

# Transcript of Proceedings

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THE HONOURABLE JUSTICE C HOLMES, Commissioner

MR JAMES O'SULLIVAN AC, Deputy Commissioner

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IN THE MATTER OF THE COMMISSIONS OF INQUIRY ACT 1950

COMMISSIONS OF INQUIRY ORDER (No. 1) 2011

QUEENSLAND FLOODS COMMISSION OF INQUIRY

IPSWICH

..DATE 19/10/2011

..DAY 49

THE COMMISSION RESUMED AT 10.04 A.M.

COMMISSIONER: Yes, Ms Wilson?

MS WILSON: Madam Commissioner, Ms Kefford will be taking the first witness today. I call Carl Wulff.

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CARL CHRISTIAN WULFF, ON AFFIRMATION, EXAMINED:

MS WILSON: Is your full name Carl Christian Wulff?-- That's correct.

You are the Chief Executive Officer of the Ipswich City Council?-- I am.

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And you have held this position since 2006?-- Correct.

You are a qualified engineer?-- Correct.

And you have provided two statements to the Queensland Floods Commission of Inquiry, the first dated the 2nd of September 2011 and the second dated the 13th of October 2011. Can you have a look at these documents, please?-- Yep.

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Are those your statements?-- They are.

In relation to the first statement, you have now provided to the Commission an updated version of exhibit number 12?-- That's correct, this morning.

Yes. Can you look at this document?-- Yep, that is the document.

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Madam Commissioner, I tender those two statements. Perhaps if the Exhibit 12 can be included in the first statement?

COMMISSIONER: All right. The first statement incorporating Exhibit 12, the updated version, will be 853.

ADMITTED AND MARKED "EXHIBIT 853"

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COMMISSIONER: The second statement will be Exhibit 854.

ADMITTED AND MARKED "EXHIBIT 854"

MS WILSON: You have also provided another statement in relation to the State Emergency Services?-- That's correct.

We will get that statement as well and we will tender that in the proceedings at a later stage. Now, if you can get out your first statement? And if I can take you to paragraph - it is paragraph 41?-- I have that.

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I understand the State Government has provided some additional funds?-- Not on top of what they've got in 41. That's all we have so far.

Okay. There is no additional funds that have been provided by the State - to your knowledge?-- We have had two payments from the State.

Yes?-- Both are covered in statement 41.

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Okay. Your first statement, dated the 2nd of September, tells us about the damage caused to the city infrastructure by the floods and gives us an estimate of the repair and reinstatement of costs. At paragraph 80 of your first statement, you refer to the council's approach to the restoration of council's assets?-- Correct.

And it is to reconstruct them from materials which will enhance the resilience of the assets to withstand the effects of inundation in future events?-- That was a deliberate strategy from day one.

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From day one after the floods?-- That's correct.

One of the examples you give is road pavements being reconstructed at a full depth asphalt pavement rather than a granular base?-- That's correct.

Is there any other examples in terms of infrastructure being built out of more flood-resilient materials?-- Why I used that one because we were at that point we were focussed on road reconstruction. Since that time we're now moving into the building reconstruction, so our buildings historically would have been timber frame, for public buildings in a flood zone, but in future what we will do is we'll have concrete block core filled with concrete so they will be much more resilient. We won't have timber-framed material. All the materials we use inside the buildings will be - as far as possible be able to withstand inundation. So all of the buildings we build in the flood zone from now on will be focussed on that sort of approach.

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So when floodwaters recede, you can hose them out and work can carry on?-- Well, yeah, simply it wouldn't be that; there will be some restoration work but it would be much less costly than our current approach.

The next paragraph you refer to the council's approach to

"constructing or reconstructing future assets located with an inundation zone", and that follows on from what you've just been talking about?-- That's right. 1

I am just interested how the inundation zone is determined?-- Well, we will look at anything that was flooded in the '74 flood when we're building a public asset.

So anything flooded in the '74 flood and anything flooded in the 2011 flood?-- That's correct. 10

And that - is an inundation zone prescribed in any document with reference to-----?-- It is not prescribed in a document. We have the extent of the flooding documented, so we know areas that are flooded, we know the depth of the flooding, and we will take that into account when we're building infrastructure in the future in those areas.

And that's a council's policy from now on?-- That's not really been enshrined in the policy but it is certainly our practice, and we will probably enshrine it in the policy around our capital works program. 20

Does it need to be put in a policy - formalised in a policy?-- It probably needs to be in a policy in the longer term for - our memory is very good at the moment because we've just gone through the event, but, as years go by, memory fades, and I think those things may need to be enshrined in a format so that future people in the organisation are aware of what it is there for and why it is there. 30

Just to follow on from building in more flood-resilient materials, you refer to the caretaker's residence and kiosk at Colleges Crossing, and that was built in a way that could be quickly dismantled and removed from the site. Can you give us any more details in relation to how that was constructed?-- Well, actually, there was two buildings at Colleges Crossing. There was a kiosk and the caretaker's cottage, both designed in a way they could be dismantled, pulled on to a truck and taken from the site. So they were built that way some years ago with the knowledge that Colleges Crossing does go underwater substantially. The other example that comes to mind is Riverheart Parklands on the Bremer River at the CBD, where we've designed that with - it has some electronic components in it for light shows, but that's designed so when we know flood is coming, we can extract that technical equipment, take it away and then reinstall it after the flood event. There is also some fencing material there that's designed to be laid down so it doesn't get knocked over in the flood, and we just stand it back up afterwards. 40 50

The caretaker's residence and the kiosk at Colleges Crossing, was that dismantled so that it didn't get flooded?-- Oh, yes, we took that away on the Monday before the flood.

And was there a trigger for when you knew that you should now actually be dismantling those structures?-- Well, Colleges Crossing goes under very quickly, so we know if we get flood

level indications of a certain level, that we - as a precaution we should be taking those away.

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How long does that take?-- That takes the best part of a day to put all that together, disconnect the electricity, bring in vehicles, take those things out. So it takes about a day. It is not something you can do at the last minute.

COMMISSIONER: Do you get advice from the Wivenhoe operators to tell you you better get it out of there or-----?-- No, that's just sort of local, common knowledge of experience at Colleges Crossing. We know when that's going to go under. It was under by something like 10 or 15 metres in the height of the event, so it goes under quite often. So that was designed with that in mind.

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MS WILSON: What's the time-frames that you've got to know that - when you believe that it will go under? What sort of time-frames? What sort of warning time-frames have you got?-- That will depend on the event, but in this instance, by the time we got to Monday, we knew that the river was rising and it was likely that Colleges Crossing was going to go under. We normally would have enough time to take it out. In my experience, it has only happened once in the time that I've been at Ipswich. So it is not - it is not a common occurrence that we actually take those things out.

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So it is not exactly a mobile structure; it is something to be taken out in extraordinary events?-- That's right. It is not something you just hook on to a truck and pull away, but it is designed so it can be extracted and taken away.

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If we can keep on moving through your statement, at paragraph 86 you refer to the "Ipswich City Planning scheme including a level of requirements in areas such as engineering and building standards that must be adhered to, and these standards apply to council infrastructure." The standards apply to council infrastructure and all other infrastructure?-- We don't treat ourselves differently to anybody else. We apply the same standards that we expect of everybody else.

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Are building standards included in the planning scheme?-- I think you are probably best asking a planner those questions.

Okay. Were you aware of a letter that was sent to the Department of Local Government and Planning by the Ipswich City Council talking about - referring to building codes and where they should be appropriately placed; whether it should be placed in the planning scheme or being a separate building code?-- I don't have an awareness of that. I mean, that would be the head of the Department of Planning could have made that approach in what we do in terms of trying to improve our documents on a regular basis.

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Have you got a view where such specifications and requirements should be placed? Should they be placed in a separate building code or should they be as part of the local council

planning scheme?-- Well, I think there is a lot of things in the building codes, and if you start mixing building codes and planning codes I think there is an opportunity for confusion about where you go for the right information. Because when you - if you're doing something that requires planning approval, you are looking for planning information. And if you're looking for something when you're doing a building, you are looking for building information. I think to mix the two together would probably be a bit of a confusion, depending on what might be put in the planning code, if there is a relevance - and I am not an expert planner, so-----

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These questions are better directed at a planner?-- Yeah, I think - if you wanted a technical, professional opinion on planning, that's probably the best way.

Now, you refer in your statement to levees and we can find that at paragraph 102 of your statement. You note that there are no levees within the Ipswich City Council's area?-- That's right.

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Council has commissioned a study to examine the feasibility of constructing levees?-- In certain locations, yes.

Can you give us an idea where those certain locations are?-- Well, there is probably the glaring example of a possibility, depending on cost and other issues, is in the area of Marsden Parade in the CBD. In the flood event, the Coles supermarket there was national news because that went up to the roof. That is a very small pocket that is inundated through a break in the railway line, a bridge structure. Now, there is a possibility that that could be an effective way of protecting that area of the CBD using some sort of levee structure and flood gate. So we're doing some investigation on that to see whether (1) is it feasible, (2) is it cost effective, and whether that's something that's worth pursuing. So Parsons Brinckerhoff are doing some initial assessment of the feasibility around that.

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And can you give us any time-frames about when such a study would be completed?-- We should have some indication from them before Christmas, about the feasibility of that location.

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And are there other locations that are being considered?-- That's the only one, I think, from my view, that has real merit. Levee banks are engineeringly possible but they have a whole lot of other ramifications that I think will take a lot of time. I know that the Wivenhoe and Somerset Dam Optimisation Study is looking at some of those. I sit on that Steering Committee, so we will look at some of those levee options and see what they entail and how they impact on the rest of the river behaviour.

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Where are those levees being considered?-- Well, they are not yet. The Steering Committee for that optimisation study won't receive its first drafts from the technical committees until the next - early next month.

And at what stage will locations be put down on paper and considered?-- I - I wouldn't like to speculate on that.

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It is just a concept?-- These are very complicated structures and have far-reaching implications on - you know, if you move the water from one spot, it is going to go somewhere else. So they are not a simple, short-term fix.

So in terms of the work that the Steering Committee is doing, it is really looking at a concept to be considered and working through those complicated issues?-- That's right, and to make some recommendations to the State Government on a way forward.

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Okay. You highlight in paragraphs 110 to 112 in your statement that Ipswich is an old city and some of the road systems were designed and laid out without regard to modern run off?-- Yeah.

And without regard to overland flow path practices, the result being that in some of the city's older areas, excess stormwater in a major event flow through private property instead of being dispersed on to the road system. That's the problem that you've identified. One of the solutions to that problem that you've noted is to resolve this issue by acquiring the affected properties to create an overland flow path. Is that, effectively - we've heard the term buyback scheme. Is that a part of-----?-- Yeah, it is a - there are a number of ways to fix these problems - and this is a national issue; it is not just peculiar to Ipswich. There is a number of ways to fix these problems, either through underground drainage, if that's possible, installation of detention basins, or in probably extreme cases, the purchasing of the properties to create an overland flow path.

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In terms of - to solve this problem or to go to some way to reducing this problem, what solutions are on the table at the moment for the Ipswich City Council?-- We have at the moment 27 flood studies underway to identify-----

And you have referred to those in your statement?-- Yeah, I have referred to those in the statement. Out of those studies will come what is possible and what is the cost of those solutions. Now, some of those will be - some of the key ones will be completed by Christmas. Some of the others will run into the early part of next year.

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And will those flood studies provide recommendations for flood mitigation mechanisms?-- They will provide options and the cost of those options, and then it is an assessment of how do you budget and provide for the realisation of those options.

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So at the moment all options are on the table and then the - these studies are working through the options which best suit any particular location and area, and then there is cost benefit analyses also to be made?-- All possible options will be considered in the flood studies and then the feasibility, cost benefit analysis, and end result.

The flood studies that you've been referring to, are those ones that are set out in paragraphs 119?-- That's correct, and also in 123.

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And it goes on. There are two - there are two categories of flood studies: the catchment studies and then subcatchment studies. One is more macro and the other one is in more detail?-- That's correct.

You touched on this just before, but how were the locations of these catchment studies determined?-- Oh, these would have been determined from just the catchment itself, which is where the water falls and runs, and also from the historic understanding of where we've had problems in the past. Most of these were actually underway before the flood in January. So it is not a reactive approach, this was actually a proactive approach by the council to do this, understanding some of the history of what's happened in the city in years gone by.

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You have provided a catchment study status at attachment 9 of your statement. If I can just take you to that attachment? And, really, this is just a progress sheet of how these catchment studies are moving along, is that the case?-- That's correct.

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If we can look at, say, the first, which is Walloon, and we will see that study is well advanced. There is a flood model already established. You are "awaiting input from the major developer in the area, Benchmark Group, for their preferred solution"?-- I think that's actually moved on since then.

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Okay?-- So-----

Well, in relation to these flood studies, what involvement do developers have in providing their solutions?-- Well, that will depend on the catchment. This one is specific because there is a large tract of land that Benchmark have which is flood prone and we need to understand how they are going to treat that, because the impact of that will have an impact on the downstream solutions. So that was a little unusual but key to that specific catchment study.

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In terms of, say, the Walloon catchment study where you have a developer that the council is working with, who bears the costs of providing the solutions in that area?-- Benchmark Group bear the costs of the solutions for their own subcatchment which they are working on, and then we would feed that into our overall solution. But fundamentally, a developer's responsibility is not to increase the amount of downstream run off in terms of rate of run off. So whatever they do on their site is not transferring their liability to the public arena downstream for us to fix their problem. They need to control their problem on their own site and we need to know what that is so we can understand that it works and how we feed that into our overall solution.

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I will take it now to a hypothetical level, take it away from

the study, but if a developer, in an example like we've been talking about, provides a solution, what regulation does the council have to prescribe that that is an acceptable or non-acceptable solution?-- It is part of our development approval process. We won't approve a development unless we feel they have adequately addressed the issue of flooding and stormwater run off on their site.

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And how does that feed into the greater catchment flood study? So the solution the developers provide - maybe, for example, putting levees around their site - then how will that feed in to the greater catchment flood study?-- We would usually encourage developers to use the same hydraulic modelling system that we're using, so the information can be just completely loaded into the same model, so we can manage that in that way. So we would feed the data from their information into our information to see how that impacts.

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For example, if the solution was a levee, then you would feed the data of that into your own-----?-- That's correct.

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Your own flood study - your own flood model?-- Yes. That's why it is important they use the same sort of flood model because they all have inherent idiosyncrasies in the model themselves.

And is that - is that mandatory, that they have got to be working off your model?-- Pretty much, yes. We encourage them to do it, otherwise it is going to create delays for them. So it is much better for them to use the same modelling system.

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One a development is approved and once their flood mitigation infrastructure is in place, whether it be a levee or a detention basin, is that then included in your own flood model? So that flood model takes into account that development and whatever structures are in place on that development?-- If they put physical assets into the catchment, yes, that's built into the model.

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So if another development is built in that catchment, that is taking into account previous development up or downstream?-- That's right. It is an accumulated practice of adding in parts of assets in the catchment.

Is that a difficult process to do, to keep on updating the model as further developments-----?-- Not really. If they use the same model, it is very simple.

That's why it is very important-----?-- That's why it is important to use the same model.

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For everyone to be on the same page?-- Yeah.

Okay. If we can move on to paragraph 128, and you refer there to flood and drainage mitigation studies. That's in addition to the catchment and subcatchment-related studies. And then you set out the four studies. Do you see that?-- Yes.

"The Citywide policy development, that is integrating all of the catchment studies and overlaying this with the development of a related investment strategy and policy direction."?-- Yeah.

I don't really understand that. Perhaps if you could assist me and tell me what that means?-- It is an overarching component in terms of high level policy and understanding. A lot of these studies are very site specific and catchment specific. We don't write policy documents for every catchment, so we need to have a high level document that takes into account all of the information that we've gleaned from the different studies and transpose that into a Citywide policy document.

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So is it the case there will be one flood study - one flood model that you can be able to look at how each catchment may impact or not impact other surrounding catchments?-- Not necessarily. There will always be a number of models because each catchment is discrete, but the policy position of the council has to take into account a common base that is applicable across the whole city. So we're not saying to a developer, "If you're developing here, this is the policy position. But if you're developing somewhere else, the policy position is different." So this is feeding all of that information into a single policy that we can give to a developer, or anybody else who wants to use that, to say, "Here are the principles and requirements of developing in the city of Ipswich."

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And those policies will apply to every catchment?-- Absolutely.

Standardised policies?-- Yes.

That applies to every catchment?-- Yes.

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Is there any flood model that the Ipswich City Council does have that takes into account all of the catchments?-- Not, not - I'm not - I don't think that's possible. You would have to have a model that models the Brisbane and Bremer catchment combined, which is a very complex river system, and probably too complex for a model if you wanted to use it for practical purposes.

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Too complex to be - for practical purposes?-- For - in a single sub-catchment location.

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And you're looking at - say if you are looking at a development-----?-- That's right.

-----that is being proposed in a catchment, then you would be saying that having such an overarching flood model would be too complicated to really have any relevance to that development?-- To that location.

Does - that would be for a single development. What if you were looking - if you were just wanting to understand, is there a need to understand the impact of all of the catchments upon each other in this area?-- But the way that works is understanding the river catchment of the Bremer and the Brisbane, which are interlinked, and to some extent that is what the optimisation study is doing with the State and a whole - a number of other agencies, including Brisbane and Ipswich, in trying to come to grips with that because it is a very complex catchment.

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The other study is the Flood Risk Management Briefing Paper. Can you tell us about that?-- That's really to have a look at what are our risks and how do we deal with those risks and, as I said, some of those we are already dealing with in terms of resilience of assets and how do we transpose that into a policy position with the council at a future time.

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And the flood damage curve?-- Flood damage curve is - indicates the greater the flood, it indicates how much risk we have to assets as the flood level grows. So if it was 10 metres instead of 20 metres, what's the impact on our assets.

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And then the Springfield flood impact assessment?-- Springfield is a specific catchment which is a big - a large development area. We are revisiting that whole flood study there in by - there's a number of lakes that have been built in that catchment which - we think we just need to go and revisit the whole of that and then determine whether what's there now is working properly or whether there's any additional things we need to do in the future as that residential catchment develops.

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Why do you need to revisit it when you've got a flood model that this sort of data should be imported as the development is progressing?-- A flood model is a theoretical model that inputs in advance. I think it's always wise to go and check, when you've built something does that now fit the theory that

you had at the beginning so that's what we're doing at Springfield.

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And if it doesn't?-- If it doesn't then we've still got opportunities in Springfield as a developing catchments to make those adjustments.

And what sort of opportunities would they be?-- Well, we have a number of locations where we have detention storage capability.

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So it's detention basins?-- That could be one of the solutions. It might be different pipe sizes in another location but there are substantial opportunities for us to go back. If it is - doesn't fit what we think it was going to be there are substantial opportunities for us to go back and make those adjustments or we might find that it's actually - we've overdesigned it already.

And does that occur for every development, that-----?-- Well, Springfield is a very specific single masterplanned community so it's had a - you know, everything's been designed and developed from day one in terms of water, sewerage, stormwater detention systems, road systems. It's a very - quite a unique development. We don't have any other developments like that at the moment. Ripley Valley in the future might be like that but it is a very unique development in, not only Ipswich, but in Australia.

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And because of that uniqueness, that's why you said there is an opportunity to go back?-- No, the opportunity is it's been developed as a masterplanned community, whereas we don't usually have the opportunity to develop a population base of something like 85,000 people in the future in an initial go. Normally that would be incrementally-developed in different parts and pieces. This is a masterplanned, single, stand-alone development that we have the ability to retest and adjust if we need to, and that's why that review is being undertaken.

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Can I now show you a report that is dated August 2002. It's prepared by Fisher Stewart and it's titled "Natural Disaster Risk Management Studies Program". It was provided to the Commission pursuant to a requirement in September 2011. You are familiar with this report?-- From yesterday, yes.

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You've had an opportunity to read it?-- I've had a look through it, yes.

This report was produced as part of the third stage of the three step risk management process undertaken by the Ipswich City Council?-- That's my understanding, yes. As a response to the natural disaster management.

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Stage one involved identifying the impact of potential hazards and reviewing treatment options? Is that right?-- Yeah.

When we are talking about "treatment options", what does that mean?-- Well, treatment options are the same thing we've talked about previously - levees, detention basins, upscaling stormwater pipe sizes, although this document talks about much more than just flood-----

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Yes?-- -----it talks about bushfire and other risks.

And obviously we're interested in the flood component?-- Yes.

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Stage 2 involved, "the completion of hydrological and hydraulic studies for the non-urban areas of Ipswich, a detailed flood vulnerability analysis and flood mapping for the whole city," and, finally stage three, which I think is this document here, is - involved, "further risk treatment studies as required for development of options to reduce unacceptable risk and the preparation of reports". So we're looking at the stage three document, are we?-- That's correct.

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Now, if I can just take you to some parts of this document. We are just going to get that document on the screen, but while we're waiting for that I can take you to some parts of this document. If we can go to the introductory section of the report and turn to page marked "v". Can you - at the bottom of the page, "of the risks posed by these hazards the greatest risks are posed by flooding. Studies determined that of the population of 126,853," which looks like it came from 19 - we've got it - the 1996 consensus, it sets out how many people will be flooded in various events, flood events. Do you see that?-- I have - know that.

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And also it goes over the page and refers to the 1974 flood and if a repeat occurred there. And if we can now turn to page 19 of that document - 19-20 of that document. It starts at 19 but if we can go to page 20. It gives an estimate of the number of properties which will be flooded by the suburb. Do you see that?-- Yeah.

Goodna - and it sets out an estimate of the number of buildings flooded in various floods as per the 20 year flood up to the hundred year flood. Can we see Goodna at the top of that list and we also see Ipswich some way down. Now, why I'm interested in this - these figures and information contained here, are you familiar with the South East Queensland Regional Plan 2026?-- I am.

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And part of that plan is to - it refers to, "for Ipswich the subregional narrative continues to acknowledge Ipswich City and Springfield as the principal regional activity centres and also Goodna and Ripley as major regional activity centres. The targeted population for the Ipswich local government area has been increased substantially to 435,000 by 2031," and this information is summarised and contained in the second submission provided by the Ipswich City Council to the Commission. And it talks about Goodna as a major activity centre and as seen as complementing the principal regional activity centres of Ipswich and Springfield. Now, Goodna and

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Ipswich suffered flooding during the events of 2010/2011?--  
Some parts of them.

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Some parts. I'm just interested whether the Ipswich City Council, to your knowledge, and the Department of Local Government and Planning have been in discussions taking into account the flooding that occurred in this area this year in relation to what is proposed in the South East Queensland Regional Plan?-- Not to my knowledge we haven't at this point in time. It's probably - some of the work is undertaken - happening at the moment with the optimisation study, the feasibility of levees, the other sub-catchment and catchment studies. I think we need to have that information before we can be fully informed about what, if any, changes to the regional plan need to be undertaken.

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From your knowledge of the flooding that occurred in this region, this area, do you think that any changes do need to be made to the South East Queensland Regional Plan?-- I think it would be premature for me to sort of speculate on what changes would need to be made in the absence of any understanding of what the options are to make - undertake protection to those places that were flooded. As - the example I used before in terms of Ipswich CBD and the possible levee and floodgate, that alone would protect all of the CBD of Ipswich that was flooded on the south side. So I think it would be premature to start saying we need to change the plan without having an understanding of what the options are.

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But perhaps that is something that needs to go on to the table for consideration, along with all of the other matters that the Ipswich City Council needs to consider following the flood event?-- And that's exactly what we're doing in terms of gathering the technical information and understanding what the options for protection of those areas are.

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I will take you to some of what is referred to as the "treatment options" that are recommended in this report to mitigate damage from flooding, and we can see those at page 35. The "Treatment Options - Prevention Measures" are set out there. One of the options is that the new town planning scheme should include measures to reduce the risk of flooding by limiting further development within the floodplain. And it sets out those matters there. Now - do you see that?-- Yep.

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Are you aware whether the council considered these options when they were - when they were reviewing their planning schemes? There was a new planning scheme, as I understand it, in 2004 and in 2006?-- Probably before my time.

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Okay?-- I would be reluctant to say. I'm sure they did but I think that's a question best directed to the people who are available to you and who were actually involved in that planning scheme.

Well, you work with a planning scheme now. You're across the Ipswich planning scheme now?-- The planning scheme now is the Q100 line so I'm sure that they had cognisance of some of

these. As I say, I would assume they did but I'm not personally aware of how - what the process was or what they took into account at that point in time.

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By looking at those options that are set out there do you understand that these options are included in the present planning scheme?-- Certainly the hundred year event, the Q100 line is our planning scheme, so the recommendation here talks about the one-hundred year event.

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Did you have any input into the Temporary Local Planning Instrument that came into force this year?-- I couldn't say I had actual input, no. We had very competent planning staff who managed to come out with a very appropriate TLPI.

Some of the matters that are set out here, for example in the town planning scheme is, "developments should also take account of access to and from the area during flood"?-- And that's what we do in our current - as we heard yesterday from one of our planners in terms of the route away from the Chubb Street development, that's taken into account in the development process.

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And also levees is regarded as another option that was considered in 2002?-- Levees are always an option but there are not many levees in cities in Australia.

Well, I was just wondering whether you could assist that - were they considered in 2002 or the years following and seen not to be appropriate?-- Well, I'm not aware that there's been any serious consideration for a levee in any location, apart from the fact that we are now doing those as apart of the catchment studies we are undertaking at the moment.

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So it was not considered then but it is considered now?-- I don't know if it was considered then I wasn't here, but I'm just - all I'm saying is that we are considering it now but they are not - levees are not the easiest piece of infrastructure to realise.

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Madam Commissioner, I'll tender that August 2002 Natural Disaster Risk Management Studies Program.

COMMISSIONER: Exhibit 855.

ADMITTED AND MARKED "EXHIBIT 855"

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MS WILSON: Your second statement addresses the Online Mapping Flood System?-- Yes

And I understand that was launched on Monday?-- It was.

And is it the case that members of the public will now be able to download maps identifying the 1974 flood extent and the

2011 flood extent?-- As it specifically relates to their property or any other property they want to plug into the system.

1

And that's at no cost?-- That's at no cost.

And there also is a map with interpreted data that, is it the case, you can actually at any given time put in your property and see where the flood levels are?-- No, not yet, that's stage two, which we intend to pursue in the next 12 months, so that you can actually see what's happening in real time.

10

So it will be real time data being put into that model and so a resident can see at any given point in time where the floodwaters are?-- That's the intention-----

That's the intention?-- -----has some funding issues around it but that's - the model has been built to allow that development to happen and we will be trying to - pursuing that over the next 12 months.

20

So is the only thing that's really stopping that is funding?-- Funding is going to be an issue but I don't - we will look for a way to overcome that but I can't - I couldn't guarantee to the Commission in 12 months' time that that model will be operational.

I'm just interested, the IT people are telling you, "Look, we can do this"?-- They can do it, yes.

30

"this is possible"?-- It is real.

It is real-----?-- Yes.

-----this is possible-----?-- Yes.

-----at any given point in time in the day during a flood event a resident can see - if their electricity is on-----?-- Yeah.

40

-----how their property - where their property sits in relation to floodwaters?-- That is our objective, yes, and it is not a fanciful objective, it is a realisable objective.

Are you aware of the maps produced by the QRA?-- I can't say - I may have seen them but I'm not sure. I've seen a lot of maps in the last nine months.

The maps that have been released by the QRA in the last month or so, have you seen those maps?-- No, I don't believe I have.

50

Just in terms of site specific modelling, is it feasible to incorporate site specific modelling into overlay maps?-- Into overlay maps?

If-----?-- You can incorporate the impact of flow lines and depths into an overlay map but you can't incorporate all the detail in a hydraulic model into an overlay map.

Thank you, Mr Wulff, they're all the questions I have for you. I think others may have some.

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COMMISSIONER: Ms McLeod?

MS McLEOD: I have no questions, thank you.

COMMISSIONER: Ms Brasch.

MS BRASCH: Briefly, thank you, Madam Commissioner. If the third - Madam Commissioner, third statement of Mr Wulff is to be tendered with respect to the SES the State would like to reserve its position on that and if there's anything in it deal with it by way of statement or submissions or answers.

10

Mr Wulff, could I take you back to your first statement. If you could turn up paragraph 41, please. Now, there's the \$20.7 million figure there and that was a payment - it's correct, isn't it, that was a payment for NDRRA from the Queensland Reconstruction Authority?-- That's correct.

20

And there was a second payment, perhaps at the time you were finalising your statement, this first statement, it's correct, isn't it, that the council received a second payment, again NDRRA, through the Queensland Reconstruction Authority of \$13.1 million on the 31st of August?-- That's right.

30

Thank you. Thank you, Commissioner.

COMMISSIONER: Mr Flanagan?

MR FLANAGAN: I have no questions for Mr Wulff but we have updated, Commissioner, CCW 12, which is the register of what has been done since Mr Wulff made his second statement so-----

COMMISSIONER: But isn't that what I got already or is this-----

40

MR FLANAGAN: Yes, but in relation to that, there's two errors in it that we are getting corrected now.

COMMISSIONER: Oh, okay, so we will get an undated one.

MR FLANAGAN: You will get an updated corrected one, yes.

COMMISSIONER: All right. If it's just a matter of crossing something out could we give you back the exhibit and just get you to change it-----

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MR FLANAGAN: Thank you, Commissioner.

COMMISSIONER: -----rather than getting another one?

MR FLANAGAN: Thank you, we will do-----

COMMISSIONER: Whatever suits.

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MR FLANAGAN: Thank you.

COMMISSIONER: All right. Miss Wilson, do you want Mr Wulff excused?

MS WILSON: Thank you, Madam Commissioner. May Mr Wulff be excused?

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COMMISSIONER: Thanks, Mr Wulff, you're excused?-- Thank you.

WITNESS EXCUSED

COMMISSIONER: Yes, Ms Kefford.

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MS KEFFORD: I call Brett Davey.

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BRETT DAVEY, ON AFFIRMATION, EXAMINED:

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MS KEFFORD: Your full name is Brett Davey?-- That's correct.

And you're the Development Team Coordinator West Team at the Ipswich City Council?-- That's correct.

You've prepared a statement in response to a requirement from the Queensland Floods Commission of Inquiry. Can I ask you to have a look at this document, please?-- Yes.

10

Is that a copy of your statement?-- That's correct.

I tender that document.

COMMISSIONER: Exhibit 856.

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ADMITTED AND MARKED "EXHIBIT 856"

MS KEFFORD: Now, you were the assessment officer for a development application in respect of a development at 15 Mill Street, Goodna?-- That's correct.

And that development application was for a material change of use to establish 16 attached housing units?-- That's correct.

30

The application was approved and the development has been constructed; is that correct?-- Yes, that is.

Can I ask you to have a look at this document, please? It's a copy of a major flood information map from council's records?-- Yes.

That should be brought up on the screen shortly, I hope - yes. And can you see on that map the area marked with a red line?-- Yes.

40

Is that the location of 15 Mill Street?-- Yeah, that is the location of the development.

And so we can see from this document that in January 2011 the entire site flooded?-- Yes, that is correct.

And do we take it from the fact that there's a crosshatching that there's a blue underlay as well and the entire site also flooded in January 1974?-- Yes, that's correct.

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I tender that document.

COMMISSIONER: Exhibit 857.

ADMITTED AND MARKED "EXHIBIT 857"

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MS KEFFORD: Now, your statement sets out the background of this development application and I just want to ask you a few questions about that. This development at 15 Mill Street is part of a larger development known as Millwood Village; is that right?-- That is right.

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And in August 1991 the council approved the original Millwood Village development?-- Yes.

That approval was a town planning consent permit to establish 100 multiple dwelling units?-- That is correct.

And it was to be developed in five stages?-- Yes.

That application was obviously assessed against the Ipswich planning scheme in place at that time, which was the 1989 planning scheme?-- Yep.

20

And the 1989 planning scheme, had it adopted a flood level that was the one in 20 year flood level?-- That is correct.

And so the approval for the Millwood Village development was based on that one in 20 year flood line?-- Yes.

Stages one to four of that development were originally constructed?-- Yes.

30

And stage five was not constructed at the same time as stages one and four, was it?-- No. There was a sequence of development over many years and stage five wasn't completed, so-----

The developer believed stage five, the permit for stage five to have lapsed; is that correct?-- Yes, that's the position they put to us in their application.

40

And that's why they made a fresh development application because-----?-- That's correct.

-----of an understanding that the original approval had lapsed?-- Yes.

And this is the - this application for stage five, that is the application that you assessed?-- That is correct, the 16 units.

50

In terms of - assume for the moment that the application, the original application had lapsed, the construction of stages one to four under the original application, and not stage five, didn't make it necessary for the developer to proceed with stage five, did it?-- No, there's no requirement in any application that is staged for all of those stages to be completed.

So stage five could have just been abandoned?-- That's right.

1

But, obviously, the fresh application was made because the developer desired to proceed with stage five at a later point in time?-- Yes.

And at the time that the application was made the land was vacant?-- That's correct.

Paragraph 17 of your statement outlines your understanding of the relevant planning scheme against which you assessed this stage five application and you say that you understood that the application was to be assessed against the planning scheme in force at the time the application was made. The application for stage five was made on 24 March 2004?-- That's correct.

10

And while there's a 2004 planning scheme, that planning scheme didn't come into effect until later in 2004 after the application was made?-- That's right, it came into effect in April 2004.

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So the application was assessed against the 1999 scheme?-- That's correct, and the relevant structure plans of that planning scheme.

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If I could just ask you some questions about those planning documents, the 1999 planning documents. We don't have a copy of the original Planning Scheme, the 1999 Planning Scheme, but the Council has provided a submission to the Commission which helpfully sets out the previous Planning Schemes that existed for the Council's area and what those Planning Schemes addressed in terms of flooding, and if I could take you to page 34 of Schedule 1 of that submission. Do you have a copy with you by chance?-- Of the-----

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A copy has just come up on the screen there behind you. Have a look at that?-- Yep.

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And if I could ask you to look at paragraph (e)?-- Yes.

We've got a hard copy coming for you as well?-- Yes.

Now, it states that the 1999 scheme consists of three main elements, being a strategic plan for Ipswich City, planning scheme provisions, which include zoning maps, and structure plans. Is that what you were referring to when in your statement at paragraph 18 you describe how Stage 5 of the Millwood Village was proposed to be built on land that was zoned Residential Medium Density Precinct in the Eastern Corridor Structure Plan?-- That's correct.

20

So the structure plan is one of those structure plans referred to in paragraph (e) of the submission?-- Yes, the Eastern Corridor Structure Plan.

30

So reading paragraph 18 of your statement, together with this paragraph in the submission paragraph (e), is it fair to say that the Eastern Corridor Structure Plan was a more detailed planning document than the scheme provisions?-- That's correct. The strategic plan that was in place at the time made reference to the structure plans, which then provided more detailed information for the relevant geographic area.

In terms of the scheme, just before we leave it and move on to the structure plan, it contained a definition of "Adopted Flood Level"?-- That's correct.

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And if we could go to paragraph (i) at page 35 of the submission, is that a copy of the definition of "Adopted Flood Level" that was in that 1999 scheme?-- That is to the best of my recollection.

And it makes reference to flood levels that may be adopted pursuant to a structure plan?-- Yes, it does.

50

And did the Eastern Corridor Structure Plan have an adopted flood level?-- Yes, it did.

What was it?-- It was a 1:100.

1:100. Now, you tell us at paragraph 20 of your statement that the subject site is affected by the Q100 flood line at a height of 14.7 metres and that the site ranges in height, AHD

height, between 10 and 15 metres?-- Yes.

1

Is there much of the site that's above 14.7 metres?-- The way the site sits on the land is relatively flat towards Mill Street and as it goes towards the back of the site it gets steeper and steeper. So, you'd find not much of the site at all is at 14.7 metres.

So not much is above 14.7 metres?-- That's right, yeah.

10

And when you referred in paragraph 20 of your statement to the Q100 line, are you referring to the Q100 line that was the adopted flood level in the Eastern Corridor Structure Plan?-- Yes, it was the height in place at the time.

And the Q100 line, has it changed since the time of that Eastern Corridor Structure Plan?-- At the time of the application that was the level. My understanding is it had changed before that.

20

Sorry, what do you mean by it had changed before that?-- In 2002 when the Eastern Corridor Structure Plan was in place-----

Yes?-- -----the structure plan adopted the more detailed flood level requirements in the Planning Scheme at the time and there was also some regional flood modelling that was prepared by Council in the lead up to sort of 2004 and that information had changed and my understanding is that information changed to reflect some changes to Brisbane City Council flood modelling.

30

So, the Q100 line in Council's current mapping is potentially different to the Q100 line as it existed at the time of the Eastern Corridor Structure Plan?-- I believe it was updated to reflect changes to flood modelling in the area.

But, nevertheless, in paragraph 20 of your statement you're talking about the Q100 line as it existed at the time that the application was made?-- At the time - that's correct.

40

Okay. You tell us that the development proposed units to be sited and constructed to achieve floor levels of between 10.9 and 12.4 metres, so that development proposed units to be constructed at levels which were below the Q100 as it existed at the time the application was made?-- That's correct.

Another one of the documents, Planning Scheme documents that applied to this application was the Planning Scheme policy for flood liable and drainage problem land; is that correct?-- Yes.

50

And at paragraph 30 of your statement you address that and indicate that the policy recommended that the floor level of habitable rooms should be 250 millimetres above the adopted flood level. That position wasn't taken by the Council in assessing this development application; is that fair to say?-- That's correct.

And why is that?-- In this instance, given the history of the site in respect to the previous approvals and development, and the recognition of that history in the Town Plan by zoning the land to be Residential Medium Density, the Q100 was not a reasonable position to take in that context. So, as outlined in my statement, when we assessed the application we considered that the applicable flood line for the balance of the development would be applied for the last stage, being the Q20.

1

You made reference to the inclusion of the property in the Residential Medium Density zone?-- Yeah.

10

The zone itself doesn't confer rights, does it?-- Well, in a way it does because it confers an expectation of what development outcome would occur on the land. In this instance, the zone provided for up to between 70 and 75 dwelling units per hectare. The proposal in question was around about 30 dwelling units per hectare, so substantially less than that density.

20

But the zone must be read with the other provisions of the scheme?-- That's correct.

And the other provisions of the scheme set an expectation that floor levels would be above Q100?-- That's correct.

So why was weight given to - more weight given to the zoning than to the provisions in the scheme that had set the expectation that floor levels would be above the 1:100?-- Yeah. In this case, the State Planning Policy of 1/03 had been introduced and took effect from September 2003. At the time it wasn't incorporated into our Planning Scheme but it was incorporated into the 2004 Planning Scheme. In accordance with State Planning Policy, it gives recognition to existing development rights and use entitlements. So, using the principles of the State Planning Policy, it was reasonable to take a position that we would have to give recognition to the previous flood line and, therefore, apply a more conservative approach being the 1:20.

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So were the provisions of the State Planning Policy with respect to flooding given precedence over the provisions in the Planning Scheme?-- That's correct.

And it was the existence of a definition - sorry, the State Planning Policy has an outcome that says development should be compatible with the natural hazard management area?-- That's right.

50

And it has an exception where there is a development commitment?-- That's correct, so that's the first outcome.

And "development commitment" is defined to make reference to a number of limbs?-- That's right.

And one of those limbs makes reference to whether the development is code assessable or not?-- That's correct, and

in this instance the development application was code assessable.

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And that was given significance in assessment of this development application?-- That's correct.

So, even if in the code assessment against the scheme alone the development would be considered inappropriate because it's below 1:100, the policy was used to overcome that?-- That's correct.

10

Do you think that's appropriate?-- In the context of the site and the history I believe that it is. In looking at the known levels on site of the Q100 and the proposed development, it would not be possible for those units to achieve immunity and, therefore, the use of the State Planning Policy and the outcome is a reasonable position to take in recognition of the previous zoning commitment. I don't believe there was any option to refuse the development of units on the land irrespective of their size, shape, number, it was merely a matter of looking at what the format of the units were and what the relevant flood line was.

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Okay. I have no further questions.

COMMISSIONER: I'm just wondering about the logic of that. You say that Q100 immunity couldn't be achieved-----?-- Yep.

-----so you went ahead and allowed it at Q20. But another way of looking at it is that you just said to them, "You achieve Q100 or you don't have your units." What was really stopping you from doing that?-- I don't believe there was ever an option at the time to just simply refuse the application based upon flood principles alone, simply because we'd actually committed to a density in the Town Plan of up to 70 to 75 dwelling units per hectare. In effect, them developing the way they did, which was around 30 dwellings per hectare, was actually a compromise position on density alone. In respect to the Q100, we also gave regard to local and regional events. So, in respect of local events, there's a gully and sort of a stormwater path located adjacent to the development that fully contains the localised Q100 events, so it's only a regional event that effects this land.

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40

I suppose one doesn't want to be too retrospective about it, but having looked at Ms Ang's account yesterday, it's a little hard to see it was a great decision, would you agree?-- In hindsight I would still support the approval of the development. I would also support trying to incorporate some additional mitigation measures in terms of elevation. But, in reality, even if you did get those units to a reasonable height, it's sort of in context with the surrounds to a two storey level, you would still not achieve the immunity for Q100 and you would still not achieve immunity for the 2011 flood event.

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Thank you. Ms O'Gorman?

MS O'GORMAN: We have no questions.

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COMMISSIONER: Ms Brasch?

MS BRASCH: No questions, thank you, Commissioner.

COMMISSIONER: Mr Flanagan?

MR FLANAGAN: No questions, Commissioner.

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MS KEFFORD: Thank you. Might this witness be excused?

COMMISSIONER: Yes, you are excused, thank you.

WITNESS EXCUSED

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MS KEFFORD: Would that be a convenient time for a break?

COMMISSIONER: Yes, by all means. We will come back at 25 past.

THE COMMISSION ADJOURNED AT 11.11 A.M.

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THE COMMISSION RESUMED AT 11.28 A.M.

COMMISSIONER: Ms Wilson?

MS WILSON: Thank you, Madam Commissioner, I call Timothy Foote.

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TIMOTHY CLARKE FOOTE, SWORN AND EXAMINED:

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MS WILSON: Is your name Timothy Clarke Foote?-- That's correct.

And you're employed by the Ipswich City Council as the Team Coordinator-Development (East Team) for the City of Ipswich?-- Yes, I am.

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And you've provided a statement to the Queensland Floods Commission of Inquiry?-- That's correct.

And that statement has attachments?-- Correct.

That is your statement?-- It is.

Madam Commissioner, I tender that statement with attachments.

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COMMISSIONER: Exhibit 858.

ADMITTED AND MARKED "EXHIBIT 858"

MS WILSON: Now, your statement addresses the development application for 45 Alice Street, Goodna?-- Yes, it does.

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And that was Kaleidoscope Child Care Centre?-- Correct.

You were the delegated officer involved in the consideration of the development application for this site?-- Yes.

What responsibilities did you have as a delegated officer in respect of this application?-- I was the officer who was responsible for the overseeing of the assessment of the application.

40

And who ultimately makes the decision?-- I made the decision in terms of the application. I signed the delegation.

If I could just show you two maps, the first one is at Exhibit 831, which is a PD Online map. Now, you would be familiar with these types of documents?-- Yes, I am.

Now, this online map shows the site, which is with some red stripes, red lines?-- Yes, the thick red line is the designated overland flowpath identified. The area with the red and yellow is the Q20.

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So the area with the red and yellow is the Q20?-- Correct.

Is that the - we will have that up in a moment. When you say "Q20", is that the-----?-- It's the yellow area bordered by the red line.

And-----?-- It's below the 1:20.

Yes. And the blue?-- The blue area, I understand from this map, looking at this map, is the 1:100 flood line.

So, it is within the 1:100?-- That's correct.

And close to the Q20?-- That's correct.

10

Now, if I could also show you - sorry, and did you have this type of information when you were assessing this development?-- Yes.

Did you have a map like this or this map?-- Yes, this map would have been available at the time of assessment.

And if I could show you another map, which is Exhibit 830, and this map is titled "Major Flood Information Map 52". You will see a black dot on that map, which indicates where this site is?-- That's correct.

20

Have you seen this map before?-- Yes, I have.

And we can see from this map that where that black dot is is within the flood event of January 2011 and also the flood event of January 1974?-- That's correct.

So when you were approving - assessing this development, you were aware that this site was flooded in the 1974 flood event?-- Yes.

30

Okay. Now, attached to your statement is the assessment report, which appears at TCF1. If I could take you to page 17 of that document?-- Which page number, sorry?

17. Have you got that document?-- Yes.

Are you looking at a table?-- I'm looking at the same page that's on the screen.

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I'm looking at the assessment report of 45 Alice Street, which on my documents is attached as TCF1, but perhaps there's lots of documents attached to TCF1. Can you see the assessment report in your documents?-- I am looking at the assessment report.

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And-----?-- Which section of the-----

I am looking at page 17 of that document, which you will see on your screen right now?-- Yes.

Can you tell me what an assessment report is?-- The assessment report is prepared by the applicant or the applicant's consultant, in this particular case. They have prepared the assessment report in relation to the development application that was made and they submitted that assessment report with the application as application material.

10

Okay. Now, the titles of these columns, through copying, have been obscured, but if we can look at these various columns that we have here, the first column on the left, which is 15A, that is the specific outcome, is that the case?-- Yes, that relates back to the community use code of the planning scheme.

20

So this is the outcome that needs to be or should be achieved by this development?-- That is the specific outcomes sought by the planning scheme.

Now, you refer to the community use code. What relationship does the community use code have in assessing such developments?-- The application being for a community use, childcare centre, is assessed against the zone code, the community use code and the parking code.

30

So if we look at the specific outcome which refers to the community use code, we can see that "key elements of community infrastructure" - and names childcare centre, so childcare centre is regarded as a key element of community infrastructure - "should avoid areas prone to flooding and are able to function effectively during and immediately after natural hazard events."?-- Yes, I read that.

So does the development application have to show to you that they have addressed that specific outcome with infrastructure that can provide a solution to that outcome?-- We assess the application in light of that specific outcome. We have considered and we assess the application in a range - in the context of not only the planning scheme, there is also the history associated with the site, the zoning of the land, flooding characteristics of that site in particular, so there is a range of aspects which would be considered in assessing that specific outcome.

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And prior to this development application, the site was used, as I understand, as a sawmill?-- Correct. It was used for a sawmill in excess of 50 years.

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Is that taken into consideration when assessing this development, that it was used as a sawmill?-- Not in the aspects, I suppose, of this particular specific outcome. In considering an overall balanced approach to the planning aspects and consideration of planning characteristics to the

site, the history is associated with considering a balanced view of an assessment.

1

So when we have a look at that Exhibit 830, which shows that this site was flooded in 1974, then how do you get over the community use code that "avoid areas prone to flooding"? This is smack-bang in that area prone to flooding, wouldn't you say?-- Yes, it is an area which is prone to flooding. One thing to consider in that is the specific flooding characteristics of this site. The site is adjacent to an overland flow path. The site itself is located above the 1:100 for the overland flow path. It is - and also consideration of the conditions that were imposed and the mitigation factors that were imposed by the council, we believe that that met the specific outcomes.

10

COMMISSIONER: I think I have missed something there. How did it avoid being an area prone to flooding just because the creek at the back, or whatever it is at the back, the flow path at the back, wasn't going to come up? You still have the backflow problem from the river identified as a problem; you're only at slightly above Q20 for that. So how did that overcome the difficulty of the required outcome of avoiding areas prone to flood?-- It was a consideration, I suppose, of the aspects that it is above the Q100 for the local event. So from our perspective it was not a flash flooding situation. The characteristics for this particular site is it floods as a result of the backwater and of the Brisbane River. So it is not a flash flooding situation.

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But your outcome doesn't say "avoid areas prone to flooding unless you have a bit of notice"; there is no qualification to it?-- I acknowledge that.

Sorry?-- I acknowledge that.

All right.

MS WILSON: When we're talking above Q100, that's not in relation to riverine flooding; that's just in relation to overflow flooding?-- Can I clarify that, sorry?

40

The Q100, that's not in relation to river flooding?-- When I say it is above the 1:100, it was for the overland flow path which is adjacent to the site. It is not in relation to the overall Q100, being the regional context.

But the overall Q100, is that taken into account when assessing this development?-- We also looked at the development constraint overlays which are triggered as a result of the application as well. The Development Constraint Overlay Part 11 of the planning scheme has specific comments in there in terms of land uses of a commercial, industrial, or non-residential nature which are located between the Q20 and the Q100, and we assessed it against those provisions of the planning scheme as well.

50

But when looking at the specific outcome, "avoiding areas

prone to flooding", that really is looking at avoiding areas prone to flooding, in this case of overland flooding?-- We have - in terms of our assessment, that was avoiding overland - the Q100 for the overland flow. 1

COMMISSIONER: But it doesn't make exceptions, does it? It doesn't say, "Only worry about prone to flooding from overland flow"; it says "prone to flooding", and you know this area is subject to back-up flooding from the Brisbane River?-- I agree with that, that's correct. 10

And that's not much over the Q20 annual exceedence probability, that probability?-- That's correct. The site is approximately, at its lowest point, one metre above the Q20.

All right. So in that sense, it is prone to flooding?-- Correct.

All right. 20

MS WILSON: Now, the next column is the probable solution, and one of the probable solutions is to have the community infrastructure, that is the childcare centre, "sited and designed to avoid areas prone to flooding." We've already discussed the issues about how that term "flooding" is used as set out in the State planning policy. Was the State Planning Policy considered in relation to this development?-- The State Planning Policy is part - well, has already been incorporated into the 2004 planning scheme, which was - at the time of assessment that was the planning scheme, so that was what was used. 30

Where does section 15A of the community use code fit in to the State Planning Policy and the planning scheme? Which one takes precedence?-- I suppose they work hand in hand. That would be my response, in terms that they work hand in hand. In terms of the probable solution, it does refer to the State Planning Policy, so - and the fact that the State Planning Policy has been incorporated into the planning scheme, then - I don't know if one takes precedence but they work hand in hand. You would assess them together. 40

In the next column, "proposed means of demonstrating the compliance" - so the first one we've got the outcome you're seeking; the next one is the solution, how you can meet that outcome; and then this is what the developer is telling the council, "This is how we propose to meet the outcome", is that the case?-- That's correct.

The site is totally covered by the Q100 flood event?-- Yes. 50

That's Q100 river flooding?-- That's correct.

And is free of the Q20 line by a distance of about one metre?-- Correct.

So the developer is telling you, in relation to "avoid areas prone to flooding", "Well, actually, this site is prone to

flooding"?-- It is prone to flooding which is above the Q100, yes. 1

It is prone to flooding. It is covered by the Q100 flood event?-- Yeah, for events greater than a Q20.

Yes?-- It would be prone to flooding in those instances.

Okay. And it also refers to the site as "within the area of the back-up floodwater from the Bremer River but is not likely subject to flash flooding"?-- That's correct. 10

So in assessing this development, it was emphasis put on flash flooding rather than riverine flooding?-- In terms of the assessment, yes, I would believe that it was - the emphasis was placed more so on the overland flow paths to the west of the site and the potential flooding as a result of that overland flow path rather than the backflow - backwater flooding from the river. 20

Now, the next column - I'm not too sure what that next column represents, but the acceptable solution, which we've just discussed, has been based on discussions with senior town Planner - do you know who that senior town planner was?-- I understand at the time they did have some discussions with the then Development Manager, Brendan Nelson.

And Councillor Paul Tully?-- That's their words. I am not sure - I am not familiar with those discussions but I can only assume that they have had some discussions but I am not familiar with those. 30

But you're looking at this - you're looking at this table which sets out the outcome, and the proposed means of demonstrating compliance, and the acceptable solution. And they're telling you "has been previously discussed with the senior town planner and Councillor Paul Tully." Where do you go with that information?-- We make our own assessment.

So, really, you ignore that fourth column?-- It is not that we ignore it. We make an assessment based on our own technical assessment, we refer the flooding aspects to our engineers for comment, and incorporation into the overall assessment of the application. 40

So if you're not ignoring it, what are you - how are you using it?-- Those words are from the applicant, so-----

But I'm wanting to know you, from you, what you're doing with this information?-- Being the fourth column? 50

Yes?-- We may - I don't recall specifically but we may have had a discussion as to what previous comments or previous discussions they may have had with those particular officers.

COMMISSIONER: In a nutshell, what's the acceptable solution? "This area is prone to flooding but we should have enough notice to get everybody out." Is that it?-- Sorry, I am not

sure if I understand your question.

1

Well, I'm just trying to discern from this what the acceptable solution proposed actually is-----?-- Well-----

-----and it seems to say, "Okay, the area is prone to flooding but we should have enough notice to evacuate"?-- In our assessment, that is essentially - certainly the criteria that we took into account.

10

Well, how would you characterise the acceptable solution? What is it?-- In this particular instance, and the flooding that does take place, it is backwater, there is significant time delay between the site being inundated. Also, in terms of the development itself, the escape routes that would be - it was on the high side of the land, on the opposite side to the overland flow path. We also imposed conditions on the development approval that related to a flood escape plan and procedure. We also required conditions in terms of signage. We further added conditions relating to the building - the floor levels of the buildings being 300 millimetres above the Q100 for the local event, and in one aspect we also required, in the south-west corner of the site, for a certain elevated play area to be deleted to ensure adequate stormwater conveyance in that particular location. Considering those conditions and mitigation factors that we imposed, I considered that it satisfies the outcome that's being sought by the planning scheme.

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I just have difficulty seeing how any of those things avoided it being located in an area prone to flooding?-- I acknowledge that the site has flooded in the past. That's identified in council's mapping as well.

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All right, thank you.

MS WILSON: Council, after receiving this application and this information, did issue an information request, and we can see that at attachment TCF2 of your statement?-- That's correct.

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If we can go to that, please? You can see at paragraph 2 that "the applicant was requested to submit a site-specific flood investigation for the proposal", and it is - that site-specific flood investigation is qualified that you wanted it prepared by RPEQ experienced in hydraulic engineering?-- That's correct.

Why is it necessary to state that you need it prepared by an RPEQ experienced in hydraulic engineering?-- My understanding is that we would want an RPEQ experienced in hydraulic engineering to ensure we get correct information, and information that is prepared by a person of appropriate experience.

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Is there a problem that you've been getting flood - flood studies done on previous developments that weren't prepared by appropriately experienced engineers?-- Not to my knowledge. All of the flooding reports that are submitted are referred to

our engineering officers who undertake the appropriate assessment of those reports. If there was a particular issue, I'm certain that they would be raising that with us in terms of seeking further information or clarification.

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But, anyway, you - it was necessary to put in the letter that you wanted this one prepared by an RPEQ experienced-----?-- I think it clarifies that we would expect that the flood report be prepared by a person of appropriate experience and qualification.

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Now, the site-specific flood investigation that you were seeking was to "address the potential impacts on flood levels such that there is no detrimental effects on surrounding properties"?-- That's correct.

Is that what the concern was for you-----?-- Well, I think there is a recognition that there are other land uses around this site of, in particular, a residential nature, that we didn't want to make sure that - you know, if a development went ahead of this nature, it didn't have a detrimental impact upon those surrounding land uses, being - you know, predominantly being residential.

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The flood report you got is contained at TCF3, and if we can go to that, please, and if we can go to the first page of that document?-- Yes.

Have you got that?-- I do.

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This report - it sets out the site and it sets out its parameters. "This report examines local flooding from the adjoining waterway only." So that is the drain at the back, is that the case?-- That's the overland flow path to the west of the site, that's correct.

So the only flood report you got was to address the overland flow path?-- This report also gives recognition that the impact of the back-up flooding could not - there wouldn't be mitigation factors associated with that type of flooding.

40

Okay. Where it tells "mitigation of Brisbane River back-up flooding cannot be achieved at a local level"?-- That's correct.

Did you get any further expert reports referring to the flood prone area of this site?-- No, this report was referred to our engineering officers who made an assessment of the report and provided recommendation to the assessment officer.

50

Is it fair to say that the assessment of this site proceeded without having any information about the impact of riverine flooding?-- I wouldn't suggest that. I think that there was a clear understanding from the assessment officers that this site did flood in a riverine situation, and that was, you know, clearly identified in the Q100, the mapping, and also acknowledging that the site did flood in 1974.

If we can go to page 4? "The site area, topography and development layout are not really suited to a stormwater detention arrangement." Do you see that?-- Yes, I do. The site itself is relatively flat. There is probably one and a half metres' fall across the site. That - they have provided a comment in terms of not suited for stormwater detention. In the balance of the stormwater section, I understand that they provided an alternative solution in relation to providing a tank to which they were to reuse water for toilets and the like. So an alternative solution was proposed to detain stormwater rather than having a detention basin, as such.

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Okay. So if we can go to TCF10, which is the decision notice, and which sets out the conditions, and if we can go to 24(g), where the condition was "a developer should provide a stormwater detention basin or system on the subject land", can you tell me what that condition is referring to?-- This is a standard engineering condition that is imposed on development approvals. I think it has also been qualified by the next clause (h) in relation to the development "being designed and constructed in accordance with the flood report", and the solutions in that report.

20

So the (g) is just standard. We really should be looking at (h)?-- I believe that is the case.

And once you look at (h), and then if you work your way through this report, you will see that "the site area, topography and development layout are not really suited to a stormwater detention arrangement"?-- But they proposed an alternative solution involving a tank to achieve the same outcome.

30

Really, what's the point of (g) then?-- With hindsight, I question that myself.

If we can go to TCF-----

COMMISSIONER: Can I just stop a moment? It is a bit misleading, isn't it? I mean, if the average punter were to have a look, they'd say, "Oh, look at that, this development condition will require them to have some sort of effective system on the site for stormwater detention", and they would have no clue that, really, it was meaningless?-- In terms of the basin, potentially the site would be probably difficult to include a basin, given the size as well-----

40

I understand that. I am just wondering how a member of the public ever works out what you are actually asking of the developer when you allow a development on the site, when you have a condition in there which are really just meaningless, from your perspective. Why don't you have a little side note that says "meaningless condition", perhaps?-- I am not certain it is meaningless. I believe it may not have been appropriate in this particular instance to apply that condition when an alternative solution was proposed and accepted by our engineers.

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Okay.

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MS WILSON: If we can now go to TCF7? And this is an internal memo from the planner charged with the day-to-day conduct of the file to yourself. Is that the case?-- It is. At the time of preparation of this report and review of that report, I was actually overseas at the time. The assessment officer prepared the report and the report at the time was reviewed by the Acting Team Coordinator.

10

Look, are you familiar with the document that I can ask you some questions on?-- I am.

If we can go to - there is a checklist at the back of this document which, you know, talks about the codes and it is a yes/no answer. Do you see that-----?-- I do.

If we go to page 29, and, "Are there any codes under part 12 of the planning scheme applicable to the development, comment, community use code and parking code."?-- I see that.

20

And that's ticked-----?-- Yes.

-----as yes. And then the next one is, "Does the development comply with these codes?" "Yes."?-- I see that.

Now, we saw on that previous document I showed you, which was the outcome and solution, 15A was replicated in that document as part of the community use code?-- Yes, those clauses come from the community use code.

30

Straight from the community use code?-- Yes.

So that is what this development application has to comply with, is that the case?-- That is the specific outcome that would be sought from the community use code.

So when we've got the specific outcomes which we saw, how do you say that it complied with 15A?-- Based on the conditions that we imposed on the development approval which I've outlined previously, based on those aspects, that is where the assessment officer believes that the development complies with the community use code.

40

50

Okay. So to avoid the areas prone to flooding we can - really have to read into that prone to - avoid areas prone to overland flooding?-- In this particular case it has been assessed in relation to the overland flow path more so than the backwater flooding, yes.

1

Can you tell me how this development complied with 15 - well, A, subsection (b), is "able to function effectively during and immediately natural hazard events". I know there was a wall, a construction of a wall that was a condition?-- That's right, that was part of the recommendations from the flooding report which were incorporated into the development approval.

10

But really this again ignores any element of flooding from the river?-- In terms of - I don't know if it ignores that but it gives a assessment more so on the overland flow path.

Well, if it doesn't ignore it, can you tell me how that takes it into account?-- I think there is an acknowledgment that this site does flood-----

20

Right?-- -----not only - yeah, it flooded in 2011, it flooded in previous events as well, so - I think we have assessed it against the Development Constraints Overlay Code in terms of the - being a non-residential use on land between the Q20 and the Q100.

But it also is a key element of community infrastructure, as set out in the Community Use Code. So yes it is non-residential but it also has a special feature, I suppose, that it is a key element of community infrastructure?-- It does perform a role in community infrastructure. It also satisfies a local need, yes.

30

COMMISSIONER: How does it perform a role as a child-care centre during a flood unless you plan to have swimming classes there? That's one of the requirements, that it's able to function effectively during a natural hazard event. If it's flooding, as you know it does, from riverine flooding, how are you going to make it operate as a child-care centre while it's flooding?-- In major floods such as this which would be above the Q100 for the local event that may not be possible.

40

Well, then that criterion is clearly not met. Do you agree?-- In a major flood event such as this the site, yes, was not available for some 45 days after.

MS WILSON: Does some - if you could just assist me. Do the Development Constraints Overlay override the Community Use Code?-- I believe that there's - I don't know if they override, I don't know if you could say they override, they all have to take, you know, consideration of each other. They work hand in hand, I would say.

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So work in hand - so it all goes into the pot, into the pot of consideration?-- Yeah, and as does the zone of the land, I suppose. We need to have a look at the zone of the land. We have to look at each - all of the characteristics of the site.

We have to look at that parking aspects and all things. So, once again, as I said, a balance view to assessment, they're all aspects which are considered.

1

Now, you talked before about the conditions that were placed and if we can - we can - the conditions, as I see - that are set out in TCF 7 are the same conditions as TCF 10 in terms of flooding? If you are more comfortable-----?-- Oh, yes.

-----we will go to TCF 10?-- The conditions that were associated with the decision notice have been incorporated into my submission.

10

Okay. And if we can go to TCF 10, and if we can go to 27(j) and (k)?-- Yes.

Now, we talked about conditions that were imposed to satisfy yourself that any flooding could be dealt with by conditions. Is that a fair-----?-- That's fair.

20

-----statement? Okay. So let's look at condition of 27(j), "Signs are to be erected in the car park to advise users that this car park is subject to some flooding due to storms," with an area of - an ARI of less than a hundred years. Also, "the Brisbane River has backwater flooding for those storms with an ARI in excess of 20 years". What's the purpose of putting in a condition like this?-- It's probably about notification of potential users of the site, being parents, any visitors to the site, obviously employees, that this site has subject - site is subject to flooding in particular instances.

30

"advise users that this car park is subject". Is it the car park that's subject or is it the actual whole building that is subject?-- In hindsight it's probably the whole development, yes.

Now - and another condition that was placed on this development is that a flood escape plan and procedure is to be developed?-- That's correct.

40

And we can see that in 27(k). When you were assessing this development did you take into consideration what flood escape plan was developed?-- We didn't probably go into the detail of the actual characteristics of that plan. The developer of the site would probably have to develop their own, given the context that they're the experts in child-care and making appropriate mechanisms to ensure the safe evacuation of the centre if required.

So you did - you are appreciating that you were imposing a condition for a child-care centre?-- Correct.

50

And if we can go to paragraph 32 of your statement?-- Yes.

Now, you were informed by, was it the developer or the owner of the centre?-- Mr Saridakis is - was the applicant associated with it. He was the developer. He still remains the landowner and the business owner.

Okay. You were informed by him that the centre had a flood evacuation policy?-- Yes.

1

Were you informed by him at the time of making the decision?-- No, the - that discussion - I had a discussion in - in preparing my response for the Commission I had a discussion with Mr Saridakis approximately a fortnight ago in which this conversation took place.

Okay. And he set out the rehearsal. The rehearsal involved the children holding onto a rope and being walked up along Alice Street?-- That is what I was informed in - during the discussion.

10

And is this the type of evacuation plan that you were considering that should be implemented when you imposed that condition?-- The implementation of that was about the safe evacuation of children and staff from the centre, so if that is one way of delivering that outcome then we would be satisfied with it.

20

With river flooding there will be some timelag where the preparations and evacuation can be done?-- Yes, in the order of 10 to 12 hours, from my understanding.

Stormwater flooding?-- The site is above the Q100 for the local flood so we didn't envisage that it would probably be required in that particular instance, however, if you still have the policy or procedure it still could be applied in that particular case. As well it could be applied in any other emergency for whatever it may be.

30

When you gave the approval and you placed the conditions that we can see in 27(k), that was a factor that you took into account, was it, in ultimately granting the approval?-- We understand the site had potential for flooding and that was why we imposed the condition, to ensure the safe evacuation.

What happens if the child-care centre is sold and then sold again, how does the new owner know that they have that condition?-- The conditions run with the land and therefore the escape plan would have to be, you know - be developed, would continue, so the conditions run with the land.

40

So if I was a purchaser of this property a couple of purchasers on would I have to go back to this - go back and go and do a search of these conditions to see what I have to do in relation to have a flood evacuation plan?-- I would expect that any business owner would do appropriate due diligence if purchasing the site and ensuring that they're aware of the conditions of the development approval.

50

In terms - because this is an important factor, the evacuation, is an important factor for the health and well-being of the children and the staff in these types of child-care centres, these types of facilities, is it proposed that in - or is it a consideration that this type of information could be put on a rate notice or something so that

everyone is aware that this is an important consideration?--  
It probably hasn't been a consideration to date.

1

Well, what do you think of that idea?-- It is probably one of a number of solutions that could potentially be imposed. Maybe not "imposed", but incorporated, a rates - note on the rates. Council does provide flood searches so that information would be available to a prospective purchaser in any case.

10

Moving on-----

COMMISSIONER: Can I just stop you, I want to get this clear, though. How is it that it runs with the land? Is that because of the community use code, that as long as you want to use it-----?-- No, the Act sets out that development approval conditions run with the land.

All right. It's just that this is a condition of use, how you must use it, presumably. I just have a little trouble seeing how - well, what section of the Act and I'll look at it myself?-- I'm not familiar exactly which section of the Act it refers to but the conditions under the - the Sustainable Planning Act identify that the conditions run with the land in terms of the approval, the development approval conditions.

20

Well, I will perhaps leave it to Mr Flanagan to assist me at some stage down the track with that.

MS WILSON: Well, moving on. You're aware that this site obviously flooded in 2011, and we heard yesterday that children could not return to the site for child care somewhere over 40 days, 40 days-----?-- Approximately 45 days, I understand.

30

Forty-five days. And one of the outcomes is is that this centre can operate - this infrastructure can operate through a flood - through a natural hazard event. We know that-----?-- Yeah.

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-----because that's set out?-- Yes.

You refer in your statement that you say that this development as approved constitutes a sensible development?-- I believe so in terms of the - considering a range of planning aspects in relation to the history of the site, yes, I do.

But does that take into account the 2011 flood and the damage that was caused to the building and the fact that this centre couldn't operate for 45 days?-- In hindsight I would certainly see benefit in imposing further conditions in relation to constructing the site of flood-resistant materials. Yeah, I see benefit in - there would be appropriate to have a condition to that effect.

50

So in hindsight how could this be done better? The only thing is you could say to be constructed in flood-resilient materials?-- That would certainly be one aspect I would

certainly incorporate, yes.

1

But for the future should child-care centres be placed in such a position as this child-care centre was?-- I'm comfortable with the decision in terms of the assessment against the planning scheme, so - I see that there was no immediate danger to the safety and well-being of the children or the staff. In terms of the construction of the site and the building construction I can see that there would have been benefit in having the buildings constructed of flood-resistant materials, from - particularly the internals, as we saw in the photos yes.

10

And are you still comfortable that it complies with the Community Use Codes?-- I'm certainly comfortable with the fact that it complies with the aspects relating to the flooding - sorry, I might just refer that.

We can find it at page 17 of the assessment report-----?-- Yes, thank you.

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-----which is TCF 1?-- I see that it's acknowledged that it is an area which is prone to flooding in certain flood events, so I understand that in not all flood events that this site would be a site which could potentially function during or after - immediately after a natural hazard.

Thank you. I have no further questions.

COMMISSIONER: Ms O'Gorman?

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MS O'GORMAN: We have no questions.

MS BRASCH: No questions, thank you, Commissioner.

COMMISSIONER: Ms Brasch? Mr Flanagan?

MR FLANAGAN: Commissioner, the section that-----

COMMISSIONER: Two forty-five, I think-----

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MR FLANAGAN: Yes, thank you. And, of course, the definition of "development approval" includes the conditions.

COMMISSIONER: Thank you.

MR FLANAGAN: I have no questions of Mr Foote.

COMMISSIONER: Thank you. Ms Wilson, do you want Mr Foote-----

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MS WILSON: May Mr Foote be excused?

COMMISSIONER: Thanks, Mr Foote, you're excused.

WITNESS EXCUSED

COMMISSIONER: Yes, Ms Kefford.

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MS KEFFORD: Madam Commissioner, I call Natalie Plumbe.

NATALIE PLUMBE, ON AFFIRMATION, EXAMINED:

MS KEFFORD: Your full name is Natalie Plumbe?-- That's correct.

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And you are employed by Ipswich City Council as Team Coordinator Development?-- That's correct.

What does that role entail?-- It involves the supervision of the Central Development Assessment Team. So in the assessment of development applications and the daily running of the team in relation to development planning matters.

20

In response to a requirement dated 23 September 2011 from the Queensland Floods Commission of Inquiry you provided a statement which is dated the 7th of October 2011 and that statement relates to a development at 35 Eric Street, Goodna. Can I ask you to have a look at this document, please? Is that a copy of your statement?-- Yes.

I tender that document.

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COMMISSIONER: Exhibit 859.

ADMITTED AND MARKED "EXHIBIT 859"

MS KEFFORD: Now, you also produced another statement, it's dated the 12th of October 2011, and that was produced in response to a requirement from the Commission with respect to a development known as "Citiswich"; is that correct?-- That's correct

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And is what you have there a copy of that statement?-- Yes.

I tender that statement.

COMMISSIONER: Eight hundred and 60.

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ADMITTED AND MARKED "EXHIBIT 860"

MS KEFFORD: Now, if I could just ask you some questions about the Citiswich development. Citiswich is a large site of the order of 315 hectares; is that correct?-- That's correct.

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And if we could just orientate ourselves by turning to attachment NP 15 to your statement about the Citiswich. Does that depict the whole site bordered in red?-- Yes, it does.

There seems to be an area towards the bottom end of the map within the overall site boundaries which is outlined in red. Is that area excluded from the site or is it still part of the site?-- It was excluded from the site as part of the original preliminary approval to override the planning scheme because there was existing uses, being Hume's Master Panel and Australian Hardboards located in there, which didn't constitute part of the site.

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So it didn't constitute part of the site for the preliminary approval?-- That's correct.

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Is it - has it since then become part of the Citiswich?-- I think it's the intent of the developer who has since acquired that land to potentially develop that as part of future applications.

Now, if I could hand to you a copy of a QRA map of the area. You see the Citiswich site marked on that map?-- I do.

And it - the Citiswich site extends off the bottom of the page; is that correct?-- That's correct.

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And that QRA map shows that part of the Citiswich site was the subject if flooding in the 2011 event?-- Correct.

I tender a copy of that map.

COMMISSIONER: Exhibit 861.

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ADMITTED AND MARKED "EXHIBIT 861"

MS KEFFORD: Now, the first application that was made with respect to the Citiswich site was for preliminary approval to override the planning scheme?-- That's correct.

And that was made in September 2002?-- Yes.

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And approved by council in April of 2004?-- Correct.

And you tell us in your statement that this preliminary approval essentially sets the framework against which all subsequent applications were assessed?-- That's correct, if they're being made pursuant to that preliminary approval.

In terms of that framework, did that framework include criteria with respect to flooding?-- Essentially what the preliminary approval did is it called up the correlating zones from the 2004 IPA scheme and, as such, future development applications would be assessed against those applicable zones and assessment criteria.

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And it called up the 2004 scheme provisions even though the application was lodged in September 2002, how-----?-- That's-----

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-----did what eventuate?-- At the time of determining the application the 2004 scheme had come into effect just prior to that so the preliminary approval was updated to reflect the intent of the IPA scheme.

And the 2004 scheme, did it include provisions - at that time did it appropriately reflect the State Planning Policy 1/03?-- Yes, I understand we had received a letter from the minister at the time to say that the 2004 scheme did adequately address and reflect the SPP.

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Now, I understand that the preliminary approval effectively divided the site into seven subareas. Could we go to attachment NP 16 of your statement? And that shows the seven subareas; is that correct?-- That's correct.

And in terms of which of those subareas were affected by the 2011 floods, can you just tell us which areas were affected?-- The riverside subarea was affected, the highway subarea, the open space subarea. It appears a slight portion of the frame and the core subarea also.

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So a significant amount of the site?-- Yes.

In terms of the intended development for each of these subareas, is there somewhere that we can see what the development is intended for each of those precincts?-- Yes. In terms of the decision notice, I think that has been annexed to my statement.

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Perhaps does NP 18 provide-----?-- Yes, that provides an overview of each stage and each subarea that formulates each stage and gives a brief description of what's included in each of those subareas, or the intent.

What is the status of that document that's at NP 18 of your statement? Is that part of the preliminary approval or-----?-- It's, I guess, a summary taken from the preliminary approval document which accompanies the decision notice.

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So is that a summary produced by council or produced by the developer?-- It was produced by council for this purpose.

And - but it reflects information in the preliminary approval, does it?-- That's correct.

And we can see from that document that intended uses for the highway subarea, for example, includes light industry and commercial activities?-- That's correct.

1

And another area that was subject to flooding was the open space subarea. In terms of those intended uses, they are active and passive recreation opportunities, and the like?-- Correct.

If we could go next to attachment NP 19 of your statement. It shows the one in 20 development line in red?-- Correct.

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And the one in one-hundred development line in blue?-- Yes.

Would I be right to say that there are parts of the site that are intended to be developed for industrial style uses that are below the one in 20?-- Yes. As indicated on this plan.

Why was that considered appropriate by the council, just in broad terms?-- I guess, in my opinion, there were associated proposed earthworks that were to accompany this development to ensure that development pads would be located above that level.

20

And in terms of earthworks, that would be filling of the site to raise the level?-- It would be a combination of filling and compensatory earthworks.

What do you mean by "compensatory earthworks"?-- So some cut as well. So cut to fill balance works as well as some fill works.

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When you talk about "cut to fill balance works," can you explain that concept to us?-- I'm not an engineer but in lay terms, I guess, it's a balance approach. So cutting out - what you cut out is what you fill with so-----

So if you increase the height of the site by filling in some spots, you dig a hole that's got as much volume as the filling that you've done on the site to compensate to end up with the overall-----?-- That's right-----

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-----balance?-- -----so that made up part of the earthworks, yes.

And in terms of the compensatory earthworks, is the cutting which is intended to offset the fill, do the conditions require that to occur at the same time or does the cut have to occur before the fill occurs?-- That would be subject to an operational works application. The - if we're still talking about the preliminary approval to override the planning scheme, it didn't actually deal with authorising any operational works to occur, so the approval didn't actually deal with what authorising development to occur in terms of earthworks.

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But it assumed that-----?-- It assumed some principles around it.

So it - did - it assumed that there would be compensatory earthworks and some filling prior to uses occurring on the site?-- The supporting reports indicated that.

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And the detail of that would be dealt within the operational works permits?-- That's right, and then directed to Council's engineering expert witness Gary Ellis.

Preliminary approval deals with the site as a whole, was it anticipated that there would be an operational works permit for the site as a whole?-- Ideally - ideally, yes, but, unfortunately, Council can't require that to be the case.

10

And so operational works permits might trickle in for individual, smaller allotments within the site?-- That's correct, just as other MCU and RAL applications trickle in as well.

And when assessing each of those individual operational works applications, does each smaller allotment have, within its allotment, have the necessary compensatory earthworks so that if an individual allotment is filled, must it also have the cut necessary to offset the impact of the filling on that allotment?-- That question's probably better directed to Mr Gary Ellis, I think, who is a later witness. He's responsible for the assessment of operational works applications. My responsibilities are limited to reconfiguring a lot and MCUs for your purposes, yeah.

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Okay. Thank you. Now, if I could ask you a few questions about filling which has occurred on the site. Are you aware of filling that occurred in an area known as Stage 7?-- Yes, I am.

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And perhaps if we find a plan which shows the indicative staging of the projects so that we know what area we're talking about. I think MP17 might provide the staging?-- Yes.

Is that the staging plan that's been supplied by the developer to the Council?-- Yep. It's not a formally endorsed document but it has been supplied by the developer.

40

And can you just describe, by reference to this document, where you understand Stage 7 to be?-- The area on the northern side of the Warrego Highway.

And so that's the area marked green and blue?-- That's right, this area here.

And it's adjacent to - it's an area adjacent to the Brisbane - sorry, the Bremer River?-- Yes.

50

Now, are you aware that there have been a number of residents of Karalee that have complained about filling in this part of the Citiswich site?-- I think I'm aware of two specific residents.

Which two residents are they?-- I think one may be Gary Mears and another Gary, I can't recall his name exactly.

How did you become aware of the concerns of those residents?-- 1  
They telephoned Council initially and I think they may have sent in some correspondence.

And do you know when they telephoned Council?-- It would have been in the last 12 months, I think.

Prior to the January 2011-----?-- Correct.

And do you know what Council did in response to those 10  
telephone calls from residents?-- Yes, I referred them to Council's Engineering Assessment Team. For noting, at the time earthworks applications had been received over Stage 7 but were yet to be approved, so I referred the correspondence to them for consideration in their assessment of the applications.

Did you, when referring that correspondence to Council's Engineering Assessment Team, did you also inform Council's Engineering Assessment Team about the status of development 20  
approvals over Stage 7?-- Yes, I did.

So what type of information did you tell the Council's engineering team?-- That they were obviously aware that reconfigs were yet to be approved over Stage 7, but they were aware that the preliminary approval was in place also, the original 3356 of '02 application was in place.

In terms of the preliminary approval, that's the one though that you told us didn't deal with operational works in terms of filling?-- That's right, it didn't authorise any 30  
earthworks to occur.

Would that have been evident to the Council's Engineering Assessment Team?-- I'd assume so, but you're probably better off asking Gary Ellis about that.

So it wasn't a matter that you specifically referred to in any note or conversations that you had with the engineering team?-- There's - we had general discussions about the status of the site on a regular basis because it was a - it's a major industrial development front. 40

In terms of those general discussions, did they refer at all to the fact that there was no approval for filling of Stage 7?-- That's right. Well, that was the purpose of the application that they were assessing was to deal with the earthworks. So they were aware that there wasn't previous approvals for earthworks because they were the applications they were considering at the time. 50

So there were applications made for the earthworks-----?-- That's right.

-----but the earthworks commenced prior to the applications being approved?-- I understand that to be the case.

Do you know whether Council took any action in relation to the

fact that earthworks were commenced prior to the approval - to any approval being in place?-- I understand they were investigated by our compliance team.

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And when was that investigation commenced?-- I'm not sure of the exact dates.

Do you know - can you give us a name of a person at Council who might be able to inform us of that information?-- I guess that matter may well be addressed to Joanne Pocock, our Development Planning Manager.

10

Does she look after investigations of unlawful activity?-- She oversees a team that does do that.

Do you know what extent of filling we're talking about in terms of filling that was undertaken in Stage 7 without there being a development approval?-- I understand there was a number of metres of fill placed in the site.

20

A number of metres? And what extent, what aerial extent?-- That would be better off directed to Gary Ellis who's responsible for the assessment of those types of applications.

Are you aware of whether there was any approval for cut of the site to offset that filling prior to the filling occurring?-- I'm not aware of the details associated with the operational works assessment.

And that, once again, would be a matter better addressed to Gary Ellis?-- Correct.

30

Just a few general questions about investigation and enforcement to the extent that you might be able to assist. What procedures does Council have in place for investigation of allegations of unlawful filling?-- They have procedures in place. I guess I might be able to add a little bit more in respect to the fill received on the Citiswich site. My understanding is that it was received from a DTMR project and that there are certain exemptions around under SPA, under the Sustainable Planning Act, there's certain exemptions around them being able to dump the fill in particular locations.

40

Are you able to tell us what those exemptions are?-- Pretty much, I think, that they can dump the fill associated with the project, with a Main Roads project, so the construction of a State controlled road.

Without needing-----?-- Without needing land use approvals from the local government.

50

So is it your understanding that the placement of fill by the Department of Main Roads on a site is exempt development?-- Correct.

And in terms of the extent of your understanding of it being exempt development, do you know whether if it's exempt development under a regulation or is it exempt development by

virtue of the provisions of the Council's Planning Scheme?--  
It's exempt by the Sustainable Planning Act Regulation.

1

Sustainable Planning Regulation?-- Yes.

And you understand that the filling - sorry, it's your understanding that the filling that occurred on Stage 7 was filling that was undertaken by the Department of Main Roads?--  
By a contractor on behalf of the Department of Main Roads.

10

Do you have any knowledge as to why then an application was made for the filling?-- My understanding is that they wanted to, I guess, compact that fill, spread that fill and use it as a development platform, so that's why the application was made.

In terms of the exemption, assuming that the filling was exempt works, do you consider that exemption poses a problem in terms of the impact that might be caused by filling in a floodplain?-- It has proved some difficulties across the City, the fact that Council has limited control, notwithstanding my understanding in terms of this site from the hydraulic reports that Council has received is that the proposed earthworks in terms of the applications that Council's received on Stage 7 for earthworks has indicated that there's no impacts outside of the site.

20

When you say that the proposed filling - sorry, can you explain that in a bit more detail in terms of how it was considered that the earthworks would not have an impact outside of the site?-- So from - the advice I've received from our internal engineers is that the earthworks applications that they've received and are currently in the process of assessing, that the flood reports and the hydraulic reports submitted in support of those applications have indicated that the extent and the location of the fill has not, will not, cause any detrimental impacts outside of the site upstream or downstream.

30

Do you know whether those reports rely on offset cutting of the site to achieve that situation?-- I'm not familiar with all of the details of those hydraulic reports and those earthworks applications.

40

You said that it wouldn't have an impact across Ipswich, would it have an impact though on the land on the other side of the Bremer River?-- The advice I've received from our internal engineers is that the hydraulic reports and their assessment of those to date have indicated that there would not be any impacts outside of the site. So, that's across the river or upstream or downstream.

50

In terms of the DTMR undertaking fill in Ipswich, is this a matter that you're in discussions with DTMR about at all in terms of the difficulties that that might pose in floodplain modelling and the like that Ipswich generally undertakes?-- I'm not aware of those discussions. They may have been progressed at a higher level.

Do you think that those discussions should occur?-- I do.

Do you think that the Council should have an opportunity to assess the impact of any proposed filling of land where it occurs in a floodplain?-- I do.

And that's regardless of the entity that's undertaking the fill?-- Correct.

10

Are you aware of any other problems in Ipswich where DTMR has undertaken fill within a floodplain?-- I have been aware in the past where they have undertaken fill in overland flowpaths and in close proximity to creeks and tributaries.

So this is a problem that's not just common to the Citiswich site, it's a problem that's experienced generally in the Ipswich locality?-- I understand so.

Do you know - where are those other locations?-- I don't have the details right now, but there's sites across the City in different localities.

20

Are you able to provide those to us?-- I can provide a list of some of those sites at a later date.

Can you, in providing that list, also provide us with details of when those issues came to Council's attention?-- I can, I guess, discuss that with the people responsible for those issues and see if that information's available.

30

And do you know what Council did in relation to those issues for the other locations?-- Generally we try to discourage the fill where possible, but not in all instances is that possible because of the exemptions provided to the State.

And how do you - what steps do you take to try and discourage the fill?-- I guess we meet with the developer and suggest that there may be a more appropriate location for the fill to go to in most instances. Sometimes those developers work collaboratively with us and land owners and sometimes they don't.

40

So you meet with the developer, but isn't the fill being undertaken by the Department of Main Roads?-- I guess obviously any consent - DTMR can't just dump the soil on someone's land without their consent, so generally, I think, the contractor has an arrangement with DTMR where they take the fill away and they get the consent of someone to dump it on their property. It all falls under those exemptions is my understanding of the situation.

50

Have you raised - do you know whether Council has raised the issue at all with the Department of Transport and Main Roads?-- No, as I said earlier, I'm not aware that we have. I am not aware.

But obviously if this is a problem on more than one site and

the exemption applies to the Department, it would be advisable to have discussions with the Department, wouldn't it?-- Potentially, yes.

1

Do you know whether the Council has raised the issue at all with the Department of Local Government and Planning in terms of having the issue addressed through amendments to the planning legislation?-- I'm not aware if those discussions have occurred with either Departments.

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I have no further questions?-- Thank you.

COMMISSIONER: No Questions?

MS McLEOD: No questions, thank you, your Honour.

COMMISSIONER: Ms Brasch?

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MS BRASCH: Ms Plumbe, you're not aware - do I understand your evidence to be that you're not aware of discussions occurring with the Department of Transport and Main Roads, is your evidence to say, to clarify, you don't know whether they have occurred and you don't know whether they haven't occurred?-- That's correct.

Commissioner, could the State reserve its position with respect to the evidence just given and any list that is produced?

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COMMISSIONER: Yes, that sounds as if it's in its early stages.

MS BRASCH: Yes. Thank you, Commissioner.

COMMISSIONER: Mr Flanagan?

MR FLANAGAN: No questions, Commissioner.

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COMMISSIONER: Ms Kefford?

MS KEFFORD: Yes, I have no further questions, might Ms Plumbe be excused?

COMMISSIONER: Thanks, Ms Plumbe, you are excused?-- Thank you.

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WITNESS EXCUSED

COMMISSIONER: Now, I think there's a mix-up with the map which is Exhibit 861.

MS KEFFORD: Yes.

1

COMMISSIONER: It's the 844 exhibit. You accept that 844 has an outline of the Citiswich site and an identification of Mr Chambers's property, I think.

MS KEFFORD: Yes, I understand that there is slightly different - I apologise, it slipped my attention that a map had been tendered yesterday with the marking of the Citiswich site and I believe that's the one that was handed - the one that was handed to the Associate this morning-----

10

COMMISSIONER: Well, it's not identical, it doesn't have the Citiswich site outlined, but it's the same map.

MS KEFFORD: There's no need to tender the one with the entire Citiswich.

COMMISSIONER: So I will just remove 861?

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MS KEFFORD: Yes, thank you, Commissioner.

MR FLANAGAN: Madam Commissioner, can we just make sure that the statement of Ms Plumbe was actually tendered in relation to the Citiswich site, but she also provided to the Commission upon Requirement a statement in relation to a development site at Eric Street, Goodna, and that's a statement dated the 7th of October 2001.

COMMISSIONER: There were two statements tendered, are they-----

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MR FLANAGAN: Oh, two statements tendered, were there?

COMMISSIONER: Yes, they're 859 and 560. They are the two that Mr Flanagan is talking about, are they, Ms Kefford?

MS KEFFORD: Yes, they are.

MR FLANAGAN: Thank you.

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MS KEFFORD: The next witness is Gary Ellis. I call Gary Ellis.

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GARY STEPHEN ELLIS, SWORN AND EXAMINED:

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MS KEFFORD: Your full name is Gary Stephen Ellis?-- That is correct.

And in response to Requirement dated the 23rd of September 2011, you provided a statement which is dated 13 October 2011? Can I ask you to have a look at this document, please?-- Yes.

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Is that a copy of your statement?-- I believe that's a copy of my statement with my signature.

I tender that.

COMMISSIONER: Exhibit 861.

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ADMITTED AND MARKED "EXHIBIT 861"

MS KEFFORD: Now, since about May 2003 you've been employed by Ipswich City Council as an engineer?-- That's correct.

And presently you're employed as Engineering and Environment Manager in the Development and Planning Branch?-- That is correct.

30

What does that role entail?-- Obviously managerial responsibilities with the branch two disciplines, engineering and environment, both in development assessment areas.

Are you involved in the assessment of development applications?-- I can be involved in assessment applications at times. More recently not so, but in the past, yes.

In terms of more recently, do you maintain any role in terms of development assessment?-- Only in managing the branch, but I do have - I will provide guidance to individual staff members if they require so on development assessment.

40

And do you have any particular qualifications with respect to hydraulic engineering?-- No, I don't have particular qualifications in hydraulics engineering.

Now, the statement you've provided gives an overview of the Council's development assessment progress for operational works applications, as well as dealing with matters touching on the Citiswich development in particular, but if I can just ask you firstly some questions about the overall process for assessing operational works applications. At paragraph 16 of your statement you make reference to a Stormwater Management Implementation Guideline which was adopted on 20 September 2011?-- That's correct.

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And we see a copy of that guideline at Attachment GE-44 of your statement?-- Sorry, can I just interrupt?

1

Yes?-- I just forgot my glasses.

Certainly?-- So that question was again?

Well, I was just taking you to Attachment 44 of your statement?-- Yes.

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And that is a copy of the Implementation Guideline?-- I believe so.

The header of the document refers to the Ipswich Planning Scheme, does the Implementation Guideline form part of the Planning Scheme?-- Yes, it does.

So was there an amendment to the Planning Scheme to incorporate this document?-- I believe that's an amendment, yes. It's a guideline to the scheme, so it's not a full amendment to the scheme.

20

Not a full amendment, but did it go through the amendment processes-----?-- For a guideline it did, yes.

Are they the amendment processes provided for in the Sustainable Planning Act?-- I believe so. You're probably best directing that to a Town Planner, but that's my understanding.

30

Would John Adams know the answer to those questions?-- John Adams would be able to speak to that question, yes.

How is the Implementation Guideline used in practice by the Council?-- Oh, well, given its infancy, it's only recently developed-----

Yes?-- -----it's been developed over some time, co-authored by myself, and I do give acknowledgement to consultants as well, BMT and WBM and SKM had input into that guideline. In terms of its implementation, it's only, as I said, September this year that it was introduced, and the idea is that we will have a training program that - I will assist in providing that training in terms of the requirements of the Implementation Guideline.

40

So has any training been conducted at this stage?-- No training has been conducted at this stage.

And is that because it only took effect on the 26th of September of this year?-- That is correct.

50

You made reference to consultants that were engaged by Council to have input into the guideline?-- Mmm.

What was the reason of-----?-- Well, as I said before I'm not particularly - well, I am a civil engineer but I don't profess to be a complete hydraulics engineer, so we were seeking

expertise in hydraulics and hydrology. The Implementation Guideline also speaks to stormwater quality matters which is my field of expertise.

1

So the consultants that the Council got assistance from, do they have qualifications in hydraulic and hydrology engineering?-- I believe so.

You believe so. Section 3 of this Implementation Guideline sets out the stated objective and it sets it out in terms of flood management an objective that all development of works are to deliver a no-worsening or a zero net balance with respect to stormwater management. In terms of that phrase "no-worsening", that's a phrase or a test that doesn't appear in the Planning Scheme, isn't it?-- That's correct.

10

And that no-worsening test doesn't appear in the Temporary Local Planning Instrument either, does it?-- That's correct. The intent of the guideline is to provide that information.

20

So in terms of the intent of the guideline and how that works in practice or how you anticipate it would work in practice with the balance of the Planning Scheme, a development application is required to comply with the provisions of the Planning Scheme only?-- The provisions of the Planning Scheme have higher statutory powers, that's correct. Sorry, the provisions of the Planning Scheme would be the precedent, yes.

And this guideline, the no-worsening test, is that a more stringent test than what appears in the Planning Scheme or less stringent?-- I would say that it reaffirms the Planning Scheme and gives more specific guidance.

30

So-----?-- I wouldn't say it was less or more stringent.

So while it uses different terminology to the Planning Scheme, what-----?-- The terminology used in it is more specifically aimed at engineers. The Planning Scheme has a tone of Town Planning speak and so, as I say, it's written more specifically towards engineering discipline personnel people.

40

But in terms of complying with the guideline, you don't believe it requires a level of compliance that's more stringent than the Planning Scheme?-- No.

No. What about in comparison to the requirements of the Temporary Local Planning Instrument, is the guideline more stringent or-----?-- No, where there would be conflict the TLPI would take precedent.

50

Do you believe there would be a conflict?-- No, because the drafting of the guideline gave regard to the TLPI when we drafted it and it has direct reference to it in the document.

So the drafters of the guideline had the TLPI when-----?-- Yes, that's correct.

-----choosing the terminology and the tests that are contained

within the guideline?-- That is correct, yep. They were concurrently drafted.

1

In terms of the detail that the guideline seeks with respect to flood management, that commences at page 10?-- Sorry?

Madam Commissioner, this is a new topic, might it be convenient to break for lunch now and to deal with the topic after lunch?

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COMMISSIONER: 2.30 is all right, is it?

MS KEFFORD: Yes.

COMMISSIONER: Right. We will adjourn until 2.30.

THE COMMISSION ADJOURNED AT 12.57 P.M. TILL 2.30 P.M.

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THE COMMISSION RESUMED AT 2.31 P.M.

GARY STEPHEN ELLIS, CONTINUING:

COMMISSIONER: Yes, Ms Kefford?

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MS KEFFORD: Now, just before the adjournment I asked you to turn to page 10 of the guideline, which is attachment 44 to your statement, and this is where the guideline deals with flood management, is that correct?-- That's correct.

In terms of the information that the guideline requires to be provided where flooding is an issue for development application, the information outlined at page 10 and following is quite detailed, isn't it?-- That's correct.

20

And in some cases it even would include the requirement for a joint probability analysis where the flow within the local watercourse is influenced by regional flooding?-- That's correct. That's coincidental flood events, that's correct.

Is that type of modelling difficult to prepare?-- No, I would not think so for an experienced hydraulics engineer.

What extent of base information is required to undertake that type of modelling?-- Well, in some instances council may be able to provide that information. Certainly in terms of the modelling that was done with the SKM 2000 hydrology work, that can be provided. Also in the context of the studies that council are currently undertaking, that information will also be provided. Although it may be in final draft stages, certainly we can make comparisons with that. Otherwise, the individual applicant would need to undertake their own hydrological studies and hydraulic studies.

30

So in terms of the preparation of models referred to in this guideline, I don't recall seeing, but you might be able to point me to somewhere within the guideline that indicates that council is able to provide some of that base data, or is that ascertained by developer through inquiries to the council?-- Yeah, ascertained through council - through council by inquiry by the developer, that's correct.

40

Reference was made during the evidence of Mr Wulff to the fact that the council's currently asked for a number of flood studies for various catchments and subcatchments to be prepared. Is that the type of information that will later be available as base data to developers?-- That is correct. In one instance - it is being currently used in one instance at the moment, mainly in the context of Ripley Valley and the modelling there that's being done for that Ripley Valley township.

50

In terms of the extensive detail that's contained in the guideline, this guideline was commenced in September 2011. Did it have a document that it superceded?-- No, there was no previous document to this standard in the scheme, no. 1

And why then was it decided that this guideline was necessary?-- It certainly was from my experience. I instigated this document, largely through my experience with dealing with hydraulic and hydrological matters through development applications, and with also being - participating in SAG meetings with some of the flood studies that are currently undertaken with council. It was readily identified to me that there needs to be a benchmark on the representation levels that need to be undertaken in terms of hydraulic studies for council in terms of development applications. 10

What is a SAG meeting?-- Sorry, Special Advisory Groups that have input to the development of those flood studies.

And what role do those meetings have in terms of development assessment?-- Well, it is a group of people that have different agendas, so to speak; you know, what are the issues in terms of flood studies, what are - certainly in terms of my capacity it was to provide information in terms of development in the area that it may influence on the study. 20

Can you explain that in a bit more detail?-- Well, it is just representative people that provide input to the study, so that the consultants that are undertaking the study have all the relevant information before they do the study. 30

Are these the studies that the council's commissioned with respect to the catchments and subcatchments?-- That's correct. So it is preliminary information that feeds into the briefing for the studies.

Right. And in terms of the identified need for this guideline, I think I understand you to be saying that - is there a varied level of detail provided when flood studies are provided as part of a development application?-- There is a varied level of presentation. It is not necessarily the difference in the level of work that's undertaken by the consultant. Generally when you do have discussions with consultants, a lot of this work has been done, it is just not presented in their subsequent study report. 40

So in terms of it not being presented, is that a situation where council receives a report with just very brief conclusions, or what type of information was council receiving?-- Well, in some instances brief conclusions, what their assumptions were in terms of their models and that. Largely we were trying to get information that I believe should be upfront through our information requests. 50

And can you give us an explanation as to what type of information you thought should have been provided at the initial application stage?-- Well, certainly in terms of Citiswich, if I speak specifically to that?

Yes?-- I thought that there is a number of issues with flood assessment. You know, obviously it is conveyance, and they seem to have covered that well, but what wasn't initially covered was the accumulation impact across the catchment. So I would have thought that would have been provided upfront rather than council having to ask that in an information request, and this guideline will provide - make sure that's provided upfront in the future.

10

Can you just explain the term "accumulation effect"?-- Well, while a hydraulic study may show negligible impact in terms of flood levels and flows, across a catchment you may have a number of developments likewise demonstrate negligible impact, but accumulatively that could have some adverse impact to the properties.

Obviously, with a site the size of the Citiswich site, would you expect that site by itself could have a measurable impact if not addressed?-- I wouldn't expect - in terms of the outcomes of Citiswich, the engineering science do accord with the study outcomes. Rivers such as Bremer and Brisbane - you know, the flood gradient and flows are generally dominated by conveyance capacity through your channel in your high flow areas. Not so sensitive to flood storage areas, such as where the fill is placed in Citiswich. Hence, I wouldn't logically think - expect to have any major impact, but I still would expect a demonstration that there is no impact in terms of cumulative.

20

When do you expect that demonstration should occur? Is it during the application for operational works, or as part of the original application, say, with Citiswich with the preliminary approval?-- Ordinarily, you would expect it to be provided as part of the reconfigure of the lot application or MCU application.

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COMMISSIONER: I am sorry, I didn't hear that. What did you say?-- Sorry, with reconfigure of the lot application, or an MCU. Citiswich is somewhat different in that they did lodge an earthworks not associated with an MCU and associated flood study with that, but both the earthworks and the reconfigure a lot applications were concurrently assessed, albeit the operational works approval preceded the RL approval.

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MS KEFFORD: In terms of the implementation guideline, when is it intended that the guideline will apply?-- The guideline takes effect in September 2011.

To what development applications will it apply?-- To all development applications. Obviously in the relevance of having to do a flood study.

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So any development applications below the Q100 line?-- That's correct. The guideline also speaks to water quality as well.

Obviously, but in terms of the flooding?-- Yeah. It will be the triggers under the overlays development constraint.

So whenever the codes are triggered?-- Yep.

Wherever the codes trigger a requirement to provide a flood study-----?-- That's correct.

-----that's when the guideline will apply?-- That's correct.

Do you think that it is realistic to expect the level of detail outlined in the guideline for every application where the need for a flood study is triggered?-- I certainly do, yes.

10

Is that because you perceive it to be not a particularly onerous task?-- No, no, I don't. In some instances it may be considered onerous, but, however, you know, the culture within - certainly with my branch is that, you know, while we assess all engineering aspects of a development application, certainly stormwater and mining are at the forefront of all those assessment procedures, and we don't take stormwater lightly.

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So even if it is onerous, it is important enough to-----?-- That's correct.

-----expect that it be addressed to this level of detail?-- That's certainly correct.

When this information is provided, how does council go about assessing the information?-- It is an escalation process. You know, the application is lodged and if it has a - well, predominantly it would be lodged with a planning application and it would go through the IDAP process with the town planners. It would then - either out of the operational works or the planning IDAPs, it would be referred either to myself or our senior - one of our principal engineers, who is a hydraulic engineer. Between ourselves, we might conjointly review it or singularly he might do it himself. If we believe that the study has - you know, is of a complex nature, we subsequently may refer that on to our Works, Parks and Recs people, in terms of hydraulic section, for further comment on that review.

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You made reference to IDAP. What is that?-- It is just a - the meetings that we hold once a week where we review the initial application lodgement and we have appraisal done of that application to ensure that we're - not so much fast track it, but make sure the process is streamlined and we don't overlook any of the issues, and we make sure if we need further information we are prompt in getting that information.

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So in terms of the weekly meeting, does it cover - does it - at that meeting do you discuss any new development application that's been received?-- That's correct.

And who are the attendees at that meeting?-- It would be sometimes geographic but all the senior engineers would be available, including myself.

And are there other areas of discipline as well, such as planners?-- Some planners will turn up, but also environmental staff will turn up, in terms of Water Quality, and some of the ERA issues they may have with the application.

ERA issues?-- Environmentally relevant activity.

At that meeting who informs the attendees of the meeting what the contents of the development application - about the contents of the development application?-- The meeting is programmed weekly in everyone's calendar, for those that it is relevant to, and then 24 hours prior to the meeting an agenda is automatically generated by council's corporate system. That's sent to all those attendees advising them what's on the agenda and what will be discussed.

10

In terms of advising them what's on the agenda, does it simply list a file number, or does it contain detail-----?-- It lists file number, address, some detail of the application, what it is concerning, but it wouldn't specifically say that there is a flood report, or there's a, you know, sewerage water report, or something like that.

20

So once you are in the meeting, what process is used to identify whether there needs to be consideration of a particular flooding issue?-- Well, simultaneously during the meeting we also have a projector up on the screen that's showing the site, and we load up all the overlay constraints. It will show those overland flow paths. It will also show the inundation lines for Q20, Q100, and '74, which we review as part of the assessment process. The individual officer that's responsible for the assessment will present the application to us, to the senior members, and open discussion on some of the issues, look at whether it is flood impact. Okay, it is inundated with a, say, Q100. Is there a flood study? If so, please refer it on to either myself or Ravi, who is our hydraulic engineer, and then if myself or Ravi decide it needs further consultation, then we will refer it ourselves.

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So in terms of making a decision as to whether or not an application goes to the engineers for consideration, even if there is not a flood study with the application, does the location of a property in an overland flow path or below Q100 trigger the referral?-- Yes, it would. That's in terms of planning applications, certainly would, yes.

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And if a flood study hasn't been received, is that when you then look at what information request ought be issued?-- That's correct.

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If I could ask you a few questions about the Citiswich site?-- Uh-huh.

At paragraph 21 of your statement you list the matters which the council generally has regard to when assessing applications for operational works?-- In terms of bulk earthworks, that's correct, because it wouldn't be the only

ones that we deal with in terms of operational works.

1

Okay. Is there a distinction between bulk earthworks and some other form of earthworks, or-----?-- No. What I meant was that if you have an - a works application that has earthworks and also construction of infrastructure, there'd be other codes that you would be looking at, more policies.

So the distinction you were making is that there are other forms of operational works-----?-- That's correct.

10

-----other than bulk earthworks, such as landscaping or-----?-- Yep.

-----things of that nature? And at subparagraph (a) you mention the Temporary Local Planning Instrument?-- That's correct.

I am assuming that the Temporary Local Planning Instrument's only been used for applications since that instrument came into effect?-- That's correct.

20

And at subparagraph (c) you say that "council considers whether the applicant has submitted hydraulic reports which adequately demonstrate negligible impacts for peak flood levels and no increased peak flow for the range of design events and which are based on appropriate models and assumptions certified by a registered and professional engineer."?-- That's correct.

30

What determines if a hydraulic report is required?-- Certainly in terms of earthworks code, there is a requirement to demonstrate that you have no impact in terms - or impediment to waterways, so that would trigger. There is also the Overlays Development Constraint Code that would be triggered as well.

Who reviews the hydraulic reports once they are provided to council? Is that yourself or the other employee that you mentioned earlier?-- As I said before, it is an escalation process. It can depend on complexity. It can also depend on the - whether the author to the study or certified to the study is known to us and we have had experience with that individual. We might look to have further review by others. Also, if we think that the study itself has glaring omissions, or we can't come to agreement between ourselves and the developer's applicant, we will look to have a third party review done. For example, in South Redbank Plains, both myself and Ravi had reviewed the flood study for South Redbank Plains in association with a number of developers there. We also forwarded it on to our engineering works - Engineering Services Department for consultation and comment with hydraulics engineers there. And we passed those concerns back, but unfortunately we couldn't come to agreement on some of the parameters in the model, so we went to, rather than a third party review, more a review of that independent of both parties that would provide a level of confidence that both ourselves as council and the applicant would be happy with.

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One of the factors that you referred to was the author, that you consider is the author of the study?-- Yes.

How does that come into play?-- Well, you know, being in the industry for a number of years you come to know who the experts are in the industry, and if we have a report by someone that we're not generally familiar with, or something like that, we might have a bit more thorough thought to it, but it is not questioning their certification, it is just that we haven't dealt with them in the past.

10

And is the flip side of that coin that where there is an author that you're familiar with, less rigour is applied to assessment of the report that's provided?-- No, I don't believe that would be the case, no.

So is it just that more scrutiny is applied where you're unfamiliar with the author?-- Not more scrutiny. I would say the scrutiny is the same. It is just that we might for confidence level ask for somebody to review it.

20

Sorry, what do you mean by that? An independent review or-----?-- Yes, a third party review, yes. But we could just do that internally with ourselves as well through our Works Department guys as well.

You referred to the Works Department earlier as well. In terms of the employees within the Works Department, how do their qualifications or experience differ from that of yourself?-- Well, in some instances those individuals are, you know, 10, 20 year experienced hydraulic engineers that specialise in hydraulics and hydrology.

30

Okay, so they are more specialised - their skills are more specialised than those in the development assessment teams?-- Compared to the majority of development engineers, I would say that's correct. However, in the case of one of my staff, Ravi, I would say that he would be equivalent or par. But also myself, while I'm not a hydraulic engineer, I certainly have a number of years in computational modelling through my post graduate studies and over the period I've also established some strong hydrological and hydraulic skills.

40

What determines when an application is escalated up the chain to an employee in the Works Department?-- Well, that would probably be in consultation between myself and Ravi. We would both review it together and think that if we both have had some concerns or we don't think the detail is sufficient enough we would on forward that.

50

To have it checked again, as it were?-- Yeah.

Make sure that your concerns are justified?-- That's correct.

In terms of the new guideline and the Temporary Local Planning Instrument, do you think they will affect the way flooding is dealt with in the future?-- They are currently affecting the

way that flooding is dealt with at the moment. Obviously, it is an interim guideline and would be subject to review, and, you know, further amendments to the scheme. But, you know, I would be speculating to say where that would be at the moment. But at the moment it is impacting on the way assessment is assessed in terms of flooding.

1

Is it impacting in terms of the process followed internally in council, or it is because the criteria are different?-- Criteria's changed.

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Same processes will be followed?-- Process is the same.

In paragraph 22 of your statement you refer to a Master Plan for the proposed earthworks for the Citiswich development?-- Yes.

That Master Plan was lodged as part of a development application for the reconfiguration of a lot?-- That is correct.

20

And do I understand it correctly that the Master Plan dealt with the whole Citiswich site, not just that part which was to be reconfigured?-- That is correct.

And at paragraph 22(g), you tell us that the investigation - the Master Plan flooding investigation that was provided by the developer concluded that the proposed Master Plan filling would not adversely impact on flood levels external to the site?-- That's correct.

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It appears from the statement that you make at the top of page 14, the first full paragraph, that council was satisfied with the report?-- That's correct.

In terms of the level of detail provided in that report, how does it compare with implementation guideline number 24, which has just recently been introduced?-- The first thing is that it wouldn't compare in terms of hydrological, because it relied on data that's provided by council from the SKM 2000 report, so it is specifically talking to just the hydraulic element of it. In terms of the hydraulics, I would suggest that they have used the right type of model, the assumptions they used - it was a two-dimensional model - which at the time was forefront and best practice, and it is still endorsed to that level for doing that modelling. The only thing that I'd probably say that it differs a little bit is that we probably would be looking at some of the floodplain hazard assessment for events greater than the Q100 and that's probably the only difference.

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And what is a floodplain hazard assessment? What type of matters get considered as part of that?-- Well, evacuation routes, you know, periods of inundation, recession rates how quickly with the flood recede and those sort of evaluations, look at the impact on particularly industrial development.

So that's an extra level of detail that you now would expect

would be provided if this was to be - if the application was to be made now in accordance with the implementation guideline?-- That's correct.

1

There is no reference, as far as I could see, to the Master Plan Flooding Investigation Report?-- In?

In the decision notice for the reconfiguration of a lot. Do you know why that is?-- I'd probably take the stance that it is supporting information to the application and the approval is based on that supporting information. I don't necessarily specifically spell out that's the approved stormwater plan.

10

Does council have a practice - a general practice to refer to approved stormwater plans as part of decision notices? Does it-----?-- Probably more recently that would be the case but in 2007 it may not have been the case.

So more recently it does refer to them or it does not refer to them?-- We haven't done an approval in terms of reconfig that refers to that study at the moment. At the moment we're still assessing other stages.

20

In terms of across Ipswich generally, when council has looked at a particular flood study and determined that on the basis of that flood study it is appropriate for the development to proceed-----?-- Uh-huh.

-----does council ordinarily condition the development to comply with that flood study, or is approval simply given and it is assumed that it will be undertaken in compliance with-----?-- It would be appropriate to condition that it requires a flood study but be mindful that the flood study could change during the course of the ultimate development. Both - not so much the regional one, but certainly in terms of the local flooding Master Plan study, it could change.

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And how does the local - like, how would you anticipate the local flood studies would change?-- Well, change with development layout. You know, could be a difference to the layout and things like that so, you know, it's - at the first stages it's very conceptual because you're only dealing with one stage but over the entire development it could change.

1

Is that because the flood studies include details such as location of detention basins or something?-- Yeah, it's - yeah, it assumes particular layouts that are not yet approved.

10

Are there any conditions which are imposed on developments that relate to key components of the flood study, such as the idea that they're the compensatory works? Do those type of conditions get imposed?-- The conditions that we impose at the moment are that there's no earthworks below the Q20. In terms of compensatory, no, I don't believe there would be a particular condition. It's relying, once again, the flood study itself included details on the compensatory earthworks in the report.

20

But if the report isn't referred to in the conditions how does council ensure that the development is undertaken in compliance with the report?-- Oh, well, you know, I concede that it should be included in the approval decision notice but the practice is so that there's reference made to the current stormwater master plan when we do the assessment of works.

At paragraph 24 you indicate that the subsequent earthwork applications for Citiswich, that is the ones that were received after this master plan for flooding, Master Plan Flooding Investigation Report-----?-- Yeah.

30

-----were assessed by reference to the Master Plan Flooding Investigation. Is that assessment in addition to the considerations outlined at paragraph 21 of your statement?-- I'm not sure what the question is but I think that the overriding assessment in terms of those more recent applications was the TLPI.

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And how does that fit with what you say at paragraph 24 of your statement?-- In terms of the applications, they were assessed against the codes and the master plan study.

So how was the master plan study used? Was it assumed that if the proposed earthworks - operational works complied with the master plan, was it then assumed that they met the codes or-----?-- Yes, that's correct. Given that the flood study was assessed against the initial reconfig against those codes in the overlay developments restraints.

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And so there's been no change to the codes in the mean type?-- No.

And so if the new applications for earthworks complied with the master plan, it was then assumed that they comply with the codes?-- That's correct. In terms of flooding.

In terms of - yes, in terms of flooding. At paragraph 26 of your statement you deal with an operational works application for bulk earthworks for what was stage 1A of the Citiswich development?-- That's correct.

1

And at paragraph 52 you refer to an information request that was issued by council, and you set out an extract of the information request within paragraph 52 of your statement?-- Mmm-hmm.

10

And can you see there in paragraph 1 of the extract-----?-- Yes.

-----that the request included a request for the developer to provide details of the ultimate development of the Bremer Business Park?-- That's correct.

If I just pause there. The Bremer Business Park, is that-----?-- That's the original name to the Citiswich development.

20

Okay?-- Formerly known.

And you asked that it provide those details in terms of finished surface levels in areas below the Q100 and the revised flood study. Did that request - how - sorry. Why did council make that particular request?-- Certainly, you know, before you go approving earthworks in a floodplain based on a single study, we know that with this development they're looking to fill, you know, more extensively across the floodplain, and I certainly didn't want to be in the position of setting up a precedence where we wouldn't have the capacity to adjust levels so that we did have no impact. I was - I was after the - that issue of the cumulative impact.

30

So you were concerned about what might occur if council assessed each individual operational works application-----?-- In a piecemeal approach.

-----without - in a piecemeal fashion without regard to-----?-- You're painting yourself into a corner, effectively, so I wanted to get that upfront, and, you know, while we didn't get it with that operational works application, it wasn't shortly after - it was shortly provided not long after that so-----

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In terms of the fact that it wasn't received with this application, this application was nevertheless approved?-- That's correct.

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And why did council approve the application without having received the information?-- It was on a risk approach that they adequately demonstrate that there was zero impact from that application in terms of its earthworks, and that we were under the understanding that the master plan was in - being developed at the time and we would have it in hand shortly.

Was it a case where even without that information, because of the way the codes are drafted they demonstrated compliance with the codes and so it couldn't be refused?-- That's correct, you could say that.

1

And so if there was no willingness to provide the master plan, is there a potential gap there in the council's codes that it would be in a situation where it's painted into a corner because it couldn't insist on that type of information?-- I believe the implementation guideline addresses that.

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And so you perceive that the problem has now been fixed by the implementation guideline?-- I would agree.

In terms of filling on stage seven-----?-- Yes.

-----when I talk about "stage seven", are you familiar with what part of the Citiswich site that is?-- Yes, I am.

And that - could you - that's the area closest to the Bremer River?-- Well, I wouldn't say - there's other areas that are close to the Bremer River but it's on the northern side of the highway and close to the Bremer River.

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So between the highway and the river?-- That's correct.

Are you aware that there have been complaints by residents of Karalee with respect to filling occurring on that part of the Citiswich site?-- I am aware of complaints raised by residents, yes.

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And could I ask you to have a look at a document, please? It is a statement of Ms Richards?-- Mmm-hmm.

Madam Commissioner, I should probably at this point explain that Ms Richards was to give evidence today but we have been contacted and informed that she will no longer be available to give evidence today. I will, however, tender her statement.

COMMISSIONER: All right. That will be Exhibit 862.

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ADMITTED AND MARKED "EXHIBIT 862"

MS KEFFORD: In particular, if I could ask you to have a look at paragraph 30 of her statement. There Ms Richards says that truckloads of dirt have been transported into the development site and she's talking about the Bremer Business Park site?-- Correct.

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That's also known as "Citiswich"?-- That's correct

And she was particularly concerned about what is called stage seven of the development. That's that same area you were describing between the Warrego Highway and the Bremer River?-- That's correct.

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And Ms Richards was concerned that the extent of the dirt brought into the area and dumped on the floodplain is up to as much - up to an estimated 10 metres high in places above the natural ground level. Have you had occasion to look at that filling yourself?-- I have.

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And do you think that's an accurate description of the extent of the filling?-- In place, yes. That depth of fill would be isolated to a small depression that's located between two ridge lines, so I wouldn't say that that's an average 10 metres across the entire fill area. It's probably more likely to be at two to three metres on average.

And what type of area are we talking about where - with a depth of two to three metres?-- Oh, well, for the majority of earthworks, I would say that - you know, say 60 or 70 per cent there would be about two to three metres but there would be a local depression that would range from that two to three down to about, you know, somewhere between eight and 10, depending on the levels.

20

And what area of site is covered by the fill?-- I couldn't be certain because the plans that were provided to us don't depict that fill in that gap - in that depression area, so I wouldn't-----

30

Do you have an idea - is it a couple of hectares that have been filled or-----?-- Probably at most half.

Half a hectare?-- For the gully - for that depression area.

And what about more generally where the fill is two to three metres in depth?-- Probably a hectare maybe-----

A hectare-----?-- One - probably one to two hectares.

40

To your knowledge did the filling occur prior to the January 2011 floods?-- I understand that filling to occur prior to 2011 floods, that's correct.

And there was no development permit authorising the fill?-- That's correct.

Earlier today Miss Plumbe suggested that it was her understanding that the fill was exempt development. Does that accord with your understanding or do you have a different understanding-----?-- No, that accords - certainly the placement of the fill, the placement of it is exempt development.

50

And can you tell us why it's exempt development?-- My understand is that it's in accordance with the Act which under the schedule that State activities are exempt.

"State activities are exempt". Does that particular type of exemption cause difficulties in terms of the potential for impact of filling in a floodplain?-- It causes - it can cause potential for impact on floodplains. In terms of Citiswich, the placement of fill accords with the Master Plan Flood Study so I wouldn't expect there to be any impact from that placement of fill.

1

Did the Master Plan Flood Study, though, require there to be compensatory cutting of the site?-- No. Well, it - there was cutting proposed but the actual study, the model itself did not include that cut. It was - that's why in my statement I referred to it as "worst case" where they skyhook the development and assume no cut was being provided, so it's the worst case and so the outcomes of the model are based on that.

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So does the model indicate that filling can be conducted on the Citiswich site with no compensatory cut and yet the flood levels experienced external to the site wouldn't change?-- That's correct.

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How can that occur? Can you explain, perhaps in layman's terms, how that's possible?-- Well, as I said earlier, with rivers of this magnitude, particularly in the lower reaches, flood gradient lines and levels are dominated by the capacity of your general - for conveyance. So the majority of flow flows down through the Bremer River channels in the incise and immediately adjacent to that. And then you have on the extents of that is your backwater areas and your flood storage areas, which are predominantly low to zero velocity areas. The fill that's been placed in Citiswich is predominantly - well it is in all those backwater areas, it's not deemed to be in the high flow areas, and therefore it's not considered from engineering/science perspective that you would reasonably understand that it's at - you wouldn't have impact on those levels.

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Does it have the potential to cause greater extent of land to be affected by backwater?-- No.

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It doesn't push the water elsewhere-----?-- The levels don't change. The levels are dominated by the conveyance capacity. It's not sensitive to losses of flood storage. Because the flood storage - the flows in the river are large compared to the offline flood storages. If you look at the peak for the peak one-hundred flow with the 30 year Brisbane flood, if you look in the Bremer River situation you've got flows of somewhere in the magnitude of 2700 to 28 cubic metres per second of flow. If you assume a metre a second of flow, the amount of fill that's gone into the Citiswich site is equivalent to less than two minutes of flow, to give you some relativity.

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And is that particular scenario occurring for Citiswich because of its location so close to the - where the Bremer and the Brisbane River meet?-- For large rivers at lower reaches this is a phenomenon and it's - Brisbane River is the same through the City of Brisbane as well. It's not sensitive to

offline storage losses and it's mainly the conveyance area. But you certainly couldn't have that principle in the upper reaches of the Bremer River or for some of our creek systems, there would be a different outcome, because the amount of fill that you would place in there is relatively large compared to the flows, so you could have ex - expect impacts on storage, but in this situation at Citiswich the flood storages at levels in the Bremer River are not sensitive or not overly sensitive to floodplain storage.

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In terms of other locations, Ms Plumbe mentioned that there were other locations within Ipswich where a similar difficulty was being experienced of the Department of Main Roads-----?-- Mmm-hmm.

10

----- taking up its right to place fill on land without obtaining a development approval. Are you aware of those other situations?-- I'm aware of some of them, yes.

And are they situations where a difficulty has been caused by placement of fill in an area of floodplain storage?-- Predominantly they would be exempt, as I could bear to mind, mainly in terms of overland flow paths, not so much floodplain inundation levels.

20

Does the placement of fill in an overland flow path cause difficulties?-- It can cause difficulties for adjoining properties, that's correct.

And the council's not given an opportunity to assess the impact, obviously it being exempt development?-- I'm not sure that council needs to have the opportunity, I just believe that the State should give rise to that assessment.

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That the State should do the assessment?-- Well, they should give consideration to it, yes.

So do you think the State should examine what the impact is before placing the fill?-- Yes.

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And how do you - how would you see that being achieved?-- Well, I would think that it would be in the context of the project that its - the source material is coming from, that you look to where you are placing any spoils and include that in your assessment as part of the project.

50

In terms of instances where fill has been placed in overland flowpaths, do you know whether the issues caused by that fill were later resolved?-- I believe they have in the most part been later resolved by talking to the land owners and, you know, organising with them to either lodge applications or to carry out remediation works.

1

And so has the onus then been on the individual lot owners who have permitted their site to be used for that purpose?-- The onus has been on the land owners, correct.

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Not on the Department?-- No.

At paragraph 84 of your statement, you deal with an application for bulk earthworks made on the 13th of August 2010 and approved on the 30th of May 2011?-- Yes.

Was that application related in any way to the filling that was done on Stage 7 of Citiswich?-- That's correct, it was.

20

And do you know why the application was lodged?-- With our discussions with the land owner to, you know, have an application lodged with us to formalise that, the earthworks.

And what's the point of formalising the earthworks if a permit wasn't required?-- Well, certainly from the land owner's perspective, making sure that we have certification for that structural fill. It's not because - it was uncertain at the time whether the placement that was there was being structurally engineered and so we were looking for structural fill. We were also looking for finished surface levels to make sure it does comply with the flood study and also with our scheme requirements.

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What do you mean by "structural engineering of fill", what does that entail?-- Well, there's a difference between just dumping fill and structurally placing that fill. It needs to be compacted in layers with water application to get the right densities.

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Is that to permit it to be built on at a later stage?-- Yeah, as a structural platform, that's correct.

The approval for that operational works is referred to at paragraph 113 of your statement?-- Yep.

And there you set out the conditions of the approval addressing flooding matters and specifically requiring compensatory earthworks?-- That's correct.

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So it is the case with the fill that compensatory earthworks were required?-- There's two issues. One was that in the flood study, as I said before, that there was an element of compensatory earthworks below the Q20 and that hadn't been documented in this application and we wanted that documented. I've since learnt that some of that works has been undertaken but we wanted that documented. The other issue is that with this particular application, and another one that's in

abeyance, the provisions of the TLPI were taken into account and we certainly applied those at this stage.

1

Well, what did the compensatory earthworks involve?-- Sorry?

What did the compensatory earthworks involve?-- Cut to fill balance, insuring that you have similar flood storage at the moment.

So cutting was required as a consequence of the amount of fill that was placed on the site?-- In accordance with the TLPI requirement provisions, yes.

10

And-----?-- It wasn't required as part of the master plan, or an element of it was required for the master plan.

And you made reference to the fact that some of that compensatory works has been done?-- That's correct.

That "some" obviously has a connotation that not all has been done?-- Well, in terms of the overall ultimate that's correct. You wouldn't obviously do all of the cut in terms of the master plan, but there's been cut undertaken in relation to the earthworks in and around Stage 4 in the active park area, but there's been no cut in around stage 7 at this stage.

20

Has the necessary cut been done to compensate for the fill that's been placed?-- Not at this point in time, no.

So at this point in time there has been more filling undertaken than there has been cut?-- At this point in time the extent of earthworks are not compliant with the approval.

30

Well, what steps are being taken in relation to that issue?-- I met with the developer last week and identified this with them and they're in the processes of lodging new applications to us to rectify that.

Would you ordinarily expect that where compensatory earthworks are required in terms of cut to balance any proposed fill, would you expect that the cut would occur before the fill?-- I would expect it to occur concurrently.

40

And is that ordinarily conditioned as part of an operational works application that it occur concurrently?-- I wouldn't have a specific condition, but it would be an understanding of the approved plans that they happen together. You're obviously going to have plant on site that would be undertaking that works, so you don't necessarily bring the fill in. If you're sourcing cut for fill you're going to do it concurrently. It's different though when you are bringing that fill in from an external source like it happened in this case.

50

From what you say you would ordinarily expect it to occur but it obviously hasn't with the Citiswich site?-- That's correct.

So given that situation, do you think it would be wise in the future to impose conditions requiring the cut and fill to happen concurrently?-- It wouldn't be unwise to include it.

1

If the fill doesn't affect flood storage capacity, why are-----?-- Well, it does - sorry.

Sorry?-- It doesn't affect - it will - you will reduce flood storage capacity but you don't impact on the flood levels.

10

The flood levels?-- Mmm.

Do you impact on the extent of land that might be affected by the flood?-- No.

No?-- There's no change in flood levels, so you won't impact - you won't have change in the land.

Why then are compensatory works required?-- In this instance, under the TLPI, we don't wish to be discriminatory across Ipswich and it's being applied equally to all applications at the moment.

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Just to put the matter beyond doubt?-- That's correct.

I have no further questions.

COMMISSIONER: Ms McLeod?

MS McLEOD: We have no questions.

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COMMISSIONER: Ms Brasch?

MS BRASCH: Commissioner, if the State could, consistent with the position we took with Ms Plumbe, reserve on that bit of evidence-----

COMMISSIONER: About the Department of Main Roads?

MS BRASCH: Thank you.

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COMMISSIONER: Mr Flanagan?

MR FLANAGAN: I have no questions, thank you, Commissioner.

MS KEFFORD: I have no further questions, may Mr Ellis be excused?

COMMISSIONER: Yes, thanks, Mr Ellis, you are excused?-- Thank you, Madam Commissioner.

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WITNESS EXCUSED

COMMISSIONER: So with regard to your witness-----

MS KEFFORD: Mr Ellis is, therefore, the final witness for today. If we could adjourn to further hearing in Brisbane on the 25th of October?

COMMISSIONER: That's next Tuesday, is it?

MS KEFFORD: Yes.

COMMISSIONER: All right. We will adjourn until Tuesday at 10 a.m. in Brisbane.

THE COMMISSION ADJOURNED AT 3.27 P.M. TILL 10.00 A.M. TUESDAY,  
25TH OCTOBER 2011