

<i>Name of Witness</i>	Kathleen Mary WILSON
<i>Date of Birth</i>	■■■■■
<i>Address and contact details</i>	■■■■ Shellcott Street, Toogoom ■■■■■
<i>Occupation</i>	Self Employed Cleaner
<i>Officer taking statement</i>	Det Insp Mark Ainsworth
<i>Date taken</i>	31/8/11

Kathleen Mary WILSON states;

1. I am a ■■■■ year old woman residing in a low set house situated at ■■■■ Shellcott Street, Toogoom. My former husband and I myself built this house in 1985 and moved in on the construction being completed. At the time of constructing the house there was natural bushland located behind our house to the south west. This bushland was a large corridor separating our residence from O'Regan Creek Road, Toogoom. Our actual land sat slightly above the natural bushland level and had a small slope dropping about 6 inches from the back of the actual house to the commencement of the bushland. My property is zoned residential and is described as lot ■■■■ on ■■■■■ in the Parish of Vernon within the Fraser Coast Regional Council. There are no industrial premises in the area. In recent years a number of new residential developments have been established dividing the community up between old residential and new residential. Prior to Council Amalgamation the council for this area was the Hervey Bay City Council.
2. Shortly after moving into the house, my husband and I levelled up the back yard, providing a level area for our children to play on. Our land was still marginally higher than that of the natural bushland.

I had a 6 foot timber fence constructed at the rear of my property about 3 and a half years ago separating my residence from the new development behind.

3. I do recall around 1989/90; there was minor flooding in the area. The area of the bushland flooded and pushed approximately 2 inches of water across our backyard. This water did not enter our house.
4. On purchasing the land, I didn't realise that the property would be subject to flooding. I recall the flooding events of December, 2010 and January, 2011. At the time of the first flooding event on 28th December, 2010 I was away on holidays, but have been provided a written version by my brother [REDACTED] of the events of this flooding. [REDACTED] was present at my house when this flooding occurred. He wrote three pages of handwritten notes at the time of the flooding and left the notes at my house to provide me with an explanation of what occurred. I have retained these notes and can now provide them to the Commission.

I now produce 3 pages of notes written by [REDACTED] describing the flood events of 28 December, 2010. (A)

5. This letter provides a good description of water levels, SES response, Council response and some suggestions of sewerage flowing amongst the flood waters.

6. At the time of the flood my brother removed property and placed it in the shed located at the rear of our yard in an attempt to keep it dry. After I arrived home on 6th January, 2011, I managed to contact Council. Flood waters rose up again in early January, 2011 however not to the level of what occurred at Christmas time.
7. I was seeking their assistance to prevent flood water entering my house. Council advised me to contact SES who told me it was a Council matter. Council then told me to contact SES and after the run around SES arrived at my residence and assisted me with bags and plastic to prevent the waters from entering my house. Flooding to my residence was caused by a new residential development that has been established at the rear of my property where the bushland formerly was.
8. About fifteen years ago, developers commenced this new residential development. They raised the level of the former bushland to be a height of about one metre higher than my rear yard. The developers constructed a drain/easement at the rear of my fence in between my fence and the boundary line of the new residences. With this new estate being raised my property, in times of rain like that in December and January floods, water flows from this development in the direction of my residence, causing flooding. I would best describe the drain/easement as a tool to take away running water however there is no pit of substantial drain for the collected water to run into for dispersion.

9. The new residences have built bluescope steel fences up to the older residences fence lines. These fences cross the easement/drain and sit at ground level, preventing water to flow freely away. I do not understand how Council would approve this situation.
10. The existing flood situation would not have occurred if the drain/easement was not impeded by bluescope steel fences or if the Council had a drain at the easement for the water to flow into to take the water away. It is to the detriment to the house owners in Shellcott Street that adequate drainage was not installed at the time this development was constructed.
11. Prior to the development commencing many Shellcott Street residents and other residents from nearby areas submitted objections to the Council regarding the destruction of the existing bushland and the location of the development. My objection was based solely on the destruction of the bushland. I actually hand delivered the objection to the counter person at the Council. I did not hear anything back regarding my objection. I later rang Council when I heard bulldozers felling trees to the rear of my property, and informed them that I had previously lodged an objection re the development of this area. The Council officer told me that they had received my letter of objection however it was too late, as the period for objections had expired. The Council employee told me I could take up my objections with the developer.

12. On 14th March, 2011, I contacted Council raising my concerns with them regarding the flooding of my premises. As a result of this phone conversation, the Infrastructure Engineer for the Fraser Coast Council conducted an on site inspection of my property regarding my concerns. On 23rd March, 2011 I received a letter back from the Infrastructure Engineer of the Fraser Coast Regional Council. His letter covers three issues, these being:

- The recent development at the rear of my premises.
- Two of the stormwater pipes discharging onto my property.
- There is a pit of some kind discharging onto my property.

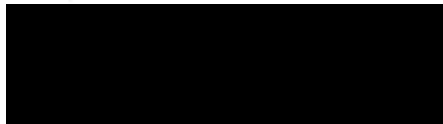
13. His responses to these questions have been provided to investigators at the Floods Commission of Inquiry.

I now produce a 2 page letter under the hand of the Infrastructure Engineer, Fraser Coast Regional Council. (B)

14. At point 1 in the response letter, I find it interesting that a fence does not constitute a permanent piece of work particularly when the fences were not removed at the time of the floods and clearly impeded the flow of water in the easement/drain.

15. I was present when investigators took photographs of my yard and the adjoining residential development including the fences blocking the easement.

I now produce a series of photographs of my residence and surrounding structures mentioned in this statement. (c)



K.M. WILSON

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 31-8-11 and contained in the pages numbered 1 to 6 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

Signed at Toowoomba this 28th day of September, 2011

