

NORTH BURNETT REGIONAL COUNCIL

Planning Scheme

Building or modifying a levee?

Info Sheet

Levees play an important role in floodplain management. They can protect against flood risk, but also have the potential to impact on neighbouring properties, the community and the catchment as a whole. To avoid unwanted impacts, and to ensure that levee planning, assessment and compliance activities are undertaken consistently, state planning laws to regulate the construction and modification of levees were introduced in 2014. These laws apply to all new and newly modified levees (since 2014). The level of assessment required depends on the potential impacts of the levee.

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WHAT IS A LEVEE?

Any artificial embankment or structure that prevents or reduces the flow of overland flow water onto or from land, including associated infrastructure like channels, drains, outfalls and pipes.

WHAT ISN'T A LEVEE?

- Fill used for gardening or landscaping (up to 50 cubic metres)
- Emergency levees (eg sandbagging)
- Structures designed for long term water storage (for eg ring dams)
- Irrigation infrastructure
- Prescribed farming activities (for eg those associated with irrigation)
- Structures regulated under other laws (for eg railways and roads)



COUNCIL'S ROLE

Your local Council has primary responsibility for managing flood risk. Council undertakes flood risk assessments, identifies ways to manage the flood risk to existing development and infrastructure, and ensures that future development is not exposed to unacceptable flood risk. Councils use a range of approaches to manage flood risk including land zoning, community awareness, flood warning, and infrastructure. They might consider installing town levees, and they also assess private levees.

Levees which have not been through the formal assessment process (introduced in 2014) are considered 'unregulated' and might not have been assessed to determine if the levee causes negative impacts to other properties. If you are concerned that a neighbour's new (or newly modified) levee may be impacting your property and / or the environment, you should contact Council.

If you plan to build or modify a levee (including raising or lowering the height, extending the levee length or any other modification that influences the flow of water), here's what you need to do:

Determine if the levee (or modification) is likely to cause any flood-related impacts beyond your property boundary (including changes to the flow path, flow velocity, flooded area or flood height). Levees in urban areas will almost always cause impacts and require detailed assessments. Levees in rural areas, particularly if sited on a large property and far away from other properties, are less likely to cause off-property impacts



If the levee (or modification) is **unlikely** to have flood impacts beyond your property (a Category 1 levee), read the Guidelines for the construction or modification of category 1 levees and notify your local Council, in writing. Please refer to Attachment 1— *Notification form self-assessable development of levees work*. You will need to provide your details, information about the proposed levee, such as location, description of works, how you determined that there would be no off-site impacts, and details of any consultation you've undertaken with neighbours. Council will keep a record of the levee details to inform future floodplain management planning.

If Council is not satisfied with your self-assessment of the levee impacts, they may require a more detailed assessment be undertaken.

If the levee is **likely** to have flood impacts beyond your property (Category 2 and 3 levees), or **you're not sure**, you will need to undertake a more thorough investigation, and may need the support of a suitably qualified professional. This person must be qualified to undertake risk assessments, hydraulic studies or the design and construction of a levee, and may be a Registered Professional Engineer of Queensland (RPEQ).

Levees which are likely to have off-site impacts must be designed to minimise impacts to surrounding properties and environment. A risk assessment will be needed to identify the scale and nature of the likely impacts, including the number of people who may be affected. This risk assessment will often, though not always, require hydraulic modelling.

Need more information?

Refer to Council's "Technical Assessment of Levees" and the "Management and assessment of levees", information sheets, speak to your local Council, or visit the following resource sites -

<https://www.business.qld.gov.au/industries/mining-energy-water/water/authorisations/constructing-modifying-levee-banks> to download relevant guidelines and codes.

DA Form 1: <https://planning.dsdmip.qld.gov.au/planning/resources>

Department of Natural Resources, Mines and Energy: <https://www.dnrm.qld.gov.au/mapping-data>

Elevation foundation spatial data (ELVIS): <http://elevation.fsdf.org.au/>

Flood check website: <http://dnrm-floodcheck.esriaustraliaonline.com.au/floodcheck/>

Queensland spatial catalogue: <http://qldspatial.information.qld.gov.au/catalogue/custom/index.page>

Water Regulation 2016: <https://www.legislation.qld.gov.au/view/html/inforce/2018-07-01/sl-2016-0216#sch.10>

The Category 1 levee notification form can be downloaded here: https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0003/163425/self-assessable-code-levees.pdf

Guidelines for the construction or modification of category 2 and 3 levees: https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0019/163423/Guidelines-for-the-construction-or-modification-of-category-2-and-3-levees.pdf

State code 19: Category 3 levees: <https://www.dilgp.qld.gov.au/resources/policy/sdap/v2/state-code-19.pdf>

Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's development services staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

Contact Us

Give us a call for more information about the planning scheme and making an application.

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