Hi I would like to bring to your attention that Brisbane City Council have approved, and forwarded to the state govt for "rubber stamping", a revised Moggill Bellbowrie neighbourhood plan that rezones, from rural to residential, about 30 acres of land that I saw under meters and meters of water in the Jan 2011 floods.

Just look on nearmap on Jan 13 for Bellbowrie.

What I find really alarming is that Council approved the rezoning of this land after the 2011 flood and are intent on pushing it through before this inquiry publishes it's findings despite many acres of it being heavily flooded.

The vast majority of this land is the very low, floodprone moggill golf course that was bought by developers and shut down to increase pressure on council to rezone it when they were unable to get a DA approved.

If this tactic works no non-government golfcourses or community greenspaces will be safe. Developers have already bought Karana Downs golf course which is in the same council ward.

During the 2011 flood two families (mine included) were evacuated across a very narrow ridge on the golf course land (to a boat) by the SES and a young mum of two young girls from our other Neighbour actually had to swim 60 meters across the flooded river before her house flooded because her husband was away on a business trip and she didn't have any alternative. IT HAPPENED and it is due to terrible town planning of our three properties that has allowed our "anthill" properties to be situated at the lowest allowable level and have shared driveway that is 9-10 meters lower.

In floods we are trapped and if the land behind us is rezoned residential and fenced, three families will have no escape route at all and will have to swim out like our neighbour did, to escape. This is not a theoretical/hypothetical threat, it just happened and it will happen again. If there are residential fences behind our place(or our neighbours) there will probably be a fatality.

Can you please just confirm receipt of this email and contact me if you would like any further information as I have much more I would like to say.

Regards

Anthony Leighton

Sent from my iPhone
Our Names are Anthony and Karen Leighton and our address is [redacted] Bellbowrie. We thank you for letting us have our say.

We would like to firstly comment on our experiences in the January 2011 flood and then on Brisbane City Council’s (BCC) practice of facilitating new development on flood prone land and the impact that practice can have on people.

We are one of three families in a dangerous, modern subdivision that were each heavily impacted and traumatised by the 2011 flood event, the other two addresses are [redacted] Bellbowrie who are our immediate neighbours, one on either side.

I ask that you look at these three (3) properties on the “nearmap” website for the date of 13 January 2011. At the height of the flood (3m higher than the nearmap photo) these three houses were effectively 100m out in the middle of the river with us in them. We all knew the 100m of water between us and our front street was 10 – 12 meters deep, and that the raging river itself blocked our escape route on our other three sides. It was traumatic to say the least.

On the Wednesday of the flood (12/01/2011) two of these three families (mine included) were evacuated by the SES across a narrow ridge on the Moggill golf course to a boat and then back to our suburb, Bellbowrie, which was itself isolated, although we had no idea of this (or anything else) at the time.

Before this, a young mother of two young girls (aged 5&3) from the third family actually swam 60 – 70 meters across the flooded river before her
house flooded because her husband was away on a business trip and she did not have any alternative.

It happened - and it is due to the terrible town planning of our subdivision which allowed our large (acreage) residential lots to be developed on flood prone land with only a tiny house pad at minimum flood level. We could not get to our suburban Bellbowrie street network, and therefore our suburb, from the Monday night before the flood until 8 days after the flood. I have been advised by BCC (from the office of the lord mayor) in writing before the flood that according to BCC’s requirements, this scenario represents sufficient flood immunity.

Despite being constructed as recently as 2001, our residence:

- Is located 100% within a designated waterway;
- Is a single storey dwelling;
- Is constructed on an “anthill” lot comprising two acres of very low land with a tiny house pad built up by fill by developers to the lowest allowable building level with respect to the Q100 line;
- Has a shared (three houses), flood prone 150m long driveway that is a full 10 meters lower than the house (the driveway is almost at the level of the river) which prevented our escape to safety in the flood;
- Is zoned residential despite 90% of it laying a long way below the designated flood level;
- Is built on a narrow “artificial peninsula” created by “fill” that results in it being effectively stuck 100M out in the river in a flood;
• Is surrounded on three sides by the Brisbane River which is in very close proximity, and is separated from our suburb of Bellbowrie on its fourth side by an enormous 90M wide X 11M deep gully (through which our driveway runs) that is really part of the river and joins the river just down stream from us;
• Is a very very dangerous place to be in a flood; and
• Was allowed to occur and is compliant with BCC development requirements.

In short our subdivision should never have been allowed for many of the above reasons, yet it was.

What this demonstrates is that BCC’s requirements are not able to prescribe sufficient protection to allow safe development on flood prone land, Mother Nature can always throw up scenarios that BCC’s requirements do not allow for, or Developers will find innovative ways to vitiate BCC’s requirements over time as memories of the flood fade. In our opinion BCC’s development requirements for flood prone land are no better than the dam manuals, the users may follow them to the letter yet still end up with an unacceptable outcome that could be avoided through common sense.

One example of BCC’s requirements being inadequate is the Q100 line which BCC now seemed to have abandoned (along with all the people they allowed to build at that level). We purchased our property knowing that it was constructed to the Q100 flood line which we understood to be the highest flood in the previous 100 years. After the flood we learned that our understanding of the Q100 line was incorrect. When we contacted BCC to point out that their imaginary Q100 flood line was
lower than mother nature’s actual Q37 line (1974 & 2011) someone spent ten minutes explaining to us that the Q100 flood line does not actually mean a one in one hundred year flood, apparently it has something to do with an AEP? Excuse our language but what a load of rubbish, any Government communication tool as important and seemingly simple as the Q100 symbol must accurately portray what it seems to portray – anything else at all is misleading. In fact we feel as though we have been purposely misled with this symbol. Why has it even got a 100 in it at all?

Another prime example of BCC’s inability to prescribe safe subdivision of flood prone land is their approval of the rezoning of the Moggill golf course land from rural to residential as part of the approved draft of the Moggill Bellbowrie neighbourhood plan.

This land was extensively flooded in January 2011, we personally saw 20 – 30 acres of it under meters and meters of water (all of which is to be rezoned residential), in fact our family was evacuated across part of this land, by the SES, IN A BOAT – IT IS NO PLACE FOR PEOPLE TO LIVE.

What is really alarming is that BCC have approved this draft since the 2011 flood (June 2011) and are intent on implementing it before this inquiry returns its findings. We don’t know why this is?

We would like to point out three major issues that BCC either ignored or failed to address as part of this process, there are bound to be others:

1. Rezoning the Moggill Golf Course land from rural to residential would remove our (and our two neighbours’) only possible escape
route to any higher ground at all the next time the river floods by allowing residential fences to be constructed right at our back doors irrespective of our protestations. Once residential fences eventuate on our back boundaries, the next time the river floods all the occupants from our house and our two neighbours will have to swim a long way across the flooded river, like our neighbour did in this flood, to escape. There is no other route. If anyone is elderly, disabled, overweight, can't swim, has children etc. there could very easily be a fatality.

2. The Moggill Golf course land is wholly located within a bend in the river. It is very obvious that in previous floods this river has cut straight across the mouth of this bend, in fact it nearly did in January 2011 (see the QLD reconstruction authority website/interactive map for 108 Weekes Road Moggill). Should this land be rezoned from rural to residential, during some flood in the future dozens of houses are guaranteed to end up stranded on a small ridge, out in the middle of the raging river.

3. Although it may seem counter intuitive BCC's assumed intention of allowing development below their latest flood line in 2 storey houses (the habitable floor level principle) in this particular location will be more dangerous to people than single storey dwellings. When (not if) this land floods again people must get out – fast, otherwise the river could (and will at some stage) cut off their only escape route, stranding them out in the middle of a raging river – this will happen, we witnessed peoples behaviour pre flood and people didn't really believe it was coming until it did, despite the authorities best attempts to get people to evacuate. Allowing two storey housing in this particular location will result
in some people “going up instead of getting out” which will prove to be catastrophic.

Also, as part of the Moggill Bellbowrie neighbourhood plan BCC is rezoning all of the flooded properties along Birkin Rd, Bellbowrie from low density residential to low/medium density residential (three storeys). It is not the decision to rezone these properties that we disagree with, what disagree with is that the reason BCC gives for rezoning this land to low/medium residential, is that it gives older people the option of “ageing in place”. Honestly, who would put their elderly people in three storey dwellings on land that floods heavily? BCC should just be honest with their reasoning.

We believe BCC’s true motivation in rezoning this land to 3 storey medium residential is to help them comply with the State Govt requirement for BCC to Provide 130,000 + new dwellings in the coming years.

In fact we believe many of BCC’s poor development decisions on flood prone land – including the Moggill Golf Course land – could be traced back to this requirement.

In summary, this was not an overly large flood for this river and, provided we learn lessons from it, it may provide an opportunity to prevent further heartache in the future. We would like to see the following implemented as part of the flood response:

1. The State Government should remove the mandated quota for how many new dwellings BCC must provide for;
2. Not one square centimetre of land that is below the 2011 flood level + 1 meter, should be rezoned residential – irrespective of multi storey housing, BLE’s, or “habitable living areas”;

3. The urban footprint contained in the South East Queensland Regional Plan should be modified to remove all land below the 2011 flood level + 1 meter from it – even if this results in “islands” of lower lands within its boundaries, but exorcised from it;

4. Free BCC Flood Maps that show actual historical flood levels should be provided to residents, not incorrect, misleading, manipulated, fictitious symbols such as the Q100;

5. Immediate intervention to prevent the implementation of the Moggill Bellbowrie Neighbourhood Plan prior to this inquiry returning its findings;

6. Councils should be prevented from allowing developers to attempt marginal (at best) subdivisions of the low golf courses that lay along the river/s, including; Sandy Gallop, Karana Downs, Wolston Park, Moggill, Mcleod, Jindalee, Oxley, St Lucia, Indooroopilly and The Brisbane Golf Club on Fairfield Rd. – THEY ARE GOLF COURSES BECAUSE THEY ARE TOO LOW;

7. People’s behaviour patterns should be taken into account when developing BCC’s building code requirements (both for flood and bushfire). Many people were in denial regarding this flood until it was too late;

8. BCC should not allow any “Greenfield” residential dwellings at all to be constructed on land that went under water in Jan 2011 + 1 meter; and

9. BCC must recognise (and make basic provisions for) that occasionally floods substantially larger than the January 2011 flood
will occur in this river. Whist ever people can gradually “back up a hill” or road, most will be safe but if council allow large developments on relatively small, low parcels of land that will be cut off from safety in the larger floods, it will prove catastrophic.

Once again we thank you for letting us have our say, we believe it is the right thing for us to do. It would be very easy for us to sell our property to an unsuspecting buyer and move to a safer residence however we do not intend to do this as we could not live with ourselves if we did so and something happened to the buyers (or their children) in future floods.

We believe our best course of action is to write to this inquiry (and BCC) in an attempt to stop further development on flood prone land which would benefit many unknown families in the future without them even being aware of it.

Regards,

Anthony & Karen Leighton
31 October 2008

DEVELOPMENT APPLICATION: 108, 120, & 126 WEEKES RD, MOGGILL
RECONFIGURATION OF A LOT (3 INTO 91)

As your home is in the vicinity of the above proposed development, I am writing to let you know that a copy of the plans for this site are available for viewing in my office. These plans can also be obtained from the Council website free of charge. The address of the internet site is: http://pdonline.brisbane.qld.gov.au

This application is subject to Impact Assessment pursuant to the Integrated Planning Act 1997. Therefore public notification is required for this development.

Should you wish to lodge a submission, details of the lodgement period will appear on a sign to be erected on the site in due course.

If you have any queries regarding this application or if I can be of assistance with any other Council matter, please do not hesitate to contact me.

Yours sincerely

Margaret de Wit
COUNCILLOR FOR PULLENVALE WARD

Note: Names and addresses obtained from the Electoral Roll
Mr & Mrs Leighton

Dear Anthony and Karen

RE: YOUR PURCHASE FROM BATTERSBY

Upon receipt of your instructions from your financier we advised the seller that finance was approved to your satisfaction. Accordingly, transfer documents have been sent to the seller for execution and return.

The usual enquiry letters have been sent to the relevant authorities and if the answers to these searches disclose anything untoward, then we will contact you.

Pursuant to the Contract you are required to satisfy yourself as to the boundaries of the subject property. The most prudent way of checking the boundaries and whether any buildings or structures on adjoining properties encroach upon your land is to obtain a check survey from a surveyor. However, a site inspection with the aid of the enclosed copy of plan (your property being outlined in yellow) may assist you to carry out your own search to resolve the question of correct boundaries and possible encroachments. Unless we hear from you to the contrary, we will assume you are satisfied as to the correctness of the boundaries and that you believe there are no encroachments.

We enclose the following:-

(a) Copy of site plan
(b) Office of State Revenue Form 2.1 declaration relating to stamp duty.

WHAT NEEDS TO BE DONE BY YOU NOW

1. Deliver to us a cheque in the sum of $915.00 being for the total of our costs and outlays.
2. Deliver to us executed Form 2.1 signed in the presence of a justice of the peace or solicitor.
3. Deliver to us prior to settlement a BANK CHEQUE made payable to the Commissioner of Stamp Duties in the sum of $19,300.00 being for stamp duty WITHIN 14 DAYS FROM THE DATE HEREOF.
4. If applicable, advise us as soon as you have executed your mortgage documents. Mortgage documents must be witnessed by a Justice of the Peace or Solicitor. A solicitor at this firm can witness your mortgage documents for you for a fee of $88.00. You will need to have your drivers licence or other photo identification with you when you sign the documents.

5. Confirm that the property outlined in yellow on the enclosed plan is the property you are purchasing.

6. We recommend that you undertake a pre-settlement inspection of the property. You should arrange this through the real estate agent.

If you have any questions in the meantime, please do not hesitate to contact Tanya Lee of our office.

Yours faithfully,
CHRIS WLODARCZYK & CO.

per:

encl.
703886067
$2135.00
21/02/2000 14:43

BE 400

WARNING: Folded or Multilisted Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.

Registered

x Lodged by
L. Marrow & Associates
Level 5/1443 Edward St
Brisbane QLD 4000
3229 2658

Certificate of Registered Owners or Lessees.

BELLOBWIE ESTATES PTY LTD

BELLOBWIE ESTATES PTY LTD, AS TRUSTEE UNDER
NOMINATION OF TRUSTEES NO H168289

TRUSTEE

Names in full:

*as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown herein in accordance with Section 59 of the Land Title Act 1994.

*as Registered Owners agree to this plan. A copy of this plan is on file with the Council.

Signature of *Registered Owners *hessence

Title Reference Lot Plan Lots

167371 51 RP 132234 7 - 32,

180290797 999 RP 803514 1 - 6, 8 33

Mortgage Lots Fully Encumbered Lots Partially Encumbered

601036825 1 - 32

700162279 1 - 6, 8 33

Easement Lots to be Encumbered

601111976 27,29,30,31

Per 11 7 - 32, New Rd.

Per 12 1 - 6, 8 33, New Rd.

Orig. Lots

Portion Allocation:

Map Reference: 9442-4641

Locality: BELLOBWIE

Local Government: BRISBANE CITY COUNCIL

Passed & Endorsed:

Date: 

Signed: 

Designation:

Building Format Plans only.

I certify that:

* As far as it is practical to determine, no part of the building shown on this plan encroaches over adjoining lots or roads.

* Part of the building shown on this plan encroaches onto adjoining * lots and road

Licensed Surveyor/Director 

Survey Deposit $760

Lodgement $87

New Title $1,200

Photocopy $3

Postage $2.75

TOTAL $2,500

SP121727

References:

Local Govt. No 33 of 997
Surveyor: 2039-2658/1

Local Government Approval:

BRISBANE CITY COUNCIL

hereby approves this plan in accordance with the

Local Government (Planning and Environment) Act 1990

subject to the granting of Reserves G, I, J, K, N and O for drainage (underground and overland flow) purposes to the Council.

The granting of Reserves L, J, K, M, N and Q for drainage (overland flow) purposes to the Council.

The granting of Reserves A, B, C and D. The granting to Lot 6 a Right of Way (access and water supply services) over Reserves A, B, C, and D. The granting to Lots 29 and 31 a Right of Way (access and water supply services) over Reserves C and D. The granting to Lot 29 a Right of Way (access and water supply services) over Reserves C and D. The granting to Lot 29 a Right of Way (access and water supply services) over Reserves C and D.

Dated this day of January, 2000

LESLIE HOWARD ADWORTH

Appointed Officer

Plan with Community Management Statement:

CMS Number: 

Name: 

References:

Dep 33 File

Local Govt. No 33 of 997
Surveyor: 2039-2658/1
28 September 2009

Lord Mayor
Campbell Newman

RE: Application number: A002171615 – Proposed rezoning of Riverfront land from Rural and Parkland to Residential - Weekes Road - Moggill.

Dear Sir,

My name is Anthony Leighton and my address is [redacted] Bellbowrie (which immediately adjoins this proposed development).

I am not opposed to this development in principle. If it is done well it could and should, benefit all stakeholders. However judging from the applicant’s revised submissions (circa 22/09/2009) and Council’s apparent discussions with the applicant, I gravely fear this will not be the case.

Therefore I wish to raise my major concerns re this application with you personally. They are;

- **The Impact it would have on our lifestyle** – Our residence and every other block of land adjoining this proposed development are acreage lots.
  Rezoning this land and subsequently allowing it to be subdivided into residential lots without minimising or eliminating the impact it would have on the lifestyle these properties enjoy should not be allowed.

We currently enjoy uninterrupted views of open, rural landscapes, consistent with the zoning of this land. Our house is entirely designed and positioned to maximise the advantages of the rural area in which it is situated. These views were the main reason we purchased this acreage property (and chose to move into this area) a little over twelve months ago. This proposed development would result in multiple, relatively tiny blocks immediately backing on to, and overlooking our property, within eight meters of our house, completely destroying our views and consequently our semi-rural lifestyle which we enjoy immensely.

The developer has already set the precedent of having to design their proposal around the impact it would have on the views of another adjoining landholder (resulting from a direct request to the Lord Mayor - see page 48 of the 2008 subdivision impact assessment). The impact this development would have on our views is far greater than it would have on the views of this adjoining landholder (owing to the fact that the offending lots were not even attempted to be included in the previous unsuccessful attempt to develop this land).

Accordingly, to substantially reduce the impact this development would have on our lifestyle, I request that all lots to the west of the existing lake be removed from this proposal and be retained as “green space” as it was previously.
- **Flood escape** – Our house is built at the lowest allowable level with regards to the one in a hundred year flood event. It is located on an artificial “peninsula” created by “cut and fill” and proposed lots (57 to 62) immediately behind our house would completely block my family’s only route of escape during such a flood.

The three existing dwellings which border the western side of this proposed subdivision have a very deep gully (at least 10m deep and 70m wide) with a creek, to their immediate west, and the Brisbane river (in very close proximity) to their north and east. If we still live here when (not if) the Brisbane river rises to the 1974 level again, my family’s only escape route will be by foot, up the hill to the south east of our property. Should this proposal go ahead and we end up with 6ft fences on the properties that border ours, and the river rise at night (as it did in 1974), we would either have to attempt to climb over a 3 metre wall (2m fence plus 1m existing retaining wall) in a flood, at night, or wade (or swim) through deeper flood waters, at night, to escape. There is no other route.

This scenario is a very real concern to my family, and their (in particular my children’s) safety should not be jeopardised, so that a developer can eek every last drop of profit out of a subdivision that prima facie is deemed inappropriate.

Accordingly, I request that lots 57 to 62 be completely removed from this development and left as open space. Any proposed compromise that could eventuate in any obstacles (including fences) being encountered during a night escape from our house to substantially higher ground is unacceptable, as we would then have to live with unnecessary worry everyday.

To ensure that this issue has been adequately addressed and there can be no possible confusion over my concern, I specifically request a visit in person from the person/s ultimately responsible for approving this proposal prior to any further progression of it through Council, and a subsequent, timely, written reply to this issue (flood escape) in isolation, separate from any public reply provided in response the other issues raised in the properly made submission I intend to make at the appropriate time.

Note: Should Council rezone this land and this subdivision proceed, the other two families that directly adjoin this development on its western boundary would face exactly the same danger in the event of a flood; however this letter is not written on their behalf, or with their knowledge.
- The opportunity cost to the community – This precious parcel of land is currently zoned rural and parkland, and was previously designated green space to the benefit of the entire community, therefore when assessing the impact of rezoning this land, consideration must be given to the loss of opportunity caused to community residents, both current and future.

Impact on current residents - This land is ideally and uniquely situated to extend the recreation and riverside parkland precinct that begins at Bellbowrie Public Pool, and extends (unbroken) through the Bellbowrie Sports and Recreation grounds to the small riverside parkland called Booker Place (which includes a Riverside Playground, Riverside leash free Dog Park and Riverside BBQ facilities). A substantial extension to this riverside parkland via this development would enormously benefit families of the western suburbs for generations and create a Riverside recreational area that would rival any in our city. Allowing this “revised” proposal through without road frontage to a substantial riverside park would be disgraceful. What is needed is a person in a position of authority to have the vision to see beyond the relative trinkets being offered to the community by this developer and deliver an outcome to the community in proportion to the enormous (almost unbelievable) benefit this developer would enjoy should the progression from green space to residential development eventuate.

Impact on future residents - This land directly borders (to the north and south) the only two feasible locations for a future East-West bridge across the Brisbane River (to either Sumner’s road to the north or Wacol station road to the south) to the Western suburbs. A bridge across the river in either of these locations would immensely benefit the residents of the western suburbs as it would not become a “de facto” western bypass due to its East-West orientation, yet still provide residents with excellent access to the arterial roads (Centenary Highway, Ipswich Motorway and Logan Motorway) in close proximity, but just across the river from this proposed development. This proposed rezoning and subsequent subdivision would effectively represent the end of any possibility of a bridge being constructed in either of these locations as it would enter a residential rather than rural area. Future residents of this subdivision would strongly argue (and rightly so) that a bridge in either of these locations would adversely impact their river views and increased traffic noise and volume would adversely impact their lifestyle.

Accordingly, Council should not rezone this land unless a benefit to the community is obtained which exceeds the opportunities it would forego should this development proceed, and until a final location has been designated for an east-west bridge across the river.
In short, I am not opposed to this proposal in principal, Providing:

1. It does not unnecessarily have a major impact on my family’s semi-rural lifestyle by creating residential lots immediately adjacent to, and overlooking our residence.
2. It does not endanger my family in the next major flood of the Brisbane River.
3. The Western Suburbs Community gets rewards commensurate with the enormous benefit this developer would gain by having this land rezoned and the DA Approved.
4. It is not approved prior to the location of an East-West bridge location being finalised.

These are my major concerns and I feel that things are moving too quick and all developments and decisions may not be being posted online (refer item 13 on page 6, among others, of DTS groups letter of 11/09/2009). I fear without transparency and some commonsense, before I know it people will be nailing 6ft paling fences to our backyard.

Hence this letter, I hope you can help

Yours truly,

Anthony Leighton

P.S. I do intend to submit a properly made submission (through the formal channels) at the appropriate time which will also contain concerns I have regarding the impact this rezoning would have on the abundant wildlife in and around this site, and a potential thoroughfare created (between parklands) through our property as we are unable to fence the front of it due to a driveway easement.
Dedicated to a better Brisbane

24 November 2009

Mr Anthony Leighton, Ms Karen Leighton
BELLBOWRIE QLD 4070

Permit Type: DA - Material Change of Use, DA - Reconfigure a Lot
Description of Proposal: Reconfiguration of a Lot (3 into 91 lots & park & road) and Preliminary Approval to override the Planning Scheme for residential uses
Address of Site: 126 Weekes Rd Moggill Qld 4070
108 Weekes Rd Moggill Qld 4070
Real Property Description: Lot(s) 1,6 on Registered Plan 206168, Lot(s) 3 on Registered Plan 108155
Application Reference: A002171615

Dear Sir/Madam

RE: Your Submission Regarding a Development Application

I acknowledge the receipt of your submission regarding the above application.

The application is presently being assessed and you will be advised when the outcome of the application has been determined.

Please contact me on the telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely,

[Name redacted]
Senior Urban Planner, Development Assessment
Development Assessment West BSQ
Brisbane City Council

Ref: A002171615