimum allotment size 'AB2' 20 ha, Pursued through 5.10.10
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 open space' under LEP definitions. NO 'Function Centre' not permissible in the E3 zone. Pursued through clause 5.10.10.
			Equestrian events and race meetings, sporting activities, club events, school activities, sports training and large physical endurance events, outdoor recreation facility, and car parking. NO 'Recreation Facilities (outdoor)' not permissible in the E3 zone. Pursued through clause 5.10.10.
			Performing arts events and community fairs. NO 'Entertainment centre' not permissible in the E3 zone. Pursued through clause 5.10.10.



		Northern Precinct zoned: E2, Environmental Conservation where ecological consolidation and preservation works are to occur	Environmental Protection Works	YES
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## 8.2 STATE PLANNING CONTROLS AND STRATEGIC PLANNING POLICY

*State Environmental Planning Policy (SEPP) Infrastructure (2007)*. The proposed development is not impacted by this SEPP as Mulgoa Rd doesn't reach volume of traffic described on Map 13 of the RTA Traffic Volume Maps for Road Noise Assessment (November 2008).

*State Environmental Planning Policy (SEPP) 55 Remediation*. A contamination Report has been prepared for the portion of the Eastern Precinct that is being proposed for residential development. This is not applicable to the site as there is no requirement for remediation that has as discussed in 7.12.1. There is no proposed works proposed within the Central precinct that will require remediation pursuant to SEPP 55.

### 8.2.1 Sydney Regional Environmental Plan No. 20 Hawkesbury and Nepean River

The SREP map for applicable sites places the Eastern Precinct within the boundary of this environmental plan. This is due to the subject sites proximity to the Nepean River, at an approximate minimum of 3.5 kilometres from the western boundary in the precinct. The development complies with the water quality strategies outlined by appropriate infrastructure provision and storm water management. The Eastern Precinct will have no impact.

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 that development in the Eastern Precinct is a minimum distance of 3.5kms to the river with extensive vegetated areas between the development and the Nepean River.
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 riparian corridor on the western border of the precinct and extensive vegetation in the Central Precinct to the west of the development forms a buffer between the Nepean river and Eastern Precinct dwellings and events in the Central Precinct.

2G	Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils	The development is at low risk of contaminating the site, as addressed by Douglas Partners (2013) in the Contamination Assessment of the Eastern Precinct that forms part of this application, refer to section 7.8 of this application.
2H	New development in conservation area sub-catchments should be located in areas that are already cleared	The Eastern Precinct is characterised by areas of exotic grassland and areas of already cleared land, which is predominantly where development will occur, and native vegetation to be conserved where possible. Areas of the Central Precinct and Eastern Precinct environments will be conserved through biobanking.
3A	Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters	The development is at low risk of contaminating the site, as addressed by GHD (2013) in the Contamination Assessment of the Eastern Precinct that forms part of this application, refer to section 7.14.
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 to the nature and size of the site.	N/A The sewage disposal system in the Eastern Precinct will be an extension of the existing Mulgoa Village system, with the Central Precinct events utilising portable toilets and existing infrastructure in the buildings.
3E	Develop in accordance with the land capability of the site and do not cause land degradation	Development will occur predominantly in already cleared areas or areas of exotic grassland, will retain the existing dam and will introduce a riparian corridor on the western boundary, will be in keeping with existing residential subdivision patterns, and so will be in accordance with the capability of the land. There are no urban environments proposed for the Central Precinct.
4B	Ensure the amount of storm water 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 storm water retention, infiltration and (if appropriate) reuse.	Storm water runoff will be managed through detention basins, gross pollutant traps, grass lined swales, the riparian corridor to protect the existing dam, and the implementation of WSUD principles. Events in the Central Precinct do not require any additional permanent structures, and so will not impact storm water runoff.
4D	Consider the impact of development on the level and quality of the water table.	Water quality will not be impacted given the effective storm water management methods mentioned and the low risk of contamination from residential or event uses on site.



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.	Natural resources are preserved by locating the majority of development in already cleared or exotic vegetation areas, retaining existing areas of significant ecological communities where possible, and implementing a riparian corridor to preserve the existing dam, as addressed in the GHD Ecology Assessment of the Eastern Precinct (2013).
6B	Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land	Development will predominantly take place on land that is located in already cleared areas or areas characterised by exotic grasses. No additional permanent structures are proposed for the Central Precinct.
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: Retaining existing areas of significant ecological communities where possible, especially in the riparian corridors. Locating development in already cleared areas to preserve vegetation Planting additional native vegetation as street trees and a buffer between Mulgoa Road and the development. Implementing WSUD and storm water management. No additional permanent structures are proposed for the Central Precinct, refer to section 7.5 of this proposal.
6E	Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and 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.	Existing flora and fauna in the Eastern Precinct is dominated by cleared land and exotic grassland. There are areas of native vegetation that could be habitat for threatened species. The potential impacts of the proposal will be restricted to 8.37 hectares of the total 27 ha of the Eastern Precinct. , The development will not isolate or fragment any areas of significant habitat. The proposal will not significantly interfere with the operation of any key threatened processes. Conservation of natural environments in the Central Precinct will retain habitat corridors that link to the Blue Mountains National Park.
6F	Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas	An Asset Protection Zone is proposed to mitigate bushfire threats in the Eastern Precinct, refer to section 7.6.1 of this application.

7A	Maintain areas of extensive, prominent or significant vegetation to protect the character of the river	Areas of Turpentine Smooth Barked Apple Moist Shrubby Forest and Forest Red Gum Rough Barked Apple Grassy Woodland ecological communities are to be retained where possible, as addressed in the GHD Ecology Assessment of the Eastern Precinct (2013), with the Eastern Precinct a minimum of 3.5kms to the Nepean River. All areas of vegetation in the Central Precinct will be conserved, and so will not affect the character of the Nepean River.
7B	Ensure the proposed development is consistent with the landscape character as described in the Scenic Quality Study.	The proposal is consistent with the existing character by integrating with surrounding subdivision patterns and retaining and improving vegetation buffers to maintain the scenic quality.
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	N/A This proposal comprises of the subdivision of the Eastern Precinct in addition to events in the Central Precinct. Development on allotments are subject to separate Development Applications.
7F	Consider opportunities to improve riverine scenic quality.	Visual character will be maintained through careful site planning, ecological conservation, and the retention and improvement of vegetated buffers.
9F	Consider the ability of the land to accommodate on-site effluent disposal in the long term.	NA The proposed development will not utilise on-site effluent disposal.
9G	Consider any adverse environmental impacts of infrastructure associated with the development concerned	Infrastructure associated with the development will be extended from existing systems in Mulgoa Village, with events utilising existing or temporary infrastructure and services.

## 8.3 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

### 8.3.1 Aims of Penrith LEP 2010

The subdivision of the Eastern Precinct, and events and functions held in the Central Precinct are consistent with the objectives of the PLEP (2010) local strategy.

<i>AIMS OF THIS PLAN</i>	<i>COMMENTS</i>
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<p>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>	<p>The Eastern Precinct subdivision will be consistent with the existing character of Mulgoa Village as a logical extension of the Village, with environmental protection incorporated through:</p> <ul style="list-style-type: none"> <li>Implementing Water Sensitive Urban Design (WSUD) principles discussed in part 7.12 of this Statement of Environmental Effects.</li> <li>Retaining the existing farm dam with a 10m riparian corridor as a buffer between development and the farm dam.</li> <li>Predominantly locating development in already cleared areas, or areas of exotic grassland as discussed in 7.5 of this report.</li> <li>The retention of native vegetation on site where possible, with additional street tree planting, and the retention of the existing larger residential lot to buffer development from Mulgoa Road and provide a transition to the large lot rural residential development to the north east.</li> <li>A portion of the Eastern Precinct will be consolidated with the Central Precinct and will allow the protection of significant ecological communities through bio banking.</li> <li>Events in the Central Precinct will not involve any permanent structures or the removal of vegetation.</li> </ul>
<p>To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.</p>	<p>The Eastern Precinct development represents a small and manageable increase in residents that will not impact established rural lifestyles and living qualities. The Central Precinct events will provide opportunities for social interaction and community involvement.</p> <p>The development of a portion of the Eastern Precinct provides investment and growth opportunities for the housing and construction industry.</p> <p>Environmental impacts will be managed through WSUD principles, development located in areas characterised by exotic or cleared vegetation, and the retention and protection of native vegetation where possible.</p>
<p>To encourage development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change.</p>	<p>The Eastern Precinct will allow for development to be located away from flood areas, the retention of natural features like the dam and areas of significant vegetation and implementation of WSUD will reduce the effects of development on the natural environment.</p> <p>Consolidating the Central Precinct and a portion of the Eastern Precinct containing ecologically significant communities will minimise impacts on the natural environment and secure the estate under a single title.</p>

<p>To protect the environmental values and heritage of Penrith, including places of historic, aesthetic, architectural, natural, cultural, visual, and aboriginal significance.</p>	<p>The proposal was informed by a working Heritage Conservation Plan to ensure the protection of these values.</p> <p>Heritage items will not be impacted by the Eastern Precinct development through site planning to buffer dwellings from heritage structures in the Central Precinct and Mulgoa Primary School to the north.</p> <p>Archaeological sites will be protected in accordance with the Austral Archaeological Report (2013), refer to 7.7 of this application.</p> <p>Environmental values will be maintained by retaining the dam and native vegetation where possible in the Eastern Precinct, implementing WSUD and the establishment of a riparian corridors in the Eastern Precinct, retention of exiting ecology in the Central Precinct and a portion of the Eastern Precinct in perpetuity through bio banking.</p> <p>Visual character will be enhanced through the Eastern Precinct providing a visual transition between the village, historic Fernhill Estate, and the larger rural residential lots to the north east.</p>
<p>To provide for an urban environment that is active, attractive, and safe for residents and visitors.</p>	<p>This proposal will activate currently vacant land for residents and visitors. The Eastern Precinct will expand the existing Mulgoa Village with landscaped and separated residential housing that will enhance the northern gateway to the village.</p>
<p>To foster viable employment, transport, education, and future investment opportunities that are suitable to the needs and skills of the residents and the workforce.</p>	<p>The provision of 54 residential allotments will increase patronage to underutilised infrastructure such as Mulgoa Primary School, and the events in the Central Precinct will support Mulgoa Village businesses and services, as discussed in 7.3 of this report.</p> <p>Development of the Eastern Precinct will provide employment opportunities in construction, and the events will require employees managing events.</p> <p>The manageable increase in population will not affect existing transport infrastructure as discussed in 7.3 of this report.</p>
<p>To protect views and vistas from main roads and other vantage points</p>	<p>The analysis of views and vistas within the CMP prepared by Paul Davies Pty Ltd, identifies that traditional views and vistas have been lost because of the regrowth of woodland within the site and dense tree cover along the verge of Mulgoa Road that now obstructs significant views. While the removal of vegetation to regain views would be inappropriate for ecology in the Estate and given its significance as a feature of the character of Fernhill, significant views will be maintained by setting back allotments in the Eastern Precinct behind the ridgeline and beyond the northern gateway of the village and by not developing the Central Precinct.</p>



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	The subdivision of the Eastern Precinct will provide 54 allotments as an extension of Mulgoa Village to the south, and provide a transition to Fernhill Heritage Estate to the west, and larger rural lots to the north, and thus will be incorporated into the existing rural living character.
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### 8.3.2 Zone Objectives of E3 Environmental Management

The development of the Eastern Precinct and events in the Central Precinct are located entirely within an E3 zone. The objectives of this zone will be met by the activities and subdivision.

<i><b>ZONE OBJECTIVE</b></i>	<i><b>COMMENT</b></i>
To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	<p>Consolidation of the Central Precinct and a portion of the Eastern Precinct, and bio-banking within these precincts, will protect areas of ecological significance in perpetuity (Ecological Report, GHD, 2013).</p> <p>The Eastern Precinct will maintain environmental values by retaining the farm dam and native vegetation where possible, implementing WSUD and establishing a riparian corridor as discussed in 7.12 of this report.</p> <p>Visual character will be enhanced through the Eastern Precinct as a visual transition between the village, historic Fernhill Estate, and the larger lot rural residential surroundings to the north. There are no changes to the landscape proposed in the Central Precinct.</p> <p>Heritage buildings and lands in the Central Precinct will be protected through consolidating the precinct and implementing the CMP funded by the events and subdivisions, thereby restoring the heritage buildings and lands and securing them under a single title.</p> <p>The State and Locally significant heritage items will not be impacted by the Eastern Precinct development through site planning to buffer dwellings from heritage.</p>
To provide for a limited range of development that does not have an adverse effect on those values.	The residential subdivision pattern is an extension of Mulgoa Village, and provides a limited contiguous development that will provide residential accommodation appropriate for the existing character of the Village.

To minimise conflict between land uses within the zone and land uses within adjoining zones.	<p>The portion of the Eastern Precinct proposed for residential development is contained within an E3 zone. Conflict with adjoining zones is minimised through:</p> <p>The E3 zone to the north east of the Eastern Precinct will be incorporated through retaining the existing dwelling and 2.76 ha lot on site as a transition from Village to rural residential character. This also provides a transition to the RE1 parkland to the East.</p> <p>Residential allotments in the Eastern Precinct will reflect the subdivision pattern of the RU5 zone to the south.</p> <p>The E3 zone to the west is integrated by retaining the existing dam and establishing a riparian corridor as a buffer.</p> <p>To the north in the Central Precinct there is substantial existing turpentine vegetation that will be retained as a buffer between the Eastern Precinct and Central Precinct, refer to section 7.5 of this report.</p> <p>There is no residential development proposed in the Central Precinct.</p>
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.	<p>The Eastern Precinct subdivision pattern is consistent with the low density detached dwellings in the RU5 zone to the south, and due to the minimal population increase will not significantly increase demand for public services or facilities.</p> <p>Regular events in the Central Precinct will comprise of less than 300 persons and will not impact public facilities or infrastructure, Larger events are held only six times a year and will incorporate a Traffic Management Plan and will be completely serviced through temporary structures and amenities on site. Refer to Section 5 of this SEE.</p>
To preserve and improve natural resources through appropriate land management practices.	<p>The natural resource sensitive land on the northern border of the Eastern Precinct will not be impacted by building footprints, and will be retained through a riparian corridor to Littlefields Creek.</p>

### 8.3.3 Zone Objectives of E2 Environmental Conservation

The consolidation and biobanking in the Central Precinct, and Northern Precinct that forms part of the Letter of Offer, will meet the PLEP (2010) objectives of the E2 Environmental Conservation zone.

<i>ZONE OBJECTIVE</i>	<i>COMMENT</i>
To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.	The consolidation and biobanking proposed in the Central Precinct and a portion of the Eastern Precinct will protect significant ecological communities in perpetuity, and secure the core estate under a single title to prevent future subdivision. This will provide for the long term conservation of the heritage item.
To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	There are no additional structures or development proposed for the Central Precinct.



<p>To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.</p>	<p>Biobanking in the Central Precincts and a portion of the Eastern Precinct will secure and manage ecological communities as biodiversity and habitat corridors to the Blue Mountains National Park located to the north and west of the Estate.</p>
<p>To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.</p>	<p>Events in the Central Precinct held in the House and Garden and Hayshed and Pecan Grove areas may border the Northern Precinct E2 area, but will be small in size and setback from the ecologically sensitive areas and E2 area to the west.</p>

### 8.3.4 Clause 5.10.1 to 5.10.4 Heritage Conservation (PLEP)

Objectives	Comments
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. This proposal achieves objective of this clause" (Paul Davies Pty, Ltd, HIS)
to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The proposal conserves the environmental significance of the Estate. The fabric of the buildings and site is conserved through various schedules of work, which has already been demonstrated by the works undertaken over the last 10 months to stabilise and repair the house. This extends to the setting, which is also addressed in detail in the work schedules. The analysis of views and vistas within the CMP prepared by Paul Davies Pty Ltd, identifies that traditional views and vistas have been lost because of the regrowth of woodland within the site and dense tree cover along the verge of Mulgoa Road that now obstructs significant views. While the removal of vegetation to regain views would be inappropriate for ecology in the Estate and given its significance as a feature of the character of Fernhill, significant views will be maintained by setting back allotments in the Eastern Precinct behind the ridgeline and beyond the northern gateway of the village and by not developing the Central Precinct.
To conserve archaeological sites,	Aboriginal archaeological deposits identified within the Eastern Precinct will be conserved in accordance with the Austral Archaeological Pty Ltd Report that forms part of this application, refer to section 7.71 (Paul Davies, Pty Ltd HIS, 2013)
To conserve Aboriginal objects and Aboriginal places of heritage significance.	The Austral Archaeological assessment of the Eastern Precinct identified 6 archaeological sites. The subdivision of a portion of the Eastern Precinct is predicted to impact 2 of these sites. Mitigation methods proposed include; test excavations to clarify the archaeological potential, undertaking a Care and Control agreement for the repatriation of artefacts retrieved, briefing contractors on site, and informing relevant stakeholders. (Paul Davies, Pty Ltd HIS, 2013)
(5.10.4) "Consider the effect of the proposed development on the heritage significance of the item or area concerned" prior to granting consent.	The development application and section 60 application processes 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 HIS, 2013). Refer to section 7.7.1 of this SEE.



(5.10.5 & 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 Conservation Management Plan has been prepared, along with a Heritage Impact Study and schedules of works, and forms part of this application. The CMP is submitted for endorsement to the the Office of the Environment and Heritage, the documents satisfy the LEP requirement. (Paul Davies, Pty Ltd HIS, 2013)
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### 8.3.5 Clause 5.10.7 Archaeological Sites (PLEP 2010)

Objectives	Comments
Notify the Heritage Council of its intention to grant consent, and	The Office of the Environment and Heritage has been notified.
b) Take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	Any comments or correspondence will be considered.

### 8.3.6 Clause 5.10.8 Aboriginal Places Of Significance (PLEP, 2010)

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	The Austral Archaeological Pty Ltd Report (2013) has investigated archaeological sites in the Eastern Precinct. Earthworks and development could potentially disturb identified archaeological sites. Refer to the Austral Archaeological Pty Ltd Report and section 7.7.1 of this application.
(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.	N/A

### 8.3.7 Clause 5.10.10 Conservation Incentives (PLEP)

Objectives	Comment
<p>Clause 5.10(10) <i>Heritage Incentives</i> of the Penrith LEP 2010 for approval states:</p> <p>(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:</p>	<p>The DA is submitted on the basis that this clause applies to the site.</p> <p>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.</p> <p>It is also submitted that the proposals are not excessive in that they seek to recover funds from the site looking to establish an ongoing funding base to conserve the consolidated estate.</p> <p>Reference to past applications reinforces the scale of this proposal as it is significantly less than has previously been put forward for the site. This does not in itself justify this proposal, but it provides a reference point to allow a determination of what is an appropriate level of development.</p> <p>It is also important that all of the sub-division proposals are outside the State heritage listed site.</p> <p>The other factors to support the use of the clause are:</p> <ul style="list-style-type: none"> <li>- the consolidation of the remaining Fernhill land into one lot</li> <li>- the proposal to establish a heritage agreement to provide for the future conservation and maintenance of the Fernhill estate with an estimated annual expenditure of approximately \$300,000</li> <li>- establishment of a maintenance regime that is linked to the heritage agreement</li> </ul> <p>The matters to be considered in detail are as follows:</p>
<p>(a) The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p>	<p>Refer to earlier comments in relation to conservation of heritage items. (Paul Davies Pty Ltd, HIS, 2013).</p>
<p>(b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p>	<p>The Conservation Management Plan has been submitted for endorsement. The Heritage Council has the opportunity to review it as part of this application. (Paul Davies Pty Ltd, HIS, 2013).</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, and</p>	<p>This is provided for in the proposal as set out in 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, even though some of the land to be developed is outside the state heritage listed land.</p> <p>With regard to the eastern precinct, as this is heritage listed in relation to Fernhill it is the potential impact on Fernhill that needs to be considered rather than any impact on the land proposed for sub-division.</p> <p>The exception to this is the site of the former slab cottage, which should be investigated prior to works taking place.</p> <p>The sub-division has no impact on the western precinct in terms of heritage values as the land is not presently heritage listed and the archaeological sites have been carefully worked around to avoid any impact.</p> <p>The introduction of new uses and expanded uses onto Fernhill estate could have some potential to create heritage impacts on the estate.</p> <p>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>Recent large events have demonstrated that the site management of uses is properly undertaken and capable of managing the place without adverse impacts.</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 ((Paul Davies Pty Ltd, HIS, 2013).</p>
<p>(e) the proposed development would not have any significant adverse impact on the amenity of the surrounding area.</p>	<p>Fernhill is a very large estate that is capable of a range of uses and development without impacts on neighbours.</p> <p>The sub-division proposal is modest in relation to the size of the Fernhill site, and has been carefully designed to reduce any potential impacts on adjacent lands. While this is dealt with in more detail in planning assessments there are two adjoining boundaries to existing development that need to be considered. The proposal is designed to be consistent with those developments in scale, lot size etc and have included building footprints and setbacks to ensure a good contextual fit of future development (Paul Davies Pty Ltd, HIS, 2013).</p>

### 8.3.8 Clause 6.4 Development on Natural Resources Sensitive Land (PLEP)

The Eastern Precinct is bordered to the north Littlefields Creek that flows into the farm dam by Natural Resource Sensitive Land in accordance with the PLEP 2010.

Objectives	Comments
a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land,	The Eastern Precinct development footprint has been designed to: Be contiguous and in character with existing urban development. Avoid the majority of Cumberland Plain Woodland within the precinct Provide for the retention and appropriate treatment of riparian zones, to the north along Littlefields.
b) to enhance connections between remnants of indigenous vegetation,	By conserving and enhancing vegetation buffers, planting additional native vegetation as street trees, and creating a riparian corridor on the west boundary, connections between indigenous vegetation are conserved and enhanced.
c) to prevent the fragmentation and degradation of remnant vegetation	By locating development predominantly in already cleared and exotic vegetation areas and by retaining native vegetation where possible, the development will not fragment any significant areas of vegetation. The potential impacts of the proposal will be restricted to 8.37 hectares of the total 27ha, and so will potentially impact a very small proportion of local populations. The proposed redevelopment will not result in the fragmentation or isolation of any habitat within the Eastern Precinct.
d) To 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, natural waterways and riparian land.	The portion of the Eastern Precinct being proposed for residential development will have minimal implications on the natural environment through: Predominantly locating development in areas already cleared or with insignificant exotic vegetation. Implementing WSUD and appropriate storm water management techniques. Retaining the existing farm dam and ecological environments where possible. Preserving visual qualities through vegetated buffers and integrating the subdivision pattern with surrounding development and land uses.
2) This clause applies to all land shown as "Natural Resources sensitive land" on the <a href="#">Natural Resources Sensitivity Land Map</a>	Part of the subject land on the north border is identified within the Natural Resources Sensitivity Land Map.



3) Development consent is required for the following on land to which this clause applies:	
The subdivision of land,	This is an application for the subdivision of land within the Eastern Precinct.
Earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line),	This is an application for earthworks to provide the required services and roads for the subdivision within the Eastern Precinct.
The carrying out of a work,	N/A
Clearing vegetation (including slashing or under scrubbing),	This is an application for the clearing and slashing of vegetation to enable the proposed earthworks and roads to service the Eastern Precinct.
Irrigation with treated effluent.	N/A
4) Before deciding an application to carry out development mentioned in subclause (3), the consent authority must consider whether the development meets the objectives of this clause and such of the following as are relevant:	
The condition and significance of the vegetation on the land and whether it should be substantially retained in that location,	An ecological report by GHD (2013) identifying the significance of vegetation within the Eastern Precinct and forms part of this application, refer to section 7.5.1 of this SEE.
The importance of the vegetation in that particular location to native fauna	The regrowth native vegetation has been identified as a possible habitat for threatened species. However, given the small 8.37 ha of habitat from the entire precinct that will be removed, and the poor quality of this habitat that suffers from edge effects and grazing, the proposal represents no risk of isolating or fragmenting significant areas of habitat.
The strategic importance of the land as part of a biodiversity corridor	The Eastern Precinct is characterised by already cleared land and exotic grasses. It does not represent an important biodiversity corridor.
The sensitivity of the land and the effect of clearing vegetation	The proposal undertakes minimal clearing. The type of clearing proposed is to accommodate the construction of roads and infrastructure to service the residential development, and trees within the proposed building footprints in the Eastern Precinct, which is insignificant considering the magnitude of the site. The Ecology report prepared by GHD (2013) indicates that the clearing will have minimal impacts on biodiversity and the subject land. Refer to 7.5.1 of this SEE.

the relative stability of the bed and banks of any waterway that may be affected by the development, whether on the site, upstream or downstream	The development of the Eastern Precinct will have minimal implications on water catchments within or outside the site. There are no proposed works that will modify or affect waterways within the Eastern Precinct, with the water quality of runoff and velocity of runoff mitigated through Urban Pollution Traps, detention swales, a storm water pipe system for surface water, and riparian corridors. Refer to 7.12.1 of this SEE.
the effect of the development on waterway health, including pollution of the waterway, a significant increase or decrease in the amount or velocity of runoff entering the waterway, or a significant increase in siltation of the waterway,	N/A
The effect of the development on the functions of aquatic ecosystems (such as habitat and connectivity).	N/A No natural watercourse is retransfigured and runoff is mitigated within the Eastern Precinct through pollution traps to ensure upstream habitats are not impacted. Refer to 7.12.1 of this SEE.
5) Development consent must not be granted to development mentioned in subclause (3) unless the consent authority is satisfied that:	
the development is designed and will be located and managed to avoid any potential adverse environmental impact, or	The subdivision has been designed to locate the majority of development in areas already cleared or characterised by exotic vegetation. The preservation of ecology and protection of habitat is integrated within this development. The site planning and WSUD will ensure the Eastern Precinct has minimal implications on the natural environment. Whilst proposed future bio-banking and vegetation management will preserve the existing ecosystems within the subject land.
if a potential adverse environmental impact cannot be avoided, the development:	This information is included within the Ecological Report by GHD (2013) and section 7.11.1 of this application.
is designed and located so as to have minimum adverse impact, and	Land clearing and earthworks are in locations that have minimal impacts on natural habitats and existing ecological communities. WSUD is implemented within the residential component to mitigate any potential impacts on water quality.
incorporates effective measures to remedy or mitigate any adverse impact caused.	There will be additional planting and water quality management to ensure that any adverse impacts can be managed and reversed.



### 8.3.9 Clause 6.5 Protection of Scenic Character and Scenic Values (PLEP)

The Conservation Management Plan by Paul Davies Heritage Architects asserts that significant views between the Estate and adjoining properties, and heritage properties like St Thomas' Church, have been lost through significant regrowth vegetation within the site and on the verge of Mulgoa Road, which now represents a significant feature of the present character of Fernhill.

<i>Objectives</i>	<i>Comments</i>
(a) to identify areas that have particular scenic Value either from major roads, identified heritage items or other public places,	The Conservation Management Plan by Paul Davies Heritage Architects asserts that significant views between the Estate and adjoining properties, and heritage properties like St Thomas' Church, have been lost through a combination of the Mulgoa Road re-alignment, changes in the landscape form and the dense re-vegetation of Cumberland Woodland in particular has removed those views and vistas along with the potential to recover them, such as along the Mulgoa Road verge. The vegetation is also now a significant feature of the present character of Fernhill and is ecologically significant.
(b) to ensure development in these areas is located and designed to minimise its visual impact.	Events in the Central Precinct do not incorporate any additional permanent structures. Temporary structures will only be used for short durations of 1-2 days per event. No visual impacts are expected. The subdivision of the Eastern Precinct is buffered from the Central Precinct by vegetated riparian corridors and is not expected to visually impact the precinct. It also retains the large rural residential lot in the north east of the precinct to setback development by 100 metres from Mulgoa Road, St Thomas' Church to the north east, and the entrance to the Central Precinct.
2. This clause applies to land identified as "Land with scenic and landscape values" on the <u>Scenic and Landscape Values Map</u> .	The Central Precinct and Eastern Precinct are identified as land with scenic and landscape values and land with vistas of heritage items.

3. Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development from major roads, identified heritage items and other public places.	The State heritage listed land in the Central Precinct will be buffered from subdivision in the Eastern Precinct by vegetated riparian corridors and retaining the large rural residential house and lot. This larger rural residential lot in the north east of the site will also serve as a buffer to heritage items such as St Thomas' Anglican Church and the Fernhill heritage curtilage separated by Mulgoa Road, to the north east.
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### 8.3.10 Clause 6.6 Servicing (PLEP)

Objectives	Comments
(1) 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	Water to the Eastern Precinct will be supplied from the Warragamba Water Supply Scheme, but will need to be augmented to allow the extension of the system to the Eastern Precinct. Events in the Central Precinct will either be held in existing structures with existing servicing, or with the aid of temporary structures such as portable toilets, kitchens, and water tanks. Refer to section 5 of this SEE.
(b) the development will have adequate facilities for the removal and disposal of sewage, and	The sewer from each property will drain via gravity to a pumping station located on-site, and then discharge to the Mulgoa sewerage system via a rising main. Events in the Central Precinct will either be held in existing structures with existing servicing, or utilise temporary structures such as portable toilets. Refer to Section 7.17 of this application.
c) The need for public amenities or public services has been or will be met.	The population increase as result of the development is minimal, however critical local services, such as Mulgoa Primary School that has seen a decline in attendance in recent years, will benefit from the additional residents. Public services, such as public transport, will be addressed for medium and large events in the Central Precinct with a shuttle bus to ferry patrons between the Estate and key transport nodes such as Penrith Station.



### 8.3.11 Clause 6.9 Mulgoa Valley (PLEP)

Objectives	Comments
I (a) to establish specific planning controls for land in the Mulgoa Valley (the valley),	The subject land is within 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,	<p>Subdivision in a portion of the Eastern Precinct will incorporate the rural landscape through retaining and enhancing vegetation as buffers along Mulgoa Road and between the Eastern Precinct and Central Precinct, and retaining the 2.76 ha rural residential lots in the north east of the Precinct. The small allotments will be reflective of existing development to the south, and thus will be an extension of Mulgoa Village. Enabling limited living opportunities appropriate for the Village of Mulgoa. Agricultural practices on Fernhill Estate are not economically viable alone. By subdividing the Eastern Precinct, a large portion of the Central Precinct can continue to be used for agricultural purposes.</p> <p>The subdivision of a portion of the Eastern Precinct and events in the Central Precinct will support conservation works for the heritage buildings and lands in accordance with the CMP (2013).</p> <p>The amalgamation of the Central Precinct with a portion of the Eastern Precinct (and ultimately with the Northern Precinct and a portion of the Western Precinct) will create the largest allotment within Mulgoa Valley, providing an important buffer between the Greater Western Sydney basin and the Blue Mountains National Park. This will also secure the core Estate and expand the protected areas of the Estate under a single title.</p>

<p>l(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,</p>	<p>Events in the Central Precinct will establish Fernhill as an iconic tourism venue in Western Sydney consistent with Penrith City Council's goals to promote and enhance Penrith's cultural identity, as well as promoting Mulgoa Valley as a centre for recreation and tourism within the Penrith LGA. Heritage buildings and lands will be restored by implementing the CMP, supported by the subdivision of the Eastern Precinct and events in the Central Precinct.</p> <p>The subdivision of a portion of the Eastern Precinct will retain the existing large rural residential lot in the north east of the site to set the lots behind the ridgeline and beyond the northern gateway of the village, and will retain natural features such as the dam, all land west of this, and riparian corridors, and implement WSUD.</p>
<p>l(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.</p>	<p>Mulgoa Road with additional traffic from the 54 allotments will be well under the notional capacity for a sub arterial road, and within its capacity (Mott Macdonald 2013).</p> <p>The proposed intersection upgrades for Mulgoa Road are consistent in character with other intersections along Mulgoa Road, including BAL intersections at the Glenmore Golf Course and the Nepean Christian School, and a BAR intersection at the Electrical substation, all located north of the site. Proposed events for the Central Precinct will increase traffic on Mulgoa Road with the entrance for these events 750 metres to the north of the Eastern Precinct. GTA asserts that this intersection and the Eastern Precinct intersections will have no impact on each other, and for large events a Special Event Traffic Management Plan will be undertaken with associated Traffic Control Plans to mitigate increased traffic.</p>
<p>(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,</p>	<p>The Eastern Precinct will retain the existing large lot in the north east of the site to set the lots behind the ridgeline beyond the northern gateway of the village, and will retain vegetation buffers to the north and west. It will provide a visual transition between the village, historic Fernhill Estate, and the larger lot rural surroundings to the north.</p> <p>No permanent buildings are proposed for the Central Precinct.</p>



<p>(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,</p>	<p>The proposed development is subject to a heritage agreement and is lodged under part 5.10 (10) of the Penrith LEP 2010. The preservation of the items mentioned are critical to the proposal progressing.</p> <p>The adaptive reuse of heritage buildings and lands in the Central Precinct will not involve the development of permanent structures or vegetation removal, and such will not negatively impact the historic setting or significance of the State heritage Estate. These events will support and provide for long term conservation and maintenance works, and the consolidation of the Precinct will secure this core Estate under a single title.</p> <p>The subdivision of a portion of the Eastern Precinct will be buffered from the core Estate by riparian corridors to the north and west, with Archaeological sites protected in accordance with the Austral Archaeological Report (2013), refer to 7.7.1 of this application</p>
<p>(c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,</p>	<p>N/A</p> <p>Development on allotments in the Eastern Precinct are subject to separate Development Applications. There are no additional buildings or permanent structures proposed for the Central Precinct.</p>
<p>(d) that the proposed development will not detract from the “Vistas of heritage items” specified on the Scenic and Landscape Values Map,</p>	<p>The proposed development is subject to a heritage agreement and is lodged under part 5.10 (10) of the Penrith LEP 2010. The preservation of the items mentioned are critical to the proposal progressing.</p> <p>The Scenic and Landscape Values Map highlights a portion of the Central and Eastern Precincts as having vistas of heritage items. The analysis of views and vistas within the CMP prepared by Paul Davies Pty Ltd, does not agree to the extent of heritage vistas identified. The regrowth of woodland within the site and dense tree cover along the verge of Mulgoa Road now obstruct significant views. The removal of vegetation to regain views would be inappropriate in removing significant ecology and would be removing a significant feature of the character of Fernhill. Views will be maintained by setting back allotments in the Eastern Precinct behind the ridgeline and beyond the northern gateway of the village and by not developing the Central Precinct.</p>

(e) that extensive areas of vegetation will not be cleared for the proposed development	No vegetation will be removed in the Central Precinct. In the Eastern Precinct, existing native ecological communities will be retained where possible. The only vegetation proposed to be removed is to accommodate new roads, services and building pads within the Eastern Precinct.
(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,	The preservation of vegetation and the landscaping of the land in the Central and Eastern Precincts has been outlined in separate Ecology Reports by GHD, which form part of this application. Refer to section 7.5 of this SEE.
(g) that the agricultural viability of holdings and potential of the land will not be adversely affected,	The Eastern Precinct is located in areas where agricultural activities occur. The subdivision of a portion of the Precinct is critical to the preservation of the Central Precinct, and will enable a large portion of the Central Precinct to continue agricultural practices such as the agistment of livestock.
(h) that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,	State listed heritage buildings and lands in the Central Precinct will be conserved through vegetation buffers to the north and west in the Eastern Precinct. Only temporary structures are proposed for events in the Central Precinct. The events in the Central Precinct and subdivision of a portion of the Eastern Precinct will support implementing the CMP for long term conservation and maintenance work. Within the Eastern Precinct there are 6 archaeological sites identified, with the subdivision proposed to impact 2. Mitigation methods are discussed in section 7.7.1 of this SEE.
(i) that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,	The view from Mulgoa Road and the rural setting of Mulgoa will not be adversely affected as a result of the Eastern Precinct. The Eastern Precinct is an extension of Mulgoa Village and will set lots behind the ridgeline beyond the northern gateway of the Village.
(k) that any upgrading required to maintain safety and efficiency will not detract from the present rural	As part of this application it is requested that: The speed limit of Mulgoa Road be reduced from 80km/h to 60km/h where it adjoins Fernhill Estate to be consistent with the speed limit in the Village. A third entrance is proposed 80m south of the northern gate for more efficient traffic entrance and egress to the Estate. A channelised right turn bay is proposed. These upgrades will ensure the safety of pedestrians, cyclists and other vehicles within the vicinity of the village of Mulgoa, while not detracting from the rural setting.



### 8.3.12 Clause 6.1 o Villages of Mulgoa and Wallacia (PLEP)

<i>Objectives</i>	<i>Comments</i>
This clause applies to land in the villages of Mulgoa and Wallacia, shown as "Mulgoa Wallacia Villages" on the Clause Application Map	The proposed subdivision borders the land that is applicable to this clause to the south and east. The subdivision will act as an extension of this land.
4. Despite any other provision of this Plan, development consent must not be granted for the subdivision of land to which this clause applies unless all the lots to be created by the subdivision would have the minimum standards set out in the table.	The Eastern Precinct subdivision will act as an extension of Mulgoa Village and the RU5 zone bordering the site to the south.
<i>Land in Zone RU5 Village:</i> <i>Minimum area (regular lot) – 550sqm</i> <i>Minimum width (regular lot) – 15 metres</i> <i>Minimum depth (regular lot) – 30 metres</i>	<p>The lot sizes proposed for the Eastern Precinct subdivision are minimums of 900sqm and averaging 1100sqm.</p> <p>Lot widths range from approximately 17 metres to 66 metres, with an average of 26.38m (excluding the large 2.76 ha lot retained in the subdivision).</p> <p>The depth of lots range from approximately 47 metres to 30 metres, with an average of 3.65m (excluding the large 2.76 ha lot retained in the subdivision).</p>

## 8.4 PENRITH CITY COUNCIL STRATEGIC PLANNING POLICY

The proposed development has been considered pursuant to relevant Penrith City Council strategic planning policies. The policies considered are the Recreational and Cultural Strategy, Mulgoa and Wallacia Rural Villages Strategy, Penrith Rural Lands Study. The relevant components of these strategies have been discussed in the following sections of this report.

### 8.4.1 Recreational and Cultural Strategy

Clause	Objective	Comment
1.1	Provide high quality recreational open space for all members of the Penrith Community.	The events proposed for the Central Precinct will open the estate to the Penrith Community and will strengthen Fernhill Estate as an iconic venue in Western Sydney. Events will include a variety of recreational and physical activities such as sports training and events, equestrian events, orienteering and Duke of Edinburgh, and physical endurance events.
1.2	Improve access to existing recreation and cultural facilities	Events in the Central Precinct will ensure the lands and buildings in the Estate are accessible to the public, such as cultural events like markets and performing arts events.

1.5	Promote available recreational and cultural facilities and activities to all segments of the community.	Public events in the Central Precinct will be advertised both locally and to Greater Sydney to encourage community participation.
2.2	Provide quality open space areas	The Central Precinct has significant areas of cleared land appropriate for sport and recreational activities. There are also specific exiting facilities for equestrian events, which will be a frequent event.
3.5	Provide outdoor entertainment spaces for community events, festivals and performances.	Within the Central Precinct there are a vast range of outdoor areas that will be utilised for: Local charity events School activities and sports training Large physical endurance events Camping Concerts and performing arts events Markets and fairs Equestrian events.
3.8	Provide quality sporting fields for growing sports, based on demonstrated need and growing membership numbers	The centre of the racetrack can be configured to provide a training or competition space for almost any sport, such as soccer, rugby, and AFL identified in the strategy.
3.10	Provide appropriate recreation and cultural facilities for young people.	The events proposed in the Central Precinct are diverse and accessible for any age group.
5.3	Provide appropriate recreation and cultural facilities for the wide range of cultures within Penrith.	This proposal for events in the Central Precinct does not incorporate any additional permanent structures, and so lands can be used and serviced by temporary structures for any type of cultural event.
5.5	Encourage the programming of recreation and cultural activities that support and assist the tourism objectives of Council.	The activities proposed within the Central Precinct will increase the amount of recreational opportunities and attract visitors from the surrounding region.

## 8.4.2 Mulgoa and Wallacia Rural Villages Strategy

Objective	Comment
2.1 Managing Village Growth	

<p>"Limited expansion is sustainable, subject to the availability of appropriate infrastructure and in particular the existing constraints to development of sewer and water provision being overcome."</p>	<p>The subdivision for 54 residential allotments with minimum of 900sqm lots and an average of 1100sqm, is consistent with the existing Mulgoa Village subdivision pattern, with power, sewage and water to be extended from the Village system, refer to the Mott Macdonald Infrastructure Report (2013).</p>
<p>"The village should not be under pressure to provide extra land for housing to meet broader population targets"</p>	<p>The 54 residential allotments in the Eastern Precinct will increase the population of Mulgoa, without negatively impacting access to services or infrastructure. The population will help underutilised infrastructure such as Mulgoa Public School that is currently in a decline (Elton, Social Issues Study 2013). Refer to section 7.3 of this SEE.</p>
<p>"To provide for limited additional housing opportunities outside the existing village area to cater for a demand for rural village living and a demand for local housing opportunities brought about by ties to the local community".</p>	<p>The Eastern Precinct subdivision will provide housing diversity with additional housing within the Village. It will serve as an extension of the Village.</p>
<p>2.2 Village Opportunities</p>	
<p>"In determining village expansion opportunities careful consideration must be firstly given to the objectives and constraints as outlined in SREP 13, as that plan is applicable to areas adjoining the existing village boundary."</p>	<p>These considerations have been answered in section 8.3.10 of this application, as SREP 13 has been replaced by clause 6.9 of this development.</p>
<p>"Also, development must be able to be serviced adequately or be provided services within a reasonable time."</p>	<p>The subdivision can be serviced. Power, sewage and water will be extended from the Village systems, refer to the Mott Macdonald Infrastructure Report (2013) and 7.13.1 of this SEE.</p>
<p>"Development must also be consistent with the conservation of the rural and natural landscape and heritage and agricultural qualities."</p>	<p>The subdivision of a portion of the Eastern Precinct is predominantly in areas already cleared or dominated by exotic vegetation. The only vegetation removed is to accommodate new roads, services, and building pads. The existing farm dam that forms the western border of the subdivision will be retained, along with all land west of the dam in the Eastern Precinct. The riparian corridors to the north and west act as buffers to the heritage buildings and lands in the Central Precinct. Agricultural practices in Fernhill Estate are not economically viable alone. By subdividing the Eastern Precinct and consolidating the core Estate, a large portion of the Central Precinct can continue the agistment of livestock.</p>



<p>“The central village is neatly arranged between Mulgoa Road and Winbourn Road, outside this development is of larger lots.”</p>	<p>Since the release of this report in 1999, the village has expanded west of Mulgoa Road, east of Winbourn Road, and north of Fairlight Road, reflecting a housing demand for smaller lots in the rural village.</p>
<p>“The RES recommends that aside from these locations, where careful planning will need to occur to provide development sensitive to topography, development could reasonably occur without substantially changing the character of Mulgoa Village.”</p>	<p>The Eastern Precinct subdivision will retain the existing 2.76 ha lot in the north east of the site to set the lots behind the ridgeline and beyond the northern gateway of the village, and will utilise vegetation buffers to the north and west. It will provide a visual transition between the village, historic Fernhill Estate, and the larger lot rural surroundings to the north.</p>
<p>2.4 Tourism</p>	
<p>“The village of Mulgoa will be an important ambassador for tourism within the city. Tourism provides opportunity to revitalise the village but can also create potentially negative influences like traffic generation. Successful balancing of these influences is an important component to managing the future character of Mulgoa.”</p>	<p>Events in the Central Precinct will establish Fernhill as an iconic venue in Western Sydney consistent with Penrith City Council’s goals to promote and enhance Penrith’s cultural identity, as well as promoting Mulgoa. Traffic generation will be mitigated through reducing the speed of Mulgoa Road from 80km/h to 60km/h, implementing a channelised right turn lane at the main access driveway to the estate, and creating Traffic Management Plans for all large events. Refer to 7.10 of this SEE.</p>

### 8.4.3 Penrith Rural Lands Study and Rural Lands Study (2003)

<p>6.2.2 Agriculture</p>	<p><i>“The protection of high quality agricultural land within the Sydney region is an issue paramount to the future planning of the region if it is to continue to grow its own fresh food and produce”.</i></p>	<p>Fernhill Estate does not constitute high quality agricultural land. It is primarily used for the agistment of cattle. Agricultural practices in Fernhill Estate are not economically viable alone, and hence with the support of events in the Central Precinct and the subdivision of a portion of the Eastern Precinct, a large portion of the Estate can continue for the agistment of stock.</p>
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6.2.3 Tourism and Recreational Activities	<i>"There are a number of properties with substantial heritage buildings which could be used for tourist related uses, such as guest houses, restaurants and resorts, subject to conservation of the heritage qualities of the building and its setting. Council currently has incentive clauses in its Heritage LEP to allow for these types of uses."</i>	The heritage buildings in the Central Precinct, and their associated lands, will host small scale events. These events will help support ongoing conservation and maintenance for the State heritage listed item, in accordance with the CMP (2013).
	<i>"It is especially important for the potential growth of the villages, which needs to be managed so that it does not have a detrimental impact on the sustainability of the agricultural uses or the landscape, heritage and biodiversity conservation value."</i>	The Eastern Precinct subdivision will act as an extension of Mulgoa Village. The subdivision will provide a visual transition between the village, Estate and larger rural residential lots to the north east. Existing natural features such as the farm dam, riparian corridors to the north and west, and the large lot in the north east of the Central Precinct will be retained as a transition to the larger rural lots to the north. The State heritage listed Central Precinct will be protected by vegetation buffers between the Eastern Precinct allotments and heritage Central Precinct.
6.2.10 Rural Residential Housing	<i>"The building of houses in the rural area can have an impact on the landscape, especially when the land is hilly. It is best to avoid building on ridgelines or hill tops."</i>	The Eastern Precinct will retain the existing large lot in the north east of the site to set the lots behind the ridgeline beyond the northern gateway of the village.
	<i>"It is also important to site the house to ensure that it will not have any impact on the potential of the adjoining land to be used of agriculture."</i>	The Eastern Precinct is separated from adjoining land to the west by the dam and consolidated land, Littlefield's Creek to the north, Mulgoa Road to the east, and Mulgoa Public School to the south. The subdivision will not impact the agricultural potential of adjoining land.

6.2.13 Rural Land Use Conflicts	<i>"The presence of agriculture and non-rural land use in the one location can often generate conflict due to their potential incompatibility. Agriculture can affect adjoining small rural lots, which are used essentially for residential purposes. Similarly, the presence of small rural lots creates an adverse influence on the continued operation of the agricultural enterprise."</i>	Fernhill Estate will incorporate agricultural uses and events in the Central Precinct, and a residential subdivision in the Eastern Precinct. Agricultural uses are separated from events in the Central Precinct and allotments in the Eastern Precinct.
	<i>"One issue that has to be addressed is the basic planning principle of the new use blending in with the current one. This has not happened in the past with dwelling houses being permitted to locate next to boundaries with no consideration of the impact it may have on the agricultural use on the next door property."</i>	The subdivision of the Eastern Precinct will be beneficial to integrate Fernhill Estate with Mulgoa Village and the greater area. It will act as a transition between the Village, historic Fernhill Estate, and the larger lot rural surroundings to the north east, and will move agricultural practices exclusively to the Central Precinct where there is considerable separation between agricultural activities and the nearest dwelling.
6.2.14 Emerging Social Issues	<i>"Road safety - many of the rural communities are concerned about Road safety in their local areas with anecdotal information indicating that traffic volumes and speed have increased significantly."</i>	As noted in the Traffic and Parking Section 7.10 of this SEE, the Master DA proposes reducing the speed of Mulgoa Road from 80km/h to 60km/h, and for large events a Traffic Management Plan will be constructed, to ensure that an increase in traffic volumes is mitigated.
	<i>"Limited appreciation of Aboriginal and European history – the Rural Lands are rich in history and provide the basis from which Penrith City has grown. Identification and promotion of this history appears limited with little connection to the existing rural communities."</i>	Events held in the Central Precinct will open the historic estate to the public and engage the community with the history of Fernhill and its heritage buildings and lands.



	<i>"Culture of the rural communities is changing and perhaps diminishing - there is concern that the rural nature of these communities is changing and that any links with rural activities such as shows, field days, fetes and fairs no longer exists. For some communities, their development as a "dormitory suburb" of Penrith (Wallacia and Mulgoa) and the impact of increased urban development on rural borders (ADI site for Llandilo) may change the traditional rural culture and lifestyle."</i>	There are proposed cultural and community events such as markets, fairs, and performing arts shows to be held in the Central Precinct. This is in addition to rural events like equestrian competitions and horse races, which will be regular events, and physical endurance activities, and recreational activities like Duke of Edinburgh camps, orienteering, camping, and sports training and competitions. This will help to reverse Mulgoa's status as a "dormitory suburb".
	<i>"Environmental issues - Landcare groups are developing in several rural areas with groups involved in tackling land degradation at a local level. Equally, dumping of rubbish of major concern to residents particularly in the Londonderry area around Castlereagh State Forest and Spence Road Reserve. "</i>	In addition to conserving on site vegetation through biobanking, the landscaping will incorporate removing weeds to tackle land degradation. Rubbish will be managed via the Closed Loop Waste Management Report, refer to section 7.14 of this report.
6.3.2 Water	<i>"The issue of preserving the natural flows of rivers is one that is impacted upon by a number of issues, not the least being the number of rural dams which have the effect of holding back and trapping a large amount of water; especially after a long period of dry weather."</i>	An ecology study by GHD was undertaken and found that the dams across the Central Precinct and Eastern Precinct contain healthy populations of native wetland plants and aquatic plants, and support a high diversity of animals as habitat. The retention of the dams in these areas will be beneficial to significant ecological communities.
6.3.6 Landscape Character and Visual Resources	<i>"Important Landscapes are in the Mulgoa Valley that has a specific Regional Environmental Plan covering it. This issue needs to be addressed in any planning exercise."</i>	SREP 13 has been replaced by clause 6.9 of the PLEP 2010. These considerations have been answered in section 8.3.10 of this application.

6.2.11 Contaminated Land	<i>"This issue is related to the previous use of land. It is an issue because of a lack of understanding of the issue in the past. It is important to recognise in rural areas because of the potential health risks to future residents of the land, especially that land which is to be used for rural residential rather than continue as purely rural."</i>	A Douglas Partners Contamination Study (2013) was undertaken for the Central Precinct and Eastern Precinct, and confirmed that there was no contamination on site, and the proposed uses for these precinct will not contaminate the site. Refer to 7.8 of this SEE.
8.4.1 Social Justice and Access to Services	<i>"In this context, the ability of Penrith's rural residents to gain access to increased services in their communities will be difficult. Competing demands and scarce resources will limit the ability of government to respond to the needs of a community that is very dispersed and difficult to service."</i>	The Eastern Precinct subdivision for 54 allotments (as well as the subdivision of the Western Precinct for 38 allotments) will manageably increase the population of Mulgoa Village by a total 92 dwellings. This will not impact the accessibility of services and infrastructure, and will actually support underutilised infrastructure such as Mulgoa Public School (Elton Consulting 2013).
8.4.4 Adequate Transport Systems	<i>"The current system is considered to be inadequate to cope with any future growth and additional expenditure on Roads infrastructure will be required to meet any future growth demands."</i>	The provision of public transport in the area is poor. The additional traffic generated by the Eastern Precinct will be minimal and have no adverse impacts on surrounding traffic networks. However, the proposed events for the Central Precinct will increase vehicles on Mulgoa Road with the entrance for these events 750 metres to the north. GHD asserts that this intersection and the Eastern Precinct intersections will have no impact on each other, and for large events a Special Event Traffic Management Plan will be undertaken with associated Traffic Control Plans to mitigate increased traffic impacting the subdivision. Refer to 7.10 of this SEE.

8.4.5 Adequate Capacity of Social Services	<i>"The majority of public primary schools in the Rural Lands have some capacity but all have been built as "country" schools and have limited sites, facilities (ie few with halls) and often are located on busy Roads such as Mulgoa and Luddenham public schools. Further dispersed residential development would enable population growth to be accommodated by various existing schools and the private school system through bussing of students."</i>	Mulgoa Public School has been identified as under capacity. This local school will benefit from an increase in the local population. Refer to 7.3 of this SEE.
	<i>"For Council, the few services it currently provides in the rural areas, such as community halls and parks / sporting facilities have limited capacities. Many of these services / facilities are poor and upgrading would be required to accommodate further growth."</i>	Events in the Central Precinct include community and cultural activities and sporting events. The site can provide some activities within the area that are currently being underprovided.
8.4.8 Provision of a range of housing choices	<i>"The Rural Lands currently provide some housing choice particularly in terms of housing tenure (see section 2.2). But housing types are limited primarily to detached homes, either on village and rural allotments. Limited appropriate housing is available for older residents, singles and young couples."</i>	The proposed allotments are consistent in size with the existing character of Mulgoa Village, creating opportunities for rural living on a more manageable lot size than the 2ha and 10 ha lots to the north, east and west of the Eastern Precinct.



8.4.9 Local Employment Opportunities and Local Businesses	<i>"Currently there are limited local employment opportunities with the majority of residents travelling outside the rural areas to work. Many travel to Penrith and neighbouring LGAs with only a small proportion of residents deriving their incomes from local businesses".</i>	Subdividing a portion of the Eastern Precinct will increase employment in construction. Undertaking events in the Central Precinct will provide job opportunities in event management for running events, as well as an expected increase in employment in local businesses servicing the events.
8.4.10 Employment Opportunities	<i>"Information is not available on levels of unemployment in the Rural Lands but it is likely that local employment opportunities for groups such as local youth are limited. This lack of local employment reduces the quality of life of many existing residents and may result in their relocation to other areas, long travel times to work and/or unemployment."</i>	The events in the Central Precinct will require people to manage and assemble events. This will entail a diverse range of employees.
8.5 Biodiversity Conservation	<i>"The proximity of the area to Sydney in conjunction with the rural landscape make it a suitable place to develop resort / conference centres on large rural properties... This would enable large holdings to remain and the buildings should be clustered together to retain the open character of the area."</i>	Events proposed in the House and Garden and Hayshed and Pecan Grove precincts in the Central Precinct are for private functions and conferences held in the existing buildings and land. Part of the proposal is to consolidate the Central Precinct, which will reinstate the area as a traditional Estate and protect the heritage estate and lands from future development. The subdivision of the Eastern Precinct (and Western Precinct) have contiguous subdivision patterns in their respective precincts to minimise impacts on ecological communities and neighbouring land uses, and retain the existing qualities of the sites.

8.9 Agricultural Land	<i>"One major issue with planning for the preservation of agricultural land is the size of the existing lots. As outlined in Chapter 6, the smaller the lot the more likely it is to be used for a residential use and when there is a mixture of rural residential and intensive agriculture this can lead to rural land use conflict."</i>	The Eastern Precinct is small in size and not 'high class' agricultural land. The subdivision of this site will not significantly detract from agricultural practices in Penrith. The agistment of livestock will continue in the Central Precinct.
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#### 8.4.4 Metropolitan Plan for Sydney 2036

This development application is consistent with the regional objectives for greater Sydney adopted in 2010, in regard to the natural environment, the proposed use, and the services and infrastructure to be provided that demonstrates the developments strategic merit this is conveyed within the table below.

Clause	Objective	Comment
A, 1	To promote regional cities to underpin sustainable growth in a multi-centre city.	This strategic plan identifies Penrith as a regional city of Western Sydney. The revival of Fernhill Estate by providing 54 residential allotments in the Eastern Precinct and events in the Central Precinct, will encourage economic growth and residential development in Mulgoa to promote this area.
D, 1	To ensure an adequate supply of land and sites for residential development.	Fernhill Estate has the opportunity to provide contiguous allotments that will act as logical extensions of surrounding development, such as the Eastern Precinct and Mulgoa Village (and the Western Precinct and surrounding rural residential development, addressed in a separate application). This will provide an additional 54 residential allotments in the Eastern Precinct within the desired character of 6.9 PLEP (2010).
D, 2	To produce housing that suites our expected future needs	The Eastern Precinct development will meet existing housing demands and the draft subregional strategies for the subject land, including the provision of housing diversity with a range of lot sizes that are consistent with the desired character.

D, 4	To improve the quality of new housing development and urban renewal.	The proposed development in a portion of the Eastern Precinct utilises a contiguous subdivision footprint that is consistent with the existing character of Mulgoa Village to the south, and will maintain natural features such as the farm dam and riparian corridors to the north and west. The development will not impact the State heritage listed Central Precinct.
E, 2	Promoting employment in Western Sydney by facilitating growth in strategic centres and developing greenfield employment lands with detailed land use and infrastructure plans.	Mulgoa Village, and all areas south west of the Western Sydney Employment Lands have been identified in this strategic plan as a potential expansion area for the employment lands, and thus the residential development will promote growth of these areas.
E, 4	To provide for a broad range of local employment types in dispersed locations.	The residential development will temporarily increase construction industry jobs in the area, and will provide jobs in events management in the Central Precinct. This development will act as dormitory accommodation for workers in employment areas such as Penrith.
F, 2	To maintain and protect agricultural activities and resource lands.	Agricultural practices on Fernhill Estate are not economically viable alone. By subdividing the Eastern Precinct, a large portion of the Central Precinct can continue to be used for agricultural purposes such as the agistment of livestock.



G, 4	To improve the health of waterways, coasts and estuaries.	<p>The Eastern Precinct development adopts water sensitive urban design by:</p> <p>Providing a drainage system to control potential flooding and convey storm water to the nearest waterway, in accordance with Penrith City Council standards for a min 5 years ARI.</p> <p>A major system designed to cater for 100 year ARI floods.</p> <p>Gross pollutant traps and bioretention swales and / or raingardens provided for each lot.</p> <p>Detention basin discharges made to the nearest riparian corridors.</p> <p>The retention of the existing farm dam.</p> <p>The Central Precinct will not remove any vegetation and through appropriate event management the impacts on the environment will be negligible.</p> <p>Refer to section 7.12 of this report.</p>
G, 6	To protect Sydney's unique diversity of plants and animals.	<p>No vegetation will be removed in the Central Precinct.</p> <p>In the Eastern Precinct, the portion of the site for subdivision will adopt a contiguous footprint that primarily locates dwellings in areas already cleared of vegetation or dominated by insignificant exotic grassland. It will not fragment habitat or biodiversity corridors, refer to section 7.5 of this report.</p> <p>It is proposed that areas of significant ecology in the Central and Eastern Precincts will be subject to bio banking, which will conserve these areas in perpetuity.</p>
G, 8	To minimise household exposure to unacceptable noise levels.	<p>Development in the Eastern Precinct will not impact, or be impacted, by any surrounding land uses that are primarily low density residential dwellings and the events in the Central Precinct. Refer to section 7.11 of this application.</p>

H, 1	To ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making.	<p>The Eastern Precinct development will meet existing housing demands and the draft subregional strategies for the subject land, including the provision of housing diversity with a range of lot sizes that are consistent with the desired character, to improve housing affordability for social inclusion.</p> <p>The Central Precinct will also open the estate to the public for the first time, encouraging social interaction and community engagement with the estate and its history.</p>
H, 4	To continue to identify, enliven and protect places of special cultural, social and community value.	<p>Fernhill is a rare colonial estate that has retained its early buildings, largely intact, and its original land grants in totality. There is no other similar estate within the Sydney region that has retained its land and setting. The events proposed for the Central Precinct will open the estate to the Penrith Community and will strengthen Fernhill Estate as an iconic venue in Western Sydney. The consolidation of the Central Precinct and a portion of the Eastern Precinct will also secure and expand the protected areas of the Estate under a single title and support the ongoing conservation of heritage items.</p>
H, 4.2	Encouraging regional Aboriginal cultural heritage assessments and developing new tools and protocols for inclusion in LEPs and other planning instruments.	<p>The Austral Archaeological Pty Ltd Report (2013) has analysed and investigated archaeological sites in the Eastern Precinct. Earthworks and development could potentially disturb existing sites. For mitigation methods refer to the Austral Archaeological Pty Ltd Report and 7.7.1 of this SEE.</p>
H, 4.4	Strengthening cultural and arts related activities through identification and protection of appropriate venues, places and clusters.	<p>Events held in the Central Precinct will include community, culture, and performing arts festivals and events that will strengthen these activities in the Mulgoa region.</p>

## 8.4.5 Draft Metropolitan Plan for Sydney 2031

The development is consistent with the proposed future characteristics and considerations of greater Sydney in the objectives of the draft metro strategy. It addresses the plans vision of land use strategy and actions to be undertaken in Sydney.

Clause	Objective	Comment
1.a	More greenfield and urban renewal areas will be made available to support the balance growth of Sydney.	The subdivision of the vacant and undeveloped Eastern Precinct will support the growth of Sydney in providing housing opportunities adjacent to the established Mulgoa Village.
1.b	Growth will be encouraged within the Metropolitan Urban Area to reflect market demand	The proposal caters for the demand to increase housing within Sydney. The development provides a unique style of housing within the gateway to Mulgoa Valley.
2.a	Plan for housing growth in centres of all sizes	The provision of 54 additional houses will accommodate for growth of the Mulgoa Village and will provide employment and economic investment opportunities, as well as supporting local schools and businesses.
5.a	Additional homes by 2031, with minimum housing targets for each subregion	The delivery of 54 homes will help to address the western sub-regional target of 16,000 new homes by 2021, and 39,000 new homes by 2031.
6.a	Plan for a range of housing types in Sydney to meet demand	The Eastern Precinct subdivision provides allotments on a minimum 900sqm and an average of 1100sqm to contribute to the range of housing types in the western subregion of Sydney, while being consistent with the existing character of the village.
8.c	Aboriginal and non-aboriginal heritage will be promoted	The subdivision for 54 allotments in the Eastern Precinct and events in the Central Precinct will fund the conservation and management of the Estate and make its significant heritage buildings and lands available to the public for the first time, thus protecting an important heritage asset for the Penrith Community. The Austral Archaeological Pty Ltd Report (2013) has analysed and investigated archaeological sites in the Eastern Precinct. Earthworks and development could potentially disturb existing sites, for mitigation methods refer to the Austral Archaeological Pty Ltd Report and 7.7.1 of this SEE.



10.e	Fifty percent of new jobs will be in Western Sydney by 2031.	The residential subdivision will temporarily increase construction jobs in the area and employment with staff for running events and the businesses that service the events.
18.a	Precinct scale planning will encourage efficient energy, water, and resource use.	The subdivision in the Eastern Precinct, as an extension of Mulgoa Village, is located so that power, water, and sewage from the Village can be extended to the allotments without difficulty.
19.a	Natural hazards will be considered and planned for at an early stage.	The design of the Eastern Precinct has addressed the potential for a 100 year flood, refer to section 7.12.1 of this report. Appropriate bushfire protection mechanisms have been identified in the GHD Bushfire Assessment for the Eastern Precinct Report.
23.b	Fragmentation of habitat will be avoided green corridors will connect habitats	The Eastern Precinct subdivision is predominantly located in areas already cleared of vegetation or dominated by exotic grassland, with the existing dam retained and riparian corridors to the north and west, thereby not causing any fragmentation or isolation of habitat. The development proposed within the Central Precinct will not remove any vegetation. Refer to section 7.5 of this application.
23.e	Opportunities to maintain, rehabilitate and or create new habitats will be encouraged	Biobanking in areas of the Central Precinct and Eastern Precinct will conserve areas of ecological significance in perpetuity.

#### 8.4.6 Draft North West Subregional Strategy

The Draft North West Subregional Strategy forms part of this Draft Metropolitan Strategy for Sydney 2031. In this strategic document Mulgoa has been identified as a Village. The development will be consistent with the desired character and growth of the Penrith areas as part of the North West subregion.

Clause	Objective	Comment
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AI. 1	Provide a framework for accommodating jobs across the subregion.	<p>It is identified in the strategy that “<i>an employment capacity target of 130,000 additional jobs has been established for the North West Subregion between 2001 and 2031.</i>”</p> <p>The employment capacity target for the Penrith LGA has been identified as 86,000 jobs by 2031 that is a growth of 28,000 jobs.</p> <p>The development of the Eastern Precinct and events in the Central Precinct will increase the availability of construction jobs within the community and jobs for running events and the businesses that service the events.</p>
A3. 2	Increase the integration of employment and housing markets by providing a mix of housing types to accommodate a diverse workforce within the North West Subregion.	<p>“<i>Jobs in retailing, community, education, construction, personal and leisure services will follow populations to outer, growing parts of Sydney</i>”</p> <p>The growth of employment opportunities in north western Sydney will require additional residential dwellings with the high proportion of employment self-containment (the number of people living and working in the same sub region), with the Eastern Precinct providing new homes that contribute to the range of housing types in the subregion.</p>
B2. 1	Plan for housing in centres consistent with their employment role.	<p>Mulgoa as a village, has employment via a cluster of small shops and services and so new housing should not be high or medium density given its employment role. The Eastern Precinct low-density allotments are consistent with existing development in the Village and so will provide housing consistent with the centres employment role.</p>

B3. 1	Establish a stronger centres initiative.	Key aspects outlined for a successful development in the design of the Eastern Precinct Subdivision, encouraging a stronger Mulgoa area: Accessibility and pedestrian friendly with vehicle and pedestrian access to residential allotments, Good public domain space via the riparian corridors to the north and west as green buffers, and street tree planting to maintain the rural living qualities. Providing additional construction and event management jobs, and encouraging economic investment in the area.
C1. 3	Plan for increased housing capacity targets in existing areas.	The subject area is located on undeveloped land in close proximity to Mulgoa Village, where there is capacity for residential development that is consistent with the existing subdivision of the Village.
C2. 1	Focus residential development around centres, town centres, villages and neighbourhood centres.	The proposed development in the Eastern Precinct will act as an extension from Mulgoa Village to the south.
C2. 3	Provide a mix of housing.	The Eastern Precinct provides low density new homes that will contribute to the range of housing types in the subregion.
E2. 2	Protect Sydney's unique diversity of plants and animals	The Eastern Precinct residential subdivision was identified for its minimal impacts on existing ecology, with the subdivision footprint located in areas already cleared of significant vegetation or dominated by exotic grassland and the conservation of the existing dam and riparian corridors (GHD, Ecological Assessment, 2013).
E2. 4	Protect Aboriginal cultural heritage.	The Austral Archaeological Pty Ltd Report (2013) has analysed and investigated archaeological sites in the Eastern Precinct. Earthworks and development could potentially disturb existing sites. For mitigation methods refer to the Austral Archaeological Pty Ltd Report and 7.7 of this SEE.



E3.2	Achieve sustainable use of water.	Ecologically sustainable water management will be achieved through mitigating impacts on existing water sources within the Eastern Precinct. These measures are outlined in section 7.12 of this report and the Storm water Report prepared by Mott Macdonald (2013).
E6. 1	Provide consistent approach to identify and protect Sydney's cultural heritage	This proposed development and overall agreement will secure the core estate and actually expand the protected areas of the estate under a single title. Provide for the long-term conservation and maintenance of the State significant heritage item.
E6. 2	Recognise where Sydney's cultural heritage contribute to its unique character and quality and manage change appropriately.	The development of a portion of the Eastern Precinct will not impact the unique character of Fernhill Estate with riparian corridors and retained vegetation to the north and west as buffers to the heritage estate. Events in the Central Precinct will not incorporate any permanent structures, and will not develop the heritage buildings or lands.
E6. 3	Interpret and promote Sydney's cultural heritage.	Events in the Central Precinct will open the estate to the public for small and large signature events and promote this cultural item to the local community and state.

## 9. 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:

- This application has addressed and considered the relevant planning instruments for the site in sections 7 and 8 of this SEE report and associated technical documents having particular regard to the requirements for Heritage Conservation including the preparation of a comprehensive Conservation Management Plan and heritage outcomes
- The environmental impacts can be managed through the retention of existing natural features and ensuring that ecological communities do not become isolated or fragmented.
- The consolidation of the Central Precinct and a portion of the Eastern Precinct made possible by the subdivision of the Eastern Precinct will protect and enhance heritage values by amalgamating the core lands to secure an enlarged heritage precinct that incorporates State and local heritage which will also facilitate protection and enhancement of biodiversity conservation; and create a logical extension of the northern portion of Mulgoa Village and detain the character of the Village in its rural setting.
- The Eastern precinct subdivisions and meets the minimum requirements for lot widths, depths and areas outlined in clause 6.11 of the PLEP 2010 through limited subdivision with average lot sizes of 1000sqm with a landscape setback and only 4 new homes fronting Mulgoa Road
- The subdivision in the Eastern Precinct is also appropriately sited to extend existing services in Mulgoa Village to the allotments, support local public transport, support local social and economic infrastructure such as the adjoining school and local businesses.
- Biobanking proposed in the Central and Eastern Precincts is permissible as 'environmental protection works' in the E2 and E3 zone. This land use will protect areas of significant ecology in perpetuity, safeguarding important biolinkages to the Blue Mountains National Park.
- The adaptive reuse of the heritage buildings, gardens, and lands for events is an appropriate use of the heritage core as identified by the CMP, does not require any additional permanent structures or the removal of any vegetation or works to Heritage listed buildings and as stated in the Heritage Impact Statement have manageable impacts.
- Provision for ongoing heritage maintenance through the adaptive re-use of heritage that support Penrith City Council's goals to support continued rural activities in the Mulgoa Valley through the Equestrian Centre of Excellence as well as tourist, cultural and recreation activities through signature events and in a rural setting,
- Implications for traffic, parking, and noise have been shown to be minimal and manageable and the proposed third gate and turning bay address heritage and safety considerations.
- The Estate will be accessible by the public through a range of activities, events and functions, which will encourage social involvement and public interaction with the history of the Estate.

In summary the proposed consolidation of the central historic core and adaptive re-use alongside the subdivision in the Eastern Precincts is highly suitable and in the interest of the public. The Fernhill landholdings represents a large portion of land in Mulgoa Valley with sensitive heritage and environmental qualities, which can be conserved and maintained through subdivision of peripheral land, commercially viable equestrian activities and events and a range of regular and signature events and activities, which can provide for the long term protection and conservation maintenance of the heritage buildings and lands.

## 10. CONCLUSION

This application seeks to consolidate all lots in the Central Precinct, and areas in the Eastern Precinct, initiate events and activities in the Central Precinct, and subdivide the Eastern Precinct into 54 Torrens Title lots, pursuant of clause 5.10 (10) within the PLEP 2010. It is considered that the proposal is an appropriate response to its context, relevant state and local planning instruments, and the matters for consideration under section 79C of the EPA & A Act. Accordingly the proposal is recommended for approval.

- This proposal is part of a wider public benefit to preserve the significant heritage and ecological values of Fernhill Estate, which contains one of few houses built with convict labour remaining in a landscape setting. Fernhill Estate will become an iconic venue in the Penrith local government area and Greater Western Sydney.
- Activities and events in the Central Precinct will not involve permanent changes to the landscape or heritage buildings, as existing structures, land and temporary structures are proposed to be used on site. Thus, impacts regarding vegetation and wildlife, contamination, and storm water are negligible.
- The subdivision of a portion of the Eastern Precinct represents a logical extension of Mulgoa Village, and will act as a visual transition between the village, historic Fernhill Estate, and the larger lot rural surroundings to the north. This subdivision locates development in an area where there is a small portion of vegetation is impacted.
- It will provide a manageable increase in population with available infrastructure and services.
- This rural village living opportunity will also have minimal environmental impacts, and supports the consolidation and biobanking of the Central Precinct and areas of the Eastern Precinct.
- The amalgamation of lots will protect and enhance heritage and biodiversity values in an enlarged heritage precinct, which prevents future subdivision within the core Fernhill lands.

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 1a Penrith Development Control Plan (Central Precinct)

<i>Clause</i>	<i>Objective / Control</i>	<i>Proposed</i>	<i>Comply</i>
DCP Principles	Principle 1 Provide a long-term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	The delivery of the master plan will secure the core estate and actually expand the protect areas of the estate under a single title. Provide a long term conservation and maintenance of the State Heritage Item.  Preserving a core piece of Penrith's history in perpetuity.	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 activities and events within the Central Precinct will not alter the landscape or ecology.	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 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 including Council 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 in 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 Central Precinct will 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:	N/A No additional permanent structures are proposed for the Central Precinct.	YES
	i) responding to the natural topography and landform of the site;	There are no permanent structures proposed for the Central Precinct and events will predominantly occur inside existing structures or gardens or the racetrack.	YES
	ii) protecting areas of scenic or visual importance in the City of Penrith;	The character within 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 for the Central Precinct.	YES
	iv) incorporating safety and security measures in its design;	Events in the Central Precinct will be subject to the Operation Plan of Management, which incorporates risk, safety and emergency management procedures and forms part of this application.	YES
	v) utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and	N/A No urban environment is proposed for the Central Precinct.	YES

	vi) Incorporating the principles of universal design to maximise accessibility for all people.	An accessibility study for venues and events in the Central Precinct forms part of this proposal, refer to the Accessibility Solutions Report.	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 for the Central Precinct.	YES
C2 Vegetation Management – B.- General Objectives	a) Adopt the principles of Ecologically Sustainable Development ('ESD') in protecting and enhancing Penrith's native vegetation;	In the Central Precinct, predominantly events will occur in existing buildings and gardens in the House and Garden or Hayshed and Pecan Grove areas, or existing structures and cleared land in the Racetrack precinct. There are no additional permanent structures proposed, and such no vegetation will be removed.	YES
	b) Preserve existing trees and vegetation for the benefits they provide;	No vegetation will be removed in the Central Precinct.	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. No vegetation will be removed in the Central Precinct.	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;	No alterations to the landscape or the removal of vegetation is proposed in the Central Precinct.	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	No new development in the Central Precinct is proposed as the operation of events will utilise existing buildings and temporary structures 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, which will retain ecologically significant areas in perpetuity. No alterations to the landscape are proposed.	YES

	I. 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 within the Central Precinct.	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, 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, natural waterways and riparian land.	N/A No clearing or development is proposed.	YES
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, 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	<p>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:</p> <ul style="list-style-type: none"> <li>i) the subdivision of land;</li> <li>ii) earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line);</li> <li>iii) the carrying out of a work;</li> <li>iv) clearing vegetation (including slashing or underscrubbing);</li> <li>v) Irrigation with treated effluent.</li> </ul> <p>c) Clause 1 a) iv) above does not include slashing or underscrubbing undertaken for the purposes of controlling declared pests under the Rural Lands Protection Act 1998 or to maintain dams, fences or asset protection zones.</p>	<p>N/A.</p> <p>No development or events are proposed in a biodiversity corridor.</p>	YES
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	N/A	N/A



	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 classified as bushfire prone land category I or 2, under the Penrith City Council Bushfire Prone Land Map. However, due to the proximity to bushfire prone land a bushfire management strategy has been prepared by GHD, as outlined in section 7.10 of this application.	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 protection purposes', then the development will be Integrated Development under the Environmental Planning and Assessment Act 1979.	N/A No subdivision is proposed.	YES
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. Refer to section 6.18 of this application.	YES
C7 Heritage B Objectives	a) Encourage the retention of existing heritage items and their significant elements;	The proposal encourages the conservation of significant elements of Fernhill Estates by securing the core estate and expanding the protected areas under a single title, which along with the subdivision of a portion of the Eastern Precinct and events will support the long term conservation and maintenance of heritage items.	YES
	b) Ensure development is based on the understanding and conservation of the heritage significance of the item;	A Conservation Management Plan has been prepared. It identifies conservation policies to assist the property owner in managing the site's historic value, and 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 missing details and building elements; and	N/A The heritage buildings and land is subject to a heritage schedule, which requires endorsement by the Office of Heritage and Environment,	N/A
	f) Protect and conserve built heritage in accordance with the Principles of the Burra Charter.	Events and biobanking in the Central Precinct, as well as the subdividing a portion of the Eastern and Western Precincts, will support the long term conservation and management of the heritage estate, The heritage buildings and land is subject to a heritage schedule, which requires endorsement by the Office of Heritage and Environment,	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 prepared by Paul Davies Pty Ltd 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 Central Precinct, 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 assessed level of significance of those relics.	No development is proposed in the precinct, and the Austral Archaeology Report (2013) does not identify any archaeological sites in the Central Precinct, and thus the proposal will not destroy any archaeological resources.	YES
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 Central Precinct.	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). 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 5.10 (10) 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 economic support for the 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 consolidated Fernhill estate lands will be put to conservation of the estate buildings and land.	YES
	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 Central Precinct, 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;	A GTA traffic and parking assessment (2013) has been undertaken for events in the Central Precinct.	YES
	b) Reduce the number of vehicle and pedestrian accidents per capita;	A GTA traffic and parking assessment (2013) was undertaken for events in the Central Precinct. For all events it is proposed that the speed limit on Mulgoa Road along the frontage of the site be reduced from 80 km/h to 60km/h to improve the Safe Intersection Sight Distance. There is also a proposed channelised right turn lane at the main access driveway into the estate.	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;	In addition to the proposed changes to Mulgoa Road, larger events will implement Traffic Management Plans that will manage the arrival of guests and limit the number of vehicles required to access the site.	YES
	e) Encourage the orderly and economic provision of road and intersection works;	Noted.	YES
	f) Ensure that existing roads and intersections are upgraded to provide a satisfactory level of service consistent with the volume and	N/A Mulgoa Road and the access road are capable of accommodating the capacity from the events.	N/A
	g) Avoid new direct access to and from arterial, sub-arterial and other major roads.	The Central Precinct 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 events will support the CMP and the 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 The agistment of cattle in the Central Precinct will continue.	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 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, the objective of this section is to ensure the visual impact of access roads, parking areas and services is minimised.	N/A	N/A
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

## Appendix 1b Penrith Development Control Plan Eastern Precinct

Clause	Objective / Control	Proposed	Comply
E2 Mulgoa Valley Objectives	a) Conserve the rural landscape of the Mulgoa Valley;	The Eastern Precinct will conserve the rural landscape of the valley by retaining and enhancing vegetation buffers between the development and Mulgoa Road and the heritage items in the Central Precinct. West of the farm dam will be undeveloped and consolidated into the core Estate to secure and expand protected areas under a single title.	YES
	b) Protect the setting of the villages of Mulgoa and Wallacia within the rural landscape;	The proposed Eastern Precinct subdivision is located in the northern portion of the village, and will act as a logical extension. The retention of the existing 2.76 ha allotment within the north east portion of the subdivision will act as a transition to the large rural residential lots to the north east and Mulgoa Park.	YES
	c) Conserve heritage items and vistas within the Valley;	Vistas have been lost in the area due to significant regrowth vegetation within the Estate and along the Mulgoa Road verge, which are "also significant and forms part of the present key character of Fernhill, it is not considered appropriate to remove this vegetation in key areas to reinstate these view corridors" (Paul Davies, Pty Ltd, 2013). Archaeological sites will be protected in accordance with the Austral Archaeological Report (2013), refer to part 6.7 of this report.	YES
	d) Protect natural ecological elements within the Valley;	Environmental impacts will be minimised through: Retaining existing areas of important ecological communities where possible, especially in the riparian corridor on the western and northern boundaries, Predominantly locating development in already cleared areas to preserve vegetation. Planting additional native vegetation as street trees and a buffer between Mulgoa Road and the development.	YES



	e) Protect the agricultural capability of prime agricultural land; and	The proposal will enable Fernhill Landholdings to continue as a rural property that incorporates agricultural activities such as horse training and adjustment of livestock.	YES
	f) Ensure that development in the Valley is consistent with conserving its rural and natural landscape, heritage and Agricultural qualities.	The Eastern Precinct is contained in an E3 zone. Conflict with adjoining zones is minimised through: The E3 zone to the north east of the Eastern Precinct will be managed by retaining the existing 2.76ha allotment within the north eastern portion within the subdivision as a transition from Village to rural character. This also provides a transition to the RE1 parkland to the East. Residential will reflect the subdivision pattern of the RU5 zone to the south. The E3 zone to the west is integrated by retaining the existing lake and establishing a riparian corridor as a buffer. To the north there is substantial existing turpentine vegetation that will be retained as a riparian corridor for Littefields Creek and buffer between the Eastern Precinct and Central Precinct.	YES
2.2.1 Heritage Items and Vistas Objectives	Protect the surviving early colonial rural landscape from any further degradation;	The proposed development will preserve positive attributes of the natural landscape and dedicating land for bio-banking to preserve ecology.	YES
	b) Ensure development does not prejudice the remaining evidence of the Cox family's associations with the Valley, its houses and gardens;	The Eastern Precinct is sufficiently separated from the heritage properties and gardens in the Central Precinct, St Thomas' Church to the north east is separated by a 100m setback of houses in the northern section of the subdivision from Mulgoa Road, and the riparian corridor that acts as a vegetated buffer.	YES
	c) Preserve and enhance the visual relationship between the sites of Cox's Cottage, St Thomas's Church and Fernhill;	The visual relationship between St Thomas Church and Fernhill has been affected by the rejuvenation of vegetation within this corridor. This vegetation " regrowth is significant and forms part of the existing character of Fernhill, it is not considered appropriate to remove vegetation key areas to reinstate these view corridors" (Paul Davies 2013).	YES

d) Conserve the surviving structures, features and gardens at the major historic and archaeological sites;	The HIS advises that "Fernhill is unlikely to survive as an estate if this proposal does not proceed". The remaining portion of the Eastern Precinct that is unsubdivided will be consolidated with the core Estate to secure and expand the protected areas of the Estate under a single title. This will support long term conservation and maintenance of the heritage item.	
e) Protect the visual catchments of heritage items by appropriately siting development having regard to the significance of the setting;	Vistas have been lost in the area due to significant regrowth vegetation within the Estate and along the Mulgoa Road verge, which is "also significant and forms part of the present key character of Fernhill, it is not considered appropriate to remove this vegetation in key areas to reinstate these view corridors" (Paul Davies, Pty Ltd, 2013). The design of the subdivision retains parkland setting in the north-eastern section of the subdivision, setting back housing in this area, and ensuring there will no adverse impacts on the heritage item St Thomas Anglican Church.	
f) Prevent development within the historic landscapes and curtilages of heritage items which may detract from the significance of those sites; and	The subdivision will not detract from the State heritage listed item. There will be no impact as the residential area will be buffered by the consolidated land and not have an adverse effect on the Fernhill Curtilage.	YES
g) Prevent any activity which could destroy the potential Archaeological resources of any heritage items.	The Austral Archaeological Pty Ltd Report (2013) has analysed and investigated archaeological sites in the Eastern Precinct. Earthworks and development could potentially disturb existing sites. Refer to the Austral Archaeological Pty Ltd Report and section 7 of this SEE.	YES

2.2.1 Heritage Items and Vistas Controls	a) No structures are to be located in the view corridors linking the heritage items of Cox's Cottage, St Thomas's Church and Fernhill.	The careful design of the proposed eastern subdivision allows for a parkland setting in the north-eastern section of the subdivision that increases the setback of housing in this area, and ensures there will be no adverse impacts on the heritage items St Thomas Anglican Church & Cemetery and the St Thomas Road alignment. The proposed subdivision is adjacent to the heritage item Mulgoa Public School, however the school buildings are separated from the boundary with the subdivision via a driveway on the school site, and proposed houses within the subdivision in the vicinity of the school will be set back from Mulgoa Road to reflect the setback of the school buildings (Paul Davies Pty, Ltd).	YES
	b) Figures E2.1 and E2.2 show the extent of the historic landscapes and curtilages in Mulgoa Valley and should be used in assessing the impact development may have on them. Buildings are to be screened from view from heritage items and their curtilages. (Figures E2.1 and E2.2 are located at the end of Section 2.2).	In accordance with Figure E2.2, the Eastern Precinct is within the Fernhill Curtilage and between the identified Cottage and Windbourne Historic Curtilages. The Eastern Precinct will not impact these historic landscapes by careful site planning with buffers to separate dwellings from heritage structures in the Central Precinct and St Thomas's Church to the north.	YES
	c) The vistas from the major heritage items in Mulgoa Valley are shown on the Penrith LEP 2010 Scenic and Landscape Values Map. No development is permitted in the vistas of these heritage items unless they are for the purpose of restoring, rehabilitating or preserving elements of the heritage items, such as fences, outbuildings, gates, roadways or plantings. Such structures should be designed and sited so as not to detract from the vistas.	The Development that occurs within the Scenic and Landscape Map is pursuant to 5.10.10 of the PLEP 2010. The preservation and restoration of the State listed Fernhill House and Garden Precinct is a critical component of this proposal, which will support the long term conservation and maintenance of the heritage item. In addition to this, Vistas have been lost in the area due to significant regrowth vegetation within the Estate and along the Mulgoa Road verge, which is "also significant and forms part of the present key character of Fernhill, it is not considered appropriate to remove this vegetation in key areas to reinstate these view corridors" (Paul Davies, Pty Ltd, 2013).	YES



	d) Landscaping, including trees, should be sensitively sited to complement rather than interfere with the vistas.	Planting is associated with the proposed development as street trees, and vegetated buffers to maintain significant views. The riparian corridor will compliment the existing landscape and separate development from the State heritage item.	YES
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.		
2.2.2 Siting Controls	a) Buildings are to be located on mid-slopes to avoid visual impact on ridges and to avoid the banks of watercourses.	The 2.76 ha allotment that in the north east portion of the subdivision will be retained mitigate the potential visual impact on the ridge line.	YES
	b) Buildings are to be setback at least 30 metres from public roads and at least 100 metres from Mulgoa Road. This control may be varied depending on the topography of the site.	Dwellings will be located within 100m of Mulgoa Road. The subdivision has been designed to become an extension of Mulgoa Village where buildings are also not sited 100 metres from Mulgoa Road.	YES
	c) Buildings are to minimise excavation, filling and high Foundations by avoiding slopes greater than 1 in 6.	The construction of dwellings is not part of this application.	N/A
	d) The longest façade of a building is to be parallel to the contours of the land.	The construction of dwellings is not part of this application.	N/A
	e) Buildings are to be grouped to minimise the visual impact of buildings in an open rural landscape.	The subdivision is a contiguous pattern contained in only a portion of the Eastern Precinct, which forms an extension of Mulgoa Village.	YES
2.2.3 Building Form Materials and Colours Objectives	a) Ensure building forms are in keeping with the traditional buildings of the Mulgoa Valley;	The construction of dwellings is not part of this application.	N/A
	b) Ensure building materials match or complement those of older rural buildings and heritage items; and	The construction of dwellings is not part of this application.	N/A
	c) Ensure building colours are derived from the local natural landscape, especially the stone and soil, and from the traditional colours of the historic buildings of the Valley.	The construction of dwellings is not part of this application.	N/A

2.2.3 Building Form Materials and Colours Controls	a) Buildings are to be a maximum of two storeys in height.	The construction of dwellings is not part of this application.	N/A
	b) Pitched roofs are preferable with a slope of between 30 and 45 degrees. Skillion roofs by themselves are to be avoided except as verandahs or for extensions.	The construction of dwellings is not part of this application.	N/A
	c) Large elements, especially flat surfaces, are to be avoided. Building façades and roof lines are to be broken into small elements. Garden structures, such as trellises and pergolas, can assist in breaking up large elements.	The construction of dwellings is not part of this application.	N/A
	d) Buildings are to be designed with a horizontal rather than vertical emphasis. For example, elements such as verandahs and wide eaves can add a horizontal emphasis.	The construction of dwellings is not part of this application.	N/A
	e) Windows and doors, expressed as openings in solid walls, are to have a vertical rather than a horizontal emphasis, and large Unbroken glazed panels are to be avoided.	The construction of dwellings is not part of this application.	N/A
	f) Building materials are to match or complement those of older rural buildings and	The construction of dwellings is not part of this application.	N/A
	i) Walls – Dressed Hawkesbury sandstone, rendered brickwork, rendered concrete blockwork, pise, mud brick, earth wall construction, painted weatherboard (horizontal), corrugated iron and timber slab construction; and ii) Roofs – Slate, timber shingles, clay tiles of traditional shape and colour, corrugated iron and ribbed sheet metal.	The construction of dwellings is not part of this application.	N/A

	g) Building colours are to be derived from the local natural landscape, especially the stone and soil, and from the traditional colours of the historic buildings of the Valley. Examples are:	The construction of dwellings is not part of this application.	N/A
	i) Walls – Light Indian Red, Biscuit, Light Stone, Drab, Light Red/Brown, Light Cream, Pink Beige and Brown Pink. Lighter colours are also acceptable, but avoid white and variegated and mottled colours in brickwork;	The construction of dwellings is not part of this application.	N/A
	ii) Roofs – Unpainted iron, Light Olive Green, Paynes Grey, slate grey and blue/grey; and	The construction of dwellings is not part of this application.	N/A
	iii) Trim – Bold rich deep colours such as Maroon, Terracotta and Brunswick Green.	The construction of dwellings is not part of this application.	N/A
2.2.4 Planting Objectives	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.		
	a) Existing stands of indigenous vegetation and key individual indigenous trees that contribute to the landscape character shall be retained.	Areas of significant ecological communities are to be retained where possible, as addressed in the GHD Ecology Assessment of the Eastern Precinct (2013), refer to part 6.5.1 of this report.	
2.2.4 Planting Objectives	b) Historic plantings of introduced trees and shrubs shall be retained where they have been identified as significant, or form a positive visual feature in the landscape, or complement a place of historic or cultural significance. For example, the entrance drive of Pinus pinea (Stone pines) at Winbourne, the Araucaria bidwillii (Bunya pines) at Glenmore, the Ficus rubiginosa (Port Jackson Fig) at Fairlight, and Cinnamomum camphora (Camphor Laurel) at Glenleigh.	N/A  Exotic vegetation on site is grassland from agricultural grazing and no significant historic holding or ecological significance.	N/A.



	c) Regrowth vegetation in the view corridors linking Cox's Cottage/St Thomas's Church/Fernhill may be selectively thinned to restore the landscape to an historic park-like character. However, the rough barked angophora species ( <i>A. subvelutina</i> and <i>A. floribunda</i> ) and their hybrids must be retained. For screening or to enhance this landscape character, clumps of three or four of these angophoras should be planted in appropriate locations. Naturally occurring seedlings or those specially propagated from specimens in the locality (provenance stock) for the purpose should be used.	This subject area has allocated land for future biobanking, whereby species relating to the Cumberland Plain Woodland will be used. The "regrowth vegetation is also significant and forms part of the present key character of Fernhill, it is not considered appropriate to remove this vegetation in key areas to reinstate these view corridors" (Paul Davies, Pty Ltd, 2013). The vegetation within these corridors are part of the threatened ecological community; Cumberland Plain Woodland under the TSC Act 1997, and should be retained where possible (GHD, Ecological Assessment 2013).	YES
	d) Where possible, indigenous species shall be a guide for use for revegetation. Suitable species are listed below:	Noted.	YES
	g) Non-traditional introduced species with strongly coloured or otherwise prominent foliage is not recommended for planting in the Mulgoa Valley Precinct; e.g. golden cypress and <i>Pinus patula</i> . These species tend to detract from the landscape of traditional introduced species such as bunya pines or showy indigenous shrubs like wattles.	Native species will be used within the precinct where possible within Street Planting.	YES
2.2.5 Access Parking and Services Controls	a) Driveways and access roads shall follow the contours of the land as much as possible and be of the minimum width.	Driveways and access roads in the Eastern Precinct follow contours. The width of the internal access roads and driveways are in compliance with bushfire protection, as addressed in the GHD Bushfire Assessment Report (2013) that forms part of this application.	YES
	b) Driveways and access roads shall be constructed of compacted gravel, or paved or sealed in a dark coloured material if located on steep slopes.	Driveways and access roads will be two-wheel drive, all weather road.	YES
	c) Parking areas shall be separated from access roads and from the buildings they serve by planting and other landscaping.	N/A. No parking areas are proposed.	YES

	d) Large parking areas shall not be visible from public roads.	No permanent large parking areas are proposed.	YES
	e) Services should be appropriately located and screened by walls and vegetation to form part of a coherent group.	N/A Water, power, gas, and sewage will be an extension of the Mulgoa system and located underground.	YES
2.2.6 Fences and Entrances Objectives	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.		
	a) If practicable, avoid fences on road frontage boundaries.	No fence is proposed at the entrance to the Eastern Precinct.  The construction of dwellings is not part of this application.	YES
	b) Fences should be simple and unpretentious, and in keeping with traditional forms; e.g. unpainted timber post and rail, timber post and wire, or steel post and wire. Masonry fences, such as brick, blockwork or stone, should be avoided.	The construction of dwellings is not part of this application.	YES
2.2.6 Fences and Entrances Controls	c) Gates and entrances should also be simple, and in keeping with traditional forms. Examples are: i) Rendered and pointed brickwork, blockwork, sandstone, painted timber or post and rail; ii) Decorated gateposts with the property name carved or painted onto the gatepost or painted onto a wide timber top rail; and iii) Decorated iron, steel or timber gates.	No fence is proposed at the entrance to the EP.  The construction of dwellings is not part of this application.	YES
	d) Gates and entrances should relate to the materials and colours of the building to which they belong.	No fence is proposed at the entrance to the Eastern Precinct.  The construction of dwellings is not part of this application.	YES

2.4.I Mulgoa Road Objectives	a) Protect the present rural character and function of Mulgoa Road; and	The character or function of Mulgoa Road will not be changed as a result of the proposed development. Mulgoa Rd will be well under the RMS road design guidelines for VPH during peak periods, with a total increase of 78VPA during peak periods, which is a minimal increase and is within the capacity refer to section 6.10.	YES
	b) Ensure any new development does not impact on the safety and efficiency of Mulgoa Road.	The proposed intersection of Mulgoa Road and the proposed southern access road to the Eastern Precinct is anticipated to operate safely and efficiently based on a Basic right turn (BAR) treatment.	YES
2.4.I Mulgoa Road Controls	a) Mulgoa Road shall be maintained as a rural road and shall not be improved to the level of a major regional thoroughfare.	Complies.	YES
	b) Consent shall not be granted to development in the Mulgoa Valley Precinct if:	Complies.	YES
	i) The safety and efficiency of Mulgoa Road will be adversely affected by the design and siting of the proposed access and by the nature, volume and frequency of vehicles using Mulgoa Road to gain access to the development; and	Complies. Refer to 2.4.I a of this table and part 6.10 of this report.	YES
	ii) Any upgrading or strengthening of Mulgoa Road required to maintain its safety and efficiency detracts from the present rural character and function of Mulgoa Road.	The proposed development is not anticipated to have any adverse impact in terms of traffic efficiency or road safety. It is recommended that the proposed development be approved on traffic grounds. (Mott Macdonald, Traffic Report, 2013.)	YES
DI Rural Land Uses Objectives	a) Reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands;	The Eastern Precinct subdivision will provide rural living opportunities within the urban growth limits of Mulgoa Village, with the subdivision consistent with existing development to the south and compliant to 6.11 of the PLEP 2010.	YES



b) Sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities;	The Eastern Precinct is characterised by dominant areas of cleared land or exotic grassland. Areas of biodiversity will be maintained through: Retaining existing vegetation west of the farm dam, in riparian corridors and biobanking. Locating development in areas already cleared or dominated by exotic grassland to preserve vegetation. Planting additional native vegetation as street trees and a buffer between Mulgoa Road and the development. Implementing WSUD and storm water management.	YES
c) Promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices;	The subdivision of this precinct will assist the preservation of the State Heritage and enable the enlarged precinct to be utilised for agricultural purposes in the long term.	YES
d) Promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities;	The proposal will enhance the economic viability of the Estate, ensuring economic support for ongoing conservation and maintenance works to the estate. The Eastern Precinct development will also provide future investment opportunities, promote employment in the construction industry, and increase patronage to Mulgoa businesses and services through a manageable growth in the population, thus fostering sustainable economic growth.	YES
e) Increase the awareness of ecologically sustainable rural land use practices amongst landholders, landusers and the community generally, and promote responsible stewardship of Penrith's rural lands;	"The small scale of the proposal and with the proposed mitigation measures, it would be unlikely to result in any substantial impacts on any habitat beyond the immediate disturbance footprint within the area" (GHD, Eastern Ecological Assessment, 2013).	YES
f) Consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings;	The Eastern Precinct is located in areas where agricultural activities occur. The subdivision of a portion of this Precinct, is critical to the preservation of the core Estate where agricultural activities are not economically viable alone, and thus the subdivision enables a large portion of the Central Precinct to continue to be utilised for agricultural purposes.	YES

g) Consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining;	The Eastern Precinct has been designed as an extension of Mulgoa Village to the south, and visual transition between the village, the Historic Fernhill Parkland and the large lot rural surrounds to the north.	YES
h) Consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding);	A geotechnical assessment of the site forms part of this application. It concluded that the land was appropriate for residential development and was at low risk of contamination refer to 6.9.1 of this report.	YES
i) Consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal;	Water and effluent infrastructure will be an extension of the existing Mulgoa system.	YES
j) Maintain and improve the water quality of watercourses within the city.	The development will not impact existing watercourses, with the riparian corridor to the existing farm dam and Littlefields Creek not impacted.	YES
k) Minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors;	A maximum 8.37ha of land with a mixture of vegetation communities in various conditions, the proposal would not isolate or fragment any significant areas of habitat" (GHD, Eastern Ecological Assessment, 2013).	YES
l) Consider existing infrastructure, including the capacity of the existing road network and utility services to meet the expected needs of proposed development;	Mulgoa Rd will be well under the RMS road design guidelines for VPH during peak periods, with a total increase of 78VPA during peak periods, which is a minimal increase and within capacity.	YES
m) Promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area; and	The Eastern Precinct has been designed as an extension of Mulgoa Village to the south, and as a visual transition between the village, the historic Fernhill Estate and the large lot rural surrounds to the north, thus mitigating land use conflicts. Heritage items will be shielded by retaining vegetation in a riparian corridor, and retaining the large residential allotment in the north east of the precinct, which act as buffers.	YES

	n) Ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not adversely affected by development on adjacent land.	The proposed intersection upgrades to Mulgoa Road are consistent in character with other interactions along Mulgoa Road including BAL intersections at the Glenmore Golf Course and the Nepean Christian and a BAR intersection at the Electrical substation north of the site.	YES
Rural Character Objectives	a) Preserve the rural character of the City of Penrith, including its scenic and landscape qualities;	The outcome of this proposal will provide an enlarged Central precinct that will maintain the rural character of Fernhill an important scenic and landscape allotment within the Mulgoa Valley.	YES
	b) Retain and protect each of the elements that make up the rural character of Penrith; and	Rural characteristics will be maintained via locating subdivision behind existing rural residential lot in the north east and retaining natural features on site.	YES
	c) Address the visual impact assessment requirements for major applications, as required.	The eastern boundary of the Eastern Precinct is the most "visible edge of the indicative development footprint due to the frequency of passersby and its proximity to Mulgoa Village." However the setback of houses in the north east provides a park like setting on the eastern edge as a buffer between development and passerby's.	YES
General Background Objectives	a) Ensure that development does not detract from the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of rural areas;	<p>the Eastern Precinct subdivision will be consistent with rural living qualities by:</p> <p>Adopting a subdivision pattern as an extension of Mulgoa Village to the south.</p> <p>The large 2.76 ha residential allotment in the north east as a vegetated buffer to Mulgoa Road, providing separation and mitigating the visual impact of future development.</p> <p>The Fernhill heritage structures to the west are protected via a riparian corridor along the western and northern boundary as a buffer.</p> <p>Significant native vegetation will be maintained where possible.</p> <p>The Eastern Precinct is an area where agricultural activities occur. The subdivision of this precinct, is critical to the preservation of the core Estate that enables a large portion of the Central Precinct to continue to be utilised for agricultural purposes.</p>	YES



	b) Provide separation between residential uses and noise generating sources;	Mulgoa Road does not have the volume of traffic, even with the additional vehicles from the subdivision, to be a significant disturbance on the allotments (Wilkinson Murray 2013).	YES
	c) Provide buffers between residential buildings and land uses to minimise the potential for land use conflict and additional pressure on agriculture or other rural activities;	Land uses to the north, east, and south are residential. To the west are paddocks, which are segregated by a riparian corridor as a vegetated buffer.	YES
	d) Ensure that external finishes used have minimal detrimental impact on the visual amenity of an area;	The construction of dwellings is not part of this application.	N/A
	e) Encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development; and	The construction of dwellings is not part of this application.	N/A
	f) Encourage a diversity of interesting rural dwellings and outbuildings, which respect the inherent character of the locality.	The construction of dwellings is not part of this application.	N/A
1.2.1 Site Planning and Orientation of Dwellings and Outbuildings Objectives	The specific objective of this section is to ensure dwellings and outbuildings are sited in accordance with the general objectives listed above.	Noted.	YES
1.2.1 Site Planning and Orientation of Dwellings and Out Buildings Controls	Site Planning a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of: i) Protecting the privacy of proposed and existing buildings; ii) Providing flood-free access to the dwelling and a flood free location for the dwelling itself; iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources; iv) Maximising solar access; v) Retaining as much of the existing vegetation as possible; and vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).	Residential allotments are clustered in the Eastern Precinct so that: The development sufficiently separated from existing properties and gardens by a 100m setback of houses in the northern section of the subdivision from Mulgoa Road, and the riparian corridor that act as a vegetated buffer to the State heritage estate to the west. Effective storm water management will mitigate the potential for flooding, and overland flow routes designed to cater for 100 year ARI flows to proposed detention basins on site. A bushfire assessment report forms part of this application. Bushfire Asset Protection Zones, access roads, and the provision of water tanks will mitigate the risk of bushfires.	YES

	b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.	The construction of dwellings is not part of this application.	N/A
	c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.	Residential allotments will be clustered on site predominantly in areas of cleared vegetation to conserve ecological environments, and provide a subdivision pattern that is an extension of Mulgoa Village.	YES
	Landscape / Scenic Character a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.	The construction of dwellings is not part of this application.	YES
	b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.	The allotment within the north eastern portion of the Precinct will have an area of 2.76 ha to setback development from Mulgoa Road and mitigate the potential visual impact on the ridge line.	YES
	c) Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment.	The retention of the existing 2.76 ha residential lot in the north east ensures that development is setback 100 metres from Mulgoa Road to provide privacy from passing traffic.	YES
	d) Roads should be designed and located to run with the contours of the land.	Complies.	YES
	e) Rooflines and ridgelines should reflect the setting of the dwelling, incorporating simple shapes to step a building down with a sloping site or level change.	The construction of dwellings is not part of this application.	N/A
	f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.	The construction of dwellings is not part of this application.	N/A
1.2.2 Setbacks and Building Separation Objectives	In addition to the general objectives for 'Rural Dwellings and Outbuildings', the specific objectives of this section are for dwellings and outbuildings to be sufficiently		

	a) Maintain sight distances for vehicular safety; and	A Traffic and Parking Assessment (2013) forms part of this application. Intersections for access to the Eastern Precinct have sufficient sight distances addressed in 6.10 of this report.	YES
	b) Preserve trees and other vegetation, and provide adequate areas for landscaping.	The Eastern Precinct is characterised by areas of cleared land or exotic grassland, with regrowth native vegetation to be retained where possible.	YES
1.2.2 Setbacks and Building Separation Controls	a) A minimum setback of 15 metres from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.	The construction of dwellings is not part of this application.	N/A
	b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.	The construction of dwellings is not part of this application.	N/A
	c) A minimum setback of 30 metres is required to all classified roads (except Mulgoa Road), Luddennam Road, Greendale Road and Park Road. In some cases, larger setbacks may be required. Please contact Council to discuss.	The construction of dwellings is not part of this application.	N/A
	d) A minimum setback of 100 metres is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).	The construction of dwellings is not part of this application.  The Eastern Precinct is sufficiently separated from existing properties and gardens by a 100m setback of lots in the northern section of the subdivision, with the southern component designed as an extension of Mulgoa Village.  Dwellings within the Mulgoa Village also do not adopt 100m setback on Mulgoa Road.	YES
	3. Building Separations and Side Boundary Setbacks		
	a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.	The construction of dwellings is not part of this application.	N/A



	b) The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.	The construction of dwellings is not part of this application.	N/A
	c) The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.	The construction of dwellings is not part of this application.	N/A
	d) Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings.	The allotments are sufficiently sized to allow appropriate building separations. The average lot size in the Eastern Precinct is 1100 sqm.	N/A
I.2.3 Site Coverage, bulk and Massing Objectives	In addition to the general objectives for 'Rural Dwellings and Outbuildings', the specific objectives of this section are to:		
	a) Ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and	An indicative building pad layout has been prepared in accordance with this document. Refer to part 5 of this report.	YES
	b) Ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.	The construction of dwellings is not part of this application.	N/A
I.2.3 Site Coverage, bulk and Massing Controls	a) Dwellings shall have a maximum ground floor footprint of 500m <sup>2</sup> (including any undercover car parking areas).	This is addressed in the updated plans provided by ae design, which illustrate the building pad is less than 500sqm with potential ground floor built area of less than 250sqm.	YES
	b) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.	The construction of dwellings is not part of this application.	N/A
	c) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.	The construction of dwellings is not part of this application.	N/A
	d) No more than three (3) undercover car parking spaces can face towards a public road or place. Any additional garages should be setback behind the building line and screened.	No garage will face Mulgoa Road, access will occur via an internal road network.	N/A

	e) A maximum ground floor footprint of 600m <sup>2</sup> will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to in sections 1.4 and 1.5 of this Chapter.	The construction of dwellings is not part of this application.	N/A
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## Appendix 2: Event and Activities Operation Management