

C.3 – BUILDING LINE SETBACKS

2.1 AIMS & OBJECTIVES

- a) To ensure physical separation of buildings and uses between adjoining properties that may create community conflict;
- b) To ensure that development maintains the character of the locality; and
- c) To enable guidelines for development to be clear and meet community expectation.

2.2 DEFINITIONS

Building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

The setbacks nominated in this DCP apply to all buildings and ancillary structures, including rainwater tanks, unless they meet the exempt provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.3 BUILDING LINE SET BACKS TO FRONT PROPERTY BOUNDARY

2.3.1 Land Zoned RU1 Primary Production and E3 Environmental Management

On land zoned RU1 and E3, the minimum setback from the front property boundary shall be:-

- 1) 140m from a main road; and
- 2) 50m from any other public road.

Note: "Main Road" means a main road within the meaning of the *Roads Act, 1993*. The Main Roads in Dungog are:-

- Gresford Road;
- Dungog Road;
- Clarence Town Road;
- Bingleburra Road;
- Glendonbrook Road;
- Tocal Road;
- Stroud Hill Road; and
- Chichester Dam Road.

2.3.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living

** These setbacks do not replace site specific setbacks included within the Local Area Plans (see Part D of the DCP) for Vacy, Boatfalls Rural Residential Estate and Boulton Drive, Paterson.*

On land zoned R5* or E4*, the minimum setback from the front property boundary shall be:-

- 1) 70m from a main road; and
- 2) 30m from any other public road; or
- 3) 15m from new roads within the subdivision.

Note: "Main Road" means a main road within the meaning of the *Roads Act, 1993*. The Main Roads in Dungog are:-

- Gresford Road;
- Dungog Road;
- Clarence Town Road;
- Bingleburra Road;
- Glendonbrook Road;
- Tocal Road;
- Stroud Hill Road; and
- Chichester Dam Road.

2.3.3 Land Zoned R1 General Residential or RU5 Village

On land zoned R1 or RU5, the minimum setback from the front property boundary shall be:-

- 1) 6m for a single storey dwelling and 7.6m for a two storey dwelling; and
- 2) 3m from the side road property boundary on corner allotments.

2.3.4 Land Zoned IN1 General Industrial

On land zoned IN1, the minimum setback from the front property boundary shall be 6 metres.

2.3.5 Land Zoned B2 Local Centre or B4 Mixed Use

On land zoned B2 or B4, the minimum setback from the front property boundary shall be as determined by Council (site specific).

2.3.6 Land Zoned RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and W1 Natural Waterways

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).

2.4 SIDE AND REAR BOUNDARIES (INCLUDING SECONDARY ROAD FRONTAGE)

2.4.1 Land zoned RU1 Primary Production and E3 Environmental Management

On land zoned RU1, the minimum setback from side and rear boundaries shall be:

- 1) 50 m for lots with an area of more than 60 ha; or
- 2) 40m for lots with an area of more than 30 ha but less than 60 ha; or
- 3) 30m for lots with an area of less than 30 ha.

2.4.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living

On land zoned R5 or E4, the minimum setback from side and rear boundaries shall be 10 metres.

2.4.3 Land Zoned R1 General Residential or RU5 Village

On land zoned R1 or RU5, the minimum setback from side and rear boundaries shall be:-

- 1) 900mm for a single storey dwelling; and
- 2) 1500mm for a 2 storey dwelling.

2.4.4 Land Zoned IN1 General Industrial

On land zoned IN1, the minimum setback from side and rear boundaries shall be 3 metres.

2.4.5 Land Zoned B2 Local Centre or B4 Mixed Use

On land zoned B2 or B4, the minimum setback from side and rear boundaries shall be as determined by Council (site specific).

2.4.6 Land Zoned RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and W1 Natural Waterways

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).

2.5 VARIATION TO BUILDING LINES

Where building lines cannot be achieved on **existing lots** created prior to the adoption of this DCP an applicant may apply for a Policy variation.

***Note:** Variations are not intended to apply to new subdivisions. New subdivisions must nominate building envelopes that enable the construction of buildings that comply with the building line setbacks policy.*

Variations to building line setbacks will only be considered under the following circumstances:-

- a) Where it is physically not possible to meet the setback requirements due to topography, physical constraint or the actual dimensions of the allotment; and/or
- b) In the RU1 and E3 zones, where the width of an allotment is less than 200 metres and it is unreasonable to apply the standard building line setbacks, the minimum setback to a side or rear boundary is to be not less than 25% of the width of the allotment
- c) Where an existing lawful building is already located in a position that is less than the minimum setback required, alterations or additions to that building may adopt the existing building line setbacks.
- d) Front setbacks to road boundaries may be reduced only where physical constraints exist, or where it is demonstrated to the satisfaction of Council that there are compelling justification otherwise.

In considering a variation to building line setbacks, the following matters are to be taken into account:

- 1) Whether any objections are received from adjacent landholders;
- 2) Whether the proposed development is consistent with development on adjacent allotments and the general settlement pattern within that locality; and
- 3) Whether measures such as vegetation buffers and colours of external building materials are applied.

2.6 SUMMARY OF BUILDING LINE SETBACKS

Table 1: Setback Distances

Zone	Front Property Boundary Setback			Side & Rear Setback	
	Main Road	Unclassified Road	New Roads Within Subdivisions	Property Boundary	2nd road frontage on corner blocks
RU1 and E3	140m	50		50m (lots >60ha) 40m (lots 30-60 ha) 30m (lots<30ha)	50m (lots >60ha) 40m (lots 30-60 ha) 30m (lots<30ha)
R5 and E4	70m	30m	15m	10m	10m
R1 and RU5	6m or 7.6m (2 storey)			900mm or 1500mm (2 storey)	3m
IN1	6m	6m		3m	3m
B2 and B4	As determined by Council	As determined by Council		As determined by Council	As determined by Council
RU3, SP2, RE1, RE2 and W1	As determined by Council	As determined by Council		As determined by Council	As determined by Council