

<i>Name of Witness</i>	Barry Clifton UNDERWOOD
<i>Date of Birth</i>	[REDACTED]
<i>Address and contact details</i>	[REDACTED] Smiths Crossing Road, Bundaberg (Bucca)
<i>Occupation</i>	Retired Accountant
<i>Officer taking statement</i>	Detective Sergeant Paul Browne
<i>Date taken</i>	29/09/2011

I, **Barry Clifton UNDERWOOD** state;

1. I am a [REDACTED] year old widower (my wife died 29 December 2006) and currently reside at Bucca in the Bundaberg area. I lived in and around the Bundaberg area between 1986 and 2000, before moving to Tennant Creek in the Northern Territory. I returned to Bundaberg and bought my property at Bucca in 2003.
2. My property is located at [REDACTED] Smiths Crossing Road, Bundaberg on [REDACTED] [REDACTED] County of Cook, Parish of North Kolan. I have lived on this property since 2003 and believe the house was built around 1997-1998. The property is on a hill with a creek running through the block and the residence is at the top of the hill. The block is an area of approximately 10 Hectares and is zoned Category 2 'Rural Residential'. The property has Southern facing frontage onto Smiths Crossing road. Excess water comes onto the property from the South, East and West. Water from the North circumnavigates its way around outside my property before entering from the East. There is also considerable water catchment area across Smiths Crossing Road that also flows through my property.
3. My block is now part of the Bundaberg Regional Council area, however it was previously part of the Burnett Shire and before that Gooburrum Shire. My block is part of a sub-division which was developed in the late 1980's or early 1990's. I could not provide any more details of the sub-division but expect either the Burnett Shire or Gooburrum Shire Councils would have those records. There is no Industrial development in the area and the land surrounding us is mostly Agricultural.

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4. I was affected by the December flood, however I must stress that the house is not subject to flooding. The problem is one of access to and from the property as a result of a 'Ford' crossing failure. Prior to the flood I had not undertaken any repairs or renovations to the property, with the exception of attempts to repair the damaged ford and some minor house improvements.
5. This ford crossing is located at the entrance to my property from Smiths Crossing road and provides access over a creek. I am uncertain when this ford was built, however when I purchased the property it existed and was about 2500mm wide and approximately 25 metres in length. At that time it was a concrete crossing, reinforced with wire netting, but over the first few years that I owned the property the concrete started to crack. This damage occurred as a result of seasonal water flows being diverted across the land from other neighbouring properties. I believe the failure was primarily due to the Contractor who developed the sub-division (including my property), not facing up to his responsibilities and because of an initial lack of proper planning for the development. By sub-division I mean the development of the properties along the same side of Smiths Crossing road as mine and including those Lots of similar size abutting my property to the North, fronting Cobbs Road. It is my understanding that all of these properties were developed around the same time.
6. I understand before they sub-divided the land there was a dam. However when they subdivided they had no regard for the Dam or the Creek and now when it rains the water diverts and runs through our property. I need to cross the Creek (via the ford) to get out of my property and subsequently when I cannot cross, I become isolated and stranded. What happened this time was storm water running through the creek and from adjoining and other properties of the catchment area was directed to flow through my property, by the construction of levies along Smiths Crossing Road and culverts to the west of the property.

7. It is my understanding that the levies were constructed after the approval for the Subdivision was granted when problems were being experienced by some purchasers. The culverts seem to be a component of the roadway construction since there does not appear to be any sign of the tarmac being cut at these positions. These constructions appear to be designed so that neighbouring occupied properties were alleviated.
8. In 2007, I engaged a contractor to repair damage to the ford, by re-cladding and reinforcing the concrete to a thickness of 100mm. I also saw an advantage in having the ford lengthened, widened and increased in height and requested this be done with rock and reinforced concrete. The Contractor stated he could provide me with a much better ford, which he would design and build and this construction resulted in the destruction of the existing Ford.

I am able to produce a photograph of the damaged ford (attachment One).

Exhibit number

9. The completed work cost around \$29,000 and looked impressive, however turned out to be ineffective and the new ford commenced to fail with the rains of the 2009-2010 season. I believe it failed because of basic design faults with the size of the overflow pipes and by-wash (a bypass on the house side of the ford, built to take additional water if the pipes could not cope). At that time wet leaks were exposed under the pipes and erosion seriously evident on the downstream side of the 'ford'. Over the proceeding 12 months the Contractor affected various temporary repairs, however was unwilling to undertake those necessary repairs that could actually remedy the situation. My advice to remove the pipes and close off the by-wash was ignored.

I am able to produce a photograph of the damage (attachment Two).

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10. In the December 2010 - January 2011 flood evens the ford suffered considerable more damage. I returned from Hervey Bay at about 6pm on Christmas Day (2010) and because of wash-outs at either end of the ford, damaged the front of my vehicle driving into the property. Between Christmas Eve and New Years Eve we received just under 300 mm of rain out of a total of 574 mm received in the month of December (574 mm is around half the yearly rainfall average, recorded over the past years).
11. On 30th December 2010, I sent an e-mail to the contractor suggesting the two 600 mm pipes be removed from the ford and the by-wash be blocked to reduce the danger of further erosion due to floodwater that was flowing through my property. This work was done by 11th January 2011, however we received a further 10 mm of rain and that further restricted access as some of the rock material on site was used with the aim of restricting erosion damage to the fence line. By the 11th January there was already severe erosion along the Creek bank and damaging the fence line.
12. Of note is on 4th January 2011 I had a visit from the Acting Sergeant of Police from Kolan Police Station. They had received a report concerning my safety although I was not keen to accede to a request to give up my medication scripts. On that occasion the Police were able to access the property in their vehicle, however I had to assist them to get back out.
13. Between 25th December 2010 and 5th January 2011, I had no reliable telecommunication services as the landline was out of order. The internet was very iffy since it seemed that the power output from the relay station was reduced, however on 5th January 2011 the signal strength did improve. Mobile Telephone was always unreliable, but I could make calls by connecting the Mobile telephone to the YAGI aerial which was installed on the roof as part of the Internet connection (this exposed me to considerable radiation when used). Emails and Internet became my

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main means of communication, however that is not really a service suited for emergency use.

14. On 19th January 2011 I sent an e-mail to the CEO of the Bundaberg Regional Council, requesting assistance in repairing Flood Damage as I believed it was the Council who had erected levies along the roadway to the South East and installed culverts which directed excess surface water through neighbouring properties. That ultimately flowed through my property and effectively they were using my property as a drainage sink.

15. Between the 26th December 2010 and the 29th January 2011, I was unable to leave the property as access to the road had been washed out. I was unable to drive my car out of my property and was dependant upon my daughter to deliver necessary medication and other supplies as required. I also received assistance and social visits from friends who in all instances were unable to drive the 400 metres from the roadway to my house, because of limited access over the ford.

16. Since 1st of January 2011, 150 mm of rain has ensured a steady water flow over the ford and this restricted Council work on the nearby Bridge repair. Gravel and rock has also been taken from my property by the contractor to initiate some basic repairs to the access of the public roadway. As of the 28th January 2011 the telephone landline had still not been repaired, although that has since been fixed.

17. On several occasions I spoke to Council employees, who were in the progress of repairing the wooden bridge to the North West of my gate. On those occasions I raised the damage caused by the flood through my property and indicated the possible danger of further erosion along the creek-bank, together with the risk of trees falling near the power line. I also drew their attention to the use of material purchased by me with the aim of preventing possible further erosive damage. When the BRC were repairing the road bridge they placed some recovered material in the deep erosion hole along the Creek bank (a matter for which I am very grateful).

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18. It is my understanding (through word of mouth), that a representative of the Bundaberg Regional Council has been on my property and photographed the damage, however no contact was made with me. I asked the fellows who had been out repairing the bridge about this but they either did not know or could not say.

19. As a result of these issues I have also written to the Bundaberg Regional Council about the erosion but have not heard anything back. After being told that the Health Department were handling flood related matters I sent a copy of that letter to them. They responded telling me they had forwarded my letter to the CEO BRC. Sometime later someone from Council attended and told me they could not do anything because the problem was on private land. I pointed out that if not rectified it would continue and eventually go through to the road. I do not know what the current situation is with the Council. I have also not had any contact with my neighbour despite losing the neighbouring fence line through erosion.

20. In June and July of 2011 I paid a separate contractor to reconstruct the concrete ford, however to date the approaches to the ford have not been completed, leaving it at serious risk of failure during the next Wet Season. I am currently communicating with the contractor who performed the repairs.

I am able to produce a photograph of the damage (attachment Three).

Exhibit number

21. I believe that if due regard had been initially paid to the sub-division and development of these allotments, access to my property would not necessarily have been through a Creek. A creek that seems to have been filled in to my east where a dam has been erected near our common boundary. It is unknown to me when this dam was constructed or whether or not it was ever approved.

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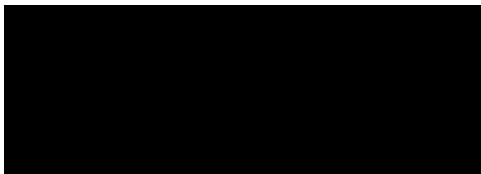
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22. I believe the erection of levies along Smiths Crossing Road and the associated conduits under the road to direct excess water flows, do so in such a manner that the water flows through my property. The basic problem is not one of flooding but one in which I can be denied ordinary road access due to initial poor planning control of the original development. These flows are also a cause of water erosion. I believe that a significant area is also subject to hebarian protection caveat for flora by the Department of Primary Industries.
23. At the time of purchasing the property I was not aware of any flooding or risk thereof. I believe that our Solicitor who acted on our behalf properly searched and revealed relevant matters and I have complete confidence in that.
24. Another issue that has arisen since the flood is the removal of the low level timber bridge at Smith's Crossing. The had been closed for about two years, however the impression was that it was to be repaired and re-opened. This bridge provided alternative access for residents to Rosedale road. After the flood the timber component of the bridge was removed and I believe that it is not being replaced as the I believe the Council have said the cost is too expensive.
25. My concern with this bridge access having been removed is that in the event of an emergency or should the only remaining access via Bucca road be cut, the residents have no way of escaping the area. This could be of most concern in the event of a bushfire or other road closure. Prior to amalgamation Burnett Shire Council had said that they had the money to repair the bridge.
26. I did not have any issues with Insurance and I must point out that Suncorp Insurance paid out for the repairs to the concrete 'Ford'. They wouldn't cover for Earthworks but I believe that was fair enough.

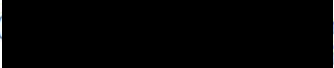

RECOMMENDATIONS:

27. I believe there needs to be proper control over planning developments and that this must include any necessary flood and access mitigation.
28. In the case of laser levelling of Agricultural Land. I believe the water level should be directed towards a sump on the farm, rather than towards the public road drainage system.
29. Consideration should also be given to a register of appropriate Earthwork Contractor's who are approved to carry out this type of work.
30. The Bundaberg Regional Council should consider these issues and as previous Councils were responsible for approving the development this Council should take action to rectify the situation and avoid further damage.
31. I ask that the Commission of Inquiry consider the issues I have raised when making any future recommendations.

**Barry Clifton UNDERWOOD.**29th September 2011.**Justices Act 1886**

I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 29th September 2011 and contained in the pages numbered 1 to 8 is true to the best of my knowledge and belief; and

(2)  showing that, if it were admitted as evidence, I may be liable to  in it anything that I know is false.

.....Signature

Signed atBundaberg.....this.....29th.....day of.....September.....2011....

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