

NORTH BURNETT REGIONAL COUNCIL

Planning Scheme

Management and assessment
of levees

Info Sheet

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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.

HOW A LEVEE IS ASSESSED DEPENDS ON ITS LEVEL OF OFF-PROPERTY FLOOD IMPACT

Levee category	Impacts	Assessment type	Assessor
Category 1	No off-property impacts	Accepted development	Applicant
Category 2	<ul style="list-style-type: none"> • Off-property impact • Affected population is less than 3 	Assessable development – code	Local government
Category 3	<ul style="list-style-type: none"> • Off-property impact • Affected population is 3 or more 	Assessable development – impact	Local government with Queensland Government as referral agency

COUNCIL'S ROLE

Council has numerous responsibilities relating to the management and assessment of levees:

- Management of flood risk to people and properties, which may include the construction of town levees as part of a broader suite of flood risk management measures, and the maintenance of existing town levees.
- Assessment of new or modified private levees (since 2014), including understanding of related regulatory requirements.
- Monitoring, recording of new levees, and compliance (including issuing fines for unlawful development, per the State Penalties Enforcement Regulation 2014 Schedule 1 Section 10, and Section 19).
- Responding to general queries from proponents or developers of levees.
- Responding to public complaints regarding potentially unsafe or unauthorised levees (i.e. those built or modified since 2014).
- Educating the community about the levee regulation framework, the purpose of levees, and the role of levees in a holistic flood risk management approach.

The assessment of levees can be an expensive and onerous process for both the applicant and Council, as the assessor. To improve the levee planning, compliance and assessment process, Councils can:

- Encourage applicants to arrange a pre-lodgement meeting with Council early in the process. This meeting should be used to discuss and clarify application requirements, and collaboratively determine a fit-for-purpose assessment, given the nature and location of the proposed levee (or modifications), the likely impacts, and the data available.
- Be aware of all available data sources which can inform an applicant's investigation, and Council's assessment. A list of state-wide resources is provided at the bottom of the page, but also consider local sources of data and studies, e.g. from major local industries.

- Consider prioritising data collection for areas of high flood risk and / or where you expect future demand for levee developments. In particular, consider capturing high-resolution topographic data (e.g. LiDAR), which can be used across multiple Council departments
- Seek high-level guidance and advice from The Office of Chief Engineer in Department of Local Government, Racing and Multi-Cultural Affairs for flood mitigation issues such as:
 - The type and extent of numerical modelling that may be required
 - Critical technical issues, e.g. engineering, route location
 - Review of Scope of Work for any proposed consultancy to undertake the levee assessment

The State Government is also able to support Councils by providing free access to available data which can support the application and assessment of levees, and community education and awareness actions and materials.



Need more information?

Refer to Council's "*Building or modifying a levee—Here's what you need to know*" and the "*Technical 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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