

Fernhill Estate

Statement of Environmental Effects



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Innovation in Urban Planning & Development

ae design partnership
architecture + environment

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1. INTRODUCTION:

This Statement of Environmental Effects has been prepared for the Fernhill Estate, Mulgoa Road, Mulgoa, Penrith Local Government Area. The proposed development has been identified to ensure the ongoing heritage conservation as well as recognising the capability of the extensive landholding for an iconic venue for Western Sydney and discrete residential subdivision. The application relates the use of Fernhill Estate for events, functions, equestrian uses and sporting activities. The application also includes residential subdivision of two precincts (Eastern and Western Precincts) on the periphery of the Estate.

This development incorporates the intended amalgamation of the subject land within the Fernhill Estate Holding prior to the consolidation of lands into a Central Precinct and subdivision of the Eastern and Western Precinct to enable the development to be assessed pursuant to cl5.10.10 of the Penrith Local Environmental Plan.

Clause 5.10 (10) allows the consent authority to grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

A Conservation Management Plan has been prepared for this document that outlines the process for achieving the controls listed within cl5.10.10. An assessment of these controls is incorporated within this Statement of Environmental Effects and the Heritage Impact Statement.

The proposed development that this application is applying for include;

- Use of land, existing structures and temporary structures for the purpose of:
 - Events and functions for up to 2,500 persons.
 - Outdoor entertainment (cinema / concerts) for up to 2,500 persons.
 - Sporting activities comprising sports training and minor competitions for attendance for up to 2,500 persons.
- Occasional use of land, existing structures and temporary structures for the purpose of:
 - Events and functions up to 10,000 persons.
 - Outdoor entertainment (cinema / concerts) for up to 10,000 persons.
 - Sporting activities comprising sports training and minor competitions for attendance for up to 10,000 persons.
- Use of land, existing structures and temporary structures for the purposes of a camping ground and markets ancillary to the above uses.
- Use of land, existing structures and temporary structures for the use an Equestrian Centre comprising agistment, equestrian training and equestrian events.
- Subdivision of 54 residential lots in the south-eastern portion of the Estate including civil works for roads, stormwater and infrastructure services.
- Subdivision of 38 rural residential lots 2-3ha size in the south western portion of the Estate including civil works for roads, stormwater and infrastructure services.
- Upgrades to portions of Mulgoa Road and Fairlight Road adjacent to the subject site to facilitate access to the above uses.

This Development Application is not applying for large temporary events, these will be applied for as a needs basis under clause 2.8 within the Penrith Local Environment Plan 2010. Such events that have occurred on the subject land and are envisaged incorporate;

- Large events associated with equestrian competition.
- Music concerts and outdoor productions.
- Major outdoor recreation activities such as Tough Mudder.

The lot and deposited plan number for the site:

Lot DP No	Precinct
Lot 1 DP 260373	Central
Lot 2 DP 260373	Central
Lot 3 DP 260373	Central
Lot 4 DP 260373	Central
Lot 2 DP 211795	Central
Lot 12 DP 211795	Central
Lot 10 DP 615085	Central
Lot 11 DP 615085	Central
Lot 2 DP 541825	Central
Lot 100 DP 717549	Eastern
Lot 1 DP 570484	Eastern
Lot 6 DP 173159	Eastern
Lot 1 DP 549247	Western
Lot 31 DP 237163	Western
TOTAL area is approximately 700ha	

The consultants engaged for this proposal include:

REFERENCE	DESCRIPTION	PREPARED BY
DA 01 – 08	Site plans	ae design partnership
LA 01 – 02	Landscape Concept	ae design partnership
EP01-WP01-CP01	Site Analysis	Mott Macdonald
DA200-257	Eastern Precinct Engineering Drawings	Mott Macdonald
DA100-170	Western Precinct Engineering Drawings	Mott Macdonald
SY072492.000 SY072492.001 SY072492.005	Survey and Proposed Subdivision Drawings	Land Partners

Appendices

DOCUMENT	CONSULTANT
VOLUME 1	
Draft Conservation Management Plan	Paul Davies Heritage Architects
Working Heritage Masterplan	ae design partnership
Heritage Impact Statement	Paul Davies Heritage Architects
Indigenous Heritage and Archaeology Report	Austral
Ecological Assessments	GHD
Bush Fire Risks	GHD
Social Impact Report	Elton Consulting
Indicative Approach for Plan of Management	Sentry Business Resilience Solutions
Acoustic	Wlikinson Murray
Accessibility	Accessibility Solutions NSW
DCP Compatability	ae design partnership
Transport, Traffic and Parking	Central Precinct - GTA Consultants Eastern and Western Precinct - Mott Macdonald
Infrastructure Due Diligence	Mott MacDonald
Stormwater	Mott MacDonald
Geotechnical and Survey	Douglas Partners
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 medical centre 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).

The application is sought under clause 5.10.10 of the PLEP 2010. The permissibility of this application within this clause is assessed in a compatibility table that is within Part 7 of this SEE.

2.2 State Planning Controls:

- State Environmental Planning Policy (SEPP) Infrastructure (2007) The proposed development is not impacted by this SEPP as Mulgoa Rd 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).
- 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 PDCP 2010 is attached.

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 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. 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 700 hectares and comprises of vacant grass paddocks that have been cleared for grazing, environmental, and heritage conservation land within the Penrith City Council 2010, LEP. Fernhill, a NSW state heritage listed property forms part of the Estate Landholdings included in the study area.

Mulgoa Valley is characterised by creek flats surrounded by wooded hills and escarpment areas. To the west the valley is steep and hilly, to the east it is more undulating; the Mulgoa Creek flats form the centre of the valley. The topography varies in height from an average 100 metres to over 215 metres above sea level in the west. In the east the topography is more undulating, ranging in height from 40 metres to 100 metres above sea level. The natural landforms on Fernhill Estate include the hill where the house is sited, and the gently undulating hills and various tributary creeks through the property.

Much of the present vegetation in the valley has been cleared for grazing and other agricultural purposes. Dry sclerophyll forest covers uncleared or regrowth portions of the valley, which varies between open forest, woodland and low woodland communities. Extensive mapping of 'green webs' throughout Penrith LGA has been undertaken to identify regional biodiversity links and conservation goals.

Fernhill Estate is located immediately north-west of Mulgoa Village. There are various properties in the Mulgoa Valley that are heritage listed, many of which relate to the Cox family or other significant families in the district.

The village of Mulgoa consists of mainly residential allotments with single and two storey and dwellings, a school, churches and shops on Mulgoa Road, while further away from the town are larger rural and rural residential allotments. Most of the town dates from the mid to late-twentieth century period with a few earlier buildings spread across the township. Unlike many historic villages, Mulgoa does not have an historic core, or a real focal point as a village, rather it is spread with the heritage buildings extending over several kilometres. Consequently, the township does not have a heritage character but does contain several heritage buildings.

To the east of the Fernhill Estate located on a hillside north of Mulgoa Village, facing St Thomas' Road (old Mulgoa Road alignment), the St Thomas' Church was built c1836-38. The surrounding land of the church has an approved school on the southern portion of the property, outside the heritage setting of the church and graveyard. Parts of the site are now subject to extensive regrowth, particularly along

the alignment of Mulgoa Road and to the east of the church. This growth has removed views from the church to the landscape beyond the site, to most of Mulgoa Road and onto the Fernhill lands.

To the north of St Thomas' is Cox's Cottage, built by William Cox built in 1811 for his sons, George, Henry and Edward. Cox's Cottage is one of Australia's oldest extant timber buildings, which retains its rural setting. The lands around the house front Mulgoa Road and Church Lane (once Mulgoa Road) and the rural landscape is in many respects contiguous with the eastern end of the Fernhill lands. However, lineal perimeter or boundary planting along the western side of Mulgoa Road on the Fernhill land has largely visually separated the properties from direct visual connection.

Mulgoa Road north of the site primarily consists of open landscape character with limited built form. Uses such as a golf course, school and rural development occupy land along Mulgoa Road.

South of the property, on Fairlight Road, is the Fairlight homestead and barn (1860s). The farm was subdivided by the late 1960s, removing most of its surrounding paddocks and setting. It remains on a substantial parcel of land, with the house overlooking the rear of the western Fernhill lands, and requires careful consideration

3.2 Land Uses:

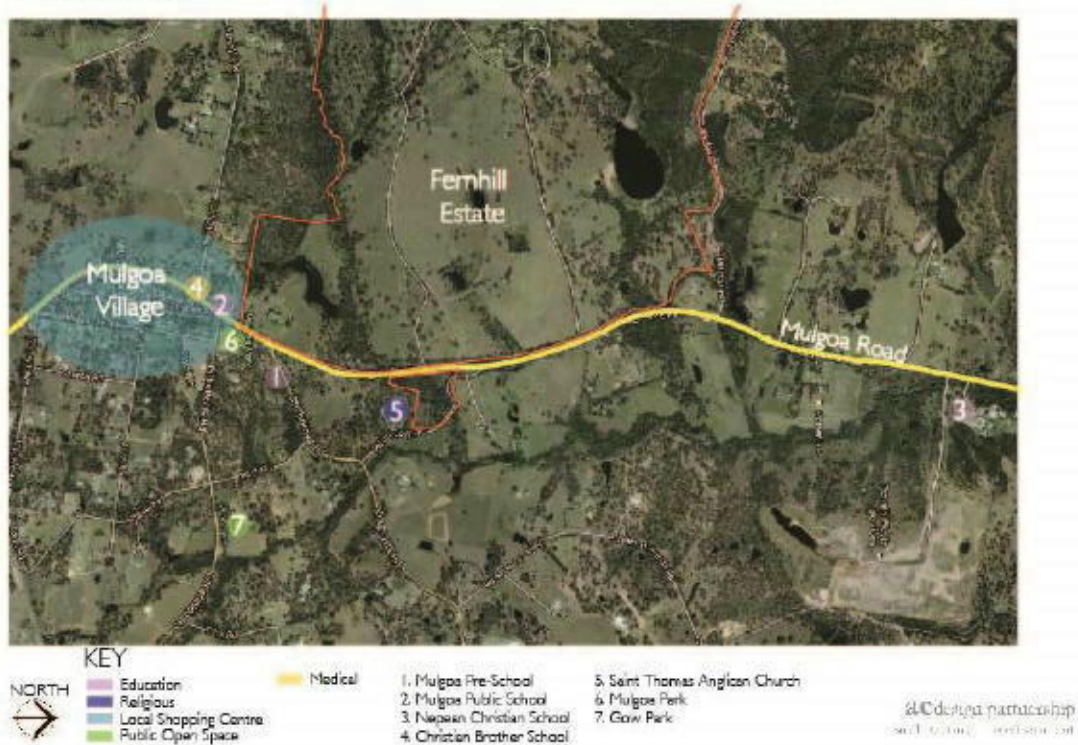
A portion of the site is zoned E2 (Environmental Conservation) and the majority of the site is E3 (Environmental Management) under the Penrith City Council Local Environmental Plan 2010. The site is surrounded by zones RU5 (Village) and RE1 (Public Recreation) to the south east and E1 (National Parks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

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Much of the present vegetation in the valley has been cleared for grazing and other agricultural purposes. Dry sclerophyll forest covers un-cleared or regrowth portions of the valley, which varies between open forest, woodland and low woodland communities. Extensive mapping of 'green webs' throughout Penrith LGA has been undertaken to identify regional biodiversity links and conservation goals.

The village of Mulgoa consists of mainly residential allotments with single and two storey and dwellings, a school, churches and shops on Mulgoa Road, while further away from the town are larger rural and rural residential allotments. Most of the town dates from the mid to late-twentieth century period with a few earlier buildings spread across the township. Unlike many historic villages, Mulgoa does not have an historic core, or a historic focal point as a village, rather it is spread with the heritage buildings extending over several kilometres. Consequently, the township does not have a heritage character but does contain several heritage buildings.

CONTEXT MAP



3.2 Existing Character and Site Analysis

The subject site is located on approximately 700 ha, the site consists of cleared land, remnant vegetation and contiguous vegetation. The land is situated on undulating hills and has two natural water ways that flow through the site. The three precincts within the subject land are described in the paragraphs below.

Central Precinct

The Central Precinct is approximately 500 ha and consists of the heritage listed built form and associate landscape and structures described within the Heritage Conservation Management Plan. The Central Precinct comprises of a large proportion of grazed land, equestrian facilities and native vegetation.

Eastern Precinct

The Eastern Precinct is approximately 11 ha comprises of a house and ancillary sheds with vacant land that is predominantly cleared grasses. A heritage listed hut resides within the subject land, however it has been severely damaged in a fire. The subject land is utilised for the agistment of livestock. To the south of the subject land is Mulgoa Village and the heritage listed primary school.

Western Precinct

The Western Precinct is approximately 100ha and is currently vacant land that is predominantly cleared grasses dissected by moderate density vegetation. The subject land is predominantly utilised for agistment of livestock. There are rural residential allotments that are located on Fairlight Drive, to the South of the Western Precinct and Nepean George Drive to the East of the Precinct.

3.3 Public Transport:

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

The public transport that is available is less than adequate considering the sites proximity to Penrith a major centre within the Metropolitan Strategy 2036.

The subject land is approximately 13km south of Penrith Railway Station, which provides express train services to the CBD of Sydney and Parramatta. More frequent bus services are available from Glenmore Park a suburban subdivision approximately 5km to the North.

3.4 Vehicle Access:

The site 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. The central portion of the site consists of nature reserve and conservation areas. The two development areas are located at opposite ends of the subject site and are known as the eastern and western precincts.

The road networks are;

Mulgoa Road, is a sub arterial 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. Mulgoa Road also provides direct access to properties fronting it.

Fairlight Road travels west from Mulgoa and provides access to principally large lot rural residential dwellings. It functions as a collector road feeding traffic from the area to Mulgoa Road. It has a variable width, generally having a six metre wide sealed carriageway with one traffic lane in each direction and one to two metre wide unsealed shoulders typical of a rural road. Fairlight Road provides direct access to roads fronting it. It is estimated that it carries in the order of 900 vehicles per day.

Nepean Gorge Drive is a local roads providing access to rural residential lots. Nepean Gorge Drive provides access to 14 dwellings and has a 4.3 metre wide sealed carriageway with 2.5 metre wide sealed carriageway with 2.0 metre wide shoulders.

4. DEVELOPMENT PROPOSAL:

4.1 Overview:

The Draft Working Heritage Masterplan for Fernhill provides the initiative for conservation of the state heritage listed site of Fernhill. The estate faces an uncertain future due to debt, unless it can receive sufficient financial support through the proposed subdivision, uses and events, which promote conservation and significance of the estate. The Heritage Agreement tied to the site reinforces the objectives and purpose of this proposal.

It is imperative that Penrith City Council act on the findings of the masterplan, which have been based on preserving the heritage and encouraging the potential use of Fernhill. The opportunity to introduce public events and supply a diverse range of housing on the site would provide a sinking fund that would be used to restore and conserve the heritage significance of the site.

4.2 Proposal:

The proposal comprises of three precincts which are described below. The Central precinct will be utilised for a variety of activities and conservation purposes and the East and West Precinct are discreet residential subdivisions.

The Central Precinct;

Comprises the following development:

The proposed development that this application is applying for include;

- Use of land, existing structures and temporary structures for the use of:
 - Events and functions for up to 2,500 persons. (Function Centre land use under Penrith LEP 2010).
 - Outdoor entertainment (cinema / concerts) for up to 2,500 persons. (this use may be classified as)
 - Sporting activities comprising sports training and minor competitions for attendance for up to 2,500 persons. (Permanent use of land for this activity forms part of Recreation Centre (outdoor) under Penrith LEP 2010).
- Occasional use of land, existing structures and temporary structures for the use of:
 - Events and functions up to 10,000 persons.
 - Outdoor entertainment (cinema / concerts) for up to 10,000 persons.
 - Sporting activities comprising sports training and minor competitions for attendance for up to 10,000 persons.
- Use of land, existing structures and temporary structures for the purposes of a camping ground and markets ancillary to the above uses.

- Use of land, existing structures and temporary structures for the use an Equestrian Centre comprising agistment, riding training and riding events. (An equestrian Centre forms part of Recreation Centre (outdoor) under Penrith LEP 2010).
- Upgrade to Mulgoa Road to accommodate a channelised turn treatment at the location of the existing northern access driveway.

The Eastern Precinct;

Comprises of a 54 lot Torrens title residential subdivision, accessed from Mulgoa Road. The development incorporates the construction of road, stormwater and infrastructure services associated in accordance with relevant standards associated to service the allotments.

The proposed residential lots range in size between 900m² to 2,205m², averaging over 1,000sqm and are shaped suitable for detached dwelling houses. There is also a lot that is 2.7ha that provides a buffer to Mulgoa Road within the Eastern Precinct.

The Western Precinct;

Comprises a 38 lot Torrens title rural residential subdivision, with access from Nepean George Drive and Fairlight Road. The proposal will incorporate construction of road and infrastructure services associated in accordance with relevant standards associated to service the allotments.

The proposed lots range in size and shape between 2-3ha with on-site sewer disposal and storm water management.

5.0 KEY CONSIDERATIONS

This part of the proposal provides a description of the key considerations within the proposal. The first component of the proposal discusses the social and economic impact of the proposal for the whole site and due to the size of the site a 'Key Considerations' section is provided for each precinct.

5.1 Social and Economic Assessment

The assessment carried out by Elton Consulting involved examination of relevant demographic data, strategic planning documents and a review of background material associated with the proposed subdivision of the Eastern and Western Precincts, and the introduction of public activities within the Central Precinct of the Fernhill Estate.

Based on studies, the report concludes a range of social benefits are likely to result from the activation of the Central precinct and the proposed subdivision of the Eastern and Western precinct.

Key social benefits include:

- Provision of additional housing- The proposal caters for the demand of an increase in housing within Sydney, particularly including the Western Sydney area. The development provides a unique style of housing that is currently not offered in majority of estate developments.
- Introduction of public access to Fernhill – a supply of public accessible activities are proposed for the Central precinct, which encourage local residents to further experience the unique heritage value and local significance of Fernhill.
- Stimulation of local economic activity – The supplying services and facilities to host regular events and the increase of population moving to the new subdivisions would generate local economic activity in area.
- 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.
- The residential subdivision will increase the amount of construction jobs available within the community.
- Conservation of the unique natural and heritage environment- the proposal seeks to ensure preservation of the heritage and landscape for the benefit of the local community.
- 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 social impacts of the proposal are "expected to be minimal, given the relatively small size of the incoming population".

The approach to mitigate the:

- Housing styles to be sympathetic to the existing rural character of the area

- Provision of opportunities for social interaction and community engagement amongst groups of new and incoming residents.

5.2 Central Precinct Key Considerations

This part of the SEE will assess the environmental implications the activities proposed within the Central Precinct.

5.2.1 Heritage:

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.

Much of the expanded holding has been subject to forest re-growth establishing significant landscapes and resulting in large areas of the site having environmental protection in addition to heritage listing. This DA retains and protects all of the significant landscape areas and proposes to utilise bio-banking to ensure their future protection.

Within the Central Precinct it is proposed to have uses that are capable of generating ongoing funding for the management of the place and its conservation and maintenance, and proposing a schedule of annual works that will conserve and maintain the house and landscape. These are described in detail in the business plan attached to this SEE.

The range of uses that are proposed are part of a working business plan for the estate that will allow 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 uses extend the present equestrian-related activities that are found on the property and add a range of small and larger events that suit the property and which are capable of generating income. Event-type uses have been developed, as there is only a small range of options available for a property such as Fernhill to become self-supporting.

These will have a minimal impact on the heritage items within the Fernhill Estate and an ongoing management agreement to ensure the longevity and preservation of the heritage items within the central precinct. A funding agreement is being established to preserve and maintain the heritage items.

The proposed events and activities envisaged to generate the necessary turnover was based in the Conservation Management Plan's outline of appropriate opportunities and refined through stakeholder consultation with the NSW Heritage Council and Penrith City Council. The small and medium sized

events and activities proposed as part of the Working Heritage Business Plan are contained in the Development Application for the Eastern, Western and Central Precincts. However it should be noted that some uses, such as signature/major events, and future investigation areas to support the proposed uses will be subject of separate Development Applications.

5.1.2 Ecology

The ecology of the Central Precinct has been designed not have impacts by the proposed uses. There is no building or earth works proposed within the precinct. A waste management plan and event strategy will be in place to minimise the implications of temporary events on the ecology. A comprehensive ecological assessment was undertaken for this site and the results indicate the proposed activities within the central precinct are satisfactory.

5.1.3 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.

5.1.4 Geotechnical

A Geotechnical Report forms part of this application.

5.1.5 Contamination

There is no indication that the subject land is contaminated. There are no proposed earthworks or building activity within the Central Precinct thus the proposed activities are appropriate and Contamination is unlikely to have an adverse effect.

5.1.6 Traffic

Regular small events are planned for the Fernhill Estate catering for up to 300 people. These events would anticipate approximately 100-150 vehicles. The proposed reduction of speed on Mulgoa Road from 80kmph to 60kmph will not require any additional works to accommodate these size events.

A channelized right hand turn is proposed to cater for traffic heading south on Mulgoa Rd turning into the site. This will prevent delays for southbound traffic on Mulgoa Road. It is recommended that signage be installed at the entrance to the estate and throughout the internal road networks to make it easier for patrons to navigate their way through to the event.

The subject land will cater for events up to 2,500 people as part of this application. A channelized right hand turn lane is proposed subject to further consultation with RMS. An event up to 2,500 would anticipate approximately 1000 vehicles. Should upgrade works not be completed on Mulgoa Road, external traffic management would be required including traffic control and or directional signage on approach.

For larger events over 2,500 patrons it is important that a traffic management plan is implemented and that the RMS, Council and local command are involved. It must be noted that Tough Mudder was held last year with no issues or complaints and this was attended by over 15,000 people.

5.1.7 Infrastructure

- Electricity use of mini generators across site and large version in Base Area to service requirements. Need to ensure supplier applies compliance standards.

5.1.8 Acoustic

The types of events proposed within the Central Precinct will not have adverse noise impacts on neighboring properties. The acoustic report outlines that Tough Mudder a large event that had approximately 15,000 patrons occurred with no noise complaints or implications on surrounding properties.

Typical regular events would be up to 300 people.

Noise impact from regular events would normally be negligible. Operators of the events should be aware of the Noise Management Plan for the venue and if amplified music takes place as part of the event, the noise emission should be appropriately limited.

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

The larger scale of the regular events could be up to 10,000 attendees. The noise emission from 10,000 people cheering or singing would generally be audible at the residential premises. Based on the noise monitoring of the Tough Mudder event it is considered probable that noise levels can be controlled within appropriate limits.

5.2 EASTERN PRECINCT

This part of the SEE will discuss the Key Considerations within the Eastern Precinct a discrete subdivision proposed that comprises of 54 Torrens Titled residential allotments accessed from Mulgoa Rd. Below are the key considerations.

5.2.1 Heritage

The residential allotments will enable the preservation of the estate. The

- The proposed residential subdivision within the subject land, lands (outside the Fernhill SHR curtilage). This subdivision is proposed to contain 54 residential lots of an average of 1000 square metres each in area, plus parkland. The land forms part of the LEP-heritage listed Fernhill curtilage, and is also in the vicinity of the SHR Listed St Thomas Church & burial ground, and the LEP-listed St Thomas Road (original alignment of Mulgoa Road) and the LEP-listed Mulgoa Public School.
- •To ensure the Fernhill estate remains a large rural estate without further subdivision into the future (by consolidation of the remaining land onto one land title)
- To enhance the economic viability of the estate, ensuring funds for ongoing conservation and maintenance works to the estate. A Heritage Agreement will be made with the NSW Heritage Council and a Maintenance Plan will be prepared in relation to ongoing maintenance and conservation works to Fernhill estate.
- To open up the estate for public events, thus providing a public benefit from the management of the estate

5.2.2 Ecology

The subject land is dominated by cleared land and exotic grassland but also contains intact and regrowth native vegetation including threatened endangered communities and habitat for threatened species. Native vegetation and habitat within the subject site is in moderate condition and features impacts from edge effects and grazing. Away from these disturbed areas the native vegetation in the study area is generally in good condition and is connected to extensive areas of habitat via vegetated corridors. Based on the desktop assessment, field surveys and habitat assessments undertaken the following affected threatened biota for the proposal were identified.

- River-Flat Eucalypt Forest, which is present in the subject land.
- Cumberland Plain Woodland, which is present in the subject land.
- The Spiked Rice-flower, which may be present in potential habitat within the subject land.
- The Cumberland Plain Land Snail, which was recorded in the subject site and elsewhere in the study and locality.
- Woodland birds, including the varied sittella which was recorded in the subject site and the bush stone-curlew, Diamond Firetail, Flame Robin Hooded Robin (south-eastern form), Scarlet

Robin, Speckled Warbler and Turquoise Parrot, which may occasionally occur in the subject site based on the habitat present.

- Migratory or nomadic birds including the Gang-Gang Cockatoo, Little Lorikeet, Regent Honeyeater and Swift Parrot, which may occasionally occur in the subject site based on the habitat present.
- Large predatory birds including the Barking Owl, Masked Owl, Powerful Owl, Sooty Owl and Square-tailed Kite, which may occasionally occur in the subject site based on the habitat present.
- Wetland species including the Australasian Bittern, Australian Painted Snipe, Black Bittern, Black-tailed Godwit and Green and Golden Bell Frog, which may occasionally occur in the subject site based on the habitat present in the adjoining study area.
- Microbats including the Eastern Freetail-bat, Greater Broad-nosed Bat, Southern Motis, Eastern Bentwing Bat and large eared Pied Bat, which may occasionally occur in the subject site based on the habitat present.
- Mammals of forest and woodland including the Grey-headed Flying-Fox, Koala and Spotted-tailed Quoll, which may occasionally occur in the subject site based on the habitat present.

The assessment of significance of impacts on the local populations of these threatened biota have been prepared pursuant to s.5A of the EPA Act. The outcome of these assessments of significance is that the proposal is not likely to have a significant impact on the local populations of any threatened biota given:

- The potential impacts of the proposal would be restricted to a maximum 8.37 hectare subject site containing 3.55ha of native vegetation and habitat for threatened biota, which would affect a very small proportion of the local populations and their habitat.
- That given the small scale of the proposal and proposed mitigation measures it would be unlikely to result in any substantial indirect impacts on any habitat beyond the immediate disturbance footprint within the subject site.

5.2.3 Bushfire

The subject land within the Eastern Precinct is identified as bushfire prone due to the presence of bushfire prone land within and adjoining the site. A bushfire hazard assessment was undertaken to confirm bushfire prone land adjoining the subject land.

- The vegetation formations within the Eastern Precinct can support high intensity bushfires most likely burning in forest formations and as a faster moving surface fire in open woodland communities without a shrubby understorey.
- The subject land has been subject to high intensity bushfires in the past. A range of mitigation measures are to be incorporated in the development of the Eastern Precinct.
- Asset Protection Zones are illustrated in figure 5 of the Bushfire Report for the Eastern Precinct prepared by GHD. These comprise of inner protection areas (IPA) and outer protection areas (OPA).

- The IPA will extend from the building line. It is contained within the residential allotments and will be maintained by the property owner.
- The OPA will extend from the IPA towards the hazard. The landholder is responsible for the OPA contained within the subject land.
- The maintenance of bushfire fuel within asset protection zones is important and the landowner will be responsible for this.
- A perimeter access in the form of a fire trail will provide suitable access for fire management and suppression purposes. The fire trail is accessible from three points within the subdivision.
 - The perimeter fire trail will provide a strategic control line around the hazard side of the APZ;
 - Fire Suppression and management activities can be undertaken by combat and management agencies using the fire trail without obstruction from residential traffic.
- Access is 6m with a minimum trafficable width of 4m. Where the access from the public road meets the fire-trail reversing bays are provided.
- Tank water will supply the subject land and there will be dedicated tanks for fire fighting.

5.2.4 Water Sensitive Urban Design

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

- The proposed development footprint has been prepared to include:
 - Retention of the existing lake;
 - Proposed lot areas on the eastern side of the dam; and
 - The implementation of a 10m riparian corridor from extent of existing top of water.
- The existing catchment for the Eastern Precinct predominately consists of undeveloped rural paddocks and rural / residential properties while the existing terrain is typically undulating with grades ranging between 1% and 20%.
- The Eastern Precinct contains existing ridges which direct surface flows to:
 - The Central dam; Littlefields Creek; and Mulgoa Road Council drainage system. Refer to Figure 02 in Appendix A (within the Stormwater Report prepared by Mott Macdonald) for sub-catchment division. The proposed residential development will increase the impervious areas from existing, however this will be managed to restrict flows to the current development flows. (Stormwater Report, Mott Macdonald)

The Water Sensitive Urban Design Strategy Proposed for the Eastern Precinct

- The (minor) piped drainage system will be designed to control nuisance flooding and enable effective stormwater management for the site. In accordance with council standards, the minor

system will be designed for a minimum 5 year ARI. This minor piped system will incorporate a pit and pipe system to collect surface flows from the internal roads and convey to the nearest detention basin;

- Quality devices shall be incorporated with future development across both the Eastern and Western Precincts. At this stage, water quality treatment measures have been proposed and a treatment train consisting of Gross Pollutant Traps, bioretention swales and / or raingardens within proposed detention basins and rainwater tanks provided to each lot. Detailed assessment will be undertaken as part of detailed design.
- Water quality treatment devices shall be suitably positioned to avoid aesthetic impacts on riparian corridors. GPT's will be positioned alongside roadways just upstream of detention basins for maintenance access.
- The major system (overland flow routes in and around structures, roadways, etc) will be designed to cater for 100 year ARI flows with overland flowpaths directed to proposed detention basins shown on plan. The OSD philosophy is ensure that the proposed development does not have any net increase in flows to the existing lake or to the existing culverts beneath Mulgoa Road therefore ensuring that there is no flood affectation. Assessment will be completed to ensure that general safety and flooding issues will be addressed;
- If the major system cannot meet the safety and flooding criteria, the capacity of the minor system will be increased.
- Discharge from detention basins shall be made to the nearest riparian corridor as noted on the concept plans. Outlets shall be suitably designed in accordance with the relevant authorities and shall include suitable scour protection and aesthetic appearance.
- Proposed channels shall be reconfigured as part of the development in the Western Precinct in order to convey 100yr flows and 5yr flows for Creeks 1 and 2 respectively. (Refer to Section 3.2 for full discussion, Stormwater Report, Mott Macdonald.)
- Riparian corridors shall be provided for Creek 1 on the Eastern Precinct (10 metre offset from top basin level)
- A number of detention basins shall be provided to achieve pre-post requirements. Each shall include a staged storage outlet with low flow box culvert arrangement and high level spillway. Refer Section 3.6 (Stormwater Report, Mott Macdonald).

Flood Management

- The Eastern precinct has two link roads which intersect the central lake and provide an entry and exit point for those properties on the western side. In order to assess the flood risk management, both 1 in 100year ARI and PMF events were considered.
- Suitable flood management measures will also need to be incorporated in order to minimize potential risks and comply with regulatory requirements. These include, but are not limited to the following:
- Appropriate signage and warning systems.
- Flood evacuation strategies and during extreme events coordinated with the SES. Refuge to higher ground is available at Mulgoa Rd.

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

5.2.5 Geotechnical

A geotechnical report is attached to this application that assesses the impacts of the proposed subdivision within the Eastern Precinct.

5.2.6 Contamination

A contamination report is attached to this application that assess the impacts of the proposed subdivision within the Eastern Precinct.

5.2.7 Traffic

- The subject land will include two roads connecting to the existing road network, Mulgoa Rd.
- The anticipated future traffic generation for the subject land is 45 vehicles per hour in peak times. The additional traffic generation is minimal and will have no adverse impacts on surrounding traffic networks.
- The proposal will increase the traffic volume along Fairlight Drive by 27%, however this is not anticipated to have any significant impacts as the increase is well below the RMS Road Design Guidelines of 500vph for a collector road.
- It is anticipated that traffic will be distributed to Mulgoa Road and 85% of traffic will head in a northerly direction and 15% will travel in a southern direction.
- As part of this application it will be requested that the speed limit along Mulgoa Road be reduced from the entrance to the Fernhill Estate from 80kmph to 60kmph through to the Village of Mulgoa.
- There is a bus service that currently operates on Mulgoa Road that connects the Village of Mulgoa with Penrith and Warragamba. This service operates approximately every hour during the week and less frequently on weekends and during public holidays.
- The proposed new roads within the subject land are designed to accommodate bus services in the future.

5.2.8 Infrastructure Services

- The residential lots will be serviced by town water from a Sydney Water main.
- The eastern precinct is currently not connected to any sewage system and would require a connection to the Mulgoa/Wallacia/Silverdale Sewerage Scheme.
- Electricity will be provided to the subject land potentially via underground lines from the overhead cables on Mulgoa Road.
- The site currently has access to telecommunications services from Mulgoa.

5.3 WESTERN PRECINCT

5.3.1 Heritage

- The proposed residential subdivision within the subject land, this subdivision is to contain 38 residential lots each of an average 2 hectares in area. The subdivision is proposed on sparsely wooded land with a frontage to Fairlight Road, the land originally having been part of the Fairlight estate. The land is not heritage listed, however part of the land adjoins the site of the SHR listed Fairlight Homestead and Barn.
- To ensure the Fernhill estate remains a large rural estate without further subdivision into the future (by consolidation of the remaining land onto one land title)
- To enhance the economic viability of the estate, ensuring funds for ongoing conservation and maintenance works to the estate. A Heritage Agreement will be made with the NSW Heritage Council and a Maintenance Plan will be prepared in relation to ongoing maintenance and conservation works to Fernhill estate.
- To open up the estate for public events, thus providing a public benefit from the management of the estate

5.3.2 Ecology

- Within the approximate 180 hectares within the subject land, 70 hectares are within the indicative development footprint.
- A total of approximately 50 hectares will potentially be impacted by the proposed subdivision within the residential footprint.
- Within the affected vegetation that may be potentially impacted approximately 25% is considered good quality and the remaining vegetation is poor.
- In order to preserve and have a minimal impact within the Western Precinct it is recommended that a vegetation management plan be implemented prior to the implementation of the residential allotments.

5.3.3 Bushfire

The subject land within the Western Precinct is identified as bushfire prone due to the presence of bushfire prone land within and adjoining the site. A bushfire hazard assessment was undertaken to confirm bushfire prone land adjoining the subject land.

- The vegetation formations within the Western Precinct can support high intensity bushfires most likely burning in forest formations and as a faster moving surface fire in open woodland communities without a shrubby understorey.
- The subject land has been subject to high intensity bushfires in the past. A range of mitigation measures are to be incorporated in the development of the Western Precinct.

- Asset Protection Zones are illustrated in figure 6 of the Bushfire Report for the Western Precinct prepared by GHD. These comprise of inner protection areas (IPA) and outer protection areas (OPA).
- The IPA will extend from the building line. It is contained within the residential allotments and will be maintained by the property owner.
- The OPA will extend from the IPA towards the hazard. The landholder is responsible for the OPA contained within the subject land.
- The maintenance of bushfire fuel within asset protection zones is important and the landowner will be responsible for this.
- A perimeter access in the form of a fire trail will provide suitable access for fire management and suppression purposes. The fire trail is accessible from three points within the subdivision.
 - The perimeter fire trail will provide a strategic control line around the hazard side of the APZ;
 - Fire Suppression and management activities can be undertaken by combat and management agencies using the fire trail without obstruction from residential traffic.
- Access is 6m with a minimum trafficable width of 4m. Where the access from the public road meets the fire-trail reversing bays are provided.
- Tank water will supply the subject land and there will be dedicated tanks for fire fighting.

5.3.4 Water Sensitive Urban Design

The Western Precinct is a 189 hectare parcel of land which has frontage to Fairlight Road to the South and rural / residential properties to the east. Of this precinct 68.6 hectares is within the proposed indicative development footprint. The precinct is proposed to accommodate 38 rural residential lots ranging in size from 20,000-24,000m².

The majority of the existing western catchment is classified as undeveloped bush land / rural pastures which are unmaintained and typically include low lying shrubs with scattered trees (as further discussed and addressed in the Ecological Assessment, by others).

Topographic contours and digital photographs indicate that there are two (2) existing creeks / overland Flow paths contained within the Western Precinct. Each of these flowpaths link a series of existing dams which appear to have previously been constructed for storage purposes rather than detention (Refer to Figure 10 and Section 3.2 for discussion Mott MacDonald, Stormwater Report). The first of these flow paths is situated towards the west of the precinct and assists in conveying flows to the N/E and is defined by the natural terrain. The terrain is also undulating with grades ranging from 1% to 4 %.

WSUD Strategy for the Western Precinct

- The (minor) drainage system will be designed to control nuisance flooding and enable effective stormwater management for the site. In accordance with council standards, the minor system will be designed for a minimum 5 year ARI. This minor piped system will incorporate a swale and culvert system to collect surface flows from the internal roads and lots and convey stormwater to the nearest waterway.

- No OSD is proposed for the western precinct as the proposed lots are to be rural residential with a max impervious area of 5%. The proposed rural lots are to have on-site rainwater harvesting tanks for re-use including drinking water (as no potable water reticulation is to be provided), as such it is expected that the large rainwater tanks will provide some attenuation to offset the increase in flows. Further to this the proposed subdivision footprint introduces greater division to the catchment where flows are attenuated by road swales and culvert crossings.
- Given the rural nature of the lots, the presence of grassed swales, the retention of large areas of reserve and the implementation of high re-use rainwater tanks, no additional water quality treatment is proposed for the site.
- Where the proposed road layout crosses the existing waterway alignment, box culverts are proposed to safely convey flows beneath the roadway. The culverts are to be designed to cater for the 100yr flow without overtopping.

Conclusion

The 38 rural residential lots to be sited across the subject land will pose minimal impact to surrounding catchment areas adjacent to the investigation area. Further, the implementation of the below mechanisms and recommendations pertaining to each Precinct are to be appropriately integrated within the detailed design process so as to help ensure that surrounding catchment areas are not adversely affected by such a proposal.

5.3.5 Geotechnical

- A Geotechnical Report is attached to this document, which assesses the suitability of the proposed development.

5.3.6 Contamination

- A contamination report is attached to this document, which assesses the suitability of the proposed development.

5.3.7 Traffic, Access and Public Transport

- The western area will include two roads connecting to the existing road network, Fairlight Road and Nepean Gorge Drive.
- The anticipated future traffic generation for the subject land is 32 vehicles per hour in peak times. The additional traffic generation is minimal and will have no adverse impacts on surrounding traffic networks.
- The proposal will increase the traffic volume along Fairlight Drive by 27%, however this is not anticipated to have any significant impacts as the increase is well below the RMS Road Design Guidelines of 500vph for a collector road.
- It is anticipated that traffic will be distributed to Mulgoa Road and 85% of traffic will head in a northerly direction and 15% will travel in a southern direction.

- There is a bus service that currently operates on Mulgoa Road that connects the Village of Mulgoa with Penrith and Warragamba. This service operates approximately every hour during the week and less frequently on weekends and during public holidays.
- The proposed new roads within the subject land are designed to accommodate bus services in the future.

5.3.8 Infrastructure Services

- The residential lots will be serviced by on site water rainwater detention tanks.
- The western precinct is currently not connected to any sewage system and would require a connection via the eastern precinct to the Mulgoa/Wallacia/Silverdale Sewerage Scheme. Existing rural residential properties within close proximity to the subject land currently utilise on site infiltration with septic tank, this would be appropriate for this precinct.
- Electricity will be provided to the subject land potentially via overhead lines to maintain the rural character of the area.
- The site currently has access to telecommunications services from Fairlight Rd.

6.0 ENVIRONMENTAL PLANNING ASSESSMENT:

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

The proposed development requires approval from the consent authority through Clause 5.10.10 as uses not permissible in the E2 and E3 zones are proposed within the subject land. The lot sizes are less than the development standards, thus approval is sought through the incentive to conserve and maintain the heritage items within the subject land.

An assessment of the proposed development is provided in the form of a compatible table. The Central (CP), Eastern (EP) and Western Precinct (WP) 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 (permissible under Clause 2.8)	YES
			Events and Functions Possibly classified as 'Function Centre' under LEP definitions.	NO 'Function Centre' not permissible in the E3 zone. (pursued through C5.10(10))
			Equestrian Centre Sporting Activities	NO 'Recreation Facilities (outdoor)' not permissible in the E3 zone. (pursued through C5.10(10))
			Outdoor Cinema and Concerts Possibly classified as 'entertainment centre' under LEP definitions.	NO 'Entertainment centre' not permissible in the E3 zone. (pursued through C5.10(10))
		Western and Eastern Precinct: zoned E3, Environmental	Residential subdivision	YES Dwelling houses are permitted

		Management		
4.1	Minimum Lot Size	Central Precinct	N/A	N/A
		Western Precinct: 'AB1' minimum of 10 hectare lots.	Subdivision into 38 lots of between 2-3ha hectares each.	NO (pursued through C5.10(10))
		Eastern Precinct: 'AB2' minimum of 20 hectare lots.	Subdivision into 54 lots of a minimum size of 900m ² each.	NO (pursued through C5.10(10))
4.3	Height	N/A	N/A	N/A
4.4	Floor Space Ratio	N/A	N/A	N/A
4.6	Exemptions to Development Standards	Subdivision in E3 zone cannot be granted if lot sizes are smaller than those specified. But under clause 5.10.10, development may be approved by enabling the conservation of Fernhill Estate.		

Aims of Penrith LEP 2010

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.	<p>The CP will enhance the sustainability and prosperity of the Mulgoa township and City of Penrith by providing a destination that enables the city to benefit from and the preservation of important ecological communities, state and locally listed heritage items.</p> <p>The EP & WP will enhance the prosperity of the Mulgoa area, with an emphasis on extending the existing qualities of the area through the retention of green buffers, clustering development, and integrating lot sizes with surrounding development for a consistent subdivision pattern.</p>
b) To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.	The CP has beneficial social, economic and environmental outcomes will preserve an important asset within the community and ensure its long term survival through implementing a financially viable conservation strategy. The proposed activities within the CP will provide

	<p>employment opportunities for the local community, whilst preserving important ecological communities is an integral component of the CP business plan. The CP limit environmental impacts while the economically sustainable business model enables the public to experience Fernhill.</p> <p>The EP and WP will obtain the principles of sustainable development through;</p> <ul style="list-style-type: none"> ▪ Social development which is achieved through providing a range of housing types to meet needs in housing markets, the protection of valued lifestyle, natural environment, and heritage values, community infrastructure provision, and support for local economic activity. ▪ Economic development through utilising the eastern precinct land to expand the Mulgoa Village, and the western precinct to expand existing rural development, for appropriate development of vacant land providing economic investment and growth opportunities. Environmental sustainability will be achieved by through environmental conservation areas, clustering development rather than a blanket subdivision, and maintaining a rural living quality.
c) To encourage development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change.	<p>THE CP proposal is designed in manner to have minimal impacts on climate change. The events proposed do not require any permanent building activity or permanent structures.</p> <p>The EP and WP will allow for development to be located away from flood areas, incorporate stormwater management. Retention of vegetation and proposed landscape concepts will assist in providing mitigation against urban heat island effect.</p>
d) To protect the environmental values and heritage of Penrith, including places of historic, aesthetic, architectural, natural, cultural, visual, and aboriginal significance.	<p>The whole application (CP,EP &WP) was informed by a working Heritage Conservation Plan and this document will also ensure the protection of these values.</p> <p>The general heritage items and identified Aboriginal archaeological sites will be protected</p>

	throughout development and construction in accordance with the Austral Archaeological Pty Ltd Report (2013) and the CMP.
e) To provide for an urban environment that is active, attractive, and safe for residents and visitors.	<p>CP, N/A</p> <p>This proposal will activate currently vacant land for residents and visitors. The EP will expand the existing Mulgoa Village, through appropriately landscaped and separated residential housing enhancing the northern gateway to the village. The WP is in keeping with the rural residential environment similar to the rural residential properties along Fairlight Drive.</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.	<p>The CP will provide employment and educational opportunities within the proposed uses catering for a variety of different people.</p> <p>The proposed subdivision with the EP & WP will provide additional construction jobs within the local community.</p>
g) To protect views and vistas from main roads and other vantage points	<p>CP, N/A</p> <p>The proposed EP and WP are located to minimise impact on views and vistas to and from Fernhill House, from Mulgoa Road and Fairlight Road and Fairlight House.</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>CP, N/A</p> <p>The EP and WP of the proposal ensures the rural and natural landscape qualities of the Mulgoa region are preserved through; locating the smaller lots in the eastern precinct as an extension from the village for a transition to the Fernhill heritage parkland, the larger lots in the western precinct located adjacent to existing rural development, the retention of vegetated areas, and clustering development instead of a blanket layout.</p>

Zone Objective of E3 Environmental Management

The proposal is located entirely within the E3 zoned area, a minor proportion of the Western Precinct is within the E2,

ZONE OBJECTIVE	COMMENT
To protect, manage, and restore areas with special ecological, scientific, cultural or aesthetic values.	<p>The CP will restore areas of important ecological values through the protection of vegetated areas and potentially entering into a bio-banking agreement. The Conservation Management Plan and Heritage Agreement will provide mechanisms to retain and preserve the heritage listed items within the CP.</p> <p>The western and eastern precincts will maintain the existing rural values through:</p> <ul style="list-style-type: none"> ▪ Maintaining green buffers and dominant landscape features. ▪ Proposing additional land for biobanking ▪ Maintaining significant views. ▪ Integrating development with existing Mulgoa Village and rural development subdivision patterns. ▪ Conserving heritage items.
To provide for a limited range of development that does not have an adverse effect on those values.	<p>The CP will provide a variety of activities that will have a positive impact on the cultural, ecological and aesthetic characteristics of the subject land. The proposed activities will generate income for the land, thus allowing the long-term maintenance of the values within the CP.</p> <p>The EP and WP subdivision pattern has been integrated with existing Mulgoa Village and rural development forms and substantial green buffers along Mulgoa Road and central to the western precinct to minimise effects.</p>
To minimise conflict between land uses within the zone and land uses within adjoining zones.	<p>The activities within the CP will minimise conflict between adjoining RU5, E2 and E3 zones through providing a development that does not involve any construction. It is proposed to accommodate activities and events that encompass the character and context of the site as discussed in detail within the working masterplan.</p>

	The EP & WP adjoins E2, Environmental Conservation, zoning that will be acknowledges through maintaining existing green buffers and proposing new biobanking zones, avoiding development on ridge lines, and clustering development into precincts with substantial space in-between rather than a blanket layout.
To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.	<p>CP, N/A</p> <p>The EP and WP will be extensions of existing urban and rural residential areas that have adequate existing road and public transport capacity and links. The EP can be connected via underground electric cables and serviced by Sydney Water. The sewage disposal system will likely be an extension to the existing Mulgoa system.</p> <p>The WP will be serviced from overhead cables along from Fairlight Rd. Potable water will be collected through on site rainwater tanks and an onsite infiltration system is proposed for sewage.</p>
To preserve and improve natural resources through appropriate land management practices.	<p>The implementation of the proposed heritage agreement and CMP will ensure that natural resources are preserved through appropriate land management practices within the CP.</p> <p>The EP and WP will balance values in the landscape such as water quality, and ecological and aboriginal heritage through maintaining and adding areas of vegetation in the precincts, protecting the identified Aboriginal archaeological sites, and developing around the existing reservoirs in the eastern precinct, thus preserving and adding to natural resources.</p>
E3 Zone Objectives	Comments
To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.	<p>The amalgamation of the CP will enable the most valued ecological and culturally important land to be maintained though the implementation of the Conservation Management Plan and heritage agreement.</p> <p>The EP and WP will maintain the existing values through:</p> <ul style="list-style-type: none"> ▪ Maintaining green buffers and dominant landscape features. ▪ Proposing additional land for biobanking protecting ecological values

	<ul style="list-style-type: none"> ▪ Maintaining significant views. ▪ Integrating development with existing Mulgoa Village and rural development subdivision patterns. <p>Conserving heritage items.</p>
To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	The proportion of the WP that is within the E2 zoning is quite minimal and there will be no damage to these important ecological, cultural or aesthetic values.
To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.	A comprehensive WSUD Strategy is in place within the Western precinct to preserve and enhance the water ecology and prevent adverse impacts on these important communities.
To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance	Rural residential subdivision is proposed which is in keeping with the surrounding character of the location.

5.9 PLEP 201 This component of the SEE will discuss how the proposal addresses the objectives and controls of 5.9.

CONTROLS	COMMENTS
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	The conservation and rectification of the ecology of the subject land (CP, EP and WP) is an integral component of the development. This is achieved through the proposed bio-banking, vegetation management and identifying residential precincts that will have minimal impacts on existing ecology.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.	An ecology study that has identified the vegetation within this proposal (CP, EP and WP) that is identified within this clause.
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:	No tree will be removed without approval from council post development consent.
a) development consent, or	Noted
b) a permit granted by the Council.	Noted
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.	N/A
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	Noted
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	Noted
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	Noted

(a) that is or forms part of a heritage item or that is within a heritage conservation area, or	A conservation management plan forms part of this application, which identifies vegetation and identifies mechanisms to conserve items of vegetation within these areas.
b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,	An archaeological report forms part of this application and has identified areas of aboriginal significance. These areas are not impacted by the proposed development and thus no trees within these areas will be affected.
(c) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	Noted.
(8) This clause does not apply to or in respect of:	N/A

5.10 Heritage Conservation

Objectives	Comments
to conserve the environmental heritage of Penrith,	<p>The CP will ultimately be conserved through the amalgamation of approximately 400ha of land and the protection of existing vegetation. Vegetated areas within the central precinct will be dedicated for environmental conservation potentially through bio-banking.</p> <p>The EP and WP will retain the existing environmental character of the Mulgoa area will be maintained through retaining green buffers, dominant natural features and environmental conservation areas, significant vantage point views, clustering development rather than a blanket layout that is minimised along ridge lines, and maintaining a rural living quality.</p>
to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The CP conserves the environmental significance of the Fernhill Estate. The fabric of the buildings and site is conserved and maintained, this is set out in various schedules of work and has already been demonstrated by the works undertaken over the last 6

	<p>months to stabilise and repair the place. This extends to the setting which is also set out in detail in the work schedules.</p> <p>Views have also been carefully considered and are to be retained and where feasible recovered as part of the longer term works program for the site.</p> <p>The general heritage items identified in the E & P will be conserved through the retention of existing vegetation proposed in the residential precincts, maintaining significant existing land uses and views, maintaining existing green buffers and dominant natural features, and integrating new development with the existing subdivision patterns.</p>
to conserve archaeological sites,	Aboriginal archaeological sites identified on the development site will be conserved in accordance with the Austral Archaeological Pty Ltd Report which forms part of this application.
To conserve Aboriginal objects and Aboriginal places of heritage significance.	Within the whole site there are 3 potential archaeological deposits and 9 archaeological sites will be conserved through archaeological test excavations in sites that could potentially be disturbed by development, sites to be fenced off during construction, and a stop work order issued if additional relics are found.
(5.10.4) <i>"consider the effect of the proposed development on the heritage significance of the item or area concerned" prior to granting consent.</i>	The development application and section 60 application processes provide for both Penrith City Council and the Heritage Council to consider any effects of development on the heritage values of the place.
(5.10.5 & 6) enables the consent authority to require the submission of a CMP and/or a Heritage Impact Statement in relation to any development proposal affecting a heritage item.	<p>A CMP has been prepared and is provided with the application along with this HIS and schedules of works.</p> <p>The CMP is submitted for endorsement and the documents satisfy the LEP requirement.</p>

5.10.7 Archaeological Sites

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

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.
(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 application.

5.10.10 Heritage Incentives

Objectives	Comment
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	The Development Application is proposed to be approved utilising Clause 5.10.10 Heritage Incentives as elements are non-complying with LEP provisions as outlined above. The application proposes a Heritage Agreement which will facilitate the conservation of Fernhill

	<p>Estate.</p> <p>The estate faces an uncertain future due to debt, unless it can receive sufficient financial support through the proposed subdivision, uses and events, which providing funding for the conservation and significance of the estate</p> <p>The proposed uses in the CP will provide funding for the long-term conservation of the Fernhill Estate.</p> <p>This is addressed through the relevant supportive Draft Working Heritage Masterplan and Conservation Management Plan and supported by the Heritage Agreement.</p>
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and	<p>The HIS advises that "Fernhill is unlikely to survive as an estate if this proposal does not proceed"</p> <p>The proposal is in accordance with the Conservation Management Plan which allows a range of uses consistent with the Working Heritage Masterplan.</p> <p>Proposed land uses are in accordance with areas that have been identified for "active uses" by the Conservation Management Plan).</p>
c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and	<p>The Conservation Management Plan clearly identifies conservation policies to assist the property owner to manage the site's historic and diverse value. Refer to Section 6.1 of the Working Heritage Masterplan for further information.</p> <p>The acknowledgement and recognition of the to a long term heritage management commitment is supported by the Heritage</p>

	Agreement
(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	<p>In this case the heritage item is Fernhill, even though some of the land to be developed is outside the state heritage listed land. With regard to the eastern precinct, as this is heritage listed in relation to Fernhill it is the potential impact n Fernhill that needs to be considered rather than any impact on the land proposed for sub-division.</p> <p>The exception to this is the site of the former slab cottage, which should be investigated prior to works taking place. The sub-division has no impact on the western precinct in terms of Heritage values as the land is not presently heritage listed and the archaeological sites have been carefully worked around to avoid any impact. The introduction of new uses and expanded uses onto Fernhill estate could have some potential to create heritage impacts on the estate.</p>

6.1 Earthworks of the PLEP 2010

1)(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,	<p>CP, N/A</p> <p>The proposed earth works within the E & P will be managed in manner to have no adverse impact on the environment or cultural or heritage items.</p>
(b) to allow earthworks of a minor nature without separate development consent.	<p>CP, N/A</p> <p>It is proposed that the earthworks associated with this proposal be granted consent within this application.</p>
2) Development consent is required for earthworks unless:	<p>CP, N/A</p> <p>This development application is an application to commence earth works within the Eastern and Western Precinct, which is detailed in Mott Macdonald's drawings attached to this application.</p>
(3) Before granting development consent for earthworks, the consent authority must consider the following matters	
(a) the likely disruption of, or any	The earthworks proposed will have a minimal

detrimental effect on, existing drainage patterns and soil stability in the locality,	impact on the existing drainage patterns. A geotechnical report forms part of this application.
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The earthworks will enable the creation of new roads and infrastructure to service the residential subdivision within the East and Western Precinct there is no earthworks proposed within the Central Precinct.
(c) the quality of the fill or the soil to be excavated, or both,	This is provide within the Geotechnical report, which forms part of this application.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	N/A
(e) the source of any fill material and the destination of any excavated material,	This will be addressed prior to the issuance of a construction certificate. Material available on site will be utilised where possible.
(f) the likelihood of disturbing relics,	Initial archeological reports indicate that there is no likelihood of disturbing relics. Work would stop immediately if any relics or artifacts are discovered.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The proposed earthworks will have no adverse impacts on any water catchment. Mitigation measures will be adopted during the construction process.

6.4 Development on natural resources sensitive land

Objectives	Comments
a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land,	<p>The Development proposed in the CP will have minimal implications on the ecological communities within the subject land. There is no building or permanent structures proposed and activities are located within areas that are not ecologically sensitive. A CMP and Masterplan outline the processes in place that will protect and enhance the ecological communities.</p> <p>The EP development footprint has been designed to:</p> <ul style="list-style-type: none"> ▪ Be contiguous with existing urban development.

	<ul style="list-style-type: none"> ▪ Avoid the majority of Cumberland Plain Woodland within the precinct ▪ Provide for retention and appropriate treatment of riparian zones. <p>The WP development footprint has been designed to:</p> <ul style="list-style-type: none"> ▪ Minimise runoff and edge effects impacting on the adjacent national park and Nepean River. ▪ Reduce or avoid impacts on known threatened plant species in the area.
b) to enhance connections between remnants of indigenous vegetation,	Throughout the subject (CP, EP & WP) land Green corridors are enhanced and conserved by maintaining green buffers and adding to vegetation through proposed bio-banking areas outside of this application.
c) to prevent the fragmentation and degradation of remnant vegetation	Through the subject (CP, EP & WP) land enhancing connections between existing vegetation and remnant vegetation will prevent the degradation of remnant vegetation. The clustering of the residential precincts within the EP & WP, opposed to a continuous' subdivision throughout the subject land ensures these connections are retained and enhanced where possible.
d) to ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land.	<p>The CP has been designed in manner to have minimal implications on the natural environment. Mechanisms are proposed such as biobanking the retention of vegetation and preserving remnant vegetation.</p> <p>The EP and WP will have minimal implications on the existing ecological communities as identified in Ecological report GHD.</p>
2) This clause applies to all land shown as "Natural Resources sensitive land" on the Natural Resources Sensitivity Land Map	Part of the subject land is identified within the Natural Resources Sensitivity Land Map.
3) Development consent is required for the following on land to which this clause applies:	

the subdivision of land,	This is an application for the subdivision of land within the EP and WP.
earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line),	This is an application for earthworks to provide the required services and roads for the subdivision within the EP and WP.
the carrying out of a work,	
clearing vegetation (including slashing or underscrubbing),	This is an application for the clearing and slashing of vegetation to enable the proposed earthworks and roads to service the EP & WP.
irrigation with treated effluent.	
4) Before deciding an application to carry out development mentioned in subclause (3), the consent authority must consider whether the development meets the objectives of this clause and such of the following as are relevant:	
the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,	<p>An ecological report identifying the significance of vegetation within the CP forms part of this application.</p> <p>An ecological report identifying the significance of the vegetation and the impacts of the subdivision within the Eastern and Western Precinct forms part of this application.</p>
the importance of the vegetation in that particular location to native fauna	Throughout the subject land CP, EP & WP) the importance of vegetation, remanent vegetation and corridors to fauna is emphasised within the site planning of the development. The residential subdivision is clustered in the Eastern and Western corners of the site. The residential component of the subject land is not spread and enables fauna to utilise vegetation corridors and existing clusters of vegetation as habitat and access to the vegetation within the Blue Mountains National Park.
the strategic importance of the land as part of a biodiversity corridor	Biodiversity corridors will be retained within the subject land.
the sensitivity of the land and the effect of clearing vegetation	The proposal proposes minimal clearing. The type of clearing proposed is to accommodate the construction of roads and infrastructure to service the residential precincts, which is insignificant

	considering the magnitude of the site. The Ecology report prepared by GHD indicates that the clearing will have minimal impacts on biodiversity and the subject land.
the relative stability of the bed and banks of any waterway that may be affected by the development, whether on the site, upstream or downstream	<p>The activities proposed within the CP will have minimal implications on the water catchments within or outside the site. There is not proposed works that will modify or affect waterways within the CP.</p> <p>Within the EP and WP the stability of natural waterways is critical to the stormwater and water quality management of the proposal. The overland flow generated is mitigated through detention swales and riparian corridors.</p>
the effect of the development on waterway health, including pollution of the waterway, a significant increase or decrease in the amount or velocity of runoff entering the waterway, or a significant increase in siltation of the waterway,	<p>CP, N/A</p> <p>Within the EP and WP the water quality of runoff and velocity of runoff is mitigated through Urban Pollution Traps, detention swales and a stormwater pipe system to mitigate surface water.</p>
the effect of the development on the functions of aquatic ecosystems (such as habitat and connectivity).	The impact of the proposal on the surrounding catchment is minimal. No natural watercourse is transfigured and runoff is mitigated within the EP and WP through pollution traps to ensure upstream habitats are not impacted.
5) Development consent must not be granted to development mentioned in subclause (3) unless the consent authority is satisfied that:	
the development is designed and will be located and managed to avoid any potential adverse environmental impact, or	The preservation of ecology and protection of habitat is integrated within this development. The site planning and WSUD will ensure the EP & WP have minimal implications on the natural environment. Whilst biobanking and the vegetation management will preserve the existing ecosystems within the subject land.
if a potential adverse environmental impact cannot be avoided, the development:	This information is included within the Ecological Report
is designed and located so as to have	Land clearing and earthworks are in

minimum adverse impact, and	locations that have minimal impacts on natural habitats and existing ecological communities. WSUD is implemented within the residential component to mitigate any potential impacts on water quality.
incorporates effective measures to remedy or mitigate any adverse impact caused.	There will be additional planting and water quality management to ensure that any adverse impacts can be managed and reversed.

6.5 Protection of Scenic Character

Below is an assessment of the proposal within the LEP through a compatibility table.

Aims	Comments
(a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land	<p>The conservation and rectification of the ecology of the subject land within the CP is an integral component of the development. This is achieved through the proposed bio-banking, vegetation management and identifying residential precincts that will have minimal impacts on existing ecology.</p> <p>The location of the EP is a discrete subdivision that appears a natural extension of the village of Mulgoa. The EP is designed to conserve ecological communities through vegetation buffers and WSUD.</p> <p>The WP is located to have a minimal impact with existing vegetation buffers designed to preserve ecological communities and natural waterways within proximity of the subject land. The WP is designed according to WSUD.</p>
(b) to enhance connections between remnants of indigenous vegetation,	Enhancing connections between existing vegetation and remnant vegetation will prevent the degradation of remnant vegetation. The clustering of residential precincts as opposed to spreading them out. Thus ensuring these connections remain.
(c) to prevent the fragmentation and degradation of remnant vegetation,	Enhancing connections between existing vegetation and remnant vegetation will prevent the degradation of remnant

	vegetation. The clustering of residential precincts as opposed to spreading them out. Thus ensuring these connections remain.
(d) to ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land.	<p>The CP Development will have minimal impact on the natural environment with the development proposed within the CP not incorporating clearing or construction works.</p> <p>The Eastern and Western Precinct will have minimal implications on the existing ecological communities. This is discussed in detail within the Ecological Reporting prepared by GHD that forms part of this application.</p>

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	<p>CP – N/A</p> <p>The Eastern Precinct will be connected to reticulated Sydney Water supply. The western precinct allotments will be serviced on site by rainwater tanks.</p>
(b) the development will have adequate facilities for the removal and disposal of sewage, and	The Eastern Precinct will be connected to the local sewage system. The Western precinct will dispose of sewage through an onsite infiltration system.
c) the need for public amenities or public services has been or will be met.	The population increase as result of the development is somewhat minimal, however critical local services such as Mulgoa Primary School will benefit from the additional residents as it has been declining in attendance in recent years.

6.9 Mulgoa Valley

Objectives	Comments
1(a) to establish specific planning controls for land in the Mulgoa Valley (<i>the valley</i>),	The subject land is within the Mulgoa Valley.
1(b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the	The amalgamation of land within the CP will enable the continuing uses within the Fernhill estate, which includes equestrian activities and

<p>villages of Mulgoa and Wallacia,</p>	<p>agistment of stock. The landscape will be preserved as part of the conservation management plan, through the mitigation of the noxious weeds and upkeep of the character of the landscape.</p> <p>The subdivision of the Eastern and Western precinct will enable the Fernhill Estate to continue to exist as an Estate. Preserving the rural, agricultural and heritage values the site offers. The Eastern precinct is an extension of the village of Mulgoa and the visual amenity from Mulgoa Road is preserved. The Western Precinct allotments are a typical size of surrounding properties within rural residential subdivision on Fairlight Drive .</p>
<p>1(c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,</p>	<p>The Central precinct will significantly improve tourism and recreation opportunities within Mulgoa and Penrith City enabling the public to utilise the facilities within Fernhill Estate as a functions and events centre. This is explained in detail within the Masterplan and Conservation Management Plan, which forms part of this application.</p> <p>The proposed Eastern and Western Precincts are designed to maintain and preserve the positive attributes of the natural landscape, through landscaping, buffering the existing vegetation and dedicating land for biobanking to preserve ecology.</p>
<p>1(d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.</p>	<p>Traffic Mitigation measures are proposed within the GTA report for the Central precinct and 6.1.6 of this SEE.</p> <p>The traffic generation of the events proposed within the central precinct will not have an adverse effect on Mulgoa Rd, previous large events have been held there catering for 15,000 people. The proposal rests approval for 2500 people (approx. 1000 vehicles) and occasional use of the site for 10,000 person functions (4,000 vehicles). Larger events are subject to separate development applications</p>

	<p>under clause 2.8 of Penrith LEP2010.</p> <p>Fairlight Drive and Mulgoa Rd are well under the RMS road design guidelines for VPH during peak periods and the total increase is 78VPA during peak periods, which is a minimal increase. Thus the Western and Eastern precinct having no adverse impact.</p> <p>The proposed intersection upgrades of Mulgoa Road are consistent in character with other interactions along Mulgoa Road including BAL intersections at the Glenmore Golf Course and the Neapean Christian School bot located north of the site, and a BAR intersection at the Electrical substation north of the site.</p>
<p>(3) Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following:</p> <p>(a) that any proposed building will not be located on a ridgetop and will not intrude into the skyline when viewed from a road or other public place,</p>	<p>CP, N/A</p> <p>The proposed EP and WP residential subdivision enables allotment to be developed in a way that visual impacts can be mitigated. The proposed development does not compromise views afforded from public domain locations.</p>
<p>(b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley,</p>	<p>The proposed development (CP, EP & WP) is subject to a heritage agreement and is lodged under part 5.10 (10) of the Penrith LEP 2010. The preservation of the items mentioned are critical to the proposal progressing.</p>
<p>(c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,</p>	<p>N/A –development on allotments are subject to separate Development Applications.</p>
<p>(d) that the proposed development will not detract from the “Vistas of heritage items” specified on the Scenic and Landscape Values Map,</p>	<p>The proposed development (CP, EP & WP) is subject to a heritage agreement and is lodged under part 5.10 (10) of the Penrith LEP 2010. The preservation of the items mentioned are critical to the proposal progressing.</p>

(e) that extensive areas of vegetation will not be cleared for the proposed development	Within the proposal (CP, EP and WP) minimal vegetation is being removed. The only vegetation that is proposed to be removed is to accommodate the development of new roads and accommodate services to the residential allotments within EP and WP.
(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 the CMP. The preservation of ecological communities within existing vegetation is notated within the ecological reports for each precinct, which form part of this application.
(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 CP. The EP and WP are located in areas where agricultural activities occur. The subdivision of these sites, is critical to the preservation of the Central Precinct and thus enabling a large portion of the estate to be continued to be utilised for agricultural purposes.
(h) that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,	The general heritage items and identified Aboriginal archaeological sites will be protected throughout development and construction in accordance with the Austral Archaeological Pty Ltd Report (2013) and the CMP.
(i) that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,	CP, N/A The view from Mulgoa Road and the rural setting of Mulgoa will not be adversely affected as a result of the EP and WP. The activities within the Central Precinct will ensure that the heritage listed estate becomes a feasible operation, maintaining the parkland setting that can be viewed from Mulgoa Road. The Eastern precinct is an extension of Mulgoa village and the layout of the residential allotments preserves the character of the area through landscape and setting of lots behind

	<p>the ridgeline beyond the northern gateway of the village.</p> <p>The Western Precinct is some distance from Mulgoa road and will have no impact on the setting of Mulgoa or view from Mulgoa Road.</p>
(k) that any upgrading required to maintain safety and efficiency will not detract from the present rural	<p>As part of this application it is requested that the speed limit be reduced from 80km per hour to 60km from the entrance to the development to the Village of Mulgoa. This will ensure the safety of pedestrians, cyclists and other vehicles within the vicinity of the village of Mulgoa.</p> <p>A channelized right hand turn lane is proposed from Mulgoa Rd, to the Central Precinct to accommodate events and prevent delays for southbound traffic.</p>

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 development application. This proposal is considered to be of a wider 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 ensured conservation and maintenance of the Fernhill Estate, in accordance with the CMP, through a heritage agreement and funding to pay for the works enables the proposal to meet the criteria of Clause 5.10 (10) of the PLEP 2010. The works outlined in the CMP are considered appropriate and go above what would be required under s118 of the Heritage Act 1977.
- Vegetation management implemented, to ensure the achievement of strategic environmental enhancement outcomes across both the Central, Eastern and Western Precincts, which incorporate;
 - Retention of Vegetation/ bio-banking
 - Water Sensitive Urban Design to preserve water quality and riparian corridors.
- Residential lots will provide additional housing to meet the draft subregional strategies for the subject land including the provision of housing diversity with a range of lot sizes.
- The activation of the Fernhill Estate will provide additional economic benefits for the township of Mulgoa. The additional residential allotments are within the desired character within 6.9 of PLEP 2010.
- The provision of additional housing within the Eastern and Western Precinct will support ongoing underutilised social infrastructure, in particular Mulgoa primary school.
- The activities proposed within the Central Precinct will provide employment opportunities for local residents directly and indirectly through local businesses servicing events, functions and equestrian activities. The development of the Eastern and Western Precinct will provide construction and trade jobs throughout their construction.

8.0 CONCLUSION:

The application to enable the subdivision of the East and Western Precinct and the activation of the Central Precinct under clause 5.10 (10) within the PLEP 2010, should be approved;

- The proposal will enable the preservation and maintenance of significant heritage items within the Fernhill Estate.

- The activation of the Central Precinct will enable 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 that will be in place.
- The activation of the central precinct will enable important ecological footprints to be preserved through bio-banking and vegetation management.
- The proposal will provide a landmark destination for Western Sydney and enable a variety of events to occur in the future.
- Introduces a range of uses previously not available in for residents of the villages of the Lower Penrith Valley.

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.