



**Heritage Council**  
  
of New South Wales

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www.heritage.nsw.gov.au

Contact:	Stuart Read
Telephone:	9873 8554
Email:	stuart.read@planning.nsw.gov.au
B no.s:	1968; 51290; 73505; 83336; 94083; 96563/5/8; 96571-2; 103077
Barcode no.s:	PCU004920; 00453; 007019
HOD no.:	5045381
File:	09/1844
Your reference	DA09/1143

Mr. Alan Travers  
The General Manager  
Penrith City Council  
DX 8017 Penrith

Attention: Mr. Roger Nethercote, Group Manager; Mr. Steven Chong, Senior Environmental Planner

Dear Mr. Travers,

**INTEGRATED DEVELOPMENT APPLICATION (DA09/1143): NSW HERITAGE COUNCIL  
GENERAL TERMS OF REFUSAL**

**RE: GLENMORE GOLF COURSE, 754-760 MULGOA ROAD, MULGOA**

**Proposal:** Lot consolidation, community title subdivision, construction of 27 dwellings,  
associated landscaping and access works

**IDA Application No.** 09/IDA/47 referred to the NSW Heritage Council 12/11/2009;

**Information received with the IDA application:**

Drawings 09083 A000 Location Plan; A001 Site Plan; A002 Ground Floor Plan; A003 Site Elevations; A004 Site Sections; A005 Site Section & Photographic Record; A006 Shadow Diagram; A007 Perspectives; A010 Main House (plan); A011 Main House (elevations and photomontages); A012, Typical Unit 2-6 Floor Plan; A013 Typical Unit 2-6 Elevations; A014 Typical Unit 2-6 Sections; A015 Typical Unit 7-11 Floor Plan; A016 Typical Unit 7-11 Elevations; A017 Typical Unit 7-11 Sections; A020 Typical Unit 12, 13, 22-24; A021 Typical Unit 14-19; A022 Typical Unit 20, 21, 25-27; all issue A dated 13/8/2009, all prepared by Thomson Adsett;

L01/2 Landscape Plan dated 17/8/2009; L02/2 Detail Landscape Plan, dated 14/8/2009; all issue C, all prepared by James Mather Delaney Design;

Statement of Environmental Effects, prepared by Innovation Planning Australia, dated 10/2009;

Conservation Management Plan, prepared by Rappaport P/L, dated 10/2009;

Statement of Heritage Impact, prepared by Rappaport P/L, dated 7/2009

Letter from Integrated Planning Australia, dated 21/4/2010;

Additional Information to address issues raised by Heritage Branch, NSW Department of Planning, prepared by Musecape P/L, dated 4/2010;

Letter from Pikes Lawyers, dated 26/5/2010 with draft heritage agreement

**Additional information requested:** yes

**Dates additional information received:** 11/3/2010; 4 & 21/5/2010; 31/5/2010; 8/6/2010

**Date public submissions received:** yes

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As delegate of the NSW Heritage Council, I have considered the above integrated development application and advise Penrith City Council that the Heritage Council does not

propose to issue an approval for the application required under section 57 of the *NSW Heritage Act, 1977* for the following reasons:

1. The applicant needs to submit a revised application including a revised Statement of Environmental Effects (SEE), Conservation Management Plan (CMP) and Heritage Impact Statement (HIS) that adequately address the following matters:
  - a) further consideration of the late 1920s+ use of the property as a golf course as contributing to its historic, aesthetic and social heritage values, a generator of its 1927+ landscape character and thus, the heritage significance of its golf course landscape character, as one complementary to both the rural landscape character of much of the Mulgoa Valley (per SREP13) and the character of the Glenmore estate prior to 1927;
  - b) further comparative assessment of colonial farms converted to golf courses comparable to Glenmore, such as Studley Park estate, Narellan; Jarvisfield, Picton and Duntryleague, Orange. This assessment should include consideration of the contribution of golf to each of these properties' history and to retention of their 'rural' or semi-rural open-space landscape character;
  - c) revised CMP significance assessment of Glenmore's rural landscape character and consequent CMP conservation policies to retain and enhance this significance;
  - d) From (a),(b) and (c) above, a revised HIS assessment of the impact of placing 27 new houses within a part of this golf course/landscape and mitigation actions demonstrating how any adverse impacts can be further mitigated;
  - e) revised CMP to include an assessment of the archaeological potential of the subject site (c.f. the rest of Glenmore estate), an archaeological zoning map, conservation policies such as to provide a detailed archaeological study and works; and landscape works to be carried out in the future to better reflect the heritage values of the site as a cleared pastoral landscape in the 19<sup>th</sup> century and a golf-course leisure landscape in the 20<sup>th</sup> century;
  - f) a revised HIS indicating whether the proposal has likely archaeological impacts or not and if so, how any adverse impacts will be mitigated;
  - g) a revised CMP including a whole Glenmore estate map showing where new development can go (e.g. an eco-village; a future function centre, additional areas of car parking, access drives etc). A revised HIS addressing exactly why the subject site is the best location possible and why this layout and form of dwellings has the least adverse impact on Glenmore's revised landscape heritage values;
  - h) clarification of specific conservation works outlined in all previous conservation management plans and in section 5 of the existing HIS that are proposed to be undertaken to the historic homestead/ barn/ remnant gardens and grounds as part of a revised application;
  - i) clearer prioritisation of conservation works outlined in all previous conservation management plans into short, medium, long-term time lines for their implementation and definition of the terms short, medium and long-term;
  - j) further justification of how the proposal complies with the full wording of article 22 of the Burra Charter i.e. being 'clearly identifiable as new work on close inspection' as justifying the modernity of the design of dwellings proposed;
  - k) (noting that the entire golf course is listed on the SHR) a revised HIS assessment of the impacts on Glenmore's rural landscape character of the proposed 27 dwellings and ancillary roads, landscaping, traffic etc, not just of on the homestead group precinct within that landscape;
2. The applicant needs to, in discussion with the Heritage Branch, prepare a revised draft heritage agreement that more precisely:
  - a) specifies how the proposed 8.5% of sale income will be 'quarantined' within the proposed bank account;

- b) specifies whether it is the principal or interest of this account available for expenditure;
- c) demonstrates how this can be dedicated solely to implementing ongoing maintenance and conservation works to the whole property that have either been previously identified in all conservation management plans or identified in a revised CMP and HIS;
- d) specifies time lines and costings for implementing all of these works; and/or
- e) demonstrates what other (e.g. community title management) mechanism(s) will be used to support and ensure implementation of identified medium-long term conservation, maintenance and interpretation works;
- f) specifies which specific works will be implemented within which time frames (short, medium and long-term) and
- g) defines the terms (short, medium and long-term).

If you have any questions regarding the above matter please contact Stuart Read at the Heritage Branch, Department of Planning on (02) 9873 8554.

Yours sincerely



Petula Samios

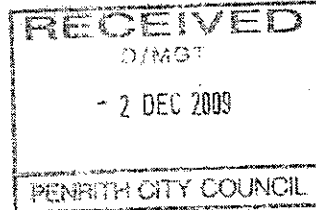
28-6-10

**Director  
Heritage Branch  
Department of Planning  
As Delegate of the Heritage Council of NSW**



## Office of Water

The General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2751



Contact: Greg Brady  
Phone: 02 47298 134  
Fax: 02 4729 8141  
Email: greg.brady@ohn.nsw.gov.au

Our ref: 10 ERM2009/1160  
Our file:  
Your ref: DA09/1143

Attention: Steven Chong

1 December 2009

Dear Sir

**Re: Integrated Development Referral – General Terms of Approval  
DA09/1143 - Construction of 27 dwellings and a community title subdivision,  
754 - 760 Mulgoa Road MULGOA - Glenmore Park Golf Course**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

Department of  
**Environment, Climate Change and Water NSW**



Comments specific to the proposal.

Only a small portion (dwellings 19 and possibly 20) appear to be within waterfront land. Most of the proposal is outside the 40m of the tributary of Mulgoa Creek and well away from Mulgoa Creek relative to needing a controlled activity approval.

As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

**The attached GTA are not the Controlled Activity Approval.** The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

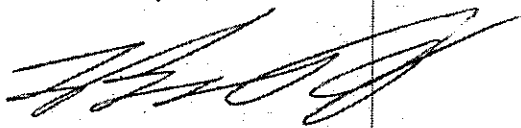
Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website

<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Greg Brady  
Instream Development Officer  
**NSW Office of Water**  
Office of Hawkesbury Nepean



**Office  
of Water**

## General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	10 ERM2009/1160	File No:	
Site Address	754 - 760 Mulgoa Road MULGOA - Glenmore Park Golf Course		
DA Number	DA09/1143		
LGA	Penrith City Council		
Number	Condition		
Plans, standards and guidelines			
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA09/1143 and provided by Council:  (i) Site plan, map and/or surveys  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.		
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.		
3	The consent holder must prepare or commission the preparation of:  (i) Erosion and Sediment Control Plan		
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at <a href="http://www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml">www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</a>  (i) Outlet structures		
5	N/A		
6	N/A		
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
9 to 13	N/A		
14	The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in		

Our Reference		<b>10 ERM2009/1160</b>	File No:	
Site Address		<b>754 - 760 Mulgoa Road MULGOA - Glenmore Park Golf Course</b>		
DA Number		<b>DA09/1143</b>		
LGA		<b>Penrith City Council</b>		
<b>Number</b>	<b>Condition</b>			
		accordance with a plan approved by the NSW Office of Water.		
15	N/A			
16	The consent holder must	stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
17	The consent holder must	establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
18	The consent holder must	ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
<b>END OF CONDITIONS</b>				

*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 8741 5175

Facsimile: 8741 5433

e-mail: [development.assessment@rfs.nsw.gov.au](mailto:development.assessment@rfs.nsw.gov.au)



The General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2751

Your Ref: DA09/1143  
Our Ref: D09/2109  
DA09111164880 DC

**ATTENTION:** Steven Chong

20 May 2010

Dear Mr Chong

**Integrated Development for 1-5//701949 & 1//251423 754-760 Mulgoa Road  
Mulgoa 2745**

I refer to your letter dated 6 November 2009 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

**General Conditions**

1. The development proposal is to comply with the subdivision layout and dwelling designs identified on the drawings prepared by Thomson Adsett Pty Ltd, numbered A000 to A011, issue A, dated 14/05/09.

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

2. At the issue of subdivision certificate and in perpetuity the property to the east and south east of the proposed dwellings to a minimum distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.



## **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

## **Access**

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

4. Property access roads for community title developments shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

## **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

5. New construction situated from 20m to <25m from the forest hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL 40.
6. New construction situated from 25m to <35m from the forest hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL 29.
7. New construction situated from 35m to <48m from the forest hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL 19.
8. New construction situated from 48m to <100m from the forest hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL 12.5.
9. New construction complying with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL 12.5 and BAL 19 shall also undertake the following:

a) The subfloor space shall be enclosed with either:

- i. a wall that complies with Clause 5.4 of AS3959-2009; or
- ii. a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium; or
- iii. a combination of the items above.

NOTE: There are no construction requirements for subfloor supports where the subfloor space is enclosed

b) Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be:

- i. of non-combustible material; or
- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F); or
- iii. a combination of the items above.

NOTE: This requirement applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 5.7 of AS3959-2009)

c) Where the subfloor space is unenclosed, flooring material, including bearers, joists and flooring less than 400 mm above finished ground level, shall be:

- i. non-combustible (e.g., concrete, steel); or
- ii. of bushfire-resisting timber (AS3959-2009 see Appendix F); or
- iii. particleboard or plywood flooring where the underside is lined with sarking-type material or mineral wool insulation; or
- iv. a system complying with AS 1530.8.1; or
- v. a combination of any of the items above.

NOTE: There are no construction requirements for elements of elevated floors, including bearers, joists and flooring, if the underside of the element is 400 mm or more above finished ground level.

d) In relation to unenclosed verandas, decks, steps, ramps and landings - the support posts, columns, stumps, stringers, piers, poles and framing (i.e. bearers and joists) shall be:

- i. of non-combustible material; or
- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F); or
- iii. a combination of the items above.

e) Parts of handrails and balustrades that are less than 125 mm from any glazing or any combustible wall shall be:

- i. of non-combustible material; or
- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F); or
- iii. a combination of the items above.

NOTE: Those parts of the handrails and balustrades that are 125 mm or more from the building have no requirements.

f) External framed walls must incorporate either:

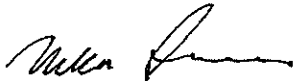
- i. Breather-type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS1530.2) and sarked on the outside of the frame; or
  - ii. An insulation material conforming to the appropriate Australian Standard for that material.
10. Roofing to proposed dwellings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.

#### **Landscaping**

11. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Daniel Copland on 8741 5175.

Yours sincerely



Nika Fomin  
**Team Leader, Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.

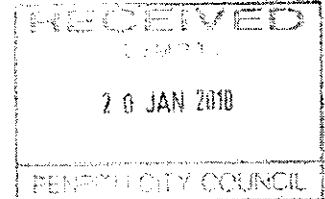
Our Reference:  
Your Reference:  
Contact:  
Telephone

CAC 09M2032 – SYD09/00836  
DA 09/1143  
Gordon Trotter  
8849 2087



The General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751

Attention: Steven Chong



**PROPOSED RESIDENTIAL DEVELOPMENT AT  
GLENMORE GOLF COURSE, 754-760 MULGOA RD, MULGOA**

Dear Sir/Madam,

I refer to your letter of 2 December 2009 (Council Ref: DA 09/1143), concerning the above mentioned Development Application which was referred to the Roads and Traffic Authority (RTA) for comment.

The RTA has reviewed the development application and provides the following advisory comments to Council for consideration in its determination of the development application.

1. The layout of the proposed car parking areas associated with development (including: driveways, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004. The internal ring road should be designed generally in accordance with AS 2890.2 - 2002 for heavy vehicle servicing.
2. The proposed residential component should be designed such that road traffic noise from Mulgoa Road is mitigated by durable materials and complies with the requirements of Clause 102 - (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
3. All works / regulatory signposting associated with the proposed development are to be at no cost to the RTA.

Any further inquiries in relation to this matter should be forwarded to Gordon Trotter on telephone 8849 2087 or facsimile 8849 2918.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Popoff'.

Andrew Popoff  
A/Senior Land Use Planner  
Transport Planning, Sydney Region

18 January 2010

**Roads and Traffic Authority**