

# **APPENDIX 1 – DCP COMPLIANCE TABLE**

**PROPOSED CHANGE OF USE  
NEIGHBOURHOOD SHOP AND ANCILLARY  
FOOD AND DRINK SERVICES**

**3 LILLY PILLY CLOSE  
CLARENCE TOWN  
NSW 2321**

**(LOT: 441, DP: 1176953)**

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DCP Compliance Table – 3 Lilly Pilly Close Clarence Town NSW 2321				
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1	13/10/22	Appendix 2 – DCP Compliance Table	LP	Client
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Section	Requirement	Proposed	Complies
<b>Part B – Exempt and Complying Development</b>			
	This Part relates to exempt and complying development. The proposed development does not meet the development standards for complying development under <i>Division 2, Clause 1.19 Land on which complying development may not be carried out, (1) (j) unsewered land (ii) in any other drinking water catchment identified in any other environmental planning instrument.</i>	This Part relates to exempt and complying development. The proposed development does not meet the development standards for complying development under Clause 3.A2 (2) SEPP (Exempt and Complying Development Codes) 2008.	N/A
<b>C1 – Residential Development</b>			
<b>1.2 Building Height Plain</b>	For single dwelling houses the building height plan will be applied only in relation to western and southern boundaries or those boundaries which face nearest to east and north.	The height of the existing structure is # as shown on the architectural plans. This height and scale are consistent with adjoining lands. The overall height of the existing structure will remain as existing.	Yes
<b>1.3 Setbacks</b>	Building line setbacks vary depending on the property location, solar access requirements and Council set back requirements. The proposed development is located in the Boatfall's rural residential estate.  All new structures are to be sited so as to comply with the following setbacks:-  • 50m from Limeburners Creek Road	The proposed development is located in the Boatfall's rural residential estate. The existing structure is located further than 50m from Limeburner's Creek Road and 15m from Lilly Pilly Close. The rear boundary setback is compliant with the structure being 240m from the	Varied

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	<ul style="list-style-type: none"> <li>• 15 metres from internal roads</li> <li>• 10m from side and rear boundaries</li> <li>• 40m from a watercourse</li> </ul>	<p>rear boundary and is not located within 40m of a watercourse.</p> <p>It is noted the proposed development is 5m from the side boundary however due to the sites locality this has minimal impact on the adjoining neighbour's property with the neighbouring dwelling being an excess of 30m from the proposed development. Due to the large lot characteristics, it is noted the development will not impact upon existing levels of solar access currently achieved by neighbouring properties. It is noted the existing structure on site was constructed prior to the adoption of this DCP.</p>	
<b>1.4 Water Supply</b>	<p>Where the land is serviced by Council's reticulated water supply the development shall be connected to the service at the applicant's expense. Where the land is not serviced by a reticulated water supply the development is to be provided with a minimum of 20,000 litres of stored water. If the development is on rural land the development is to be proved with an additional 22,500 litres of stored water in a non-combustible tank fitted with a 65mm storz coupling for fire fighting purposes. All residential developments are subject to BASIX requirements which may require additional water storage.</p>	Existing water tanks are located onsite.	Yes

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<b>1.5 Sewage</b>	Where the land is not serviced by reticulated sewer, the development is to be serviced by an approved onsite sewerage management facility. Council's Department of Environmental Services should be contacted regarding on-site effluent disposal requirements. Applications for sewerage management facilities must be lodged prior to or in conjunction with residential development applications.	Hunter Water have advised that there is no reticulated sewer available for connection. An onsite portable toilet will service the proposed neighbourhood shop and is currently emptied on a fortnightly basis.	Yes
<b>1.6 Property Access</b>	Access to residential properties is to also include a vehicular footpath crossing between the edge of bitumen and property boundary (with pavement thickness minimum 150mm and bitumen sealed 3m wide including turnouts).	The proposed development does not impact the access to the property. Access to the site will be maintained via Lilly Pilly Close which is a sealed public road.	Yes
<b>1.7 Property Identification</b>	Rural properties are required to ensure that satisfactory arrangements have been made with Council for the supply and erection of a property identification number in accordance with Council's Rural Addressing Program.	Not applicable.	N/A
<b>1.8 Energy Efficiency</b>	Energy efficient buildings should be designed to maximise the solar access of the property. Buildings should have living areas facing north and bedrooms facing south, provide cross flow ventilation in all directions by placing windows in suitable locations, concrete slabs placed directly on the ground and internal masonry walls with direct sunlight provide thermal mass for heating qualities.	Not applicable	N/A

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<b>1.9 Building Compliance</b>	All building work is to meet compliance with the Building Code of Australia, and the associated standards adopted by the BCA.	Noted. No building works are proposed to the existing structure and the proposed carpark works will be formalised as part of the construction certificate.	Yes
<b>1.10 Bushfire Prone land</b>	In the event that is identified as being bush fire prone the development must meet the requirements of Planning for Bush Fire Protection.	<p>The western portion of the site is identified as bushfire prone land being Vegetation Buffer under the Environmental Planning &amp; Assessment Act 1979 (s10.3). It is noted the Vegetation Buffer is 150 metres from the proposed development and 250 metres distance from Vegetation Category 1 located outside of the subject site.</p> <p>No physical works are proposed to the structure, and no vegetation removal is required in this development proposal. The site and surrounds are managed farmland and vegetation. The effective slope and vegetation within 100 metres and 140 metres respectively are taken into consideration when assessing the proposed development and it is noted the vegetation is beyond 150m that is mapped in the fire prone land.</p> <p>Consequently, it is considered a bushfire assessment is not warranted for this development application at this stage.</p>	Yes

Section	Requirement	Proposed	Complies
<b>C15 Contaminated land</b>	Council shall ensure that all development in Dungog Shire is carried out having regard to the requirements of the Dungog Shire Council Contaminated Land Policy, along with all supporting guides and documents that may from time to time exist to guide the management of contaminated land.	The site is not identified as a potential source of contamination.	Yes
<b>C16 – Biodiversity</b>	<p>The principal objectives of this Plan are to:</p> <ul style="list-style-type: none"> <li>• protect and preserve native vegetation and biodiversity in the Dungog Council area</li> <li>• retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term</li> <li>• protect and enhance habitat for threatened species, populations, and ecological communities</li> <li>• maintain and enhance corridors for fauna and flora.</li> </ul>	The subject site is not identified on the Biodiversity Values Map as land with biodiversity value.	Yes
<b>C17 – Heritage</b>	When determining an application for development of a heritage item or in a heritage conservation area that will involve the construction of a building an applicant should supply, in addition to information required to be supplied with all development applications, photographs and/or elevations and a completed building assessment form that will enable the consent authority to assess how a proposed development will relate visually to buildings already on the land subject	A search of the Aboriginal Heritage Information Services (AHIMS) database (18 October 2022) did not identify the subject site as containing any Aboriginal sites or places as shown in <b>APPENDIX 5</b> . Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.	Yes

Section	Requirement	Proposed	Complies
	to a development application and on land in the vicinity of the development.		
<b>C18 – Water Efficiency</b>			
<b>18.4.2 Rainwater Tanks</b>	Commercial and industrial buildings shall install rainwater tanks that have a minimum capacity of 1,000 litres for every 10m <sup>2</sup> in ground floor area. It is recommended that the rainwater tanks be internally plumbed	The existing structure on site does not propose any additional internal or external works for this development application. The existing stormwater arrangement will not be impacted nor will not impact adjoining lots.	Yes
<b>18.4.3 Hardstand</b>	All commercial and industrial properties shall conform to hardstand limits of a maximum of 65% of the lot area and 40% of the front setback area.	The proposed development is seeking consent to operate a neighbourhood shop in a pre-existing ancillary structure to the dwelling. The hardstand limits will not compromise of a 65% of the lot nor 40% of the front setback area.	Yes
<b>18.4.4 Onsite Detention</b>	All developments are to conform to on-site detention (OSD) requirements where a minimum of 15% of the rainwater tanks are to be airspace capacity to allow for OSD.  Commercial and industrial developments shall be designed in accordance with Council requirements, which will be established on a case by case basis, by an appropriately qualified person.	Noted.	Yes
<b>C.20 Off-street Parking</b>			



Section	Requirement	Proposed	Complies
<b>5.1 - Location of On-Site Parking</b>	It is noted neighbourhood shop is not listed in the schedule 1 identifying parking numbers and standards for a number of land uses. It is noted convenience stores and shops/general businesses are based on 1 space per every 20m <sup>2</sup> of gross floor area.	It is noted the neighbourhood shop has a gross floor area of 67m <sup>2</sup> and the proposed development includes 3 car park spaces which includes one accessible car park. It is considered the proposed car park will be sufficient to accommodate customers visiting the neighbourhood shop. The carpark is located as you enter the premises to the north of the driveway.	Yes
<b>5.2 – Parking Spaces and Driveway Standards</b>	<p>The dimensional requirements for on-site car parking spaces and driveways giving access to parking spaces shall generally be as set out in accordance with the latest Australian Standard - AS 2890.1 except where the requirements are specifically defined in this plan.</p> <p>The grade on any driveway within a development site shall not exceed 1 in 5 (20%) provided that a transitional grade not exceeding 1 in 10 (10%) shall be provided for a distance of 3 metres at either end of the grade, which exceeds 1 in 10</p>	As per architectural plans attached in <b>APPENDIX 7</b> the onsite car parking spaces are in accordance with the latest Australian Standards. It is noted the driveway access to the premises is pre-existing and has already been established.	Yes
<b>5.3 Directional Signs and Marking</b>	Clear and precise marking of a parking area is of prime importance in the prevention of choking of the aisles and for the general ease of use of the facility. Details of all proposed signposting and marking for parking areas are to be submitted with the development application for council's determination.	The proposed carparking will clearly be identified and accessibility when entering the premises. Entry and exit points will be clearly marked at the premises to avoid confusion. As this development is minor its nature it is considered	Yes

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	<p>Entry/Exit points must be clearly marked so as to avoid any confusion. Within the car park, signs should be located at regular locations so that drivers attempting to exit the car park may do so by the most efficient route. Signposting should be easily seen and understood.</p> <p>One-way markings must be clearly set out on the pavement in such a manner as to be easily readable and understandable to the users of the car park.</p> <p>In certain situations, the installation of signs to Council's satisfaction may be required over and above the normal requirements.</p> <p>Yellow paint is difficult to see under adverse lighting conditions. It is considered that white paint is the most suitable colour for use as a pavement marking.</p> <p>All parking bay delineation, arrows and other information for the driver, painted on the pavement are to be marked using white paint. Delineation should not be less than 75mm or greater than 100mm wide.</p>	the proposed car park space will be easily identifiable and accessible.	
<b>6. Layout</b>	The layout of parking areas shall be designed so that parking spaces remain available and accessible, have unrestricted access to a road by way of a corridor provided within the lot boundaries. Building design must not lead to closure of such access	<p>As per architectural plans attached in <b>APPENDIX 7</b> this demonstrated vehicles being able to enter and leave the premises in a forward motion.</p> <p>The driveway is pre-existing and requires slight widening of the gravel driveway gravel which will</p>	Yes

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	<p>Parking areas except for single residences and dual occupancy buildings shall be designed so that all vehicles enter and leave the subject land in a forward direction.</p> <p>The location and width of all driveways shall conform with the requirements of Council. Driveways shall be located to the street with the lowest traffic volume. In particular, driveways shall not be located:</p> <ul style="list-style-type: none"> <li>- opposite a 'T' intersection</li> <li>- closer than 6m to an intersecting street as measured from property boundary, but preferably 9 metres to an intersecting street as measured from the property boundary.</li> </ul> <p>Parking bays for the disabled shall be provided in accordance with the current AS 2890.1 – “Parking Facilities – Off Street Car Parking” at the time of development.</p> <p>Adequate drainage of surface waters off parking areas shall be provided and disposed of to a Council drainage system.</p> <p>Pedestrian flow in car parking areas shall be an integral part of the design and pedestrians should be separated from vehicular traffic wherever possible. Use of lighting should be considered where night use is involved.</p>	<p>be formalised as part of the carpark works. The driveway is measured excess of 40m from the property boundary to the intersecting street.</p>	

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	<p>The minimum height in undercover parking areas shall be 2.2 metres</p> <p>Car and truck turning areas shall be in accordance with the current version of AS 2890.2 – “Off-street commercial vehicle facilities” at the time of development.</p> <p>Consideration should be given to the use of speed humps in larger parking areas. Such humps shall be designed in accordance with Traffic Authority Guidelines.</p>		
<b>7. Landscaping</b>	<p>The landscaping of a surface carpark is an important feature, which serves to reduce the harsh effect often created by large open asphalt or concrete areas. Landscaping design should be an integral part of the layout. Landscaped areas should be used throughout the car park rather than placed only in the perimeters. They can often be used in conjunction with the provision of pedestrian through areas and in separation of conflicting traffic movements.</p> <p>As a guide the following points should be considered when designing the landscaping of the carpark:</p> <ul style="list-style-type: none"> <li>- A minimum of 10% of the total area of the carpark shall be appropriately landscaped.</li> <li>- Long stretches of parking bays are to be dispersed with screen planting. A typical ration</li> </ul>	<p>It is noted the premises has existing landscaped areas, existing trees and managed vegetation are located onsite and adjacent to the proposed carparking area. The carpark will be minor in nature with 3 carparking spaces proposed that will be gravel based.</p>	Yes

Section	Requirement	Proposed	Complies
	<p>includes no more than 10 parking bays before breaking to include planting.</p> <ul style="list-style-type: none"> <li>- Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter.</li> <li>- Trees with large surface roots, excessive girths, brittle limbs, fruits, sap or residue that drop and trees which attract large numbers of birds should be avoided in parking areas.</li> <li>- Landscaping must be maintained in perpetuity</li> </ul>		
<b>8. Construction</b>	Parking areas shall be suitably paved with a permanent, all weather surface such as two coat bitumen seal, concrete, asphaltic concrete or interlocking paving.	The proposed carpark will consist of 3 carparking spaces and will be constructed in line with the existing driveway surface. Given the minor scale of this carpark area it is understood gravel based driveway will be adequate for this proposal.	Yes
<b>8.1 Standards</b>	All driveways, vehicle manoeuvring areas, and car parking spaces are to be properly constructed, graded, drained and sealed with an impervious material.	The driveway is pre-existing and gravel-based surface.	Yes
<b>8.2 Ingress/Egress to Streets</b>	<p>The entry and exit requirements for parking areas may vary in relation to:</p> <ul style="list-style-type: none"> <li>- The size of vehicles likely to enter the proposed development,</li> </ul>	The proposed development is not anticipated to generate large volume of traffic. As per architectural plans attached in APPENDIX 7 it is	Yes

Section	Requirement	Proposed	Complies
	<ul style="list-style-type: none"> <li>- The volume of traffic on the streets serving the proposed development</li> <li>- The volume of traffic generated by the proposed development</li> </ul> <p>The standards recommended by the Roads and Traffic Authority of NSW for traffic generating developments are adopted for the purpose of this Plan.</p> <p>Gradients of ramps and access driveways should be in accordance with the latest Australia Standard AS 2890.1.</p> <p>Parking areas are to be designed so that egress to the street is in a forward direction.</p>	demonstrated vehicles can egress to the street in a forward direction.	
<b>8.3 On-site Loading and Unloading Facilities</b>	<p>All developments involving the erection of new buildings involving significant change of use and/or generating significant extra heavy vehicle movements are required to provide on-site loading and unloading facilities, except:</p> <ul style="list-style-type: none"> <li>- dwelling houses</li> <li>- residential flats with access other than from a main or country road.</li> </ul>	The existing gravel driveway will provide safe and secure on-site loading and unloading facilities for deliveries to the neighbourhood shop. It is noted deliveries will be conducted within proposed business hours.	Yes
<b>13.2 Undefined Development</b>	Where a proposed development does not fall within any of the land use categories identified in the Car Parking Standards section of this Plan, Council shall calculate the onsite parking requirements having	It is noted neighbourhood shop is not a listed development in this schedule however in comparison to convenience stores and	Yes

Section	Requirement	Proposed	Complies
	regard to the experience of similar existing development and an assessment of the likely traffic generating potential of the proposed development.	shops/general businesses these are based on 1 space per every 20m <sup>2</sup> of gross floor area.  It is noted the neighbourhood shop has a gross floor area of 67m <sup>2</sup> and the proposed development includes 3 car park spaces which is believed to be sufficient for this proposed development.	
<b>C.22 Signage</b>			
<b>1. Advertisements</b>	Advertisements must be carefully designed for the building on which they are to be displayed and must be appropriate in terms of style, detail and colour.  A development application is required for advertisements to be positioned above the awning of a building. The advertisement is to be attached to the building itself within structural elements, such as pediments, gables, or horizontal panels below the cornice of the building.	The development will also involve associated signage with this development. However, the client will apply for this under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Division 2 Advertising and Signage and it be carried out as exempt development. Any signage that is not deemed exempt development, a DA will be lodged for.	Yes
<b>C.23 Onsite Sewerage Management</b>			
	Development consent will not be granted by Council unless adequate arrangements have been made for the disposal and management of sewage.  Developments without access to the reticulated sewer of the local water and sewer authority must	The subject site is not serviced by Hunter Water, with no reticulated sewer available for connection.  It is noted the neighbourhood shop will not be connected to on-site sewerage however a	Yes

Section	Requirement	Proposed	Complies
	demonstrate that the proposal for the disposal and management of sewage is adequate and sustainable and how it satisfactorily addresses the Dungog Shire On-site Sewage Management Policy. The Policy incorporates technical tools including the Development Assessment Framework (DAF) and Technical Manual for On-site Sewage Management Systems.	portable toilet will be provided onsite which will be emptied on a weekly basis.	
<b>PART D.8 Boatfall's Rural Residential Estate</b>			
<b>8.5.1 Landscaping &amp; Rehabilitation</b>	The property owner is responsible for ensuring the landscaping located on the allotment which has been provided by the developer in accordance with an approved landscape plan, is maintained in perpetuity. The landowner is also responsible for maintaining the grass on the verge and any trees located on the verge.	Noted. The proposed development will not impact the nature strip verge.	Yes
<b>8.5.3 – Stormwater Management, Flooding and Dams</b>	To control, minimise or prevent the release of contaminants to the drainage system and waterways.	Noted, the proposed development is minor in nature and will not impact the existing stormwater requirements nor adjoining land.	Yes
<b>8.5.4 Flora and Fauna</b>	To control, minimise or prevent the destruction of native vegetation, limit the overall impact of the development on vegetation and native fauna, and prevent the spread of noxious weeds;  To prevent adverse impacts on native fauna, including threatened species; and	Noted. The proposed development application does not require vegetation removal.	Yes



Section	Requirement	Proposed	Complies
	To manage pets/companion animals so as to prevent adverse impacts on local biodiversity and the amenity of existing and future owners and residents		
<b>8.5.7 Bushfire Management</b>	The site located within a bush fire area and in accordance with legislative requirements a bushfire threat assessment was prepared in 2012. The bushfire assessment concluded that the proposal is located in an area of low to moderate bushfire risk and meets the requirements of the NSW Rural Fire Service. All allotments have been constructed so as to comprise an area of land which is clear of native vegetation for the location of a sizable dwelling together with the required Asset Protection Zone (APZ)	<p>The western portion of the site is identified as bushfire prone land being Vegetation Buffer under the Environmental Planning &amp; Assessment Act 1979 (s10.3). It is noted the Vegetation Buffer is 150 metres from the proposed development and 250 metres distance from Vegetation Category 1 located outside of the subject site.</p> <p>The site and surrounds are managed farmland and vegetation. The effective slope and vegetation within 100 metres and 140 metres respectively are taken into consideration when assessing the proposed development and it is noted the vegetation is beyond 150m that is mapped in the fire prone land.</p> <p>Consequently, it is considered a bushfire assessment is not warranted for this development application at this stage.</p>	
<b>8.5.8 Visual Amenity</b>	To ensure buildings are appropriate within their setting and complimentary to the rural environment.	The proposed development will be operating from an existing structure onsite and is designed with consideration of the rural amenity of the Boatfall's estate.	Yes