

Our reference: ECM: 4262496
Contact: Paul Lemm
Telephone: (02) 4732 7526

2 September 2013

Mr Peter Harvey
Mulgoa Progress Association
PO Box 71
MULGOA NSW 2745

Dear Mr Harvey

Fernhill Development Application

Thank you for your letter dated 22 August 2013 in which you raise several concerns about the above matter.

Council understands how much the local community values the heritage asset of Fernhill and the existing character and amenity of the Mulgoa area. I can assure you that Council gives serious and proper consideration to the merits of all the competing issues in assessing any development application (DA). This important and complex DA is certainly no exception and we are acutely aware of the long and short term implications to be weighed up in evaluating it.

Assessment of the Fernhill proposal is just beginning, and a substantial amount of site assessment and evaluation remains to be done. Council officers have asked the applicant to provide more details about some aspects of their DA and once this information is submitted the application will be placed on public exhibition for comment.

It is likely this DA will qualify for determination by the Sydney West Joint Regional Planning Panel, a Joint Regional Planning Panel. These panels consist of 3 state-appointed and 2 Council members and determine DAs that are regionally significant, including development with a capital investment value over \$20 million.

In any case the application will be determined in the public arena following the proper procedures, and the applicant will need to demonstrate that they meet a range of requirements including those in the LEP and the *Environmental Planning and Assessment Act 1979*.

As you know, Clause 5.10 of LEP 2010 allows Council to
[...]"Grant consent to development for any purpose of a building that is a heritage item or of land on which such a building is erected" [...] "Even though development for that purpose would otherwise not be allowed [...]"

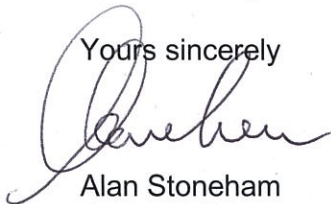
The Fernhill Estate is listed as a heritage item in Schedule 5 of the Environmental Heritage of LEP 2010. The *Environmental Planning and Assessment Act 1979* defines 'development' as including subdivision. The current proposal is therefore captured by the incentive provisions as being permissible but subject to compliance with a range of other requirements which focus on conservation, site suitability and amenity impacts.

I note your reference to the 2010 letter from Council to Urbis, but point out that this was in the different context of a rezoning proposal for the eastern precinct. That proposal was determined to be unacceptable on a number of grounds including the large number of lots (200).

Thank you for your invitation for Council officers to attend this evening's Mulgoa Progress Association meeting as observers. We appreciate this opportunity to hear first-hand the views and concerns of residents.

Please do not hesitate to contact Development Services Manager, Paul Lemm on 4732 7526 if you would like to discuss this matter further.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Alan Stoneham', written over the typed name.

Alan Stoneham
General Manager