

<i>Name of Witness</i>	Larry Stephen BORG
<i>Date of Birth</i>	[REDACTED]
<i>Address and contact details</i>	[REDACTED] Murdochs Road, Moore Park, Bundaberg. [REDACTED]
<i>Occupation</i>	Self Employed Farmer
<i>Officer taking statement</i>	Det Insp Mark Ainsworth
<i>Date taken</i>	19/8/11

Larry Stephen BORG states;

1. I am a married man, [REDACTED] years of age and I reside with my wife and family at [REDACTED] Murdochs Road, Moore Park, Bundaberg. I am a cane farmer by occupation and sub-contract to Bundaberg Sugar providing them with quantities of sugar cane for processing. My wife has resided at this address for the past 37 years. During this 37 years she has never seen as much water sit for so long on our property, this includes periods when we have been affected by cyclones. I have lived on this property since 1992. I am a member of the Moore Park Drainage Scheme Committee. I have been attending these meetings since 1999 and on the 13th August 2008 I was elected an executive committee member. My role as a committee member requires me to attend meetings as required and to attend to any drainage problems in the area representing farmers on the eastern side of the Moore Park drain. At these meetings we try to resolve any drainage issues that are brought up in our designated area. These meetings also have council representation which is Mr Peter Jensen (Group Manager Roads & Drainage), who is also the minute taker. The issue of the drainage problems in Moore Park has been raised at these committee meetings, but to no avail.

2. My wife and I own 1 property [REDACTED] which is 38.05 hectares of land) and we operate my wife's father's farm [REDACTED] [REDACTED] which is 46.46 hectares of land) both utilised for Sugar Cane farming. Both lots are part of the North Kolan Parish and fall under the governance of the Bundaberg Regional Council.
3. Prior to Council Amalgamation in 2008 our local council was the Burnett Shire Council. Both farming properties were well established before the 1950's by the [REDACTED] Family who owned Fairymead Sugar Company dating back to the 1880's. Both properties are zoned as Rural. We also have the Moore Park State Primary School situated next door to the first property. My father in law [REDACTED] owns [REDACTED] and [REDACTED] [REDACTED] - 31.93 hectares on the Eastern side of Murdochs Road which is jointly owned with his brother [REDACTED] [REDACTED] was originally purchased by my father in law and his brother for cane growing. Since early 2009 my father in laws land [REDACTED] has become an inland lake, because the water cannot get away and now the State Government has classified it as Wetlands under the new state policy. My father in laws land is now basically wetlands with an extensive non flowing lake now occupying at least 80% of his land.

I now produce a series of photos of my father in laws property which is now basically a wetlands. (Annexure 1a)

4. Many years ago the cane farmers in the area managed their own drainage systems around their properties with the consent of council, to ensure flooding to their crops was minimised. These drainage systems also provided water for irrigation of crops by the farmers and were maintained by individual farmers to ensure the systems worked well. However in 1992/93 Council took over the management of these drains, resulting in poor management practices and clogging of these drains. Council also saw fit to charge cane growers fees on our rates notices to cover maintenance of these drains. These fees are listed in the rates notice as M/Park Drainage Charge and cost my wife and I \$12.50 per half year.

*I now produce a copy of a recent rates notice indicating the drainage charges.
(Annexure A)*

5. In 2006/7 we approached Burnett Shire Council regarding a main drain on the Western Side of Moore Park with similar issues like this current drainage problem. The Engineer was Peter Jensen and Councillor Trevor Strong both would not listen to the farmers. In 2008 we engaged Canegrowers Bundaberg. Once we involved Canegrowers Bundaberg and our new Council Representative, Councillor Bush, Peter Jensen's decision was overturned and the drain was cleaned and upgraded and it's now in my opinion one of the best drainage systems in Bundaberg.
6. Moore Park is a small beach town community with over 3000 residents. The area is a mixture of farms, residential developments some new and some old and some still being developed, a school, parklands, recreational and

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sporting facilities. There are also several commercial properties in the vicinity and a new shopping centre which is still in construction stage.

7. In the past 15 years the area has grown significantly however necessary infrastructure to accommodate such growth has been non existent. This is particularly so with regards to drainage. Most of Moore Park is built on sand and Council are of the belief that due to the base being sand, the water will disperse very quickly.
8. My family and the Moore Park Community have been pleading with Council for over 2 years to have the main and only drainage system of the Moore Park township cleaned and have the flood gates which were put there in the early 1960's upgraded, however Council have not upgraded the pipes or flood gates. This main drainage system has not been maintained by council and they have allowed people to subdivide allotments which have interfered with the drainage system, council has easements with each resident that resides along this drainage system. Two of the developers were council employees. On 17th August, 2010 [REDACTED] from the Bundaberg Canegrowers Association, my wife and myself met with Councillors Bush, Honor and Peter Jensen a Senior Engineer from the Council. As part of this meeting we walked all persons through all the blocked areas of the drain highlighting the issues. At the meeting both Councillors agreed that the drains were all blocked and needed clearing. I forwarded an email to Peter Jensen on 18th August, 2010 confirming the action items from the meeting.

I now produce a copy of an email dated 18th August, 2010 forwarded to Peter Jensen recording outcomes of meeting on 17th August, 2010. (AnnexureB.)

9. As a result of inaction after this meeting, my wife and I then wrote to the Mayor and Councillors of the Bundaberg Regional Council on 15th September, 2010 requesting action to be taken. This letter highlighted previous Council action with regards to the cleaning of other drains in the area.

I now produce a 2 page letter to the Bundaberg Regional Council dated 15th September, 2010 (Annexure C)

10. On 17th September, 2010 my wife forwarded an email to Mr. Rob Messenger the Local member for Burnett regarding our issues with Council and cleaning of drains. On the same date Messenger responded to my email offering advice.

I now produce a copy of a 3 page email containing conversations between my wife and Rob Messenger (AnnexureD)

11. On 13th August, 2008 I attended the Committee Meeting of the Moore Park Drainage Scheme Committee meeting at a farmer's property at 150 Lindemans Road, Moore Park. At this meeting I was elected as a member of the Executive Committee for the Moore Park Drainage Scheme Committee. At the same meeting the issues of drainage clearing was recorded in the minutes outlining outcomes and further needs relating to drainage.

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I now produce a copy of the minutes of the Moore Park Drainage Scheme dated 13th August, 2008. (Annexure E).

12. On the 22nd September, 2010 a meeting was organised by the MP Rob Messenger at Bundaberg Regional Council Chambers to discuss our drainage issues. In attendance there was Wayne Cunningham, Allan Bush, Wayne Honor, [REDACTED] Maryann Borg, Rob Messenger & myself.

13. On 12th October, 2010 another meeting was organised by the CEO of the Bundaberg Regional Council involving myself and two of Councils Works Supervisors Mr Allan Griffiths and Mr Allan Samuels. [REDACTED] and [REDACTED] also attended this meeting. This meeting took place at 3pm and commenced at Palm View Drive near the property of Council employee [REDACTED]. At this location these people were shown the overgrowth and impediment of land belonging to [REDACTED] impacting on the drainage system making it non-flowing. Both Griffiths and Samuels advised that the owner of the property that needed to be cleaned, would cause trouble and resistance, (at that time I did not know who this person was, I also didn't know that this person was a council employee). During this meeting [REDACTED] (the owner of the property in question) arrived in his Council uniform and told Council employees they were not allowed access onto his property to clean the drain (which is a breach of his Easement Requirements).

14. The [REDACTED] property runs along the Council easement/drain on Palm View Drive, Moore Park and the owner, [REDACTED] filled and interfered with the drainage system so he could subdivide the land for housing. This occurred around 2007/08 after he dumped loads of sand and fill on the rear of his property impeding on the Council easement/drain. My father in law had witnessed contractors filling the property with fill and he also saw plastic on the property which he assumes was to be used to hold back the fill from the drain. This fill was used to raise the property and expand on the use of his land. This person is partners with another long term council employee, [REDACTED] who was head of the works department of the Burnett Shire Council. I have pictures of the area I am referring to and also have conducted a title search of their property. Council have attempted to clear some of the drain behind this residence however they have not been permitted to enter Robinsons land in order to clear the remainder of the drainage system.

*I now produce a title search of Robinson's property I am referring to.
(Annexure F)*

I now produce photographs of the Council easement impacted by fill at the rear of [REDACTED] property. (Annexure G)

15. On 20th October, 2010, I wrote another letter to Mayor Pyefinch of the Bundaberg Regional Council regarding the drainage problems and issues with Mr. Robinson and his apparent conflict of interest.

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As a result of this letter and a meeting of the Moore Park residents Association on 24th October, 2010 I received an email from Wayne Cunningham the Director for Infrastructure of the Bundaberg Regional Council, dated 29th October, 2010. This letter provided some information as to Councils plans with regards to the Palm View Drive issue.

I now produce a two page email from Wayne Cunningham relating to issues of drainage at Palm View Drive. (Annexure H)

16. On 9th November, 2010 I received an email from Cunningham advising that notices have been issued to property owners advising them that Council are proposing to enter their properties to carry out a survey. The purpose of that survey is to determine what work could be done to rectify the drainage problem. On 19th November, 2010, [REDACTED] of the Canegrowers Association received an email from Council Engineer Dwayne Honor advising of the outcome of the survey at Palm View Drive, Moore Park.

I now produce a copy of the email from Dwayne Honor in relation to the outcome of the survey of Palm View Drive. (Annexure I)

17. To date the drain behind [REDACTED] property has not been cleared.

I now produce photos of this drain behind [REDACTED] residence. (Annexure J)

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18. On 20th December, 2010 Dwayne Honor forwarded an email to Rob Messenger with a copy to my wife. This email is extensive and provides a summary of Council actions to date.

I now produce a copy of the email from Dwayne Honor to Messenger re the drainage issues. (Annexure K)

19. As our frustrations grew with these issues and little to no evidence of clearing of drains, on 4th January, 2011 my wife and I sent a detailed email to Rob Messenger providing a summary of the whole drainage problems and recommendations of what needs to be done to rectify the issues.

I now attach a copy of a 3 page email outlining the summary of events in relation to the drainage issues. (Annexure L)

20. The 2010/2011 floods caused flooding to our properties. I firmly believe this flooding was caused by poor drainage as discussed in the previous paragraph. More recent pleas with Council going back to 2009 to clean and maintain the main drainage system in the Moore Park Township area has been ignored. In my opinion if this drainage system had been cleaned we would not have experienced the flooding or loss of crops that we did during this recent flood event. Also effective draining would allow for the movement of stagnate water covering [REDACTED] property and surrounding areas. This is of a real concern largely due to the close proximity of the Moore Park School and sporting fields.

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21. Flooding like the 2010/2011 flooding has never occurred on our properties.

The flooding of our properties was caused by water not being able to get away from the land that runs directly opposite our properties. This water has previously run out into the Council Drainage Easement, however with the current blockages all the way along the Council Drainage Easement and Bundaberg's Sugar Land this did not occur on this occasion. These blockages have occurred as a result of over grown vegetation clogging them up, the growth of mangroves on waterways, ineffective drainage systems and the unlawful blocking of drains/easements by property owners with the knowledge of council. As a result, the water level across the road from our properties was higher which in turn raised our watertable and water could not escape, resulting in flooding to at least 60% of our properties. Cane growing relies upon water for growth, however too much water will kill off the growth. We operate on the premise that the water table needs to be 50 centremetres below the ground level.

22. The flood level on our properties was over a metre high and caused us to lose approximately 50 acres of cane and soybean crops equating to in excess of \$150 000 loss of income for the year. In the time my family have been operating these farms we have never experienced such issues and loss before. At the 30th May 2011 meeting located at the Bundaberg Regional Council Chambers, Councillors and staff showed no remorse towards our losses and actually laughed about our losses and said is that all. The drainage system was built after Moore Park was developed into farming land and housing, for the purpose of draining this area during wet seasons and cyclones.

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If the area receives heavy downpours of rainfall, we are in constant risk of flooding to our crops and with the pending wet season and no change to the drainage system I am extremely fearful of the consequences to my property and livelihood. I am not the only person in the area with these concerns.

23. We have been in continuous discussions with Council and our Local Member, Rob Messenger regarding this problem, to no avail. We have had independent quotations done (1/3/2011 & 27/4/2011) to solve this problem and to upgrade this drainage system to accommodate growth for the next 20 years. These quotes amounted to \$70 000.

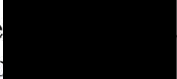
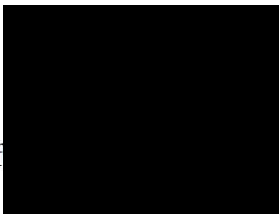
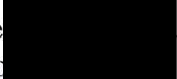
24. When the drainage system was first installed around the 1960's there were approximately 300 residents in Moore Park, now there are approximately 3000 residents and this number continues to grow. The same drainage system is used by all residents of the Moore Park Township and has never been upgraded to meet increased demand. The actual drainage system that affects our properties is about 7.5kms in length and crosses through not only [REDACTED] property but other properties including a parcel of land owned by Bundaberg Sugar. This land is also affected by stagnate water unable to flow through a blocked drainage system. The drain runs into Moore Park Creek which is tidal, however the drain/creek is so severely blocked the tidal water height does not alter in most places of the drain.

25. So far Council has advised the community they have spent about \$200 000 in conducting studies and still nothing has been done to prevent flooding from happening. I am concerned that the next wet/cyclone season is approaching quickly and nothing has been done to rectify the problem.

26. Over a period of time we have also had discussions with the Department of Resource Management (DERM) (Tim Brain) and the Department of Fisheries (Chris Lupton). We have personally taken them for a walk through the affected properties and problem areas. According to the DERM representative he stated that Council needs to submit an application for works. He said the drain was classed as an abandoned system because council has not maintained or serviced this system for 20 years according to DERM records. Council to date is still ignoring the problem; however they are cleaning drains outside this area but not this main drainage system.

27. There have been numerous discussions held with the Bundaberg Regional Council, Rob Messenger, DERM Bundaberg, DERM Gympie and DERM Brisbane the Moore Park Community Association and the Moore Park Drainage Scheme Committee. The Bundaberg Cane Growers Association has also supported cane growers like us with this issue, however nothing positive has arisen from these discussions.

28. Council has allowed a number of residents who have properties adjoining the easement run small pipes from their properties into the easement to allow water runoff from their property to the easement.

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Other residents have built road crossings over the easement again using smaller pipes which interferes with the water flow of the easement. Another resident, [REDACTED] has built a large pond incorporating this drainage easement on his land. This pond is about the size of a dam. I have conducted a title search on this property. It is my belief that Peter Jensen, the engineer at the Burnett Shire Council has approved the above mentioned crossings.

I now produce a title search on the property owned by [REDACTED]

(Annexure M)

29. Peter Jensen is the engineer in charge of the drainage system and has been the same engineer through the two previous councils. He is well aware of the issues with the current drainage system and has been involved in discussions regarding the drainage in this area for the past ten and a half years.

30. When my father-in-law purchased lot 8 in April, 1973 it was about two months after the area had received 567.4mm of rainfall, there was no problems with flooding at that time. There was a number of working drainage systems in the area at that time. In December, 1973 and January, 1974 the area received a further 1108.90mm of rainfall and again no flooding to the farms occurred due to the working drainage system. Between December, 1991 and March, 1992 the area received 1135.6mm of rain with no flooding to the farms again.

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Between December, 2010 and January, 2011 we received 752.2mm of rainfall which caused considerable flooding to the area including both farms and [REDACTED] property, which is situated on the opposite side of Murdochs Road, from our farms.

31. Over the past 10 – 15 years council has approved developments from north to northwest of our properties blocking off some of these drainage systems and now directing rain water into the land opposite ours owned by [REDACTED]. The majority of these developments have occurred whilst we were in drought. When the drought broke, my father in law noticed issues with the drainage system and this is when we initially contacted council.

32. We have contacted the previous two owners of our property [REDACTED] who advised us that they never experienced any flooding on that property when they owned the same. ~~I have obtained a statutory declaration from them regarding these comments.~~ [REDACTED]

~~I now produce written statutory declarations from the previous owners of Lot 6 Annexure A.~~

33. During the 2010/11 floods, a number of the streets of Moore Park were under water, residents backyards were under water and there were children swimming in this water whilst this water was higher than the septic tanks. In this community there is no sewerage, only septic tanks.

34.If the drainage system is cleaned up and restored to a proper operational level, I believe the community will not have to worry about long term flooding as experienced this year. As we know from history of this area of cyclones and wet seasons, if we receive another major wet season, as predicted a lot of families will have more severe flooding to tolerate leading to loss of property and livelihoods.

35.There is not in my opinion an engineer in the Council that has the background knowledge of drainage in the Moore Park area like the farmers do. The Councils attitude towards Moore Park is that this community should never have been developed.

36.On a number of occasions Council Engineer Dwayne Honor told us and the Moore Park Community there is only a 3mm fall in the Moore Park area and water will not flow, we were then told by council surveyors that there is actually over a metre fall in the Moore Park area. We also have a letter from Council engineer Peter Jensen advising that there is a metre fall in the area.

I now produce a copy of this letter under the hand of Peter Jensen. (Annexure O)

37.Since the floods of 2010/2011 we have had continuous discussions with the Bundaberg Regional Council and local member Rob Messenger regarding the problem of drainage in the Moore Park area.

We have also raised the issue with DERM Bundaberg, DERM Gympie and DERM Brisbane, the Moore Park Community Association and the Moore Park Drainage Scheme Committee.

We have also involved our local Canegrowers Association because as individuals, even though we have been farming these properties since 1973 and we have statements from farmers who have been farming this area since the 1950's, Council has said in their words at public meetings; 'You don't believe what any of the old farmers say around here.'

RECOMMENDATIONS:

38.I have a number of recommendations I believe need consideration to assist in coping with flooding in the Moore Park area. These are;

- Clean the drainage system to its original status and upgrade the flood gates so it can handle all of the new development in this community. If this does not happen soon, prior to the next wet season there will be a lot of houses and properties that will be inundated with water, severe crop damage and roads blocked off.
- The blockage in the drainage system extends a distance of approximately only 900 metres which would allow the flow of the water in the drainage system. This combined with the upgrading of flood gates and upgrading of residents driveways/crossings that have been built through drainage/easements would assist in the flow of water and prevent future flooding in the area.
- Council should also unblock and add a set of flood gates at the northern end of Moore Park which is another issue they are ignoring.

They advise that this issue is one for the State Government as the area is in the National Park. Approximately 700 metres of this drain is blocked from Oyster Creek. Before Council approved any development to the area this drainage system was open and tidal, never a problem and now they have dammed off Moore Park from both ends.

- To date, the last time Moore Park experienced a cyclone was in 1992 before all the recent growth in the area. If we receive another wet season or cyclone a lot of families will have more than water over their septic tanks and in their yards to worry about.
- There isn't an Engineer in Council that has the background knowledge of the Moore Park Drainage system like the farmers do. I believe Council needs to sit down with the farmers and to actually listen to them and the Moore Park Residents Association and resolve these drainage issues prior to the next wet season which is approaching rapidly.
- Whilst this drainage issue is ignored in the area and the large volumes of water remain stagnate, Council will face health issues in the Moore Park Community with regards to mosquito infestation, stench and a road system that will require regular repair due to the new high water table.
- Towards the end of the last term (2010) of school, the Moore Park State School Principal cancelled outdoor functions due to the infestation of mosquitoes brought about by stagnate water on properties and drains in the area. Children could not go outdoors without being bitten alive by mosquitoes.

39. I have forwarded a submission to the Queensland Floods Commission of Inquiry in relation to my concerns.

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I now produce a copy of my submission to the Qld Floods Commission of Inquiry. (Annexure P)


L.S.BORG

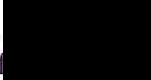
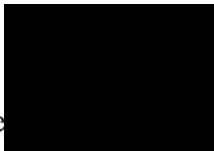
Justices Act 1886

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

- (1) This written statement by me dated 19/8/11 and contained in the pages numbered 1 to 18 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 Burumbur this 29th day of September 2011

Witness Signature.  Signature of office 

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