

Submission to Future Use Options Paper for Fernhill Estate

Thank you for the opportunity to comment on the “Fernhill Estate — Future Use Options paper” (December 2019). Council supports the Government’s purchase of Fernhill Estate, the investigations into its potential and looks forward to working with the NSW Government to enable more public access to this incredible asset.

Council has long held a vision that Fernhill’s unique offering be preserved and celebrated through appropriate activation that allows greater public access without jeopardising its iconic attributes and idyllic rural setting.

We acknowledge the community consultation currently underway and the Department of Planning, Industry and Environment’s commitment to develop a Plan of Management that reflects a considered and aspirational approach to the ongoing uses of Fernhill.



Executive Summary

Following the acquisition of Fernhill Estate by the NSW Government in 2018, the Department of Planning, Industry and Environment (DPIE) has prepared a draft Future Use Options Paper (Options Paper) outlining potential future uses that would open Fernhill Estate for public use.

This submission outlines Penrith City Council's position regarding the significant opportunities that exist at Fernhill in a community, tourism and recreational sense, as well as a number of issues that should be addressed in any long-term planning for the Estate.

Council has a vision that Fernhill's unique offering be preserved and celebrated through appropriate activation that allows greater public access without jeopardising its iconic attributes, heritage elements and idyllic rural setting. In response to the Options Paper, Council's position on the future use of the Estate is that it has incredible potential as a tourism destination and public recreation space; leveraging the current land uses and strengthening its viability as an events hub.

Future land use, such as the option of an events destination, needs to be managed to minimise the impact on aspects such as heritage and the environment. This means that future uses will need to relate to the built and landscape features, with a focus on balance between heritage, public use and long-term viability. The Estate is large enough that together with an events/tourism use, other uses complementary with the landscape could be supported including an outdoor sculpture museum. Infrastructure to support these possible uses is critical.

Background

Fernhill Estate is in Mulgoa Valley, approximately 10 kilometres south west of Penrith in Western Sydney. Within the 412 hectares of Fernhill Estate is the historic homestead which is one of Australia's finest examples of Georgian architecture. The existing historic gardens, paddocks and surrounding bushland provide an opportunity to create new public open space at the gateway of the Blue Mountains National Park and the Nepean River.

Fernhill has always been held in private ownership as a residence with limited public access. In 2012, under part-ownership of the Tripp family, plans to develop a portion of the site and open it to the public for a range of functions and events began. Council has long held a significant interest in the future uses of Fernhill.

Events including weddings, a picnic race meeting and concert were held at Fernhill during this time. However, in 2017 Fernhill returned to the market. Sydney's Rookwood General Cemeteries Reserve Trust expressed an interest in purchasing the site as a cemetery and crematorium, which was strongly opposed by Council and the community.

In 2018, the NSW Government acquired Fernhill Estate and subsequently, two adjacent properties, bringing the 412-hectare site into public ownership. Since the

properties were acquired, the Office of Strategic Lands (OSL) has carried out essential repairs to the estate's building and fencing, while continuing to lease the equestrian centre. Concurrently, work to identify future uses of Fernhill Estate has begun.

Planning controls and land ownership



The Estate falls under two zonings with the Western portion E2 (Environmental Conservation) and the eastern section, including structures and the homestead E3 (Environmental Management) in the Penrith LEP (2010). The options paper largely focuses on the portion zoned E3. Predominantly, the lands zoned E2, are subject to several Biobanking Agreements, and it is recommended in the Options Paper that this be continued, noting other uses are largely prohibited. Activities permitted with consent include environmental protection, environmental facilities and recreation areas.

While the applicable zonings prohibit many of the uses outlined for consideration in the Options Paper, it is noted a Heritage conservation clause (5.10) of the Penrith LEP 2010 facilitates uses, that are otherwise prohibited, could be activated referencing the Conservation Management Plan undertaken for Fernhill.

Council has received two planning proposals for land for Fernhill Eastern and Western Precinct proposals previously. The western precinct planning proposal is not located within the current Government owned lot. The eastern precinct planning proposal at 1147-1187 Mulgoa road is located within the boundaries of the land now owned by the State Government.

Opportunities for Future Uses

It is critical that, with both infrastructure and population growth in Penrith, Fernhill Estate provides present and future residents with access to a local space and place that provides multiple recreation, social, economic and environmental benefits while preserving and maintaining the green infrastructure through careful planning and design. The protection of high value scenic and cultural landscapes is also important to the Community, as well as to people working in and visiting the City. Fernhill Estate is part of the Mulgoa Valley which is recognised as having “a landscape of significance at a regional or higher value”.

Maximising the opportunities available at Fernhill Estate meets many of the Planning Priorities as outlined in our draft Local Strategic Planning Statement and Planning Outcomes in our Community Plan. Given the size of the site and the number of existing facilities, it offers opportunities for multiple co-existing uses. Any expansion of opportunities would be subject to a development approval process and would be inclusive of aspects such as waste management, noise management, traffic management, environmental impact and heritage considerations.

We have a once-in-a-generation opportunity to create a significant new tourism and multi-use event destination. Council has always taken the position that Fernhill’s unique qualities be preserved and celebrated through appropriate activation that allows greater public access without jeopardising its iconic attributes and idyllic rural setting. In response to the Options Paper, Council’s position on the future use of the Estate is that it has long-term potential as a tourism destination, leveraging the current land uses and potential as an events hub.

Future land use, such as the option of an events destination, needs to be managed to minimise the impact on aspects such as heritage and the environment. This means that future uses will need to relate to the built and natural features, with a focus on balance between heritage, public use and long-term viability. The Estate is large enough that together with an events/tourism use, other uses complementary with the site could be supported including an outdoor sculpture museum. Commentary on these options together with others raised in the Options Paper are discussed below:

Tourism and events

The opportunities put forward for consideration are all aligned to be strong draw cards to promote Fernhill as an events/tourism destination. A key directive for Council’s Visitor Economy Strategy is to extend the length of stay for any visitor to Penrith by an extra night. Fernhill Estate would be a hugely attractive additional ‘must-do’ for many different visitor sectors.

Opening the Estate to year-round, passive recreation, is bolstered by a strong events calendar (public and private events) executed on-site. Every event can be crafted to appeal to a distinct audience with the aim of bringing a diverse range of interest groups and communities to discover the destination. The Estate is large enough that together

with an events/tourism use, other uses complementary with the landscape could be supported including a permanent outdoor sculpture museum.

Council recognises that events deliver many positive impacts to a community and so that it is best placed to take advantage of these opportunities, a comprehensive City Events Strategy is currently under development. This strategy will guide the city in event planning and decision making so that Council can deliver a balanced portfolio of the right events across the year that will maximise the economic, social and community benefits for the city.

During recent engagement with event partners, Council was told that Penrith is lacking a large-scale 'greenfield' space that can be reimagined as everything from a concert venue to food and wine festival. The space can be utilised for Council owned events or opened-up to outside promoters. Fernhill Estate could become The Domain for our region. Events at Fernhill in the past have catered to crowds as large as 5000-6000 people per day. The addition of Fernhill as an event space for a diverse range of large and small events would be of significant benefit in attracting events to our city in the future.

Large-scale events would be assessed on a case-by-case basis. Low impact events such as opera or carols would be preferred over higher impact events such as music festivals occurring on a regular basis, however, there is merit in utilising the venue for these higher impact events once or twice a year, keeping mindful of the idyllic and peaceful rural setting of the venue.

Expanded equestrian offerings and low impact activities offered in the biobanking area make Fernhill a truly unique tourist driver. It's also strongly complimentary to the existing public and privately-operated tourism offerings of the region. Such an open, picturesque site coupled with the reimagining of the experience through events will significantly improve the perception of Penrith and what it can offer to visitors.

Ensuring that Fernhill grounds are open to the public year-round will be essential in marketing its appeal as a heritage tourism destination. Even when there's nothing on, there's always a reason to visit. Passive recreation is a strong 'always on' drawcard between events. This is further enhanced by the potential of an outdoor sculpture park.

Being able to escape the city and relax in a cool, tranquil setting has benefits that speak to what it is that we want for our families and community. Growers markets, motoring club meets, and so on, could be accommodated easily on smaller section of the Estate, without scaling to the size of a concert.

Given its incredible visual amenity and historical appeal, the Fernhill Estate has been a popular location for wedding venues in the past. The opportunity to expand the offer and capture a bigger and more consistent stream of corporate retreats, weddings and other similarly sized events is evident. The Estate provides a large array of locations for potential film and television shoots (The Bachelor has filmed episodes here in the past).

Supporting Events Infrastructure

To increase visitation in any capacity, DA proceedings and upgraded infrastructure will be required. Upgraded amenities and the creation of a catering kitchen are key event-logistic requirements required to expand the potential for events taking place regularly.

There is potential to provide short-term accommodation in a few locations around the estate that could support other uses and provide a supplementary income stream for the property. Accommodation could take a range of forms including provision for camping, 'glamping', self-contained temporary/transportable cabins and guesthouse accommodation in existing structures.

The Submission requests that the Costed Maintenance Plan should be for a minimum of 25 years and thoroughly detailed. To this end, it should include mechanisms for ongoing funding such as establishing a fund to return income from activities, such as events or short term accommodation on the Estate towards maintenance over time.

CMP will need to be approved by the Heritage Branch of the NSW Government and contain an agreed-upon management approach for the site. Any future activities on the site will need to be consistent with the CMP.

Community access to rural open space

The opportunities offered by public ownership of a large parcel like Fernhill Estate generate a responsibility to realise social benefits through use of the site. Community benefit from rural lands would be improved through enhanced and equitable access to recreational places in these areas. The Fernhill Estate site represents a rare opportunity in the LGA to improve community access to recreational space in a rural setting. Currently, scenic rural view assets are primarily available to the community whilst travelling by car, at speeds that offer little opportunity to enjoy the setting. Publicly accessible recreational uses that make the most of the scenic value of the LGA's rural lands would encourage recreational activity that is affordable and that works to address local health issues. These recreational uses would offer a space for the community to spend time enjoying a rural landscape as pedestrians.

The vistas of mountains, lakes, rivers and rural lands are a unique attractor within the Greater Sydney region. Improving this asset for community benefit can also impact tourism and economic sectors. By using shared paths to link future recreational spaces at Fernhill Estate to the nearby rural village of Mulgoa, the value of co-location can be used to encourage more visitation and economic activity for businesses in rural villages (cafés and dining, recreation/fitness and wellness activities, accommodation opportunities). Shared paths in rural lands could also provide an opportunity to improve the community's access and connection to locally grown produce.

Diversifying equestrian infrastructure sustainably

Extensive equestrian facilities already on-site provide an excellent opportunity to continue to facilitate and grow an equestrian offering. The Riding for the Disabled

Association and the Nepean Pony Club are actively seeking a long-term site to relocate from the problematic current site at Samuel Marsden Road Reserve, Orchard Hills.

The existing race course, stables and infrastructure would provide an excellent and regionally unique tourist attraction in the form of Picnic Races, staged as a yearly or series of seasonal events. The racetrack has been certified as complying with Sydney Turf Club requirements. There is also the potential to offer year-round, ongoing business, such as trail rides, horse riding lessons, agistment, race horse training, equestrian training and parallel services.

Contrary to the CMP recommendations which advise removal of the racetrack, maintenance of the track is seen as a significant tourism driver. At least two Melbourne Cup winners were sired on-site and there is mention of picnic races occurring onsite from the 19th century. Further research is required to establish whether or not the racetrack is also of heritage significance.

Biobanking site

The portion of Fernhill zoned as E2 should remain as a protected biobanking site. This area has been identified as having high bio-diversity value. This is an additional tourist attraction, as low-impact activities such as bush walking, bird watching and night time wildlife walks could be offered. The endangered Regent’s Honey Eater has been identified at Fernhill recently.

Matters for consideration

Heritage considerations

A Conservation Management Plan (CMP) has been commissioned for the site. This draft document outlines the heritage and conservation values of Fernhill Estate that must be protected in the future.

Council’s position on the Critical Recommendations in the CMP is as follows:

CRITICAL RECOMMENDATION	SUPPORT	OPPOSE
1. Appropriate uses need to be found for the property that support its care and maintenance and allow for public access and education whilst protecting and enhancing the heritage values of the property and its built elements.	X	
2. A masterplan should be undertaken for the whole site to determine appropriate uses, suitable locations for those uses, the infrastructure needed to support those uses, suitable locations for any new building elements that may be required and to set out site specific design guidelines for any proposed new built elements.	X	
3. The existing heritage fabric should be maintained and intrusive elements including the racetrack, new stables and stone wall along the driveway should be removed where practicable.		X

CRITICAL RECOMMENDATION	SUPPORT	OPPOSE
4. The construction of new buildings on the site should be kept to a minimum with the preference being the adaptive re-use of existing structures. If new buildings are required, they should be sited and designed so as not to visually impact on the built elements that are of heritage significance.	X	
5. If a new intrusive element is essential within buildings or areas of heritage significance to support a new use, the new intrusive element should be confined to within existing elements that have been assessed as being intrusive or of low significance.	X	
6. Provide interpretive material for the site that details the history of the site and buildings. Interpretive material should not be intrusive on the views of the built elements or vistas of the property.	X	
7. The lands at 1119-1145 and 1147-1187 Mulgoa Road could be incorporated into the State Heritage listed curtilage of Fernhill	X	
8. This Conservation Management Plan should be endorsed by the NSW Heritage Council and adopted by the owner as the key management tool for the site.	X	

It is Council's recommendation that Fernhill can be activated and opened to the public year-round without negatively impacting the heritage value of the Estate. Historically Fernhill has had multiple uses and activities on site, and it should continue to do so.

It is recommended that any uses respond to the values that already exist on the site. Hence, the proposed uses should follow the established heritage guidelines of James Kerr's Conservation Plan guidelines i.e. uses that are considered based on the Understanding of the Place.

The Heritage Committee met on 19 February 2020 and were strongly in favour of activating the site. Of greatest concern was the possible removal of the stonewall (as recommended in the CMP), which was created by master-gardener Paul Sorensen in 1969.

Council Heritage Advisor's opinion is that:

- The site's outstanding heritage value is its intactness as a colonial homestead with its early land curtilage intact. There are arguably very few sites in the greater Sydney Cumberland Plains area that has retained its original agricultural curtilage from the early colonial era.
- The site would be well served by management and guidance in the future an expert Government Agency such as Sydney Living Museums.
- It is strongly recommended that the homestead be preserved and maintained and uses in the homestead are limited to; educational and or museum/gallery space. The Sydney Living Museums currently do not have a Colonial Homestead with intact agricultural Curtilage within the outer west area.

- The Fernhill site is expansive enough to allow for construction of infill crafted buildings or adaptive reuse of exiting more recent buildings to augment the above-mentioned uses. However, these should follow the maintenance of the site's heritage significance features first i.e. maintaining the colonial significant openness of its curtilage and the fine surviving early Georgian/ Regency styled homestead
- The CMP queried if removal of some non-colonial structures is suitable, this is particularly in reference to the entry stonewalls/Sorensen's works. Fernhill has a history spanning over 200 years and while these works are not colonial, they are part of the varied and layered history of the Fernhill estate from a notable garden designer of the times. These layers add to Fernhill's story and are not initially thought as intrusive elements. It is recommended that further discussion on these elements are included in the CMP and retention over removal should be championed.
- There are a number of buildings/structures built in the early 1980s on the site that do not have any approval. If the buildings/structures are proposed to be retained Council would be requesting that they are legitimised, through appropriate approval processes. It is also noted that the materials of some of these buildings appear to replicate colonial buildings and confuses visitors to the site of what is of high historical significance vs low/intrusive elements.

The CMP refers to a Costed Maintenance Plan in the appendix, however this document has not been provided for review. It is requested that this document is provided for council to review and provide feedback on. We would request that the costed maintenance plan should be; for a minimum of 25 years and thoroughly detailed. To this end, it should include mechanisms for ongoing funding such as establishing a fund to return income from activities on the Estate towards maintenance over time.

CMP will need to be approved by the Heritage Branch of the NSW Government and contain an agreed-upon management approach for the site. Any future activities on the site will need to be consistent with the CMP.

Aboriginal archaeological heritage

Reflection of the site's Aboriginal heritage is encouraged, considering the Aboriginal site finds noted. Appropriate reflection of local Aboriginal culture would require consultation with the local Aboriginal community, including the Deerubbin Land Council, and it is recommended to liaise with Council early in this process to avoid potential conflict. An Aboriginal Heritage Management Plan and Unexpected Finds Protocol is expected for any development on the site.

An archaeological pedestrian survey and series of test pits were undertaken on the site between 2006-2013 (AHIP Application for Proposed Residential Subdivision Updated Aboriginal Cultural Heritage Assessment Report). This identified nine sites of Aboriginal cultural heritage and three areas containing potential archaeological deposit.

The CMP notes that the Fernhill Estate and buildings hold the potential for research into pre-colonial history specifically in relation to the land management practices of the

indigenous Australians as well as the frontier wars of 1788 to 1817. There is Aboriginal archaeological potential on the western portion of the Estate.

European settler archaeological heritage

There is further research potential regarding the indentured stonemasons, the winery ruin and the quarries from which the stone for the house was reportedly excavated. The house provides potential for further research into its own original configuration and use especially in the area of the cesspits and roof space.

Advice from Council's Heritage Advisor included that the stone wall may have some significance from early management of the Fernhill Estate, and that consideration be given to maintaining it.

Traffic, transport and access

The Options Paper proposes a number of future uses for the Fernhill Estate which are likely to increase traffic intensity along Mulgoa Road and within site, noting Mulgoa Road is a State arterial road and one of main access routes for the M4 Motorway and the Blue Mountains. As part of a broad site masterplan, necessary infrastructure upgrades must be identified to cater for the increased traffic volumes, both on-site and within the affected road network.

When future activities on Fernhill Estate are expected to attract more traffic an upgrade of the access arrangement at Mulgoa Rd should be considered, especially if activities are concentrated at specific times such as special events, wedding parties etc. Considering the speed limit on this section of Mulgoa Rd is currently 80 km/h, a dedicated right turn lane would allow turning traffic to stop and queue without becoming a potential safety hazard. It seems that in 2017 a similar upgrade was delivered at Notre Dame Estate just north of Mayfair Road.

Another option would be an overtaking lane such as at the intersection with Roscrea Dr. This would be appropriate if the Estate was only to be used for private residences as is the case at Roscrea Estate. Note that the speed limit at this section of Mulgoa Road is 60 km/h.

If Fernhill Estate would become an important destination, connectivity to the airport and Northern Gateway (Sydney Science Park) would be provided via Littlefields Road. It may therefore be appropriate to plan for a potential future roundabout at the intersection with Mulgoa Rd. This would be a general upgrade supporting the overall accessibility of Mulgoa as a potential tourist destination and not just Fernhill Estate. Other factors to consider include extend existing cycle network along Mulgoa Road to Fernhill, park and ride (Penrith station), parking on-site and public transport options.

Recreation & open space

Council has recently developed a draft Sport and Recreation Strategy which was on public exhibition until 1 March 2020. The Strategy provides a framework with associated action plans for the provision of open space, play, sport and recreation for the next 15 years. Fernhill Estate is recognised as a key open space site with a specific action listed

in the Strategy for implementation within the first five years relating to Fernhill, that being: 'Consider the development of equestrian activities and the potential relocation of the Samuel Marsden Riding for the Disabled Centre to Fernhill Estate, Mulgoa'. Riding for the Disabled (Nepean) and Nepean Pony Club, occupy approximately 7 ha of Department of Planning land, Lots 17 to 19 in DP 238495, currently leased to Council at Samuel Marsden Road Reserve, Orchard Hills. The facility currently includes paddocks, an indoor arena (approx. 22mx72m), outdoor arena (20m x 60m), stalls, 2 club rooms and canteens, storage areas and a caretaker's cottage. Council maintains the asset, with the user groups operating the facility.

During the recent heavy rainfall and flooding (February 8-11, 2020), the site at Orchard Hills was extensively damaged by floodwaters of South Creek. This follows a flood event in 2016 which also caused damage and loss of horses. Should the Outer Sydney Orbital project be realised, and the road is constructed, it will be over the top of the existing Samuel Marsden Road Riding Facility.

Combined these factors require that a new long-term site within the Penrith LGA that has existing equestrian infrastructure be identified and further developed to replace the Samuel Marsden Road Riding Facility. The Fernhill Estate is a primary candidate for this. Other flood-prone sports facilities, such as the Troy Adams Field in Werrington, could also be considered as potential new uses for the Fernhill site.

Biodiversity

There are large bushland portions of the Fernhill Estate where native vegetation communities are conserved by Biobanking Agreements. The agreements require the land owner to undertake management actions and implement management plans to improve the biodiversity values of the biobank site. The landowner is also required to undertake monitoring, reporting and record keeping as required by the agreement. The agreements would also stipulate any permissible development and activities within the biobank site. It would be reasonable to expect the use of the land subject to agreement would be consistent with its conservation status.

In relation to any other proposed uses or development of the Fernhill Estate there would be a requirement to assess the significance of any biodiversity impacts e.g. on threatened species, populations and communities.

Management and operation

Council supports investigations for innovative methods of covering capital costs, if they do not negatively impact on the heritage, environment or community. The opportunities put forward in this document will provide a means of generating revenue.

Previously the Council has not supported the sale or subdivision of any of the Fernhill Estate (including the adjoining blocks that were purchased). A General Manager and other onsite staff will be required to manage the day-to-day operations of the site. Considerations will also need to be made to staffing logistics such as access, parking, storage and security. A steering committee could also be considered to help ensure the long-term viability of the Estate and ensure consistent direction and guidance.

Conclusion

The potential to transform Fernhill Estate into a significant tourism destination is an incredibly valuable opportunity. It will provide employment, fits with our existing tourism landscape and will help change the way people think about Penrith.

We believe the best way to achieve this is to open the site year-round to the public, and maximise the current offering—including the ability to host a range of events, consider permanent art installations such as an outdoor sculpture museum, diversify/expand the equestrian offering in a sustainable way and build low impact opportunities within the biobanking areas. Council believe this can be achieved in harmony with maintenance of all heritage elements of the Estate.

The CMP queried if removal of some non-colonial structures is suitable, this is particularly in reference to the entry stonewalls/Sorensen's works. Fernhill has a history spanning over 200 years and while these works are not colonial, they are part of the varied and layered history of the Fernhill estate from a notable garden designer of the times. These layers add to Fernhill's story and are not initially thought as intrusive elements. It is recommended that further discussion on these elements are included in the CMP and retention over removal should be championed. Both the Heritage Committee and Council's Heritage Advisor were in favour of retaining the Sorensen stone walls.

The CMP refers to a Costed Maintenance Plan in the appendix, however this document has not been provided for review. It is requested that this document is provided for council to review and provide feedback on. We would request that the costed maintenance plan should be; for a minimum of 25 years and thoroughly detailed. To this end, it should include mechanisms for ongoing funding such as establishing a fund to return income from activities on the Estate towards maintenance over time.

CMP will need to be approved by the Heritage Branch of the NSW Government and contain an agreed-upon management approach for the site. Any future activities on the site will need to be consistent with the CMP.

It should also be recognised that regardless of the future uses of the site, appropriate action will need to be taken on all unauthorised buildings/structures that are currently situated on the Fernhill Estate.