

Self-assessable code for the construction of new levees or the modification of existing levees

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Version history

Version	Date	Comments
1.00	May 2014	New document
2.00	01/04/2019	Updated department reference. Amendments to be consistent with current water and planning legislation.

Approval

Position	Name	Date
Director, Water, Operations Support	Ian Gordon	01/04/2019

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1. Purpose of the code

This self-assessable code for the construction of new levees or modification of existing levees (levee code) applies to the construction of new levees and the modification of existing levees that do not result in impacts that extend beyond the boundary of the property on which the levee is located. These levees are defined as category 1 levees under the *Water Regulation 2016*.

The levee code is intended to ensure that the construction of new levees and the modification of existing levees that are accepted development under the Planning Act do not have impacts outside the boundary of the property on which they are located.

Where there is the potential for the levee or levee modification to cause impacts beyond the property boundary, the landholder should refer to the requirements under the *Planning Act 2016* and *Water Regulation 2016* for assessable development of category 2 and 3 levees.

2. Overview of levees

A levee is defined in the *Water Act 2000* (Water Act) as an artificial embankment or structure which prevents or reduces the flow of overland flow water onto or from land. A levee includes levee-related infrastructure. Refer to the Water Act for the list of exclusions.

Levees are primarily constructed for the purposes of flood mitigation and protection. The levee may be designed and constructed to protect people, property or other assets. Existing levees are modified to increase or decrease the flood protection height and/or to expand or reduce the area to be protected. Due to potential risks and impacts associated with levees, a suitably qualified person (for example, a Registered Professional Engineer of Queensland, RPEQ) is normally engaged to provide appropriate advice for the planning, impact assessment, design, construction and management of levees.

3. How to use this code

The levee code should be read in conjunction with the relevant sections of the *Water Act 2000*. *Guidelines for the construction or modification of category 1 levees* (the guidelines) are provided to help the applicant meet the requirements of the code. The guidelines and other supporting information can be located on the business Queensland website.

The levee code comprises a set of requirements, including performance outcomes and acceptable outcomes. A levee is considered to be accepted development when the levee code is complied with.

Where a levee does not comply with the acceptable outcomes, the development is considered assessable development under the level of assessment rules.

4. Mandatory requirements

To be categorised as accepted development, category 1 levees being constructed or modified must comply with the requirements of this code.

4.1 Notification of works

For category 1 levee works, the levee owner must notify the local government authority of the details of the constructed or modified levee including the location and dimensions of the works within ten (10) business days of completing the works.

Notification must consist of the information contained within Attachment 1 of this code. Contact the local government for contact details for where to send the completed notification template.

4.2 Performance outcomes and acceptable outcomes

Performance outcome	Acceptable outcome
PO1 The levee is located in a rural area and is designed to protect part of an individual's property	AO1 The levee is located in a rural zone Note: rural zone refers to a zone in a local government planning scheme that is equivalent to the "rural zone" of the Queensland Planning Provisions
PO2 The levee does not alter the flow of overland flow water or floodwaters in a way that results in off-property impacts	AO2 There must be no change in the hydraulic effects beyond the boundaries of the property as a result of levee construction or modification. Hydraulic effects that must not change are: <ul style="list-style-type: none">• the flow path of overland flow water or floodwater where it enters or exits the property and• the flow velocity off-property and• the flooded area off-property and• the flood height off-property

For more information on how to meet the requirements of the code refer to the guidelines.

4.3 Non-mandatory requirements

It is recommended that the hydraulic effects of the levee are identified through consultation with the local council and/or a suitably qualified person (e.g. RPEQ). The levee proponent may be able to obtain useful information and feedback on a proposed levee by contacting the local council and neighbours and notifying of their intent to develop a levee as soon as possible.

5. Other legislative requirements

Works constructed under this code are permitted only for the purposes of the *Planning Act 2016*. Compliance with this code does not remove the landholder's obligation to fully comply with all other relevant legislation and instruments, including, but not limited to:

- *Planning Regulation 2017*
- *Water Act 2000*
- *Water Regulation 2016*
- *Applicable Water Plan and Water Management Protocol*
- *Soil Conservation Act 1986*
- *Local Government Act 2009*
- *Work Health and Safety Act 2011*
- *Professional Engineers Act 2002*
- *Transport Infrastructure Act 1994*
- *Water Supply (Safety and Reliability) Act 2008*
- *Coastal Protection and Management Act 1995*
- *Coastal Protection and Management Regulation 2003*—for development of prescribed tidal works.
- *Vegetation Management Act 1999*—this Act places limitations on the clearing of native vegetation. A landholder must ensure they have any necessary permits prior to clearing a site for the construction or modification of a levee.
- *Environmental Protection Act 1994*—this act places obligations on landholders in respect of ensuring that their actions do not result in harm to the environment.
- *Aboriginal Cultural Heritage Act 1994*—this Act places an obligation on people to take all reasonable and practicable measures to ensure an activity they are undertaking does not harm aboriginal cultural heritage.
- *Land Act 1994*

Also consider the local government planning schemes, approved flood management plans, operational works codes, and flood overlay codes or other local government regulations, laws or codes.

6. Definitions

Category 1 levee: a levee that has no off-property impacts

Existing levee: (refer to section 1247(2) of the *Water Act 2000*)

Landholder: includes owners or lessees of the land on which the levee is proposed to be constructed or modified. Also referred to as levee proponent.

Levee: (refer to Schedule 4 of the *Water Act 2000*)

Modify, for an existing levee, means any or all of the following:

- to raise or lower the height of the levee
- to extend or reduce the length of the levee
- to make another change to the levee that affects the flow of water.

Off-property impact: for a levee, means an impact the levee has on a people, property or the environment outside the levee property.

Overland flow water: refer to Schedule 4 of the *Water Act 2000*

Property: (a) means the lot or parcel of land on which a levee is situated; and
(b) includes another lot or parcel of land that is contiguous with the lot or parcel mentioned in paragraph (a) and owned by the same entity

RPEQ: a Registered Professional Engineer of Queensland

Rural zone: refers to a zone in a local government planning scheme that is equivalent to the “rural zone” of the Queensland Planning Provisions

Attachment 1 – Notification template for self-assessable development of levee works

Notification of works must be received within ten (10) business days after the works are completed and include the information outlined in the template below. Notification should be sent to the relevant local government authority.

Owner details	
Name:	
Street address:	
Mailing address:	
Contact details	
Full name:	
Preferred phone:	Alternative phone:
Completion date	
Date works were completed:	
Location of works on property	
Sketch and attach a plan showing site location and identifiers (e.g. name of watercourse, nearest road or landmark, address), and map series number and GPS coordinates.	
Description of works	
Provide a brief description of the works, e.g. levee length, height, construction material, flood protection height	

Process to determine there will be no off-property impacts

Provide information on how you have determined that, as a result of levee construction or modification, there has been no change in the hydraulic effects beyond the boundaries of the property (refer to PO2).

Consultation (optional)

Provide any details of consultation that has been undertaken with neighbours or other persons regarding the levee works.

Signature

Name of levee owner:

Signature:

Date: / /