

**BEGA VALLEY SHIRE COUNCIL**

# **MINIMUM SETBACKS**

**To Roads  
And Nominated  
Waterways**



**Development Control Plan No. 6**





I, David Jesson, General Manager, Bega Valley Shire Council, certify that this is Development Control Plan No.6 – Minimum Setbacks from Roads & Nominated Waterways and was made pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting on the 12 November 2002

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DAVID JESSON  
General Manager

### Record of Amendments

<b>Name of Amendment</b>	<b>Date Approved by Council</b>	<b>Date Plan Came into Force</b>
<b>Original Plan</b>		26 May 1987
<b>Inclusion of Back Lake</b>	24 July 2001	8 August 2001
<b>Updating of references included in the plan</b>	12 November 2002	15 November 2002

## DEVELOPMENT CONTROL PLAN NO.6

### MINIMUM SETBACKS TO ROADS & NOMINATED WATERWAYS

#### 1. NAME OF THE PLAN

This plan is Development Control Plan No. 6 – Minimum Setbacks to Roads & Nominated Waterways.

#### 2. AIMS OF THE PLAN

The aim of this plan is to specify the minimum setback for development from roads and nominated waterways in the Shire.

#### 3. RELATIONSHIP TO OTHER PLANS AND POLICIES

- (a) This plan should be read in conjunction with the Bega Valley Local Environmental Plan 2002 and all other Codes and Policies adopted by Council relating to the development of land in the Shire of Bega Valley
- (b) Where there is an inconsistency between this plan and other Council policies and codes, then this plan prevails.
- (c) Variations to the standards applied in this plan may be considered where such inconsistencies are justified in relation to the aims and objectives of this plan.

#### 4. DEVELOPMENT CONTROLS

##### NOMINATED WATERWAYS

1. The minimum setback for development from a nominated waterway other than that in subclauses (2) and (3) shall be 75 metres.
2. In the case of development for the purpose of an intensive livestock keeping establishment or development involving the disposal of sewerage on the land, the minimum distance shall be 150 metres.
3. In the case of development on land adjoining Back Lake Merimbula the minimum setback distance to which any building may be constructed is detailed in the attached Map 1.
4. Council may vary the minimum setback distance for development but only after having regard for matters specified in subclause 83(2) of the Bega Valley Local Environmental Plan 2002.

**Note:** Nominated Waterways shall be those listed in Schedule 3 of Bega Valley Local Environmental Plan 2002.

**ROADS**

5. For the purpose of Clause 84 of Bega Valley Local Environmental Plan 2002 the minimum setback for buildings from public roads shall be:

Rural Zones	20 metres
Residential zones	7.5 metres
Business Zones	Nil
Industrial Zones	10 metres
Environment Protection Zones	20 metres

Council may vary the minimum distances but only after having regard to the matters specified in subclause 84(2).

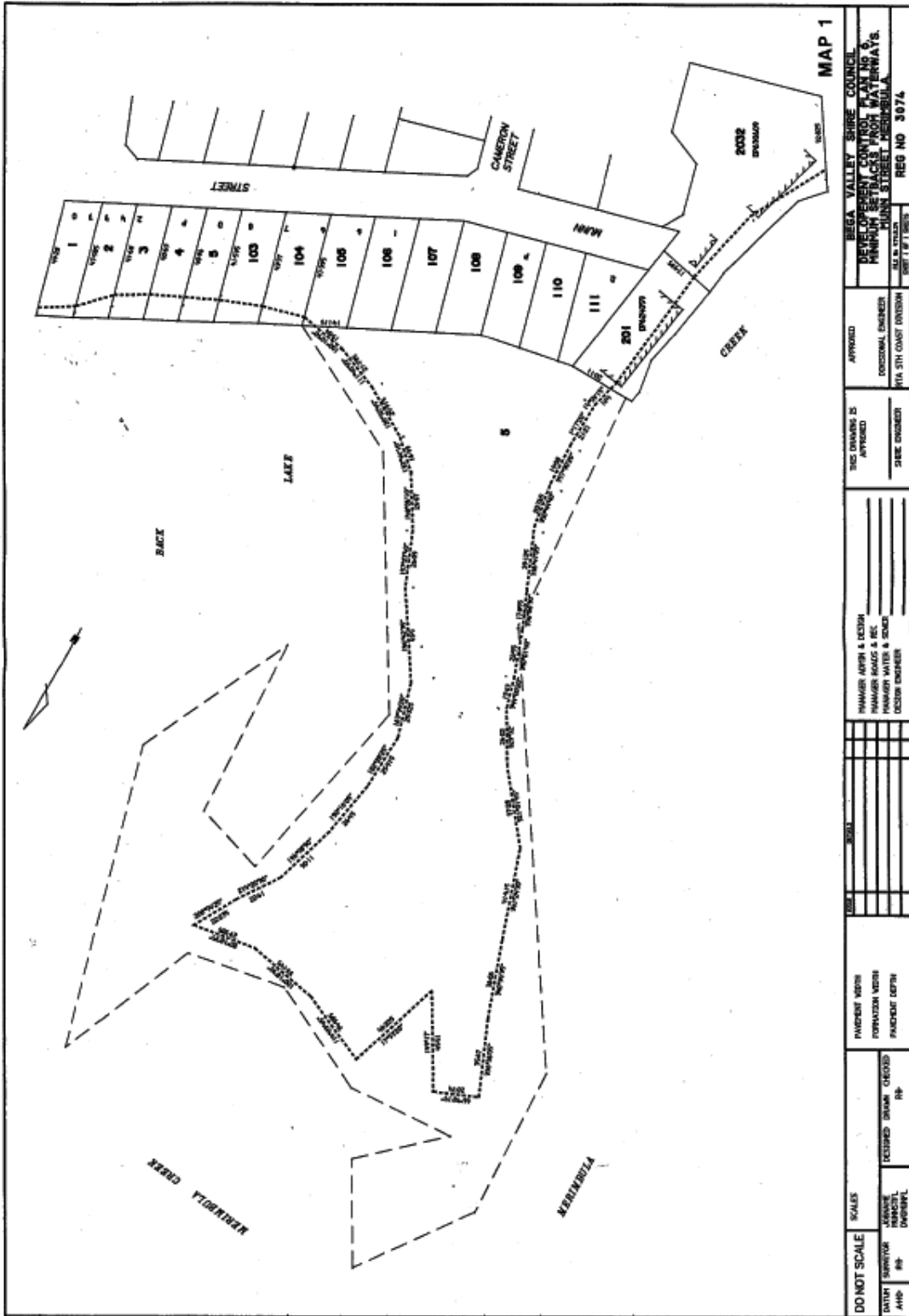
6. The following Development shall be setback from a main or arterial road as follows

Multi-Unit Housing and Boarding Houses	9 metres
Junkyard or Offensive or Hazardous Industry	90 metres
Entrance to a Drive-in-Theatre	90 metres

In case of the above development facing a main or arterial road Council may consider a variation following an objection in a similar form to that required under State Environmental Planning Policy No.1 – Development Standards.

## **SCHEDULE 3 - BEGA VALLEY LOCAL ENVIRONMENTAL PLAN 2002 – NOMINATED WATERWAYS**

- Back Lake
- Barragoot Lake
- Bega River, (tidal sections)
- Bermagui River
- Blackfellows Lagoon
- Curalo Lagoon
- Cuttagee Lake
- Little Lake
- Merimbula Lake (excluding land within the town of Merimbula zoned residential or commercial)
- Middle lake
- Murrah Lake
- Nelson Lake
- Nullica River, (tidal sections)
- Pambula Lake (from the confluence of Pambula River and Yowaka River to Pambula Beach)
- Towamba River (tidal sections)
- Wallaga Lake
- Wallagoot Lake
- Wapengo Lake
- Wonboyn Lake (from the confluence of Wonboyn River and Bull Creek to Bay Cliff)



# Development Control Plan No.6