

Orchestra Symphony Event

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December 2013
Fernhill Estate



Fernhill Estate

Orchestra Symphony Event - Statement of Environmental Effects



ae design partnership
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December 2013

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I. INTRODUCTION

This Statement of Environmental Effects has been prepared for the Fernhill Estate, Mulgoa Road, Mulgoa, in the Penrith Local Government Area. The Estate is a rural property of approximately 643 hectares that includes areas and items of state and local heritage significance and biodiversity value. This proposed development has been identified for the opportunity to safeguard ongoing heritage conservation as part of an overall Fernhill Estate Working Heritage Masterplan and is consistent with the Conservation Management Plan (September 2013) that is currently being considered for endorsement by the Office of Environment and Heritage.

This Integrated Development Application (IDA) is a temporary application for a concert in April located to the east of Fernhill House within the East facing sloped area between the main drive and the Northern driveway.

The DA is submitted pursuant to clause 2.8 of the Penrith LEP 2010. A Heritage Impact Statement forms part of this application and concludes that this event will have a negligible impact on the State listed item.

This Development Application is seeking permission to undertake a single, temporary, cultural event under clause 2.8 of the Penrith Local Environment Plan (2010). This one-off event is for a Symphony Orchestra concert for 3,000 attendees, and parking of 1,200 vehicles, located in the Upper Amphitheatre area of the Central Precinct of Fernhill Estate.

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

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

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

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

Traffic Management Plan	Who Dares Pty Ltd
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Technical advice where relevant material has been referenced include:

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

The SEE prepared for the proposed development incorporates the following:

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

2. ENVIRONMENTAL PLANNING INSTRUMENTS

2.1 Overview

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

It will also address the objectives of the Penrith Local Environment Plan (2010) and specifically the Temporary Use of Land in 2.8.

2.2 State Planning Controls

- State Environmental Planning Policy (SEPP) Infrastructure (2007). The proposed development is not impacted by this SEPP as Mulgoa Road doesn't have the sufficient volume of traffic required, as described on Map 13 of the RTA Traffic Volume Maps for Road Noise Assessment (November 2008).
- State Environmental Planning Policy (SEPP) 55 Remediation is not applicable to the site as there is no requirement for remediation that has been identified.

2.3 Local Planning Controls

The relevant local planning controls include:

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

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

3. SITE CONTEXT

3.1 Location

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

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

The subject area within the Fernhill Estate that this application relates to has an area of 2.06ha as illustrated in figure 4.

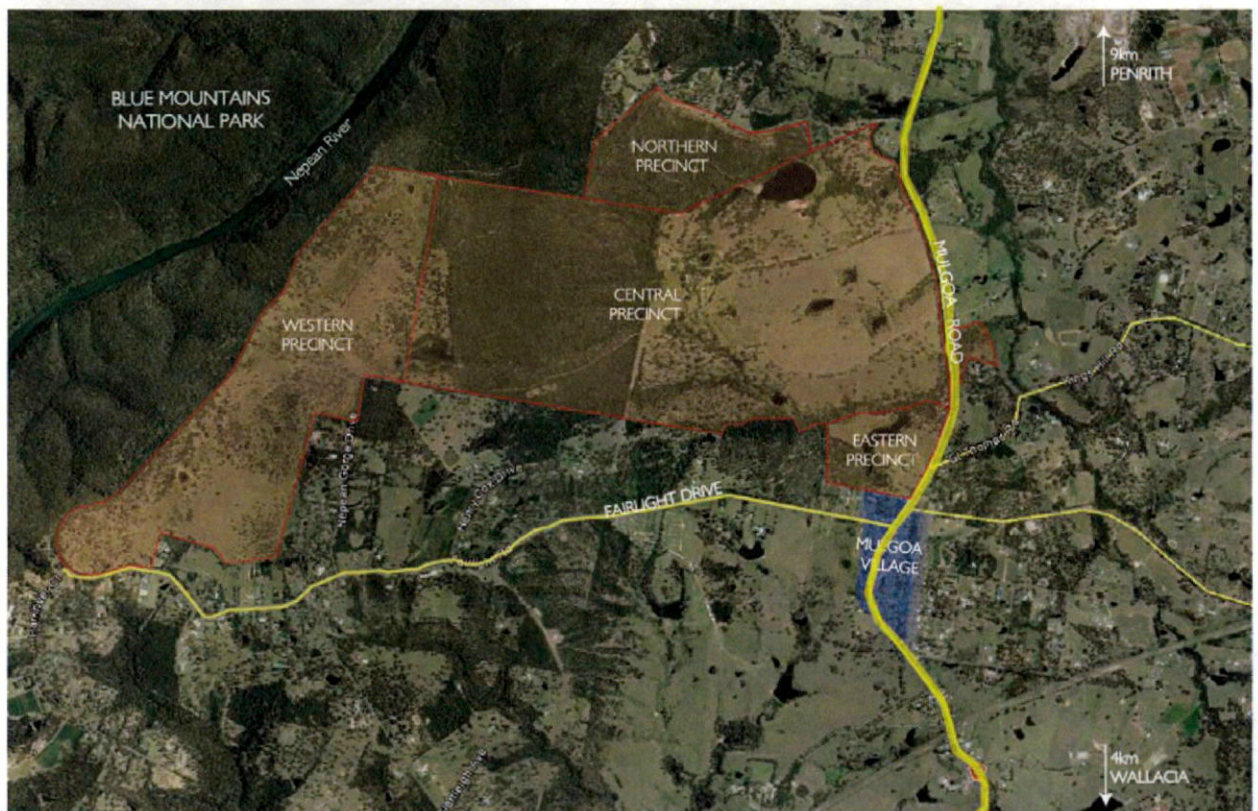


Figure 1: Context Map

The Estate is recognised as having four precincts, as illustrated in Figure 2, with the event located within the Central Precinct;

- Central Precinct – State Heritage Area including the historic Fernhill house, outbuildings and landscape, and a portion of land separated by Mulgoa Road to the east.
- Northern Precinct – in the vicinity of Mayfair Road which has local heritage significance associated with the curtilage of Fernhill.

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

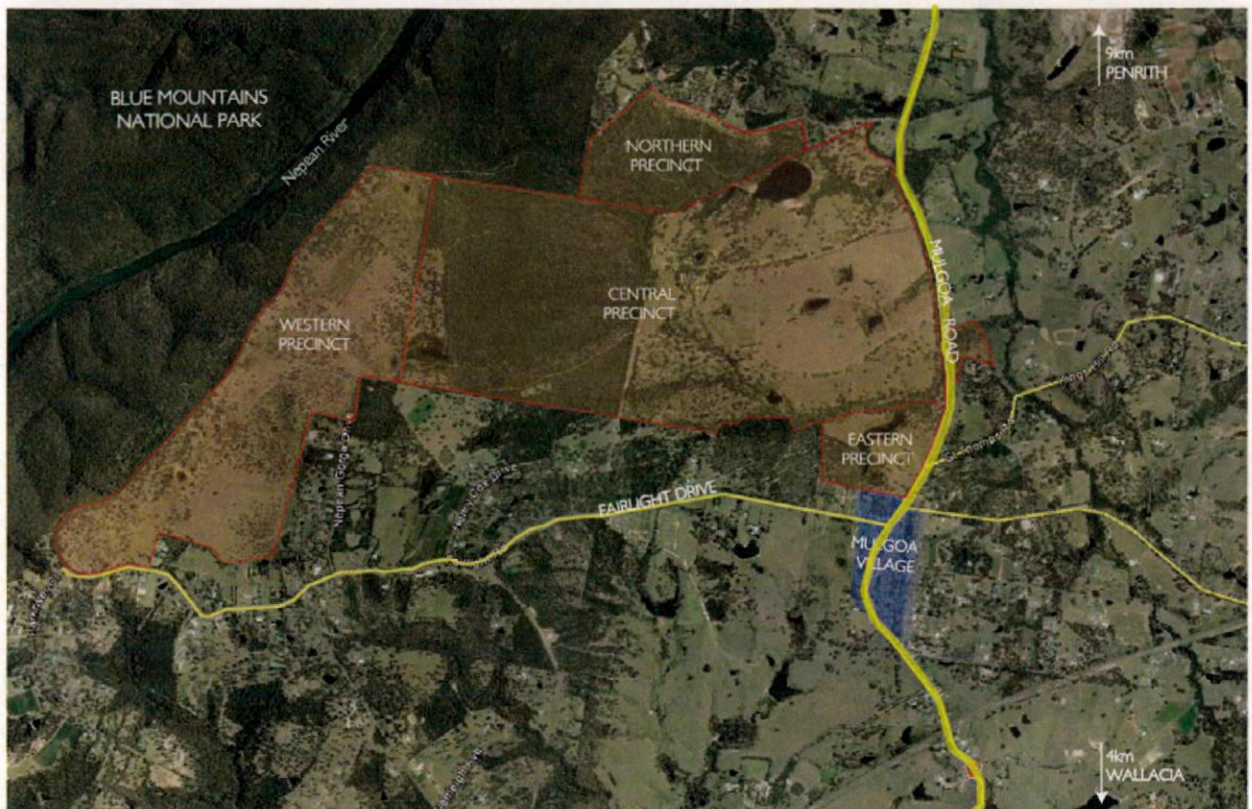


Figure 2: Fernhill Precinct Map

The Central Precinct contains the historic house and stables and other existing structures, dams and a racetrack. The subject area proposes to utilise the land south east of the house and north west of the racetrack, within the Amphitheatre.

3.2 Land Uses

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

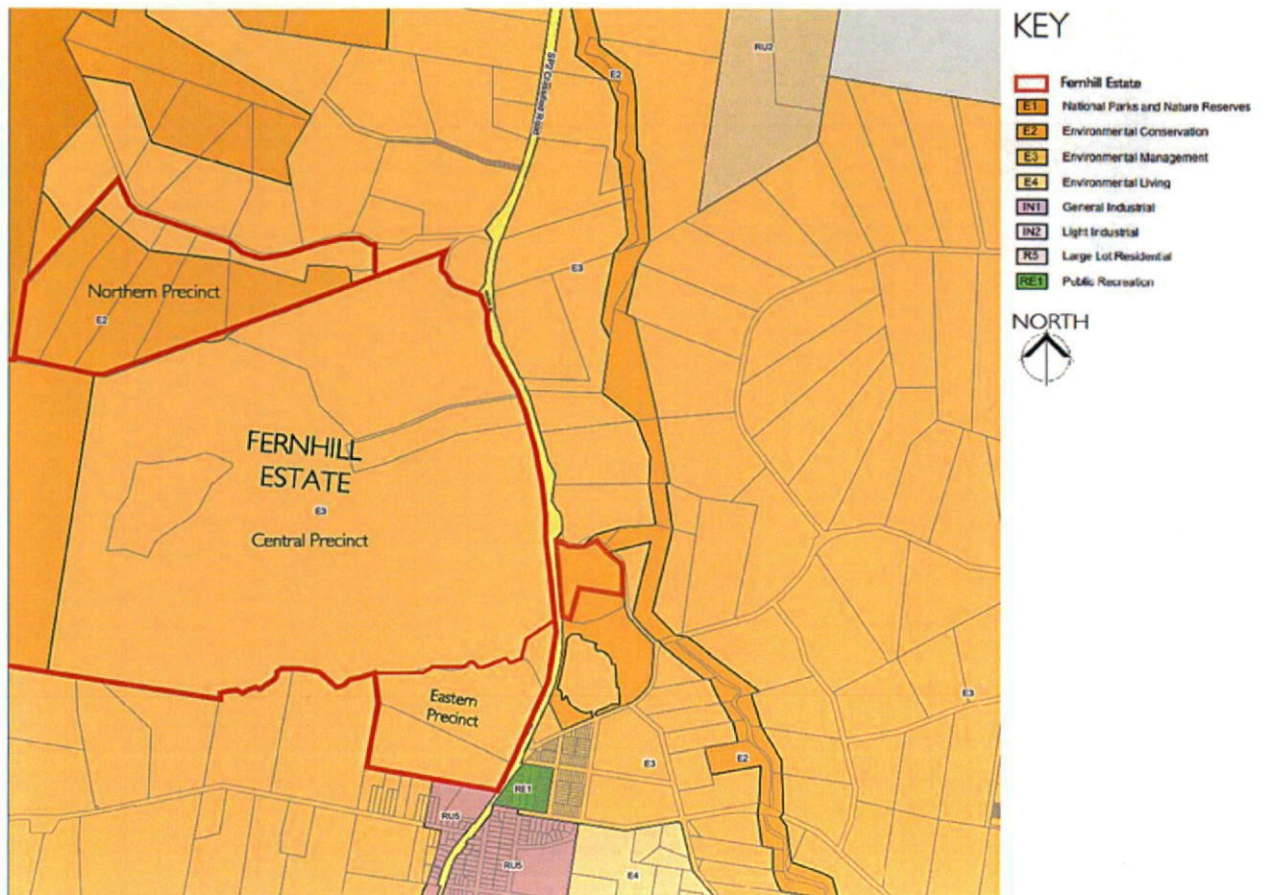


Figure 3 Land Use Zone Map.

This area is also within the State heritage listed land of Fernhill Estate, as identified within the PLEP 2010 and in Figure 4 below.

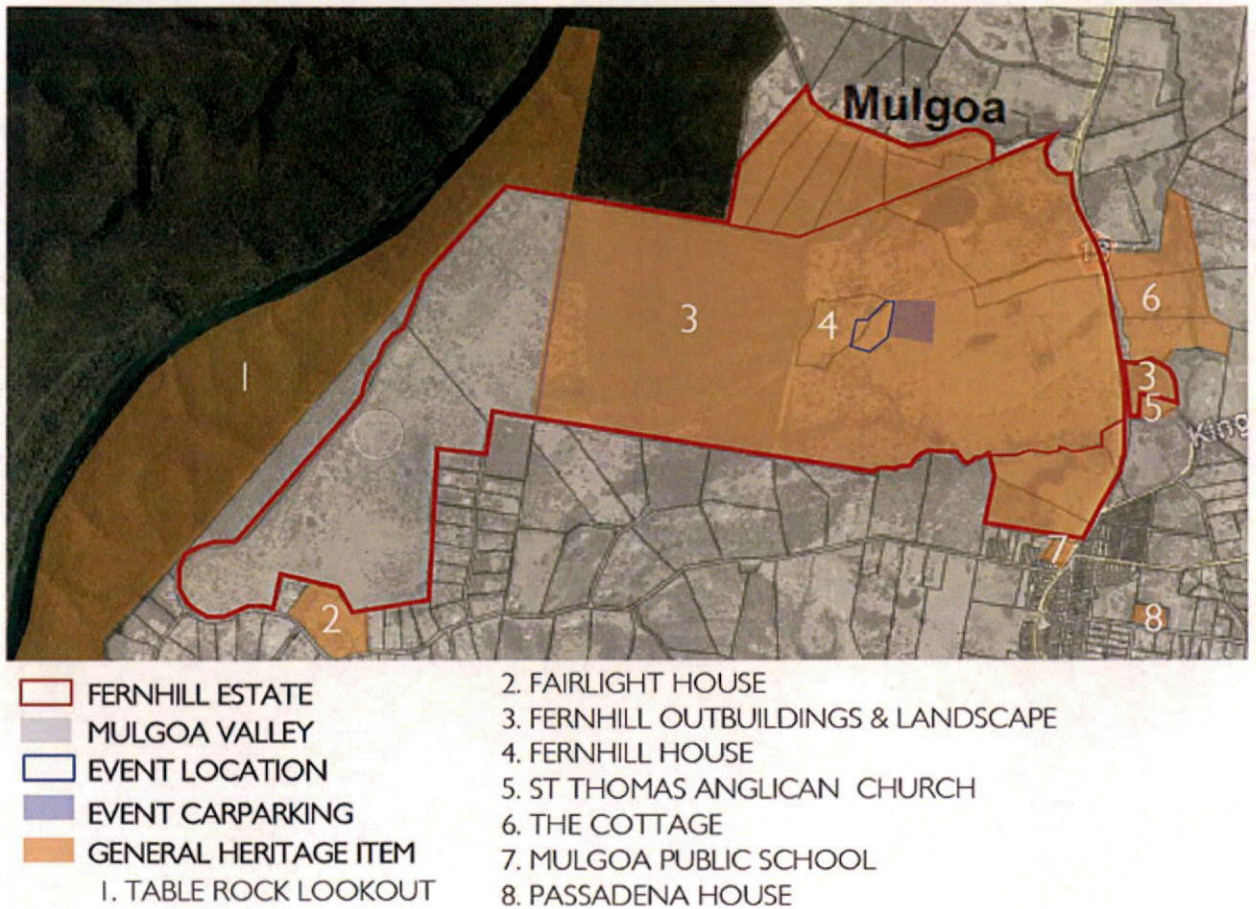


Figure 4 Heritage Map.

3.3 Existing Character and Site Analysis

The proposed event is located within a 2ha area within the Central Precinct. The Central Precinct is located on approximately 385 ha of the Fernhill Estate. It is characterised by undulating hills, ranging from 100 metres to 215 metres above sea level, and a Cumberland Plain ecological profile. The Central Precinct has areas of extensive native vegetation, particularly west of the historic home, that serve as ecological bio-linkages to the Blue Mountains National Park to the west. The majority of the area to the east of the historic house have been cleared and used for agricultural practices and development over time, which is where the Upper Amphitheatre is located.

The event area in the Central Precinct is located to the north west of the racetrack and is a large tract of land with a fall from west to east, forming a natural amphitheatre. The Upper Amphitheatre is located in this area, adjoining the House and Garden area to the south east, as illustrated in figure 4.



Figure 5 Upper Amphitheatre Location

3.4 Vehicle Access

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

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

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

4. DEVELOPMENT PROPOSAL

This Development Application is seeking permission to undertake a single, temporary, cultural event under clause 2.8 of the Penrith Local Environment Plan (2010). This one-off event is for a Symphony Orchestra concert for 3000 attendees, with a maximum of 1200 vehicles, located in the Upper Amphitheatre area of the Central Precinct of Fernhill Estate.

The Amphitheatre is located to the north west of the racetrack and is a large tract of land with a fall from west to east, forming a natural amphitheatre. The Upper Amphitheatre is located in this area, adjoining the House and Garden area to the south east.

The proposed concert falls under the definition of an 'entertainment facility' within the Penrith LEP 2010, which "means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club". This use is prohibited in the E3 Environmental Management land use zone.

The proposed layout for this event is illustrated in the Development Application Drawings prepared by ae design partnership DA01 and DA02.

This event will be located in the designated Upper Amphitheatre area, and so will not be located within or directly adjacent to any of the heritage buildings. A temporary covered stage will be 20m by 7m in size, which will be constructed on the existing access road facing north west towards the House and Garden area.

The event is expected to attract 3,000 attendees, including:

- 1,000 patrons with provided seating for the event, which will be placed in rows in front of the stage.
- 1,700 patrons who will provide their own picnic blankets and will be seated behind those seated in the rows of chairs.
- 300 patrons seated within corporate and private platform stalls, located east of the stage and rows of chairs. There will be twelve platforms for this event, 6m by 6m in size.

Temporary structures, in addition to the stage and seating, will include two bars placed either side of the stage. The bars will provide both alcoholic and non-alcoholic beverages and snack food, with other food to be self-catered by the patrons. There will also be temporary portable toilets, including disabled portable toilets, constructed on the far side of the bars. It is predicted that forty three portable toilets will be required, a rate of 1 toilet per 70 patrons.

Access and Parking

For this event, 1,200 private vehicle parking spaces will be provided on the grass area to the rear of the stage. This includes 1,120 attendee vehicles and 80 staff vehicles. These vehicles will enter the site via the main Fernhill Estate gate and the main access road.

Disabled parking will be located at the rear of the corporate and private stalls, with a separate entrance and exit off the access road.

A traffic management plan has been submitted with this application that will

5. KEY CONSIDERATIONS

This part of the proposal provides a description of the key considerations within the proposal. This part of the SEE will assess the environmental considerations within the Upper Amphitheatre area that is within the Central Precinct.

5.1 Social and Economic Assessment

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

Based on studies, the report concludes a range of social benefits that are likely to result from the activation of the Central Precinct, including the event proposed.

Positive impacts identified within the Social Issues Assessment, prepared by Elton Consulting includes:

- Positive impacts on the local economy – by supporting casual employment in the area for the setting up and running of the event, and for businesses providing resources required for the hosting of the event.
- Awareness and opportunity for people to experience the State heritage item by making it accessible to the public, and exposing patrons to this important landmark within the Mulgoa Valley.
- Promote the historic and heritage values of Fernhill Estate and Penrith's rural heritage more broadly, and encouraging social involvement in the history of the area.
- Working Heritage Approach – this event will support the restoration and ongoing conservation of the estate, including State heritage listed items and landscape.

Potential impacts on the local community that require consideration includes traffic and noise. The location of the event is at least 750m from neighbouring properties and is a one off event proposed in April 26, 2014. The acoustic and traffic implications of the event are discussed in detail in section 5.7 and 5.8 of this SEE.

5.2 Heritage Impact

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

Within the Central Precinct a range of uses have been proposed in separate DAs that are capable of generating ongoing support that can contribute to the management of the place and its conservation and maintenance. This application relates to the music event proposed, which will also support the conservation of the Estate and the implementation of the Conservation Management Plan.

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

The range of uses that are proposed are part of a working heritage plan for the estate that will contribute to the place becoming self-funding into the future, while providing high levels of public access. Previously, the estate has been largely a private area.

The Heritage Impact Statement determines that the proposal will not adversely affect the heritage significance of the Fernhill Estate.

5.3 Environmental Impacts

The proposed event in the Upper Amphitheatre area will not adversely impact existing ecology or water catchments in Fernhill Estate. There are no building or earth works proposed, as temporary structures will be utilised for the running of the event.

The location of the entertainment facility will not impact on any drainage lines or water bodies as illustrated in Figure 5. Figure 6 illustrates that the Upper Amphitheatre area is located in areas that are not environmentally sensitive, thus the proposal will have a negligible impact on the ecology of the subject land.

A waste management plan and event strategy will be in place to minimise the implications of this temporary event.

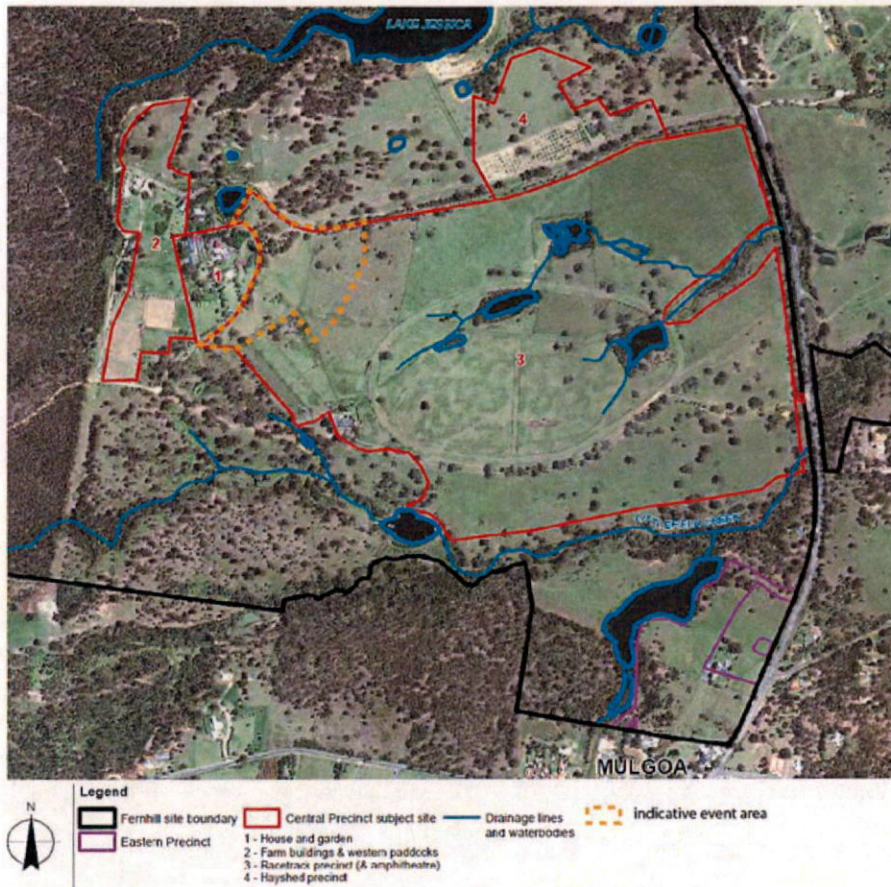


Figure 6 Location of Drainage Lines and Water Bodies (GHD, Ecology Report, 2013)

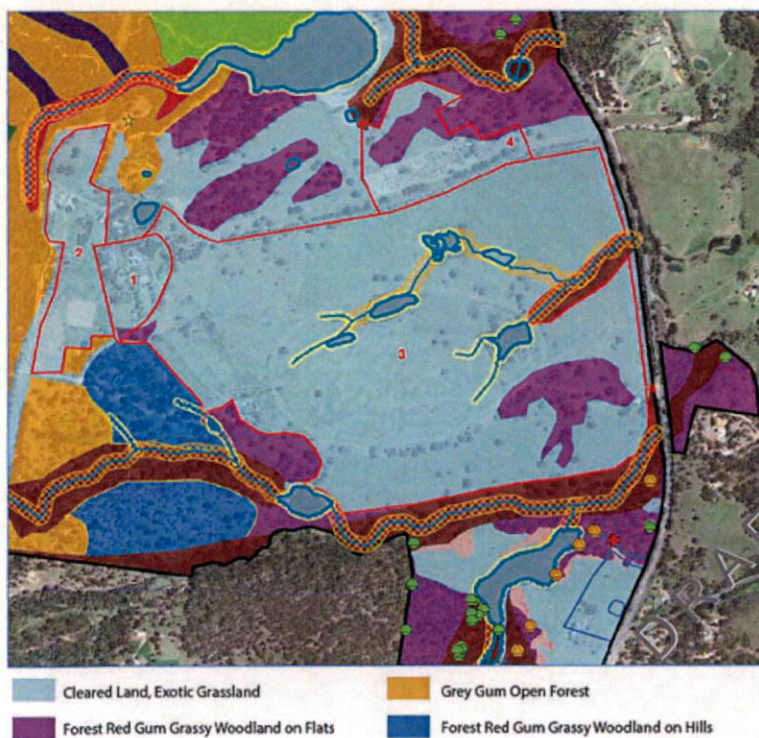


Figure 7 Ecology Map Central, (GHD, Ecology Report, 2013)

5.4 Bushfire

Operational restrictions and actions will be developed and applied for this event. Such actions include a person assigned to monitor site weather conditions and the media to maintain bushfire awareness, and exclusion of visitors to heavily vegetated parts of the property during the event. The Upper Amphitheatre has been cleared of vegetation by agricultural activities and so poses no direct threat, but does border a vegetated area to the south.

Pre-planned actions, including evacuation procedures and refuge meeting points to undertake when a bushfire is detected on or near the property or when an official bushfire warning is issued by fire authorities for the site, will be developed prior to the event. Site staff, contractors and visitors will be informed of the specific bushfire risks they may be exposed to and how to mitigate these risks, in accordance with the Prepare Act Survive format. This information can be distributed in a simple preparedness guide, a sub-plan to the Bushfire Management Plan, and used as a site induction and information tool for persons employed, contracted, or visiting the site as part of the event.

5.5 Operational Management and Servicing

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

The event located within the Amphitheatre area will provide:

- Potable water via temporary water tanks that are 4,000L water bladders. Drinking water will be implemented according to the Water Monster Report.
- Portable toilets, including disabled toilets, will be supplied for the event and located on site. It is expected that a total of 43 toilets will be required for the event.
- A waste management plan and event strategy will be in place to manage waste from the event. This will involve:
 - 240L wheelie bins to store general waste and co-mingled recycling and glass. These bins will be located in designated areas in the carpark and seating areas to capture any waste during the event and any waste created from the flow of people moving in and out of the Estate.
 - 1100L bins will be used for paper recycling. These bins will be likewise located in areas of high pedestrian traffic and in the seating areas.
 - 3 cubic metre skip bins will be brought in by the waste contractor.
 - All waste will be removed by a private contractor at the conclusion of the event.
- Food for the event will be self-catered. For beverages, a licenced vendor will be engaged to accommodate the liquor service requirements. Fernhill Estate will ensure that third party suppliers will maintain the highest standards of liquor legislative compliance and management planning.

5.6 Acoustic

An acoustic assessment has been undertaken by Wilkinson Murray of events in Fernhill Estate. The assessment concluded that the predicted noise emission from an event of 3000 people "would typically be low impact". It is stated that the noise emission from people cheering or singing could potentially be audible at neighbouring residential premises. However, since the nearest property is located at a minimum of 750m from the event location, the event is only occurring once over a single day, is utilising the natural topography of the

Amphitheatre to provide acoustic shielding, and is subject to a Noise Management Plan, impacts are predicted to be minimal. "It is considered probable that noise levels can be controlled within appropriate limits".

In addition to this, acoustic impacts from additional traffic generated by the event will constitute a minor increase in noise of 2 decibels that is "considered barely perceptible" (Wilkinson Murray 2013). Refer to the Wilkinson Murray assessment, which forms part of this SEE.

5.7 Traffic and Parking

Parking for 1,200 vehicles have been provided to the east of the site. The internal traffic will be monitored by RMS qualified traffic controllers (Who Dares, Traffic Management Plan 2013.) The site will be accessed from the main entrance (Southern Gate) via a left hand turn from Mulgoa Road. Patrons will exit the site via the tradesmen entrance (northern Gate) via a left hand turn onto Mulgoa Road. These entrances will be monitored by RMS traffic controllers.

The existing driveway and gravel roads will be utilised to access the parking paddock as illustrated in DA02. The stone bridge that has heritage significance will be protected to avoid damage from vehicles.

There will be no right turn into the entry gates from Mulgoa Road for vehicles travelling south, these vehicles will follow a detour via St Thomas Road, Farm Road and Littlefields Road to return north bound on Mulgoa Road approaching the estate.

Exit from the site for patrons' vehicles will be via the northern gate. Vehicles will be instructed to exit left to M4 via Penrith and right M4 and M5 via Northern Road. Traffic Controllers will assist for safety.

A temporary restriction of speed on Mulgoa Road, in both directions, will be applied for. It is requested to reduce speed of Mulgoa Road.

The northern entry point of St Thomas Road will be closed to west of Mulgoa Road and north of Kings Farm Road during event times to assist traffic flow.

A detour will be provided via event directional signage on the southern entry point of St Thomas Road to direct patrons to Littlefields Road and then back onto Mulgoa Road to enter the event site from the south.

Directional signage will be implemented on site and in surrounding streets to the site to manage and control the movement of vehicles to and from the event site and the car parks. All entry and exit locations will be signposted and staffed with RMS qualified traffic controllers.

The above information is illustrated within the attached traffic management plan prepared by Who Dares, which forms part of this application.

Prior to the event occurring an agreement will be made with the Penrith LAC and the use of user pays. These details will be made available to Council within 14 days of the event.

6. ENVIRONMENTAL PLANNING ASSESSMENT

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

The proposed development requires approval from the consent authority through Clause 2.8 as uses not permissible in the E3 zones are proposed within the subject land. An assessment of the proposed development is provided in the form of a compatible table. The Central Precinct (CP) will be assessed within each objective and Control of the Penrith LEP 2010.

CLAUSE	CONTROL	PROPOSED	COMPLIES
2.1 Land Use Zones	E3: Environmental Management	Temporary Events	YES (permissible under Clause 2.8)
		Event classified as an 'Entertainment Facility', under LEP definitions.	NO 'Entertainment Facility' is not permissible in the E3 zone. (Pursued through C2.8).

6.1 Aims of Penrith LEP 2010

The proposed use for an 'entertainment facility' is consistent with the PLEP local strategy, adopted in 2010. It addresses the environmental and heritage concerns for the subject site that were appropriately considered in the design process for the event.

AIMS OF THIS PLAN	COMMENTS
a) To promote development that is consistent with the council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.	<p>The proposal will meet the councils vision for Penrith through the event that:</p> <ul style="list-style-type: none"> Will not impact the rural qualities of the area by undertaking a single event that will not remove any vegetation or alter the landscape. The event will open Fernhill Estate to the public, enhancing the prosperity of the region through helping to establish Fernhill as an iconic venue in a rural heritage setting.
b) To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.	<p>The proposal will encourage:</p> <ul style="list-style-type: none"> It will promote casual employment for the running of the event and for businesses providing resources required for the hosting of the event. The event will promote social engagement in a sustainable adaptive reuse of heritage listed lands. No vegetation will be cleared and it will not impact any water courses or catchments, or areas of significant ecology.

c) To encourage development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change.	The event will not impact any areas of significant ecology or waterways.
d) To protect the environmental values and heritage of Penrith, including places of historic, aesthetic, architectural, natural, cultural, visual, and aboriginal significance.	The proposal will protect: <ul style="list-style-type: none"> ▪ Environmental values by retaining existing vegetation on site and locating events in an existing cleared area, thus minimising any impacts on ecological environments. ▪ The event will not impact the adjacent heritage buildings or gardens.
e) To provide for an urban environment that is active, attractive, and safe for residents and visitors.	N/A No urban environment is proposed.
f) To foster viable employment, transport, education, and future investment opportunities that are suitable to the needs and skills of the residents and the workforce.	The event will promote casual employment for the running of the event and for businesses providing resources required for the hosting of the event.
g) To protect views and vistas from main roads and other vantage points	N/A -The proposal does not include any permanent structures, and will be a single occasion event. It will not obstruct views from the main road, public domain or adjacent properties.
h) To reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social wellbeing of its rural communities	N/A - This event does not include any residential development.

6.2 Zone Objective of E3 Environmental Management

The proposal event proposed will be located entirely within an E3 land use zone.

ZONE OBJECTIVE	COMMENT
To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	This proposal for a single event will support ongoing conservation as long term plans for heritage and conservation on the site are progressed.
To provide for a limited range of development that does not have an adverse effect on those values.	The event proposed will have a minimal impact on cultural, ecological, and aesthetic values. <ul style="list-style-type: none"> ▪ The event provides an opportunity for social engagement. ▪ It will not impact any ecological communities or drainage lines or catchments.

	<ul style="list-style-type: none"> The event is located a minimum of 750m from the nearest property and due to its short duration and the use of temporary structures, poses no aesthetic concerns.
To minimise conflict between land uses within the zone and land uses within adjoining zones.	The event is located entirely within, and adjoined by, Environmental Management land use zoning. There are no conflicts for adjoining land, which is predominantly vacant.
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 proposed event can be accommodated within the upper amphitheatre area. The site can accommodate 1,200 vehicles as illustrated with DA01 and DA02. The proposal has a bump in time of 3 days and a bump out of two days.</p> <p>The event is self-sufficient and can be entirely accommodated within the site. The proposal will cause minor traffic delays and disruption, which can be mitigated through the implementation of the TMP.</p> <p>The proposed activities will have negligible impacts on the ecology of the area and will not impact on the existing rural character of the site. As the subject area impacted is only 2ha within the Central Precinct and the proposal is temporary event.</p>
To preserve and improve natural resources through appropriate land management practices.	N/A - This is a one-time event located in an already cleared area away from areas of environmental significance.

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

OBJECTIVES	COMMENTS
The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.	<p>The event will utilise temporary structures and does not involve any alterations to the landscape, and so will not compromise any future uses for the land.</p> <ul style="list-style-type: none"> It will promote casual employment for the running of the event and for businesses providing resources required for the hosting of the event. The event could potentially increase patronage to Mulgoa businesses on the day. The event will promote social engagement in a sustainable adaptive reuse of heritage listed lands. No vegetation will be cleared and it will not impact any water courses or catchments, or areas of significant ecology.
Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a	The subject site has not had development consent for more than 28 days in the past 12 months..

maximum period of 28 days (whether or not consecutive days) in any period of 12 months.	
Development consent must not be granted unless the consent authority is satisfied that: (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and	The proposal is in line with other proposals for the site and will not prejudice the subsequent development on the subject land.
(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and	The impacts of this temporary event will be negligible. <ul style="list-style-type: none"> • There is no proposed alterations to existing structures or the landscape. • Acoustically, the event is located a minimum distance of 750m from the nearest property, is utilising the existing topography of the amphitheatre as acoustic shielding, will occur over a single day, and will utilise the Noise Management Plan for the venue. • These events will not require any additional works to Mulgoa Road or the access driveway to accommodate traffic. • Parking will be provided on site.
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and	The temporary event will not alter any part of the ground surface or require the removal of any trees, will not be located in environmentally sensitive areas and will not impact any drainage lines or water bodies.
(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.	Noted.

6.4 Penrith LEP 2010 – cl. 6.6 Servicing

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	N/A - Water supplied by "water monster" tanks and bottled water.
(b) the development will have adequate facilities for the removal and disposal of sewage, and	The proposed event in the Central Precinct will utilise temporary, portable toilets that will be removed at the conclusion of the event.
c) the need for public amenities or public services has been or will be met.	All amenities and services provided are outlined in section 4 and 5.7 of this SEE.

6.5 Penrith LEP 2010 – cl. 6.9 Mulgoa Valley

Objectives	Comments
1(a) to establish specific planning controls for land in the Mulgoa Valley (the valley),	The subject land is within the Mulgoa Valley.
1(b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,	The temporary use of Upper Amphitheatre will not have any adverse impacts on agricultural activities within the area. The short duration of the event and use of temporary structures ensures there will be negligible impacts on the rural landscape.
1(c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,	The proposal will enable visitors from within the area and surrounding areas to experience the rural, natural and heritage qualities within the Estate.
1(d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.	The traffic generation of the event proposed within this application will not have an adverse effect on Mulgoa Rd. Refer to section 5.8 of this SEE.
(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,	Temporary structures are unlikely to be seen from public roads and won't be placed on the ridge top.
(b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley,	There are no adverse impacts from the short term adaptive reuse of a land in the Estate. It will not negatively impact the State heritage listed area.
(c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,	N/A
(d) that the proposed development will not detract from the "Vistas of heritage items" specified on the Scenic and Landscape Values Map,	Temporary structures are unlikely to be seen from public roads and won't be placed on the ridge top.
(e) that extensive areas of vegetation will not be cleared for the proposed development	No vegetation is to be cleared.
(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,	Disturbance within the drip lines of trees is to be avoided throughout the event area.
(g) that the agricultural viability of holdings and	Agricultural activities and holdings will continue

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

7. SUITABILITY

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

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

8. CONCLUSION

The application to enable the use of the subject area within the Central Precinct for the purpose of a concert under clause 2.8 within the PLEP 2010, should be approved;

- The detailed investigations across all relevant issues that have been undertaken support and justify this application.
- The uses identified in this application will provide the opportunity to make the place available to the public for an event and provide some support for the essential restoration and conservation of the heritage significance of the site.
- Only temporary structures will be utilised minimising impact on ecology, heritage curtilage and ground surface.
- The use of the Central Precinct will support the overall vision for the majority of the subject land to be retained within an estate, thus allowing the conservation of important archaeological and aboriginal items of significance through the appropriate management.
- The event will also contribute to the role of Mulgoa and local employment for the running of events and promoting economic investment and growth.
- The proposal has a potential to provide a range of social, cultural and economic benefits to the local and wider community through the activation of an iconic function venue in Western Sydney.

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