

## Appendix One: Compatibility Table Penrith DCP 2010

Clause	Objective / Control	Proposed	Comply
CI Site Planning and Design Principles	a) Improve the sustainability of development through improved site planning that takes into account social, economic and environmental opportunities and constraints;	The proposal is within the house and gardens. The site is positioned to not damage existing native vegetation.	YES
	b) Ensure that developments address the key principles of site planning, urban design and design excellence by:	No residential development is proposed.	YES
	i) responding to the natural topography and landform of the site;	The natural topography has been considered with events occurring inside existing structures or gardens.	YES
	ii) protecting areas of scenic or visual importance in the City of Penrith;	The character within the Fernhill Estate has been retained through preserving existing vegetation and heritage qualities, to preserve the scenic quality of the subject land.	YES
	iii) adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact;	N/A Only temporary structures are proposed.	N/A
	iv) incorporating safety and security measures in its design;	SWMS are provided for the implementation of the structures.	N/A
	v) utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and	Temporary Structures are proposed, having minimal impact on the environment.	YES
	vi) Incorporating the principles of universal design to maximise accessibility for all people.	Provision has been incorporated for the provision of universal access.	YES
	c) Ensure that non-residential buildings (and their future	No permanent structures are proposed.	N/A

	uses) are designed to incorporate design and sustainable excellence by: i) being accredited under the Australian Buildings Greenhouse Ratings certification system, now part of the National Australian Built Environment Rating System (NABERS) and/or Green Star certification system, whichever is applicable; and ii) ensuring that energy and water consumption is minimised		
C2 Vegetation Management – B.- General Objectives	a) Adopt the principles of Ecologically Sustainable Development ('ESD') in protecting and enhancing Penrith's native vegetation;	The subject area is located on a portion on a cleared portion of the site.	YES
	b) Preserve existing trees and vegetation for the benefits they provide;	No tree removal is required.	N/A
	c) Preserve existing trees and vegetation, where possible, during the design, development and construction process and justify any tree or vegetation removal to Council;	No tree removal is required.	N/A
	d) Protect and enhance native vegetation and biodiversity in the Penrith local government area, including habitat for threatened species, populations and ecological communities and corridors for	No tree removal is required. The event is located in a cleared portion of the site.	YES
	e) Retain native vegetation in parcels of a size and configuration which will enable existing plant and animal communities to survive in the long term;	No alterations to the landscape proposed.	YES
	f) Protect and enhance the landscape character and scenic qualities of the Penrith local government area; and	The event area is away from significant ecological areas.	YES
	g) Manage the conflict between protecting and removing vegetation to	The landscape character of the subject land is retained through the preservation of vegetation	YES

	address natural hazards such as bushfires.	and thus the rural setting, with significant setbacks existing between vegetation and heritage buildings.	
2.1 Preservation of Trees and Vegetation Objectives	a) Prescribe which species or kinds of trees or other vegetation are protected by Clause 5.9 of Penrith LEP 2010 and this Section of the Plan;	No native vegetation is proposed to be removed.	YES
	b) Promote the benefits of trees and other vegetation;	No native vegetation is proposed to be removed.	YES
	c) Protect and enhance native vegetation, habitat for native fauna and biodiversity;	No native vegetation is proposed to be removed.	YES
	d) Protect and enhance native vegetation for its scenic values and to retain the unique visual identity of the landscape;	The subject area is located in a cleared portion of land that is fenced to protect surrounding vegetation. The event is temporary and will not alter the landscape.	YES
	e) Manage non-native vegetation in accordance with its cultural and landscape significance;	No alterations to the landscape are proposed.	YES
	f) Ensure that any new development takes into account existing vegetation in the site planning, design, development, construction and operation of the development; and	No alterations to the landscape are proposed.	YES
	g) Ensure there are mechanisms for the long term protection, management and maintenance of trees and vegetation.	No alterations to the landscape are proposed.	YES
	1. Development Consent a) In accordance with Clause 5.9 of Penrith LEP 2010, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation which is prescribed by this Plan without development consent.	The proposal retains all existing native vegetation.	YES
2.2.Biodiversity Corridors and Areas of Remnant Indigenous	a) Protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of	The proposal retains all existing native vegetation.	YES



Vegetation in Non-Urban Areas - B. Objectives	biodiversity and wildlife habitat corridors, natural waterways and riparian land; and		
	b) Enhance connections between remnants of indigenous vegetation; and	The proposal retains all existing native vegetation.	YES
	c) Prevent the fragmentation and degradation of remnant vegetation; and veg	The proposal retains all existing native vegetation.	YES
	d) 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.	N/A No clearing or development is proposed.	YES
Complimentary Objectives	a) Promote the establishment and retention of biodiversity corridors and areas of remnant indigenous vegetation that contribute to the long-term survival of native fauna and flora species in the area;	The proposal retains all existing native vegetation, which is well connected and forms a buffer between heritage properties and surrounding roads and the Blue Mountains National Park.	YES
	b) Maintain (and where possible increase) the current area of native bushland and retain the natural species diversity of bushland as far as possible;	The proposal retains all existing native vegetation	YES
	c) Encourage the planting of a diversity of indigenous species to enhance biodiversity values, scenic quality and landscape character; and	No alterations to the landscape are proposed.	YES
	d) Facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.	All native vegetation will be maintained, and thus edge effects and degradation will be minimised for effective weed control.	YES
2.2.Biodiversity Corridors and Areas of Remnant Indigenous	b) In accordance with Clause 6.4 Development on natural resources sensitive land of Penrith LEP 2010, development consent is	N/A. No development or events are proposed in a biodiversity corridor.	N/A

Vegetation in Non Urban Areas – C. Controls	<p>required for the following in biodiversity corridors and areas of remnant indigenous vegetation:</p> <p>i) the subdivision of land;</p> <p>ii) earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line);</p> <p>iii) the carrying out of a work;</p> <p>iv) clearing vegetation (including slashing or underscrubbing);</p> <p>v) Irrigation with treated effluent.</p> <p>c) Clause 1 a) iv) above does not include slashing or underscrubbing undertaken for the purposes of controlling declared pests under the Rural Lands Protection Act 1998 or to maintain dams, fences or asset protection zones.</p>		
2.3.Bushfire Management – B. Objectives	a) Minimise the risk to life, property and the environment in the event of a bushfire, including the lives of emergency personnel	Bushfire mitigation is incorporated within the operation report, which forms part of this application.	YES
	b) Ensure that all development on bush fire prone land makes adequate provision for access for emergency personnel, vehicles and equipment	Additional bushfire mitigation methods for the running of events are section 5.4 of this application.	YES
	c) Balance the risk of bushfire to life and property with the other principles in this Plan, including the need to protect and enhance existing vegetation where possible; and	Vegetation will be protected on site, with existing bushfire mitigation methods in place for the existing structures on site, and additional mitigation methods for the running of events outlined in section 5.4 of this application.	YES
	d) Recognise that land not classified as 'bushfire prone land' may still be subject to the impact from bushfire,	The central proportion of the precinct where events are to take place is not bushfire prone,	YES

	particularly through ember attack	under the Penrith City Council Bushfire Prone Land Map.	
2.3.Bushfire Management – C. Controls	a) If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any Development application on that land must address the bush fire protection measures set out in the document 'Planning for Bushfire Protection 2006 (PBP).	Bushfire mitigation methods are discussed in section 5.4 of this application.	YES
	b) If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire protection purposes', then the development will be Integrated Development under the Environmental Planning and Assessment Act 1979.	N/A No subdivision is proposed.	N/A
3.3. Watercourses, Wetlands and Riparian Corridors - B. Objectives	b) Minimise disturbance and/or impacts on natural water bodies;	N/A	N/A
	c) Rehabilitate existing riparian corridors and ensure that width, buffers to development, quality of landscape and diversity of vegetation to support principles of ecological sustainability are provided	No changes to the landscape are proposed, all vegetation on site will be retained.	YES
	a) Water saving devices must be incorporated into any internal renovation (taps, toilets, etc);	N/A No renovation is suggested in the proposal.	N/A
C7 Heritage B Objectives	a) Encourage the retention of existing heritage items and their significant elements;	The proposal encourages the conservation of the significant elements of the Fernhill Estates, including the heritage landscape.	YES
	b) Ensure development is based on the understanding and conservation of the heritage significance of the item;	The revised CMP has provided a thorough understanding of the Fernhill Estate, which has informed the development of the proposal.	YES



	c) Encourage heritage items to be used for purposes that are appropriate to their heritage significance;	The proposed event uses of the Fernhill Estate are considered appropriate to the estate's heritage significance (Heritage Impact Statement, 2013).	YES
	d) Maintain the setting of the heritage item including the relationship between the item and its surroundings;	No changes to the buildings or lands are proposed, and thus native vegetation is retained, and so heritage items and the heritage landscape will be maintained.	YES
	e) Encourage the removal of inappropriate alterations and additions, and the reinstatement of significant missing details and building elements; and	N/A No development or alterations are proposed.	N/A
	f) Protect and conserve built heritage in accordance with the Principles of the Burra Charter.	The proposal ensures that ongoing conservation works will be undertaken to the significant elements of the Fernhill Estate.	YES
C Controls	a) Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):	The Heritage Impact Statement provided within the appendix has addressed all the requirements within the DCP	YES
	i) The heritage significance of the item as part of the environmental heritage of Penrith;	No development is proposed, and temporary structures will not impact the significance of heritage items or the settings.	YES
	ii) The impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features;	No development is proposed, and temporary structures will not impact the significance of heritage items, or the landscape by being located in existing buildings and garden areas.	YES
	iii) The measures proposed to conserve the heritage significance of the item and its setting;	No development is proposed, and temporary structures will not impact the significance of heritage items or the settings.	YES
	iv) Whether any archaeological site or potential archaeological site would be adversely affected by the proposed development;	N/A	N/A
	v) The extent to which the carrying out of the proposed development would affect the	N/A	N/A

	form of any significant subdivision pattern; and		
	vi) The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.	N/A	N/A
	b) Development of a heritage item must:		
	i) Be consistent with an appropriate Heritage Impact Statement or Conservation Management Plan;	The working master plan has been guided by the Heritage Impact Statement and Conservation Plan to ensure that the proposal is consistent with this critical document.	YES
	ii) Be consistent with the Heritage Inventory Assessment Report;	Complies.	YES
	iii) Protect the setting of the heritage item;	Any activity within a heritage item will occur according to the CMP and Heritage Working Master Plan.	YES
	iv) Retain significant internal and external fabric and building elements;	No changes to the heritage items are proposed.	YES
	v) Retain significant internal and external spaces;	No permanent alterations to internal and external spaces are proposed. Temporary structures will not impact the significance of these spaces.	YES
	vi) Remove unsympathetic alterations and additions;	N/A No changes are proposed.	N/A
	vii) Reinstall missing details and building elements; and	N/A No changes are proposed.	N/A
	viii) Use materials, finishes and colours that are appropriate to the significant periods of development or architectural character of the item.	N/A No development is proposed.	N/A
	c) Alterations to the room layout of heritage items are to ensure that the original room configuration remains discernable and can be interpreted.	N/A No changes are proposed.	N/A



	d) If there is any likelihood of an impact on any significant archaeological relics from a period prior to the current building, development must ensure that the impact is managed according to the assessed level of significance of those relics.	No development is proposed in the precinct, and the Austral Archaeology Report (2013) does not identify any archaeological sites in the CP, and thus the proposal will not destroy any archaeological resources.	YES
7.1.7 Development within the Vicinity of Heritage Conservation Area	The objective of this section is to ensure that the development of land or a building in the vicinity of a heritage item or heritage conservation area is undertaken in a manner that complements the heritage significance of the site or area.	N/A.  No development is proposed in the application	N/A
7.1.1.2 Conservation Incentives and Fee Concessions	The objectives of this section are to provide incentives to owners/applicants for development applications involving heritage items.	The applicant is pursuing the application through 2.8 of the PLEP 2010.	YES
	a) That the conservation and retention of the heritage significance of the place depends on the granting of consent;	It is considered that the conservation of the Fernhill Estate depends on the granting of consent, as the proposal ensures ongoing income for maintenance and conservation of Fernhill estate.	YES
	b) That the proposed use is in accordance with a conservation management plan or a detailed schedule of conservation works for the building which has been endorsed by Council;	N/A	N/A
	c) That the granting of consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan or a detailed schedule of conservation works for the building is carried out;	This is a temporary event and the granting of consent of the Master IDA for Fernhill Estate will ensure that all necessary conservation work identified within the CMP is carried out.	YES
	d) A detailed long term maintenance plan for the building is specified;	The CMP includes a detailed long-term maintenance plan for the Fernhill Estate. A VPA will be made to ensure that funds from the various uses on the consolidated Fernhill estate	YES

		lands will be put to conservation of the estate buildings and land.	
	e) That the proposed use would not adversely affect the heritage significance of the place; and	The proposed activity within the estate will not negatively impact the heritage significance of the estate, or the amenity of the surrounding area.	YES
	f) That the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.	N/A	N/A
C10 10.2 Traffic Management and Safety	a) Provide safe and efficient travel routes for all vehicles in the Penrith LGA;	No proposed alterations to roads are needed to accommodate the temporary events. Mulgoa Road and the access road are capable of accommodating the capacity,	YES
C10 10.2 Traffic Management and Safety C12 Noise and Vibration	b) Reduce the number of vehicle and pedestrian accidents per capita;	Mulgoa Road and the access road are capable of accommodating the capacity with the implementation of a traffic management plan.	YES
	c) Ensure the safety of cyclists, pedestrians and passing traffic during construction of development;	N/A No development is proposed in the precinct.	N/A
	d) Cater for current and future growth of vehicle traffic usage;	Mulgoa Road and the access road are capable of accommodating the capacity from the events.	YES
	e) Encourage the orderly and economic provision of road and intersection works;	Noted.	YES
	f) Ensure that existing roads and intersections are upgraded to provide a satisfactory level of service consistent with the volume and	N/A Mulgoa Road and the access road are capable of accommodating the capacity from the events.	N/A
	g) Avoid new direct access to and from arterial, sub-arterial and other major roads.	The CP is currently accessible via Mulgoa Road. This will not be altered.	YES
	The objective of this section is to ensure that future development that generates noise or vibration does not	The proposed event within the Central precinct will be managed to preserve the	YES

		adversely affect the amenity of surrounding land uses.	amenity of surrounding land uses.	
E2 Mulgoa Valley		a) Conserve the rural landscape of the Mulgoa Valley;	No alterations to the landscape are proposed.	YES
E2 Mulgoa Valley B. Additional Objectives		b) Protect the setting of the villages of Mulgoa and Wallacia within the rural landscape;	There are no changes to the landscape or buildings proposed, and thus there will be no changes to the setting of Mulgoa or Wallacia.	YES
		c) Conserve heritage items and vistas within the Valley;	No alterations are proposed to heritage items or lands.  No development is proposed and events will be predominantly located in the west of the precinct away from Mulgoa and Wallacia village.	YES
		d) Protect natural ecological elements within the Valley;	No alterations to the landscape are proposed.	YES
		e) Protect the agricultural capability of prime agricultural land; and	No agricultural areas will be affected.	YES
		f) Ensure that development in the Valley is consistent with conserving its rural and natural landscape, heritage and agricultural qualities.	N/A  No residential development is proposed.	N/A
		a) Protect the surviving early colonial rural landscape from any further degradation;	This proposed event will occur for one day only and will not have any impact or degradation on the landscape.	N/A
		b) Ensure development does not prejudice the remaining evidence of the Cox family's associations with the Valley, its houses and gardens;	This proposed event does not alter or change the existing house and gardens within the State heritage item.	N/A
2.2.2 Objectives	Siting	c) Preserve and enhance the visual relationship between the sites of Cox's Cottage, St Thomas's Church and Fernhill;	No alterations to the heritage buildings or lands are proposed, thus the visual relationship is preserved.	YES
		d) Conserve the surviving structures, features and gardens at the major historic and archaeological sites;	No alterations to the heritage buildings or lands are proposed, and the commencement of temporary events will help fund the ongoing maintenance and conservation of Fernhill estate.	YES



	e) Protect the visual catchments of heritage items by appropriately siting development having regard to the significance of the setting;	No permanent works are proposed and the setting of the event is away from any visual catchments. There will be no permanent impact on visual catchments.	YES
	f) Prevent development within the historic landscapes and curtilages of heritage items which may detract from the significance of those sites; and	No building or permanent structures are proposed within the landscape or curtilages of the heritage items within the Fernhill Estate.	YES
	g) Prevent any activity which could destroy the potential archaeological resources of any heritage items.	There is no earthworks or impact and thus the objective is not applicable.	N/A
	In addition to the general objectives for Mulgoa Valley, the objective of this section is to ensure that buildings are sited to protect and enhance the rural and natural landscape of the Valley, particularly when viewed from roads and other public places.	No permanent building works are protected. The location of the event is sufficiently set back from Mulgoa Road and will have no impact.	N/A
2.2.4	In addition to the general objectives for Mulgoa Valley, the objective of this section is to protect and enhance existing indigenous vegetation and historic introduced vegetation that contributes to the Valley's rural and natural landscape and its heritage values.	No vegetation will be removed as a result of this application. The site is within a predominantly cleared area.	N/A
2.2.5	In addition to the general objectives for Mulgoa Valley, the objective of this section is to ensure the visual impact of access roads, parking areas and services is minimised.	There will be some impact on the landscape of Fernhill as 1,200 cars will be parked within the Eastern Paddocks. This cannot be viewed from Mulgoa Valley and the event will only take place for one day.	YES
2.2.6	In addition to the general objectives for Mulgoa Valley, the objective of this section is to ensure fences, gates and entrances are in harmony with the existing landscape and character of the Mulgoa Valley Precinct.	There is no proposed changes to fences or gates associated with this application.	N/A

2.3 Controls relating to natural hazards or other constraints	a) Protect the present rural character and function of Mulgoa Road and;	The proposal does not change the rural function of the estate and the use of the site as a entertainment facility for a temporary event is compatible with the rural nature of the site. There is only a three day bump in and two day bump out for the event.	N/A
	b) Ensure any new development does not impact on the safety and efficiency of Mulgoa Road.	A traffic management plan forms part of this application to address the safety and efficiency of Mulgoa Road from the impact of this one day event.	YES