



David Shoebridge MLC
Member of the NSW Legislative Council

The Greens NSW

Submission

17 October 2014

General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751
council@penrithcity.nsw.gov.au

RE: DA14/0966 & DA14/0967 Fernhill Estate subdivision

Dear General Manager,

Thank you for the opportunity to respond to the proposed subdivision of the Fernhill Estate with these two related development applications DA14/0966 and DA14/0967.

In addition to a rich Aboriginal history, the Fernhill area has a long colonial history. Fernhill was one of the first land grants issued by Governor Macquarie in 1810 to William Cox, with the homestead built in 1942 by William Cox for his son Edward who went on to build the Great Western Road across the Blue Mountains.

At the outset I note my strong concerns and opposition to the proposed subdivision. My office has received representations from a number of local residents raising their substantial concerns about the proposal and its impact on their local area.

The consolidation of 14 lots, which will be subsequently subdivided in a number of lots across the eastern and western precincts of the property, raises serious concerns regarding overdevelopment.

Of particular concern is that the proposed development would destroy the precious heritage of the Fernhill Estate and the surrounding area in the Mulgoa Valley. The proposed subdivision appears to be a clear abuse of heritage provisions that, instead of protecting the site from overdevelopment, are being used to facilitate it.

The proposal is clearly an inappropriate use of clause 5.10 of the Council's Local Environment Plan. There is no specific nexus between the proposed subdivision and the maintenance of the heritage of the site. To allow an amalgamation of adjoining lots and the placing of these lots within the bounds of the heritage item, solely for the purpose of taking advantage of clause 5.10 is a deliberate strategy to abuse the heritage protection intent of the clause and should not be countenanced by Council.



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If this application is approved it will represent a very damaging precedent for Council's heritage protection clause which will see what was intended to be a protective clause become an avenue for inappropriate and otherwise unlawful development that damages heritage items in the LGA.

Residents have also raised environmental concerns about proposed events on the site, and the environmental damage and pollution that these will cause for the site.

I have also been advised that there are also substantial concerns about the impact on local traffic flow, and not that the Eastern Precinct only includes a single road entry/exit point which could reasonably be anticipated to create bottlenecks.

The proposal that the Western Precinct be subdivided into eleven 10 hectare lots includes a suggested Biobanking Agreement over part of this land. The applicant has however failed to submit the necessary Ecological Assessments that are required by local, state and federal legislation to support such a proposal. As such this aspect of the development cannot properly be considered by Council.

For the reasons set out above I would urge the council to reject these applications.

Regards,

A handwritten signature in black ink, appearing to read 'D. Shoebridge', written in a cursive style.

David Shoebridge
Greens NSW MP