

**In the matter of the  
Commissions Of Inquiry Act 1950**

**Commission of Inquiry Order (No. 1) 2011**

**QUEENSLAND FLOODS COMMISSION OF INQUIRY**

**Witness Statement of Brett Davey**

Development Team Coordinator-Development (West team)  
Ipswich City Council

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<b>BD-2</b>	Memorandum Development Planner to Team Coordinator-East	13 July 2004
<b>BD-3</b>	Letter from Town Planning Strategies to Council and enclosed plans	17 May 2004
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<b>BD-9</b>	Letter Council 23 April 1991 to <span style="background-color: black; color: black;">XXXXXXXXXX</span>	2 April 1991
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<b>BD-12</b>	Memorandum from City Engineer to Chief Town Planner	27 June 1991
<b>BD-13</b>	Decision Subdivision Application	15 August 1991
<b>BD-14</b>	Decision Town Planning Consent Application	29 August 1991

## WITNESS STATEMENT OF BRETT DAVEY

This written statement is provided in response to a Requirement, dated 23 September 2011, pursuant to section 5(1)(d) of the *Commissions of Inquiry Act 1950* (Qld) to provide a written statement, under oath or affirmation, to the Queensland Floods Commission of Inquiry.

I, Brett Davey, of [REDACTED] East Ipswich, in the State of Queensland swear as follows:

### INTRODUCTION AND QUALIFICATIONS

1. I am employed by Ipswich City Council (**ICC** or **the Council**) as Development Team Coordinator-Development (West team) in the Development and Planning Branch of the Planning and Development Department. I commenced this role in March 2011.
2. From June 2002 to March 2011, I held positions at ICC as a Senior Development Planner in the West (formerly Central West) development team and a Development Planner and Assistant Development Planner in the Central (formerly Eastern) development team. In these capacities I was involved in the assessment of development applications.
3. I hold the following qualifications:
  - Bachelor of Built Environment (Urban and Regional Planning) from the Queensland University of Technology (2004)
  - Graduate Diploma of Urban and Regional Planning from the Queensland University of Technology (2005)
  - Diploma of Business (Management) from Organisational Development Resources (2009)
  - Diploma of Management (Frontline Management) from Organisational Development Resources (2009)
4. I am eligible for full membership with the Planning Institute of Australia.
5. In my current role I have management responsibility for a team consisting of 2 Senior Development Planners and up to 4 Development Planners. I am responsible for the assessment and determination of development applications made pursuant to the Ipswich Planning Scheme for the West Team and the day-to-day management of the planners in that team. In this role I report to the Development Planning Manager, Joanne Pocock.

6. In 2004, in my capacity as Development Planner, I was the Assessment Officer involved in the consideration of a development application (MCU 2058/04) for a Material Change of Use for attached housing (16 units) at 15 Mill Street, Goodna made on the 24 March 2004 (**the Application**). In respect of the Application, I reported to [REDACTED] who was at that time, the Team Coordinator-East and who was the delegate for the Application.
7. The sources of information for the matters set out in this statement are:
- (a) my personal knowledge and recollection of relevant events; and
  - (b) my review of the relevant Council development application files, a copy of which I understand have been produced to the Commission pursuant to a Requirement notice dated 5 August 2011.

#### **15 MILL STREET, GOODNA - APPLICATION NO. 2058/04/MCU (MILLWOOD VILLAGE)**

##### **Application background and overview**

8. The land the subject of the Application is 9595 m<sup>2</sup> and is located immediately adjoining stages 1 to 4 of the Millwood Village residential development. The Application was for the last stage (stage 5) of the Millwood Village development. The site is within the Major Centres Zone (MC4S9) zone under the current Ipswich Planning Scheme 2006.
9. Information sourced from the Queensland Reconstruction Authority indicates that the 2011 flood level reached approximately 16.5m AHD on this site.
10. The Millwood Village development is a residential development spanning over properties located at 1, 3 and 5 Spalding Crescent, in addition to 15 and 25 Mill Street, Goodna. The Millwood Village development was approved as a residential development in August 1991, when Council approved an application for Town Planning Consent to establish 100 multiple dwelling units in five (5) stages and an application for subdivision of 2 lots into 5 lots (**the Millwood Approval**). The approved subdivision was generally consistent with the proposed staging of the multiple residential development. The Millwood Approval was issued pursuant to the 1988 Ipswich Planning Scheme (amended 1989). Under the 1988 Ipswich Planning Scheme the adopted flood level was the 1 in 20 development line.
11. The applications for town planning consent and subdivision were accompanied by a flood study dated 23 November 1990 by Blain Johnson Pty Ltd. The flood study assessed a design of the proposed development which would be located above the Q20 development line and outside of the 1 in 100 stormwater flow. This flood study results were revised as a consequence of additional information required by Council. The final flood study results were

assessed by Council's City Engineer who provided a report to the City Planner advising that the flood study was acceptable, subject to a further amendment to batter slopes of the proposed stormwater drain of a 1:4 batter to be increased to a 1:6 batter. This change to the stormwater drain also necessitated a minor change to the proposal plans. On 8 July 1991, the Applicant submitted amended proposal plans for the subdivision incorporating the changes to the development resulting from the above referenced flood study.

12. On 22 July 1991, the Chief Town Planner recommended approval of the development application for subdivision subject to conditions. The approval included the amended proposal plans referred to in paragraph 11 of this statement. The subdivision approval contained a condition requiring all roads to be greater than RL 10.0 m AHD being the identified drainage problem line. The conditions also required the submission of an amended plan of development and the transfer of the drainage problem land to Council. On 14 August 1991, Council approved the subdivision subject to the above referenced conditions.
13. On 11 April 1991, the City Engineer provided a report to the Chief Town Planner advising that the application for town planning consent can be supported subject to a range of conditions including a requirement that all units achieve a finished floor level of min 10.3 m AHD and that no development will be permitted below RL 10.0m AHD (being the Q20 development line). The area of 15 Mill Street was proposed to contain 16 units. On 30 July 1991, a report was prepared by the Chief Town Planner recommending approval of the application for 100 multiple units subject to conditions. On 28 August 1991, Council approved the application for town planning consent subject to conditions. The conditions of approval included requirements for the development to be above RL 10.0m AHD, all habitable floor areas to be such that all sewerage disconnection points are a minimum of 300 mm above RL 10.0m AHD and access road and manoeuvring areas for stage 2 to be no lower than 300 mm above the Q20 level of RL 10.0m AHD.
14. The following stages of the Millwood Village development were completed in accordance with the Millwood Approval and those stages commenced as follows:
  - (a) Stage 1: A group titles plan was approved by Council on 17 July 1992, and the plan was signed on 25 August 1992. The signing of this plan indicated that this stage of the development was complete and compliant with the relevant town planning consent.
  - (b) Stage 2 (formerly Stage 5): A group titles plan was approved by Council on 18 May 1994, and the plan was signed on 28 June 1994. The signing of this plan indicated

that this stage of the development was complete and compliant with the relevant town planning consent.

- (c) Stage 3: A group titles plan was approved by Council on 22 April 1993, and the plan was signed on about 28 March 1995. The signing of this plan indicated that this stage of the development was complete and compliant with the relevant town planning consent.
  - (d) Stage 3B (New Stage): An additional stage was applied for on 22 November 1993, and an approval granted on 10 March 1994 for the development of an additional 10 multiple residential units. A group titles plan was approved on 22 September 1997 and the plan was signed on 9 October 1997. The signing of this plan indicated that this stage of the development was complete and compliant with the relevant town planning consent.
  - (e) Stage 4: The development appears to have been completed at the end of 1995 and the group titles plan signed and created in approximately March 1996.
15. For Stage 5 (formerly Stage 2), a building and plumbing works approval was granted on 28 August 1998. The works in question under this approval did not commence. This stage 5 was the subject of the Application 2058/04.
16. A fresh application for Stage 5 of the Millwood Village development was received by Council on or around 24 March 2004. The application for the Stage 5 proposal was consistent with the layout approved by the Millwood Approval. The planning report lodged with the Application indicates that the Application was made as the approval had lapsed for stage 5 before development of that stage commenced.
17. Under the Integrated Planning Act 1997, which was the relevant statute for development assessment at the time the Application was lodged, I understood that an application was to be assessed against the planning scheme in force at the time the application was made. The Application was lodged prior to commencement of the Ipswich Planning Scheme 2004 and was therefore to be assessed under the Ipswich Planning Scheme 1999.
18. At the time of lodgement of the Application, the land was included in the Residential Medium Density Precinct (RM1) in the Eastern Corridor Structure Plan under the Ipswich Planning Scheme 1999. Land in the RM1 Precinct is suitable for continued development for quality medium density housing. Maximum development densities cannot exceed 70-75 dwellings per hectare or three storeys in height.

19. The Application sought approval to develop 16 single-storey accommodation buildings comprising ten (10) three (3) bedroom units and six (6) two (2) bedroom units. Each three (3) bedroom unit would have access to 47.49 square metres of private open space and each two (2) bedroom unit would have access to 46.32 square metres of private space. Additionally, each unit would have access to a number of communal recreation areas distributed throughout the Millwood Village development.
20. At the time of the lodgement of the application, the subject site was vacant land. The subject site is affected by the Q100 flood line to a height of 14.7 metres AHD. The site itself ranges from an AHD of between 10 and 15 metres. The proposed units were proposed to be sited and constructed to achieve floor levels of between 10.9 and 12.4 metres AHD.
21. The proposal was a code assessable application. The Application was assessed against relevant codes and policies in place at the time, including:
- (a) Residential Development Code;
  - (b) Landscaping and Fencing Code;
  - (c) Planning Scheme Policy for Flood Liable and Drainage Problem Land; and
  - (d) Queensland Urban Drainage Manual.
22. The Millwood Approval was based upon the Q20 development line of 10 m AHD. The proposed dwellings in the Stage 5 Application were proposed to be constructed above the Q20 development line.
23. The Application was approved subject to conditions on 10 August 2004. Condition 13 (f) provided that *"the floor levels of all habitable rooms of the proposed development shall be a minimum of 250 mm above the Q20 flood level of RL 10m and shall be established by a Registered Surveyor or Professional Engineer."*
24. A negotiated decision notice was issued on 21 October 2004. The changes to conditions made in that negotiated decision notice were not relevant to flooding.
25. Attached to my statement are copies of the following key documents relating to this application and the Millwood Approval as follows:
- "BD-1" Application for a Material Change of Use for attached housing (16 units) at 15 Mill Street, Goodna made on the 24 March 2004 and accompanying reports
- "BD-2" Memorandum Development Planner to Team Coordinator-East dated 13 July 2004



- "BD-3" Letter from Town Planning Strategies to Council dated 17 May 2004 and enclosed plans
- "BD-4" Decision Notice dated 10 August 2004
- "BD-5" Memorandum Development Team Coordinator-East to Development Manager dated 13 October 2004
- "BD-6" Negotiated Decision Notice dated 25 October 2004
- "BD-7" Letter 1 March 2007 - Martin Cosgrove and Associates
- "BD-8" Blain Johnson Pty Ltd Flood Study 23 November 1990
- "BD-9" Letter Council 23 April 1991 to [REDACTED] 2 April 1991
- "BD-10" Letter Blain Johnston Pty Ltd to Council 23 April 1991
- "BD-11" Letter Blain Johnston Pty Ltd to Council 27 May 1991
- "BD-12" Memorandum from City Engineer to Chief Town Planner 27 June 1991
- "BD-13" Decision Subdivision Application dated 15 August 1991
- "BD-14" Decision Town Planning Consent Application dated 29 August 1991

**The known Q100 and Q20 flood level at the time of the development application**

26. At the time of the application for the Millwood Approval the known Q20 development line was 10.0 m AHD.
27. At the time of the Application the known Q20 development line and Q100 flood line were.
- (a) Q20 - 10.0 m AHD
- (b) Q100 - 14.7 m AHD

**The known site level or levels**

28. Council records indicate that the site levels range from RL10 m AHD to RL15 m AHD.

**The assessment process that was followed specific to flood impacts**

29. The planning instruments relevant to flooding considered in assessment of the Application were the Ipswich Planning Scheme 1999, the Eastern Corridor Structure Plan, the Planning Scheme Policy for Flood Liable and Drainage Problem Land and State Planning Policy 1/03 -

Mitigating the Impacts of Flood, Bushfire and Landslide (SPP 1/03). The land was zoned RM1 as a result of the Millwood Approval.

30. The Planning Scheme Policy for Flood Liable Land and Drainage Problem Land recommended that the floor level of any habitable rooms of a proposed dwelling shall be a minimum of 250 mm above the adopted flood level and is to be established by a Registered Surveyor or Professional Engineer unless determined otherwise by the Responsible Officer.
31. In respect of SPP1/03, the proposal was consistent with Outcome 1 which provides that *"within natural hazard management areas, development to which this SPP applies is compatible with the nature of the natural hazard except where...the development proposal is a development commitment"*. A development commitment includes any of the following:
- (a) *development with a valid preliminary approval;*
  - (b) *a material change of use that is code assessable or otherwise consistent with the requirements of the relevant planning scheme;*
  - (c) *a reconfiguration of a lot and/or work that is consistent with the requirements (including any applicable codes) of the relevant planning scheme; or*
  - (d) *development consistent with a designation for community infrastructure.*
32. I consider that the Application relates to an existing development commitment as described in SPP1/03, particularly as the Application was a code assessable application, consistent with the Millwood Approval and as the land the subject of the Application was located within the RM1 precinct under the Planning Scheme, it was suitable for residential medium density development.
33. The allotment that was the subject of the Application was created by the Millwood Approval. Further the land the subject of the Application was zoned for residential medium density development (RM1 precinct) as a consequence of the Millwood Approval. The Millwood Approval was issued on the basis of achieving a Q20 flood immunity for dwellings on the subject land.
34. As the Application was consistent with Stage 5 of the Millwood Approval, Council assessed the application having regard to the Millwood Approval. Parkland had been dedicated under the Millwood Approval. No further parkland dedication was required.
35. The subject site is affected by both the Q20 development line and the Q100 flood line. The historical Millwood Approval which established the Millwood Village was based upon the Q20 development line (10 metres AHD). The Application proposed dwellings to be sited and constructed above the Q20 development line to achieve floor levels of between 10.9 metres

and 12.4 metres AHD. While the Eastern Corridor Structure Plan under the Ipswich Planning Scheme 1999 had an adopted flood level of Q100, based on historical development commitments for this site, the development was assessed against the Q20 development line rather than the Q100 flood line. My recollection is that this was because the Application was consistent with the previously approved layout for the original approval of Stage 5 in the Millwood Approval which development was assessed and approved having regard to the Q20 development line. The floor level of the units proposed in the Application would be between 2.3 and 3.8 metres below the Q100 flood line. I recall there was some apprehension that to assess the application otherwise would expose the Council to some legal risk.

36. Condition 13(j) of the approval provided that:

*(j) Prior to the issue of operational works and building approval, the Developer shall provide a flood analysis with regard to structures and filling of land below the Q20 flood level for the proposed development. The analysis shall demonstrate that the structures and placement of fill will not have any detrimental affects on the adjoining properties or flow paths associated with the Q20 storm event.*

*Note: It is understood that a Q20 flood study was undertaken for the original application. It may therefore be appropriate for an addendum to this report be prepared in order to address the above.*

37. In response to Condition 13(j), correspondence was provided from Martin Cosgrove and Associates dated 1 March 2007 which provided the information associated with the condition. This information was assessed by Council's engineering staff as part of the subsequent operational works application 836/07.

**What consideration was given to the proximity of the site to the Bremer River and the flood risk or potential impact of flooding on the use proposed for the site.**

38. The site is closer to the Brisbane River rather than the Bremer River. The Brisbane River is on the northern side of the Ipswich Motorway, with the site on the southern side. The site is proximate to Woogaroo Creek. Consideration was given to the proximity of the site to the Brisbane River and Woogaroo Creek. The site is subject to potential flooding as a result of backwater flow from Woogaroo Creek. The potential for flooding was assessed in the Millwood Approval as set out in paragraph 11 above.

39. The proposed dwellings in the Application were sited and proposed to be constructed above the Q20 development line.

40. The Application was approved subject to conditions on 10 August 2004. Conditions which addressed the potential for flooding are outlined in paragraph 45. In summary conditions were imposed to ensure stormwater drainage was designed and constructed to accommodate a 1 in 100 ARI storm event, floor levels of habitable rooms were to be a minimum of 250mm above the Q20 development line of RL 10m AHD, structures below the Q100 flood level were to be designed to withstand flood loading and the developer was to provide a certificate from a structural engineer (RPEQ) that buildings will withstand static and dynamic loads associated with a Q100 event. Electrical wiring was to the extent possible to be located above the adopted flood level.

**The frequency of past flooding at the site**

41. It is my understanding that the frequency with which flooding has occurred at the site in the past was a policy consideration in the formulation of the Q20 development line and the Q 100 flood line. The 1974 Brisbane River Flood was identified in the flood report assessed as part of the Millwood Approval. Otherwise past flood events in relation to the site were not obtained for the purpose of considering the application, the relevant policy consideration for those purposes being the location of the Q20 development line.

**What measures were proposed to mitigate the potential for flooding at the site.**

42. Measures to mitigate potential flooding at the site were addressed in the conditions which are outlined in paragraph 45.

**What process did Council use to assess the adequacy of expert reports**

43. The Blain Johnson flood study that was assessed for Millwood Village for the Millwood Approval was assessed by Council's City Engineer who provided a report to the City Planner advising that the flood study was acceptable. The information required by conditions of approval were assessed as part of the related Operational Works application and subsequent approval (Application Number 806/07/OPW). Engineering certification was submitted by an RPEQ engineer on behalf of the developer, by letter dated 1 March 2007 from Martin Cosgrove and Associates (**Attachment BD-7**).

**The basis for the development application being assessed against the Q20 flood line**

44. This is addressed in paragraphs 29 to 37 above.

**Conditions included with respect to flooding impacts**

45. The following conditions were imposed on the development approval:

Condition 13 (a) - 13(c): Stormwater

- (a) the Developer shall provide all necessary stormwater drainage (both internal and external to the development) and such drainage works (except for roofwater systems) shall be designed and constructed in accordance with QUDM such that the overall drainage system caters for a storm event with an ARI of 100 years.
- (b) Due consideration shall be given in the design and construction of the development in relation to the effect of the developed catchment flows on the downstream discharge receival areas. Suitable stormwater control devices are to be provided to ensure that there is no increase in flow in watercourses.
- (c) No ponding or redirection of stormwater shall occur onto adjoining land, except as indicated herein and specifically approved by Council in consultation with the owner of the adjoining land.

Condition 13 (e) : Stormwater

- (e) Stormwater drainage plans and calculations are to be submitted to and approved by the Senior Development Engineer in conjunction with the submission of an Operational Works application.

Condition 13 (f) : Stormwater

- (f) The floor level of all habitable rooms of the proposed development shall be a minimum of 250 mm above the Q20 flood level of RL 10 m AHD and shall be established by a Registered Surveyor or Professional Engineer.

Condition 13 (g) : Stormwater

- (g) Structures below the Q100 flood level shall be designed by a Structural Engineer and certified to be capable of withstanding the flood and debris loadings applicable to a rainfall and run off event of an Average Recurrence Interval of 100 years. The level for the event of an Average Recurrence Interval of 100 years for the subject property is AHD Reduced level 14.7m. The certificate shall be submitted in conjunction with the Building Application.

Condition 13 (h) : Stormwater

- (h) The developer shall provide a certificate from a structural engineer (RPEQ) that the proposed buildings will withstand static and dynamic loads associated with a Q100

flood event and all building materials and electrical installations will not be susceptible to water damage.

Condition 13 (i) : Stormwater

- (i) Subject to the requirements of the supply authority, all electrical wiring, power outlets, switches, etc, shall to the maximum extent possible be located above the adopted flood level. All electrical wiring installed below the adopted flood level shall be suitably treated to withstand continuous submergence in water.

Condition 13 (j) : Stormwater

- (j) Prior to the issue of operational works and building approval, the Developer shall provide a flood analysis with regard to structures and filling of land below the Q20 flood level for the proposed development. The analysis shall demonstrate that the structures and placement of fill will not have any detrimental affects on the adjoining properties or flow paths associated with the Q20 storm event.

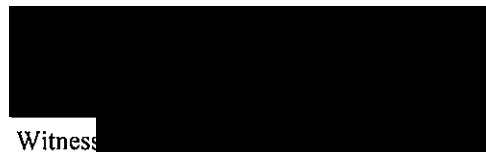
Note: It is understood that a Q20 flood study was undertaken for the original application. It may therefore be appropriate for an addendum to this report be prepared in order to address the above.

I make this statement conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867 (Qld)*.

Signed and declared by Brett Davey at Ipswich in the State of Queensland this 7th day of October 2011 before me:



.....  
Deponent



.....  
Witness