

## Side and rear setbacks for residential development

This information sheet explains the requirements for side and rear building setbacks for a dwelling house and its ancillary development, under complying development in the General Housing Code.

### 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](#)<sup>1</sup> 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](#)<sup>2</sup>.

**Exempt development** is minor building work that does not need planning or building approval. [Information sheet 1.1](#)<sup>3</sup> provides more information about exempt development.

**Complying development** is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)<sup>4</sup> provides more information about complying development.

Note: As identified in Information Sheets 1.1 and 1.2 exempt and complying development cannot be carried out on certain land.

### Side and rear setbacks

Single and two storey dwelling houses may be constructed as complying subject to meeting specific development standards.

The side and rear setbacks required by the policy determine the location of houses and ancillary outbuildings (for example, sheds and garages) on a residential lot. A setback is the horizontal distance (measured at 90 degrees) from a lot boundary to a development.

The policy provides for exceptions to setbacks for minor developments and building elements that may be located within the required setback.

The policy also includes a number of exclusions and specific requirements to be met in relation to the development of certain land. Refer to Information Sheet 1.3 for detail on exclusions and requirements that apply to different types of land.

### Lot requirements

- New houses, additions to existing houses and ancillary development can only be constructed as complying development on lots that are at least 200m<sup>2</sup>.
- A built to boundary wall or boundary wall is a wall within 450mm of a boundary.
- Buildings that are built to a common side boundary have specific requirements based on the boundary walls (if any) on an adjoining. This ensures they do not have an adverse impact on neighbouring lots.
- Lots that have a rear boundary with a lane that has a width greater than 3m but less than 7m and is used primarily for access to the rear of

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

<sup>2</sup> <http://www.planning.nsw.gov.au/exemptandcomplying>

<sup>3</sup>

<sup>4</sup> <http://www.planning.nsw.gov.au/exemptandcomplyingoverview>

<http://www.planning.nsw.gov.au/exemptandcomplyingoverview>

the premises may have development that is built to that rear boundary.

## Side setbacks for residential development

Side setbacks are determined by the width of the lot, measured at the building line and by the building height. When calculating the setback, the height of the building is taken at the point closest to the boundary and not overall height of the building.

Generally, the minimum side setback for development is 900mm (read about exceptions to this below). Depending on the lot width, a house or outbuilding over a certain height above existing ground level must be set back further than the minimum 900mm.

**Table 1: Minimum required side setbacks for residential development**

Lot width	With height of a building	Nominal setback
6m – 10m	Up to 5.5m	900mm
10m – 18m	Up to 4.5m	900mm
18m – 24m	Up to 4.5m	1.5m
24m	At any height	2.5m

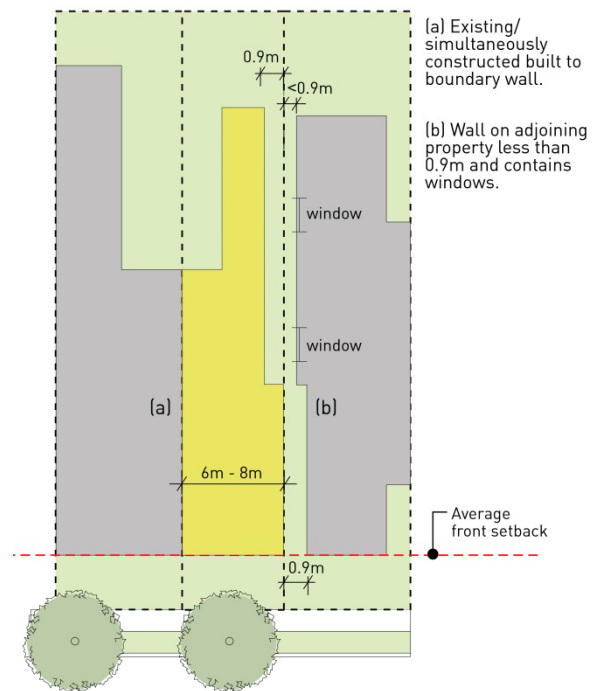
If the building exceeds the heights in the above table, an additional setback must be provided. This is determined by taking one-quarter of the additional height of the building above the height in the above table and adding it to the required setback.

### Example

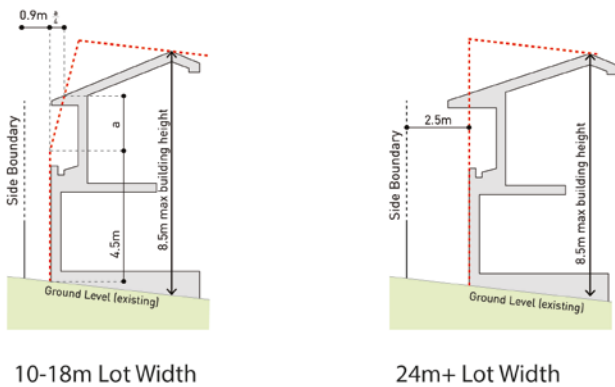
- The additional height for a building height of 7.5m is 3m (i.e. 3m above 4.5m).

Measuring the setback for a point in a building that has a height of 7.5m, on a site with a lot width of 14m:

- The minimum required setback for the height of a building up to 4.5m is 900mm.
- One quarter of 3m is 750mm
- Add 750mm to the minimum 900mm setback and the required setback for any point of a building with a height of 7.5m is 1.65m.



**Figure 1: Example showing where built to boundary development is allowed on lots between 6m and 8m wide**



**Figure 2: How to calculate minimum required side setbacks for dwelling houses, by lot width**

### Where residential buildings can be built boundary to boundary

Built to boundary walls is a reference to the provisions of the policy which allow walls of a building to be built to a common side boundary between two properties. This enables a more efficient use of land for narrower blocks.

Lots that have a width that is at least 6m but not more than 8m wide may build to both side boundaries. Lots that are more than 8m but not more than 12.5m may build to a single side boundary, subject to meeting the restrictions on the length and height of walls, as shown in **Figure 2**.

A built to boundary wall is not permitted under the policy if the adjoining lot has a building wall within 900mm of the boundary that is not of masonry construction, or if it has a window facing the common boundary.

### Height

Generally, boundary walls cannot be higher than 3.3m above existing ground level. However, boundary walls that adjoin an existing neighbouring boundary wall, can be built to the same height, if that the adjoining wall is higher than 3.3m. If the CDC is for multiple houses on adjoining lots, the boundary walls must have the same height.

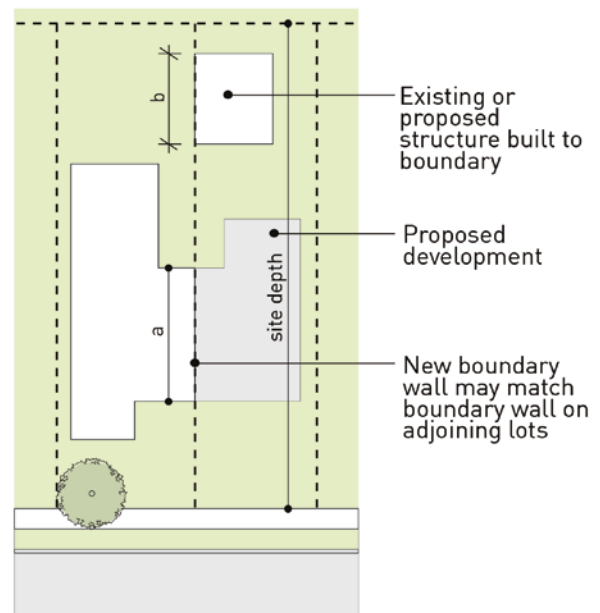
### Length/Depth

The length of boundary walls on a side boundary on lots that are at least 6m but not more than 10m are restricted to 20m or 50% of the lot depth, whichever is the lesser.

For lots that are more than 10m but not more than 12.5m wide, the length of the boundary wall is restricted to 10m.

Similar to the allowances for boundary wall height, if the boundary wall is built to an existing boundary wall, then the total length of the new wall or walls may be longer than 20m or 50% of the lot depth, but not be longer than the existing neighbouring wall.

If the CDC is for multiple houses on multiple adjoining lots, the boundary walls must have the same length.



**Figure 3: Maximum lengths allowed for built to boundary walls on lots between 10m and 12.5m wide**

The maximum length of built to boundary walls when a lot is either 6 to 8metres wide or 10 to 12.5m wide are:

- For lots between 6-10m,  $a+b < 20m$  or 50% of lot depth.
- For lots between 10m-12m,  $a+b < 10$ .

## Rear setbacks

The policy provides separate rear setback provisions for houses and ancillary outbuildings. Rear setbacks are based on the area of the lot and ensure that a development is provided with a reasonably sized back yard for the size of the lot, whilst protecting the amenity of adjoining houses.

**Table 2: Minimum rear setback requirements for dwelling houses by lot area**

Building height up to:	200m <sup>2</sup> – 300m <sup>2</sup>	>300m <sup>2</sup> – 900m <sup>2</sup>	>900m <sup>2</sup> – 1500m <sup>2</sup>	>1500m <sup>2</sup>
4.5m	3m	3m	5m	10m
8.5m	Average* or 10m	8m	12m	15m

\*Average of the first floor rear setbacks of the two nearest dwelling houses.

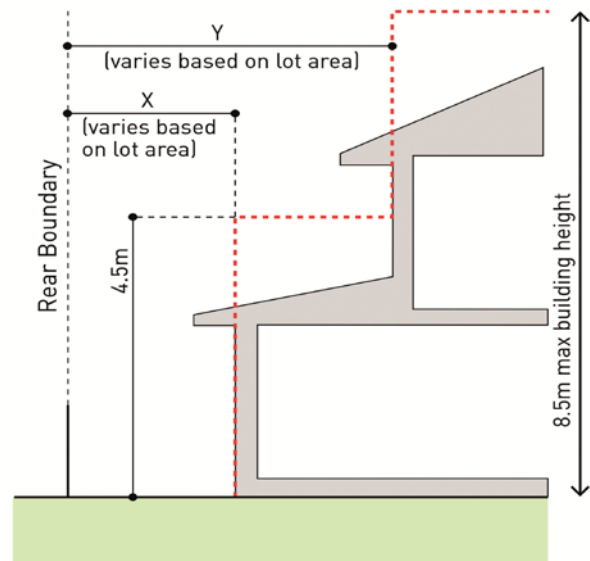
**Table 3: Minimum rear setback requirements for outbuildings by lot area**

Building height up to:	200m <sup>2</sup> – 300m <sup>2</sup>	>300m <sup>2</sup> – 900m <sup>2</sup>	>900m <sup>2</sup> – 1500m <sup>2</sup>	>1500m <sup>2</sup>
3.3m	0mm*			
>3.3m	0mm+			
3.8m		900mm*	1.5m*	2.5m*
>3.8m		900mm+	1.5m+	2.5m+

\* Nominal setback

+ Additional setback required to the nominal setback.

Rear setbacks for outbuildings above a certain height (3.3m or 3.8m) are based on taking one-quarter of the additional height and adding it to the nominal setback.



**Figure 4: Section showing the minimum rear setback requirements for dwelling houses (the maximum allowed building envelope is shown in red)**

### Example

Determining the setback for an outbuilding that is 4.2 m in height on a lot that is 850m<sup>2</sup>:

$$\text{Setback} = 900\text{mm} + (400\text{mm} \times 1/4) = 1\text{m}$$

- The minimum required setback for an outbuilding up to 3.8m high is 900mm.
- The additional height above 3.8m for an outbuilding height of 4.2m is 400mm.
- One quarter of 400mm is 100mm.
- Add 100mm to the required 900mm setback and the required setback for an outbuilding with a height of 4.2m high on a 850m<sup>2</sup> lot is 1m.

## Setbacks from rear lanes

Development on lots that have a boundary with a rear lane may include buildings built to the rear lane boundary; however buildings are limited to a maximum of 50% of the length of that boundary.

## Setbacks from public reserves

Where a lot has a boundary with a public reserve, all development must have a setback of at least 3m. The term “public reserve” is defined in the *Local Government Act 1993*.

## Exceptions to setbacks

The policy identifies a number of exceptions to setbacks for residential complying development where parts of a building can encroach into the specific setbacks required for a lot.

## Alterations and additions to existing development

Existing development may include buildings with setbacks to a boundary closer than that required by the policy. In this situation the policy provides an exception to the setbacks to allow the alteration to these existing buildings. Any new additions must comply with the setbacks required by the policy.

## Allowable encroachments

Incorporated into this policy is a number of exceptions which allow certain building elements to be located within the required setbacks. These exceptions are based on similar allowances under the *Building Code of Australia* and have historically been allowed under building codes as they do not diminish the level of fire protection in a building. These exceptions include:

- Building elements allowed to at least 450mm from a boundary are: any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8m in height or any other structure associated with the provision of a utility service, and
- Building elements allowed to be built to the boundary are: any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, hard stand space, pathway or paving.

## What else do I need to consider?

- Works must comply with the Building Code of Australia and be installed in accordance with the manufacturer’s specifications.
- 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.

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](#)<sup>5</sup> or contact the Department’s Exempt and Complying Development Team on 1300 305 695 or by [email](#)<sup>6</sup>.

## 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](#)<sup>7</sup> to find out if it is used by your local council or for more details.

<sup>5</sup> <http://www.planning.nsw.gov.au/exemptandcomplying>

<sup>6</sup> [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

<sup>7</sup> <http://www.electronichousingcode.com.au/>