



**D6.47**

**SETBACK POLICY - CREEKS,  
RIVERS & LAGOONS**



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### **ENVIRONMENT AND PLANNING – DEVELOPMENT**

#### **POLICY OBJECTIVES**

To provide appropriate setbacks from creeks, rivers and lagoons.

#### **POLICY STATEMENT**

The provisions of Development Control Plan No 114 – Building Lines shall apply as a minimum under this policy when it is also applicable.

Where a building is to be located adjacent to a creek, waterway or lagoon and the land has not been the subject of a Floodplain Management Plan, the building shall be set back from the creek, waterway or lagoon such that:-

- a For further development of greenfield sites, setbacks are to be determined during the planning process to ensure that land inundated by the 1% AEP flood including freeboard will not be developed. As well as this criterion access shall be provided along the creekbanks to enable further maintenance and ongoing public accessibility along the reserve areas. At least six metres width between the top of the bank of the creek and the property boundary shall be provided. (See Setback Diagrams Nos. 1 and 2)
- b For development proposals in existing subdivided areas, the following provisions shall apply:-
  - 1 For minor creeks defined as creeks with a catchment area of less than 7.5 hectares:
    - 1.1 If no easement exists over the minor creek the setback shall be 4 metres from the top of bank or waterway area or 50% AEP flood extent (whichever is the greater)..
    - 1.2 If an easement exists over the creek, the normal building restrictions alongside an easement would apply.
    - 1.3 Where appropriate, the applicant may create and pipe the easement in order to remove the setback requirement. All pipework shall be to a Council approved design and construction specifications.

- 2 For major creeks having a catchment area larger than 7.5 hectares:
  - 2.1 A setback is to be provided to allow for:
    - 2.1.1 Future adequate waterway construction
    - 2.1.2 A 4m wide vehicular and machinery access along the waterway for maintenance where a suitable easement does not exist.
    - 2.1.3 An overbank floodway to pass a minimum of the 1% AEP design flood.
    - 2.1.4 Adequate landscaping to the bank area.
    - 2.1.5 See Setback Diagram No. 3.
  - 2.2 Where the future waterway does not have an approved design, the setback shall be a minimum of 6 metres on each side of the creek from the top of the natural bank or overbank of the creek. Where banks of the creek have been filled without authorisation, the Council may determine a larger setback as considered appropriate. (See Setback Diagram No. 4)
  - 2.3 The setback to be provided shall enable an hydraulically satisfactory waterway alignment to be retained or created. Setbacks, which when examined in relation to adjoining or nearby properties, cause sharp changes in direction or constrictions to flow will not be permitted.
  - 2.4 It is desirable that a "Drainage Reserve" be created over all major creeks, including the area required for access and landscaping. Access to creeks may also require easements for access to ensure access is retained.
  - 2.5 Setbacks from the top of the bank of the creek shall apply to properties adjoining public reserves where the land is flood liable up to the 1% design flood event.
  - 2.6 A developer may, subject to approval by Council, prepare engineering plans for a reach of a major creek and incorporate the provisions of 2.1, 2.3, 2.4 and 2.5 above into the proposal. The setback shall then be provided to a varied distance as suitable providing the engineering works are carried out during development.
- 3 Subdivision of land adjacent to major and minor creeks shall take into account the need to provide setbacks as described in this policy.

- 4 Setbacks from creeks and lagoons may also be affected by other regulatory authorities i.e. Department Water and Energy with regard to the Water Management Act 2000, and the Department of Primary Industries with regard to the Fisheries Management Act 1994. Details of the affections should be sought by the applicants from these authorities.

(Minute No 773/1992 - 28 July 1992)

(Minute No 547/1994 - 14 June 1994)

(Minute No 322/1996 - 23 April 1996 - Review of Policies)

(Minute No 239/2000 – 24 October 2000 – Review of Policies)

(Minute No 214/2005 - 8 March 2005 - Review of Policies)

(Minute No 311/2009 - 5 May 2009 - Review of Policies)

Diagram 1

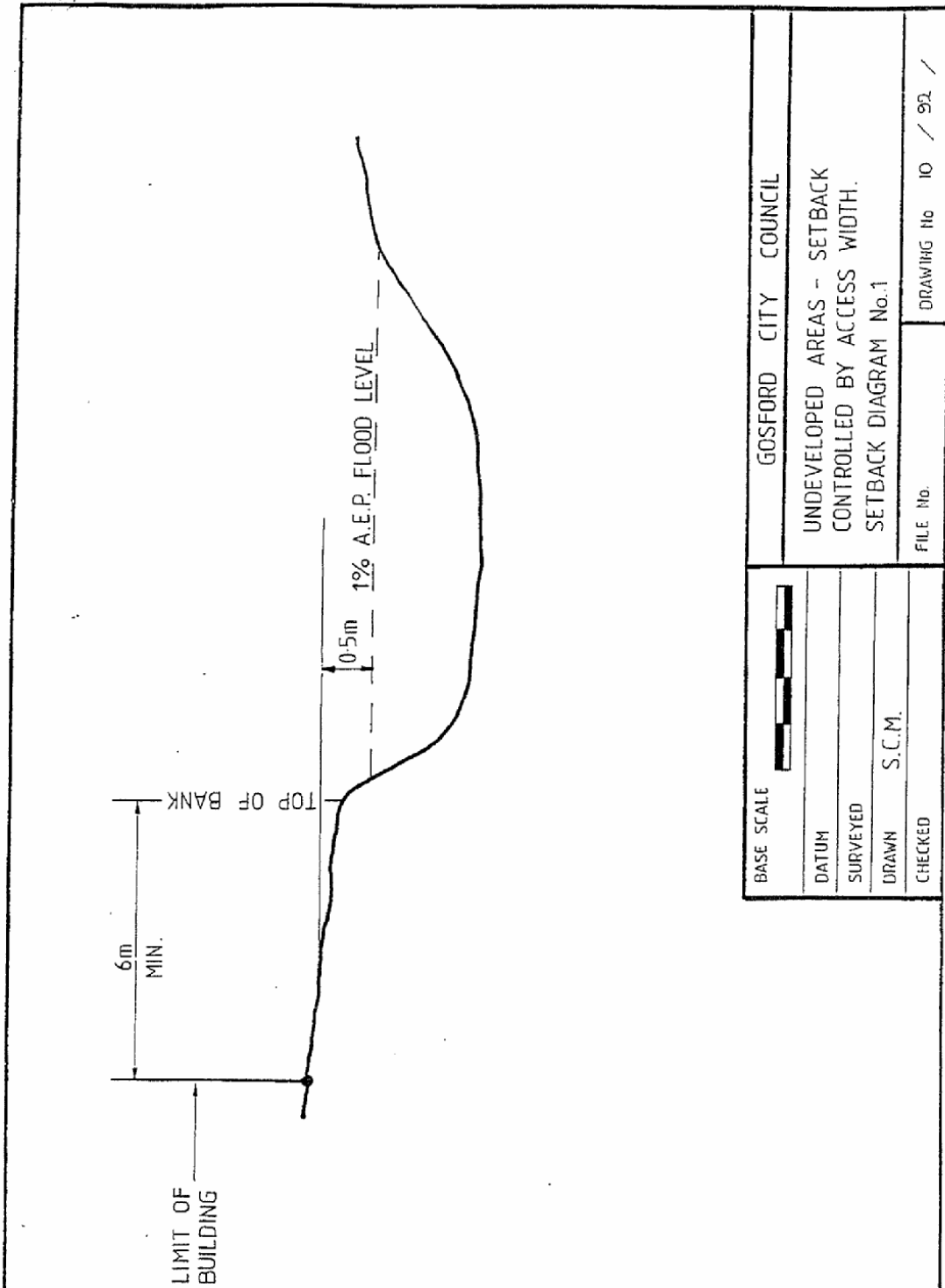


Diagram 2

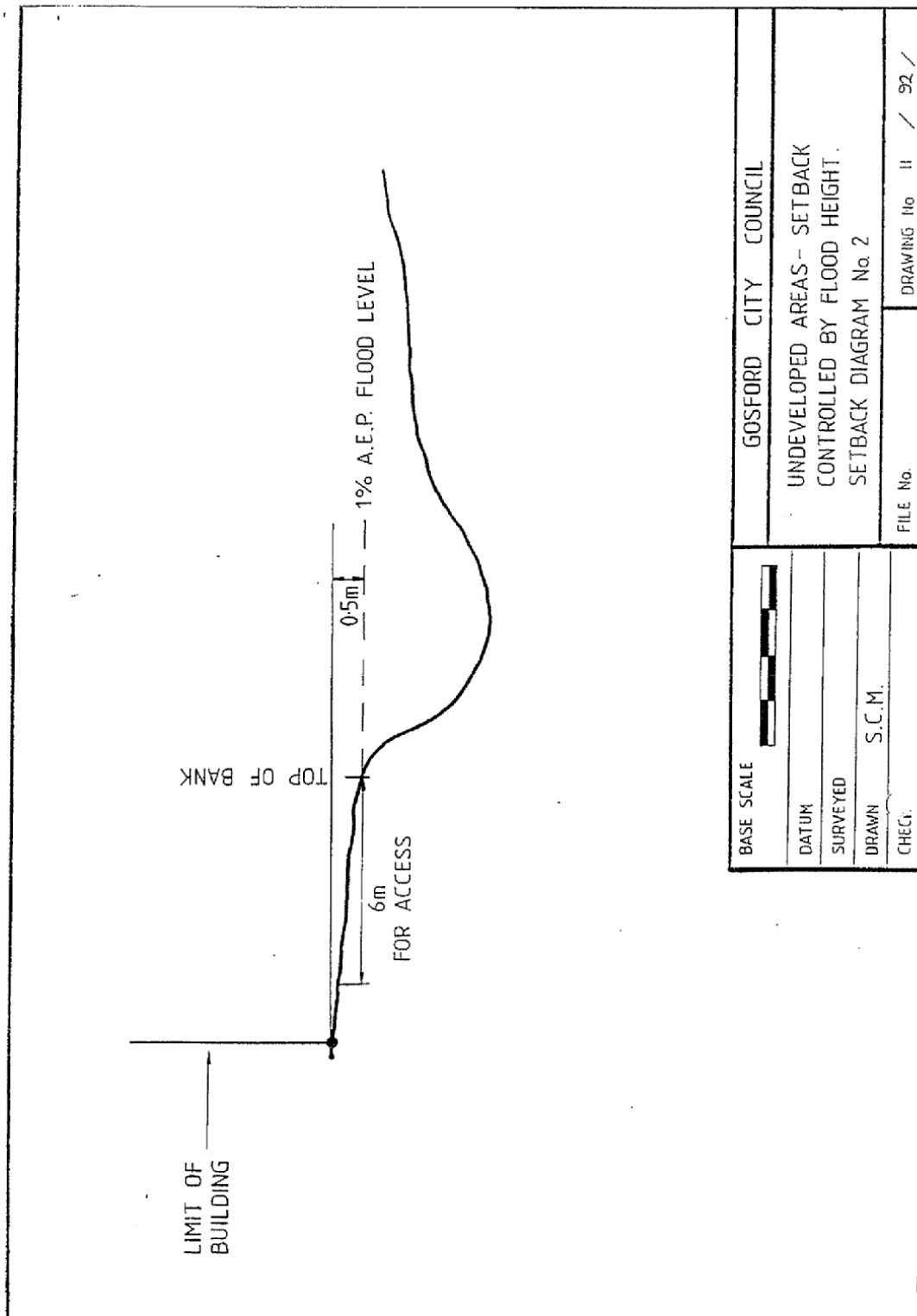


Diagram 3

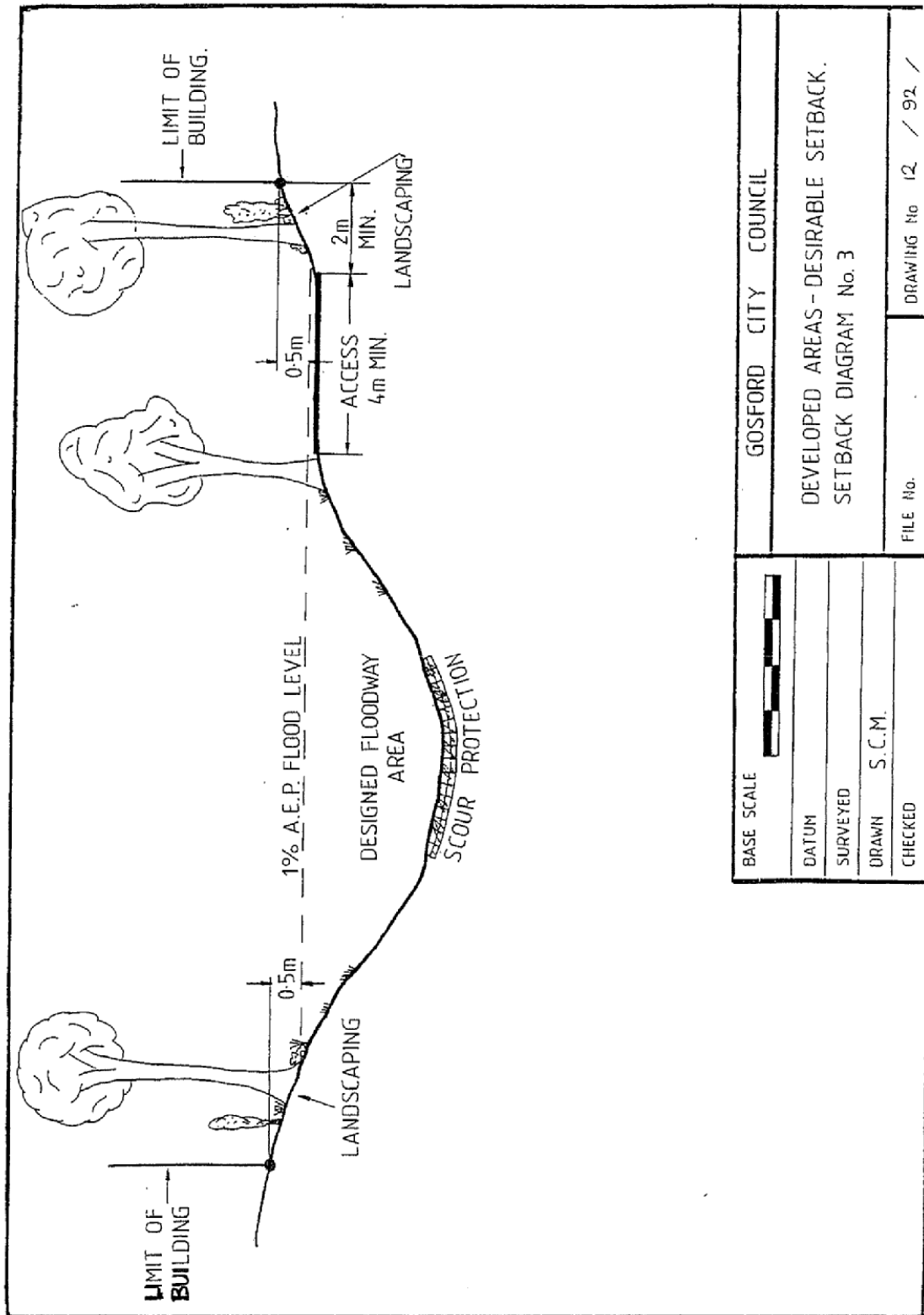


Diagram 4

