

Self-assessable code for construction or modification of levees

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To be read in conjunction with the IDAS code for development applications for construction or modification of particular levees

1.0 Purpose

This 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 2002*.

This code is intended to ensure that the construction of new levees and the modification of, existing levees that have no off-property impacts meet a set of criteria.

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 *Sustainable Planning Act 2009* for assessable development of category 2 and 3 levees.

2.0 Overview

A levee is defined in the *Water Act 2000* 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 2000* 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.

3.0 Other legislative requirements

Works constructed under this code are permitted only for the purposes of the *Sustainable Planning Act 2009*. 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:

- *Sustainable Planning Regulation 2009*
- *Water Act 2000*
- *Water Regulation 2002*
- Applicable Water Resource Plans
- *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
- *Wild Rivers Act 2005*

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- *Land Act 1994*
- Local government planning schemes, operational works codes, flood overlay codes or other local government regulations, laws or codes.

4.0 How to use this code

The 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* (guidelines) are provided to help the applicant meet the requirements of the code. Refer to www.dnrm.qld.gov.au for the guidelines and other supporting information.

The code comprises a set of requirements, including performance outcomes and acceptable outcomes. The self-assessable code is complied with if each acceptable outcome is achieved.

Where a levee does not comply with the self-assessable acceptable outcomes, the development becomes assessable development under the level of assessment rules.

5.0 Mandatory requirements

Self-assessable levee work constructed and modified under this code must comply with this code.

5.1 Notification of works

For proposed self-assessable 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 10 business days of completing the works.

Notification must consist of a completed copy of *Notification form self-assessable works for levees* in Attachment 1 of this code. Contact the local government for contact details for where to send the form.

5.2 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 Editor's 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.

6.0 Non-mandatory requirements

Nil

7.0 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 a levee proponent.

Levee: (refer to Attachment 1 and 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
- to extend or reduce the length
- to make another change to the levee that affects the flow of water.

Off-property impact: 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

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

Attachments

Attachment 1 Notification form for self-assessment of levee works

Attachment 1—Notification form self-assessable development of levees work

Purpose of this form

To allow relevant persons to notify the local government authority of the construction of new levees or modification of existing levees that are self-assessable development under the *Sustainable Planning Act 2009*.

Notification of works must be received within 10 business days after the works are completed. This form should be sent to the local government authority.

Part A: Owner details

Name

Street address

Mailing address

Contact person's details

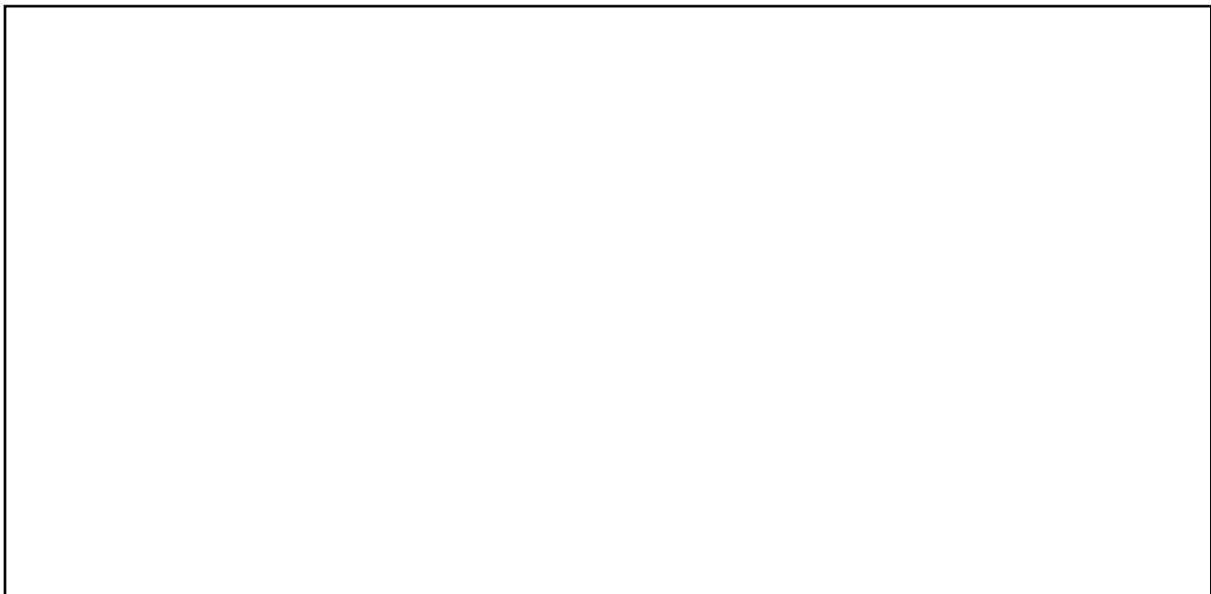
Privacy statement

Part B Completion date

Date works were completed: _____

Part C Location of works on property

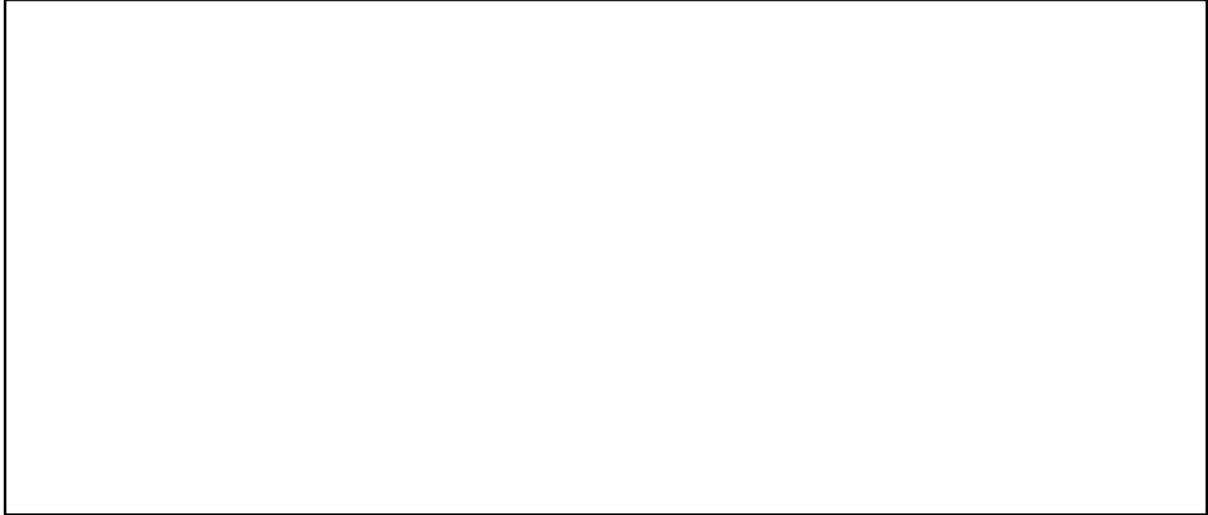
Sketch a plan showing site location and identifiers (e.g. name of watercourse, nearest road or landmark, address), and map series number and GPS coordinates.



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Part D Description of works

Provide a brief description of the works, e.g. levee length, height, construction material, flood protection height



Part E 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)



Part F Consultation (optional)

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

Part G Declaration

All parties to complete and sign the declaration below.

I declare that the information in the notification is true and correct.

Individual

Name
Signature
Position/Title
Date

Corporation (executed for and on behalf of corporation)

By (name)
Position
Signature
Date
Witnessed by
Witness signature
Date