

# **APPENDIX 2 – DCP COMPLIANCE TABLE**

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**PROPOSED CONSTRUCTION OF A  
RESTAURANT AND FUNCTION CENTRE**

**29 GREY STREET CLARENCE TOWN  
NSW 2321  
(LOT 1 SECTION 3 / DP758250)**

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<b>PP Reference</b>		J003558		
<b>Prepared for (client)</b>		Williams River Steel		
<b>Document Versions and Control</b>				
DCP Compliance Table, 36-56 Abelard Street, Dungog				
Version	Date	PP ref	Author	Reviewed by
1	08/09/2023	Appendix 2 – DCP Compliance Table	GB	GB
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Section	Requirement	Proposed	Complies
<b>Part A – Administration</b>			
	This Part relates to development application requirements.	The proposed development application will be submitted to Council consistent with those requirements.	Yes
<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.	N/A
<b>C3 – Building Line Setbacks</b>			
<b>2.3.6 Building Line Setback to Front Property Boundary - Land Zoned RU3 Forestry, SP2 Infrastructure, E1 Public Recreation, RE2, Private Recreation and W1 Natural Waterways</b>	On land zoned RU3, SP2, RE1, RE2 and W1, the minimum setback from the front property boundary shall be as determined by Council (site specific).	The subject site of the development is zoned E1. As such required setbacks will be determined by Council.  Setbacks for the proposed development is for have been prepared to be compatible with the existing streetscape, refer to attached plans ( <b>APPENDIX 4</b> ).	Yes
<b>2.4 Side and Rear Boundaries (including secondary road frontage) - Land Zoned</b>	On land zoned RU3, SP2, RE1, RE2 and W1, the minimum setback from side and rear boundaries shall be as determined by Council (site specific).	The subject site of the development is zoned E1. As such required setbacks will be determined by Council.	Yes

Section	Requirement	Proposed	Complies
<b>RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2, Private Recreation and W1 Natural Waterways</b>		Setbacks for the proposed development is for have been prepared to be built on the boundary, refer to attached plans ( <b>APPENDIX 4</b> ).	
<b>C.5 Bushfire</b>			
<b>C.5 Bushfire</b>	Section 4.14 of the EP&A Act prevents Council from granting approval for any development in a bushfire prone area unless the proposal complies with Planning for Bushfire Protection 2006 or the Commissioner of the NSW Rural Fire Service (RFS) has been consulted on any non-compliance	The site is not identified to be bushfire prone land. The use of the building is not identified as being special fire protection purpose development.	N/A
<b>C.8 Managing Our Floodplains</b>			
<b>8.6.2 Performance Criteria</b>	a) The proposed development should not result in any increased risk to human life. b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general commercial. c) The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required. d) Development should not detrimentally increase the potential flood affectation	a) The proposed building is not a habitable building and should not result in any increased risk to human life b) The costs associated with proposed building appropriate considering the status of the site as these can reasonably be managed by the property owner and general commercial c) The proposed building is not anticipated to contribute to a decrease in the efficiency of warning or evacuation of a flood event.	Yes

Section	Requirement	Proposed	Complies
	on other development or properties.	d) The proposed building is not anticipated to detrimentally affect the potential flood affectation.	
<b>C.15 Contaminated Land</b>			
<b>15.2 Contaminated Land Application</b>	To ensure protection of commercial health standards, the protection of the environment and to minimize costs to the commercial by way of ensuring contaminated land is identified at the earliest possible stage in the development process.	The site does not contain any signs of previous contaminating uses. As the site has existing commercial use development it is unlikely to be considered contaminated. The site is considered appropriate for the proposed extension of the building.	Yes
<b>C.16 Biodiversity</b>			
<b>4.2 Settlement Structure</b>	<ul style="list-style-type: none"> <li>4.2.1 Preferred Land Uses - To ensure appropriate uses of land with biodiversity values, and protection of natural habitats from inappropriate development.</li> <li>4.2.2 Subdivision Layout - To ensure that subdivision design takes into account biodiversity considerations and facilitates minimum impact development.</li> <li>4.2.3 Roads and Access - To ensure that impacts of biodiversity as a result of the location and construction of new roads and access is minimised.</li> </ul>	<ul style="list-style-type: none"> <li>The use of the site is not proposed to change from the existing use as commercial premises.</li> <li>No subdivision is proposed as part of this application.</li> <li>A new access are proposed as part of this application. Biodiversity is not expected to be impacted by the location and construction of new roads and access.</li> </ul>	Yes
<b>4.3 Guidelines for Biodiversity</b>	<ul style="list-style-type: none"> <li>4.3.1 Bushland - To maintain (and where possible increase) the current area of bushland, and to retain the natural species diversity of bushland as far as possible</li> </ul>	<ul style="list-style-type: none"> <li>Some remnant vegetation described as servery degraded condition is to be removed. No adverse impact to native bushland is anticipated to occur.</li> </ul>	Yes

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	<ul style="list-style-type: none"> <li>• 4.3.2 Streams - To facilitate water quality and flow conditions in streams and their catchments to allow stream biodiversity to be retained.</li> <li>• 4.3.4 Native Fauna - To protect and maintain native fauna populations and their habitats.</li> <li>• 4.3.5 Non-Native Fauna - To facilitate the control of pest animals.</li> <li>• 4.3.6 Weeds - To facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.</li> <li>• 4.3.7 Threatened Species - To facilitate the assessment of development proposals likely to have a significant effect on threatened species or their habitat.</li> <li>• 4.3.8 Habitat Corridors - To promote the establishment and retention of habitat corridors that will contribute to the long-term survival of native fauna and flora species in the area.</li> <li>• 4.3.9 Koala Habitat - To promote the retention of Koala habitat within the Council area.</li> </ul>	<ul style="list-style-type: none"> <li>• The site is not located within proximity to the watercourses and as such is not anticipated to impact the biodiversity of the area.</li> <li>• The proposed development is not anticipated to cause negative impact on flora and fauna of the area.</li> <li>• The existing commercial recreation use of the site results in the maintenance of any weed invasion issues.</li> <li>• No threatened species are identified on the site, additionally the proposed works are not anticipated to cause any effect to flora and fauna on the site.</li> <li>• The proposed construction will not impact upon habitat corridors.</li> <li>• No tree removal is proposed as a result of the construction, therefore no effect to Koala habitat is anticipated as a result of the proposed development.</li> </ul>	
<b>4.4 Guidelines for Land and Water</b>	<ul style="list-style-type: none"> <li>• 4.4.1 Streams and Stormwater - To promote the retention of native vegetation and natural hydrological processes along watercourses.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed construction is not anticipated to impact on the natural hydrological processes of the minor watercourses on site.</li> <li>• Any erosion, sediment or dust as a result of the proposed development will be managed at</li> </ul>	Yes

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	<ul style="list-style-type: none"> <li>• 4.4.2 Erosion, Sediment and Dust Control - To control erosion, sediment and dust to maintain amenity and protect water quality.</li> <li>• 4.4.3 Excavation and Filling - Land excavation and filling is to be minimised to reduce disturbance and consequent environmental impacts.</li> <li>• 4.4.4 Land Rehabilitation - To promote the rehabilitation of disturbed land using appropriate techniques.</li> <li>• 4.4.5 Bushfires - To minimise hazards from bush fire, and to have regard to the consequences of bush fires for bushland management and biodiversity conservation.</li> </ul>	<p>construction stage with appropriate control techniques.</p> <ul style="list-style-type: none"> <li>• There is only minor cut and fill proposed involved in the construction.</li> <li>• The existing use of the site is for commercial use, the proposed construction are not anticipated to cause contamination or disruption to the site.</li> <li>• The site is not identified as bushfire prone land.</li> </ul>	
<b>4.5 Guidelines for Environmental Design</b>	<ul style="list-style-type: none"> <li>• 4.5.1 Paving - To limit the extent of paving on development sites so as to minimise impacts on streams and bushland.</li> <li>• 4.5.2 Construction Works - To control construction works in a manner that minimises environmental impacts.</li> <li>• 4.5.3 Tree Preservation - To ensure that tree preservation controls take into account impacts on native fauna and flora.</li> <li>• 4.5.4 Landscape Design - To promote landscape design that responds to fauna and flora issues and the significance of native vegetation.</li> <li>• 4.5.5 Waste Disposal - To ensure that waste disposal does not adversely affect biodiversity values or habitat corridors.</li> <li>• 4.5.6 Cultural and Historic Sites - To recognise that bushland and native fauna</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed landscaping and paving has been designed to minimise impacts on streams and bushland.</li> <li>• The site does not have areas of biodiverse value. Construction of the construction will be managed to reduce potential environmental impacts.</li> <li>• There is minor vegetation removal proposed as part of this application that is not expected to impact native fauna and flora.</li> <li>• Landscaping is proposed as part of this application that is designed to respond to fauna and flora issues.</li> <li>• Waste disposal systems will be utilised on site to mitigate impact on biodiversity values and habitat corridors.</li> </ul>	Yes

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	<p>and flora are an important component of the cultural heritage.</p> <ul style="list-style-type: none"> <li>4.5.7 – Roadside Vegetation Management - To recognise that bushland and native fauna and flora are an important component of the cultural heritage of the area and to recognise and protect important sites.</li> </ul>	<ul style="list-style-type: none"> <li>There are no identified cultural or historic sites on the subject site. An AHIMs search (11 September 2023) confirmed there are no identified Aboriginal heritage sites or items within a 200m buffer of the site.</li> <li>The proposed development will not affect roadside vegetation.</li> </ul>	
<b>C.17 Heritage</b>			
<b>3.3 Existing Buildings</b>	<p>In general, the following outline gives important steps in conserving a building's significance in the process of rejuvenation.</p> <ol style="list-style-type: none"> <li>a) Original built fabric should be preserved.</li> <li>b) Any original detailing which has been removed or dislodged should be reinstated.</li> <li>c) If original fabric is not able to be re-used and sufficient evidence exists to show an original configuration, this should be rebuilt in new material.</li> </ol> <ol style="list-style-type: none"> <li>Specific guidelines relating to individual buildings can be found in the Inventory Sheets in the Appendix of this report.</li> <li>Any modern additions or alterations identified as detracting from the significance or aesthetic character of the building should be</li> </ol>	<p>The site is located within a heritage conservation area, specifically the Grey Street Precinct Significance: Local., the proposed development site is not listed as a cultural or heritage significance site.</p> <p>The proposed construction will be in keeping with the existing development, and provide a modern infill commercial development, whilst not detracting from the existing significant building stock. The form of the proposed development will align with the existing building and will only serve to make the area more useable for the purpose of the Clarence Town commercial centre.</p> <p>It is not anticipated that the construction of the building will detract from the character or aesthetic of the current building nor the surrounding area.</p>	Yes



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	<p>removed and the building made good. Refer to further guidelines on construction.</p> <p>4. Features of the building, such as verandahs, columns and balustrades, should, where possible, be returned to their original condition.</p> <p>5. Chimneys also contribute to the character of a building and should be preserved and maintained.</p> <p>6. Fences are also important to the overall character of the property and care should be taken in selecting replacements if the fence is missing. Appropriate designs from the streetscape or old photographs are the best source of suitable detailing. Where possible it is best to maintain existing fences.</p> <p>7. An organised and united approach to painting as found in a recommended colour palette gives freedom of choice within a range that offers harmony throughout the town. Appropriate colours for a design can often emphasise the essential qualities of the particular style or period.</p> <p>8. Maintenance is the essential ingredient for preserving the character of the town. Significance is retained and amenity improved by well-maintained buildings.</p>		

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<b>C18 Water Efficiency</b>			
<b>18.4.1 Water Usage</b>	<ul style="list-style-type: none"> <li>Dual flush toilets must be installed.</li> <li>New or replacement bathroom or kitchen taps, showerheads, toilet cisterns are minimum AAA rated.</li> <li>AAA rated fixtures to achieve: <ul style="list-style-type: none"> <li>Shower Heads – 9 litres or less per minute;</li> <li>Basins – 6 litres or less per minute; and</li> <li>Kitchen Sinks – 9 litres or less per minute.</li> </ul> </li> </ul>	The proposed construction will not impact on the existing facilities of the building on site. The construction will provide facilities will meet the proposed standards for a commercial development.	Yes
<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 proposed development will maintain the rainwater management system as outlined in the proposal.	N/A
<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 site is used for commercial purposes and the hardstand area will meet the proposed standards for a commercial development.	N/A
<b>18.4.4 On-Site Detention</b>	All developments are to conform to on-site detention (OSD) requirements where a minimum of 15% of the rainwater tanks are to	The proposed Commercial development has been designed in accordance with Council	Yes

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	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.	requirements, design by an appropriately qualified person.	
<b>C.20 Off Street Parking</b>			
<b>9 Existing Development</b>	<p>a. Where an existing building is to be replaced by a new building, which has a floor area not exceeding the floor area of the existing building and no significant change of use is proposed, no additional parking is required to be provided. Any existing parking on the site, up to the number of spaces required under this plan for the existing development, or any requirement of the consent for the existing development, must be maintained on the site. Arrangements involving staff parking elsewhere in order to remove parking congestion in the locality will be considered.</p> <p>b. Where an existing building is to be replaced by a new building,</p> <p style="padding-left: 40px;">I. having a floor area of more than 10% greater than that of the existing building and / or</p>	<p>The proposed development involves construction of a new building, increasing to the floor area of commercial premises on site.</p> <p>The proposed development incorporates an additional 6 parking places. While this does not meet Council's requirements, Council is asked to consider the following justification –</p> <ul style="list-style-type: none"> <li>• New parking facilities have been established within 70 metres of the proposed development.</li> </ul> <p>The proposed development will result in minor additional traffic generation as the use of the site is not proposed to change from commercial use.</p>	Yes

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	<p>II. which will have a significant change of use; car parking is to be provided as calculated under this policy for the new building area and use.</p> <p>c. Where an existing building is to be extended then car parking is to be provided as calculated under this policy for the extended building area and use.</p>		
<b>11 Renovation of Existing Building</b>	Nothing in this plan requires the provision of additional parking where an existing building is being renovated for its existing use, provided the floor area of the renovation is not increased by more than 10%.	Proposal is for construction of a new building.	N/A
<b>C.23 On-Site Sewerage Management</b>			
<b>23.3.1 Unsewered Allotments to be Provided with an Onsite Sewage Management System</b>	Development consent will not be granted by Council unless adequate arrangements have been made for the disposal and management of sewage.	The proposed building is to be connected to the existing reticulated sewer system. No extension of this service is required as a result of the proposed development.	N/A
<b>C.24 Site Waste Minimisation and Management</b>			
<b>24.14 Construction of Buildings or Structures</b>	The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from construction activities.	This application is supported by a Site Waste Management Plan ( <b>APPENDIX 8</b> )	Yes

