

CHAPTER 7 DEVELOPMENT IN ZONES IN1 GENERAL INDUSTRIAL AND IN2 LIGHT INDUSTRIAL

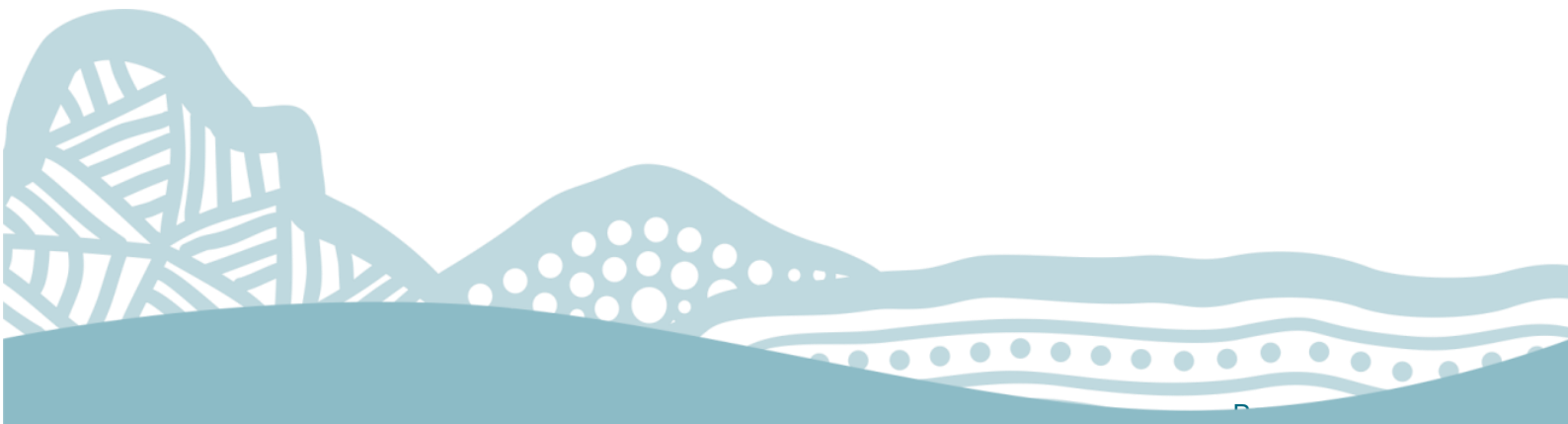


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1 INTRODUCTION

1.1 Application

This Chapter applies in preparing and assessing applications for development that is permitted with consent under the Kyogle Local Environmental Plan 2012 (Kyogle LEP 2012) in Zones IN1 General Industrial and IN2 Light Industrial. For subdivision of land and buildings within Zones IN1 and IN2 refer to Chapter 2 Subdivision.

1.2 Exempt and Complying Development

Certain industrial development (eg. change of use of premises from light industry to another light industry) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain industrial development (eg. new industrial sheds or additions) is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to Schedule 3 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

1.3 Aims of Chapter 7

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications for development within Zones IN1 and IN2 and the assessment of those applications.
- b) To facilitate the establishment of industrial development and other compatible development within Zones IN1 and IN2 that achieves the Zone objectives.

1.4 Objectives of Chapter 7

- a) To achieve a high standard of visual amenity of industrial and urban areas through high quality building design and provision of suitable landscaping.
- b) To ensure that industrial development is adequately serviced and makes suitable arrangement for dealing with waste and stormwater.
- c) To ensure that development in flood prone areas is compatible with the flood hazard.
- d) To ensure that development makes appropriate provision for site access, vehicular circulation, parking, loading and servicing.
- e) To ensure that development does not result in adverse impacts on the amenity of surrounding development.

2 DEVELOPMENT GUIDELINES

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Lot size	
P1 The lot is a suitable size and dimensions to accommodate the proposed development	A1 The lot is at least 1500m ² in area and has at least 24 metres of road frontage
Site design and earthworks	
P2 Development siting and layout utilises natural grades of the land and minimises cut and fill	A2 Buildings, structures and vehicular parking and manoeuvring areas are not located on land with a gradient exceeding 10%
P3 Cut and fill structures (including retaining walls) are structurally sound and do not impact on the amenity or geotechnical stability of adjoining properties	<p>A3.1 Non-retained cut batters are a maximum 1.5m in height and no closer than 900mm to property boundary with a maximum slope of 1:3 (vertical:horizontal)</p> <p>A3.2 Non-retained fill batters are a maximum of 1.5m in height and no closer than 1.5 metres to property boundary with a maximum slope of 1:3 (vertical:horizontal)</p> <p>A3.3 Retaining walls higher than 0.6 metres are designed and certified by an appropriately qualified engineer</p>
Design, form and scale of buildings and structures	
P4 Bulk and scale of buildings is appropriate for intended use	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P5 Buildings are designed to a high standard appropriate for the intended use and respond appropriately to the site characteristics and location	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P6 Site coverage of buildings and structures does not result in overdevelopment and must allow for landscaping, parking and servicing on site	A6 Site coverage of buildings and structures (excluding parking, loading and storage hardstand areas) does not exceed 50%

Performance criteria	Acceptable solution
P7 Building materials are attractive and non-reflective	A7.1 Wall materials do not include unpainted galvanized iron, zincalume or other metal sheeting
Boundary setbacks	
P8 The setback of buildings and structures to the primary road frontage is consistent with that of adjoining buildings and does not compromise the function of the road	<p>Where no parking is proposed in front of building: A8.1 Buildings and structures are set back from the primary road frontage a minimum 6 metres</p> <p>OR</p> <p>Where parking is proposed in front of building: A8.2 Buildings and structures are set back from the primary road frontage a minimum 12 metres</p> <p>OR</p> <p>Where primary road frontage is a classified road: A8.3 Buildings and structures are set back from the primary road frontage a minimum of 20 metres</p>
P9 The setback of buildings and structures to side boundaries allows for provision of landscaping, meets the requirements of the Building Code of Australia and does not impact on the amenity of adjoining non-industrial development	<p>A9.1 Buildings and structures are set back from side boundaries a minimum of 3 metres</p> <p>OR</p> <p>Where development site has a side boundary adjoining a residential or rural area: A9.2 Buildings and structures are set back a minimum of 5 metres from that side boundary</p>
P10 The setback of buildings and structures to rear boundaries allows for provision of landscaping, and does not impact on the amenity of adjoining non-industrial development	<p>A10.1 Buildings and structures are set back a minimum of 6 metres from rear boundary and hardstand areas (including uncovered parking, storage and operational areas) are set back a minimum of 2 metres</p> <p>OR</p> <p>Where development site has a rear boundary adjoining a residential or rural area: A10.2 Buildings and structures are set back a minimum of 10 metres from rear boundary and hardstand areas (including uncovered parking, storage and operational areas) are set back a minimum of 4 metres</p>
Corner allotments	
P11 Development on corner lots reflects the existing building line and does not dominate the	A11.1 Building setback to the primary road frontage* is as per A8.1, A8.2 or A8.3

Performance criteria	Acceptable solution
streetscape or create unacceptable impacts on visibility for pedestrians or traffic	<p>A11.2 Setback of buildings and structures from the secondary frontage (where secondary road is not a classified road) is a minimum of 6 metres or at least the setback of existing adjoining buildings, whichever is the greater</p> <p>A11.3 Setback of buildings and structures from side boundaries** is as per A9.1, or A9.2</p> <p>A11.4 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>* The narrow street frontage is the primary street frontage</i> <i>** Corner allotments are not considered to have a rear boundary</i></p>
Where development site adjoins a rail corridor	
P12 Site and building design and boundary setbacks do not create unsafe conditions or undermine the structural integrity of the rail corridor and rail infrastructure	<p>A12.1 Buildings are set back at least 20 metres from the centreline of the rail corridor</p> <p>A12.2 Site and building design is consistent with the provisions of <i>Development near Rail Corridors and Busy Roads- Interim Guideline 2008</i></p>
Protection of amenity	
P13 Hours of operation of the development do not create unacceptable impacts on the amenity of surrounding properties	A13 Hours of operation are in accordance with Table C7.1

Performance criteria	Acceptable solution
<p>P14 Developments does not result in adverse impacts on the amenity of the locality by reason of emission of noise, odour, fumes, light, dust, soot, ash or vibration</p>	<p>A14.1 Operation of the development complies with the NSW Industrial Noise Policy</p> <p>A14.2 Development does not create odour</p> <p>A14.3 Development does not utilise external lighting outside of operational/opening hours</p> <p>A14.4 External lighting is shielded to prevent light spill over surrounding development</p> <p>A14.5 Where development is on a site adjoining a residential area, external noise generating activities are not located between building and that property boundary</p> <p>A14.6 Air compressors and other stationary noise generating plant are located in an enclosed building or suitable acoustic enclosure</p>
<p>Landscaping and streetscape</p>	
<p>P15 Development addresses the street and makes a positive contribution to public realm</p>	<p>A15.1 The building entrance, retail area or customer service area faces the street</p> <p>A15.2 Security fencing is located behind the front building line</p>
<p>P16 Development minimises opportunities for crime</p>	<p>A16 Development incorporates 'Crime Prevention Through Environmental Design' (CPTED) principles</p>
<p>P17 Landscaping creates a positive appearance of the development and the streetscape</p>	<p>A17.1 Landscaping is provided along all road frontages to a minimum depth of 3 metres and along side and rear boundaries to a minimum width of 2 metres</p> <p>A17.2 A landscape concept plan is submitted that shows proposed planting areas, species and planting densities and details planting area preparation and planting techniques</p> <p>A17.3 Landscape plantings include a mixture of low maintenance trees, shrubs and groundcovers</p> <p>A16.4 Tree and shrub species are of suitable scale to complement the height and bulk of the development</p>

Performance criteria	Acceptable solution
P18 Landscaping is used to screen or buffer surrounding non-industrial properties from impacts of the development	A18 Where a site boundary adjoins public land or a rural or residential area a minimum 4 metre deep landscape buffer is provided along that boundary
P19 Development does not detract from the amenity or character of the site or neighbourhood through impacts on existing mature vegetation of significance	A19 Existing mature vegetation of significance is retained
Hazard and risk	
P20 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding and development does not exacerbate flooding on surrounding properties	<p>A20.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p>Where development is proposed on flood prone land: A20.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood</p> <p>OR</p> <p>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map: A20.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
P21 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or bushfire	A21 Development is not within a mapped bushfire or landslip hazard area
Servicing and Infrastructure	
P22 Development makes suitable provision for collection, treatment and disposal of effluent	<p>Where development site is in a serviced area or where connection is available at reasonable cost: A22.1 Development is connected to the reticulated sewer system</p> <p>OR</p> <p>Where development is not located in a serviced area: A22.2 Development utilises an individual or package on site-sewage management system</p>

Performance criteria	Acceptable solution
P23 Development makes suitable provisions for management and disposal of liquid trade waste	A23 Where development generates liquid trade waste that waste is disposed of in accordance with Kyogle Council Liquid Trade Waste Policy
P24 The development is adequately serviced by power and telecommunications without impacting on surrounding properties by way of emissions of noise, odour, fumes or light through on-site generation of power	A24 The development is serviced by reticulated power and telecommunications
P25 The development has adequate water supply	<p>Where development site is in a serviced area or where connection is available at reasonable cost:</p> <p>A25.1 Development is connected to the reticulated water supply network</p> <p>OR</p> <p>Where connection to reticulated water supply is not available:</p> <p>A25.2 Development is self-sufficient for water</p>
P26 Appropriate provisions are made for the collection and management of stormwater	<p>Where development site is in a serviced area:</p> <p>A26.1 Stormwater is discharged to the stormwater drainage network</p> <p>OR</p> <p>Where development site is not in a serviced area:</p> <p>A26.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P27 Solid waste collection and disposal is appropriate to manage the waste generated by the development	<p>A27.1 Development is serviced by a commercial waste collection service</p> <p>A27.2 Development provides an area for storage and collection of bulk waste containers</p> <p>A27.3 Waste storage areas are located behind the front building line or screened from view</p> <p>A27.4 Waste storage and disposal complies with the requirements of the Kyogle Council Construction Site Waste Minimisation and Management Policy</p>

Performance criteria	Acceptable solution
P28 Suitable provisions are made for fire protection and fire fighting and development complies with provisions of BCA	A28 Development has fire hydrants and/or booster systems at the required proximity to the site and allows on site access for fire fighting vehicles
P29 Development makes adequate provision for needs of employees	A29 Development includes a covered outdoor area for use by employees during breaks
Water Sensitive Urban Design	
P30 Development minimises stormwater discharge from the site and does not create impacts on water quality of receiving waters	<p>A30.1 Runoff from hardstand areas is directed to areas that allow stormwater infiltration, such as permeable paving and garden beds</p> <p>Where development includes more than 1500m² of hard surfaces (roofs, hardstand, driveways, etc.):</p> <p>A30.2 Development is designed and operated in accordance with a Stormwater Quality Management Plan prepared by a suitably qualified person</p>
P31 Development minimises demand for reticulated potable water	A31 Rainwater tanks are utilised to collect runoff from roofs for use on site
P32 Stormwater discharged from the site is free from pollutants and contaminants	<p>A32.1 Stormwater from areas which may contain solid, liquid or gaseous pollutants is passed through a stormwater treatment device to remove hydrocarbons, suspended solids and pollutants prior to discharge</p> <p>A32.2 Areas where potentially contaminating substances are stored or used are roofed</p> <p>A32.3 Provision is made for spills to be bunded and retained on site for removal and disposal by an approved means</p> <p>A32.4 Areas where spillages can occur are sealed with concrete, asphalt or similar impervious material</p> <p>A32.5 Roof water is piped away from areas of potential contamination</p>
Access and Parking	
P33 The development makes suitable provisions for vehicular access that is safe and does not create traffic impacts	<p>A33.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A33.2 Vehicular access and parking areas are designed and constructed in accordance with the Northern Rivers</p>

Performance criteria	Acceptable solution
	<p>Local Government Development Design and Construction Manual</p> <p>A33.3 Car parking and light vehicle traffic are separated from heavy vehicle access and traffic areas</p>
P34 The development does not create unreasonable demand for on-street parking	A34 Car parking for employees, customers and contractors is provided in accordance with requirements of Chapter 8- Off-Street Car Parking
External loading and storage	
P35 Truck parking, delivery and loading areas are suitable for the proposed use and do not dominate the streetscape	<p>A35.1 Truck parking, loading and delivery areas are not located in front of the building line</p> <p>A35.2 A loading bay of no less than 7 metres x 4 metres is provided to permit access and accommodation of a small rigid truck</p> <p>A35.3 No loading or unloading of vehicles occurs within the road reserve</p>
P36 External storage areas do not detract from the visual appearance of the development of streetscape	<p>A36.1 Any open storage areas are located behind the building line setback and preferably behind any proposed or existing buildings</p> <p>A36.2 Open storage areas are screened from view from the road frontage and adjoining properties</p>
Signage and Advertising	
P37 Signage and advertising is not visually obtrusive and does not detract from the character of the surrounding area	<p>A37.1 Signage and advertising is in accordance with Chapter 4 Signage</p> <p>A37.2 Signs do not project above the roof/gutter line</p> <p>A37.3 Signs are affixed to the building and do not protrude</p> <p>AND</p> <p>Where lot has frontage to the Summerland Way:</p> <p>A37.4 Signs are not located so as to capitalise on visibility from Summerland Way</p>

Performance criteria	Acceptable solution
Additional guidelines for non-industrial uses (including bulky goods retail, other retail, industrial retail outlets, industrial training facilities, freight transport facilities, etc.)	
P38 Non-industrial uses in the IN1 and IN2 zones are compatible with surrounding industrial activities	A38 Non-industrial uses are not impacted adversely by surrounding industrial development
P39 The retail component of an industrial retail outlet is subsidiary to its industrial use	A39 The retail floor area is in accordance with the provisions of Clause 5.4(4) of the KLEP 2012
Additional guidelines for ancillary office uses	
P40 The office use of the site is subsidiary and ancillary to its principal use	A40 The gross floor area of ancillary offices in a premises does not exceed 20% of the gross floor area of the building

APPENDIX C7

Table C7.1 Preferred operational or opening hours

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Retail or Office premises	5am-10pm	5am-10pm	7am-8pm
Light industries, Agricultural produce industries, Depots, Warehouse and distribution centres	7am-7pm	7am-7pm	Not permitted
General industries, Freight transport facilities, Liquid fuel depots	7am-6pm	7am-2pm	Not permitted
Industrial training facility	7am-7pm	7am-2pm	Not permitted
Service station	5am-10pm	5am-10pm	6am-9pm