



Queensland
Government

Department of Regional Development,
Manufacturing and Water



Accepted development requirements for the construction of new levees or the modification of existing levees

WSS/2019/4680

Version 3.0 22 November 2022

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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
3.00	22/11/2022	Updated title to accepted development requirements. Updated document to remove reference to self-assessable codes to align with water and planning legislation. Updated departmental template and branding.

Approval

Position	Name	Date
Director, Water Management Implementation and Measurement Initiatives	Toni Stiles	22/11/2022

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Attachments

Attachment 1 Notification form accepted development requirements of levees works

1. Development these requirements apply to

Accepted development requirements for the construction of new levees or the modification of existing levees (requirements for levee) 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 (Water Regulation).

Requirements for levees is intended to ensure that the construction of new levees and the modification of existing levees that are accepted development under the *Planning Act 2016* (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 person should refer to the requirements under the Planning Act and Water Regulation for assessable development of category 2 and 3 levees.

This document replaces:

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

If the proposed work does not comply with the accepted development requirements, the work is not accepted development. Work that is not accepted development is assessable development and requires a development approval to be submitted to the State Assessment and Referral Agency (SARA) of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP).

A person constructing new levees or modifying existing levees must also ensure they comply with any other relevant state and federal legislation or requirements.

2. How to use this document

Requirements for levees should be read in conjunction with the relevant sections of the *Water Act 2000* (Water Act). *Guideline for the construction of new levees or modification of existing levees* (the guideline) is provided to help the applicant meet the requirements of the document. Refer to the Business Queensland website at www.business.qld.gov.au/ for the guidelines and other supporting information.

Requirements for levees comprises a set of requirements that must be complied with in order for the works to be accepted development.

This document is reviewed periodically and may be amended. To ensure the current version of the document is used visit www.business.qld.gov.au and search 'accepted development requirements'.

3. Overview of levees

A levee is defined in the 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.

4. Requirements for all works

To be categorised as accepted development, the construction and modification of category 1 levees must comply with the following requirements of this document.

4.1 Notification of works

For proposed 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 a completed copy of *Notification form accepted development requirements of levees work* in Attachment 1 of this document.

Contact the local government for contact details for where to send the form.

4.2 Accepted development requirements

Table 1: Accepted development requirements for category 1 levees

Accepted development requirements
The levee is located in a rural area and is designed to protect part of an individual's property <ul style="list-style-type: none">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
The levee does not alter the flow of overland flow water or floodwaters in a way that results in off-property impacts <ul style="list-style-type: none">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 andthe flow velocity off-property andthe flooded area off-property andthe flood height off-property

For more information on how to meet the accepted development requirements 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 the proposed levee by contacting the local council and neighbours and notifying the intent to develop a levee as soon as possible.

5. Other legislative requirements

Works constructed under this document are permitted only for the purposes of the Planning Act. Compliance with this document does not remove the person'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 person 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 persons 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 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*.

Person includes an individual and a corporation.

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 form accepted development requirements of levees 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 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	

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