



LEVEES ON MIRROOL CREEK

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LEVEES ON MIRROOL CREEK

- Levees on land zoned RU-1 require development consent
- Levees also require approval under the Water Management Act 2000
- Any person can take proceedings to enforce compliance



GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014

- Under the LEP:
 - Some development permissible without development consent
 - Some development permitted only with development consent
 - Some development prohibited
- Most of the land is zoned RU-1 Primary Production
- Extensive agriculture and intensive plant agriculture are permitted in zone without consent
- “Flood mitigation works” (including levees) are permitted only with development consent



GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014 (CONT)

- LEP definition of “flood mitigation work”:
 - work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts.
 - Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.



WATER MANAGEMENT ACT

- Approval required for construction of “flood works”
- A “flood work” means a work situated in or in the vicinity of a river or within a floodplain that is likely to have an effect on the distribution of floodwater in times of flood



ENFORCEMENT AND COMPLIANCE

- Constructing a levee contrary to the LEP or the Water Management Act:
 - is a criminal offence carrying substantial maximum penalties (up to \$2m for a corporation)
 - may be subject to civil proceedings for orders to remedy or restrain the breach
- Any person may take civil proceedings of that kind