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# Cessnock City Council Building Line Setback Policy

Date Adopted: 17/03/2021 Revision: 4

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## 1. POLICY OBJECTIVES

- 1.1. The objectives of this policy are designed to enable new Dwelling Houses (including ancillary residential development) and industrial development to:
- 1.1.1. Enhance and make a positive contribution to the character of the streetscape.
  - 1.1.2. Establish appropriate design and are sensitive to the landscape and environmental characteristics of the locality.
  - 1.1.3. Reinforce the distinctive characteristics of the streetscape and/or environment in conservation areas.

## 2. POLICY SCOPE

- 2.1. This policy applies to development applications for new Dwelling Houses (including residential ancillary development) and industrial development in the Cessnock Local Government Area and should be read in conjunction with the relevant objectives, standards and controls in the Cessnock Local Environmental Plan and Development Control Plan in force.

## 3. POLICY STATEMENT

- 3.1. Council is committed to ensuring that new Dwelling Houses (including residential ancillary development) and industrial development make a positive contribution to the streetscape and are sensitive to the landscape, local heritage and environmental characteristics of the immediate area in which they are located.

## 4. PRINCIPLES

- 4.1. The principles Council applies in its consideration of development Setbacks for new Dwelling Houses (including residential ancillary development) and industrial development are as follows:
- 4.1.1. Front Setbacks of development are to be generally consistent with those of adjoining property development.
  - 4.1.2. Setbacks are to be consistent with the objectives and expected outcomes of the zone in which the development is located.
  - 4.1.3. The scale and appearance of development is to be complimentary and sympathetic to existing and adjacent development and development in the broader locality, particularly in instances where the site has heritage significance or distinctive character.
  - 4.1.4. Garages and off street parking areas are not to dominate the Primary Road of the development.

- 4.2. The maximum total width of all garages, carports and ancillary structures within the Primary Road Setback shall be no more than 7 metres.
- 4.3. All new Dwelling Houses shall make provision for off-street car parking.
- 4.4. The Setback for development shall be as prescribed by **Table 1**, below.

**Table 1: Minimum Building Line or Setback**

ZONE OR SITUATION	MINIMUM BUILDING LINE SETBACK
New Dwelling Houses, including residential ancillary development, constructed on land zoned: <ul style="list-style-type: none"> <li>▪ R2 Low Density Residential</li> <li>▪ R3 Medium Density Residential</li> <li>▪ RU5 Village</li> </ul>	The development setback standards for the Primary and/or Secondary Road as contained in Part 3 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> are adopted for the purposes of this policy.
New Dwelling Houses, including residential ancillary development, constructed on land zoned: <ul style="list-style-type: none"> <li>▪ R5 Large Lot Residential</li> </ul>	The development setback standards for the Primary and/or Secondary Road contained in Part 3A of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> are adopted for the purposes of this policy, where those setback standards relate to the R5 Large Lot Residential Zone.
New Dwelling Houses, including residential ancillary development, constructed on land zoned: <ul style="list-style-type: none"> <li>▪ RU2 Rural Landscape</li> <li>▪ E2 Environmental Conservation</li> <li>▪ E4 Environmental Living</li> </ul>	18 metres - from Primary or Secondary Road
Any building constructed on land zoned: <ul style="list-style-type: none"> <li>• IN1 General Industrial</li> <li>• IN2 Light Industrial</li> <li>• IN3 Heavy Industrial</li> </ul>	6 metres – from Primary Road 3 metres – from Secondary Road

## 5. RESPONSIBILITIES

### 5.1. Director Planning and Environment, Health and Building Manager and Development Services Manager

5.1.1. The Director Planning and Environment, Health and Building Manager and Development Services Manager are responsible for supporting Council's development and building staff as they apply the principles and numerical standards set out in this policy to ensure compliance with this policy.

### 5.2. Planning Officers

5.2.1. Development and building staff are responsible for:

- a) familiarising themselves with this policy;

- b) implementing the principles of this policy; and
- c) assessing development applications against the numerical standards set out in this policy (where applicable).

## 6. COMPLIANCE, MONITORING AND REVIEW

### 6.1. Reporting

6.1.1. No additional reporting is required.

### 6.2. Records management

6.2.1. Staff must maintain all records relevant to administering this policy in accordance with Council's [Records Management Policy](#).

## 7. POLICY DEFINITIONS

<b>Building Line or Setback</b>	means the horizontal distance between the Primary and/or Secondary Road boundary (measured at 90 degrees from the boundary) and the proposed development.
<b>Corner Allotment</b>	means a lot that has 2 contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).
<b>Dwelling House</b>	means a building containing only one dwelling.
<b>Primary Road</b>	means the road to which the front of a Dwelling House, or a main building, on a lot faces or is proposed to face, and includes any road that intersects with that road at an angle of more than 135 degrees and with which the Dwelling House or main building has contiguous boundaries.
<b>Secondary Road</b>	means, in the case of a Corner Allotment that has boundaries with adjacent roads, the road that is not the Primary Road.

## 8. POLICY ADMINISTRATION

<b>Business Group:</b>	Strategic Planning
<b>Responsible Officer:</b>	Directors and Managers Planning Officers
<b>Associated Procedure (if any, reference document(s) number(s))</b>	Not Applicable
<b>Policy Review Date:</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number:</b>	DOC2020/168804
<b>Relevant Legislation: (reference specific sections)</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979 (NSW)</i></li> <li>• <i>Local Government Act 1993 (NSW)</i></li> </ul>
<b>Relevant desired outcome or objectives as per Council's Delivery Program</b>	<p><i>A sustainable and healthy environment</i></p> <p><i>Objective 3.1: Protecting and enhancing the natural environment and the rural character of the area</i></p>
<b>Related Policies / Protocols / Procedures / Documents (reference document numbers)</b>	<ul style="list-style-type: none"> <li>• Records Management Policy (DOC2019/038769)</li> <li>• Cessnock Development Control Plan 2010</li> <li>• Cessnock Local Environmental Plan 2011</li> </ul>

## 9. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Vary the development standards contained in this policy in accordance with each officer's prescribed delegations	Directors and Managers Development and Building Staff

## 10. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	20 March 1996	Original Document (DES 20/1996 -130)
2	23 July 2001	
3	18 September 2013	Amendment (PM91/2013 – 581)
4	17 March 2021 (CC16/2021)	Policy Review Updates to land-use terminology, zones to reflect the Standard Instrument LEP, numerical development standards, technical definitions and general formatting. These amendments are necessary to ensure the policy aligns with the current local and state planning framework, including the <i>Cessnock Local Environmental Plan 2011</i> and Codes SEPP.

## 11. APPENDICES