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Ms Wendy Connell  
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By email: [wendy.connell@penrithcity.nsw.gov.au](mailto:wendy.connell@penrithcity.nsw.gov.au)



Dear Ms Connell

**INTEGRATED DEVELOPMENT APPLICATION  
HERITAGE COUNCIL OF NSW—GENERAL TERMS OF APPROVAL**

**RE: Fernhill, Mulgoa Road, Mulgoa, Penrith, State Heritage Register item 54**

**Proposal:** Works to enable a one day 4/2017 rock concert, including temporary structures for 5000 guests, temporary parking, food and drink stalls.

**IDA Application No.:** 2017/IDA/14, accepted 23 January 2017.

**Information received:** As listed below under condition 1.

**Additional information requested:** Yes: 15 February 2017.

**Dates information received:** 16 & 21 February 2107.

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the following terms of approval are proposed to be granted:

**1. Development must be in accordance with:**

**a) Drawings, prepared by AE Design Partnership, as below:**

Dwg. No.	Drawing Title	Date	Rev
<b>Project Name: April 2017 Rock Concert event, Fernhill</b>			
DA00	DA Drawings Cover	19/12/2013	A
DA01	Entertainment Facility – Upper (West) Amphitheatre Site Plan	19/12/2016	A
DA02	Entertainment Facility – Upper (West) Amphitheatre Event Area	19/12/2016	A



- b) Report titled Heritage Impact Statement – Proposed Event: Symphony Concert, Fernhill Estate, Mulgoa Road, Mulgoa NSW, prepared by Paul Davies P/L, dated December 2013;
- c) Report titled Statement of Environmental Effects – Mulgoa Concert, 1041-1117 Mulgoa Road, Mulgoa, prepared by AE Design Partnership, Revision A, dated 19 December 2016;
- d) Report titled Access Report, 'Fernhill' Access Strategy, prepared by Accessibility Solutions, dated 27 June 2013;
- e) Report titled Noise Assessment for DA – Fernhill Precinct, Mulgoa, prepared by Wilkinson Murray P/L, Version B, dated December 2013;
- f) Report titled Event Management & Operational Plan, Fernhill Estate, 2017 Concert, prepared by Thomas Lawson, Version 3, dated 19 December 2016;
- g) Report titled Referral Response – Heritage Advisor, DA16/1375, prepared by Nicholas Gunn, Heritage Adviser (to Penrith City Council).

**EXCEPT AS AMENDED** by the conditions of this approval:

**2. SIGNIFICANT FABRIC:**

Unless a structural assessment (demonstrating that the additional load and increased use will have no adverse impact to the structural integrity of the driveway sandstone bridges) is submitted and approved by the Delegate, Heritage Council of NSW, traffic entering from the southern gate is to be directed along the racecourse track to the car parking area, not over the bridges.

*Reason: To avoid potential damage to significant sandstone driveway bridges.*

**3. SITE PROTECTION & WORKS:**

No event infrastructure is to be erected within the drip zones of trees and all mature plantings (including those along affected sections of the southern and northern drive) are protected by the erection of temporary fencing or similar measures, to the drip zone, over the course of the event.

*Reason: To avoid potential damage to driveway verges, paddock grass, significant driveway and paddock (parkland) trees and mature plantings.*

- 4. Any shipping containers are to be raised off the ground using props.
- 5. All damaged pasture is remediated and returned to its existing condition (subject to seasonal variation) within a period of two (2) months after the event.
- 6. All event infrastructure is to be removed from the site within two (2) weeks from the event date.
- 7. Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.



8. Traffic marshals, signage and road markers are to be utilised to ensure that vehicles do not stray beyond the access and egress paths nominated in the Traffic Management Plan.

*Reason: To avoid major or lasting damage to significant built elements and landscape elements, particularly paddock grass.*

9. **EXCAVATION:**

Excavation and ground disturbance is not approved as part of this application. In the event that intact archaeological deposits and/or State significant relics are discovered by any incidental ground disturbance, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with S146 of the NSW Heritage Act. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: To avoid potential damage to the site's archaeological resources.*

10. **NOMINATED HERITAGE CONSULTANT:**

The nominated heritage consultant shall carefully monitor and assess the set-up, operation and pack-down of the event, including site rehabilitation following the event, and address any issues that may arise.

*Reason: To ensure careful and appropriate set-up, operation, pack-down and rehabilitation that avoid or minimise any adverse impact on Fernhill's significant elements and heritage values.*

11. **ADDITIONAL INFORMATION:**

The following additional information is to be submitted to the Heritage Council for approval as part of an application under Section 60 of the *Heritage Act 1977*:

- a) A revised traffic management plan demonstrating how traffic will be directed along the racecourse track to the parking area.
- b) Details of proposed tree protection measures.

*Reason: To avoid potential damage to the significant driveway sandstone bridges, demonstrate alternative vehicular access to the parking area and how significant trees will be protected.*

12. The following additional information is to be submitted to the Heritage Council for approval within 2 months of the event date:

- a) A condition report prepared by the nominated heritage consultant with photographs documenting site conditions before the event and after remediation of the site.
- b) A brief soft landscaping remediation report prepared by an appropriately qualified and experienced landscape consultant.

*Reason: To ensure lessons are learnt from this event to better inform future event management, pack-up and rehabilitation. To give regulators certainty that auditing is rigorous and comprehensive.*



**13. COMPLIANCE:**

- a) Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.
- b) The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

*Reason: To ensure that the proposed works are completed as approved.*

**14. SECTION 60 APPLICATION:**

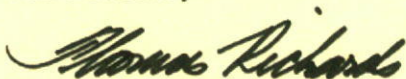
An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

*Reason: To ensure that the appropriate heritage approval is obtained prior to the commencement of works.*

It should be noted that approval under the *Heritage Act 1977* is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any questions regarding the above matter please contact Stuart Read, Assessment Officer, at the Heritage Division, Office of Environment and Heritage, on telephone (02) 9873 8554 or by email [stuart.read@environment.nsw.gov.au](mailto:stuart.read@environment.nsw.gov.au).

Yours sincerely



**Dr Thomas Richards**

Senior Team Leader, State Heritage Assessments  
Heritage Division  
Office of Environment and Heritage  
31 March 2017

**As Delegate of the Heritage Council of NSW**