

Setbacks from classified roads

Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than:

- (a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or
- (b) 9 metres in any other case.

Setbacks from side boundaries

(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:

- (a) 0.9 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,
- (b) 1.5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres,
- (c) 2.5 metres, if the lot has an area of at least 1500 square metres.

(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:

- (a) the amount of the setback specified for the relevant sized lot in sub-clause (1), and
- (b) an amount that is equal to one-quarter of the additional building height above 3.8 metres.

Setbacks from rear boundaries

(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:

- (a) 3 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,
- (b) 5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres,
- (c) 10 metres, if the lot has an area of at least 1500 square metres.

(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio,

pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:

(a) 3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or

(b) 5 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 12 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or

(c) 10 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum of 15 metres, if the lot has an area of at least 1500 square metres.

(3) Despite sub-clauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.

Exceptions to side and rear setbacks

Despite any other clause in this Part:

(a) development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3 metres from a boundary with a public reserve, and

(b) side and rear setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia* or any eave or roof overhang that has a horizontal width of not more than 0.45 metres.