

Statement of Witness

Queensland Floods Commission of Inquiry

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

Kathleen Mary WILSON states;

1. I am a [REDACTED] year old woman residing in a low set house situated at [REDACTED] 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 [REDACTED] on [REDACTED] 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.

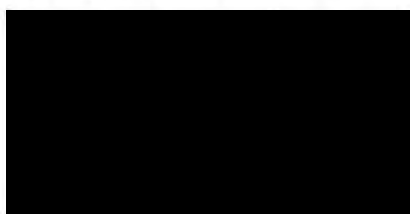
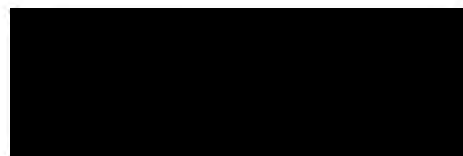
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Date:

12/10/11

JW



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.

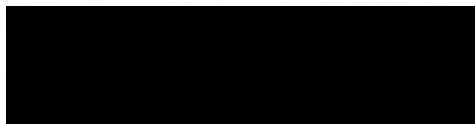
13. His responses to these questions have been provided to investigators at the Floods Commission of Inquiry.

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

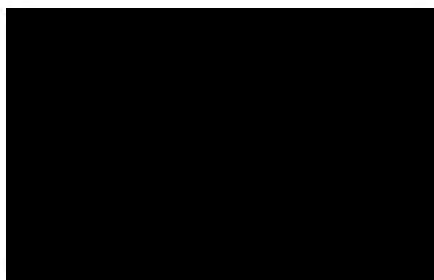
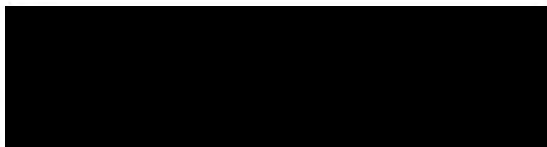
Justices Act 1886

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



SHELLCOT LAKE FLEXES ITS MUSCLE

It's 5 PM now, TUESDAY
DECEMBER 2010. The water around this
home at [REDACTED] SHELLCOT ST. TOOGOOM
seems to have stopped rising. We are
in a lake of water which spreads
from a large drain at the rear of
the property to five paces from the
BITUMEN ROAD to the EAST. This
lake extends from the South of
NO [REDACTED] at NO [REDACTED] and is continuing -
us to within 20-30 meters of the
group of shops in [REDACTED] St to the
Northern end of SHELLCOT ST. I
walked in this lake from South to
North sometimes up to my waist
and at times 6-12 inches deep.

There appeared in
my perambulations to be no
point in the lake where water
could escape other than down
through the saturated sands. One
small dwelling was completely flooded
and the fire & SES people battled
to no avail to keep the water out.
Sheds here and there on the LAKES
Borders were in inches of water. At
places it smelt as if the sewage was
mixing with the floodwater. By 5:30
the flooded shed dwelling was pumped
clear and sandbagged.

During all of
this drama everyone I spoke to who

had tried to contact council services for help with a pump or advice on what could be done to alleviate the problem had not been able to reach Council Staff. All of the flooding could have been helped or avoided with the supply of a reasonable pump. Not one word or person came to look or address the streets problem in this 12 hour period. I personally walked through the lake I have described at the ^{top} height (so far) of the water. My name is [REDACTED]

[REDACTED] and was resident at [REDACTED] Shellcot St at this time

At a low point in the street water from the badly affected dwelling was pumped to the street and drained through a vacant lot toward the seaward dune area. This low point is at the fire and S.E.S. shed and the single lane traffic calming structure. If heavy rain was to come tonight then there is little doubt that the lake I have described will enter a few more homes and sheds as I said there does not appear to be an outlet for the drains constructed in the lake (ie) they fill with water quite nicely and then have no

where to empty into. If some rough
outlet was made at the shop area
then the described lake would at least
not get to a height where it would
enter homes and sheds.



28:12:2010

23 March 2011

Kathleen Wilson
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Hervey Bay Qld 4655

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F (07) 4197 4455
E enquiry@frasercoast.qld.gov.au
www.frasercoast.qld.gov.au

Dear Kathleen

DRAINAGE CONCERN – [REDACTED] SHELLCOT STREET TOOGOOM

I refer to your telephone enquiry dated 14 March 2011 regarding the above matter.

Thank you for making yourself available for the onsite inspection, as a result of that inspection I can make the following comments.

There are several issues occurring on the property:

1. There has been recent development to the rear of the property
2. Two of the roof stormwater pipes are discharging onto the property
3. There is a pit of some description also discharging onto the property

As there are several issues I will address them one at a time.

1. There has been recent development to the rear of the property

The development to the rear of your property was approved by Council with the condition of a drainage easement taken over all the rear properties. The condition of the easement means there can be no permanent construction on or over that portion of land. Additionally it gives Council certain rights of entry to maintain and or reconstruct if required. At this stage there is no evidence that the levels of the drain are incorrect or require adjusting. It was noted that some of the properties have constructed fences and these may be impeding the flow of water through the easement. As these do not constitute permanent works it is not within Councils authority to instruct or direct property owners to remove them. This is a civil matter between property owners.

2. Two of the roof stormwater pipes are discharging onto the property

It was noted that the front down pipe and one of the rear property down pipes are discharging on to the property. This is exacerbating the issue of water ponding on the property and causing the water to build up quickly. If you are unsure you want to direct the water to the property to the rear an attempt to connect the pipes to the kerb with properly connected one-way valves and downpipes may assist the water to be removed from the property. As this is part of the internal drainage it is recommended that you liaise with a qualified plumber as these works are the property owner's responsibility.

3. There is a pit of some description also discharging onto the property

From conversations on site it would appear that one of the roofs down pipes has historically being directed into a grey water tank system which has been decommissioned. This was observed by clear water being discharged from beneath the ground. This water is coming to the surface in the same location as the other water which will also add to any water collecting in the rear of the property. To rectify this you should liaise with a qualified plumber as these works are the property owner's responsibility.

Should you have any further enquiries, please do not hesitate to contact Council's Mr [REDACTED] through Customer Service on 1 300 79 49 29.

Yours faithfully

[REDACTED]
**INFRASTRUCTURE ENGINEER
INFRASTRUCTURE & ENVIRONMENT
FRASER COAST REGIONAL COUNCIL**

Contact Officer: [REDACTED]
Reference: Docs # 2011211



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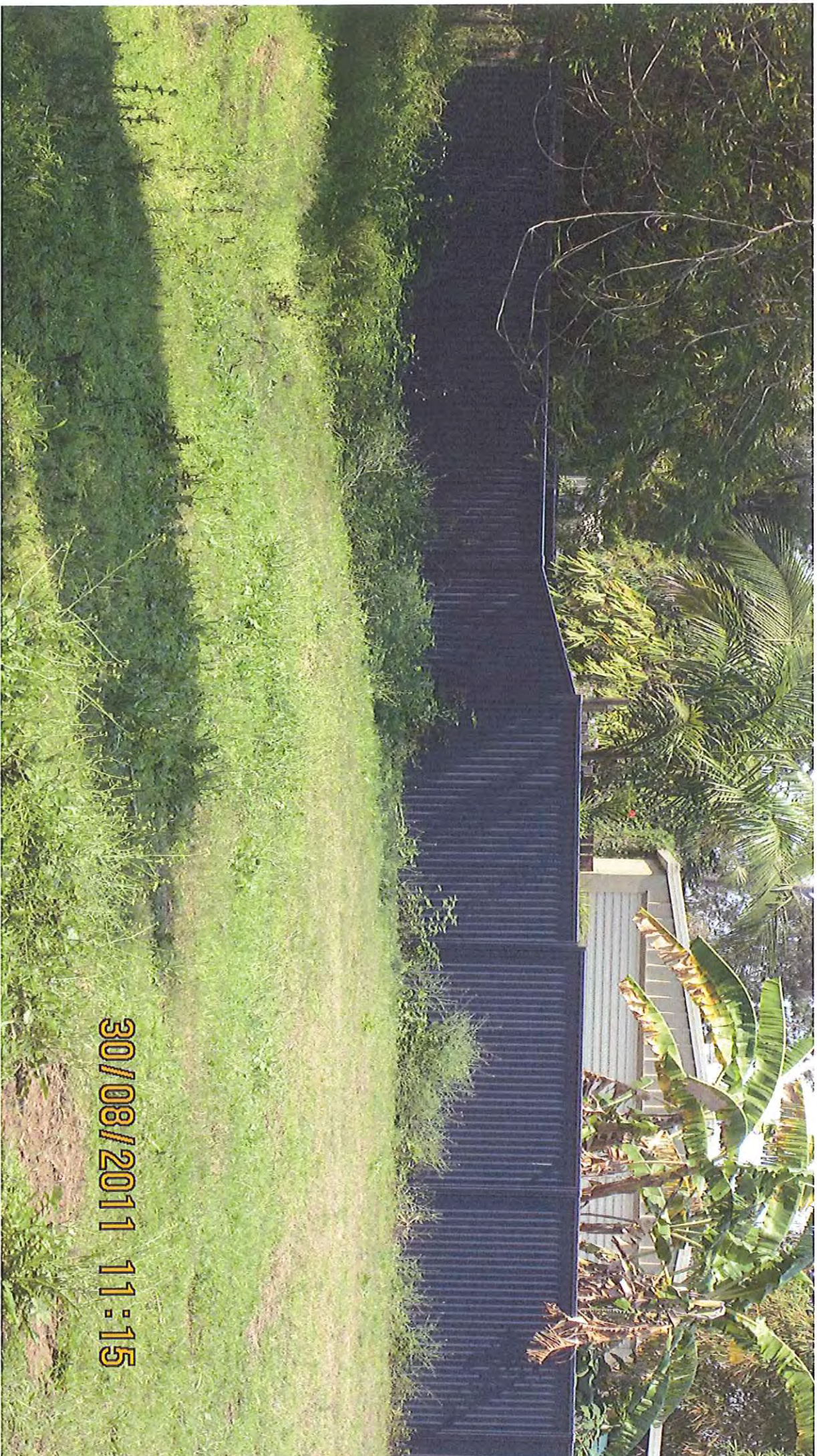
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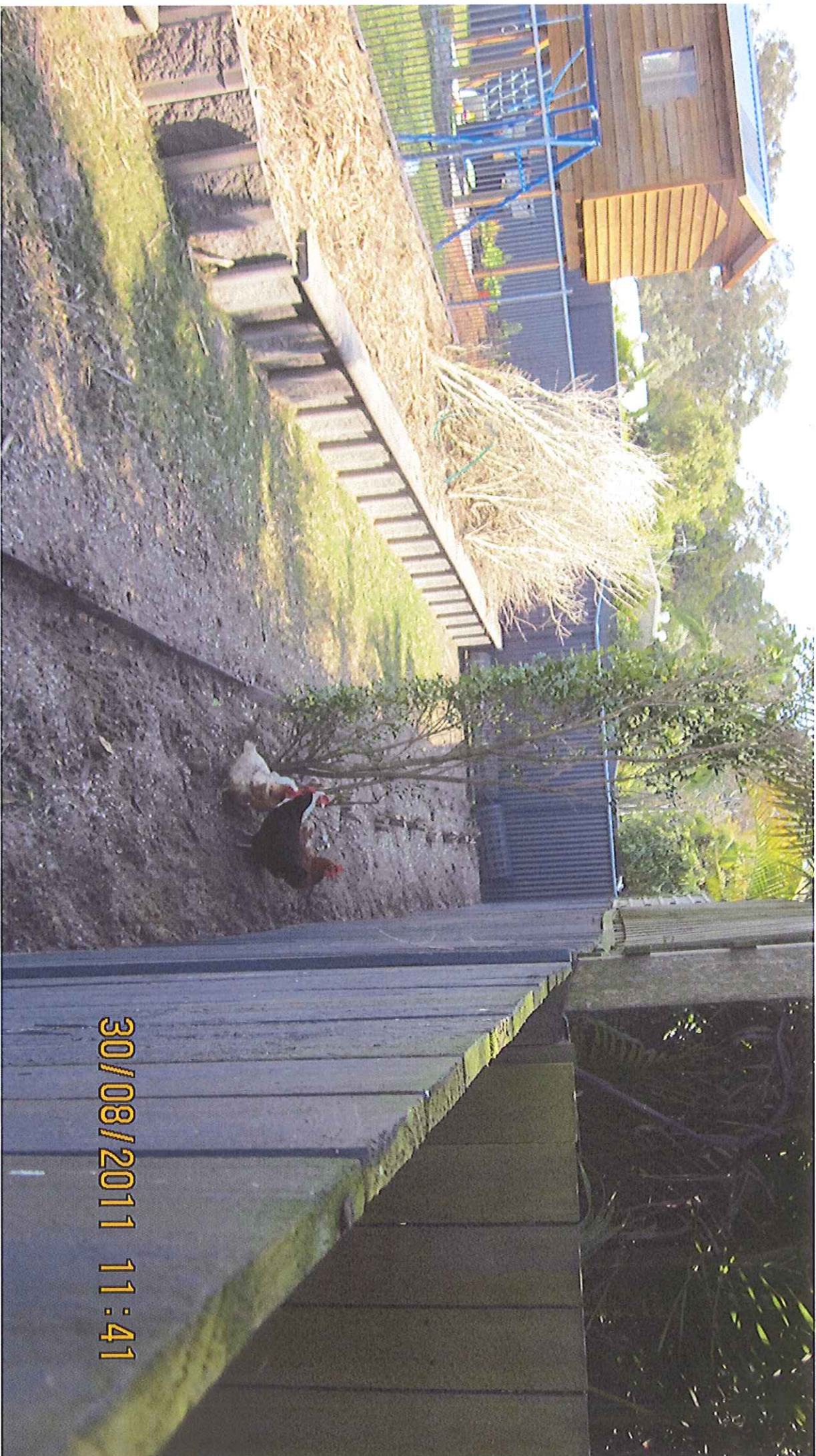
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