

# Premier of Queensland

For reply please quote: QldRA/BN - 77117199 - DOC/11/34084

- 2 MAR 2011

Councillor Steve Jones  
Mayor of Lockyer Valley Regional Council  
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Dear Councillor Jones

I refer to your letters of 9 and 21 February 2011 regarding the removal of flood debris along the creeks and waterways within the Lockyer Valley region. Officers from the Queensland Reconstruction Authority (authority) have advanced the matters raised in your letters with the Department of Environment and Resource Management (DERM).

Your letters refer to the affected waterways in Lockyer Creek from Ballard to Brightview, Laidley Creek from headwaters in the south through to its junction at the Lockyer Creek and all associated tributaries of those creeks. You also refer to a number of properties that require stabilisation and protection on newly formed creek banks.

Based on the information you have provided, I am pleased to advise that section 814 of the *Water Act 2000* provides an exemption for council to undertake works involving the removal of vegetation and excavating or placing fill in watercourse without a permit, subject to compliance with the *Water Regulation 2002*.

In this regard, I refer you to sections 49-51 of the *Water Regulation 2002* which outlines the circumstances when vegetation can be removed from a watercourse, and when excavation and fill can occur from a watercourse.

Specific reference is made in these exemptions to the guideline, *Activities in a watercourse, lake or spring carried out by an entity*. This guideline refers specifically to works undertaken by a local government and would be applicable for works carried out by, or on behalf of, the Lockyer Valley Regional Council provided that the works are undertaken in accordance with this guideline. I have enclosed a copy of this guideline for your reference. Any activities undertaken in accordance with this exemption will require strict compliance with this guideline.

**QFCI**

Date: 29/4/11<sup>jm</sup>

Exhibit Number: 183



Queensland

Please note that the guideline does not apply to excavation for obtaining quarry materials or placing fill in a way that would interfere with the flow of water in a watercourse, and the guideline does not apply to flood plains or changing the watercourse direction. The guideline also does not apply to persons wishing to undertake the works for commercial purposes. If you have any queries about compliance with the guideline, or have site specific queries, please contact Mr Brendan Nelson, General Manager, Land Use Planning on telephone [REDACTED] or by email at [REDACTED]

This work is ineligible under the current NDRRA guidelines, however officers from the authority are pursuing discussions with Emergency Management Australia and other agencies to confirm whether alternative funding provisions exist.

I have requested that the authority contact you to discuss whether other provisions may be available. In the meantime, there are no restrictions on council undertaking these works as outlined above.

Yours sincerely

**ANNA BLIGH MP  
PREMIER OF QUEENSLAND**

\*Encl