

Minimum setback for decks

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The National Construction Code (NCC) 2015 Volume Two clarifies the minimum setback required for a deck from the property boundary. This clarification explains that an unroofed deck cannot encroach into the minimum 900mm setback required by the NCC, unless it is provided with some means of fire resistant construction.

It is important to note that the provisions have not changed – an explanatory note to clause 3.7.1.7.(c) has been included in the NCC to clarify that for the purposes of fire separation, a deck is not considered an unroofed terrace and is therefore not permitted as an allowable encroachment. This ensures there is adequate fire separation between decks and the boundary to prevent the spread of fire to adjoining properties.

This is particularly important due to the possibility of adjoining properties having decks that abut the common boundary fence, consequently enhancing the potential for spread of fire between both properties.

The clarification brings the NCC in line with the *Building Regulations 2006* (the Regulations) which does not permit a deck or an unroofed terrace to encroach within the minimum setback under Part 4 of the Regulations, unless 'report and consent' is obtained from the relevant local council. However, the report and consent of council is only in relation to siting and does not take into consideration the fire separation requirements of the NCC.

The Regulations (Regulation 411) recognise that a deck and an unroofed terrace are different structures. When calculating site coverage under sub-regulation (1) or (2), eaves, fascia and gutters (not exceeding 600mm in total width), unroofed swimming pools, unroofed terraces, unroofed patios, unroofed decks and pergolas may be disregarded.

Regulation 105 defines private open space as:

- (a) an unroofed area of land; or
- (b) a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool.

As decks are usually constructed of a timber or steel-framed structure with a subfloor system of stumps, bearers, and floor joists with timber flooring material, they have a greater fire risk associated with them.

There is no deemed-to-satisfy solution specifically detailed for a deck constructed within 900mm of the boundary or within 1800mm of another dwelling on the same allotment. The relevant building surveyor (RBS) needs to determine, in accordance with Regulation 113 of the Regulations, that the designed method of fire separation meets the relevant performance requirement.

Alternatively, the applicant could seek a determination from the Building Appeals Board.

Refer to Part 3.7 of the NCC Volume Two for further details.