

QFCI

Date: 11/11/11 JM

Exhibit Number: 1001

QUEENSLAND FLOODS COMMISSION OF INQUIRY  
STATEMENT OF ROBERT BAIN

I, ROBERT BAIN, Chief Executive Officer, Somerset Regional Council make the following statement under oath as required by the Commissioner of Inquiry [Commission Ref 1750598 - 17/10/11] -

*The status of the Honeywood Fernvale Estate ('Estate') by providing a list of the development applications relating to the Estate that have been submitted to Council and a list of approvals that have been granted.*

- 1. Set out below is a list of all development applications relating to Honeywood Fernvale Estate. The status of all applications is *Approved* -

DA No.	Details	Date of Approval
DA3526	Reconfiguring a Lot ("RAL") – Subdivision (1 into 2 lots)	Original approval 10/11/04
DA3527	Material Change of Use ("MCU") – Rural to Residential Purposes RAL – Stage 1	Original approval 27/04/05 Negotiated decision 14/09/05
DA3796	MCU – Rural to Residential Purposes	Original approval 14/03/07
DA3981	RAL – Subdivision (1 into 3 lots)	Original approval 11/05/05
DA5786	RAL – Realignment of Boundaries (2 into 2)	Original approval 08/02/07
DA6169	RAL – Stage 1 (48 lots and new road) Operational Work ("OP Works") (Stage 1 & 2: road works, stormwater drainage, sewer & water reticulation)	Original approval 12/09/07 OP works approval 02/01/08
DA6194	RAL – Stage 2 (32 lots and new road) OP Works (Stage 1 & 2: road works, stormwater drainage, sewer & water reticulation)	Original approval 12/09/07 OP works approval 02/01/08
DA6224	RAL – Stage 3 (12 lots and new road)	Original approval

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	Request to Change conditions – Stage 3	14/11/07 Request to change existing approval 25/03/09
DA6261	RAL – Stage 4 (31 lots and new road) Request to Change conditions – Stage 4	Original approval 14/11/07 Request to change existing approval 25/03/09
DA7075	RAL – Stage 1 (41 lots) Request to Change conditions – Negotiated Decision	Original approval 19/12/08 Negotiated decision 29/06/09
DA7111	RAL - Stage 2 (45 lots) Request to Change conditions – Negotiated Decision	Original approval 19/12/08 Negotiated decision 29/06/09 Request to change existing approval 09/06/10
DA7186	RAL – Stage 3 (41 lots) Request to Change conditions – Negotiated Decision Request to Change existing approval – Stage 3	Original approval 23/12/08 Negotiated decision 29/06/09 Request to change existing approval 09/06/10
DA7270	RAL – Stage 4 (42 lots) Request to Change conditions – Negotiated Decision Request to Change existing approval – Stage 4	Original approval 19/12/08 Negotiated decision 29/06/09 Request to change existing approval 23/06/10
DA7427	RAL – Stage 5 (28 lots) Request to Change conditions – Negotiated Decision Request to Change existing approval	Original approval 19/12/08 Negotiated decision 29/06/09 Request to change existing approval 23/06/10

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DA7428	RAL – Stage 6 (35 lots) Request to Change conditions – Negotiated Decision Request to Change existing approval	Original approval 19/12/08 Negotiated decision 29/06/09 Request to change existing approval 09/06/10
DA7508	RAL – Stage 7 (32 lots) Request to Change conditions – Negotiated Decision Request to Change existing approval	Original approval 19/12/08 Negotiated decision 29/06/09 Request to change existing approval 23/06/10
DA8836	RAL – Stages 3A & 4A (4 into 17 lots) Clearing Native Vegetation	Original approval 02/09/09
DA9620	RAL – Subdivision (1 into 41 lots and parkland)	Original approval 25/08/10
DA11814	RAL - Subdivision (1 into 4 lots)	Original approval 12/10/11
DA7093	OP Works approval	05/06/08
DA7811	OP Works - Stages 3 & 4 Stock piling of excavated material	03/10/08
DA8518	OP Works – Road works, stormwater drainage, sewer & water main connection	03/07/09
DA8740	OP Works – Stage 2 (45 lots) Earthworks, road works, water & sewerage reticulation	30/07/09
DA8863	OP Works – Stages 2 – 7 Tree Clearing for Subdivision	03/07/09
DA9491	OP Works – Stages 3A & 4A (17 lots) Earthworks, road works, water & sewerage reticulation	09/11/09
DA9732	OP Works – Stage 3 Earthworks, Water & Sewerage Reticulation	01/03/10
DA10407	OP Works – Stage 4 (42 lots) Earthworks, road works, water & sewerage reticulation	24/08/10

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DA10881	OP Works – Stage 1 (41 lots) Earthworks, road works, stormwater, water reticulation & gravitational sewer mains	24/01/11
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*Whether, during the January 2011 floods, runoff from the Estate adversely affected adjoining land, the downstream storm water system, or the downstream built environment and, if so, how.*

2. Run-off from the extreme rainfall event of 11 January 2011 did cause flooding downstream of the Estate. However, it is not possible to state with any certainty that all of that run-off was attributable to the Estate, as the estate is only 31.57% of the catchment and the rest is undeveloped.
3. The extent to which downstream flooding occurred is as follows:
  - a. in relation to adjoining land, drainage path capacity was exceeded and adjoining land inundated ie Woolworths carpark.
  - b. in relation to the downstream storm water system, culverts in Council's roads and Main Roads were not able to cope and drains overflowed;
  - c. in relation to the downstream built environment, hardware stores were inundated, and some houses in Burns Street were inundated.
4. It should be noted that development of the Estate was subject to conditions requiring post-development storm water flows to be no worse than the pre-development storm water flows for a defined flood event which was well and truly exceeded. The rainfall event of January 2011 in Fernvale has been estimated as a Q2000 event. The riverine flooding that occurred has been estimated as a Q500 event, although the Estate was not impacted by such flooding.
5. Council does not believe that it was the design of the Estate that adversely affected adjoining or downstream areas. Rather, it was the extraordinary nature of the rainfall event, which well and truly exceeded the design capacity of the Estate's storm water system.
6. It should also be noted that the extreme event also caused flooding to downstream properties in other catchments in Fernvale that have had no or limited development upstream.

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Whether the specific outcome 'on-site drainage and storm water run-off and quality does not adversely affect adjoining land, the downstream storm water system, or the downstream built or natural environment' was required to be addressed in the development approvals referred to in paragraph 1, and, if so, how the specific outcome was addressed by the development.

7. The specific outcome referred to is SO18 of the Town Zone Code of the *Planning Scheme for the Former Esk Shire* (page 33). The probable solution for this specific outcome is:

*"Design and construction of allotment drainage systems that comply with the requirements stated in Planning Scheme Policy Number 6."*

8. Planning Scheme Policy Number 6 in turn references the Queensland Urban Drainage Manual.
9. Specific outcome SO18 was required to be addressed in the development approvals referred to in paragraph 1 above. Specifically, this was addressed in, for example, DA6169 (at condition 1.29) and DA6194 (at conditions 1.24 and 1.27) as follows -

**DA6169 -**

1.29	Install the following stormwater management devices:	Prior to endorsement of the Reconfiguration Plan
	<ul style="list-style-type: none"> <li>i) Pollutant control devices; and</li> <li>ii) Stormwater detention basin (or equivalent), constructed to ensure that flows, at any point downstream in the catchment, are not increased by the development for any combination of frequency from the storm event with an ARI of 2 years up to and including the storm event of an ARI of 50 years.</li> </ul>	

**DA6194 -**

	<b>Stormwater</b>	
1.24	Provide a Q100 flood study showing the flood line produced for the watercourses through stages 3 and 4.	Prior to Operational Works approval
1.27	Install the following stormwater management devices:	Prior to endorsement of the Reconfiguration Plan
	<ul style="list-style-type: none"> <li>i) Pollutant control devices; and</li> <li>ii) Stormwater detention basin (or equivalent), constructed to ensure that flows, at any point downstream in the catchment, are not increased by the development for any combination of frequency from the storm event with an ARI of 2 years up to and including the storm event of an ARI of 50 years.</li> </ul>	

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10. A further example is DA6261, conditions 1.25 - 1.29 -

1.25	Implement stormwater drainage in accordance with Council Planning Scheme Policy No 6 – <i>Standards for Treatment of Stormwater Drainage</i> .	Prior to endorsement of Reconfiguration Plans
1.26	Where stormwater cannot be discharged to the kerb and channel provide inter-allotment drainage designed in accordance with QUDM.	Prior to endorsement of Reconfiguration Plans
1.27	Implement stormwater management treatments in accordance with the <i>Queensland Urban Drainage Manual</i> so that the following measures are achieved:  i) Stormwater avoids point discharge and is taken to field risers, rubble pits, kerb and channel and Councils stormwater system, ultimately discharging without effecting buildings, causing ponding, erosion or nuisance; and  ii) Stormwater drainage is directed to a lawful point of discharge.	Prior to endorsement of Reconfiguration Plans
1.28	Fill, compact and grade all low lying parts of land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the subdivision.	Prior to endorsement of Reconfiguration Plans
1.29	Obtain permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <b>Note: Such consent may require supporting engineering plans and calculations.</b>	Prior to commencement of Operational Works

11. A further example is DA6224, conditions 1.24 - 1.30 -

1.24	Implement stormwater drainage in accordance with Council Planning Scheme Policy No 6 – <i>Standards for Treatment of Stormwater Drainage</i> .	Prior to endorsement of Reconfiguration Plans
1.25	Where stormwater cannot be discharged to the kerb and channel provide inter-allotment drainage designed in accordance with QUDM.	Prior to endorsement of Reconfiguration Plans

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1.26	<p>Install the following stormwater management devices:</p> <p>i) Pollutant control devices; and</p> <p>ii) Stormwater detention basin (or equivalent), constructed to ensure that flows, at any point downstream in the catchment, are not increased by the development for any combination of frequency from the storm event with an ARI of 2 years up to and including the storm event of an ARI of 50 years.</p>	Prior to endorsement of Reconfiguration Plans
1.27	<p>Fill, compact and grade all low lying parts of land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the subdivision.</p>	Prior to endorsement of Reconfiguration Plans
1.28	<p>Obtain permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.</p> <p><b>Note: Such consent may require supporting engineering plans and calculations.</b></p>	Prior to commencement of Operational Works
	<b>Easements</b>	
1.29	<p>Provide an easement in accordance with Shire of Esk Planning Scheme Policy No 6 – Standards for treatment of Stormwater Drainage, over stormwater drains, water mains and sewerage rising mains located within private property.</p> <p>The easement is to be dedicated at no cost to Council.</p> <p>The proponent shall prepare all easement documentation, in a form satisfactory to Council's Solicitor.</p> <p><b>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</b></p>	Prior to endorsement of Reconfiguration Plans
1.30	<p>Dedicate land subject to flooding during an ARI 100 year flood event or land required for detention basins or similar as an easement for drainage purposes. The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all easement documentation.</p>	Prior to endorsement of Reconfiguration Plans

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Whether, following the events of the January 2011 floods, Council will condition any development approvals within the Estate differently from pre-January 2011 flood approvals to ensure the specific outcome referred to in paragraph 3 is more adequately addressed.

- 12. Council believes that specific outcome SO18 has been adequately addressed by existing conditions. However, if standards are to change, Council will implement recommended changes.
- 13. Council will condition all future development approvals in accordance with its current Planning Scheme, future Planning Schemes, any recommendations made by the Commission of Inquiry, and / or any other legislative changes.
- 14. It should be noted that flooding occurred in Fernvale in other undeveloped catchments, both as a result of a Q2000 rainfall event and a Q500 riverine event. Such flooding occurred irrespective of whether there was development of a subdivision similar to the Honeywood Estate upstream or not, and it would be neither practical nor feasible to require development to be designed to cater for the scale of events that occurred in January 2011.

Sworn by ROBERT BAIN at Esk in the State of Queensland this 28<sup>th</sup> day of October 2011 in the presence of:

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Deponent

[Redacted signature]  
A Justice of the Peace



[Redacted signature]  
Deponent

[Redacted signature]  
A Justice of the Peace

