

## Gerard Hinchliffe

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**From:** [REDACTED]  
**Sent:** Sunday, 24 July 2011 10:22 AM  
**To:** Info Flood Commission  
**Cc:** [REDACTED]  
**Subject:** Brisbane City Council rezoning 30 acres of flooded land residential

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hi I would like to bring to your attention that Brisbane City Council have approved, and forwarded to the state govt for "rubber stamping", a revised Moggill Bellbowrie neighbourhood plan that rezones, from rural to residential, about 30 acres of land that i saw under meters and meters of water in the Jan 2011 floods.

Just look on nearmap on Jan 13 for [REDACTED] Bellbowrie.

What I find really alarming is that Council approved the rezoning of this land after the 2011 flood and are intent on pushing it through before this inquiry publishes it's findings despite many acres of it being heavily flooded.

The vast majority of this land is the very low, floodprone moggill golf course that was bought by developers and shut down to increase pressure on council to rezone it when they were unable to get a DA approved.

If this tactic works no non-government golfcourses or community greenspaces will be safe. Developers have already bought Karana Downs golf course which is in the same council ward.

During the 2011 flood two families (mine included) were evacuated across a very narrow ridge on the golf course land (to a boat) by the SES and a young mum of two young girls from our other Neighbour actually had to swim 60 meters across the flooded river before her house flooded because her husband was away on a business trip and she didnt have any alternative. IT HAPPENED and it is due to terrible town planning of our three properties that has allowed our "anthill" properties to be situated at the lowest allowable level and haves shared driveway that is 9-10 meters lower.

In floods we are trapped and if the land behind us is rezoned residential and fenced, three families will have no escape route at all and will have to swim out like our neighbour did, to escape. This is not a theoretical/hypothetical threat, it just happened and it will happen again. If there are residential fences behind our place(or our neighbours) there will probalby be a fatality.

Can you please just confirm receipt of this email and contact me if you would like any further infarmation as I have much more I would like to say.

Regards

Anthony Leighton  
[REDACTED] Bellbowrie  
Sent from my iPhone

Our Names are Anthony and Karen Leighton and our address is [REDACTED]

[REDACTED] Bellbowrie. We thank you for letting us have our say.

We would like to firstly comment on our experiences in the January 2011 flood and then on Brisbane City Council's (BCC) practice of facilitating new development on flood prone land and the impact that practice can have on people.

We are one of three families in a dangerous, modern subdivision that were each heavily impacted and traumatised by the 2011 flood event, the other two addresses are [REDACTED] Bellbowrie who are our immediate neighbours, one on either side.

I ask that you look at these three (3) properties on the "nearmap" website for the date of 13 January 2011. At the height of the flood (3m higher than the nearmap photo) these three houses were effectively 100m out in the middle of the river with us in them. We all knew the 100m of water between us and our front street was 10 – 12 meters deep, and that the raging river itself blocked our escape route on our other three sides. It was traumatic to say the least.

On the Wednesday of the flood (12/01/2011) two of these three families (mine included) were evacuated by the SES across a narrow ridge on the Moggill golf course to a boat and then back to our suburb, Bellbowrie, which was itself isolated, although we had no idea of this (or anything else) at the time.

Before this, a young mother of two young girls (aged 5&3) from the third family actually swam 60 – 70 meters across the flooded river before her

house flooded because her husband was away on a business trip and she did not have any alternative.

It happened - and it is due to the terrible town planning of our subdivision which allowed our large (acreage) residential lots to be developed on flood prone land with only a tiny house pad at minimum flood level. We could not get to our suburban Bellbowrie street network, and therefore our suburb, from the Monday night before the flood until 8 days after the flood. I have been advised by BCC (from the office of the lord mayor) in writing before the flood that according to BCC's requirements, this scenario represents sufficient flood immunity.

Despite being constructed as recently as 2001, our residence:

- Is located 100% within a designated waterway;
- Is a single storey dwelling;
- Is constructed on an "anthill" lot comprising two acres of very low land with a tiny house pad built up by fill by developers to the lowest allowable building level with respect to the Q100 line;
- Has a shared (three houses), flood prone 150m long driveway that is a full 10 meters lower than the house (the driveway is almost at the level of the river) which prevented our escape to safety in the flood;
- Is zoned residential despite 90 % of it laying a long way below the designated flood level;
- Is built on a narrow "artificial peninsula" created by "fill" that results in it being effectively stuck 100M out in the river in a flood;

- Is surrounded on three sides by the Brisbane River which is in very close proximity, and is separated from our suburb of Bellbowrie on its fourth side by an enormous 90M wide X 11M deep gully (through which our driveway runs) that is really part of the river and joins the river just down stream from us;
- Is a very very dangerous place to be in a flood; and
- Was allowed to occur and is compliant with BCC development requirements.

In short our subdivision should never have been allowed for many of the above reasons, yet it was.

What this demonstrates is that BCC's requirements are not able to prescribe sufficient protection to allow safe development on flood prone land, Mother Nature can always throw up scenarios that BCC's requirements do not allow for, or Developers will find innovative ways to vitiate BCC's requirements over time as memories of the flood fade.

In our opinion BCC's development requirements for flood prone land are no better than the dam manuals, the users may follow them to the letter yet still end up with an unacceptable outcome that could be avoided through common sense.

One example of BCC's requirements being inadequate is the Q100 line which BCC now seemed to have abandoned (along with all the people they allowed to build at that level). We purchased our property knowing that it was constructed to the Q100 flood line which we understood to be the highest flood in the previous 100 years. After the flood we learned that our understanding of the Q100 line was incorrect. When we contacted BCC to point out that their imaginary Q100 flood line was

lower than mother natures actual Q37 line (1974 & 2011) someone spent ten minutes explaining to us that the Q100 flood line does not actually mean a one in one hundred year flood, apparently it has something to do with an AEP? Excuse our language but what a load of rubbish, any Government communication tool as important and seemingly simple as the Q100 symbol must accurately portray what it seems to portray – anything else at all is misleading. In fact we feel as though we have been purposely misled with this symbol. Why has it even got a 100 in it at all?

Another prime example of BCC's inability to prescribe safe subdivision of flood prone land is their approval of the rezoning of the Moggill golf course land from rural to residential as part of the approved draft of the Moggill Bellbowrie neighbourhood plan.

This land was extensively flooded in January 2011, we personally saw 20 – 30 acres of it under meters and meters of water (all of which is to be rezoned residential), in fact our family was evacuated across part of this land, by the SES, **IN A BOAT**– IT IS NO PLACE FOR PEOPLE TO LIVE.

**What is really alarming is that BCC have approved this draft since the 2011 flood (June 2011) and are intent on implementing it before this inquiry returns its findings. We don't know why this is?**

We would like to point out three major issues that BCC either ignored or failed to address as part of this process, there are bound to be others:

1. Rezoning the Moggill Golf Course land from rural to residential would remove our (and our two neighbours') only possible escape

route to any higher ground at all the next time the river floods by allowing residential fences to be constructed right at our back doors irrespective of our protestations. Once residential fences eventuate on our back boundaries, the next time the river floods all the occupants from our house and our two neighbours will have to swim a long way across the flooded river, like our neighbour did in this flood, to escape. There is no other route. If anyone is elderly, disabled, overweight, can't swim, has children etc. there could very easily be a fatality.

2. The Moggill Golf course land is wholly located within a bend in the river. It is very obvious that in previous floods this river has cut straight across the mouth of this bend, in fact it nearly did in January 2011 (see the QLD reconstruction authority website/interactive map for 108 Weekes Road Moggill). Should this land be rezoned from rural to residential, during some flood in the future dozens of houses are guaranteed to end up stranded on a small ridge, out in the middle of the raging river.
3. Although it may seem counter intuitive BCC's assumed intention of allowing development below their latest flood line in 2 storey houses (the habitable floor level principle) in this particular location will be more dangerous to people than single storey dwellings. When (not if) this land floods again people must get out – fast, otherwise the river could (and will at some stage) cut off their only escape route, stranding them out in the middle of a raging river – this will happen, we witnessed peoples behaviour pre flood and people didn't really believe it was coming until it did, despite the authorities best attempts to get people to evacuate. Allowing two storey housing in this particular location will result

in some people “going up instead of getting out” which will prove to be catastrophic.

Also, as part of the Moggill Bellbowrie neighbourhood plan BCC is rezoning all of the flooded properties along Birkin Rd, Bellbowrie from low density residential to low/medium density residential (three storeys). It is not the decision to rezone these properties that we disagree with, what disagree with is that the reason BCC gives for rezoning this land to low/medium residential, is that it gives older people the option of “ageing in place”. Honestly, who would put their elderly people in three storey dwellings on land that floods heavily? BCC should just be honest with their reasoning.

We believe BCC’s true motivation in rezoning this land to 3 storey medium residential is to help them comply with the State Govt requirement for BCC to Provide 130,000 + new dwellings in the coming years.

In fact we believe many of BCC’s poor development decisions on flood prone land – including the Moggill Golf Course land – could be traced back to this requirement.

In summary, this was not an overly large flood for this river and, provided we learn lessons from it, it may provide an opportunity to prevent further heartache in the future. We would like to see the following implemented as part of the flood response:

1. The State Government should remove the mandated quota for how many new dwellings BCC must provide for;

2. Not one square centimetre of land that is below the 2011 flood level + 1 meter, should be rezoned residential – irrespective of multi storey housing, BLE's, or "habitable living areas";
3. The urban footprint contained in the South East Queensland Regional Plan should be modified to remove all land below the 2011 flood level + 1 meter from it – even if this results in "islands" of lower lands within its boundaries, but exorcised from it;
4. Free BCC Flood Maps that show actual historical flood levels should be provided to residents, not incorrect, misleading, manipulated, fictitious symbols such as the Q100;
5. Immediate intervention to prevent the implementation of the Moggill Bellbowrie Neighbourhood Plan prior to this inquiry returning its findings;
6. Councils should be prevented from allowing developers to attempt marginal (at best) subdivisions of the low golf courses that lay along the river/s, including; Sandy Gallop, Karana Downs, Wolston Park, Moggill, Mcleod, Jindalee, Oxley, St Lucia, Indooroopilly and The Brisbane Golf Club on Fairfield Rd.  
– THEY ARE GOLF COURSES BECAUSE THEY ARE TOO LOW;
7. People's behaviour patterns should be taken into account when developing BCC's building code requirements (both for flood and bushfire). Many people were in denial regarding this flood until it was too late;
8. BCC should not allow any "Greenfield" residential dwellings at all to be constructed on land that went under water in Jan 2011 + 1 meter; and
9. BCC must recognise (and make basic provisions for) that occasionally floods substantially larger than the January 2011 flood



will occur in this river. Whist ever people can gradually “back up a hill” or road, most will be safe but if council allow large developments on relatively small, low parcels of land that will be cut off from safety in the larger floods, it will prove catastrophic.

Once again we thank you for letting us have our say, we believe it is the right thing for us to do. It would be very easy for us to sell our property to an unsuspecting buyer and move to a safer residence however we do not intend to do this as we could not live with ourselves if we did so and something happened to the buyers (or their children) in future floods.

We believe our best course of action is to write to this inquiry (and BCC) in an attempt to stop further development on flood prone land which would benefit many unknown families in the future without them even being aware of it.

Regards,

Anthony & Karen Leighton

# Cr Margaret de Wit

*Councillor for Pullenvale Ward*



Tel > 3407 0220

Fax > 3407 0226

Mail > Suite 18, Floor 1

Kenmore Shopping Centre

Brookfield Road, Kenmore QLD 4069

Email > pullenvale.ward@ecn.net.au

Web > www.margaretdewit.com.au

31 October 2008

[REDACTED]  
BELLBOWRIE QLD 4070

**DEVELOPMENT APPLICATION: 108, 120, & 126 WEEKES RD, MOGGILL  
RECONFIGURATION OF A LOT (3 INTO 91)**

[REDACTED]  
As your home is in the vicinity of the above proposed development, I am writing to let you know that a copy of the plans for this site are available for viewing in my office. These plans can also be obtained from the Council website free of charge. The address of the internet site is: <http://pdonline.brisbane.qld.gov.au>

This application is subject to Impact Assessment pursuant to the Integrated Planning Act 1997. Therefore public notification is required for this development.

Should you wish to lodge a submission, details of the lodgement period will appear on a sign to be erected on the site in due course.

If you have any queries regarding this application or if I can be of assistance with any other Council matter, please do not hesitate to contact me.

Yours sincerely

[REDACTED]  
Margaret de Wit  
**COUNCILLOR FOR PULLENVALE WARD**

Note: Names and addresses obtained from the Electoral Roll



# CHRIS WLODARCZYK & CO.

Solicitors and Notary

Principal  
Paula Lundbergs LL.B.

Consultants  
Christopher M. Włodarczyk, B.Ed.St.,LL.B.  
Justine C. Włodarczyk, LL.B.

5 Smiths Road, Goodna Q. 4300  
PO Box 231, Goodna Q. 4300

Our Ref: PKL/TL/21167  
Your Ref:  
Date: 4 April 2008

Mr & Mrs Leighton

Dear Anthony and Karen

RE: **YOUR PURCHASE FROM BATTERSBY**  
**BELLBOWRIE QLD 4070**

Upon receipt of your instructions from your financier we advised the seller that finance was approved to your satisfaction. Accordingly, transfer documents have been sent to the seller for execution and return.

The usual enquiry letters have been sent to the relevant authorities and if the answers to these searches disclose anything untoward, then we will contact you.

Pursuant to the Contract you are required to satisfy yourself as to the boundaries of the subject property. The most prudent way of checking the boundaries and whether any buildings or structures on adjoining properties encroach upon your land is to obtain a check survey from a surveyor. However, a site inspection with the aid of the **enclosed** copy of plan (your property being outlined in yellow) may assist you to carry out your own search to resolve the question of correct boundaries and possible encroachments. Unless we hear from you to the contrary, we will assume you are satisfied as to the correctness of the boundaries and that you believe there are no encroachments.

We **enclose** the following:-

- (a) Copy of site plan
- (b) Office of State Revenue Form 2.1 declaration relating to stamp duty.

## WHAT NEEDS TO BE DONE BY YOU NOW

1. Deliver to us a cheque in the sum of **\$915.00** being for the total of our costs and outlays.
2. Deliver to us executed **Form 2.1** signed in the presence of a justice of the peace or solicitor.
3. Deliver to us prior to settlement a **BANK CHEQUE** made payable to the **Commissioner of Stamp Duties** in the sum of **\$19,300.00** being for stamp duty **WITHIN 14 DAYS FROM THE DATE HEREOF.**

4. If applicable, advise us as soon as you have executed your mortgage documents. Mortgage documents must be witnessed by a Justice of the Peace or Solicitor.

A solicitor at this firm can witness your mortgage documents for you for a fee of \$88.00. You will need to have your drivers licence or other photo identification with you when you sign the documents.

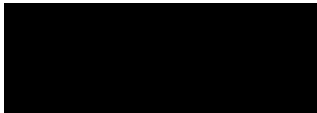
5. Confirm that the property outlined in yellow on the **enclosed** plan is the property you are purchasing.
6. We recommend that you undertake a pre-settlement inspection of the property. You should arrange this through the real estate agent.

If you have any questions in the meantime, please do not hesitate to contact Tanya Lee of our office.

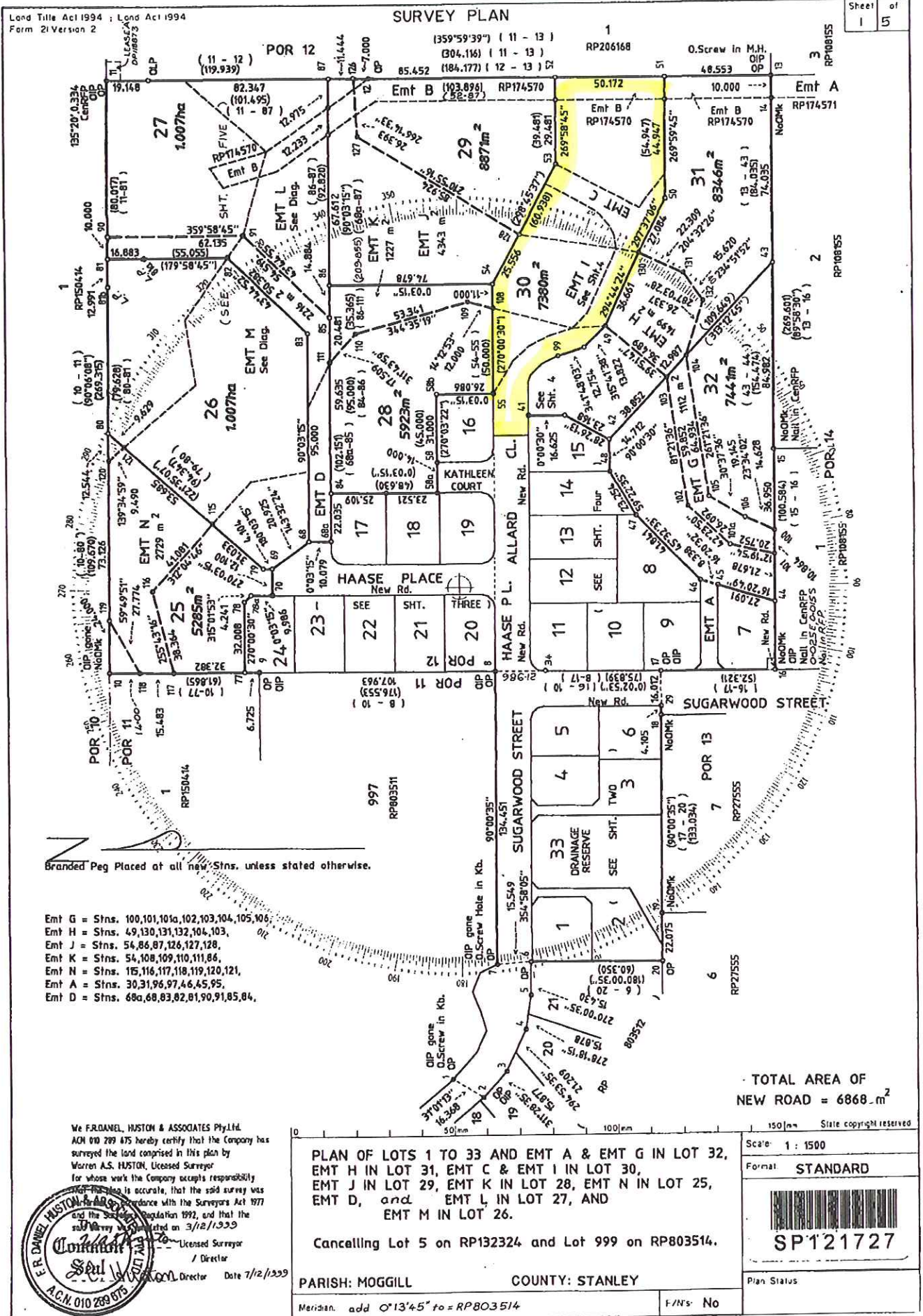
Yours faithfully  
CHRIS WLODARCZYK & CO.

per:

encl.







703886067

\$2135.00  
21/02/2000 14:43

BE 400

WARNING : Folded or Mutilated Plans will not be accepted.  
Plans may be rolled.  
Information may not be placed in the outer margins.

Registered

Lodged by

R. Praeger & Associates  
Level 5/243 Edward St  
Brisbane QLD 4000  
32292698

460

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

BELLBOWRIE ESTATES PTY LTD

BELLBOWRIE ESTATES PTY LTD AS TRUSTEE UNDER  
NOMINATION OF TRUSTEES NO H160289 TRUSTEE

(Names in full)

\*as Registered Owners of this land agree to this plan and dedicate the Public Use  
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\*as Lessees of this land agree to this plan

Signature of \*Registered Owners \* Lessees



\* Rule out whichever is inapplicable

2. Local Government Approval.

BRISBANE CITY COUNCIL

hereby approves this plan in accordance with the:

Local Government (Planning and Environment) Act 1990

subject to the granting of Easements G, I and L for drainage (underground and overland flow) purposes to the Council. The granting of Easements H, J, K, M and N for drainage (overland flow) purposes to the Council. The granting of Easement A for Public Utility purposes to the Council. The granting to Council a Right of Way over Easements C and D. The granting to Lot 8 a Right of Way (access and water supply services) over Easement A. The granting to Lots 29 and 31 a Right of Way (access and water supply services) over Easement C. and the granting to Lot 26 a Right of Way (access and water supply services) over Easement D.

Dated this

28th

day of

January, 2000

LESUE HOWARD ACWORTH  
Appointed Officer

\* Insert the name of the Local Government  
# Insert designation of signatory or delegation

\* Insert Integrated Planning Act 1997 or  
Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement:

CMS Number:

Name:

4. References:

Dept File:

Local Govt: P&amp;E No343 of 1997

Surveyor: 12030-H87/1

6. Existing

Title Reference	Lot	Plan	Created	Emis	Road
147371 51	5	RP 132324	7 - 32,	A,C,D, G,H,I, J,K,L,M, N	New Rd.
18029074	999	RP 803514	1 - 6, & 33	---	New RD

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
601036825	7 - 32	
700142293	1 - 6, & 33	

Easement	Lots to be Encumbered
601111876	27,29,30,31

\$ SHORT FEE  
\$ 25 REQUISITION FEE  
\$ POSTAGE FEE  
- 6 MAR 2000  
Paid Vtd No. 60-62-3214  
Letter No. ....

Por 11 1 - 6, &amp; 33, New Rd.

Por 12 7 - 32, New Rd.

Orig Lots

7. Portion Allocation:

8. Map Reference: 9442-11341

9. Locality:  
BELLBOWRIE10. Local Government:  
BRISBANE CITY COUNCIL

11. Passed &amp; Endorsed:

By:

Date:

Signed:

Designation:

12. Building Format Plans only.

I certify that:

\* As far as it is practical to determine, no part  
of the building shown on this plan encroaches  
onto adjoining lots or road;  
\* Part of the building shown on this plan  
encroaches onto adjoining \* lots and road

Licensed Surveyor/Director \* Date  
\* delete words not required

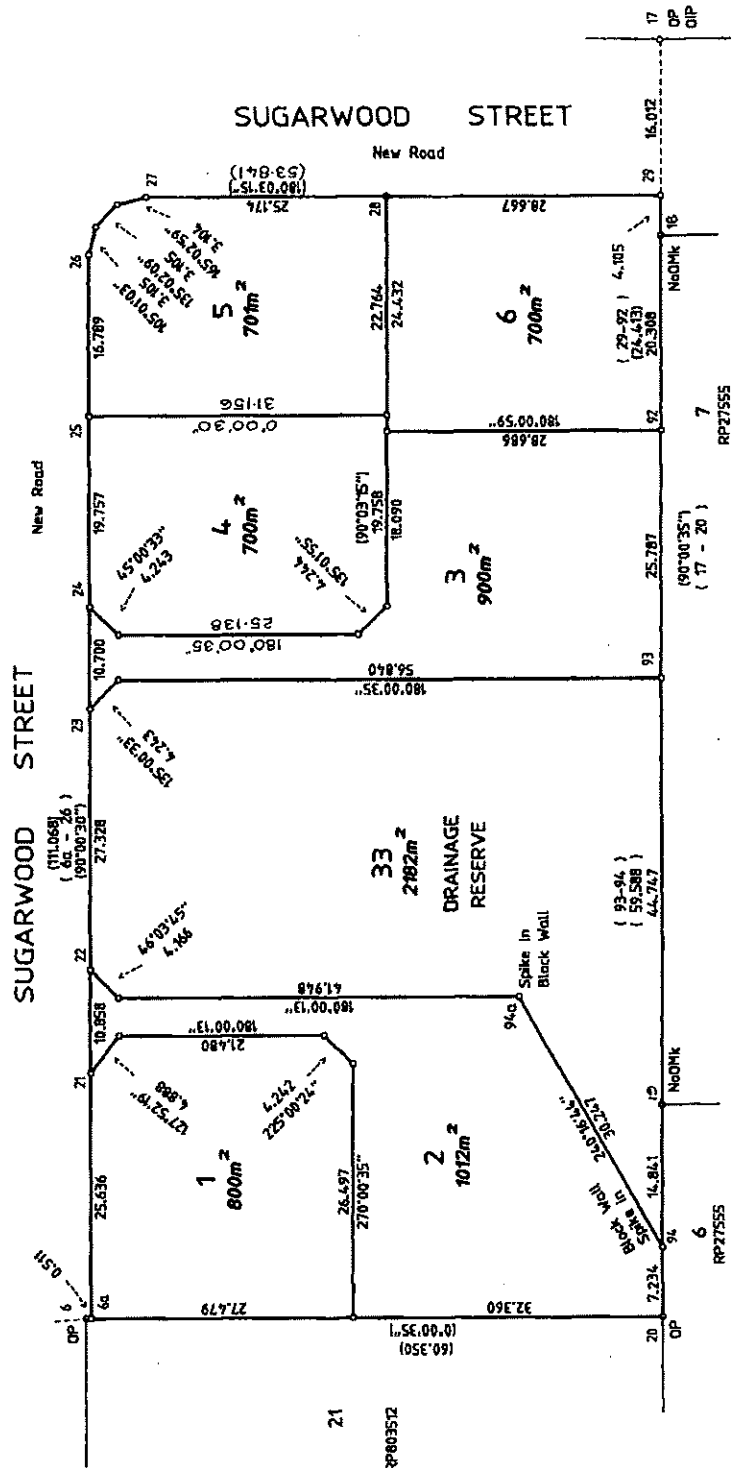
13. Lodgement Fees:

Survey Deposit \$ 760  
Lodgement \$ 87  
32 New Titles \$ 1,200  
Photocopy \$ 8  
Postage \$  
TOTAL \$ 2,135

14. Insert Plan Number  
SPI21727

REFERENCE MARKS

STN	TO	BEARING	DIST.	ORIGIN
1	QIP gone	211°01'15"	1.000	RP803512
1	0.Screw in Kb	211°01'15"	3.910	RP803512
2	QIP	31°01'15"	1.000	RP803512
6	Spike in Kb	0°28'20"	3.5339	
7	QIP gone	270°00'35"	1.000	RP803511
7	0.Screw Hole in Kb	270°00'35"	3.800	RP803511
8	QIP	90°00'35"	1.000	RP803511
8	Spike in Kb	176°01'00"	4.218	
9	QIP	89°46'15"	1.000	RP150414
10	QIP gone	0°05'23"	1.770	RP132324
10	I.Pin	355°39'35"	1.668	
10	Nail in Conc	258°35'07"	105.224	
11	QIP	359°59'40"	0.654	RP132324
11	I.Pin	19°01'00"	10.270	
12	Nail in M.H.	188°54'30"	34.244	
13	QIP	359°59'40"	0.604	RP108155
13	0.Screw in M.H.	326°21'00"	3.753	RP174570
13	Nail in M.H.	321°09'40"	3.985	
13	Nail in M.H.	322°20'50"	4.094	
14	I.Pin	332°53'20"	6.243	
15	I.Pin	350°40'50"	1.609	
16	QIP	89°58'30"	0.604	RP108155
16	Spike in Kb	296°02'35"	4.484	
16	I.Pin	34°39'35"	1.543	
17	QIP	270°00'35"	1.000	RP803514
20	Nail in M.H.	40°09'05"	1.346	
21	Spike in Kb	357°24'40"	4.055	
22	Spike in Kb	357°44'00"	4.056	
23	Spike in Kb	359°49'00"	4.042	
24	Spike in Kb	358°03'20"	4.033	
25	Spike in Kb	0°33'50"	4.010	
26	Spike in Kb	0°03'45"	3.980	
27	Spike in Kb	77°13'00"	4.037	
28	Spike in Kb	89°56'20"	3.971	
29	Spike in Kb	87°37'30"	3.977	
30	Spike in Kb	266°47'35"	4.007	
31	Spike in Kb	270°03'45"	3.999	
32	Spike in Kb	269°28'00"	3.980	
34	Spike in Kb	282°39'15"	4.015	
35	Spike in Kb	358°53'40"	3.973	
36	Spike in Kb	1°27'25"	3.987	
38	Spike in Kb	0°05'15"	3.999	
39	Spike in Kb	0°40'05"	3.998	
40	Spike in Kb	310°23'35"	6.158	
42	I.Pin	349°55'30"	2.737	
43	I.Pin	48°19'25"	20.476	
44	I.Pin	14°20'50"	1.000	
45	Spk.in Conc.	357°05'55"	2.237	
46	Spk. in Conc.	201°08'10"	2.949	
49	Spk. in Conc.	331°32'	12.665	
50	Spk. in Conc.	300°25'40"	8.935	
51	I.Pin	2°15'55"	0.968	
52	I.Pin	359°51'50"	4.524	
53	Spk. in Conc.	270°58'00"	8.148	
94a	Spk in			
54	Block Wall	244°01'	1.504	
56	Spike in Kb	180°31'50"	3.995	
57	Spike in Kb	268°20'55"	3.977	
58	Spike in Kb	279°49'55"	6.265	
59	Spike in Kb	132°31'40"	5.426	
60	Spike in Kb	90°26'00"	3.957	
61	Spike in Kb	179°40'40"	4.001	
62	Spike in Kb	180°57'55"	3.994	
63	Spike in Kb	180°13'50"	3.928	
64	Spike in Kb	270°16'10"	3.994	
65	Spike in Kb	270°03'00"	4.000	
66	Spike in Kb	270°32'35"	3.918	
67	Spike in Kb	351°29'40"	2.433	
69	Spike in Kb	203°01'25"	5.300	
71	Spike in Kb	90°06'10"	4.029	
72	Spike in Kb	87°44'00"	4.009	
73	Spike in Kb	90°36'50"	3.646	
74	Spike in Kb	89°51'30"	3.997	
75	Spike in Kb	92°09'20"	3.970	
76	Spike in Kb	183°12'05"	3.962	
77	I.Pin	179°42'00"	0.992	
91	Spk in Conc.	305°46'	6.521	
130	Spk in Conc.	79°44'	5.160	
80	I.Pin	7°10'35"	24.048	
80	I.Pin	90°06'08"	1.449	
81	I.Pin	0°08'40"	0.887	

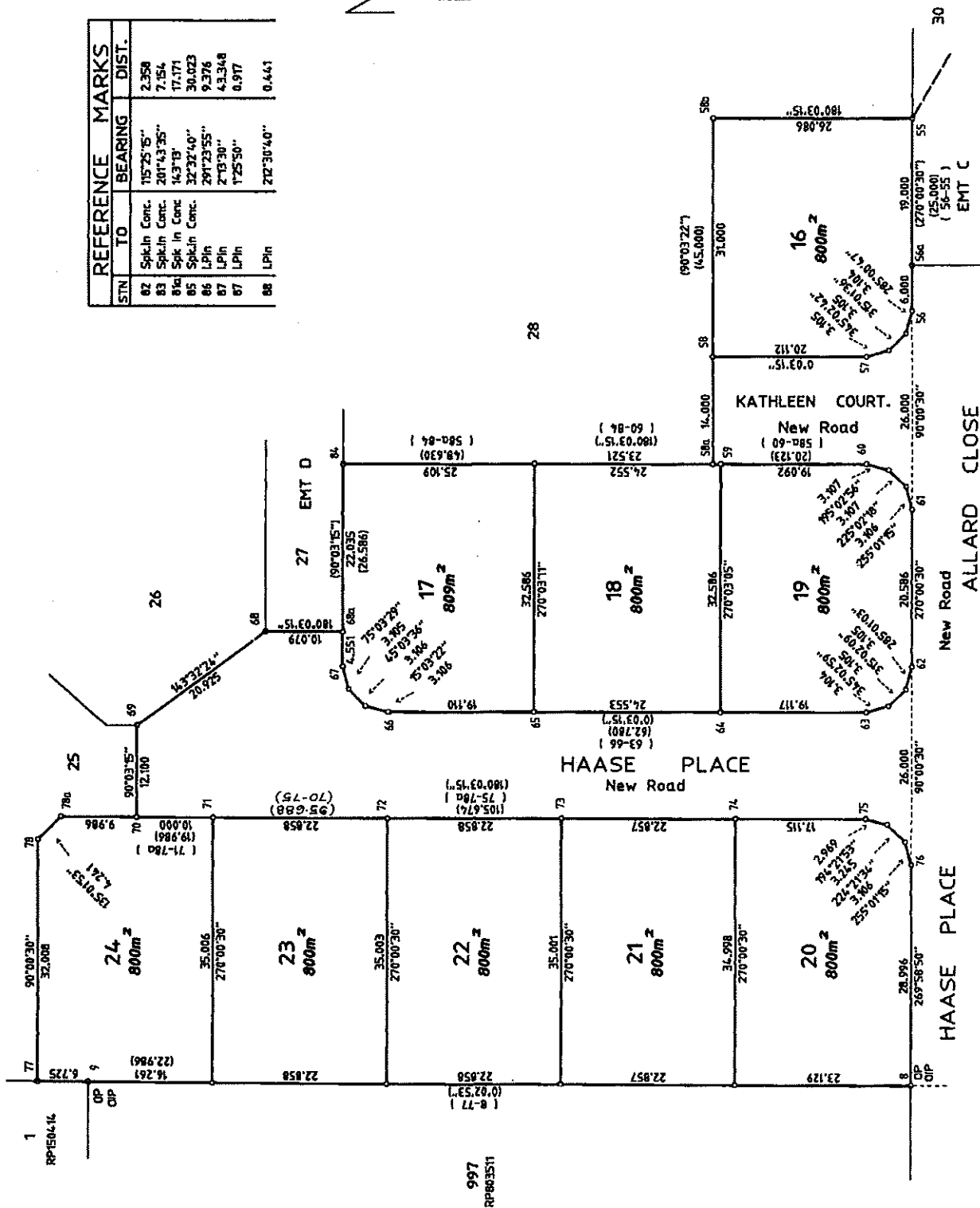


Scale 1 : 500

State copyright reserved

Insert Plan Number: SP121727

STN	TO	BEARING	DIST.
82	Spk In Cont.	115°25'15"	2.358
83	Spk In Cont.	201°43'35"	7.154
84	Spk In Cont.	143°13'13"	17.171
85	Spk In Cont.	32°32'40"	30.023
86	LPin	291°23'55"	9.376
87	LPin	2°13'30"	43.348
87	LPin	1°25'50"	0.917
88	LPin	212°30'40"	0.441



SCALE 1:500

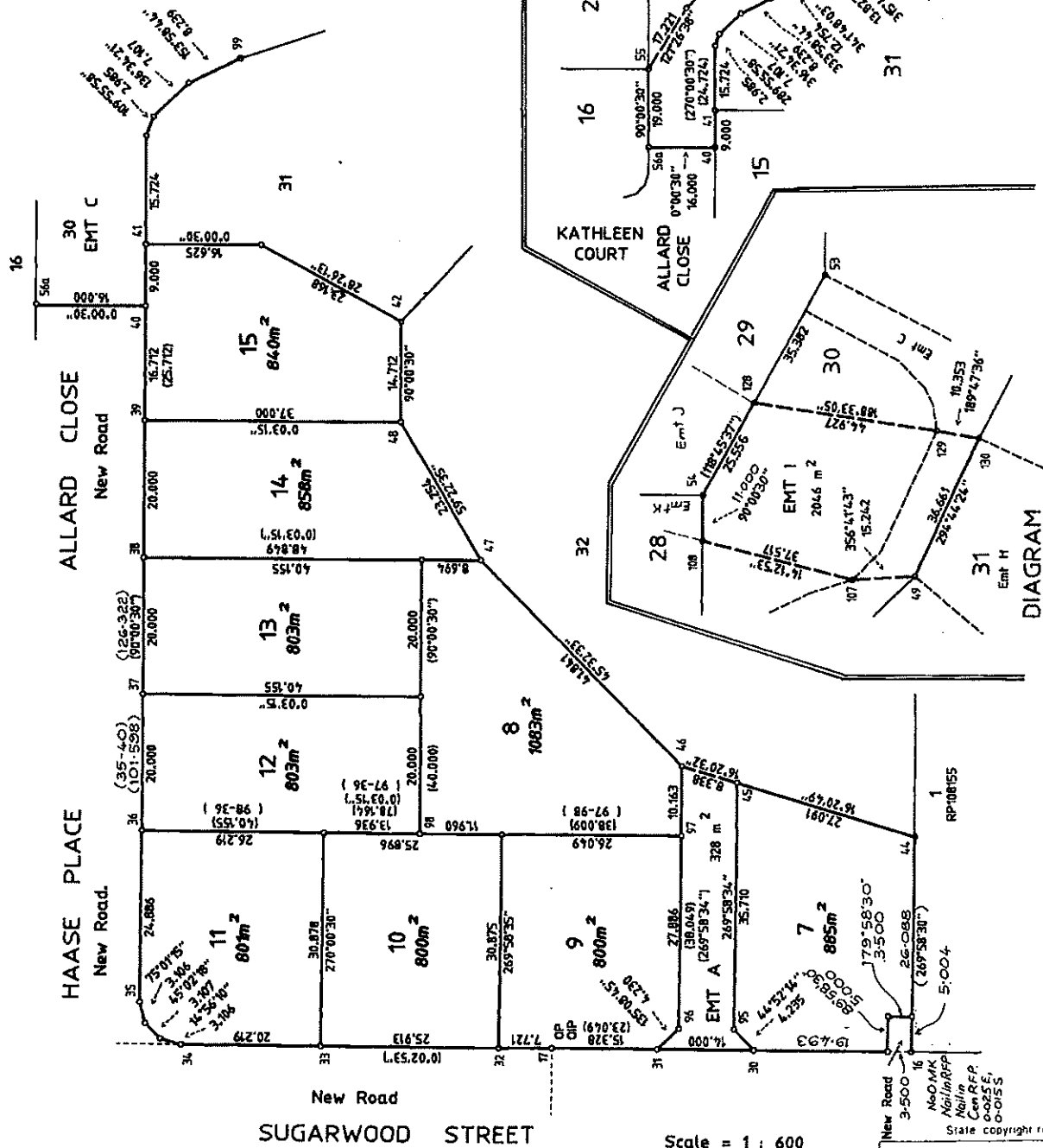
State copyright reserved

Insert  
Plan  
Number  
**SP121727**



PERMANENT MARKS			
STN	TO	BEARING	DIST.
3	PM117111	72°16'45"	6.255
23	PM117110	352°52'40"	38.116
			New
			New

LINE PEGS		
STN	BEARING	DIST.
52	359°59'39"	3.497
80	90°08'08"	20.746
43	269°58'30"	26.999



Scale = 1 : 600

DIAGRAM  
Scale 1 : 1000

DIAGRAM  
Scale 1 : 1000

Insert Plan Number SP121727

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28 September 2009

Lord Mayor  
Campbell Newman

RE: Application number: A002171615 – Proposed rezoning of Riverfront land from Rural and Parkland to Residential - Weekes Road - Moggill.

Dear Sir,

My name is Anthony Leighton and my address is [REDACTED] Bellbowrie (which immediately adjoins this proposed development).

I am not opposed to this development in principle. If it is done well it could and should, benefit all stakeholders. However judging from the applicant's revised submissions (circa 22/09/2009) and Councils apparent discussions with the applicant, I gravely fear this will not be the case.

Therefore I wish to raise my major concerns re this application with you personally. They are;

- The Impact it would have on our lifestyle – Our residence and every other block of land adjoining this proposed development are acreage lots.

Rezoning this land and subsequently allowing it to be subdivided into residential lots without minimising or eliminating the impact it would have on the lifestyle these properties enjoy should not be allowed.

We currently enjoy uninterrupted views of open, rural landscapes, consistent with the zoning of this land. Our house is entirely designed and positioned to maximise the advantages of the rural area in which it is situated. These views were the main reason we purchased this acreage property (and chose to move into this area) a little over twelve months ago. This proposed development would result in multiple, relatively tiny blocks immediately backing on to, and overlooking our property, within eight meters of our house, completely destroying our views and consequently our semi-rural lifestyle which we enjoy immensely.

The developer has already set the precedent of having to design their proposal around the impact it would have on the views of another adjoining landholder (resulting from a direct request to the Lord Mayor - see page 48 of the 2008 subdivision impact assessment). The impact this development would have on our views is far greater than it would have on the views of this adjoining landholder (owing to the fact that the offending lots were not even attempted to be included in the previous unsuccessful attempt to develop this land).

Accordingly, to substantially reduce the impact this development would have on our lifestyle, I request that all lots to the west of the existing lake be removed from this proposal and be retained as "green space" as it was previously.

- Flood escape – Our house is built at the lowest allowable level with regards to the one in a hundred year flood event. It is located on an artificial “peninsula” created by “cut and fill” and proposed lots (57 to 62) immediately behind our house would completely block my family’s only route of escape during such a flood.

The three existing dwellings which border the western side of this proposed subdivision have a very deep gully (at least 10m deep and 70m wide) with a creek, to their immediate west, and the Brisbane river (in very close proximity) to their north and east. If we still live here when (not if) the Brisbane river rises to the 1974 level again, my family’s only escape route will be by foot, up the hill to the south east of our property. Should this proposal go ahead and we end up with 6ft fences on the properties that border ours, and the river rise at night (as it did in 1974), we would either have to attempt to climb over a 3 metre wall (2m fence plus 1m existing retaining wall) in a flood, at night, or wade (or swim) through deeper flood waters, at night, to escape. There *is* no other route.

This scenario is a very real concern to my family, and their (in particular my children’s) safety should not be jeopardised, so that a developer can eek every last drop of profit out of a subdivision that *prima facie* is deemed inappropriate.

Accordingly, I request that lots 57 to 62 be completely removed from this development and left as open space. Any proposed compromise that could eventuate in any obstacles (including fences) being encountered during a night escape from our house to substantially higher ground is unacceptable, as we would then have to live with unnecessary worry everyday.

**To ensure that this issue has been adequately addressed and there can be no possible confusion over my concern, I specifically request a visit in person from the person/s ultimately responsible for approving this proposal prior to any further progression of it through Council, and a subsequent, timely, written reply to this issue (flood escape) in isolation, separate from any public reply provided in response the other issues raised in the properly made submission I intend to make at the appropriate time.**

Note: Should Council rezone this land and this subdivision proceed, the other two families that directly adjoin this development on its western boundary would face exactly the same danger in the event of a flood; however this letter is not written on their behalf, or with their knowledge.

- The opportunity cost to the community – This precious parcel of land is currently zoned rural and parkland, and was previously designated green space to the benefit of the entire community, therefore when assessing the impact of rezoning this land, consideration must be given to the loss of opportunity caused to community residents, both current and future.

Impact on current residents - This land is ideally and uniquely situated to extend the recreation and riverside parkland precinct that begins at Bellbowrie Public Pool, and extends (unbroken) through the Bellbowrie Sports and Recreation grounds to the small riverside parkland called Booker Place (which includes a Riverside Playground, Riverside leash free Dog Park and Riverside BBQ facilities). A substantial extension to this riverside parkland via this development would enormously benefit families of the western suburbs for generations and create a riverside recreational area that would rival any in our city. **Allowing this “revised” proposal through without road frontage to a substantial riverside park would be disgraceful.** What is needed is a person in a position of authority to have the vision to see beyond the relative trinkets being offered to the community by this developer and deliver an outcome to the community in proportion to the enormous (almost unbelievable) benefit this developer would enjoy should the progression from green space to residential development eventuate.

Impact on future residents - This land directly borders (to the north and south) the only two feasible locations for a future East-West bridge across the Brisbane River (to either Sumner’s road to the north or Wacol station road to the south) to the Western suburbs. A bridge across the river in either of these locations would immensely benefit the residents of the western suburbs as it would not become a “de facto” western bypass due to its East-West orientation, yet still provide residents with excellent access to the arterial roads (Centenary Highway, Ipswich Motorway and Logan Motorway) in close proximity, but just across the river from this proposed development. This proposed rezoning and subsequent subdivision would effectively represent the end of any possibility of a bridge being constructed in either of these locations as it would enter a residential rather than rural area. Future residents of this subdivision would strongly argue (and rightly so) that a bridge in either of these locations would adversely impact their river views and increased traffic noise and volume would adversely impact their lifestyle.

Accordingly, Council should not rezone this land unless a benefit to the community is obtained which exceeds the opportunities it would forego should this development proceed, and until a final location has been designated for an east west bridge across the river.

In short, I am not opposed to this proposal in principal, Providing:

1. It does not unnecessarily have a major impact on my family's semi-rural lifestyle by creating residential lots immediately adjacent to, and overlooking our residence.
2. It does not endanger my family in the next major flood of the Brisbane River.
3. The Western Suburbs Community gets rewards commensurate with the enormous benefit this developer would gain by having this land rezoned and the DA Approved.
4. It is not approved prior to the location of an East-West bridge location being finalised.

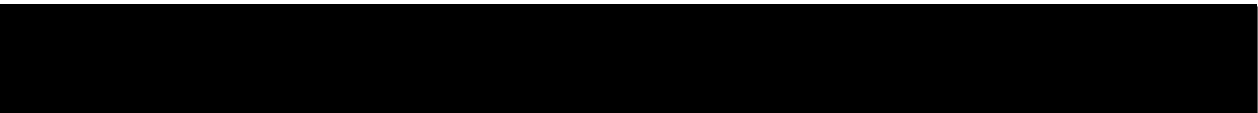
These are my major concerns and I feel that things are moving too quick and all developments and decisions may not be being posted online (refer item 13 on page 6, among others, of DTS groups letter of 11/09/2009). I fear without transparency and some commonsense, before I know it people will be nailing 6ft paling fences to our backyard.

Hence this letter, I hope you can help

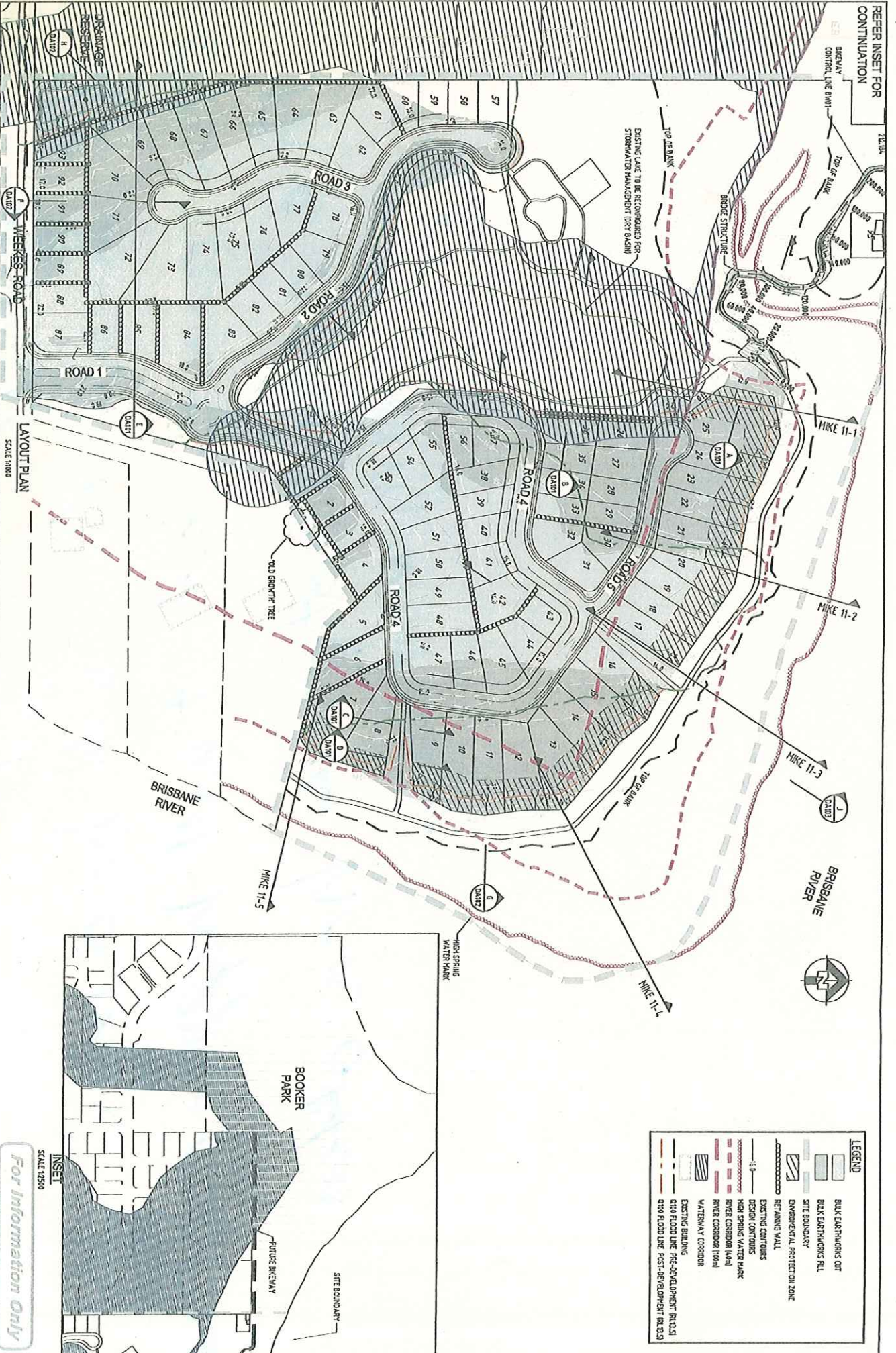
Yours truly,

Anthony Leighton

P.S. I do intend to submit a properly made submission (through the formal channels) at the appropriate time which will also contain concerns I have regarding the impact this rezoning would have on the abundant wildlife in and around this site, and a potential thoroughfare created (between parklands) through our property as we are unable to fence the front of it due to a driveway easement.











*Dedicated to a better Brisbane*

24 November 2009

Mr Anthony Leighton, Ms Karen Leighton  
[REDACTED]  
BELLBOWRIE QLD 4070

Brisbane City Council

Development Assessment Branch  
City Planning and Sustainability Division  
GPO Box 1434  
Brisbane Qld 4001

Telephone 07 3403 8888

**Permit Type:** DA - Material Change of Use, DA - Reconfigure a Lot  
**Description of Proposal:** Reconfiguration of a Lot (3 into 91 lots & park & road) and Preliminary Approval to override the Planning Scheme for residential uses  
**Address of Site:** 126 Weekes Rd Moggill Qld 4070  
108 Weekes Rd Moggill Qld 4070  
**Real Property Description:** Lot(s) 1,6 on Registered Plan 206168, Lot(s) 3 on Registered Plan 108155  
**Application Reference:** A002171615

Dear Sir/Madam

**RE:** Your Submission Regarding a Development Application

I acknowledge the receipt of your submission regarding the above application.

The application is presently being assessed and you will be advised when the outcome of the application has been determined.

Please contact me on the telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely,

[REDACTED]  
Meaghan Bourke  
Senior Urban Planner, Development Assessment  
Development Assessment West BSQ  
[REDACTED]  
**Development Assessment Branch**