

QUEENSLAND FLOODS COMMISSION OF INQUIRY

STATEMENT OF BRADLEY ALLAN SULLY

I, BRADLEY ALLAN SULLY, Manager of Planning, Somerset Regional Council make the following statement under oath as required by the Commissioner of Inquiry [Commission Ref 1682120] -

1. A summary of the assessment criteria and development controls contained in council's planning scheme(s) and how such criteria are used to assess applications for development in the natural hazard management area.

Response -

Esk: In assessing applications for development, Divisions 7 and 8 of Part 5 of the planning scheme are applied where relevant. Relevancy is determined by comparing the subject land's location and the Natural Hazard Management Area Overlay Map.

- Refer DVD - COMMISSION OF INQUIRY 2\01 BAIN Info 1682016\ Question 1 \2011_08_25 Esk Planning Scheme 2005 - as amended 17.10.08.

Kilcoy: In assessing applications for development, Divisions 5 and 6 of Part 5 of the planning scheme are applied where relevant. Relevancy is determined by comparing the subject land's location and the Natural Hazard Overlay Map 2A.

- Refer DVD - COMMISSION OF INQUIRY 2\01 BAIN Info 1682016\ Question 1\2011_08_25 Kilcoy Planning Scheme 2006.

2. A description of how the natural hazard management area, as it relates to flood affected land, is reflected in the planning scheme.

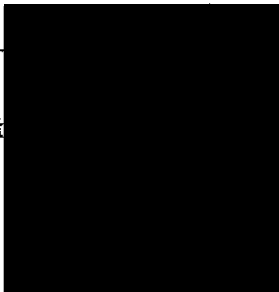
Response -

Esk: The Natural Hazard Management Overlay Map does not address flooding. Refer also responses to Question 3 below.

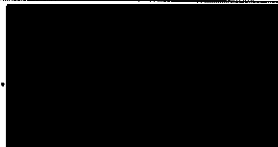
Kilcoy: Divisions 5 and 6 of Part 5 of the planning scheme identify flooding as a hazard and areas known to be flood prone are identified on Map 2A.

- Refer DVD - COMMISSION OF INQUIRY 2\01 BAIN Info 1682016\ Question 1 \2011_08_25 Kilcoy Planning Scheme 2006.

Deponent



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3. *Details of council's defined flood event including a description of:*

- a) *how the defined flood event was chosen;*
- b) *the way in which the council's defined flood event was calculated or determined*

Response -

Lowood/Fernvale At its Ordinary meeting of 24 February 2010, Council adopted Planning Scheme Policy 12-Flood Mitigation in the Lowood and Fernvale Locality

The Planning Scheme Policy preparation process commenced at Council's Ordinary meeting 30 November 2009.

- Refer **DVD** - COMMISSION OF INQUIRY 2\04 SULLY Statement 1682120 \Question 3\Esk - Planning Scheme Policy 12

Esk/Toogoolawah Historical data is relied on to determine an appropriate flood height.

Kilcoy: Flood prone areas were adopted as part of Council's adoption of the planning scheme and are shown on Map 2A.

- Refer **DVD** - COMMISSION OF INQUIRY 2\01 BAIN Info 1682016 \Question 1\2011_08_25 Kilcoy Planning Scheme 2006.
- Refer **DVD** – COMMISSION OF INQUIRY 2\04 SULLY Statement 1682120\Question 3\Kilcoy Shire Planning Scheme 2006.

4. *A description of any planning requirements to have evacuation routes and/or early warning systems for areas identified to be at high risk of flooding, including information about how the existence of such evacuation routes and/or early warning systems are communicated to the occupiers of areas at high risk of flooding.*

Response –

Nil – Neither the former Esk Shire or Kilcoy Shire Planning Schemes contain information in relation to evacuation routes or early warning systems to occupiers at high risk of flooding.

5. *A description of any controls or standards used to assess the storage of chemicals or other Environmentally Relevant Activities below the Q100 flood line or the council's defined flood event.*

Response -

The planning scheme for the former Kilcoy Shire contains the Natural Hazards Overlay Code (Provision c) which requires that hazardous material is not to be stored below the Q100 level.

In the former Esk Shire, I am not aware of any specific standards or controls relating to the storage of chemicals or operation of ERA's under the Q100.

Council relies on the DA assessment process, the general provisions of the *Environmental Protection Act* and standard conditions for ERA's which relate to water and release of contaminants. Also DA conditions commonly contain the requirement to produce Site Based Management Plans which deal with issues of stormwater management etc.

6. *A description of any conditions imposed by council on the approval of development applications to ensure that hazardous materials affected by flood water do not affect public safety and/or the environment.*

Response -

As mentioned above, development approvals commonly contain conditions requiring SBMP's which deal with issues surrounding stormwater management. ERA conditions also have standard conditions relating to water and release of contaminants such as:

"Water

- (a) *Contaminants or contaminated water must not be directly or indirectly released from the Premises or to the ground or groundwater at the Premises except for:*
 - (i) *Uncontaminated Overland stormwater flow;*
 - (ii) *Uncontaminated Stormwater to the stormwater system;*
 - (iii) *Contaminants released to sewer under and in accordance with a trade waste permit granted by the local government under the Sewerage and Water Supply Act 1949; or*
 - (iv) *a release in accordance with condition (b) below.*
- (b) *[Insert details of any authorised release points, release water quality and quantity limits].*
- (c) *Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.*
- (d) *The Holder must ensure that:*
 - (i) *Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water or onto unsealed ground.*
 - (ii) *Any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into storm water drainage, a roadside gutter or water.*

(iii) *incident rainfall and overland flow of storm water does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains)."*

7. *A description of how levee banks are regulated in the council area using specific examples.*

Response -

Levee banks have not been a particular issue in the Somerset Region; however some control may be exercised through the requirement for an Operational Works Application which is triggered when the quantity of earth involved is more than 20m³ in the former Esk Shire and more than 50m³ in the former Kilcoy Shire.

8. *Details of council infrastructure (sewers, roads, storm water etc) that was affected by flooding during the period 1 December 2010 to 31 January 2011.*

Response -

Refer to Answer to Question 1, Statement of TONY JACOBS, Manager Operations, Somerset Regional Council [Your Ref 1682121] for a list of the damage to Council's roads, drainage and building infrastructure.

Since the implementation of the South East Queensland Water Reform on 1 July 2010, Council has not controlled any water or sewer infrastructure.

9. *A description of the measures used by council to protect council infrastructure (sewers, roads, storm water etc) and to ensure such infrastructure functions during a defined flood event.*

Response -

Council's Development Manual & Procedures are used to control the standard of donated assets constructed as part of new developments.

Refer to Answer to Question 3(d), Statement of TONY JACOBS, Manager Operations, Somerset Regional Council [Your Ref 1682121] for a copy of the relevant documents. Council uses these same standards when upgrading existing infrastructure or creating new infrastructure. Infrastructure constructed to these standards is expected to provide an appropriate level of service during a defined flood event.

Council's Operations Department is responsible for the maintenance of Council's roads and drainage infrastructure to ensure the infrastructure performs its function as intended.

Since the implementation of the Southeast Queensland Water Reform on 1 July 2010, Council has not controlled any water or sewer infrastructure.

Deponent ...

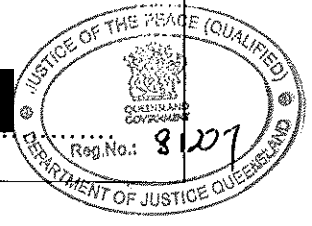
.....A Justice of the Peace.....

Sworn by BRADLEY ALLAN SULLY at Esk in the State of Queensland this seventh day of September 2011 in the presence of:

Deponent



A Justice of the Peace



Deponent ..



.....A Justice of the Peace.....

