
Cessnock City Council DRAFT Building Line Policy

Date Adopted: XX/XX/2020 Revision: 4

1. POLICY OBJECTIVES

- 1.1. The objectives of this policy are to ensure that new Dwelling Houses (including ancillary residential development) and industrial development:
- 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 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 Cessnock Local Environmental Plan and Development Control Plan.

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. Front setbacks of development to which this policy applies are generally consistent with those of adjoining development. Some variations to minimum setbacks may be considered particularly where such variations are used to improve streetscape, variety and interest.
- 4.2. Setbacks are consistent with the objectives and expected outcomes of the zone in which the development is located.
- 4.3. The scale and appearance of development to which this policy applies is compatible and sympathetic to existing adjacent development and development in the broader locality, particularly in instances where the site has heritage significance or distinctive character.
- 4.4. Parking and garages do not dominate the Primary Road frontage of the development to which this policy applies.
- 4.5. The maximum total width of all garages, carports and ancillary structures within the existing Building Line Setback shall be no more than 7 metres.

4.6. All new principal dwellings shall make provision for off-street parking.

4.7. Building Lines for development to which this policy applies, generally, shall be as prescribed by Table 1.

Table 1: Minimum Building Line Setbacks for Development to which this Policy Applies

ZONE OR SITUATION	MINIMUM BUILDING LINE SETBACK														
<p>New Dwelling Houses, including residential ancillary development, constructed on Land in an Urban Release Area zoned:</p> <p>R2 Low Density Residential R3 Medium Density Residential RU5 Village</p>	<p>Minimum setback from Primary Road</p> <table border="1" data-bbox="858 495 1492 651"> <thead> <tr> <th>Lot Size</th> <th>Minimum Setback from Primary Road</th> </tr> </thead> <tbody> <tr> <td>900m² or less</td> <td>4.5 metres</td> </tr> <tr> <td>>900m² to 1,500m²</td> <td>6.5 metres</td> </tr> <tr> <td>>1,500m²</td> <td>10 metres</td> </tr> </tbody> </table> <p>Minimum setback from Secondary Road</p> <table border="1" data-bbox="858 752 1492 882"> <thead> <tr> <th>Lot Size</th> <th>Minimum Setback from Secondary Road</th> </tr> </thead> <tbody> <tr> <td><1,500m²</td> <td>3 metres</td> </tr> <tr> <td>>1,500m²</td> <td>5 metres</td> </tr> </tbody> </table>	Lot Size	Minimum Setback from Primary Road	900m ² or less	4.5 metres	>900m ² to 1,500m ²	6.5 metres	>1,500m ²	10 metres	Lot Size	Minimum Setback from Secondary Road	<1,500m ²	3 metres	>1,500m ²	5 metres
Lot Size	Minimum Setback from Primary Road														
900m ² or less	4.5 metres														
>900m ² to 1,500m ²	6.5 metres														
>1,500m ²	10 metres														
Lot Size	Minimum Setback from Secondary Road														
<1,500m ²	3 metres														
>1,500m ²	5 metres														
<p>New Dwelling Houses, including residential ancillary development, constructed on land zoned:</p> <p>R2 Low Density Residential R3 Medium Density Residential RU5 Village</p> <p>that is not within an Urban Release Area.</p>	<p>6 metres – from Primary Road 4 metres – from Secondary Road</p>														
<p>New Dwelling Houses, including residential ancillary development, constructed on land zoned:</p> <p>R5 Large Lot Residential</p>	<p>12 metres – from Primary Road 4 metres – from Secondary Road</p>														
<p>New Dwelling Houses, including residential ancillary development, constructed on land zoned:</p> <p>RU2 Rural Landscape E2 Environmental Conservation E4 Environmental Living</p>	<p>18 metres - from any road</p>														
<p>New Dwelling Houses, including ancillary development, constructed on land zoned:</p> <p>RU4 Primary Production (Small Lots)</p>	<p>Refer to Vineyards District DCP chapter</p>														
<p>IN1 General Industrial IN2 Light Industrial IN3 Heavy Industrial</p>	<p>6 metres – from Primary Road</p>														
<p>New Dwelling Houses, including residential ancillary development, constructed in a Cul-de-sac street ending (Residential Zones Only)</p>	<p>5 metres in the 'bulb' of the cul-de-sac</p>														

5. APPLICATIONS TO VARY THE BUILDING LINE

- 5.1. Applications to vary the Building Line may be considered prior to the lodgement of a development application. If you elect to do this, the prescribed form must be completed and the relevant fee paid.
- 5.2. Adequate justification must be supplied with the prescribed application form to support a request to vary the provisions of this policy.
- 5.3. Council may provide 'concept approval' to vary the Building Line. The concept approval will only identify the location of a proposed structure in relation to the Building Line and is **not** development consent.
- 5.4. Assessment of each application shall include the following considerations:
 - 5.4.1. Can the Building Line be varied in accordance with the objectives and principles prescribed by Council's Building Line policy?
 - 5.4.2. Are there any examples of existing variations or setbacks on adjoining properties?
 - 5.4.3. Will approval of the application create an undesirable precedent within the neighbourhood?
 - 5.4.4. Will the amenity, aesthetics, harmony and streetscape be unduly effected?
 - 5.4.5. Are there any undesirable effects associated with effective site distances for vehicular traffic, particularly on Corner Allotments?
 - 5.4.6. Can the structure be reasonably located within the Building Line?
 - 5.4.7. Does the property lie within a conservation area and if so does it relate in an appropriate way to its historic/social environment?

6. RESPONSIBILITIES

6.1. General Manager

- 6.1.1. The General Manager is responsible for the implementation of this policy.

6.2. Directors and Managers

- 6.2.1. Directors and Managers are responsible for supporting Council officials to apply the strategies in this policy and for ensuring compliance with this policy.

6.3. Council Officials

- 6.3.1. Council officials are responsible for:
 - a) familiarising themselves with this policy; and
 - b) implementing the principles of this policy.

7. COMPLIANCE, MONITORING AND REVIEW

7.1. Reporting

- 7.1.1. No additional reporting is required.

7.2. Records management

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

8. POLICY 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.
Corner Allotment	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).
Dwelling House	means a building containing only one dwelling.
Primary Road	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.
Secondary Road	means, in the case of a Corner Allotment that has boundaries with adjacent roads, the road that is not the Primary Road.
Urban Release Area	means an area of land shown hatched and marked “Urban Release Area” on the Urban Release Area Map that accompanies the Cessnock Local Environmental Plan.

9. POLICY ADMINISTRATION

Business Group:	Strategic Planning
Responsible Officer:	Strategic Planning Manager
Policy Review Date:	Three years from date of adoption unless legislated otherwise
Document Number:	DOC2020/168804
Policy Number:	
Relevant Legislation:	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> (NSW) • <i>Local Government Act 1993</i> (NSW)
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • Cessnock Development Control Plan 2010 • Cessnock Local Environmental Plan 2011

10. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Nil.	Nil

11. 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	TBA	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.

DRAFT