

CLAYTON UTZ

BRISBANE CITY COUNCIL

BCC

QUEENSLAND FLOODS COMMISSION INQUIRY

Inquiry

Statement of Gillian Soole

14 September 2011

Volume 1 of 2

Clayton Utz
Lawyers
Level 28, Riparian Plaza 71 Eagle Street Brisbane QLD 4000 Australia
GPO Box 55 Brisbane QLD 4001
T +61 7 3292 7000 F +61 7 3221 9669

www.claytonutz.com

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Date:

20/09/11

Exhibit Number:

558

Statement of Gillian Kay Soole

I, Gillian Kay Soole, Regional Manager of Development Assessment West, Brisbane City Council, of 266 George Street, Brisbane, in the State of Queensland, state on oath as follows:

- A. Attachment **GKS-1** is a copy of a notice from the Commissioner of the Queensland Floods Commission of Inquiry (**Commission**) dated 8 September 2011 requiring me to provide certain information to the Commission with respect to the existing shopping centre located at 37 Birkin Road, Bellbowrie (also known as Bellbowrie Shopping Centre) (**Subject Land**) in the form of a statement (**Notice**). This Statement is provided in response to the Notice.
- B. For the purposes of responding to the Notice and preparing this Statement I have, in my position as Regional Manager of Development Assessment Team West of the Brisbane City Council (**Council**), had access to:
- (a) the business records of Council; and
 - (b) Council officers,
- to obtain information to provide a response to the Notice. Unless otherwise stated, the matters set out in this Statement are based on my own knowledge and the information derived from the above sources.
- C. The documents from the above sources and attached to this Statement have been collated by Council officers under my instruction.
- D. I set out below my responses to each of the questions set out in the Notice.

Qualifications and Background

1. My qualifications include a Graduate Diploma in Urban and Regional Planning from the Queensland University of Technology.
2. I have been a qualified Town Planner for 17 years.
3. I have held the position of Regional Manager of the Development Assessment Team West for 4 years.
4. My previous work history is as follows:
 - (a) I have been employed at Council since June 2002;


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- (b) Senior Town Planning Consultant at the Queensland Building Consulting Group for 3 years;
- (c) I had my own town planning consultancy company for 3 years;
- (d) Town Planner at Kinhill Cameron McNamara for 2 years;
- (e) Town Planning Draftsperson and Supervisor, Geographic Information Services at Redland Shire Council for 12 years;
- (f) Town Planning Assistant at Tauranga City Council (New Zealand) for 2.5 years;
- (g) Survey Draftsperson at Shrimpton and Lipinski (New Zealand) for 4 years.

Response to the Notice

1. The defined flood level of the Subject Land prior to the January 2011 flood event

- 5. Council's records show the defined flood level for the Subject Land immediately prior to the January 2011 flood event as 13.2m AHD.

2. Whether Council's records indicate that the Subject Land was subject to surface flooding impacts during the January 2011 flood event

- 6. Council's records indicate that the land was subject to surface flooding during the January 2011 flood event. I am not personally familiar with the records which Council has of surface flooding during the January 2011 flood event. A fuller explanation of the records as to the flood extent and modelling of flood depth can be provided by Council officers with technical expertise in this area.

3. When approval was first given to permit use of the Subject Land for the purpose of a shopping centre

4. At the time when approval was first given:

- a. how potential flooding impacts were identified
- b. what assessment process was followed specific to flood impacts
- c. what consideration, if any, was given to:
 - i. the proximity of the Subject Land to the Brisbane River;


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- ii. the proximity of the Subject Land to the waterway which traverses the adjoining land which is currently within the Sport and Recreation Area in Brisbane City Plan 2000
- iii. flood risk or the potential impact of flooding on the Subject Land and measures to address such risk or impact
- iv. the locational attributes of the catchment population which the shopping centre would serve, and in particular the ability of the catchment population to access providers of goods and services in times of river flood

5. With respect to the original approval, what conditions, if any, were included with respect to protection from impacts of flooding (regardless of its source)

- 7. It is convenient to answer requirements 3, 4 and 5 together.
- 8. Based on my review of Council files, it appears that approval was given by the Council Registration Board on 27 February 1973 for a proposed supermarket, shops and professional services. The approval required not less than 250 car parks, indicating that this was a shopping centre of relatively significant size. Attachment **GKS-2** is a copy of the Council Registration Board minutes from 27 February 1973.
- 9. Prior to this approval being granted, the whole of the land for the "Bellbowrie Estate" was the subject of a rezoning deed between Brisbane City Council and Bellbowrie Pty Ltd. A copy of that deed is attachment **GKS-3**.
- 10. It appears from the Council file that the rezoning was subsequently approved and gazetted on 18 November 1971, although I cannot locate a copy of that approval on the Council file.
- 11. I have obtained from Council's records an aerial photograph of the Subject Land from January 1974 showing that the shopping complex had been developed on the Subject Land. Attachment **GKS-4** is a copy of the aerial photograph from 1974.
- 12. It appears from the Council files that part of the Subject Land was subject to flooding during the January 1974 floods. It appears from the file that subject to a further application for rezoning being approved, the owner of the land was "prepared to tie the Title of the land in question to that of the adjoining existing shopping centre thus creating one Title and providing the Council with greater control of the site under the provisions of the Town Plan". It appears


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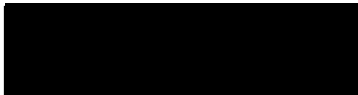
that the purpose of the rezoning was to prevent as of right development for a residential dwelling on the land.

13. The further rezoning was approved on 31 October 1974 and published in the Government Gazette on 2 November 1974.
14. Attachment **GKS-5** is a copy of the correspondence from the Department of Local Government to Council attaching the Order in Council for the rezoning.
15. Attachments **GKS-6, GKS-7, GKS-8, GKS-9, GKS-10, GKS-11, GKS-12, GKS-13, GKS-14** and **GKS-15** are extracts from the relevant Council file that shows consideration of flooding impacts from the 1974 flood in determining the appropriate zoning of the land, including correspondence with the then Department of Local Government for the application for the rezoning.
16. I further note that an application on Council's files dated 23 August 1984 provides as follows:

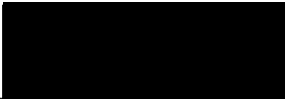
"Site has been partly developed as "shopping complex" as an exist. legal non conforming use".

Attachment **GKS-16** is a copy of the application dated 23 August 1984.

6. **What approvals, if any, have been given to permit extension of the shopping centre**
7. **The dates of any approvals referred to in answer to paragraph 6**
8. **In relation to each of the approvals referred to in paragraph 6:**
 - a. **how potential flooding impacts were identified**
 - b. **what assessment process was followed specific to flood impacts**
 - c. **what consideration, if any, was given to:**
 - i. **the proximity of the Subject Land to the Brisbane River**
 - ii. **the proximity of the Subject Land to the waterway which traverses the adjoining land which is currently within the Sport and Recreation Area in Brisbane City Plan 2000**
 - iii. **flood risk or the potential impact of flooding on the Subject Land and measures to address such risk or impact**
 - iv. **the locational attributes of the catchment population which the shopping centre would serve, and in particular the ability of the**



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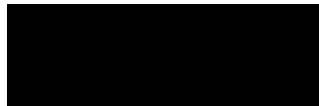
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catchment population to access providers of goods and services in times of river flood

9. In relation to each of the approvals referred to in paragraph 6, what conditions, if any, were included with respect to protection from flooding (regardless of its source)

17. It is convenient to answer requirements 6 to 9 together.
18. The Bellbowrie Shopping Centre is subject to a large number of approvals, many of which relate to matters such as boundary realignment and changes to conditions. For the purposes of assisting the Commission, I have sought to provide information focussed on the shopping centre and its various alterations and extensions.
19. The proximity of a site to the Brisbane River or another waterway is potentially relevant as it informs the highest potential source of flooding. However, the main consideration relevant to flooding impacts is the defined flood level that applied at the time of the application (relating to the highest source of flooding). In general, the search regarding flood impacts on the site (derived from Council records) includes an indication of the highest potential source of flooding.
20. My review indicates that the locational attributes of the catchment population and in particular the ability of the catchment population to access providers of goods and services in times of river flood have not been considered by Council as part of the approvals for the Subject Land. For subsequent applications, this is unsurprising given that the subsequent applications related to extensions to that established use.
21. Since the original construction on the Subject Land, Council and State planning controls have proceeded through a number of iterations. These are summarised in section 4 of Submission 2 of the Brisbane City Council to the Queensland Floods Commission of Inquiry dated 8 April 2011.
22. Based on my review of the files, the relevant approvals, date of those approvals, considerations relevant to flooding and identification of conditions relevant to flooding for the Bellbowrie Shopping Centre are outlined below.


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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
1.	22/05/1986	Rezoning to local business zone as shown on Scheme Map Z/76-172/2. See Attachments GKS-17, GKS-18 and GKS-19	None on file	None on file
2.	10/07/1986	Approval under Clause 71 of the Schedule of the Town Plan for the City of Brisbane to use the land at 3198 Moggill Road, Bellbowrie, and to erect and use additional buildings thereon, for the purpose of shops. See Attachment GKS-20	None on file	(k) <i>Compliance with all relevant Council Ordinances, the Building Act and the current Standard Building By-laws</i>

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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
3.	10/11/1989	Approval under 19.6 of the Town Plan, for drainage of the site at 3198 Moggill Road, Bellbowrie See Attachment GKS-21	See Attachment GKS-22	(a) Prior to building work commencing the applicant/s to lodge adequate drainage plans, (generally in accordance with Standard Plan W6322/1B), showing the manner in which it is intended to deal with the roof and surface drainage and point of discharge of the site, and obtain approval for such plans from the Manager, Department of Works (b) The applicant/s to preserve adjacent properties from ponding of stormwater or nuisance from discharge of stormwater off the site. (c) The above stormwater drainage works are to be carried out to the satisfaction of the Manager, Department of works, prior to commencement of the use and thereafter maintained at all times to that officer's satisfaction. "Please note that flood information in respect of the subject site is as indicated on the attached sheet and at the point at which vehicular access to or from the site is required, a heavy duty reinforced concrete industrial crossing is to be constructed in accordance with Standard Plan WMS 25A"



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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
4.	07/02/1990	Approval for development for land located at 3198 Moggill Road, Bellbowrie for the purpose of Service Station. See Attachment GKS-23 and the modification to the Approval at GKS-24	None on file	(p) <i>At all times comply with all relevant development standards under the Town Plan, Council Ordinances, the Building Act and the current Standard Building By-Laws.</i> Note also that the file contains a copy of the approval from the Main Roads Department that relevantly provides in condition 2 "<i>The Consulting Engineer shall ensure that the works are carried out in accordance with accepted engineering practice; the plans and specifications, and/or approved variations, and that Main Roads policies and procedures are observed</i>". See Attachment GKS-25
5.	30/06/1990 03/10/1990	Rezoning of land from Residential "A" to Particular Development (Business Premises, Welfare Premises and Public Buildings) zone at Moggill and Birkin Roads, Bellbowrie. See Attachments GKS-26 , GKS 27 and GKS-28	See Attachment GKS-29	None on file

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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
6.	14/02/1992	Approval to subdivide land at 37 Birkin Road, Bellbowrie to create two allotments for business purposes. See Attachment GKS-30	See Attachments GKS-31 and GKS-32	None on file
7.	30/06/1992	Approval of application for notification of conditions of development on land situated at 3198 Moggill Road, Bellbowrie, for the purpose of an extension to a Shopping Centre. See Attachment GKS-33	None on file	(o) <i>At all times comply with all relevant development standards under the Town Plan, Council Ordinances, the Building Act and the current Standard Building By-Laws</i> (q) <i>The carrying out of any required drainage and filling works are to be and remain to the satisfaction of the Manager, Department of Works.</i>
8.	17/03/1999	Development approval for a shopping centre - to demolish part of the existing shopping centre and erect extensions in the form of a supermarket and several smaller shops in a covered arcade area. See Attachment GKS-34	See Attachments GKS-35 and GKS-36	5. <i>Construct all proposed building(s), exclusive of ramp tenancies, in accordance with Council's Subdivision and Development Guidelines to ensure that minimum floor level is at RL 13.100m AHD and basement level is at RL 10.350m AHD as shown on the approved site and basement plan.</i>
9.	10/05/2000	Approval for modification of approval for extensions to shopping centre on land at 37 Birkin Road, Bellbowrie See Attachment GKS-37	No new consideration of flooding impacts	Condition 5 unchanged from above.

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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
10.	22/09/2005	Material change of use (Development Permit) - Extension to a Centre Activity (Indoor Sport & Recreation) See Attachment GKS-38	See attachment GKS-39	18 Minimum Floor Levels <i>Design and construct all proposed buildings in accordance with Council's Subdivision and Development Guidelines Table B 2.2.2.</i>
11.	19/12/2007	Preliminary approval to carry out building work and material change of use for centre activity within centre - extension to shopping centre See Attachment GKS-40	See relevant extracts from the Council file at Attachment GKS-41, GKS-42, GKS-43, GKS-44, GKS-45	None on file
12.	11/02/2008	Building work and material change of use for centre within centre (extension to a shopping centre). Note that this is related to the approval in 11 above. See Attachment GKS-46	None on file	1. <i>Carry out the approved development in accordance with the approved drawing(s) and/or document(s) being... engineering report prepared by Farr Engineers - report 207117 dated 16 October 2007 and Town Planning Report prepared by Planning Solutions Report dated 15 October 2007.</i>

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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
13.	30/01/2009	Modification to existing approval to extend currency period and change to layout by altering access point. See Attachment GKS-47	None on file	27 Minimum Habitable Floor Levels <i>Design and construct all proposed building levels, flood levels and ancillary structures to have the appropriate freeboard in accordance with Council's "Subdivision and Development Guidelines" so as not to be flooded during a 50 year ARI local flood event or a 100 year ARI creek or river flood event, whichever is the higher level</i>
14.	09/02/2009	Preliminary approval for carrying out building work and a development permit for a material change of use for a centre activity (Hotel) for land located at 37 Birkin Road, Bellbowrie and 5 Birkin Road, Bellbowrie See Attachment GKS-48	See Attachments GKS-49, GKS-50, GKS-51, GKS-52, GKS-53, GKS-54, GKS-55, GKS-56	31 Minimum Habitable Floor Levels <i>Design and construct all proposed building levels, floor levels and ancillary structures to have the appropriate freeboard in accordance with Council's "Subdivision and Development Guidelines" so as not to be flooded during a 50 year ARI local flood event or a 100 year ARI creek or river flood event, whichever is the higher flood level.</i> 31(a) Construct Buildings <i>Construct all proposed building(s) in accordance with Council's "Subdivision and Development Guidelines" to ensure that non habitable floor levels are 13.5 metres AHD</i>

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	Date	Approval	Consideration of flood impacts	Conditions on the development relevant to flooding impacts
15.	24/06/2010	Request to change the development approval granted on 9 February 2011 described in 14 above. See Attachment GKS-57	None on file	No changes were made to the conditions relevant to flooding. See condition 32 of the approval.


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10. Whether, post January 2011, there has been any consideration of, or communications with respect to, the implementation of measures to ameliorate flooding impacts on the Subject Land and the Council's attitude with respect to such matters

23. I attended a site inspection at the Subject Land after the January 2011 flood event where the owner of the shopping centre and planning consultant had preliminary discussions with Council officers about the possibility of raising parts of the shopping centre to improve flood immunity.

24. To my knowledge, since that discussion, no further steps have been taken by the owner in that regard.

I make this statement conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867 (Qld).

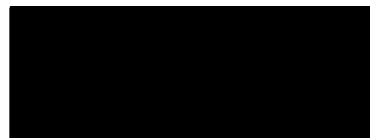
Dated 15 September 2011

Signed and declared by Gillian Kay Soole at
in the State of Queensland
this 15th day of September 2011

Before me:



Signature of person before whom the declaration is
made



Signature of declarant

Matthew Glen Edwards - Solicitor

Full name and qualification of person before
whom the declaration is made