

3.13 Industrial Development

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	22/07/2014	04/08/2014	Amended
3	27/09/2016	24/10/2016	Amended

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land zoned:

- B5 Business Development
- IN2 Light Industrial
- IN3 Heavy Industrial
- IN1 General Industrial
- SP1 Special Activities.

Development (type/s) to which this section applies

This section applies to development within the B5 Business Development, IN2 Light Industrial, IN3 Heavy Industrial, IN1 General Industrial zones and SP1 Special Activities.

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (State Significant Precincts) 2005.
- State Environmental Planning Policy (Three Ports) 2013

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.02 Landscaping, Open Space, and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Advertising and Signage.

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision – if the proposal involves subdivision
- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.02 Heritage Conservation Areas - known conservation area
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.10 Street Awnings and Balconies – awnings or balconies over public land.

Associated technical manual/s

- Nil

Additional information

- *NSW Industrial Noise Policy*, 2000, Environment Protection Authority (now known as Office of Environment and Heritage)

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

Aims of this section

1. To outline Council's requirements for development within industrial, business development zones
2. To promote the efficient and economic use of the city's industrial resources by ensuring that development proposed is appropriate to industrial areas.
3. To outline Council's requirements for development on sites that are zoned SP1 under State Environmental Planning Policy (Three Ports) 2013 and are located outside of the Port of Newcastle Lease Area.

3.13.01 Site coverage

Objectives

1. Ensure that sites are developed to a level that maintains their efficient operation.

Controls

1. Site coverage of development is determined having regard to the following:
 - (a) landscaping requirements
 - (b) car parking and manoeuvring
 - (c) loading areas
 - (d) setbacks.

3.13.02 Character and amenity

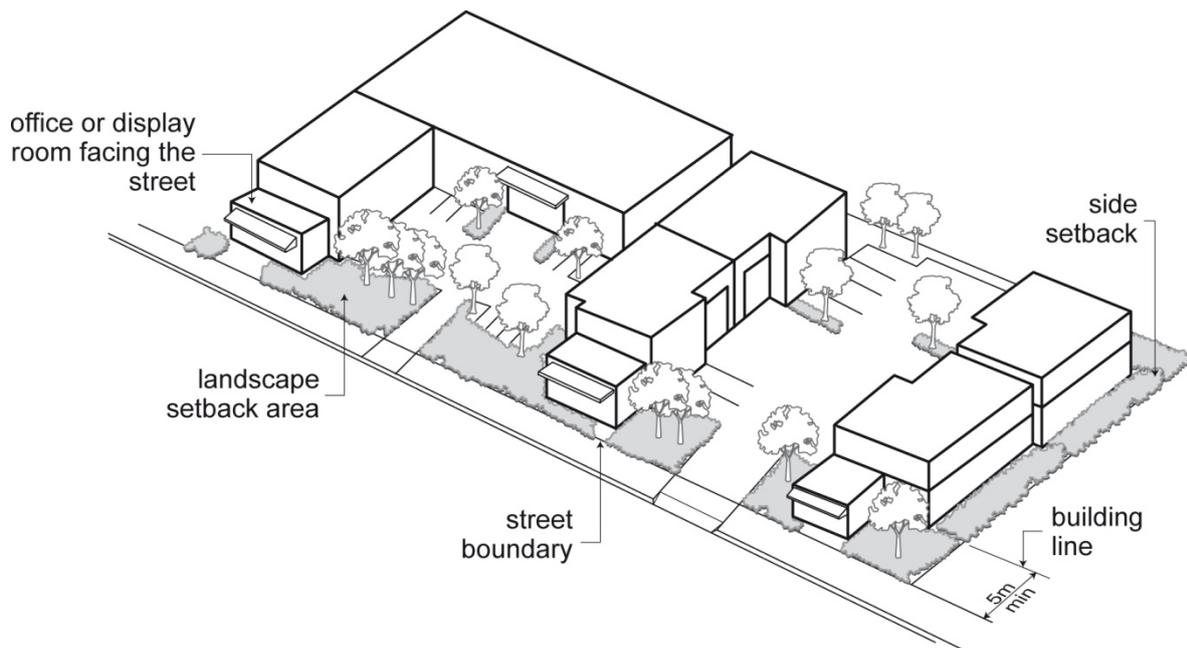
Objectives

1. Promote development that is both functional and attractive in the context of its local environment through appropriate design.
2. Ensure new development is sympathetic with the streetscape character and amenity of any adjoining residential precinct.
3. Ameliorate any potential adverse amenity, noise privacy or overshadowing impact upon any adjoining residential zoned land from any proposed new building or proposed alterations and additions to an existing building.
4. Minimise the potential impact of development, visual or otherwise through careful site planning and ensure that adequate environmental safeguards are implemented.
5. Ensure that development proposed in close proximity to residential areas does not have materially detrimental effects on such areas.

Controls

1. Buildings meet a high standard of building design to achieve a suitable level of visual and environmental quality. Attractive building design can, in most cases, be achieved simply and at comparatively low cost, and applicants are encouraged to consider variations in fascia treatments, roof lines and selection of building materials to achieve an attractive design.
 - (a) Elevations of buildings which are visible from a public road, reserve, railway or adjacent residential areas are constructed using brick, masonry, pre-coloured metal cladding, appropriately finished 'tilt-slab' concrete or a combination of a number of these materials. Large unrelieved expanses of wall or building mass are avoided, and such should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.
 - (b) Showroom display areas, ancillary offices, staff amenities and other low-scale building elements are, wherever practicable, located at the front of the premises and constructed in brick or masonry materials to enhance the appearance of the development. (Refer **Figure 1**).

Figure 1 - Street address and front setback



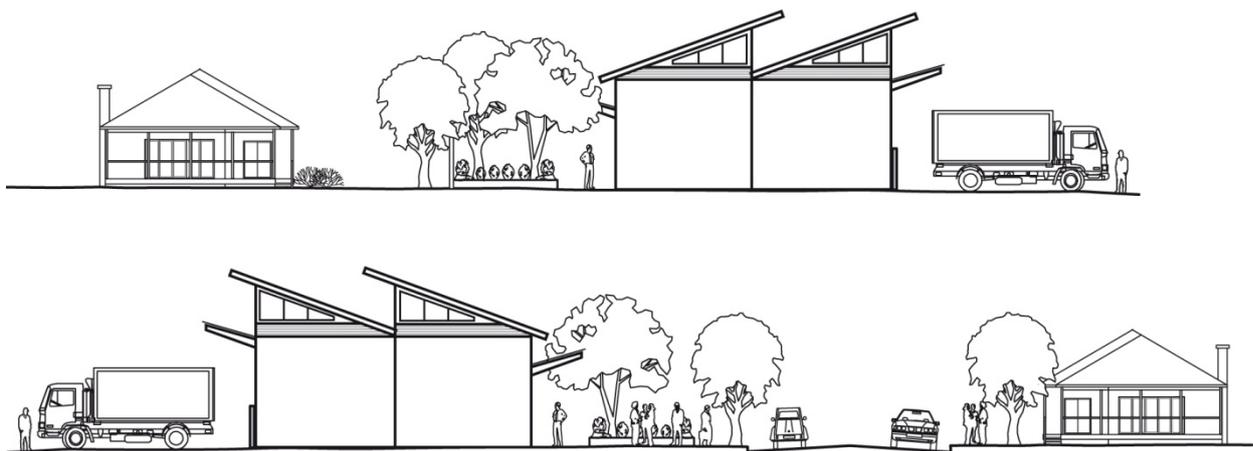
- (c) Roofing materials consist of low-reflective materials particularly when visible from a public place or adjoining residential areas.
2. In assessing a development proposal that adjoins or is located in close proximity to residentially zoned land, or land currently used for residential purposes, Council will have particular regard to:
 - (a) the nature of the proposed development
 - (b) the bulk and scale of development and possible overshadowing effects

- (c) the need for side and rear boundary setbacks

Note: Development adjoining residential zoned land should generally comply with the applicable residential building envelope at the zone boundary interface.

- (d) the provision of landscaping and its effectiveness in screening the proposed development
 - (e) the level of traffic generated
 - (f) the hours of operation proposed
 - (g) the impact of noise and other emissions.
3. Sources of noise such as garbage collection deliveries, plants and machinery, parking areas and air conditioning plants sited away from adjoining residential properties, wherever practicable, and screened by walls or other acoustic treatments. (Refer **Figure 2**).

Figure 2 - Buffer provided from noise generating activities to residential areas



Note: In determining a development application in industrial zones, Council is required to consider the effect the proposal will have on the existing and likely future amenity of the neighbourhood. The level of amenity for dwellings located on industrial land may be given less consideration than dwellings located on residential zoned land.

3.13.03 Open storage and work areas

Objectives

1. Ensure open storage and work area are suitably screened from public view.

Controls

1. Where any work or storage of materials is proposed to be undertaken outside the confines of a building, full details of those parts of the site to be so used, and of the materials to be stored, are provided with the application.
2. Approved open work and storage areas are located at the rear of industrial developments and screened from view by the use of landscaping and screen fencing. Such fencing is constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2m.

3.13.04 Building setbacks

Objectives

1. To ensure that adequate area is available at the street front of development to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles.
2. To reduce the visual impact of development on the streetscape and to provide adequate area for landscaping.

Controls

1. Development is setback 5m from the front property boundary, however, this setback may be reduced by up to 50% for half the width of the site (refer **Figure 1**), provided that:
 - (a) the remaining portion of the development is setback a distance equivalent to the concession taken
 - (b) the building design contributes to the enhancement of the streetscape
 - (c) the setback area is landscaped
 - (d) the front setback does not have any car parking spaces.

Note: Within established areas consideration will also be given to existing setbacks, particularly within the B5 Business Development Zone.

2. Variations to a setback for development that has more than one road frontage will be considered on merit and take into account the following factors:
 - (a) the location
 - (b) surrounding development and land uses
 - (c) building form.

Note: Setbacks for the secondary frontage should generally be between 2m to 5m.

3. Buildings and external work and storage areas are setback a minimum of 6m from side and rear boundaries on sites of 10,000m² or more.

3.13.05 Loading, unloading and servicing areas

Objectives

1. Provide for the design of loading and servicing areas in a functional and aesthetically pleasing manner.

Controls

1. All loading and servicing areas are located to the side or rear of buildings and effectively screened from any street frontage, adjoining buildings and residential areas.
2. Each individual allotment provides sufficient on-site loading facilities to accommodate its activities within the allotment. All loading movements, including turnaround areas, are accommodated within allotments. Sharing of loading facilities and manoeuvring areas between sites will be considered on merit.

3.13.06 Parking and vehicle access

Objectives

1. Ensure adequate provision is made for on-site car parking and for employees and visitor's vehicles.
2. Create attractive landscaped car parking throughout the development.

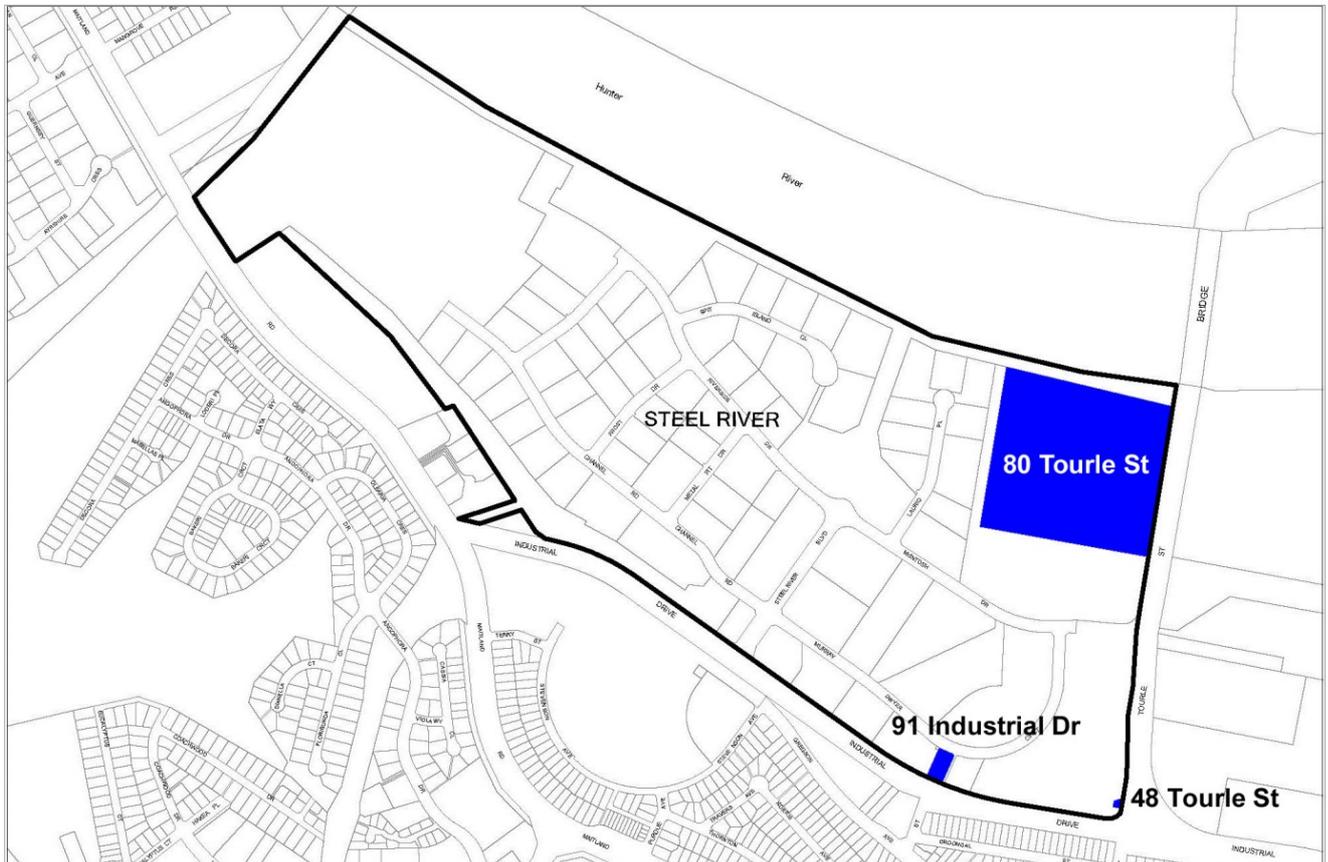
Controls

1. Car parking provided on site in accordance with the requirements of Section 7.03 Traffic, Parking and Access of this DCP.
2. All car parking required by Council is provided 100% on site.
3. Off-street parking is provided behind or at the side of the building area from street frontage.
4. Loading docks are positioned so they do not interfere with visitor and employee parking spaces and to ensure delivery vehicles do not stand on any public road, footway or laneway.
5. Where possible separate heavy and light traffic movements.

3.13.07 Land in Zone IN1 General Industrial 'Steel River'

The following controls apply to all development within 'Steel River' as identified on **Map 1**. Any inconsistency between a control under this part and elsewhere within the development control plan this part will take precedence to the extent of the inconsistency

Map 1: Steel River



Note: **80 Tourle Street** (Lot 1 DP874109) (former EMD Plant); **48 Tourle Street** (Lot 2 DP523584); and **91 Industrial Drive** (Lot 11 DP842850) as shown on the map below are not part of the Steel River precinct (according to the Strategic Impact Assessment Study (1998)) and are therefore exempt from the area specific controls contained in 3.13.07 Land in Zone IN1 General Industrial 'Steel River'. The regular Industrial Development DCP controls still apply. Please consult with Council if you are unsure about the controls that apply to these sites.

Definitions

- **environmental envelope** - all the requirements set out in Part D of the 'Strategic Impact Assessment Study', and includes (without limitation) the requirements relating to the following:
 - (a) air quality, noise emissions and water quality
 - (b) industrial ecology and ecologically sustainable development
 - (c) the social and economic welfare of residents and workers in Newcastle
 - (d) urban design and landscaping
 - (e) the cultural, historic and landscape significance of the land.

- **qualified person** - a person:
 - (a) who holds qualifications in a relevant field (such as town planning, engineering, architecture or environmental sciences) that are recognised by a professional association and the Council, and
 - (b) who has been registered with the Council as a qualified person for the relevant purpose of preparing the study requested under Section 3.13.07 C.
- **Strategic Impact Assessment Study** - the study titled 'Strategic Impact Assessment Study' concerning land at Tourle Street and Industrial Drive, Mayfield - the Steel River Project, approved by the Council and dated February 1998, a copy of which is available at the office of the Council.

Aims of this section

1. To identify special controls applying to 'Steel River'.

A Public notification

1. On receipt of a development application with respect to land to which this clause applies, the consent authority shall:
 - (a) give public notice of the receipt of the application, within 7 days of its receipt, in a newspaper circulating in the City of Newcastle, and
 - (b) invite the public to inspect the proposal, at a place and at a time specified in the notice.

B Development controls

1. The consent authority will not grant consent to the carrying out of development on land to which this part applies unless:
 - (a) the development is allowed with consent and complies with the environmental envelope, and
 - (b) the environmental effects of any aspect of the development relating to air quality, noise emissions or water quality that have not been addressed in the 'Strategic Impact Assessment Study', meet any relevant standards determined by the Office of Environment and Heritage.

C Granting consent

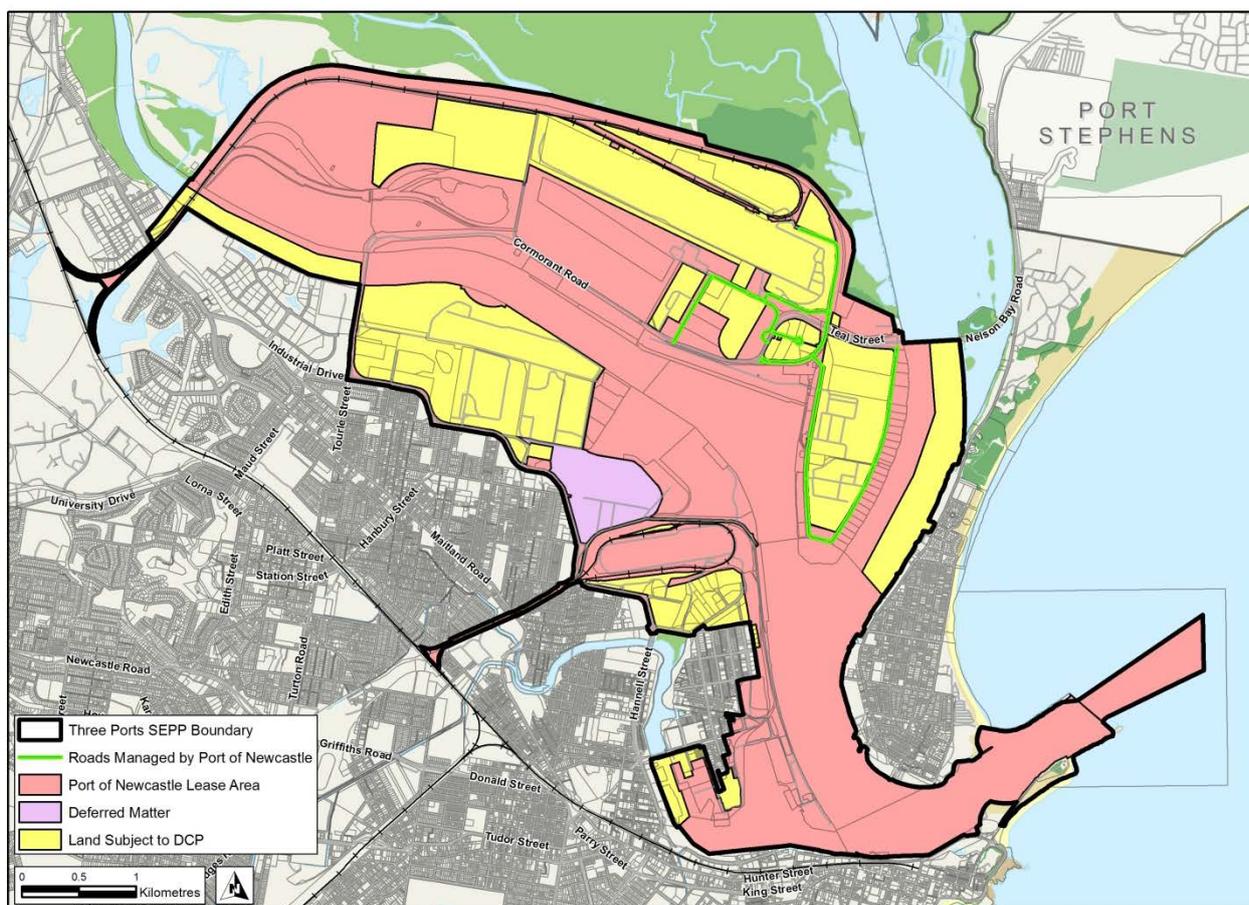
1. The consent authority should, within 28 days of receipt of a development application relating to land to which this part applies, grant consent to the carrying out of the development, if it is satisfied that:
 - (a) a study prepared by a qualified person demonstrates that the requirements of Section 3.13.07 B above have been met, and
 - (b) the consent authority has met its obligations under Part 4 of the Act with respect to the assessment of the development application and, in particular, the matters required to be taken into consideration under section 79C (1) of the Act.

3.13.08 Land outside of the Port of Newcastle Lease Area

The following additional controls apply to development of land zoned SP1 under the Three Ports SEPP that is located outside of the Port of Newcastle Lease Area and shown in yellow in **Map 2**. Any inconsistency between a control under this part and elsewhere within the development control plan, this part will take precedence to the extent of the inconsistency.

This part of the DCP does not apply to the 'Deferred Matter' shown in purple in **Map 2**. The 'Deferred Matter' is zoned SP1 under State Environmental Planning Policy (State Significant Precincts) 2005.

Map 2: Land identified under State Environmental Planning Policy (Three Ports) 2013



Definitions

- **Three Ports SEPP** means State Environmental Planning Policy (Three Ports) 2013
- **Port of Newcastle Lease Area** means land identified as “Port of Newcastle Lease Area” on the Lease Area Map contained in the Three Ports SEPP. This area is coloured Pink in **Map 2** above.

Notes:

1. The Port of Newcastle is within the protected airspace zone of the Williamtown RAAF base. Buildings and structures (including structures such as an aerial or antenna and temporary structures such as cranes) with a height of 30m or greater may require separate approval from the Commonwealth Department of Defence. If your proposal includes a structure or construction will include the use of a crane with a height 30m or greater, it is recommended that you first discuss your proposal with the Commonwealth Department of Defence.
2. The safe and efficient navigation of vessels in the Newcastle Harbour shipping channels, approaches and berthing boxes relies on a network of land based navigational aids located on land in the Newcastle CBD, Newcastle Foreshore (near Nobby's Beach), Throsby Basin, Kooragang Island and Stockton Point. Buildings and structures, including cranes used in construction, that are proposed to be developed or located within the sight lines or view corridors may have the potential to impact upon the use or functionality of the navigation aids, by way of obstruction, reflectivity or illumination. In this case, it is recommended that you first discuss your proposal with the Harbour Master at the Port Authority of Newcastle South Wales (PANSW) and the port operator, Port of Newcastle (PON).

Aims of this section

1. To identify additional controls applying to development of land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.
2. To ensure development is consistent with the objectives of the Three Ports SEPP and supports Port activities.

A Vehicular access

Objectives

1. To ensure safe and effective access is provided for land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.
2. To ensure that legal access is provided to all land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.

Controls

1. Vehicular access to a development is to be provided by a road other than Industrial Drive, Cormorant Road or Tourle Street. If access is only available from these roads, a single access point is to be located so that the safety, efficiency and ongoing operation of the road is maintained. Any other existing access points are to be closed.
2. Where access to a site is via roads managed by the operator of the Port of Newcastle (shown in **Map 2**), evidence that the operator has given consent to use the road is to be submitted with the development application.
3. Where new work, such as a new or reconstructed driveway crossing, is proposed within a road reserve of a road managed by the operator of the Port of Newcastle (shown in **Map 2**), the consent of the operator to lodge the development application is required.

Note: Industrial Drive, Cormorant Road and Tourle Street are classified roads. Any new openings to these roads require approval from Roads and Maritime Services.

B Stormwater Disposal

Objectives

1. To ensure that safe and legal methods of stormwater disposal are provided for land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.

Controls

1. Where stormwater is to be discharged via a stormwater system that is managed by the operator of the Port of Newcastle, the development application is to include evidence that the operator has given consent to the use of the stormwater system.