

NORTH BURNETT REGIONAL COUNCIL

Planning Scheme

Technical assessment of levees

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 levee 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.

20

HOW A LEVEE IS ASSESSED DEPENDS ON ITS LEVEL OF IMPACT

Category 1 levees don't cause off-property impacts and can be self-assessed by the applicant. A formal development application is not required, though Council must be notified by completing and submitting Attachment 1-*"Notification form for self-assessment of levee works"* form

Category 2 levees cause off-property impacts to less than 3 people. These levees are 'code assessable', meaning they are assessed against State (and potentially local) planning and development assessment codes. A development application is required, but not public notification.

Category 3 levees cause off-property impacts to 3 or more people. These levees

are 'impact assessable' meaning that Council assesses the proposal against all relevant provisions, codes and requirements of the planning scheme in addition to relevant State planning codes. A development application and public notification is required, and there are additional requirements which must be met, including referral to the Department of State Development, Manufacturing, Infrastructure



ACCEPTABLE OUTCOMES

Levees (or modifications to levees) which are likely to cause off-property impacts need to comply with relevant Acceptable Outcomes, or otherwise satisfy relevant Performance Outcomes.

Acceptable outcomes for Category 2 and 3 levees

Acceptable Outcomes for Category 2 and 3 levees are specified in Schedule 10 of the Water Regulation 2016. They require:

- The levee does not result in unacceptable impacts to people, property or the environment
- The design, construction, operation and maintenance of the levee is appropriate
- Appropriate emergency procedures are in place (Category 3 only)

Additional acceptable outcomes for Category 3 levees

Additional Acceptable Outcomes for Category 3 levees are specified in State Code 19: Category 3 levees. They require:

- A vulnerability and tolerability assessment report is provided
- A report identifying benefits and impacts to people and property is provided for pre-and post-levee conditions across a range of flood events
- A levee operations and maintenance manual is provided
- The emergency action plan held by your Local Government is updated to reflect changes resulting from the levee

Checklist for Category 2 and 3 levees

If your proposed levee (or modification) will likely cause off-property impacts, you will need to ensure the following to support your application:

- Have you read the *Guidelines for the construction or modification of category 2 and 3 levees* (and used this guidance to inform your application)?
- Have you arranged a pre-lodgement meeting with your local Council to discuss application requirements?
- Has a suitably qualified person been involved in preparing your application?
- Have you checked the requirements of your local planning scheme?
- Have you calculated the number of impacted people and off-property impacts likely to result from the levee (or modification)?
- Have you demonstrated that any off-property impacts to people and the environment from the levee are minimised and acceptable?
- Have you demonstrated that the levee is a safe and stable structure?
- Have you demonstrated that community safety is ensured in the event a levee fails or overtops (Category 3 levees only)
- For Category 3 levees, have you met the requirements of *State code 19: Category 3 levees*?
- Have you completed a *DA Form 1* (development application)?

Need more information?

Refer to Council's "Building or modifying a levee—Here's what you need to know" 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.

North Burnett Regional Council
PO Box 390
Gayndah QLD 4625

(1300 696 272) (1300 MY NBRC)

admin@northburnett.qld.gov.au

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