

New Industrial Buildings and Additions to Commercial and Industrial Buildings

This information sheet explains the requirements for new industrial buildings, and additions to industrial and commercial buildings, as complying development.

Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)¹ before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)².

Complying development is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)³ provides more information about complying development.

Note: As identified in Information Sheet 1.2, complying development cannot be carried out on certain land.

Introduction

The following information covers the types of complying development that can be undertaken under this policy, including:

- new industrial buildings up to 20,000m²,
- additions to commercial retail building of 1000m²,
- additions to commercial office or business premises of 2,500m², and
- additions to existing industrial buildings of up to 5000m².

When do additional criteria apply?

In addition to the criteria set out in the first column of this information sheet, the new Commercial and Industrial Buildings and Additions does not apply:

- if the land is identified in an environmental planning instrument as buffer area, river front, ecologically sensitive area, environmentally sensitive land or within a protected area, or a foreshore area,
- on unsewered land in a water catchment area ,
- on any development that requires the clearing of more than 1000m² of native vegetation, and
- if the proposed lot is significantly contaminated land under the *Contaminated Land Management Act 1997*.

¹ <https://maps.planningportal.nsw.gov.au/Terms>

² www.planning.nsw.gov.au/exemptandcomplying

³ www.planning.nsw.gov.au/exemptandcomplyingoverview

What requirements apply to all developments?

A new industrial building and additions to a commercial or industrial building must meet the following criteria:

- The land must be in a Business or Industrial zone or Special Purpose zone SP3, and the new use must be permissible in that zone.
- A building cannot be erected over a registered easement under this policy.
- Where the proposed change of use would increase water demand or waste water, the applicant must notify the water utility of the proposed development. The applicant must obtain written notice or advice from the water utility stating any works to be undertaken. This written advice forms part of the CDC documentation.
- New buildings or alterations to existing buildings that are larger than 5000m², and that have access to a road that is located less than 90m from a classified road will need to obtain a certificate from the Roads and Maritime Services. The certificate will state that the impact on the surrounding road network is or will be acceptable if specified matters are complied with.
- A statement issued by a qualified person is required where the land was used or formerly used for a purpose listed in the *Managing Land Contamination Planning Guidelines - SEPP 55 – Remediation of Land* or on the list of sites notified under the *Contaminated Land Management Act 1997*. The statement certifies that the land is suitable for the intended purpose, or that the land would be suitable if remediation works specified in the statement were carried out.

What additional development standards apply for industrial buildings?

The development standards for new industrial buildings and additions to an industrial building are:

- A maximum floor area of up to 20,000m² and additions of up to 5000m².
- A maximum floor space ratio in accordance with the local environmental plan (LEP), or if not specified 1:1.
- Building height as specified in the LEP or if not specified 15m.

Road setback requirements for the new industrial buildings vary, depending on the type of road frontage. The setback from:

- a classified road boundary is at least 10m, or a greater setback if required by a council's LEP, the boundary of the proposed classified road or a proposed classified road zoned SP2, is at least 4.5m.

On a primary road that is not a classified road the setback from the road boundary is the average distance of the setbacks of the nearest 2 industrial buildings that have a boundary with the same road and are located within 40m of the subject lot, or at least 10m, (whichever is the least).

When adjacent to other industrial buildings on the side and rear boundaries, the new building or addition can be built to the boundary.

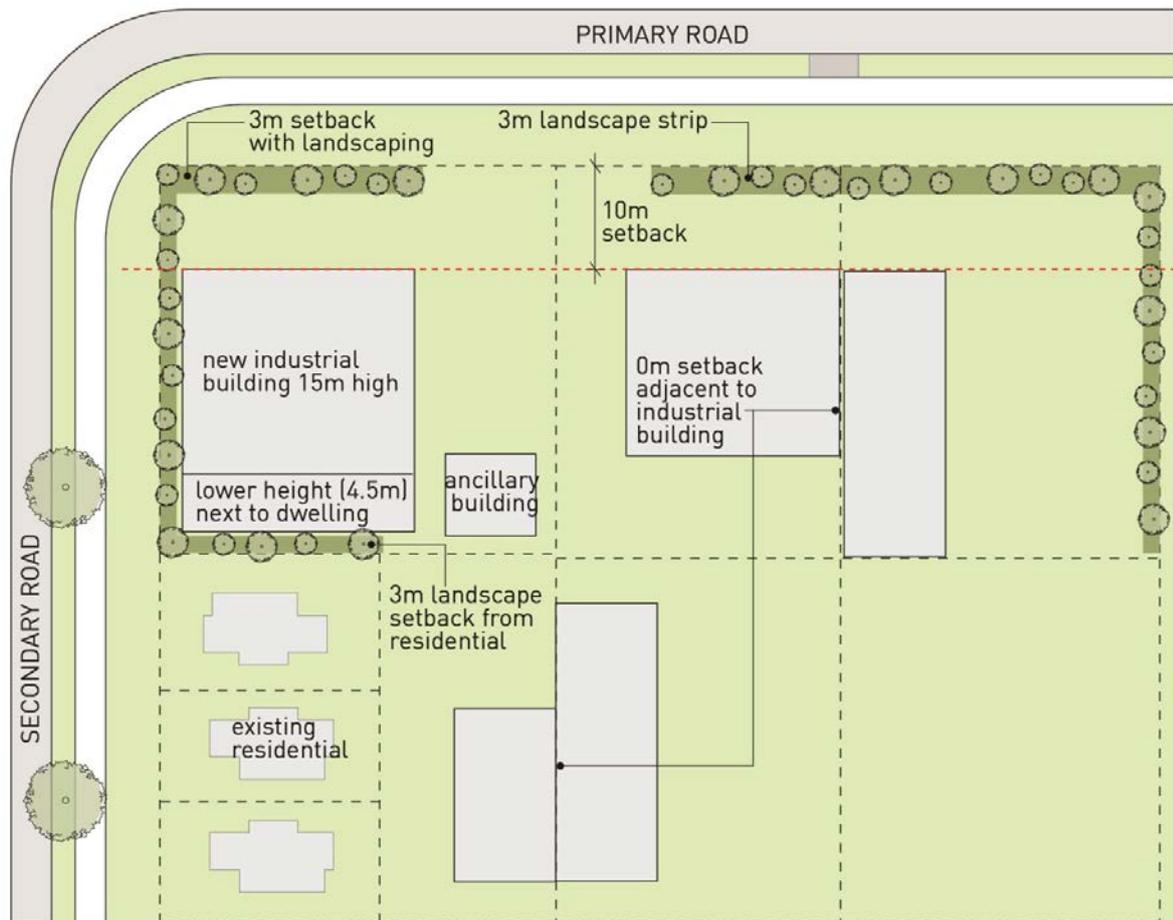


Figure 1: Minimum setback requirements for industrial buildings

A different range of setbacks are required when adjoining residential lots. Buildings less than 1,000m² require a setback of at least 3m from a residential zone. The setback increases to:

- 4.5m for buildings from 1000m² to 5,000m²
- 20m for buildings from 5000m² to 10,000m²
- 50m for buildings from 10,000m² to 20,000m².

Figure 1 shows the relationship between a new industrial building and an existing house and the landscaping required for new industrial buildings.

Figure 2 (overleaf) shows the height restriction that applies to new industrial buildings when located next to an existing house, and the landscaping requirements when adjacent to a dwelling.

There are mandatory landscaping requirements as part of the setback from residential areas, as well as landscaping requirements along street frontages. Conditions will be imposed to ensure landscaping meets certain standards in the setback from residential development, and that the landscaping on the site is maintained.

A minimum 3m setback is required to public reserves, environmentally sensitive land and rail corridors. These setbacks require landscaping. Development standards cover front façade design elements, car parking, loading, caretaker's flats, garbage and waste storage, fences, bunding, earthworks and drainage controls.

NOTE: 15m height is default if there is no LEP or DCP for the industrial building height

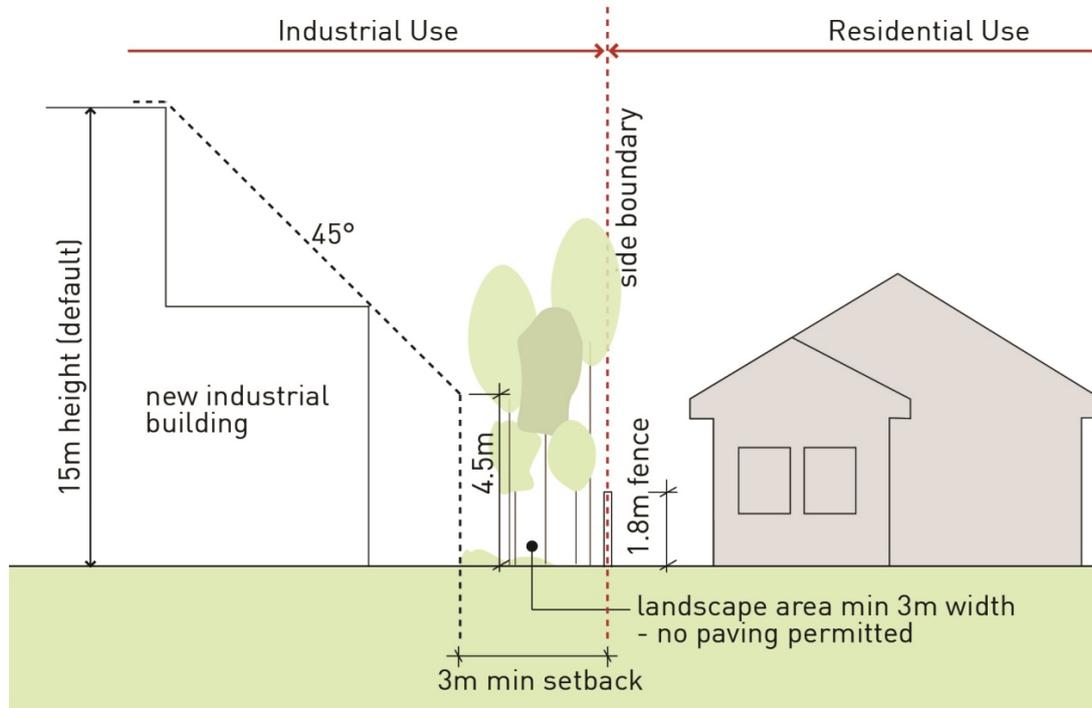


Figure 2: Setback requirements for industrial buildings adjacent to a residential dwelling in a residential zone

What additional development standards apply for commercial additions?

Additions to an existing commercial building must be at the rear of the building, and cannot occur on a corner lot. Alterations to a building can occur on all facades – the façade treatment must be similar to the existing building.

The development standards are as follows:

- The maximum floor space ratio in accordance with the LEP or 1:1.
- The maximum gross floor area of an addition for retail purposes can be up to 1000m² or 50% of the existing floor area (whichever is lesser), and for commercial office and business premises 2,500 m² or 50% of the floor area (whichever is lesser).

Building heights are specified within the LEP. If the LEP does not specify a height, the policy provides for a height of up to 12m. Where the development is adjacent to a dwelling, the maximum height is 8.5m. The maximum height of ancillary development is 5m.

- Road setback requirements for additions to commercial buildings vary depending on the road frontage or the rear of the building. The setback from a boundary with a:
 - parallel road that is a classified road is at least 3m, or a greater setback is required under the LEP.
 - proposed classified road or a proposed road zoned SP2, the setback is at least 3m, and

non-classified road, the setback from the boundary is the average distance of the setbacks of the nearest two buildings that have a rear boundary with the same road and that are located within 40m of the subject. If there is not two adjoining buildings the setback is 3m.

- When adjacent to other commercial buildings side and rear boundaries, the addition can be built to the boundary, and requires a range of setbacks (need to expand) when adjoining residential lots or rail corridors. (See clause 5A.22 for details)
- The development must not contravene certain conditions on the existing development consent including landscaped area and open space requirements, car parking, vehicle access, loading facilities, hours of operation and operational matters such as trade waste agreements, energy usage and storm water drainage.
- Other standards cover car parking, loading, caretaker flats, landscaping, garbage and waste storage, fences, earthworks and drainage controls

What conditions apply to complying development?

All development must comply with the prescribed conditions contained in the *Environmental Planning and Assessment Regulation 2000* 2000, and the standard conditions located in Schedule 8 of the policy. For details refer to Information Sheet 1.5. The following conditions also apply under this policy:

- All work must comply with the Building Code of Australia (BCA), and must ensure that new work does not prevent the existing building complying with the BCA. Certain work requires compliance with the additional requirements where the alteration, change of use or first use involves an area greater than 500m² for commercial or 1000m² for industrial premises.
- Certain development may generate a requirement for s94 or s94A contributions. The development contribution is paid to the council

under section 85A (9) of the EP&A Act. The requirement for a contribution to be paid must be imposed as a condition on the CDC.

- If the development cost is over \$25,000 and specified on council's website, a security bond must be paid.

The principal certifying authority must be satisfied that all conditions are met prior to work commencing on site.

What else do I need to consider?

- If you propose to remove or prune any existing trees or vegetation, you should contact your council first to make sure you don't need approval for this.
- Any structures that would be located on public land or on or over a public road (including temporary structures) require separate approval from the relevant council or Roads and Maritime Services under the *Roads Act 1993* and the *Local Government Act 1993*.

If your proposal doesn't meet the required standards for complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

Further Information

For more information visit the [Exempt and Complying Development Policy website](#)⁴ or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)⁵.

Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)⁶ to find out if it is used by your local council or for more details.

⁴ www.planning.nsw.gov.au/exemptandcomplying

⁵ codes@planning.nsw.gov.au

⁶ www.electronichousingcode.com.au/