

ENC

WITHOUT PREJUDICE.
WRITTEN IN THE PUBLIC
INTEREST BASED ON
FACTS

Submission to Queensland Floods Commission of Inquiry.

1. Preparation and planning by federal, state and local governments, emergency services and the community.

9/3/11

Moreton Bay Regional Council, this area that was Caboolture Shire Council.

This submission deals with Mathew Crescent Burpengary as an example.

Since the authorities apparently were aware of the likelihood of more serious flooding, it was a serious failure that there was not widespread advice of where to go to get sandbags. If there had been public notices of where to get sand bags, I would have taken the precaution of having them on hand.

If the garage doors and entry doors could have been protected by sandbags I have no doubt that flood water would not have entered my home.

2. land use planning.

Failure of the local authority to respect the Local Government Act.

Failure of the local authority to implement their own essentially by-laws and policies governing land filling and subdivision; the Flood Plain Management Policy Subdivision Control Plan.

This sets a dangerous precedence, that no one's property is protected under the local government act and the by-laws and policies governing land fill and subdivision. No wonder so many people suffered so badly from the flooding.

Didn't Mrs. Bligh comment on subdivisions in unsuitable areas???

13 May 2009 to Mayor Sutherland from Mrs. Adams referring to correspondence from the Office of the Attorney General and Minister for Industrial Relations to Adams. Quote " ..It is clearly acknowledged in the Land Court decision that the extent of filling and the responses of the local government regarding Lots 4&5 created a distinct advantage for your neighbours and a disadvantage to you. "

2 July 2009 Mr. Sutherland's reply is typical of authorities who just will not listen.

3 June 1998 Minister for the Environment. To Adams. (Copy enclosed.)

The Minister took into account my concerns and wrote.. Quote." Concerns have also been previously raised with regard to minimum lot sizes and sustainability of onsite effluent disposal on smaller lots in this area."

*"Recent research"...." Has shown that there is little evidence to support the environmental sustainability of septic absorption trenches. Researches suggest that many local governments need to review their minimum acceptable allotment sizes...."

*Evidence suggests Council allowed subdivision of unsuitable land (Lots 5 and 4) into three smaller blocks despite valid concerns of impartial officials.

The following example in Mathew Cr. sets a dangerous precedence.

Should you require elaboration of any of the issues referred to in this submission, I will be pleased to assist you from the comprehensive documentation I have from 1985 2009. Although some documents suffered flood damage they are still readable.

NB. Records also kept in other hands - but could be called back if necessary.

9/3/11

At a flood meeting of concerned residents held at Mathew Crescent Burpengary on the 12 February, 2011, my notes show Council representative [REDACTED] (Council flood expert) said that council staff had not given him much information on Mathew Crescent. (I recall there used to be large files) He produced part of an unidentified map. I recognised it as part of the 1979 R.R. Spurdle of levels in Mathew Cr and nearby. Flat land does not have so many levels shown.)

LAND USE PLANNING. An example of Council contempt for the essential by-laws and policies governing land fill and subdivision. ...especially on this flood plain.

My property Lot 6 had no drainage problems. Council admits, the area here is very flat. Water drained across my land and across Lot 5 then lot 4 on the lower side, from properties back up creek to a major drainage system in Lots 4.3.2. Once the owners of Lots 5 and 4 started bringing in land fill, I noticed water failed to drain away freely off my land as it had, even though the neighbours filling was minor at the time. Council instructed the owners of lots 4&5 to cease bringing in fill.

18 November 1985 Council advised the owners of L4/5 that they will not take further action although Council will not approve any further filling on the lots.

NB Filling started again later and when I appealed to Council I was told this was a flood plain. My property was shown as N (for not) flood prone at time of purchase. Council has stated that expert advice is that filling should not be allowed on the flood plain. My ongoing valid protest were finally acknowledged by the Director of Local Government.

Impartial officials who were also concerned, apparently lacked the numbers or the authority to stop the situation on the flood plain from exacerbating.

17 Aug. 1992 letter from Deputy Premier, Minister for Housing and Local Government on Council's Engineering Department File admits that the fill may cause water to lie on Mrs. Adams' land for longer periods. The Minister advised caution... (Quote- "...to prevent any admission of liability by Council. "

* Chapter 8 Filling and Excavation of land . 2.2 the first two pages supplied by Council.. Work allowed provided that . Quote ... "the natural flow of stormwater or run-off from or onto adjoining land is not interfered with or altered in a manner which causes or is likely to cause damage, nuisance or annoyance to any person."

1995 Council wrote confirming they would take no action against the owners of Lots 4&5 for Quote "unlawful" filling. (NB. Director of Local Government's concern.)

* 3 May 1995 the Chief Executive Department of Lands in a hearing at Caboolture Land Court noted prior to the neighbours land fill lot 6 generally drained across lot 5. Evidence showed now floodwater takes longer to drain from Lot 6 than previously.

Council gave an AWE levels on only one (1) cross section survey line on the lower fill on lot 5 nearer the fence line for a report over the whole ten acres of Lots 5/4. I invited AWE out to see the situation and supplied copy of the R.R. Spurdle map 1979. A subsequent map showed the altered flood line going down along the fence line and then around the higher fill on lot 4&5.

21 May 1998 Council states that.. " ... Council's Flood Plain Management Policy still applies throughout the Shire and that a recent two (2) lot subdivision in Mathew Crescent was approved subject to a condition requiring compliance with this policy.

FOR SUBDIVISION CONTROL... (ii) within each allotment at least one thousand (1000) square meters in one parcel with a minimum depth or width of twenty five (25) meters, included in the area of land in (i) above, which is above the calculated one hundred (100) year ARI flood contour PRIOR to alteration of the natural ground level.

Council records showed Lot 5 and 4 as being 100% below the 100 year flood level.

16 June 1998 Storm Water Consulting [REDACTED] BE Civil (Hons) RPEQ 5016 (5) "Council are aware that lots 4 and 5 were flood prone prior to the existing fill being placed".... To require, or be likely to require, the applicant's surveyor to certify compliance with Council's FPMSPSCP would be to set a subdivision condition that cannot be met unless the "applicant's Surveyor" acts unprofessionally.

2 July 1998 CJC quote "It is the complainants contention and I do not think it can be disputed that Lots 4/5 does not meet this description." (The FPMSPSCP.)

Quote "The overriding fact of the complainant complaint has been the fact that the only reason that lot 4/5 is as high as it is is due to land fill."

Unfortunately that officer had been misled and believed that Council had approved the fill raising the ground levels of L4/5. Nevertheless she felt further investigation was warranted. Unfortunately apparently she was stopped from doing that.

(2001 The CJC apologised for their correspondence Quote " ... which was in fact incorrect and that the statement should have stated that NO approval had been issued by Caboolture Shire Council. "

Adams opinion is that Local Government Minister's early wishes that Council be able to avoid any admission of liability influences authorities attitude to facts to this day.

21 May 1998.. Council states the Mathew Cr. subdivisions were approved.

3 February 1999, The Ombudsman replied to my protest about the subdivisions being allowed to go ahead. The Ombudsman wrote " IF that application was approved , you would have had appeal rights...."

Note the montage... at the top... 23 January 2001 the CJC apology for claiming exactly the opposite to what vital council evidence actually stated.

Quote " The memo should have stated exactly the opposite and that NO approval for the owners of Lot 4&5 to alter the natural surface level had been given."

Quote " The Commission regrets this error and any distress it may have caused you." But.. Council keeps making decisions based on that admitted error.

Note Dean Wells tried to get things rectified. His letter is shortened to fit on the same page with the CJC's apology. He tried to rectify matters. 2011 still wrong.

[REDACTED]
9 March 2011



Minister for Environment

Hon. Brian Littleproud, MLA

160 Ann Street • Brisbane Queensland • PO Box 155 • BRISBANE ALBERT STREET QLD 4002
Telephone (07) 3227 8819 • Facsimile (07) 3221 7082

Ref: 204134 PT 28
98/03853

- 3 JUN 1998

Mr S D Adams

BURPENGARY QLD 4505

Dear Mr Adams

I refer to your letter dated 17 March 1998 with regard to flooding in the Burpengary Creek catchment.

The issue of flooding is a matter for the Caboolture Shire Council. It is outside the Department of Environment's jurisdiction and, consequently, it has not received any information from the Council on flood studies nor has the Council referred relevant development applications to the Department for advice.

→ Generally, the only time the Department becomes involved with development in flood prone areas is under the *Integrated Planning Act 1997* where developments involve the filling of an area of more than 5000m² below the flood line adopted by local government. Such developments require the proponent to lodge an information request with the Department of Local Government and Planning. This information request is then referred to other agencies such as this Department for input. Officers of the Department of Environment respond to the Department of Local Government and Planning with details of information required to allow a comprehensive assessment of the potential environmental impacts of the development proposal.

PLEASE
SEE
P. 2.


Officers of the Department of Environment are aware of the conservation significance of Burpengary Creek and its riparian vegetation. It forms one of the last east-west wildlife corridors in the Caboolture Shire. Officers are also aware that places along the creek are of cultural significance to the Aboriginal community.

With regard to your concerns raised on the Caboolture Shire Rural Residential Development Control Plan (DCP) and minimum lot sizes:

- Officers of the Department of Environment have provided comment on the Rural Residential DCP and considered a number of areas lacking. Advice was provided to the Department of Local Government and Planning that it was considered that many of the minimum lot sizes were too small to ensure protection of environmental values. Furthermore, it was of concern that not all areas of remnant vegetation identified in the Caboolture Shire Natural Atlas were designated as Rural Residential Conservation Area.
- Concerns have also been previously raised with regard to minimum lot sizes and sustainability of onsite effluent disposal on smaller lots in this area. Recent research (Gardner T, Geary P, Gordon I. "Ecological Sustainability and Onsite Effluent Treatment Systems". *Australian Journal of Environmental Management* - Vol 4, 144-156) has shown that there is little evidence to support the environmental sustainability of septic absorption trenches. Researchers suggest that many local governments need to review their minimum acceptable allotment sizes and to require developers to use rigorous scientific principles in the establishment of nutrient, water and health sustainability levels for their proposed developments. This will involve adjusting the allotment density to the biophysical resources of the area, on the basis of the choice of onsite effluent treatment technology.

I appreciate your action in writing to convey your concerns to me and trust that the information I have provided will be of interest to you.

Yours sincerely


Brian Littleproud
Minister for Environment



LOCAL PRESS V

E Pine Rivers Shire Council has decided it ds no help from Caboolture in improving planning approval process.

Brian Battersby recommended last week that Pine Rivers council approach its Caboolture ghbor for advice.

The recommendation was narrowly defeated af- a strong objection from Shire Chairman Rob ers.

Dr Akers said the kind of council that could al- the kind of development Caboolture had, par- ticularly in areas near waterways, was not some- ere where he would go for advice.

"I don't believe we can learn a skerrick from boolture," he said.

ilding application due to a dispute over the

LOOKING V TO MATTHEW CR.

MATTHEW CR BURDENARY

OBVIOUSLY IDEAL
V FOR SUBDIVISION
NOTE APPLICATIONS - SAME PERS.



LOOKING TO ↑ CREEK

LOOKING → ALONG & MATTHEW CR TO PONY CLUB

147 King St, Caboolture
SUN FORD (074) 95 1144

A QUEST CON

VOL 13 No. 11 Recommended and maximum price 40¢

WEDNESDAY, MARCH 18, 1992

Residents on flood alert

By Glen Norris

BURPENGARY residents were again put on flood alert on Monday as Cyclone Fran swooped down on the Queensland coast.

Homes in Dale St, Springfield Dr and Henderson Rd, which regularly face flash flooding, were again placed in danger as heavy rain continued to fall throughout the day.

A Caboolture Shire Council spokeswoman said flood waters had entered the lower floors of homes in Dale St and Springfield Dr, forcing residents to move furniture to higher ground.

She said a 24-hour floodline had been set up to deal with flood complaints throughout the district.

Concerns about the chronic flood problems along Burpengary Creek prompted more than 300 angry residents to attend a special meeting of the Burpengary Progress Association last week.

Association spokeswoman Sondra Adams said council inaction over the flooding problem was upsetting local people.

She said the worst flood period occurred in 1988 when homes towards the bottom of Dale St, were flooded with waist deep water three times in four months.

"The meeting voiced its concern that the problems of flooding have gone on for too long," she said.

"There has been no obvious success by the council to rectify the problem. The council has tried to ignore the problem of flooding and has ignored the plight of residents."

Henderson Rd resident Kerri Myers said people were fearful every time there was an extended period of rain.

"On Monday, the flood was right up to homes in Dale St," she said. "My friend who lives in Dale St, had to stay at my place for the day because she could not get back into her home."

Mrs Adams said as development increased in the district, the flooding would worsen.

"Houses and roads are being built on land that previously had been able to absorb a certain amount of water," she said.

"But now the land is being covered and the water is flowing into the creek causing higher flood levels."

Caboolture Shire Chairman Pat Camilleri said the council would call a public meeting to discuss the flooding problems but there was little it could do.

"We will explain the flood study which has been done in the area," she said. "We also will listen to residents' concerns."

"The development in the area has not made any difference to the flooding problem. If you have rain up in the hills, it is going to flood."

She said the council could do little to relieve the situation except clear and widen Burpengary Creek.

"This would result in the creek being denuded of all vegetation and homes would have to be moved," she said.

"I don't believe local residents want that." Meanwhile, roads throughout the district were cut by floodwaters on Monday.

Caboolture SES controller John Huntley said roads closed to traffic included Oakey Flat Rd, the D'Aguilar Hwy, Old Bay Rd and the Redcliffe Connection Rd.

WOULDT
THEY
JUMP ON
ME
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1-1971

TODAY'S TIMES

many questions.

omission from the area."

AFTER CARTOON

Adams
CARTOON
1992

1101007

Subdivision inquiry

THE Criminal Justice Commission is investigating Caboolture Shire Council's approval of a subdivision on what was an illegally filled floodplain.

The 4ha property in Matthew Cres, Burpengary, has been divided into three lots.

It was the subject of a CJC investigation in 1991 after adjoining property owner Sondra Adams said the unlawful filling which started in 1985 had adversely affected her land.

Mrs Adams has lodged a new complaint with the CJC. She said the subdivision, approved on May 19, would increase flooding and drainage problems on her land.

She said the council had initially turned a blind eye to the landfill and was now allow-

By Susan Schwartz

ing further development.

Consulting engineer Brian English and Associates estimated thousands of cubic metres of fill had been put on the allotments.

A report from Storm Water Consulting said lots 4 and 5 had been filled by up to two metres on some parts of the property, causing significant drainage problems on Mrs Adams' land.

The council admitted to the CJC in 1991 that the fill had breached council by-laws, but the complaint was dismissed on the grounds that approval had been given retrospectively.

Mrs Adams said it appeared preferential treatment had been given to her neighbors, while

others had been made to abide by the law.

In July 1992 the council ordered illegally placed fill within the Burpengary Creek floodplain to be removed from a property in Arthur Drewett Dve.

In a letter to Mrs Adams in August 1995, council confirmed it was "not prepared to take any action against the owners of lots 4 and 5 ... for unlawful filling".

Caboolture Mayor Tom McLoughlin said the council appeared to have no record of approval ever having been given and said the owner "has got a letter to say he has got approval (to fill)".

A CJC spokeswoman did not wish to comment.

The owners of lots 4 and 5 were unavailable for comment.

me situations such as motor vehicle accidents and domestic incidents. acting as a local superintendent at Caboolture.

Neighbors add to flood of concern

By Susan Schwartz

NEIGHBORS of a Burpengary subdivision on what was an illegally filled floodplain have backed claims the filling has adversely affected their land.

The Criminal Justice Commission is investigating Caboolture Shire Council's subdivision approval of the 4ha property in Matthew Cres.

Adjoining property owner Sondra Adams has complained of flooding and drainage problems on her land.

Neighbor Gerry Coulson said her property had become 73 per cent more flood-prone since lots 4 and 5 were filled.

"The percentage of flooding has increased from 14 to 87 per cent since we moved here 12 years ago," Mrs Coulson said.

"He's (the owner) been

able to improve the value of his land, raised himself up and out of the flood(plain) and we're not permitted to do the same as he has.

"I don't know why this development's been allowed, let alone how they've been allowed to alter the floodplain."

Mrs Coulson said she had registered her concerns with the council.

"I don't think council has taken us property owners along the creek into consideration and the effect it's (the development and fill) going to have on us," Mrs Coulson said.

In 1991 the council admitted to the CJC that the owners had filled to a level or volume

greater than permissible under council by-laws and that no application had been received or approval given under the Town Planning Scheme.

A CJC document later stated the council had retrospectively granted approval for the fill.

However, in March, 1994, CJC chairman RS O'Regan QC wrote to Mrs Adams admitting the inquiry had made a mistake.

"I acknowledge that in its determination, the Commission should have said the council acquiesced in the fill placed on lots 4 and 5 rather than retrospectively approved it," he said.

Since 1995 the council has cut off all communication with Mrs Adams, refusing to respond to her on the issue.

VITY. COUNCIL(S) WHO "ACQUIESCED" OVER SERIOUS BREACHES OF ESSENTIAL BY-LAWS AND POLICIES GOVERNING LAND FILLING AND SUBDIVISION IN FLOOD PRONE AREAS CREATE OR EXACERBATE FLOOD/DRAINAGE PROBLEMS,

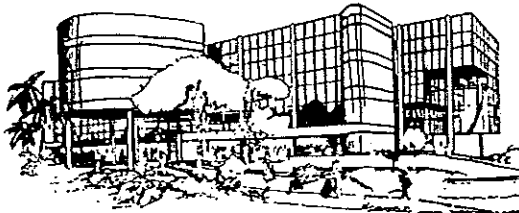
CABOOLTURE SHIRE COUNCIL

MEMORANDUM

DATE: April 18, 1991
TO: [REDACTED] Technical Supervisor
FROM: [REDACTED] Shire Planner
RE: Change of Natural Surface Levels
Lots 4 & 5 Mathew Crescent, Burpengary

Please be advised that a check of our records has been completed and there has been no application submitted to the Council for an approval to alter the natural surface levels on the abovementioned properties.

**CABOOLTURE
SHIRE
COUNCIL**



Shire Administration Centre,
2 Hasking St.,
CABOOLTURE, QLD., 4510
Telephone: (071) 95 0100
Facsimile No. (071) 95 0188

Enquiries:
Direct Phone: (071) [REDACTED]

Address Correspondence To:
The Shire Clerk,
P.O. Box 159,
CABOOLTURE, QLD., 4510

Our Ref: [REDACTED] (VF) D/21. The owner has been advised of the requirements of the Town Plan (Clause 8 of Part II) that any change to natural surface levels requires the consent of Council.

An application for consent, prior to being considered by Council, requires the following:

- (i) advertising
- (ii) erection of a sign on the property for 14 days specifying details of the application
- (iii) a notice of adjoining owners

Objections to the application can be lodged during the 14 day period.

If approved, the applicant would be required to ensure that adjoining properties are not adversely affected by stormwater runoff.

Should you require any further information regarding the above, kindly contact Council's Design Engineer, Mr G Thomas, as above referenced.

Yours faithfully
[REDACTED]

*Please see. PAGE OF.
" SUBDIVISION INQUIRY
" NEIGHBOURS ADD TO FOOT
OF CONCERN.*

Flood warning

NOTE: SAFETY OF CHILDREN

By Glen Norris

THE Blessed Eugene School at Burpengary could become an isolated island during major floods, a study has found.

The Burpengary Creek Flood Mitigation Study, which was released last week, has called on authorities to prepare evacuation plans for the school population in the event of a major flood.

Floodwaters in streets surrounding the Springfield Dr school could reach 1m deep, the study said.

Blessed Eugene School principal Althea Mitchell said the issues raised in the study would be investigated.

She said parents had been told they could collect their children if heavy rain looked like isolating the school.

She said a senior staff member would meet the Caboolture Shire Council this month to work out further plans.

"I would be concerned about the safety of children if the school became isolated during major floods," she said.

More than 100 local residents of the flood-prone suburb attended a public meeting at the Burpengary Community Hall last week to discuss the findings of the study, which focused on the worst affected areas around Dale St and Springfield Dr through to Dunbeath Dr, Louise St and Elanor St.

It recommended a levee be built near Svensen Park and that

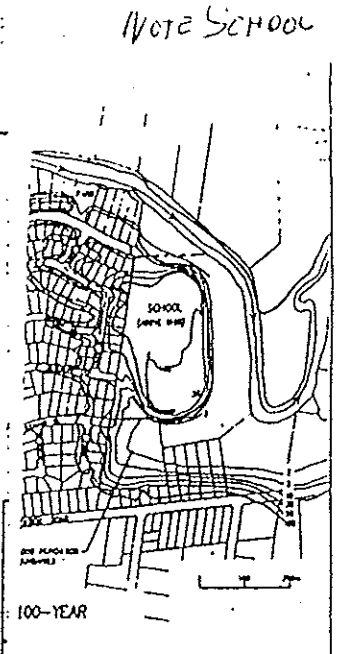
stormwater drains which discharge into the creek should be floodgated to prevent frequent nuisance flooding around Mary St and Dunbeath Dr.

The study warns against any flood mitigation work which could damage the delicate rainforest habitat along much of Burpengary Creek.

Caboolture Shire Chairman Pat Camilleri said local residents were invited to comment on the findings of the study.

"There is concern in the community about the flooding and this study is an attempt to deal with the problem."

She said comments could be made in writing to the Shire Clerk at PO Box 159, Caboolture, by Friday, October 16.



FLOOD LINES AROUND SCHOOL.

Floods will isolate school: study finds

A FLOOD mitigation study carried out recently on the Burpengary Creek advises that during major flood events (greater than a ten year event) the Burpengary school will effectively be isolated on an island.

them well-known to the residents in the vicinity of the creek. The consultants, Australian Water Engineering, have recommended a number of options to remedy the problems and these will be discussed at a Public

the draft report is an excellent one which clearly identifies why Burpengary residents have been concerned in recent years with the frequency of flooding and shows that this concern is largely the result of the large number

Times

Flood plan needs input

BURPENGARY residents have the dubious distinction of living in the "Venice" of Caboolture Shire.

Floods frequently turn roads in the suburb into swirling canals of muddy water.

Residents have long called for the Caboolture Shire Council to act on this serious problem, which not only devalues property but makes life difficult for local people.

The first step in providing a remedy came last week with the release of the Burpengary Creek Flood Mitigation Study.

The study outlines ways the council can help alleviate the problem of flood waters from Burpengary Creek. It calls for levee banks and improved storm water drains in certain areas.

Importantly, it strongly recom-

mends against any flood mitigation work which may damage the beautiful rainforest which grows along much of Burpengary Creek.

One of the most serious issues raised by the study is the vulnerability of the Blessed Eugene School in Springfield Dve to flood waters. The study claims the entire school could become isolated during a major flood and evacuation plans should be formulated.

Local people have until October 16 to comment on the findings of the study. Their views will be taken into account when a final decision on flood mitigation work is made.

My understanding is that the area where the school is now was ORIGINALLY stated as being too flood prone to allow any ANY houses... since filling was NOT allowed on the flood plain. Only a trotting track was allowed since the animals could cope better with any floods... yet they then allowed massive filling against residents protests, so NOW they are complaining about the school being an island... WHOSE FAULT IS THAT?????

Note protests about flooding and committees being formed as far back as 1988 and before to TRY TO FORCE COUNCIL TO RECOGNISE THE PROBLEM. NOW IN 1993

No luck from the Minister Mr. Burns or the Ombudsman then either.

Tried the Minister first note 14th March 1989..his attitude was the same as now...COUNCIL DOING NO WRONG...THE RESIDENTS SHOULD NOT BE PROMOTING DIVISIONS etc.

WHAT A DISGRACE?????

DO NOT BLAME THE OLD COUNCIL CHECK WHO HAS BEEN IN POWER FOR 30 or 25 or 13 years..

I AM CONCERNED AS A RATEPAYER & AS PRESIDENT OF THE CABOOLTURE SHIRE RATEPAYERS ASSOCIATION.

CABOOLTURE
SHIRE
COUNCIL

Dear Sir

COMPLAINT RE FILL ON LOTS 4 AND 5 ON RP 175396 - MATHEW CRESCENT,
BURPENGARY - [REDACTED]
COMPLAINANT - S ADAMS - LOT 6

Reference is made to your letter dated 26 July 1991 (reference 502/06/16/003 TMCM) requesting clarification of the following points:

- 1 "Has [REDACTED] filled to level or volume greater than permissible by Council By-Laws?"

Yes

- 2 "If he has, did he have Council permission to do so?"

No application was received and no approval given under the Town Planning Scheme.

Fill tury overflows

BURPENGARY'S Sonda Adams has taken to the streets to protest against a Caboolture Shire Council decision which she says exposes her property to flooding.

Armed with placards and with tears running down her face, Mrs Adams cut a lonely figure in the cold westerly winds outside the Shire Administration Centre last week.

She told passers-by the council had exposed her property to flooding by allowing a neighbor to fill his land.

She said the extensive fill, on which a house was now being built, blocked drainage channels from her property and increased the risk of flooding.

"It interferes with normal drainage patterns and devalues

By Glen Norris
neighboring properties," she said.

* She said the council's decision to approve the filling of the land and construction of the house set a dangerous precedent.

"It means that no one's property is protected by the by-laws of the council," she said.

"Payment of our rates is supposed to ensure among other things, protection of the value of our land.

"I was forced to take the drastic step of walking around Caboolture with mushroom-shaped signs to try to make the council take some action to rectify a long-standing and justified complaint."

The issue has been investi-

gated by the Criminal Justice Commission (CJC) which cleared the council of any misconduct. The Local Government Department also has launched an investigation.

Mrs Adams said the support she received from passers-by during her protest was overwhelming.

"I was inundated with horror stories about the council, some of which made my problems pale into insignificance," she said.

* Caboolture Shire Chairman Pat Camilleri said the council had approved the filling of the land in the mid-1980s.

* "The divisional councillors went down there and decided that a drain placed at the boundary of the two properties would help alleviate any flooding risk caused by the fill," she

said.

"Mrs Adams appeared quite happy about that at the time."

She said the fill did not detrimentally affect Mrs Adams' property in any way.

"The council is waiting for a report from the Local Government Department before it takes any further action," she said.

However, Cr Helen Gibson said the house construction should never have been approved.

Mrs Adams has formed a Caboolture Shire Ratepayers' Association to provide a forum for complaints against the council.

The association will hold its first meeting on Wednesday, August 26, at the Church of Latter Day Saints in Buckley Rd, Burpengary, from 7.30pm.

The Shire Clerk

RE: COMPLAINT REGARDING FILL ON LOTS 4 AND 5. MATTHEW CRESCENT.

ORDINARY COUNCIL MEETING

18 DECEMBER 2001

2.2.6 MEETING DIRECTIVE - MATHEW CRESCENT, BURPENGARY

It is apparent from the most recent CJC correspondence (23/1/01) that following a query from Mrs Adams in January 2001, the CJC reviewed the Council memo of 18/4/91 and noted that their correspondence of 2/7/98 was in fact incorrect and that the statement should have stated that NO approval had been issued by Caboolture Shire Council.

Therefore the matter associated with the CJC simply referred to a typographical error made by the CJC when writing to Mrs Adams in 1998. This information does not alter in any way, Council's consideration of this matter and the numerous investigations that have been made.

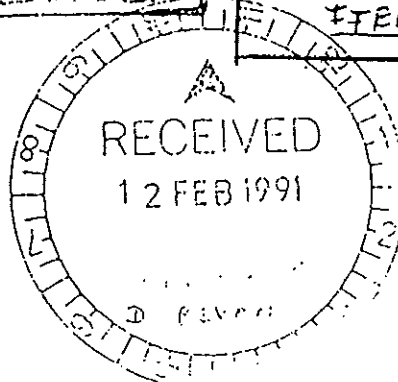


Reg. no 1632

COPY

PAGE 1
ITEM A

Department of Housing and
Local Government



Sir Maxwell Bingham Q.C.,
Commissioner and Chairman Designate,
Criminal Justice Commission,
P.O. Box 157,
NORTH QUAY. 4002

CRIMINAL JUSTICE COMMISSION.
THIS DOCUMENT HAS BEEN
RELEASED UNDER THE FREEDOM
OF INFORMATION ACT 1992

Your Reference:
Our Reference: TPA/438
Enquiries:
Extension:

7th February, 1991

Dear Sir Max,

I refer to representations made to the Director of Local Government by Mrs. S. Adams of Burpengary concerning allegations of misconduct involving the Caboolture Shire Council. Specifically, Mrs. Adams' allegations relate to certain actions taken by her neighbour in relation raising the level of his property and the Council's apparent failure to act on resulting breaches of its by-laws on the filling and excavation of land.

In reviewing the correspondence, I have formed the view that official misconduct within the meaning of Section 2.22 of the Criminal Justice Act may have occurred. On that basis, I am referring the matter to you for your consideration and have enclosed a copy of the relevant correspondence.

Mrs. Adams will be advised that this action has been taken.

Yours sincerely,

[Redacted signature]

Dick Persson
Director-General,
Department of Housing and Local Government

[Redacted text]

Discussed with T.H. on 18/2/91.
19/2 Debrief/ complaint to see if any
sound basis for allegations of
official misconduct.
Ack. letter for DVB sig.

[Redacted text]



Address Correspondence to:
The Director-General PO Box 31 North Quay Brisbane 4002
Telephone: (07) 237 1328 Telex: QLCOV 42391 Facsimile: (07) 237 1265

18/2/91



DEPUTY PREMIER,
MINISTER FOR HOUSING
AND LOCAL GOVERNMENT
HON. TOM BURNS M.L.A.

CABOOLTURE SHIRE COUNCIL

17 AUG 1992

ORIGINAL TO SLC
COPIES TO

LAA/3342

Executive Building
100 George Street, Brisbane, Q 4000
PO Box 31, North Quay, Q 4002
Telephone 224 4600
Fax, No. 224 6946

ENGINEERING DEPT.				
Recd.	18/8	I - C		
D/S/E	S/P	D.C.M.		
V/E	B/S	W.C.M.		
D/E	F/T/E	G.M.		
V/S/E	A/O			

Councillor P Camilleri
Chairman
Caboolture Shire Council
PO Box 159
CABOOLTURE QLD 4510

FOCUSED to Fig.

- 3 -

In view of:

15. (a) the distress caused to Mrs. Adams;
16. (b) the uncertainty of events which have occurred in relation to the fill;
17. (c) the fact that the fill may cause water to lie on Mrs. Adams' land for longer periods;
18. (d) the fact that Mrs. Adams has placed numerous representations before the Government; and
19. (e) the likelihood of Mrs. Adams pursuing the matter further through the media or by civil action,

*
CHAPTER
8
(11)

20. I believe that it may be in the best interests of all parties if the Council approached Mrs. Adams with the proposal to form the drain outlined above at Council's cost in an endeavour to appease her and hopefully finalise the matter. Naturally, the Council would have to handle this matter in a diplomatic manner to prevent any admission of liability by Council.

21. Accordingly, I would appreciate the Council considering this matter further and look forward to your early advice in relation to the proposal.



Tom Burns, M.L.A.,
Deputy Premier and Minister for
Housing and Local Government.

NB. FACTS &
FICTIONS
UNDER F.O.I.
A NUMBER OF
CORRECTIONS
WERE SHOWN
FOR MISINFORMATION
IN THIS LETTER.

CABOOLTURE SHIRE COUNCIL

Department of Housing and Local Government
Brisbane, 13th December, 1990.

HIS Excellency the Governor, acting by and with the advice of the Executive Council, and in pursuance of the provisions of the *Local Government Act 1936-1990*, has been pleased to approve of the following by-laws made by the Council of the Shire of Caboolture.

T. J. BURNS

WHEREAS by the *Local Government Act 1936-1990*, a Local Authority is empowered to make by-laws for all or any of the purposes in the said Act mentioned and it is further provided that a by-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Caboolture, with the approval of His Excellency the Governor in Council, that the following by-laws for the general good rule and government of the Area and its inhabitants, and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council, shall be in force from the date of publication hereof in the *Gazette*.

The by-laws of the Council of the Shire of Caboolture published in the *Government Gazette* on the fifteenth day of August, 1929, as amended from time to time, are hereby further amended by inserting the following new Chapter:-

CHAPTER 8

FILLING AND EXCAVATION OF LAND

Definitions

1. In this Chapter unless the context otherwise indicates or requires the following terms have the meanings set against them respectively:-

"Council" - Council of the Shire of Caboolture.

"Shire Engineer" - includes the person for the time being carrying out the duties of the Shire Engineer.

"Shire Clerk" - includes the person for the time being carrying out the duties of the Shire Clerk.

Approval Required for Filling or Excavating Land

2. 2.1 Subject to this Chapter a person shall not:-

2.1.1 fill by placing or causing or suffering to be placed upon any land any ballast, rock, stone, shingle, gravel, sand, clay, earth, cinders, debris, asbestos sheeting or other matter or thing of any nature whatsoever; or

2.1.2 excavate or remove or cause or suffer to be excavated or removed from any land any ballast, rock, stone, shingle, gravel, sand, clays, earth or other material,

so as to alter the contours or levels of the said land unless the same shall have been done with the prior approval in writing of the Council and in compliance in every respect with the conditions of such approval.

- 2.2 Such approval shall not be required in any case where:-

2.2.1 the filling, excavation or removal is reasonably required in connection with any building work which has been approved by Council under the Building Act and Standard Building By-laws 1975 (as amended) provided that:-

(i) the filling, excavation, or removal of material proposed to be carried out complies with the requirements specified in Council's adopted Policy on Excavation and Filling of Building Sites; and

(ii) the natural flow of stormwater or run-off from or onto adjoining land is not interfered with or altered in a manner which causes or is likely to cause damage, nuisance or annoyance to any person;

2.2.2 the filling, excavation or removal is reasonably required in connection with any work that has been approved in writing by the Council under its Town Planning Scheme, Town Planning by-laws, Subdivision by-laws or other Council by-laws;

2.2.3 the filling, excavation or removal is reasonably required in connection with any works the subject of any permission, consent or approval issued or given under any Act by the Crown or by any statutory authority including the Council;

2.2.4 the filling, excavation or removal is reasonably required in connection with any bona fide agricultural pursuit including the construction of contour banks and other soil conservation measures, earth dams, and trench silos to be used for fodder conservation;

2.2.5 the filling, excavation or removal is reasonably required in connection with any gardening, landscaping or other beautification works done in association with the use of any existing building on any land where the amount of material to be used as fill or the amount of material to be excavated or removed does not exceed in the aggregate twenty (20) cubic metres provided always the natural flow of stormwater or run-off from or onto adjoining land is not interfered with or altered in a manner which causes or is likely to cause damage, nuisance or annoyance to any person.

Applications

3. 3.1 Application for approval to carry out any such filling, excavation or removal shall be made in the form required by the Shire Clerk and shall be accompanied by an application fee in the amount fixed by the Council from time to time by resolution. If required by the Council, the applicant shall submit, at the applicant's cost a report on the effect of the proposed filling, excavation or removal on the flow of stormwater and run-off from or onto adjoining properties and on the effect generally on drainage in the locality, which report shall be undertaken by a certificated Local Government Engineer or Registered Professional Engineer or other suitably qualified person approved by the Shire Engineer. The terms of reference for the report and any associated investigation shall be determined by the Shire Engineer.
- 3.2 The Council may approve the application, refuse the application or approve it subject to reasonable and relevant conditions.
- 3.3 The Council may from time to time delegate to the Shire Engineer the power to approve the application, refuse the application or approve the application subject to reasonable and relevant conditions.
- 3.4 Any approval by the Council or the Shire Engineer shall specify the type and extent of filling or the extent of excavation or removal (as the case may be) and shall specify the final levels of such land after such filling, excavation or removal of material.

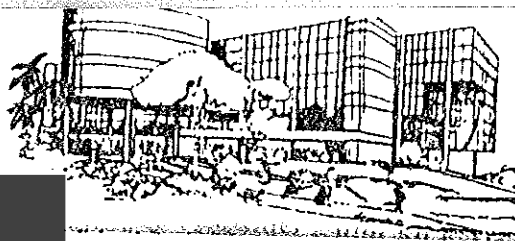
Conservation of By-laws

4. 4.1 Any person who contravenes or fails to comply with any provision of this Chapter or carries out any work by way of filling, excavation or removal of material otherwise than in accordance with an approval granted pursuant to this Chapter or otherwise than in compliance with the conditions contained in such approval, shall be guilty of an offence.
- 4.2 Without derogating from the right of the Council to prosecute any person who commits a breach of this Chapter the Council may, and where the Council has delegated the power to do so, to the Shire Engineer (the Council being hereby authorised to delegate such power), the Shire Engineer may, where, in the Shire Engineer's opinion immediate action is required, serve notice in writing on the owner or occupier of any land in respect of which such offence has been committed requiring the owner or occupier to remove any material which comes on to such land in contravention of the provisions of by-law 2.1.1 of this Chapter or to reinstate any land which has been dealt with in contravention of the provisions of by-law 2.2.1 of this Chapter and if such material is not removed or the land reinstated (as the case may be) within the time prescribed in the notice, the Council may itself perform the necessary work or arrange for the necessary work to be performed and recover any costs or expenses associated therewith from the owner or occupier of such land. Until such time as payment of the said costs and expenses is received by the Council, such costs and expenses shall be deemed to be and remain a charge on the subject land and may be recoverable pursuant to Section 50 (7) of the *Local Government Act 1936* (as amended).
- 4.3 Any person who fails to comply with a notice served pursuant to clause 4.2 of this by-law with the time allowed shall be guilty of an offence.

Miscellaneous

5. 5.1 A document purporting to be signed by the Shire Engineer certifying the amount of the costs or expenses incurred by the Council under or pursuant to this Chapter or as a result of any contravention by any person of any of the provisions of this Chapter shall be received in all Courts and until the contrary is proved, shall be conclusive evidence of the matters certified therein.

SHIRE COUNCIL



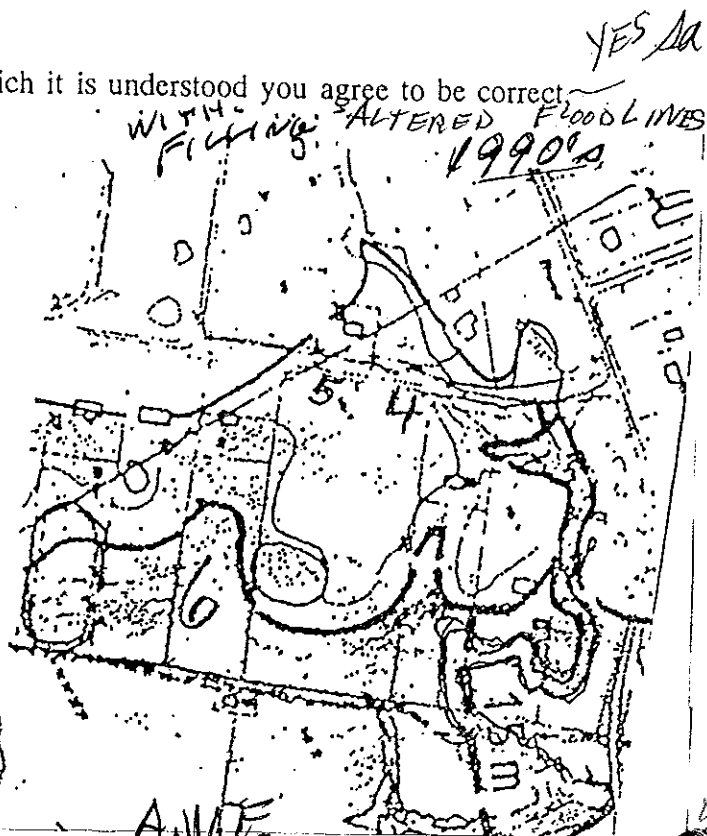
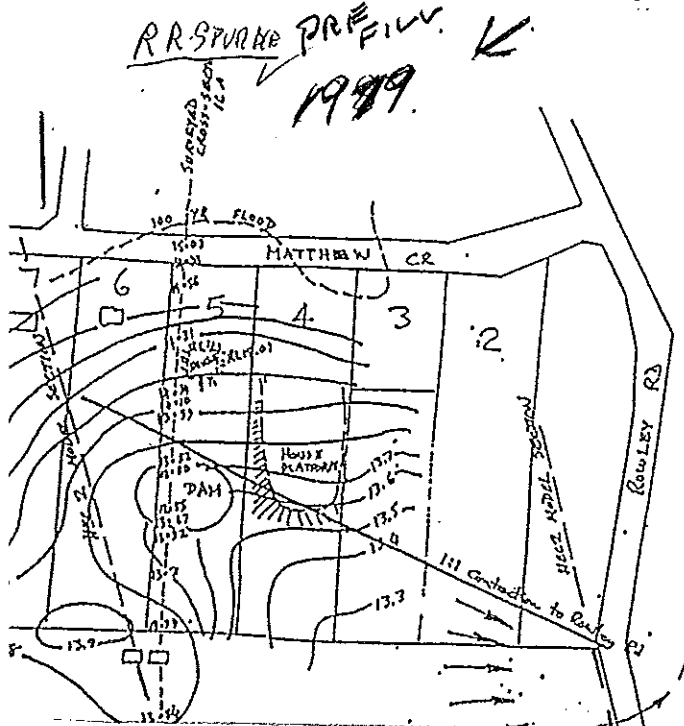
4 THURRING ST.,
CABOOLTURE, QLD., 4510
Telephone: (074) 95 0100
Facsimile No's.
General: (074) 95 0188
Build. Dept.: (074) 95 7801

Enquiries:
Your Ref.:

19 November 1992

FILLING - MATHEW CRESCENT

The contours produced in 1979 by Spurdle, which it is understood you agree to be correct



F/1 (jw)

Yr Ltr 26/7/91

The Chief Officer
Complaints Section
Official Misconduct Division
Criminal Justice Commission
PO Box 157
NORTH QUAY Q 4002

9 August 1991

CJC 3 "Has the fill on [REDACTED] property interfered with the natural flow of run-off water?"

COONEL - Various inspections by Council officers have assessed that the natural flow of stormwater has not been obstructed. The land in this area is extremely flat and several drains have been constructed on [REDACTED] property to assist stormwater runoff.

The Complaints Section

3

6 November 1991

erc 7 "Please furnish copies of all inspection reports."

COONEL - No inspection reports have been recovered during the search of Council files.

far serious reason!

Burpengary Progress Association Inc.

President:
Phone:
Secretary:
Phone:

Burpengary Community Hall,
111 Station Road,
BURPENGARY, QLD. 4505

CORRESPONDENCE TO
BURPENGARY PROGRESS ASSOCIATION INC.
C/- LOT 11 NUDOTOKA COURT
BURPENGARY QLD 4505

5th June, 1993.


Copy
The Shire Clerk.
Caboolture Shire Council.
P.O. Box 159,
CABOOLTURE Q..4510.


Dear Sir,

FILLING AND DEVELOPMENT ON FLOODPLAIN.

We would appreciate a copy of the Bylaw covering floodplain management for this area. As you can appreciate having several major catchment areas so close to our township we find this of particular importance.

May we take this opportunity to reiterate our past comments concerning fill and development being permitted on flood pervaded land....WE DO NOT WANT THIS ALLOWED AT ALL., and more work to be done on the floodplain policy to ensure the protection for our current residents and future residents of this shire. Perhaps with a better policy in place we will not have to contend with another five million dollar bungle that we now face. (Dale Street, Mathew Crescent etc)

Thanking you for your time. 


Secretary BPA Inc.

DSO

L.4 SM-1/11/93

Burpengary Progress Association Inc.

President:
Phone:
Secretary:
Phone:

Burpengary Community Hall,
111 Station Road,
BURPENGARY, QLD. 4505

08 OCT 1993

ORIGINAL TO
COPIES TOShire...Clark,

Caboolture Shire Council,
Post Office Box 159
CABOOLTURE 4510

Dear Sir,

RE: Ratification of AWE Flood Report

It has been noted that this AWE Report has been ACCEPTED by Council and a bandaid solution in the form of \$70,000 is being implemented for 1993-1994 Budget.

What is the long term plan for this Shire after instigating this Report?

Do we need this Report to be more comprehensive to achieve a long term solution to this problem?

What Town Planning goals have been set in place re development of unsuitable flood prone land?

Will this just continue in the hands of engineers recontouring and piping the water ever faster away from THEIR developments, continuing to impact further down stream?

Do people just continue selling their homes after being caught, to the next unsuspecting soles?

Please advise the long term solution for this Shire regarding the report and when will it be ratified?

Yours Sincerely,

Secretary
Burpengary Progress Association Inc...

F/1(A) *

816/4(P2)

CORRESPONDENCE TO:
BURPENGARY PROGRESS ASSOCIATION INC
111 STATION ROAD
BURPENGARY QLD 4505

ENGINEERING DEPT.

Recd. ☒ 7th October, 19 93

D/S/E

S/E

D.C.M.

W/E

T/O BLD

W.C.M.

D/E

T/O M&E

G.M.

W/S/E

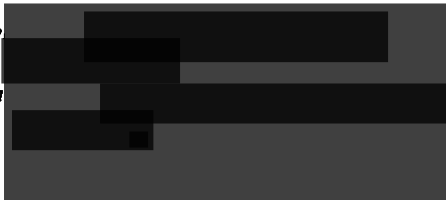
A/O

P&G

PTO

Burpengary Progress Association Inc.

Preside
Phone:
Secreta
Phone:



Burpengary Community Hall,
111 Station Road,
BURPENGARY, QLD. 4505

Sandra

CORRESPONDENCE TO:
BURPENGARY PROGRESS ASSOCIATION INC.
C/- LOT 11 BUOTOKA COURT
BURPENGARY QLD 4505

15th May, 19 93

Deputy Ombudsman.
Jetset Centre.
288 Edward Street,
BRISBANE Q..4000

Dear Sir,

MRS ADAMS VS CABOOLTURE SHIRE COUNCIL.

At the last Burpengary Progress Association general meeting, a motion was passed to write to you to request a full inquiry into the above matter. We understand the Shire Council of Caboolture failed to take the appropriate action and thereafter refused to act, and that the council has been derelict in its duty.

It we can be of any further assistance, please contact the Secretary or President of this association.

Yours sincerely,



Secretary BPA Inc.

2009
200

6/11/09

Office of the Mayor

Cr Allan Sutherland

T (07) 3480 6250

F (07) 3480 6255

E mayor@moretonbay.qld.gov.au



02 JUL 2009

Ms Sondra Adams
102 Mathew Crescent
BURPENGARY Q 4505

Dear Ms Adams

COMPLAINT – FILL – MATHEW CRESCENT, BURPENGARY

I refer to your letter dated 13 May 2009 and I am advised that the matters raised in your letter have been investigated.

I am further advised that these matters have previously been raised and dealt with by the previous Caboolture Shire Council and also by other relevant State Agencies.

I can confirm that Council does not propose to take any further action in relation to this matter.

Should you not be satisfied with this outcome you are entitled to contact the Local Government Ombudsman on:

Street address: Level 17, 53 Albert Street Brisbane Qld 4000
Postal address: GPO Box 3314 Brisbane Qld 4001
Phone: (07) 3005 7000
Fax: (07) 3005 7067
Email: ombudsman@ombudsman.qld.gov.au
Web: www.ombudsman.qld.gov.au

Yours sincerely



ALLAN SUTHERLAND
Mayor

Our ref: A1265030

(S)
COUNCIL REFUSING
TO ACT OVER BREACHES
OF ESSENTIAL BY-LAWS
AND POLICIES ON LAND FILLING
AND SUBDIVISION OVER YEARS
I SUGGEST IS WHY SO MANY
SUBDIVISIONS APPARENTLY WENT
IN FLOOD PRONE AREAS

Customer Service Contacts

220 Gympie Road Strathpine QLD 4500 | PO Box 159 Caboolture QLD 4510
T (07) 3205 0555 | F (07) 3205 0599 | E mbro@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au

Mathew Cr., (previously Lot 6)
 Burpengary 4505.
 13 May 2009.
 Moreton Bay
 Regional Council

13 MAY 2009

Allan Sutherland, Mayor Moreton Bay Regional Council,

Dear Mayor Sutherland,

Personal attention please.

Pine Rivers District

We are in receipt of correspondence from the Attorney General and Minister for Industrial Relations office. The letter clearly justifies my protests to the Caboolture Shire Council which, failed to resolve Mathew Cr. problems passes responsibility to Moreton Bay Regional Council. Much like a body corporate in perpetuity passing on responsibility.

"It is clearly acknowledged in the Land Court decision that the extent of filling and the response of the local government regarding Lots 4 and 5 created a distinct advantage for your neighbours and a disadvantage to you."

"The appropriate avenue of recourse for you is to the local government responsible for permitting the action." Office of the Attorney General and Minister for Industrial Relations.

Question. Are you admitting responsibility now?

The Director General of Housing and Local Government in February 1991 felt misconduct could be involved and wrote thus...*"....certain actions taken by her neighbour in relation raising the level of his property and the Council's apparent failure to act on resulting breaches of its by-laws on the filling and excavation of land."* (Adams Lot 6 adjoins 4&5 which were lower..)

The letter from the Attorney General's office refers to the Land Court description of the local governments' consent to the action in * November of 1985 as 'rendering it lawful' was only for the purposes of determining the appropriate valuation methodology. It had no effect on the lawfulness or otherwise of the original actions.

* November 1985 Council wrote to the owners of Lots 4&5 allowing some minor insignificant fill to remain on Lots 4&5. Council wrote to [redacted] pointing out Council's mandatory requirements that all filling had to have an application for Council approval.*"..it is advised that Council does not propose to take further action on this matter although Council will not approve any further filling on the lots."* November 1985 To J & J. Marshall.

However filling started again. Council turned a blind eye. Even internal protests were ignored. 1991 Council confirmed there had been no application and no approval to raise the ground levels of lots 4&5. After that Council admitted a number of times that the filling had no approval and was in excess of what the by-laws allowed.

1992 Apparently to save Council being held responsible, the Departments valid concern was dismissed on the grounds that the 1985 approval for the minor fill retrospectively approved the admitted unlawful filling raising the ground level in the 1990's without Council approval.

1993 Council again confirmed there was no approval to raise the ground levels of Lots 4&5.

August 1995 Council admitted in writing that Council would *"....take no action against the owners of Lots 4&5 for unlawful filling."* (Note the basis for the complaint Feb. 91)

yours truly
 [redacted]

LAND COURT,

BRISBANE

3 May 1995

Re: Appeals against valuations -
Caboolture Local Government
AV94-457/8.

[REDACTED]
v.

Chief Executive, Department of Lands

DECISION

(Hearing at Caboolture)

These are appeals (2) against determinations of the Chief Executive, Department of Lands, of the unimproved value of Lots 4 and 5 on RP 175396, parish of Burpengary, in the sum of \$72,000 each, for the purposes of the Annual Valuation of the Area as at 30 June 1993.

Mr DR Lucas, registered valuer in the employ of the Department of Lands, wrote the valuations on behalf of the Chief Executive.

Palmer

3

purposes and levels raised above natural ground level by 1.5 metres or more. Filling for the surrounds of the pads was taken from the dam and access ways, spoon drains, etc., were constructed. The nature of the development as depicted on Annexure A and in other evidence would show that the developments have been well-planned, well-constructed and would present well in the marketplace. The problem that arose is that Lot 6 adjoining and valued for the purposes of this Annual Valuation at \$63,000 unimproved, generally drains across Lot 5. There is evidence that floodwater (the whole area being a "backwater" area) takes longer to drain from Lot 6 than previously and for this reason Mr Lucas has depreciated the value of Lot 6. In other respects it is his submission that the subject lots possess an advantage in that were they unimproved at the relevant date, filling would not be allowed to the extent actually done which filling, after consideration by Local Government, has been allowed to remain. This, as I

The lots, in the opinion of Mr Lucas in valuation terms, because of this permitted development, possess a uniqueness which gives them an advantage over other lots on this frontage of Mathew Crescent. Briefly stated, the submission is this: The existing filling has been rendered lawful by Local Government. But were it not in existence at the relevant date (assuming that the lots were unimproved), filling would not be allowed to the extent of the existing filling. Hence the advantage.

23 January 2001

Level 3 Terrica Place

It would appear that an error was made in the memo of 2 July 1998 and that there is in fact no memo in the above terms. The memo should have stated exactly the opposite and that no approval for the owners of Lot 4 & 5 to alter the natural surface level had been given.

The Commission regrets this error and any distress it may have caused you.



Deception Bay Road
Deception Bay Qld 4508

The Honourable
DEAN WELLS
Member for Murrumbidgee

PO Box 532

Phone: (07) 3293 1069

Fax: (07) 3203 1267

that some fill was being placed by her neighbour in a floodplain area to raise the levels of the property and consequently alter the natural flow of the water. She complained to her local council and for a time the activity stopped. Then it began again. My constituent complained subsequently to the council but no action was ever taken.

The Director General of Local Government referred the matter to the then CJC. He did so on the basis that official misconduct could be involved. The CJC investigated the matter and wrote to my constituent (enclosed) indicating that the fill had been authorised by the Caboolture Shire Council. That was absolutely not the case, and the documents before the CJC at the time made it very clear that it was absolutely not the case that the Caboolture Shire Council had ever authorised the fill. Subsequently the Caboolture Shire Council has relied on the CJC letter for the purposes of validating their position i.e. to take no further action with respect to the matter.

* The result of this incorrect assertion by the CJC that the Caboolture Shire Council had validated something which has in fact never been validated has been to cause of tremendous stress and dislocation to the life of this constituent. The capacity of the CJC to investigate people is of course the heaviest that the hand of the state ever touches the privacy of a citizen. This constituent has been in my office in a greatly

am aware that the CMC does not have a practice of publishing corrections. Perhaps there is, or ought to be a protocol in respect of this matter. In any case, any advice that you may be able to give me that would be of assistance to my constituent would be appreciated.

Yours sincerely

DEAN WELLS MP
Minister for the Environment &
Member for Murrumbidgee

100%
FLOOD
PLAIN
LAND
ETC
LETTER
17/6/92
CORRECT
2001.

NAB
INTEREST
ISSUE

I added CMC
at frustration at
misleading
at this

Council recorded and dismissed the following 1 to 11 objections to development of land that was SPECIAL RURAL ZONE AND FLOOD PRONE ZONE into RESIDENTIAL A..

Evview map 5 June 2007 shows RP 94961 borders Burpengary Creek.

1. Traffic increase to Bantry Avenue, in particular when considered in conjunction with the proposal for Lot 1 RP94961.
2. Proposed cut and fill works will affect the natural hydrology of a major catchment stream.
3. The subject land provides a wildlife corridor for native animals located in the adjacent Crown Land.
4. A previous Councillor assured the community that Delaney Road would remain a "No Through Road" and that the Rural Zoning would be maintained.
5. the proposal is contrary to the Overall Desired Outcomes of the Flood-prone Zone and the Rural Zone in the Superseded Planning Scheme.
6. As flooding impacts the subject land, earthworks are required to ensure lots are above Q100 flood levels.
- (NB Council justifies the creation of lots above the Q100 level.)
7. The development will have an adverse affect on ecosystem processes that occur within flood plains.
8. The development will have a negative effect on flooding elsewhere in the catchment, particularly downstream.
9. The water run-off from the proposed development will reduce the water quality of nearby waterways.
- 10 The stability of the beds and banks of Burpengary Creek will be affected by this development.
11. The proposed road upgrades to Delaney Road will impact or result in the removal of vegetation within the road reserve that contains important flora and fauna.

in some areas); and streamlining the process for getting land on to the market.

"WHAT ARE WE SUPPOSED TO USE A MORTGAGE FOR IF WE CAN'T BUY A NEW CAR?"

JUNE 8/2007 NTN, Y.MES

22-lot subdivision

■ LAND at Delaney Rd in Burpengary will be developed into a 22-lot subdivision after Caboolture Shire Council approved a change of use over the land on Tuesday. The block, just less than 5ha, at 2-58 Delaney Rd, had been zoned Special Rural and Flood Prone but was rezoned Residential A and Open Space to allow the

development.

Part of the development borders the Burpengary Creek.

All but one councillor voted in favour of the development.

The objector, Councillor Lynette Devereaux (Div 4), said she wanted council to knock the development back in order to protect the floodplain.

Making shopping social

■ A REGIONAL shopping revival is under way, according to Cottee Parker, the architects who designed the new Burpengary Plaza centre.

Cottee Parker director Matthew Caswell grew up in regional Queensland and said no matter where customers were located they were looking for comfortable shopping.

"Shopping centres are quite often the focal point of neighbourhood life within regional communities," he said. "They are not only places for people to shop.

"Burpengary Plaza, with its central meeting and forecourt areas and shaded car parks, is an example of how we combine function with aesthetics to create a hub for the community."

THE U
largest
organis
Banker
speake
corpora
Chris -
Australia
Conven
Gold Co
15-17

■ If you
views, p
staff or
Nick Cro
5431 720
crockfo
com.au