

## PRACTICE NOTE 5/2014



# INTERNAL BOUNDARY SETBACK EXEMPTIONS FOR ACCESSORY BUILDINGS

### EXEMPTION TO SITE STANDARD 7.5.5.2(iv)

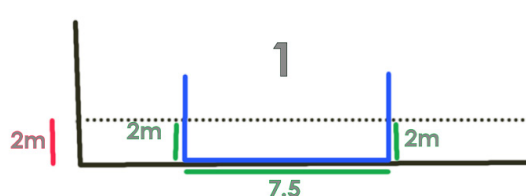
**What does the exemption to Site Standard 7.5.5.2(iv) – Setback from Internal Boundaries state:**

- (b) *Exceptions to (a) minimum setbacks:*
- (i) *Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.*

### INTERPRETATION OF WALLS NOT EXCEEDING 7.5M IN LENGTH

Council's interpretation of the statement "where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length" is that an accessory building (or buildings) can be located within the internal setback provided that the length of the wall(s) within and parallel to that particular setback, does not exceed 7.5m. If the building is located within two setbacks (i.e. the corner of the site), the wall within each setback can be up to 7.5m in length. The use of the words "total length" applies if there is more than one accessory building located within a particular setback i.e. you can't have a number of buildings each 7.5m in length within the same setback.

In terms of how to measure the 7.5m that is permitted within the setback, it is Council's interpretation that only the length of wall(s) parallel to the boundary subject of the internal setback is measured (shown as the 7.5 in the diagram below). i.e. do not count side walls in the setback perpendicular to the boundary. If there are multiple accessory buildings in the setback, ensure that the aggregate length of all the accessory building walls facing the boundary in any setback is calculated and is less than 7.5m.



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## INTERPRETATION OF NO OPENINGS ALONG ANY WALLS IN THE SETBACK

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In terms of the statement “no windows or openings, other than for carports, along any walls within 2m of an internal boundary” it is Council’s interpretation that the windows or openings not permitted by the exemption are only windows or openings facing a property that adjoins the internal boundary where the setback is being breached. An window or garage door, for example, perpendicular to the boundary and within the internal setback is permitted provided the other criteria are met.

This interpretation is considered valid because in Council’s opinion the rule is intended to avoid undue overlooking from openings within the setback facing (as opposed to perpendicular to) the adjoining potentially affected property.

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