

Sixth Statement of Rory John Kelly

I, Rory John Kelly, Regional Manager of Development Assessment South, Brisbane City Council, of [REDACTED] [REDACTED], in the State of Queensland, state on oath as follows:

- A. Attachment **RJK-65** 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 316 Long Street East, Graceville (**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 South Branch 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 are set out in my First Statement dated 31 August 2011 (**First Statement**).
2. At the time of the development application for the Subject Land I was a planning officer whose role was the assessment and processing of the application through Council.

Preliminary observations

3. I was the planner responsible for assessment of the rezoning application and town planning consent permit application referred to below up until 1994. Following the 1995 local government elections, there was a change in Council's team boundaries, and I was no longer

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the planner responsible for the assessment of subsequent applications, nor of the later applications. Accordingly, to prepare the response to the Notice, I asked for Council officers to provide me with all relevant files.

4. As will be seen below, there were a number of applications which respond to the scope of the Notice, and accordingly a large number of Council files associated with the Subject Land. I think it fair to say that the files, and in particular the earlier files, have not been maintained in their original chronological order and some secondary documents do not appear to be on the files. I note however that the critical documents from the perspective of development controls and approvals the subject of this Notice, all appear to be in place.

Response to the Notice

1. **What approvals (including any rezoning approval under the *Local Government (Planning and Environment) Act 1990* or section 3.1.6 preliminary approval under the *Integrated Planning Act 1997* but excluding any development approvals for building work and/or operational work) were given to permit the development of land at 316 Long Street East, Graceville for the existing townhouses;**
2. **With respect to each of those approvals:**
 - 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 Oxley Creek;**
 - iii. **the proximity of the proposed buildings to the waterway which traverses the Subject Land;**
 - iv. **flood risk or the potential impact of flooding on the Subject Land and measures to address such risk or impact;**
 - v. **the impact of the development of the Subject Land on the flood risk of neighbouring properties;**
3. **In relation to each of the approvals, what conditions, if any, were included with respect to:**
 - a. **protection from flooding (regardless of its source);**

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b. achieving a no-worsening of flood risk for neighbouring properties.

5. It is convenient to answer requirements 1, 2 and 3 together.
6. Up until the last quarter of 1997, the assessment of technical engineering matters including in relation to flooding and civil work, was carried out by officers from the Department of Works. From the last quarter of 1997, following a structure review of Council department, part of the Department of Works, including that part that was involved in the assessment of hydraulic issued, was incorporated into the Development Assessment Branch, as it is known today.
7. Based on my review of Council files, the relevant approvals (excluding development approvals for operational works and building works), date of those approvals, considerations relevant to flooding and identification of conditions relevant to the existing townhouses on the Subject Land are outlined below. There is no section 3.1.6 preliminary approval for the Subject Land.

Rezoning Approval

8. Council files indicate that the first approval given to permit development of the Subject Land was in response to an application under the now repealed *City of Brisbane Town Planning Act 1964-1978* for the rezoning of the Subject Land to the Residential "A" Zone (**Rezoning Application**). The Rezoning Application was lodged on 26 April 1989.
9. In assessing the Rezoning Application, Council files indicate that the following considerations applied relevant to flooding on the Subject Land:
 - (a) A rezoning report from P. Grice, Technical Officer, Department of Works to the Director, Planning Branch dated 5 June 1989, which describes the Rezoning Application and states, amongst other things, that a Drainage Report is required to be submitted by the developer. A copy of the rezoning report dated 5 June 1989 is Attachment **RJK-66**.
 - (b) A meeting was held between Council and Ralph Freestun and Associates (the applicant for the Rezoning Application) on 8 August 1990, at which flood related information was discussed.
 - (c) By letter from Council to Ralph Freestun and Associates dated 10 August 1990, the aforementioned meeting is referred to and the following is stated in relation to flood:


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"...

1. Mean High Water Spring Tide for the area is El 1.2m AHD and not El 0.9 AHD. Refer to Table 2, Tidal Planes for Secondary Places of Department of Harbours and Marine Official Tide Tables.

I am prepared to accept the El 0.9 in this instance.

2. It is quite feasible, due to the long duration of floods in Oxley Creek, that local flooding may occur simultaneously. Hence the proposed local drainage should be checked for the case of a coincident Q₂ flood in Oxley Creek. The water level for this flood is El 1.2m AHD.

3. The effect of higher levels of coincident flooding with local runoff in Oxley Creek should also be examined to ensure that local flood levels are not significantly higher than Oxley Creek. The flood events to be examined are given below with these appropriate flood levels:

Q5 1.7m AHD

Q10 1.85m AHD

Q30 2.7m AHD

4. Submission of the data used in the Hydraulic Model is required to enable full checking of the analysis.

5. Submission of the proposed water velocities in the new channel is required.

6. Where fill is to be above neighbouring properties, details of how ponding of water on adjacent properties is to be avoided is required.

..."

A copy of the letter dated 10 August 1990 is Attachment **RJK-67**.

- (d) By facsimile from Ralph Freestun and Associates to Council dated 27 August 1990 an Addendum to a Flood Report is provided. Because of the order of the file, I cannot confirm what flood report this Addendum is for, but it may be that this is the flood report dated 18 June 1990 which is Attachment is RJK-71 as referred to below. A copy of the facsimile and attached Addendum is Attachment **RJK-68**.


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- (e) An internal rezoning report outlining the drainage and fill requirements for the Rezoning Application from Barry Ball, Acting Director, Planning Branch to the Manager, Department of Works dated 19 October 1990. The requirements are based on an assessment of an amended drainage report prepared by Ralph Freestun and Associates and a recommendation is provided that the following conditions, amongst others, be adopted:

" 1. Carry out filling of the site to provide flood-free access and minimum habitable floor levels 300mm above the Q100 flood level to the satisfaction of the Manager, Department of Works.

\$100,000

2. Carry out stormwater drainage through the site generally in accordance with the Report by Ralph Freestun and Associates and to the satisfaction of the Manager, Department of Works.

\$50,000."

A copy of the internal rezoning report dated 19 October 1990 is Attachment **RJK-69**.

- (f) By a 'rezoning letter of offer' from E.F. Stoye, the owner of the Subject Land, to Council dated 22 November 1990, an offer in support of the application was provided which included the following:

(i) the approval be subject to a number of conditions, the first of which required a Deed of Agreement between Council and the applicant be entered into; and

(ii) relevantly to flooding, the Rezoning Approval contains the following conditions:

"...

3. ROADWORKS AND DRAINAGE

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(ii) Carry out filling of the site to provide flood-free access and minimum habitable floor levels of detached houses, duplexes and attached houses 300mm above the Q100 flood level to the satisfaction of the Manager of Department of Works.

(iii) Filling of the site to be carried such that residences can be built with garages and storage area on the ground floor and with living areas on the first floor being a minimum of RL 8.3m AHD.

(iv) Filling of the site, with the exception of the egress point and graded drive on Haldane Street, to be such that access to each building site is kept above the 30 year design flood level, i.e. RL 5.3m AHD.

(v) Filling of the site shall be such as to provide access from each lot on the site to the access street that is least affected by flooding.

(vi) Filling of the site shall be appropriately contoured to ensure that ponding of stormwater or nuisance from stormwater runoff on the adjacent properties to the subject sites does not occur.

(vii) Filling of the site shall be such as to tie in neatly with the existing surface levels on the adjoining properties and to be sympathetic to the outlook of the adjacent properties and not have any adverse visual impact. This may require a buffer area between the development and adjoining properties.

(viii) Carry out stormwater drainage through the site generally in accordance with the report by Ralph Freestun and Associates and to the satisfaction of the Manager of Department of Works.

A copy of the letter dated 22 November 1990 is Attachment **RJK-70** and the Ralph Freestun and Associates report referred to in (viii) above dated 18 June 1990 is Attachment **RJK-71**.

- (g) In an undated memorandum from T. Eugene Kneebone, Manager of the Department of Development and Planning, to the Town Clerk for the Establishment and Co-ordination Committee the letter of offer referred to in paragraph 9(f) of this Sixth Statement is referred to, with a recommendation that the offer be accepted subject to


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the developer at the time of executing the rezoning deed provide a bond. In addition relevant to flooding, certain requirements in relation filling and drainage were applied. A copy of the undated memorandum is Attachment **RJK-72**.

10. Council files indicate that a rezoning Deed of Agreement (**Rezoning Deed**) was executed the owner of the Subject Land, Mr Edwin Frank Stoye and Council on 23 August 1991. The terms of the Rezoning Deed reflect the flooding requirements as set out in the memorandum referred to in paragraph 9(g) of this Sixth Statement. A copy of the Rezoning Deed is Attachment **RJK-73**.
11. Council files indicate that a decision was made to grant an application for rezoning on 4 December 1990 which excluded the Subject Land from the Future Urban Zone and included the Subject Land in the Residential "A" Zone, subject to the requirements of Subsection 11 of Section 22 of the City of Brisbane Town Planning Act (**Rezoning Approval**). A copy of the decision is Attachment **RJK-74**.
12. The conditions of the Rezoning Approval which were included with respect to protection from flooding and achieving a no-worsening of flood risk for neighbouring properties are part (ii) (a) and (b). As required by condition part (ii)(a), the Rezoning Deed contains the following conditions which are also relevant:
 - (a) letter of offer - 2(ii) and 3(ii) to 3(viii) (inclusive); and
 - (b) the Third Schedule of the Deed - Item F and Item G;
 - (c) the Fourth Schedule of the Deed - C, D, J, (a) to (f) (inclusive); and
 - (d) the Fifth Schedule of the Deed - (A).
13. The rezoning was published by Government Gazette dated 17 March 1991 and the Governor in Council approved to Orders in Council amending the Town Plan in relation to the Subject Land. A copy of a letter from the Department of Housing and Local Government to Council dated 15 August 1991 is Attachment **RJK-75**.

Townhouse Approval

14. At the relevant time, the rezoning did not in itself authorise the construction of the town houses "as of right", but meant that the town houses were not a prohibited use. To construct the town houses required a town planning consent permit in accordance with the table of development for land included in the Residential "A" zone.


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15. Council's files indicate that on 6 December 1991, Council received an application for a town planning consent permit to carry out the following "110 ATTACHED HOUSES + SHOP + CARETAKERS FLAT" (Townhouse Application). A copy of the Application for a Town Planning Consent Permit is Attachment RJK-76.

16. Council's files indicate that the following considerations relevant to flooding and associated conditions were applied to the Townhouse Application referred above:

(a) Based on my knowledge of Council's practice at the time, new applications were referred to what was then the Assessment Committee, which consisted of the branch manager, senior planning officers and a senior representative from the works, traffic and town planning branches, for endorsement of the direction for processing the application and resolution of issues to be addressed based on a preliminary assessment of the application lodged.

(b) The minute of the Assessment Committee meeting held on 17 December 1991 states that the Committee was opposed to the proposal from a planning point of view as, amongst other things:

"...

(xiv) insufficient information had provided to assess any adverse or detrimental impacts of the proposal on adjoining lands in terms of flooding, ponding of water or any overland flow. Information that should have been provided included:

(a) existing and finished contour levels over the entire site and all adjoining properties;

(b) provision of a metes and bounds description indicating the area of site to be filled;

(c) cross sections of the overland flow drain that clearly showed the profile of the drain and any proposed works;

(d) cross sections of the subject site and adjacent residential properties at the adjoining property boundary;


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(e) details of the proposed treatment of the overland flow drain including an engineer's report, construction details of the drain, any landscaping proposed within the drainage reserve and the treatment to the banks of the drain;

(f) details of how it was intended to obtain and maintain regular maintenance of access along the full length of the overland flow drain.

Furthermore, the applicant should be advised that the site, given the topographical features and drainage problems, was considered unsuitable for the development of town houses at the proposed density."

A copy of the Minute is Attachment **RJK-77**.

- (c) By letter from Ralph Freestun and Associates to Council, marked to the attention of Neville Gibson, Department of Works dated 19 December 1991, it is stated that there was a need to recalculate the flood levels using more accurate information identified when preparing a Flood Report. A copy of the letter dated 19 December 1991 is Attachment **RJK-78**.
- (d) Council's files contain a report from Ian M. Wood, Manager, Department of Works to Manager, Department of Development and Planning dated 13 January 1992 which sets out requirements requiring compliance prior to consent being granted and recommended conditions in relation to the Townhouse Application. A copy of the report is Attachment **RJK-79**.
- (e) Preliminary drawings of a proposed modifications to the waterway that runs through the Subject Land were provided by Ralph Freestun and Associates to Council by covering letter dated 20 October 1992. A copy of the letter and preliminary drawings are Attachment **RJK-80**.
- (f) By letter from John Giles Associates Pty Ltd to Council dated 24 November 1992, supplementary information and amendments to the plans of layout to reduce the number of townhouses from 110 to 90 and removal of the shop were provided to Council. A copy of the letter (including attachments) is Attachment **RJK-81**.
- (g) Council's files indicate that the letter and attachments referred to in paragraph 16(f) of this Statement was referred internally for assessment from myself as Planning Officer, South West (**POSW**) to "SED" who I understand to be Neville Gibson,


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Senior Engineer Development, Department of Works. A copy of an internal memorandum dated 4 December 1992 is Attachment **RJK-82**.

- (h) A hydraulics report which formed part of the supplementary information referred to in paragraph 16(f) was assessed by Don Carroll, who I am aware was Supervising Engineer, Hydraulics, Department of Works at the time. Mr Carroll's assessment is contained in a report dated 6 January 1993, a copy of which is Attachment **RJK-83**.
- (i) By further report from Chris Plant, Engineer, Developments South, Department of Works to myself as Planning Officer South West dated 1 February 1993, several matters in relation to the hydraulics report submitted by Ralph Freestun and Associates are identified as needing to be addressed before approval in principle can be given. A copy of the report from Chris Plant is Attachment **RJK-84**.
- (j) By letter from John Giles Associates Pty Ltd to Council dated 8 February 1993, proposed conditions of approval are referred to and in relation to a proposed requirement to provide a full engineering study design and documentation the letter states that:

"...

As there is adequate recourse for the Engineering section of the Works Department to monitor these conditions through the normal construction approval stages, we respectfully request this alternative be used and that this project be conditionally approved.

..."

A copy of the letter dated 8 February 1993 is Attachment **RJK-85**.

- (k) Council's files indicate that in response to the above letter and following a meeting held between John Giles Associates Pty Ltd and Council to discuss the concerns raised by local residents, I sent a letter dated 25 February 1993 stating that the information provided to date did not satisfactorily address Council's concern with respect to the drainage channel and lists further information required. A copy of the letter dated 25 February 1993 is Attachment **RJK-86**.
- (l) A report from Don Carroll, Supervising Engineer, Hydraulics, Department of Works to Neville Gibson, Supervising Engineer, Development, Department of Works dated


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21 May 1993 contains an assessment of a flood report submitted by Ralph Freestun and Associates dated 17 April 1993. The report states that:

"...

Minimum habitable floor levels at the site should be 8.525m AHD, and not 8.3m AHD as recommended in the report.

This section has no objection to the development as outlined in the flood study, except for the matter of minimum habitable level described herein."

A copy of Council's report dated 21 May 1993 is Attachment **RJK-87** and a copy of flood report submitted by Ralph Freestun and Associates dated 17 April 1993 is Attachment **RJK-88**.

- (m) There is a handwritten note on the report referred to in paragraph 16(l) above that states "8.3 is satisfactory". I understand that this is the handwriting of Neville Gibson. I note that this level is consistent with the Rezoning Deed, and that the memorandum from the Manager, Department of Works at Attachment RJK- 79 attaches a flood enquiry that shows that the Q100 at the relevant time for the Subject Land was 8.0m.
- (n) Council's files indicate that the Townhouse Application was discussed at a meeting between representatives of the residents, and the Architect and Designer of the proposal and several Council Officers held on 2 September 1993. I attended this meeting and based on my review of the memorandum, I can confirm that, amongst other things, drainage issues were discussed in relation to the Townhouse Application. A copy of a memorandum dated 19 September 1993 is Attachment **RJK-89**.
- (o) Council's files indicate that on 14 December 1993, Council's Assessment Committee raised no objection to the Townhouse Application subject to a satisfactory agreement concerning developmental requirements as outlined in the minute. A copy of the minute of the Assessment Committee Meeting is Attachment **RJK-90**.
- (p) By memorandum from Milena Mog, Senior Town Planner, South West District to the Secretary of the Registration Board dated 15 December 1993 with the subject


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line "Application by John Giles & Associates for town planning consent to use land, erect and use a building or other structure on the land, for the purpose of Attached and Duplex Housing, situated at 316 Long Street East, Graceville, the R.P.D. of which is Lot 57 on Registered Plan 85586, Parish of Oxley", it is provided that "[a] satisfactory proposal has been received". The memorandum provides a recommendation to the Council Registration Board that the application be approved subject to the conditions outlined in the memorandum. A copy of the memorandum dated 15 December 1993 is Attachment **RJK-91**.

17. Council's files indicate that the Council Registration Board approved the Townhouse Application subject to conditions on 17 December 1993. A copy of the Council Registration Board decision is Attachment **RJK-92**.
18. Council's files indicate that a Town Planning Consent Permit was issued on 5 May 1994. A copy of the Town Planning Consent Permit is Attachment **RJK-93**.
19. The conditions of the Town Planning Consent Permit which were included with respect to protection from flooding and achieving a no-worsening of flood risk for neighbouring properties include (k), (l), (m), (ab), (az), (ba), (bb), (bc) and (bo).

Group Title Subdivision Approval

20. Council's files indicate that an application for Group Title Subdivision was lodged with Council by Pike Miris McKnoulty for five lots, common property and new road on 31 August 1995 (**Group Title Subdivision Application**). A copy of the Group Title Subdivision Application is Attachment **RJK-94**.
21. In relation to the assessment of the Group Title Subdivision Application, Council's files indicate the following considerations relevant to flooding and identification of conditions relevant to the existing townhouses on the Subject Land:
 - (a) The minute of Council's Second Screen Committee meeting held on 6 September 1995 identifies flooding and floor levels as issues in relation to the Group Title Subdivision Application. I assume that Council's Second Screen Committee was an early form of DTM, which has been explained in my First Statement. A copy of the minute is Attachment **RJK-95**.


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- (b) A report from Philip W Stay, Acting Principal Officer Developments, Works, Department of Works to Principal Officer Developments, Works dated 23 October 1995 recommended conditions in relation to drainage easements, filling and scour and erosion. A copy of the report is Attachment **RJK-96**.
22. Council's files indicate that the Group Title Subdivision Application was approved on 5 January 1996 (**Group Title Subdivision Approval**). A copy of the letter to Pike Miris McKnoulty Pty Ltd dated 5 January 1995 enclosing the decision and conditions is Attachment **RJK-97**.
23. The conditions of the Group Title Subdivision Approval which were included with respect to protection from flooding and achieving a no-worsening of flood risk for neighbouring properties include (d), (s) and (w)(i) to (vii) (inclusive).
24. Based on Council's files, it does not appear that the Group Title Subdivision Approval dated 5 January 1995 was ever exercised by the applicant.

Extension of Time of Townhouse Approval

25. Council's files indicate that John Giles Associates Pty Ltd sent a letter to Council dated 18 March 1998 making an application for an extension of time in relation to the Town Planning Consent Permit issued on 5 May 1994. As detailed in Attachment **RJK-93**, the approval period for the Townhouse Approval would lapse when:

"...

the use of land or the use or erection of a building or other structure on land, the subject of the approval in respect of which the permit was issued, has not been commenced within 4 years of the date of issue of the permit or such extended period or periods as the Local Authority upon application being made to it therefor approves;

..."

A copy of the letter dated 18 March 1998 is Attachment **RJK-98**.

26. By letter dated 2 April 1998, Mark Kierpal, Town Planner, Development Assessment Team West, wrote to the applicant extending the currency period for a period of 6 months ending 5 November 1998. A copy of a letter from Mark Kierpal to John Giles Associates Pty Ltd dated 2 April 1998 is Attachment **RJK-99**.


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27. I refer to a handwritten letter from Mark Kierpal, Town Planner, Development Assessment Team West to John Giles which is undated and states as follows:

"STORMWATER ISSUES HAVE BEEN BROUGHT TO COUNCIL'S ATTENTION IN RELATION TO THE ABOVE SITE. CONSEQUENTLY THE LETTER SENT/DATED 2 APRIL 1998 HAS BEEN AMENDED TO INCORPORATE THESE ISSUES.

IT IS ANTICIPATED THAT THIS LETTER WILL BE CLEARED ON FRIDAY 17 APRIL, HOWEVER FOR YOUR CONVENIENCE A DRAFT HAS BEEN FAXED TO YOU FOR YOUR AND YOUR CLIENT'S PERUSAL."

A copy of the handwritten letter is Attachment **RJK-100**.

28. Council's files indicate that the extension of time for the Town Planning Consent Permit was granted by Council on 5 May 1998 for a period of 6 months ending 5 November 1998. Relevant to flooding, the decision included the following:

"...

Bruce Baron Hydraulic Engineer for the Development Assessment Team West has also viewed the extension of time and endorsed that the proposal may be acceptable if the stormwater drainage design confirms to the requirements as specified in the Queensland Urban Drainage Manual (QUDM), Brisbane City Council's Supplement to QUDM and BCC's Sub-division and Development Guidelines. Specifically the following issues should be addressed:-

1. No adverse impact on other properties. This includes conformance with the outcomes of the Long St East Stormwater Management Plan especially (sic) the ability to cater for upstream overland flow from Baron Street and relief drainage proposals.

2. Minimum Habitable Floor Level is 8.5m AHD at this site.

..."

A copy of the decision is Attachment **RJK-101**.

Group Title Subdivision Approval No. 2

29. Council's files indicate that a second application for Group Title Subdivision of 1 into 90 lots (in two stages - Stage 1 consisting of 26 lots and Stage 2 consisting of 64 lots) was lodged with Council by Philip Usher Associates Pty Ltd on 23 August 1999 (**Group Title Subdivision**


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Application No. 2). A copy of the Group Title Subdivision Application No. 2 is Attachment **RJK-102**.

30. Council's files indicate that the Group Title Subdivision Application was approved on 21 September 1999 (**Group Title Subdivision Approval No. 2**). A copy of the letter to Philip Usher Associates Pty Ltd dated 20 September 1999 enclosing the decision and conditions is Attachment **RJK-103**.
31. The conditions of the Group Title Subdivision Approval No. 2 which were included with respect to protection from flooding and achieving a no-worsening of flood risk for neighbouring properties include condition 6(a). I note however that the conditions on the town planning consent permit (as to which see in particular paragraph 19 above) would have regulated the development, and that at the time of the Group Title Subdivision Approval No. 2, the development was already under construction.
32. Council's file indicates that Survey Plan 116169 for Stage 1 was sealed on 9 December 1999 and Survey Plan 127715 for Stage 2 was sealed on 3 May 2000, for what is now known as "Graceville Park". A copy of the sealed survey plans are Attachment **RJK-104**.
33. Council's file indicates that throughout the development assessment process, there were a number of submissions and objections from the community which raised flooding concerns in relation to the Subject Land. Based on my knowledge of Council's practice and review of Council's files, these submissions and objections would have been considered as part of the assessment process.
34. Subsequent applications were made for the Townhouse Development on the Subject Land in relation to operational works and the approval of specified plans in accordance with the conditions. I have reviewed these subsequent approvals, and the approvals do not appear to alter the position with respect to fill heights, habitable floor heights and drainage as outlined in the use approvals above, however they do contain more detailed studies.
35. Council records indicate that the Subject Land is affected by flooding from three sources: the Brisbane River, Oxley Creek and an overland flowpath. The proximity of the Subject Land to each flood source is only partially relevant in determining the highest source of flooding.
36. All sources of flooding are relevant at the time the development application is lodged, to ensure that there are no adverse impacts upstream or downstream of the site or on any neighbouring properties.


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37. In general, in assessing development on the Subject Land, the habitable floor levels are based on the highest level of flooding, which in this instance was the Brisbane River. The other sources of flooding identified on this site would have determined the extent of filling and location of the development, to ensure that there are no adverse impacts upstream or down stream of the site or on any neighbouring properties.

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

Dated 21 September 2011

Signed and declared by Rory John Kelly at
in the State of Queensland
this 21 day of September 2011

Before me:



Signature of person before whom the declaration is made



Signature of declarant

Matthew Glen Edwards - Lawyer

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