

Fernhill Estate

Central Precinct Function Centre- Statement of Environmental Effects



ae design partnership
architecture + environment

Table of Contents

1.0 INTRODUCTION	3
2.0 ENVIRONMENTAL PLANNING INSTRUMENTS.....	6
2.1 Overview	6
2.2 State Planning Controls.....	6
2.3 Local Planning Controls.....	6
3.0 SITE CONTEXT.....	7
3.1 Location	7
3.2 Land Uses	9
3.3 Existing Character and Site Analysis	11
4.0 DEVELOPMENT PROPOSAL.....	14
5.0 KEY CONSIDERATIONS.....	20
5.1 Social and Economic Assessment	20
5.2 Heritage Impact.....	21
5.3 Environmental Impacts.....	21
5.4 Bushfire.....	23
5.5 Contamination	24
5.7 Operational Management and Servicing.....	24
5.8 Acoustic	24
5.9 Traffic and Parking	25
5.10 Accessibility	25
6.0 ENVIRONMENTAL PLANNING ASSESSMENT	28
6.1 Aims of Penrith LEP 2010	28
6.2 Penrith LEP 2010 - Zone Objective of E3 Environmental Management.....	30
6.3 Penrith LEP 2010 - cl. 2.8 Temporary Use of Land	31
6.4 Penrith LEP 2010 – cl. 5.10.8 Aboriginal Places of Significance	32
6.5 Penrith LEP 2010 – cl. 6.6 Servicing	32
6.6 Penrith LEP 2010 – cl. 6.9 Mulgoa Valley.....	33
6.7 Sydney Regional Environmental Plan No. 20 Hawkesbury and Nepean River	35
7.0 SUITABILITY.....	38
8.0 CONCLUSION.....	39
Appendix One: Compatibility Table Penrith DCP 2010	40
Appendix Two: Description of Events Table.....	55

1.0 INTRODUCTION

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

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

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

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

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

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

The activities and events, subject of this DA will be assessed in pursuit of Clause 2.8 of the Penrith Local Environmental Plan, which allows the consent authority to grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected,

or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

As such, this proposal's accordance with the Conservation Management Plan as described in the Heritage Impact Study is of utmost importance, as the Conservation Management Plan is the heritage management document that provides analysis and policy for the future use of the site. The conclusion of the Heritage Impact Statement is that the future of Fernhill as an historic estate is threatened and this DA is a first stage in securing the estate and undertaking conservation work.

The proposed development that this submission is applying for:

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

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

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

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

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

Technical studies where relevant material has been referenced include:

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

The SEE prepared for the proposed development incorporates the following;

- An analysis of the site context, including identification of the site, characteristics of the existing and surrounding development including local context.
- Identification of the planning context, including existing relevant planning controls.
- A description of the proposed development.
- A comparison of the development and the Local Environment Plan and Development Control Plan.

- Identification and analysis of key development issues associated with the relevant planning controls.
- Assessment of matters listed for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

2.0 ENVIRONMENTAL PLANNING INSTRUMENTS

2.1 Overview

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

It will also address clause 2.8, temporary use of land, in the Penrith Local Environment Plan (2010).

2.2 State Planning Controls

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

2.3 Local Planning Controls

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

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

3.0 SITE CONTEXT

3.1 Location

The site, 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 site is generally bounded to the east by the Mulgoa Road, to the west by environmental land adjacent to the Nepean River and the Blue Mountains National Park, and to the south by rural allotments and Mulgoa Village. This is illustrated within Figure 1, context map. The eastern portion of the site is considered part of the Penrith DCP 2010 identified Northern Mulgoa Village Gateway.

The total area of this site is 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 core historic estate Fernhill Estate, which this application relates to, has an area of 435 hectares, this area is encompassed by the State Heritage Listing Register.

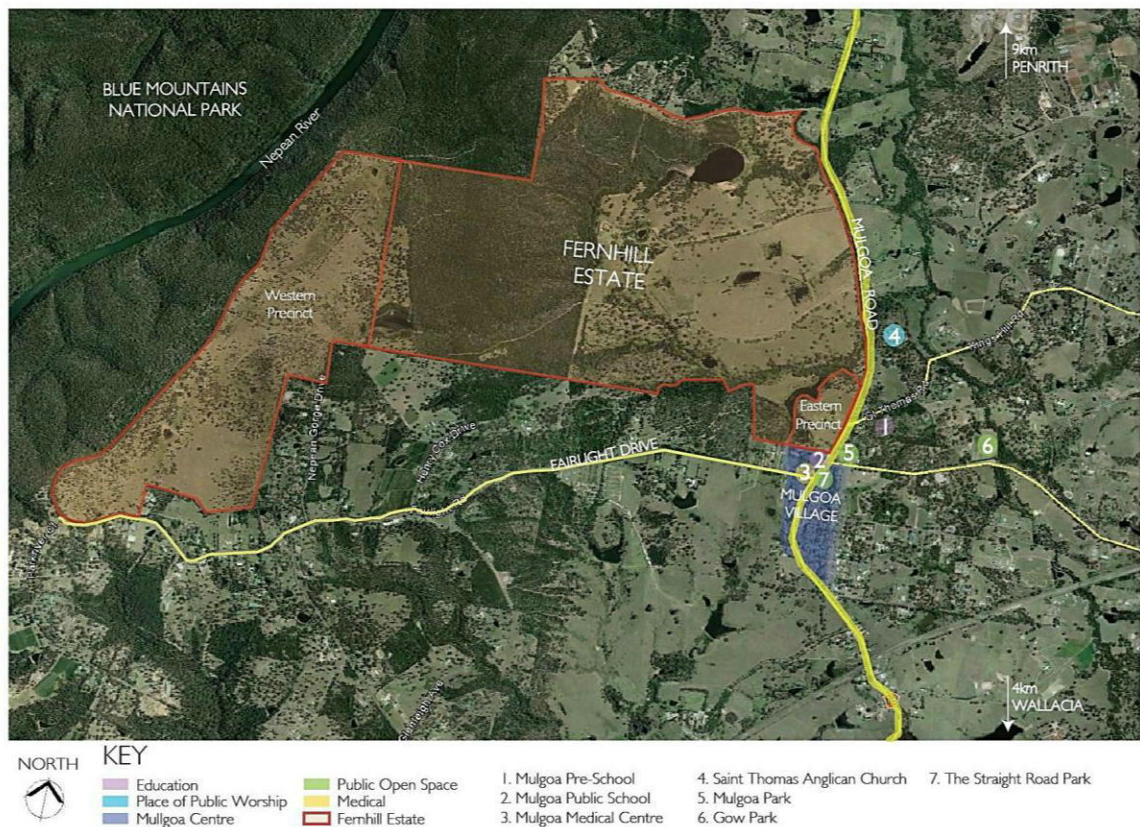


Figure 1: Context Map

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

- Central Precinct – State Heritage Area including the historic Fernhill house, outbuildings and landscape.
- Northern Precinct – in the vicinity of Mayfair Road which has local heritage significance associated with the curtilage of Fernhill.
- Eastern precinct – north of Mulgoa Village which has local heritage significance associated with the curtilage of Fernhill.
- Western Precinct- adjacent to Fairlight Road and rural and environmental areas.

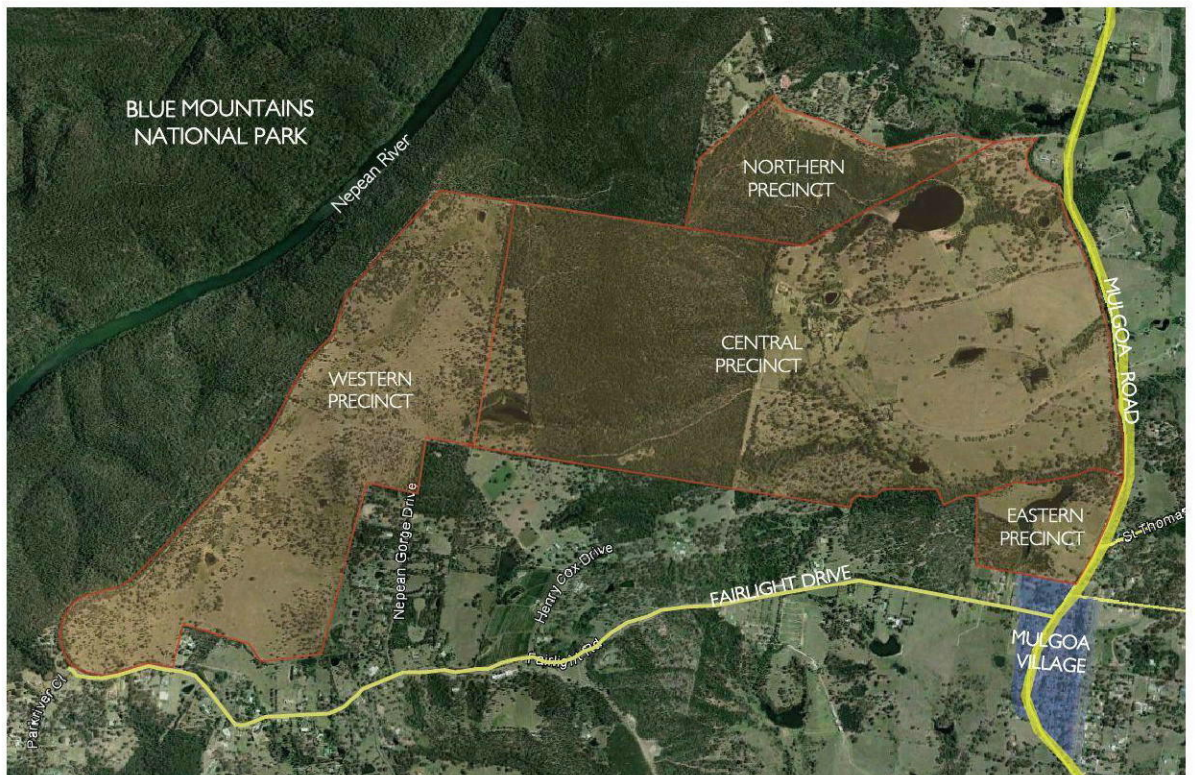


Figure 2 Fernhill Precinct Map

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

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

3.2 Land Uses

A portion of the estate is zoned E2 (Environmental Conservation) and the majority of the site is E3 (Environmental Management) under the Penrith City Council Local Environmental Plan 2010 illustrated in Figure 3 below. The site is surrounded by zones RU5 (Village) and RE1 (Public Recreation) to the south east and E1 (National Parks and Nature Reserves to the east).

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

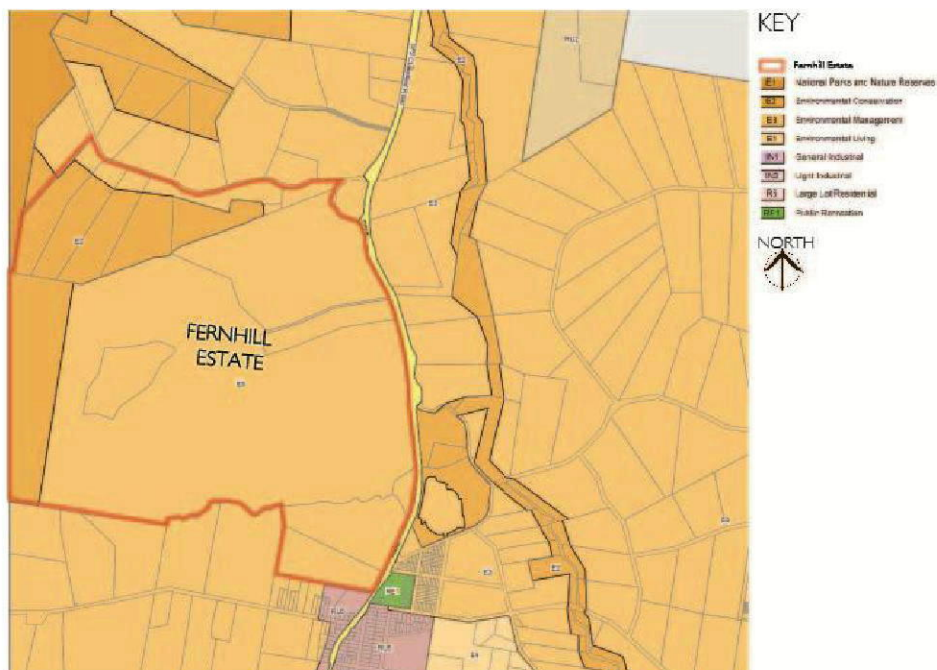


Figure 3 Land Use Map

A large portion of the site is State and locally listed as Heritage Items as identified within the PLEP 2010. This is illustrated in Figure 4 below.



Figure 4 Heritage Map

3.3 Existing Character and Site Analysis

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

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

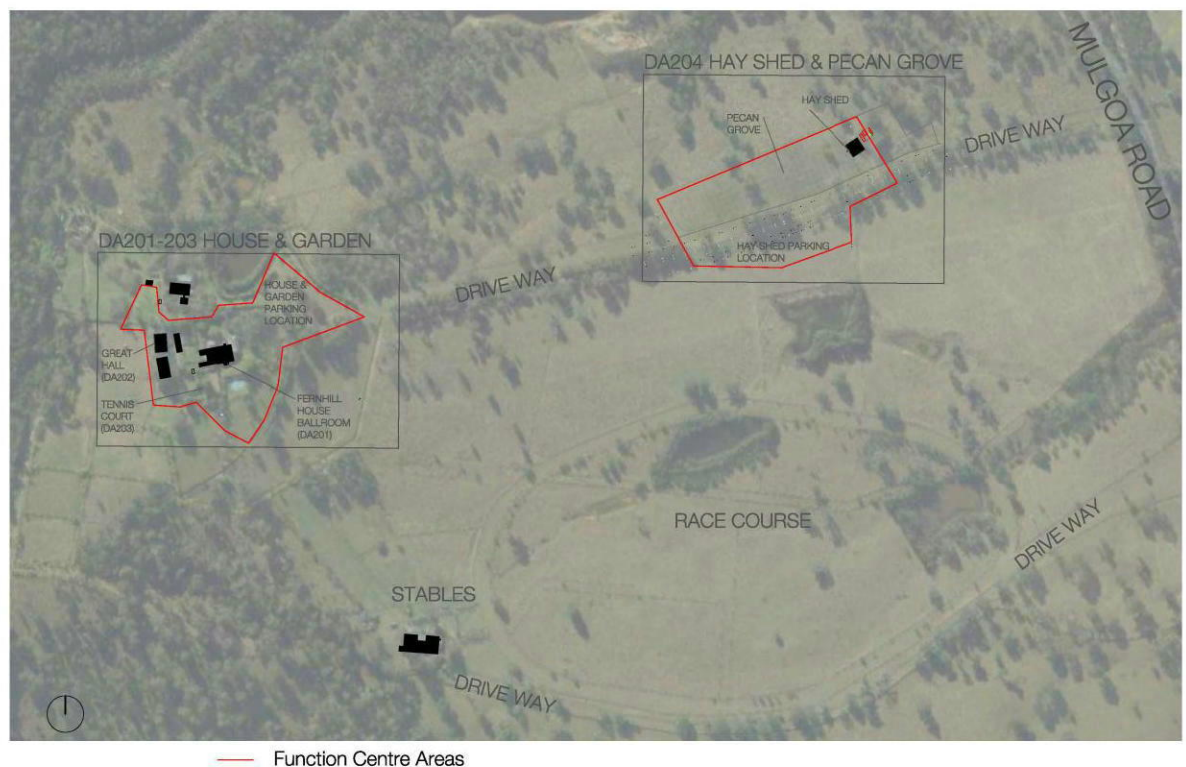


Figure 5: Central Precinct Map and Activities Location

The House and Garden Area

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

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

As documented in the Conservation Management Plan the house was constructed between 1839 and 1842, it may not have been occupied by Edward Cox and his family until around 1845. The house is orientated to the south and east with its principal rooms and the original courtyard providing access to the kitchen and servants' quarters. Various external and internal elements of

the house were symmetrically planned. The interior of the house has undergone extensive change over the last 50 years. Much of this work has reconstructed damaged and missing elements after many years of neglect.

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

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

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

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

Hayshed and Pecan Grove Area

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

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

As noted in the Conservation Management Plan, due to the gentle slope of the land to the north and the open trees cover, much of this area falls visually outside the core views and vistas that are available up and down the property east to west. A strip of land along the southern edge of the dam extending to the Hayshed and incorporating the Pecan Grove orchard presents a discrete

landscape unit within this area. As noted in Figure 2 above, a majority of this area will not be utilised for events.

3.4 Vehicle Access

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

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

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

4.0 DEVELOPMENT PROPOSAL

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

The Development Application seeks permission for up to fourteen small functions in a six month period to cater for the period that coincides with corporate end of year, Christmas and summer weddings and other private functions. These are proposed under the temporary events that permit up to 28 days on events in a calendar year. Based on a time frame of being lodged in mid-late November, it is envisaged that the six month period in which these functions may take place may commence around mid-December allowing for appropriate notification and assessment processes. As such the Thursday 12 December is nominally suggested as a possible date for which consent may be active however earlier in December is desired should processes allow, given the demand in the lead up to Christmas.

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

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

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

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

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

1. House and Garden Area

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

The house garden is defined as the landscaped area around the house, as largely modified by the landscape architect Paul Sorensen in the 1970s. To the north, the garden is framed by a pergola with sandstone columns, covered in Wisteria, and a timber superstructure. This area of the garden was raised to create a level lawn surface. To the west, is a rose garden, with sandstone steps linking the pergola, garden and rear of the house. To the east, there is a paved car park, reflecting pool, and grove of Chinese elms with stairs to the front door of the house. To the south, there are filled platforms, retaining walls, ponds, pergolas, and decorative planting that separates the house from the pastoral grounds, as well as lawn tennis court and swimming pool with a pool house.

The size of the various gardens and associated areas are:

- Tennis court adjacent to front lawns 13mx30m approximately 390m²
- Lawn area surrounding pool and pool house approximately 450m²
- Rose garden 8m by 23m approximately 184m²
- Car park adjacent to house 11m by 13m.

The House and Garden area is suitable for functions and events, which are short duration events that will involve less than 300 people.

1.1 Ballroom:

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

The Ballroom area is approximately: 110m²

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

This size room can accommodate up to:

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

Management of the Event:

- Parking will be allocated in the north east of the house, 140 vehicles can be accommodated. There will be designated disabled parking and a temporary timber ramp to the ballroom, refer to the GTA Parking and Traffic Assessment (2013).
- The food will be prepared off site and served from bassinets. The temporary kitchen will be at 2.5m by 6m, located adjacent to the house. Drinking water will be provided from existing underground 300,000L water tanks.
- Removable toilets will be provided at a ratio of 1:40 the location
- 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).

- Refer to DA drawing 201.

This application is proposing that the ballroom be used as a function centre, as a location to be utilised for private or corporate functions, which are appropriate uses as defined in the PLEP 2010.

1.2 Great Hall

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

The Great Hall dimensions are: 18mx26m approximately 468sqm. A marquee may also be constructed in various configurations for additional standing and sitting room.

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

The Great Hall can accommodate guests:

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

Management of the Event:

- 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).
- Refer to DA drawing 202.

This application is proposing small private and corporate functions within the Great Hall and is defined as a function centre within the PLEP 2010.

1.3 Tennis Court & Lawn and Western Lawn

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

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

The Western Lawn may also be used, which will also accommodate a marque of a maximum size of 12m by 20m, for 160 people seated and 200 people standing

Management of the Event:

- 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).
- Refer to DA drawing 202 & 203.

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

1.4 Access and Parking

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

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

2. Hayshed Area

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

2.1 Hayshed

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

Management of the Event:

- 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.
- Amenities like toilets will be provided via two removable toilet blocks that contains 5 female and 3 male toilets, with additional disabled and portable toilets located on site depending on the scale and nature of the event.
- 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).
- Refer to DA drawing 204.

The application proposes that under the PLEP 2010 for the hayshed is a function centre.

2.2 The Hayshed Lawn area and driveway

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

2.3 Pecan Grove

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

This application proposing this area be used as a **function centre** associated with the use of a place to hold functions or events.

2.4 Access and Parking

Parking requirements associated with the small regular events is for up to 300 people in the Hayshed and Pecan Grove Area. These events will attract an anticipated 100-150 vehicles. These events will not require any additional works to accommodate traffic and will utilise the main entrance and existing driveways.

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

5.0 KEY CONSIDERATIONS

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

5.1 Social and Economic Assessment

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

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

Positive impacts identified within the Social Impact Study, prepared by Elton Consulting are provided below.

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

Key social benefits include:

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

- Working Heritage Plan – provides a supply of community and commercial activities that are relevant in financially supporting the **restoration** and **ongoing conservation** of the estate, including state heritage listed items and landscape.

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

5.2 Heritage Impact

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

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

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

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

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

5.3 Environmental Impacts

The proposed uses of the House and Garden Precinct will not impact existing ecology. There are no building or earth works proposed within the precinct as existing buildings and temporary

structures such as marques will be used to hold the events. A waste management plan and event strategy will be in place to minimise the implications of temporary events on the ecology.

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

Figure 7 illustrates that the house and garden precinct and hayshed area are located in areas that are not environmentally sensitive, thus the proposal will have a negligible impact on the ecology of the subject land.

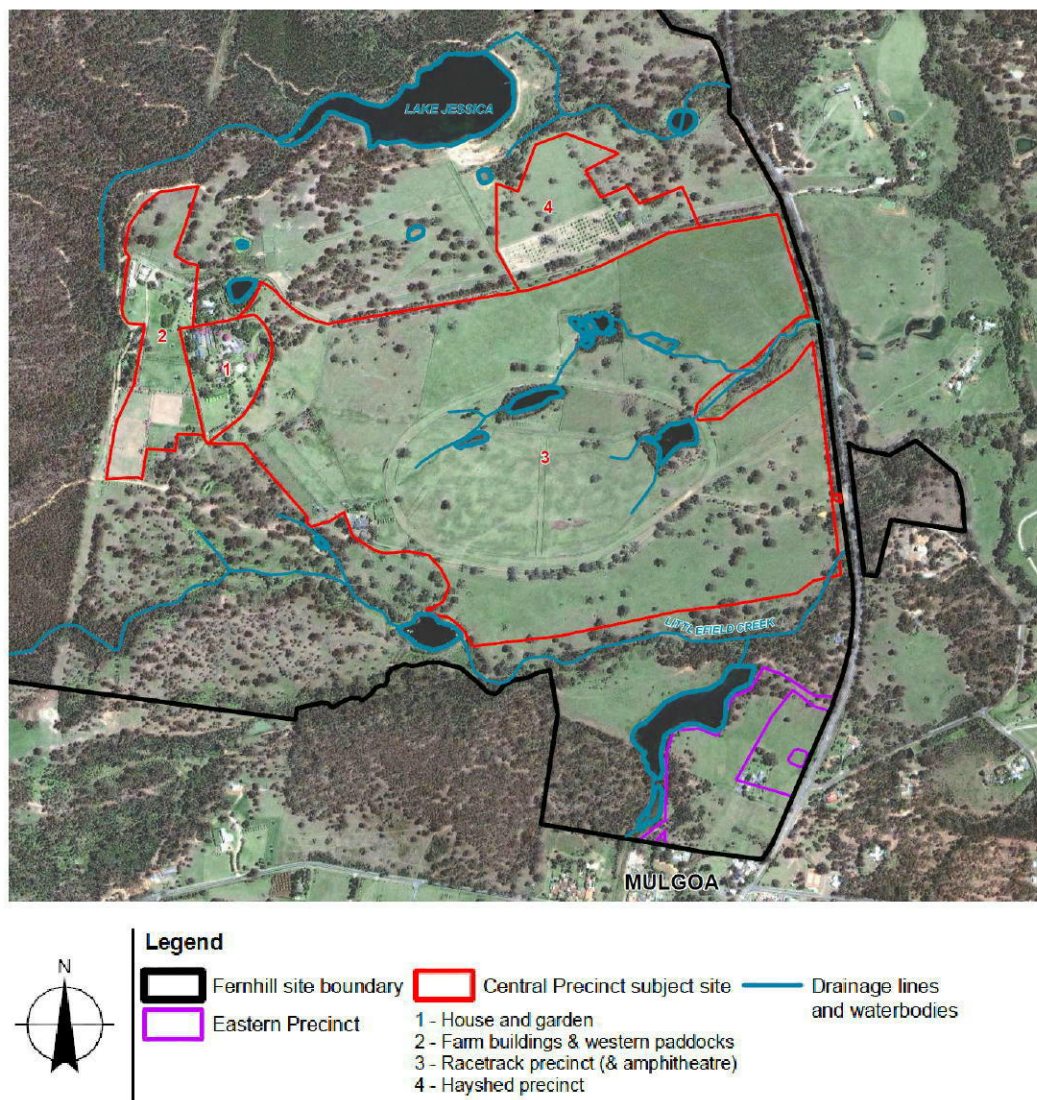


Figure 6 Location of Drainage Lines and Water Bodies (GHD, Ecology Report, 2013)

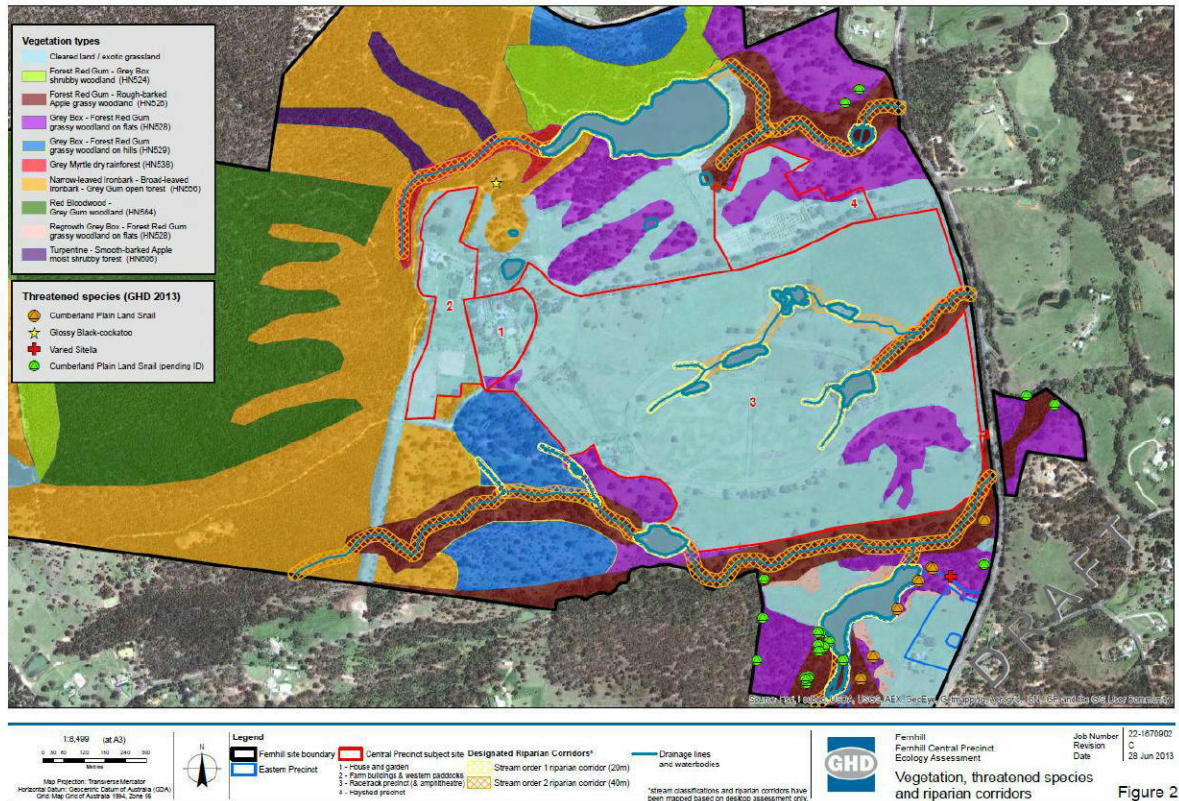


Figure 7 Ecology Map Central, (GHD, Ecology Report, 2013)

5.4 Bushfire

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

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

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

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

5.5 Contamination

The property has been used for agricultural grazing and equine training since 1840. No intensive agriculture has occurred and the property would be highly unlikely to have been contaminated anyway.

5.7 Operational Management and Servicing

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

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

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

In addition to this, the existing toilets within the buildings and toilet blocks will primarily be used. Additional disabled and portable toilets can also be supplied and located on site depending on the scale and nature of the event.

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

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

5.8 Acoustic

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

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

distance of 500 metres from the nearest dwelling. This contributes to the acoustic assessment of these events as having insignificant potential noise impacts.

5.9 Traffic and Parking

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

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

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

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

5.10 Accessibility

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

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



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



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

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

11. The veranda of the Great Hall provides low level thresholds through several double doorways. Temporary threshold ramps as illustrated adjacent can be provided to facilitate wheelchair access in a manner consistent with AS1428.1.

12. Accessible Toilets – While there are no permanent accessible toilets within the property there are numerous suppliers of sanitary facilities for temporary events that can also provide an accessible facility. Appendix B provides examples.

13. Longer term the installation of a permanent accessible sanitary facility can be provided (Accessibility Solutions, Access Report, 2013).

14. Accessible Parking: Hayshed - The area will provide an accessible parking and drop-off point that adjoins a pedestrian access to the Hayshed.

15. The Hayshed will provide a paved forecourt that incorporates a level threshold entry consistent with AS1428.1.

6.0 ENVIRONMENTAL PLANNING ASSESSMENT

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

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

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

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

6.1 Aims of Penrith LEP 2010

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

AIMS OF THIS PLAN	COMMENTS
a) To promote development that is consistent with the council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony and urban and rural qualities with a strong commitment to environmental protection and enhancement.	The proposal will meet the councils vision for Penrith by providing events that: <ul style="list-style-type: none"> Will not impact the rural qualities of the area by undertaking events in existing structures of the precinct and maintaining vegetation as buffers, which separate the activities from Mulgoa Village and surrounding development. The events will open Fernhill Estate to the public, enhancing the prosperity of the region through the establishment of an iconic venue in a rural heritage setting.
b) To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.	The proposal will encourage: <ul style="list-style-type: none"> Economic investment by temporary job creation associated with running events over the six month period, and potentially increased patronage to the Mulgoa area including the Mulgoa Village shops and businesses. The opening of Fernhill Estate to the general public encourages community engagement and provides events for social interaction.

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

6.2 Penrith LEP 2010 - Zone Objective of E3 Environmental Management

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

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

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

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

	<ul style="list-style-type: none"> • These events will not require any additional works to Mulgoa Road or the access driveway to accommodate traffic. • Parking will be provided on site, located to the north east of the house.
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and	The temporary events will not alter any part of the landscape and as previously noted, are not located in environmentally sensitive areas and will not impact on any drainage lines or water bodies.
(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.	The temporary events will provide some income to support ongoing restoration and conservation works, and thus the historic estate will be in better condition than when events commenced.

6.4 Penrith LEP 2010 – cl. 5.10.8 Aboriginal Places of Significance

Objectives	Comment
(a) Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and	The Austral Archaeological Pty Ltd Report (2013) has analysed any adverse impacts that the proposal may have on any Aboriginal item, and has found that there will be no impacts on identified archaeological sites.
(b) Notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.	The local indigenous population have been consulted on the proposal; consultation has been documented and incorporated within the archaeological report, which forms part of this application.

6.5 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

(b) the development will have adequate facilities for the removal and disposal of sewage, and	The proposed functions in the Central Precinct will either be held in existing structures with existing servicing, or temporary structures like portable toilets and kitchens will be used. Refer to the proposal section of this application.
c) the need for public amenities or public services has been or will be met.	The proposed functions in the Central Precinct will either be held in existing structures with existing servicing, or temporary structures like portable toilets and kitchens will be used. Refer to the proposal section of this application.

6.6 Penrith LEP 2010 – cl. 6.9 Mulgoa Valley

Objectives	Comments
I (a) to establish specific planning controls for land in the Mulgoa Valley (<i>the valley</i>),	The subject land is within the Mulgoa Valley.
I (b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,	The proposed use of the house and garden precinct and hayshed areas will not have any adverse impacts on the agricultural activities within the area. The commencement of the events will provide funding that will allow the commencement of the maintenance of the estate as per the CMP.
I (c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,	The proposal will enable people from within the area and surrounding areas to experience the rural, natural and heritage qualities within the Estate.
I (d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.	The traffic generation of the events proposed within this application will not have an adverse effect on Mulgoa Rd.
(3) Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following: (a) that any proposed building will not be located on a ridge top and will not intrude into the skyline when viewed from a road or other public place,	N/A No building is proposed.
(b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or	N/A The proposal is sought under clause 5.10.10 and is

aesthetic significance of any heritage item in the valley,	
(c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,	N/A No building is proposed.
(d) that the proposed development will not detract from the "Vistas of heritage items" specified on the Scenic and Landscape Values Map,	N/A
(e) that extensive areas of vegetation will not be cleared for the proposed development	N/A
(f) that adequate provision has been made for the landscaping of the land to which the development relates and about whether any trees or other vegetation on the land should be preserved,	Within the central precinct the landscape upkeep of the heritage listed estate is incorporated within maintenance schedules incorporated within the CMP.
(g) that the agricultural viability of holdings and potential of the land will not be adversely affected,	Agricultural activities and holdings will continue within the subject area.
(h) that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,	N/A None of these items will be affected from the proposal.
(i) that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,	N/A There are no building works proposed that will impact on views or vistas.
(k) that any upgrading required to maintain safety and efficiency will not detract from the present rural character of Mulgoa Road.	N/A There are no proposed upgrade works associated with this application.

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

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

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

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

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

	effluent disposal in the long term.	The existing structures in the Central Precinct already have sewage infrastructure systems in place that will cater for events in addition to portable toilets.
9G	Consider any adverse environmental impacts of infrastructure associated with the development concerned	Infrastructure associated with events, such as toilets, kitchens, and marquees, will be transported to and from the site and such will not be permanent structures and so will not impact the environment on site.

7.0 SUITABILITY

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

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

8.0 CONCLUSION

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

- The detailed investigations that have been undertaken support and justify this application. This proposal is considered to be of public benefit and provide an opportunity to preserve Fernhill Estate as one of few houses built with convict labour remaining in a landscape setting.
- The proposal will enable the preservation and maintenance of significant heritage items. The uses identified in this application will provide the opportunity to introduce public events and provide a sinking fund essential for the restoration and conservation of the heritage significance of the site.
- The proposal enables the temporary use of
- The uses of the Central Precinct will not involve any construction works, with existing structures, land, and temporary structures to be used on site. Thus, impacts regarding vegetation and wildlife, contamination, and stormwater are negligible.
- The activation of the Central Precinct will support the overall vision for the majority of the subject land to be retained within an estate, thus allowing the conservation of important archaeological and aboriginal items of significance through the appropriate management.
- This will open Fernhill Estate to the public for the first time and thus provide an essential community resource to the Penrith LGA that will encourage local involvement in the history and preservation of the Estate.
- The events will also perform an important social role by encouraging social interaction and community involvement in the area, in addition to providing temporary jobs for the running of events and promoting economic investment and growth.
- The proposal has a range of social benefits to the local community, which incorporate improved social cohesion, exposure to important historical items and the diversified range of services available in Mulgoa.

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

Appendix One: Compatibility Table Penrith DCP 2010

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

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

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

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

	c) Protect and enhance native vegetation, habitat for native fauna and biodiversity;	This is obtained through the protection of native vegetation	YES
	d) Protect and enhance native vegetation for its scenic values and to retain the unique visual identity of the landscape;	This is achieved through retaining existing vegetation.	YES
	e) Manage non-native vegetation in accordance with its cultural and landscape significance;	No alterations to the landscape are proposed.	YES
	f) Ensure that any new development takes into account existing vegetation in the site planning, design, development, construction and operation of the development; and	The existing landscape of the heritage listed Fernhill Estate is maintained within the heritage agreement.	YES
	g) Ensure there are mechanisms for the long term protection, management and maintenance of trees and vegetation.	The long term mechanism is the bio-banking of vegetation within the subject land, for temporary events no alterations to the landscape are proposed.	YES
	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.	YES
2.2.Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas - B. Objectives	a) Protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land; and	Existing areas of native ecology will be maintained, refer to section 5.2.1 of this proposal and the GHD Central Precinct Ecology Assessment report (2013).	YES
	b) Enhance connections between remnants of indigenous vegetation; and	The proposal retains all existing native vegetation, which is well connected and forms a buffer between heritage properties and surrounding roads and the Blue Mountains National Park.	YES
	c) Prevent the fragmentation and degradation of remnant	The proposal retains all existing native vegetation.	YES

	vegetation; and veg		
	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 and surrounding roads and the Blue Mountains National Park.	YES
	b) Maintain (and where possible increase) the current area of native bushland and retain the natural species diversity of bushland as far as possible;	Noted.	
	c) Encourage the planting of a diversity of indigenous species to enhance biodiversity values, scenic quality and landscape character; and	No alterations to the landscape are proposed.	YES
	d) Facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.	All native vegetation will be maintained, and thus edge effects and degradation will be minimised for effective weed control.	YES
2.2.Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non Urban Areas – C. Controls	b) In accordance with Clause 6.4 Development on natural resources sensitive land of Penrith LEP 2010, development consent is required for the following in biodiversity corridors and areas of remnant indigenous vegetation: i) the subdivision of land; ii) earthworks (including removal of rock or other	N/A. No development or events are proposed in a biodiversity corridor.	YES

	<p>natural material or alteration of a natural waterway or drainage line);</p> <p>iii) the carrying out of a work;</p> <p>iv) clearing vegetation (including slashing or underscrubbing);</p> <p>v) Irrigation with treated effluent.</p> <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>		
2.3.Bushfire Management – B. Objectives	a) Minimise the risk to life, property and the environment in the event of a bushfire, including the lives of emergency personnel	Bushfire mitigation is incorporated within the operation report, which forms part of this application.	YES
	b) Ensure that all development on bush fire prone land makes adequate provision for access for emergency personnel, vehicles and equipment	There will be no development of the site, and thus bushfire measures are already in place with the existing structures on site. Additional bushfire mitigation methods for the running of events are section 5.4 of this application.	YES
	c) Balance the risk of bushfire to life and property with the other principles in this Plan, including the need to protect and enhance existing vegetation where possible; and	Vegetation will be protected on site, with existing bushfire mitigation methods in place for the existing structures on site, and additional mitigation methods for the running of events outlined in section 5.4 of this application.	YES
	d) Recognise that land not classified as 'bushfire prone land' may still be subject to the impact from bushfire, particularly through ember attack	The central proportion of the precinct where events are to take place is not bushfire prone, under the Penrith City Council Bushfire Prone Land Map.	YES

2.3. Bushfire Management – C. Controls	a) If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any Development application on that land must address the bush fire protection measures set out in the document 'Planning for Bushfire Protection 2006 (PBP).	Bushfire mitigation methods are discussed in section 5.4 of this application.	YES
	b) If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire 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.	YES
C7 Heritage B Objectives	a) Encourage the retention of existing heritage items and their significant elements;	The proposal encourages the conservation of the significant elements of the Fernhill Estates, including the heritage landscape.	YES
	b) Ensure development is based on the understanding and conservation of the	The revised CMP has provided a thorough understanding of the Fernhill Estate, which has	YES

	heritage significance of the item;	informed the development of the proposal.	
	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 No development or alterations are proposed.	N/A
	f) Protect and conserve built heritage in accordance with the Principles of the Burra Charter.	The proposal ensures that ongoing conservation works will be undertaken to the significant elements of the Fernhill Estate.	YES
C Controls	a) Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):	The Heritage Impact Statement provided within the appendix has addressed all the requirements within the DCP	YES
	i) The heritage significance of the item as part of the environmental heritage of Penrith;	Complies No development is proposed, and temporary structures will not impact the significance of heritage items or the settings.	YES
	ii) The impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features;	Complies No development is proposed, and temporary structures will not impact the significance of heritage items, or the landscape by being located in existing buildings and garden areas.	YES
	iii) The measures proposed to conserve the heritage significance of the item and its setting;	Complies No development is proposed, and temporary structures will not impact the significance of heritage items or the settings.	YES

iv) Whether any archaeological site or potential archaeological site would be adversely affected by the proposed development;	Complies Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not destroy any archaeological resources.	YES
v) The extent to which the carrying out of the proposed development would affect the form of any significant subdivision pattern; and	Complies	YES
vi) The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.	Complies	YES
b) Development of a heritage item must:	N/A	
i) Be consistent with an appropriate Heritage Impact Statement or Conservation Management Plan;	The Working master plan has been guided by the Heritage Impact Statement and Conservation Plan to ensure that the proposal is consistent with this critical document.	YES
ii) Be consistent with the Heritage Inventory Assessment Report;	Complies	YES
iii) Protect the setting of the heritage item;	Any activity within a heritage item will occur according to the CMP and Heritage Working Master Plan.	
iv) Retain significant internal and external fabric and building elements;	No changes to the heritage items are proposed	YES
v) Retain significant internal and external spaces;	Complies No permanent alterations to internal and external spaces are proposed. Temporary structures will not impact the significance of these spaces.	YES
vi) Remove unsympathetic alterations and additions;	N/A No changes are proposed.	N/A

	vii) Reinstate 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 CP, 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 CP.	YES
7.1.8 Archaeological Sites	The objective of this section is to ensure that development is undertaken in a manner that acknowledges and protects sites of archaeological significance.	No development is proposed in the precinct, and the Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not destroy any archaeological resources.	YES
7.1.12 Conservation Incentives and Fee Concessions	The objectives of this section are to provide incentives to owners/applicants for development applications involving heritage items.	The applicant is pursuing the application through 2.8 of the PLEP 2010.	YES
	a) That the conservation and retention of the heritage significance of the place	It is considered that the conservation of the Fernhill Estate depends on the granting of consent, as the proposal	YES

	depends on the granting of consent;	ensures ongoing income for maintenance and conservation of Fernhill estate.	
	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 CP, and thus the proposal will not destroy any archaeological resources.	YES
C10 10.2 Traffic Management and Safety	a) Provide safe and efficient travel routes for all vehicles in the Penrith LGA;	No proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity,	YES

	b) Reduce the number of vehicle and pedestrian accidents per capita;	No proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity,	YES
	c) Ensure the safety of cyclists, pedestrians and passing traffic during construction of development;	N/A No development is proposed in the precinct.	YES
	d) Cater for current and future growth of vehicle traffic usage;	For temporary events over the short 3 month period, no proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity from the events.	YES
	e) Encourage the orderly and economic provision of road and intersection works;	Noted.	YES
	f) Ensure that existing roads and intersections are upgraded 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 CP is currently accessible via Mulgoa Road. This will not be altered.	YES
C12 Noise and Vibration	The objective of this section is to ensure that future development that generates noise or vibration does not adversely affect the amenity of surrounding land uses.	The proposed activities within the Central precinct will be managed to preserve the amenity of surrounding land uses.	YES
E2 Mulgoa Valley	a) Conserve the rural landscape of the Mulgoa Valley;	No alterations to the landscape are proposed.	YES
	b) Protect the setting of the villages of Mulgoa and Wallacia within the rural landscape;	There are no changes to the landscape or buildings proposed, and thus there will be no changes to the setting of Mulgoa or Wallacia.	YES

	c) Conserve heritage items and vistas within the Valley;	No alterations are proposed to heritage items or lands. However, the commencement of temporary events will help fund ongoing maintenance and conservation of Fernhill estate. No development is proposed and events will be predominantly located in the west of the precinct away from Mulgoa and Wallacia village.	YES
	d) Protect natural ecological elements within the Valley;	No alterations to the landscape are proposed.	YES
	e) Protect the agricultural capability of prime agricultural land; and	N/A No agricultural areas will be affected.	YES
	f) Ensure that development in the Valley is consistent with conserving its rural and natural landscape, heritage and agricultural qualities.	N/A No development is proposed.	YES
B. Additional Objectives	a) Protect the surviving early colonial rural landscape from any further degradation;	N/A	N/A
	b) Ensure development does not prejudice the remaining evidence of the Cox family's associations with the Valley, its houses and gardens;	The proposal ensures the preservation of the Fernhill Estate.	YES
	c) Preserve and enhance the visual relationship between the sites of Cox's Cottage, St Thomas's Church and Fernhill;	No alterations to the heritage buildings or lands are proposed, thus the visual relationship is preserved.	YES
	d) Conserve the surviving structures, features and gardens at the major historic and archaeological sites;	No alterations to the heritage buildings or lands are proposed, and the commencement of temporary events will help fund the ongoing maintenance and conservation of Fernhill estate.	YES
	e) Protect the visual catchments of heritage items by appropriately siting development having regard to the significance of the setting;	N/A.	N/A
	f) Prevent development within the historic landscapes and	No building or permanent structures are proposed within	YES

		curtilages of heritage items which may detract from the significance of those sites; and	the landscape or curtilages of the heritage items within the Fernhill Estate.	
		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