

Name of Witness	Gary John PETERS
Date of Birth	[REDACTED]
Address and contact details	[REDACTED]
Occupation	Farmer
Officer taking statement	Det Insp Mark Ainsworth
Date taken	4/4/2011

Gary John PETERS states;

1. I am a married man, [REDACTED] years of age and I reside at [REDACTED] Meringandan. My family has resided at this address since 1950 and I have lived about 95% of my life at this address. My property expands 1130 acres and is primarily used as Beef Cattle Grazing trading as [REDACTED] Angus Stud. Cooby Creek runs through my property separating the land holdings. My property is situated basically adjoining the Cooby Dam. Cooby Dam is a large dam that is the catchment for Cooby, Geham, Klein and Reedy Creeks. This area basically captures run off from the Western side of Highfields.
2. Around August 2010, Cooby Dam was down to about 7% capacity due to the long drought that had affected most of the State. The capacity of the dam rose significantly as a result of rainfall probably from about November 2010 onwards up until the recent flood events in January 2011.
3. At about lunchtime on Sunday 9th January 2011, I started monitoring the BOM website due to the amount of rainfall that we had received over a period of time. In particular I monitored the site covering the catchment area of Cooby Dam. I also made a number of visits to the spillway of Cooby Dam monitoring the level of water in the dam. From Sunday

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afternoon onwards, I maintained regular contact with Marcus Boyd from the Toowoomba Regional Council. Marcus is a supervisor of the Cooby Dam and accesses electronic readings of Cooby dam levels.

4. On Sunday afternoon I saw that the dam height was rising, as a result I opened fences and the flood gates on my property, by this time it would have been 3.30 – 4.30pm. I continued to monitor the dam up until dark on the Sunday night and recall at one time whilst standing at the spillway with Marcus, my brother and son I saw that the water was going over the spillway at 7.40pm. From my local knowledge of the area if the spillway goes over 300mm this equates to an increase of about 3 to 4 feet of water in Cooby Creek. If the spillway went under about 750mm there would probably not be too much of a problem on my property, I would probably lose a couple of fences at most.

5. At some stage on Sunday afternoon/evening I contacted Errol Luck and Kent Bullock and advised them the spillway would overflow that night. This is a usual practise of mine in times of heavy rain to advise Errol of the dam situation. Errol rings other farmers downstream of Cooby Dam to keep them informed. In my opinion this is the best form of warning in this area, word by mouth via landline or mobile phone to farmers downstream.

6. On Sunday night 9th January 2011, I continued to monitor the BOM site until going to bed. At about 5.30am on Monday 10th January 2011, it was still raining. I drove around my property checking on cattle and saw that Cooby Creek had dropped about 3 to 4 feet. At this time I thought we had dodged a bullet and would not receive any major flooding. The rain was on and off up until about 12 midday on Monday. About midday or

12.30pm the rain got really heavy up around the New England Highway around Highfields. However in my area the rain was still relatively light. I recall at one stage the rain actually stopped and the sun came out for a short period.

7. Shortly after this time I went to Highfields to do some personal business and left Highfields about 2pm. At this stage there was light drizzle in the Highfields area. On returning home about 2.30pm, I sent my son down to check a water pump located in the backwash area of my property. This pump is located about 8 to 9 feet above the normal creek height. On inspecting the pump my son advised me the water was at the bottom of the frame of the motor and pump. A short time later I saw the water rise around the water pump completely covering it within about twenty minutes. The same pump is about 5 foot in height. I had attempted to get the motor out but the water rose so fast I made a decision to remove ourselves from the area for our own safety.
8. About half an hour later there was about two feet of water over some cultivation on my property. This cultivation area is an area where we grow feed for the cattle. I recall at this time I again rang Errol and Kent and informed them of what was going on at my property. I had managed to move some of my livestock to higher ground for their safety. I am aware that around the 3pm time the water was going 1.4 metres over the spillway. Boyd had confirmed this from his readings.
9. I continued to drive around my property and I can say that on Monday afternoon 10th January, 2011 the flood was the highest I have ever seen it on my property. I would estimate that it was about 5 to 6 feet higher than the previous high. My father, who has been on this farm since 1950 said

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the level of this flood was higher than the 1974 flood. After a short period of time the height of the water stabilised and by dark it began to recede.

10. Throughout Monday evening Marcus Boyd continued to ring me with updates and I also fielded a number of calls from friends inquiring as to what was occurring.

11. At about 1am on Tuesday 11 January 2011, the rain got a lot heavier. I checked the BOM site and saw it indicated further heavy rain. At about 5.30am I went for a drive around my property. By about 6am I saw that Cooby Creek had risen to a very high level again. I again rang through to Errol and Kent and told them what was occurring. I told them this flood was the biggest I had seen on my property. I was advised by Marcus Boyd that the spillway was under about 1.64 metres. I would estimate that the waters on this occasion were about 7 to 8 feet above the 1974 flood height.

12. In my view the cause of this event was purely the volume of rain. If the Cooby Dam had not been there then Oakey would have been a bigger mess from flood waters than it received on this occasion. It is my firm belief that the Cooby Dam saved Oakey from a lot of further flooding.

13. Throughout the flood incident the only person in authority who checked on my family's welfare was Marcus Boyd of the Toowoomba Regional Council. He maintained contact with me from Sunday afternoon right through till about Wednesday 12 January 2011. During this flood event I had damage caused to fences, roads and water pumps on my property. I can say that Wesfarmers Insurers did a pretty good at the start of this

flooding event. They contacted me 3 days after the flood checking on us. After this period the wheels started to fall off. There was a lot of buck passing. For about five weeks I got about 1 call a week from the insurer chasing up the same issues. They were previously advised about these issues.

14. In my view I believe the creeks in the area need clearing out and the trees and other debris knocked down during this flood need to be removed from the creek. I provided investigators with a number of photographs depicting the Cooby Dam and flooding on my property, which are now attached to my statement.

G.J.PETERS

Justices Act 1886	
I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:	
(1)	This written statement by me dated <u>17/4/2011</u> and contained in the pages numbered 1 to <u>5</u> is true to the best of my knowledge and belief; and
(2)	I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.
.....Signature
Signed at <u>Milburn</u> this <u>10</u> day of <u>April</u> 2011	

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