



# Industrial Zones

## Development Control Plan

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# INDUSTRIAL ZONES DEVELOPMENT CONTROL PLAN

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## 1.0 INTRODUCTION

### 1.1 Name

This Plan is known as the Eurobodalla Industrial Zones Development Control Plan and has been prepared in accordance with section 3.43 of the [Environmental Planning and Assessment Act 1979](#) (EP&A Act).

### 1.2 Date of Adoption

This Plan was adopted by Eurobodalla Shire Council (Council) on 18 October 2011 and came into operation on 28 November 2011. This Plan will be subject to amendment from time to time. Plan users should refer to Schedule 1 - Amendments of this Plan.

### 1.3 Aim

The aim of this Plan is to further the aims of the [Eurobodalla Local Environmental Plan 2012](#) (LEP) and the particular objectives of the IN1 General Industrial Zone as stated in the [LEP](#).

Objectives for these lands are to:

- Encourage economic development;
- Encourage good design and appearance of industrial development which enhances the character of the Shire; and
- Ensure that individual industrial developments have minimal adverse effects on surrounding properties and the natural environment.

### 1.4 Land to Which This Plan Applies

This Plan applies to all land zoned IN1 General Industrial in the [LEP](#).

### 1.5 Relationship to Other Plans & Legislation

This Plan supports the LEP and provides guidance for applicants to achieve the aims and objectives of the LEP in relation to development in the applicable zones.

Where there is an inconsistency between this Plan and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument shall prevail.

In addition to the above and the provisions of this Plan, in assessing development proposals, Council must consider all those matters specified in section 4.15 of the [EP&A Act](#).

This Plan repeals all DCPs that formerly applied to the land to which this Plan applies.

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This Plan should be read in conjunction with the Codes of Practice listed in Schedule 2 - Codes of Practice of this Plan.

### 1.6 How to Use This Plan

This Plan is to be read in conjunction with the [LEP](#) and other relevant environmental planning instruments made under the [Environmental Planning and Assessment Act 1979](#).

The [LEP](#) provides the legal framework by which Council's decisions are made and sets out Council's objectives for development within the Shire. It lists objectives, permissible uses and development standards for each zone, accompanied by maps to define areas where the controls apply. In addition, the [Eurobodalla Settlement Strategy](#) and the various structure plans also provide a broader vision for the future of the Eurobodalla.

Applicants should also have regard to NSW Government legislation and policy, the requirements of the Building Code of Australia, the Roads and Traffic Authority Guide to Traffic Generating Developments and any relevant Australian Standard that may apply to all or part of the proposed development. Applicants should consult with Council to identify relevant legislation, policies and standards, and to ascertain whether any other Council policies or codes apply.

#### The Development Controls

The Intent in each of the development controls states the desired outcome sought for the relevant aspect of the Plan.

The controls are generally expressed as Acceptable Solutions and/or Performance Criteria. The acceptable solutions provide a simple measure by which a development may achieve the intent of a particular element of development control (deemed to comply). The performance criteria allow for flexibility and innovation for developers and designers who wish to depart from the listed acceptable solutions (merit assessment). The intent of the control and the objectives of the Plan must always be met whichever course is chosen.

### 1.7 Definitions

Other than those listed below, terms in this Plan have the meanings found in the [LEP](#) dictionary.

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## 2.0 SITE PLANNING

### 2.1 Setbacks

Intent:

- To minimise adverse impacts of development on the streetscape and adjoining properties.

Development Controls:

Performance criteria	Acceptable solution
<b>Front Boundary Setback</b>	
<p><b>P1.1</b> A fixed minimum front setback is not appropriate for all forms of industrial development. Front setbacks should take account of the height and bulk of the proposed building, the screening which will be achieved by landscaping and the intended use of the site.</p>	<p><b>A1.1</b> The minimum front setback to the following roads shall be 12m:</p> <ul style="list-style-type: none"> <li>• Princes Highway</li> <li>• Mort Avenue</li> </ul> <p><b>A1.2</b> Front setbacks to all other roads shall be generally consistent with the setbacks of existing development in the vicinity of the site.</p>
<b>Setbacks to Adjoining Land</b>	
<p><b>P2.1</b> Development on an industrial lot that has a side or rear boundary to:</p> <ul style="list-style-type: none"> <li>– rural, residential or commercial land where development along that boundary will be visible from a public place; or</li> <li>– a public road,</li> </ul> <p>shall be designed to be structurally and visually articulated and landscaped to avoid the appearance of unduly long, unbroken walls.</p> <p><b>P2.2</b> Development on industrial lots that directly adjoin residential land shall be designed and operated to minimise impacts in terms of noise, traffic and circulation, light spill emissions and bulk and scale.</p> <p><b>P2.3</b> For industrial activities that generate high levels of noise, odour, dust or other emissions, greater setbacks, may be required to protect the amenity of adjoining land uses.</p>	<p><b>A2.1</b> Development on an industrial lot that has a side or rear boundary to:</p> <ul style="list-style-type: none"> <li>– rural, residential or commercial land where development along that boundary will be visible from a public place; or</li> <li>– a public road,</li> </ul> <p>must be adequately screened through a minimum 2m landscaped setback.</p> <p><b>A2.2</b> Development on industrial lots that directly adjoin residential land shall be designed to avoid noise and other impacts by locating all loading and unloading areas and any openings to internal work areas away from the residential boundary.</p> <p><b>A2.3</b> In all other cases, setbacks must comply with the Building Code of Australia.</p>

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Performance criteria	Acceptable solution
Development proposals that have the potential to detrimentally affect the amenity of adjoining land must be accompanied by additional information such as specialist technical reports on noise, odour, air quality or other relevant environmental matter.	

### 2.2 Landscaping

Intent:

- To ensure sites are landscaped to improve the amenity and sustainability of development.

Development Controls:

**A1** All applicable development must comply with the [Landscaping Code](#).

**A2** Landscaping must not include environmental or noxious weeds as defined in the [Tree Preservation Code](#).

Performance criteria	Acceptable solution
<b>P3</b> Landscape works are provided to the street frontage of all development, designed to create improved aesthetic outcomes to ensure appropriate amenity for the area.	<b>A3</b> Development must provide a 3m wide landscape strip along the frontage of the site, excluding crossovers and pedestrian access points.

### 2.3 Parking and Access

Intent:

- To ensure development provides adequate on-site parking and access arrangements.

Development Controls:

Performance Criteria	Acceptable Solution
<b>P1.1</b> All development must provide parking and access, including heavy vehicle access, sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council.	<b>A1</b> All development must comply with the <a href="#">Parking and Access Code</a> .



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Performance Criteria	Acceptable Solution
<p><b>P1.2</b> Where sites are being designed for heavy vehicle access and manoeuvring, the Eurobodalla Parking and Access Code requires vehicular swept path analysis to be certified using appropriate simulated systems and the submission of such evidence, including all data inputs, to Council with the development application.</p>	

### 2.4 Fencing

Intent:

- To ensure streetscapes are of an open nature and that any required security fencing has a low scale and impact.

Development Controls:

Performance criteria	Acceptable solution
<p><b>P1</b> Where fencing is required for safety or security reasons to be forward of the building line, it should be of a standard and style that does not detract from the landscaping and main building facades.</p>	<p><b>A1</b> Fencing in the front building setback, or in the case of side street setbacks in front of the building line, must be located behind the required minimum 3m front landscape strip. Such fencing should be of an open style or consistent with the building style (any solid components of fencing must be no more than 1m high). Gates are to be consistent with the adjacent style of fencing and must be designed to open inwards.</p>

### 2.5 Signage

Intent:

- To promote a high standard of signage.

Development Control:

**A1** All development must comply with the [Signage Code](#).

## 2.6 Outdoor Storage

Intent:

- To ensure that goods, materials and equipment which are stored outside buildings do not impose any adverse environmental or visual impacts.

Development Controls:

Performance criteria	Acceptable solution
<p><b>P1</b> A landscape plan submitted with a development application must demonstrate that the premises will have an attractive street frontage through a combination of landscaping, fencing and site layout.</p>	<p><b>A1</b> All external storage areas, including garbage bin areas, shall be screened from the public domain through landscaping and/or fencing.</p>
<p><b>P2</b> Ground surfaces shall be designed having regard to the nature of the development and the potential impacts on adjoining land and roads.</p>	<p><b>A2</b> The ground surfaces of outdoor storage areas, including waste collection areas, are to be sealed.</p>

### 3.0 BUILT FORM

#### 3.1 Building Appearance, Bulk and Scale

Intent:

- To encourage the creation of an attractive and functional industrial area.

Development Controls:

Performance Criteria	Acceptable Solutions
<p><b>P1.1</b> Buildings may be constructed of any appropriate material. In considering development applications Council will take into account the appearance of the proposed building and the requirements of the Building Code of Australia. In most circumstances uncoloured galvanised iron and zincalume roofing and cladding will not be considered appropriate materials. In determining appropriate materials the primary consideration will be the appearance of the building from the street, road or any nearby public areas.</p> <p><b>P1.2</b> Buildings on corner allotments shall address both street frontages or employ decorative wall elements where blank facades are unavoidable.</p>	<p><b>A1</b> Buildings must be designed with:</p> <ul style="list-style-type: none"> <li>– a mix of materials;</li> <li>– articulated facades that are visible from the public domain (with both vertical and horizontal elements);</li> <li>– where an office and/or industrial retail outlet (showroom) is proposed, it must be located towards the front of the building and shall appear as an integral element of the overall design; and</li> <li>– a clearly identifiable entrance.</li> </ul>

#### 3.2 Safer By Design

Intent:

- To promote a safe environment for the community by minimising the risk of crime associated with new development.

Development Controls:

Performance Criteria	Acceptable Solution
<p><b>P1</b> Developments are designed to ensure the security of occupants and visitors and their property, and to enhance the perception of community safety.</p>	<p><b>A1</b> All development must comply with the <a href="#">Safer By Design Code</a>.</p>

## 4.0 SITE CONSIDERATIONS

### 4.1 Flood, Ocean Influences and Climate Change

Intent:

- To further the objectives of clause 6.5 of the [LEP 2012](#).

Development Controls:

- A1** All development within the area to which the [Moruya Floodplain Code](#) applies must comply with that Code.

### 4.2 Tree Preservation

Intent:

- To minimise impacts on native flora and fauna, particularly threatened species.

Development Controls:

- A1** All development on land to which the [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) applies must comply with that policy.
- A2** Clearing of vegetation that is not likely to significantly affect threatened species must comply with the Eurobodalla [Tree Preservation Code](#). Clause 7.2 of the [Biodiversity Conservation Act 2016](#), describes when an activity is likely to significantly affect threatened species which includes:
- (a) If it is found to be likely to significantly affect threatened species according to the test in Section 7.3 of the [Biodiversity Conservation Act 2016](#);
  - (b) If the area of clearing exceeds the threshold described in Clause 7.2 of the [Biodiversity Conservation Act 2016](#); or
  - (c) If the clearing is of native vegetation on land included on the [Biodiversity Values Map](#).

### 4.3 Biodiversity

Intent:

- To maintain terrestrial and aquatic biodiversity, including the following:
  - (a) protecting native fauna and flora,
  - (b) protecting the ecological processes necessary for their continued existence,
  - (c) encouraging the recovery of native fauna and flora and their habitats,
  - (d) maximising connectivity, and minimising fragmentation, of habitat.

Development Controls:

- A1** Before determining a development application for development on land identified as “Native Vegetation” on the [Native Vegetation Map](#), the consent authority must consider any adverse impact of the proposed development on the following:
- (a) native ecological communities,
  - (b) the habitat of any threatened species, populations or ecological community,
  - (c) regionally significant species of fauna and flora or habitat,
  - (d) habitat elements providing connectivity.
- A2** Development consent must not be granted to development on land identified as “Native Vegetation” on the [Native Vegetation Map](#), unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## 5.0 SUBDIVISION AND SITE WORKS

### 5.1 Subdivision

Intent:

- To ensure that the size and layout of new lots serve the intent of the zone.

Development Controls:

- A1** Subdivision must comply with the construction and design standards contained in Council's Engineering Design Specifications. These standards may vary according to the services required and the particular characteristics of the site.
- A2** No subdivision or development shall be undertaken on any identified Industrial Expansion Area until a Master Plan has been developed and approved by Council and any further specific development controls required are incorporated into this DCP. In the preparation of a Master Plan, the following general principles shall be taken into consideration:
- the protection of biodiversity and important habitat and the protection of development from flood inundation, the impacts of sea level rise and bushfire;
  - the development of a logical internal road network, efficient access arrangements and appropriate connections to the surrounding road network;
  - the opportunities for shared loading and unloading areas or service lanes to maximise the efficient use of lots;
  - the planning for a mix of lot sizes and shapes to accommodate a wide variety of industrial land uses;
  - the design of new lots having regard to the potential land uses and associated activities to be accommodated on each lot, particularly in terms of the size of heavy vehicles that may need to access and manoeuvre on each lot.
  - the incorporation of environmental areas, including riparian areas into the overall design, through mechanisms such as perimeter roads and/or, pedestrian and cycle paths;
  - the provision of facilities and services for employees, including open space and appropriate convenience retail facilities such as a general store and café;
  - the appropriate treatment of stormwater, either through the location of common detention facilities or through on-site detention;
  - the incorporation of suitable buffers to industrial development that will be visible from a public place;

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- the appropriate location of estate signage to avoid proliferation of signage in prominent locations; and
- the appropriate shaping of new lots to fit into the landscape, so that buildings do not dominate skylines or impeded scenic views or vistas.

**Note:** The reference to any identified Industrial Expansion Area in Clause A2 is a reference to the undeveloped land zoned IN1 General Industrial adjoining the Moruya North Industrial Area.

**A3** Proposals to subdivide existing industrial lots must demonstrate that the proposed lots can be developed in accordance with this DCP and all relevant Codes.

### 5.2 Earthworks/excavation

Intent:

- To retain the natural slope of the land and ensure that the bulk and scale of new development is responsive to site topography.

Development Controls:

**A1** Development is designed to ensure excavation and earthworks are kept to a minimum so that the development responds to the landscape rather than conflicts with it.

### 5.3 Stormwater Management

Intent:

- To ensure that stormwater runoff from development has no detrimental impacts on neighbouring properties, public spaces and Council infrastructure.

Development Controls:

Performance Criteria	Acceptable Solution
<b>P1.1</b> Application of a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to: <ul style="list-style-type: none"><li>- minimise flooding;</li></ul>	<b>A1.1</b> To avoid adverse impact on other development in the area, new development must connect to a lawful drainage system which has sufficient capacity to ensure that any overland stormwater runoff from the property after the completion of the development does not exceed the stormwater runoff level prior to

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Performance Criteria	Acceptable Solution
<ul style="list-style-type: none"> <li>- protect and enhance environmental values of receiving waters;</li> <li>- maximise the use of water sensitive urban design principles;</li> <li>- maximise the use of natural waterway corridors and natural channel design principles;</li> <li>- maximise community benefit; and</li> <li>- minimise public safety risk.</li> </ul> <p><b>P1.2</b> The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site.</p> <p><b>P1.3</b> The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.</p>	<p>the development.</p> <p><b>A1.2</b> Development must comply with the following where relevant:</p> <ul style="list-style-type: none"> <li>- AS3500 – Plumbing and Drainage Code; and</li> <li>- the <a href="#">Eurobodalla Development Specification Manual – Section D5 Stormwater Drainage Design &amp; D7 Erosion Control and Stormwater Management</a>.</li> </ul>

### 5.4 Waste Management

Intent:

- To further the objectives of the [Site Waste Minimisation and Management Code](#).

Development Controls:

Performance Criteria	Acceptable Solution
<p><b>P1</b> Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard the objectives of the Code. The Plan must show that compliance with the Code is unreasonable or unnecessary in the circumstances of the case.</p>	<p><b>A1</b> All development must comply with the <a href="#">Site Waste Minimisation and Management Code</a>.</p>



## SCHEDULES

### 1. AMENDMENTS

Amendment 1: Updated Section 4.2 Tree Preservation as a consequence of legislative  
[11/10/2019] changes and addition of Section 4.3 Biodiversity.

### 2. CODES APPLICABLE TO THIS PLAN

- I. [SAFER BY DESIGN CODE](#)
- II. [LANDSCAPING CODE](#)
- III. [INTERIM SEA LEVEL RISE ADAPTION POLICY](#)
- IV. [MORUYA FLOODPLAIN CODE](#)
- V. [TREE PRESERVATION CODE](#)
- VI. [FOOTPATH TRADING CODE](#)
- VII. [SIGNAGE CODE](#)
- VIII. [SITE WASTE MINIMISATION & MANAGEMENT CODE](#)
- IX. [SOIL AND WATER MANAGEMENT CODE](#)
- X. [PARKING AND ACCESS CODE](#)
- XI. [ADVERTISEMENT AND NOTIFICATION CODE](#)

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