

## QUEENSLAND FLOOD COMMISSION OF ENQUIRY

### STATEMENT OF PHILIP BRUMLEY

In accordance with Section 5 of the Commissions of Enquiry Act 1950 (Qld) I, Philip Arthur Brumley, Chief Executive Officer of the Nogoa River Flood Plain Board make the following statement under oath as required by the Commissioner of Enquiry:

#### **The current arrangements for levee bank regulation with the Central Highlands Regional Council;**

- 1) The Central Highlands Regional Council currently administers two local laws that regulate levee banks these are:-
  - a) Peak Downs Shire Council Local Law No. 2 Levee Banks; and
  - b) Emerald Shire Council Local Law (Levee Banks) No. 45 of 1997.
- 2) Each of these local laws applies to the "High Land" within the former Councils' local government area. This is defined to mean the area "not subject to flood inundation which includes all land not defined as being in the Nogoa River Flood Plain".

#### **The consultation process undertaken with the Central Highlands Regional Council and landowners for levee bank construction within the Nogoa River flood plain area;**

- 3) Pursuant to section 9 of the Nogoa River Flood Plain Board Local Law (Levee Banks) No. 1 1997 ("the Local Law"), the Board is required to publish an advertisement twice in a newspaper circulating generally in the areas of the former Broadsound, Emerald and Peak Downs Shire Councils advising that an application for a permit to construct a levee bank has been received and inviting the making of submissions.
- 4) In addition, pursuant to section 9 of the Local Law, I am required to send a copy of the notice published in the newspapers to the owners of all land contiguous to the land the subject of the application.

#### **Any considerations taken into account by the Nogoa River Flood Plain Board regarding the upstream or downstream effects of levee bank construction on waterways;**

- 5) Pursuant to section 5 of the Local Law, applications for a permit to construct a levee bank are required to be accompanied by a report on the impact of the levee bank on the hydraulic characteristics of the Nogoa River Flood Plain . The impact on neighbouring properties is assessed and considered as part of this report.

**Any state government department or agency that assists with the provision of technical or other advice regarding levee banks or is involved with levee bank regulation within the Nogoia River flood plain area; and**

- 6) Sunwater provide hydraulic analysis to the Board and advice on the levee bank applications it receives. DERM is also involved in the regulation of levees.

**The opinion of the Nogoia River Flood Plain Board on the regulation of levee banks as to the following matters:**

**What is the most appropriate level of government or other body to regulate levee banks**

- 7) The State Government is the appropriate body to regulate levee banks, at least in relation to the Nogoia River flood plain for 2 reasons:
  - a) This catchment not only has valuable agricultural land but it has large scale coal mining. In addition, new coal mines (Teresa and Taraborah) seem likely to be developed above the flood plain that could have significant impact on the flood plain. Both the coal industry and valuable agricultural land, because of their economic, social and political importance, and the impact of coal mining on agricultural land, give rise to issues of State and National significance that need to be addressed at those levels.
  - b) The Nogoia River Flood Plain Board is a small organisation set up to assist farmers manage levees in a defined flood plain area. It does not have the technical or financial resources to be able to address the impacts and issues of coal mining developments in and around the existing flood plain area. This is why the Board at its 31st August 2011 meeting decided to dissolve, to seek support from the Central Highlands Regional Council and Isaac Regional Council for this decision and, if they approved, to seek the approval of the Minister. A true copy of excerpts of the agenda and minutes for this meeting are attached and marked "Attachment A".

**On what basis should levee banks be regulated (ie catchment, local government area, other)**

- 8) Levee banks should be regulated on the basis of catchment, as catchments could involve more than one local government area.

**Should it be mandatory for local governments to regulate levee banks**

- 9) I have no firm opinion as to whether it should be mandatory for local governments to regulate levee banks.

**How much consultation with affected members of the public is appropriate and practical for proposed levee banks;**

- 10) Consultation can really only occur after the application is received and made available. Before this, there are no firm details upon which consultation can occur. The Board considers any input from landholders before making its decisions.

**What sort of technical, scientific or other advice should be obtained before levee banks are approved, and from whom**

- 11) The catchment needs to have a design model established with a base case and known impacts of larger flood events.
- 12) The defined limits of impact on properties, such as water heights over the land and the velocity of water flow also needs to be known to assess applications for levee banks.
- 13) Hydraulic analysis needs to be carried out on proposed levees to determine the impact of new or changed levees.
- 14) Advice should be obtained from appropriately qualified persons or organisations (such as Sunwater) as to the impact of the proposal.

**What sort of studies or assessment should be done before levee banks are approved, and by whom should they be completed**

- 15) Catchments first need to have a base case modelled. Levee applications should be first assessed in terms of their hydraulic impact on the flood plain in isolation and then assessed in terms of their impact on neighbouring properties.
- 16) The studies should be completed by applicants and reviewed by a qualified person or organisation (such as Sunwater).

**Any improvements, in his opinion that could be made to the process of regulating levee banks in the Nogoia River Flood plain area if assistance could be provided from other relevant organisations.**

- 17) Nothing specific comes to mind in relation to the process except to ensure all applications are assessed by the Board.

Note that some of the above responses took into account verbal information and advice from current employees of the Central Highlands Regional Council and one former employee of the Emerald Shire Council who have provided support to the Nogo River Flood Plain Board.

Sworn by Philip Brumley at *Emerald* this *22<sup>nd</sup>* day of *September* 2011  
in the presence of

[Redacted]

Witness

[Redacted]

[Redacted]

Justice of the Peace

