

I am writing regarding the ongoing issue of levee banks with in the Balonne Shire.

I have been contacted regarding the effects of levee banks being placed without consultation causing damage and flooding to areas that have not before been inundated. It would appear that these constructions are being carried out unchecked and are not in line with the Planning Scheme of the Balonne Shire Council.

I have several questions that I would like answered regarding this issue concerning the Balonne Shire planning Scheme and the establishment of levee banks.

Page 15:: Desired Environmental Outcomes:

(a) **Environment**

- i. The areas of high scenic amenity, remnant vegetation, wetlands, fauna habitats and wildlife corridors and regionally significant open space in the Shire are protected.
- ii. Places, areas or sites identified as being susceptible to land degradation, including contamination, erosion, salinity and landslip, are protected and further degradation is minimised.
 - iv. Places of historical and indigenous cultural heritage and social significance are protected, maintained and enhanced.

(c) **Community Well-Being & Lifestyle**

- iii. Rural residential and urban residential development occurs in distinct localities that provide a sense of community, amenity, services, and a safe, affordable living environment, whilst maintaining the rural amenity of the Town Zone.
- vi. The adverse effects from natural and other hazards, including bushfires are minimised.

If these constructions are being allowed to proceed without prior investigation as to what the impact to the surrounding area will be, then the desired environmental outcomes cannot be obtained. Areas and properties that have never been inundated with flood waters are now suffering the affects due to water diversion.

1) What actions has Balonne Shire Council taken to ensue that these three Environmental points and two Community Well-Being and Lifestyle outcomes have been fully investigated prior to any levee banks being built?

1a) Have all indigenous cultural heritage and social significance areas been given accreditation by authorised indigenous people assuring that no areas have been or will be impacted by the establishment of levee banks?

Rural Zone – Assessment categories and applicable codes only for other development – Table 4 states:

Carrying out operational work for excavating and/or filling not associated with reconfiguring a lot or a material change of use	Exempt where the extent of cut does not exceed 100m ³ or extent of fill does not exceed 500m ³ ; or	If Code Assessable – Filling and Excavation Code
	Code Assessable where the extent of cut exceeds 100m ³ or extent of fill exceeds 500 m ³	

2) Are levee banks Code Assessable due to the fact that cut volumes of earth required to establish these constructions far exceed the above limits? If not - why not?

Page 32 States:

Overall Outcomes for the Rural Zone

- (b) is appropriately located within the Rural Zone and existing and future Rural Activities are not prejudiced by inappropriate development;
- (c) maintains the environment, including soil, air and water, compatible with healthy natural systems and ensures public health and safety;
- (g) does not prejudice or impact adversely on other uses including those within other Zones;
- (i) protects areas and sites of conservation importance, including cultural and high landscape values;

3) Can Council guarantee that the impact of levee banks will conform to the above 4 points within the Balonne Shire and its residents?

Page 36 States:

<p>PC 25 Excavation and Filling Excavation and filling of land ensures:</p> <ul style="list-style-type: none">a) that both the amenity and safety of users of the site and adjacent land holdings; andb) soil erosion is kept to a minimum with remedial works.	<p>AS 25.1 Batters have a minimum slope of 25%, are terraced at every rise of 1.5 metres and each terrace has a minimum depth of 750mm; and</p> <p>AS 25.2 Excavation and filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height; and</p> <p>AS 25.3 Excavation and filling is undertaken in accordance with Schedule 7: "Standards for Construction Activity".</p>
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5.3.2 Overall Outcome for the Filling and Excavation Code

- (i) The overall outcome is the purpose of the code;
- (ii) The Filling and Excavation Code seeks to ensure that filling and excavation works
 - (a) do not adversely impact on the surrounding environment and amenity;
 - (b) avoid risk to human life and property;
 - (c) do not adversely impact upon any public infrastructure including electricity, water cycle infrastructure, roads and rail, telecommunications, local and state government infrastructure and parks.

4) Can the Council guarantee that the amenity and safety of adjacent land holdings and soil erosion on properties is adhered to with the construction on levee banks within the Shire?

5) What is the maximum allowable height to be built without consultation or impact studies being conducted by Council?

6) Council is endangering human life and damaging property by allowing levee banks to be established without prior impact studies being carried out – Why?

Page 84 States:

(m) ***Flooding***

Analyse inundation problems and proposes solutions acceptable to Council, that do not detrimentally impact upon adjacent landowners, natural water courses or flood levels in the general area.

(n) ***Remedial Measures***

Detail remedial action to be taken in cases where natural watercourses, land or flood levels are adversely effected by the proposal.

(o) ***Environmental Impact Statement***

Council may require an Environmental Impact Statement in conjunction with any proposed use or development within the areas designated for water catchment purposes. The Environmental Impact Statement will have particular regard for water quality, erosion/sediment control and effluent treatment and disposal issues.

7) Why is Council allowing property owners to establish levee banks which cause detrimental impacts upon adjacent landowners?

8) Why has the Council not taken any remedial action due to this issue being raised quite some time ago by local residents?

9) Why has the Council not requested any Environmental Impact Statements regarding the establishment of levee banks?

Can Council give assurance that immediate action will be taken to minimize future damage to property and risk to human life with regards to the construction of levee banks? All established works carried out need to be assessed and modified swiftly to reduce the impacts on neighbouring properties.

I await your reply

Grant Newson
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