

Note

This statement has been redacted to remove certain personal information and information that is not relevant to the land planning terms of reference.

QFCI

Date:

19/9/11

JM

Exhibit Number:

537

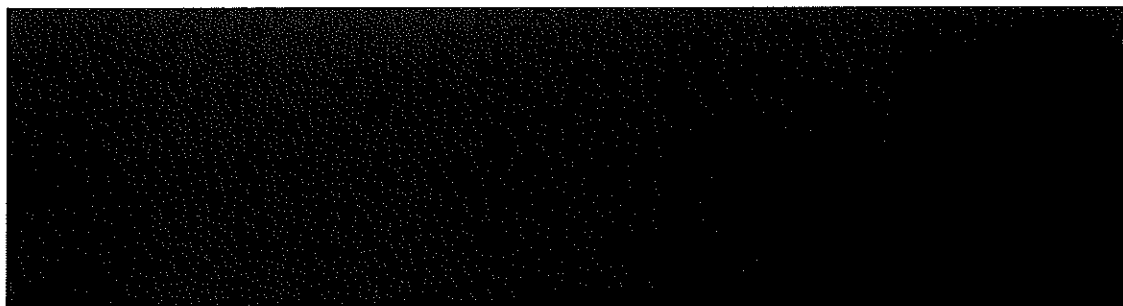
Statement of Witness

Queensland Floods Commission of Inquiry

<i>Name of Witness</i>	Anthony Charles LEIGHTON
<i>Date of Birth</i>	[REDACTED]
<i>Address and contact details</i>	[REDACTED] Bellbowrie ([REDACTED])
<i>Occupation</i>	Commercial manager
<i>Officer taking statement</i>	Detective Sergeant Stephen Platz
<i>Date taken</i>	06/09/2011

Anthony Charles LEIGHTON states:

1. I am a Commercial Manager and owner of a low level multi-room dwelling house located at [REDACTED] Bellbowrie ([REDACTED] Moggill parish). I live at this address with my wife, Karen and two children. Between 1999 and 2001 the land, on which our two acre block is located, was subdivided for residential development. I believe that in 2002 the building application for the previous owners was approved and they built the house. In April 2008 we purchased the property from the previous owners.
2. The area is surrounded by further residential development including some small commercial development such as a child care centre and the shopping centre. Our house was constructed on a small pad built up by the developers to the lowest allowable building level with respect to the Q100 line. Our 150 metre driveway is shared amongst three houses but is a full 10 metres lower than the house pad. The Brisbane River runs about 500 metres to our east and is separated from us by what used to be the Moggill golf course.



Witness Signature.. [REDACTED]

Page Number 1 of 5

..... Signature of officer

400 George Street Brisbane
GPO Box 1738 Brisbane
Queensland 4001 Australia
Telephone 1300 309 634
Facsimile +61 7 3405 9750
www.floodcommission.qld.gov.au

4. In 2008 we took out a home and contents policy with RACQ Insurance. At the time of taking out this policy I did not have any conversation with our insurer concerning flood cover. I assumed that the comprehensive policy covered everything. I cannot recall if we were provided product disclosure statements.
5. On the 31st of October 2008 I received a letter from the Brisbane City Council which was addressed to the previous owner. This letter was a notice of development to the surrounding residents outlining a proposed residential development on the land that runs to the rear of my property, [REDACTED] and [REDACTED] Weekes Road, Moggill. I am able to produce this letter.

Exhibit: Letter dated 31st October 2008 from Brisbane City Council outlining proposed development at Weekes Road.

Marked Exhibit No/....

6. In 2009 I had concerns about the dangers posed to my family, in the advent of a flood, if the said proposed development was to go ahead. My concern was that the proposed development would effectively block our escape to the rear of my property, which is the highest land in the vicinity. On the 28th September 2009 I wrote to the Office of the Lord Mayor expressing my concerns. I am able to produce this letter.

Exhibit: Letter sent to Brisbane City Council outlining concerns over proposed development at Weekes Road, Bellbowrie.

Marked Exhibit No/...

Sometime after this, in 2009, The Office of the Lord Mayor sent a letter back to us stating that our property had sufficient flood immunity according to their requirements and could not guarantee a right of passage across another person's property. I no longer have this letter.

7. On Monday the 10th day of January 2011 I was at home and had been monitoring the Bureau of Meteorology website which predicted further heavy rain in the Brisbane catchment. I was concerned that the Wivenhoe Dam operators had not released sufficient water from the dam to provide a sufficient flood mitigation buffer for the forthcoming rains. I had a gut feeling that we may experience flooding in our area and began preparing for this possibility. By Monday evening our driveway flooded to about one metre in depth which meant that we couldn't evacuate by vehicle.
8. By dawn on Tuesday the 11th day of January 2011 we were concerned for our safety due to the rapidly rising flood waters. At this time a branch of the Brisbane River had now formed in the gully at the front of our house, which was about ~~ninety~~ ^{fifty} metres wide. The two neighbour's houses and ours were effectively an island and we became concerned for the neighbours two young girls. I helped carry the two girls through the flooded waters surrounding our house to high ground. As one of the girls needed medication, the mother swam back and forwards across the flooded gully multiple times during this day. For the rest of this day we moved as much furniture and other belongings to a nearby hill.
9. By dawn on Wednesday the 12th day of January 2011 the Brisbane River had well and truly broken its banks. I would estimate that an expanse of water of 600 metres now flooded our area. The neighbour at number 36 flooded but fortunately, as our house is slightly higher; the water did not enter but was only 10mm from the floor level. At around this time, one of the neighbours called the SES and urgently requested evacuation. By this time we were very concerned and I believed that our situation was becoming more perilous due to the rising flood waters. When the SES arrived we evacuated with our neighbours from number 27, via a narrow bridge of land at the rear of our property and then out of the area via boat.


Witness Signature... Signature of officer
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11. I believe that the Brisbane City Council should never have approved our land for residential development and the fact that we are apparently at the 1 in 100 year flood line, is no comfort to the families who were put in serious danger and lost their possessions. I am also concerned about the re-zoning of land, which was once part of the Moggill golf course, for further residential development. This land was extensively flooded in January 2011 and my family had to be evacuated across part of this land, by the SES, in a boat. I am concerned that this development will block our escape in the advent of flood, which was highlighted in the January 2011 flood. I have outlined these and other issues in a detailed submission to the Queensland Floods Commission of Inquiry. I am able to produce this submission.

Exhibit: **Submission to Queensland Floods Commission of Inquiry**

Marked Exhibit No/...

Witness Signature.......... Signature of officer
Page Number 4 of 5

12. Between November 2009 and January 2011 I made a number of communications, via e-mail, to the development manager outlining my concerns for the planned residential development behind my premises. I am able to produce an official BCC acknowledgement letter for my submission and an e-mail thread between myself and the BCC.

Exhibit: BCC acknowledgment letter for submission from Anthony LEIGHTON and e-mail thread concerning proposed residential development

Marked Exhibit No/....

A.LEIGHTON

Justices Act 1886	
I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:	
(1)	This written statement by me dated 06/09/2011 and contained in the pages numbered 1 to 5 is true to the best of my knowledge and belief; and
(2)	I make this statement knowing that, if it were admitted as evidence, I may be liable to [REDACTED] that I know is false.
.....Signature
Signed atBrisbane.....this.....6 th day of.....September.....2011	

Witness Signature....
Page Number 5 of 5

..... Signature of officer

Gerard Hinchliffe

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 ([REDACTED] 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 ■ 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.margaretdevit.com.au

31 October 2008

[REDACTED]
BELLBOWRIE QLD 4070

**DEVELOPMENT APPLICATION: [REDACTED] 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. Wlodarczyk, B.Ed.St., LL.B.
Justine C. Wlodarczyk, LL.B.

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

Our Ref: PKL/FL/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.

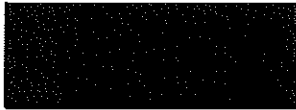
A solicitor at this firm can witness your mortgage documents for you for a fee of \$88.00. You will need to have your drivers licence or other photo identification with you when you sign the documents.

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.

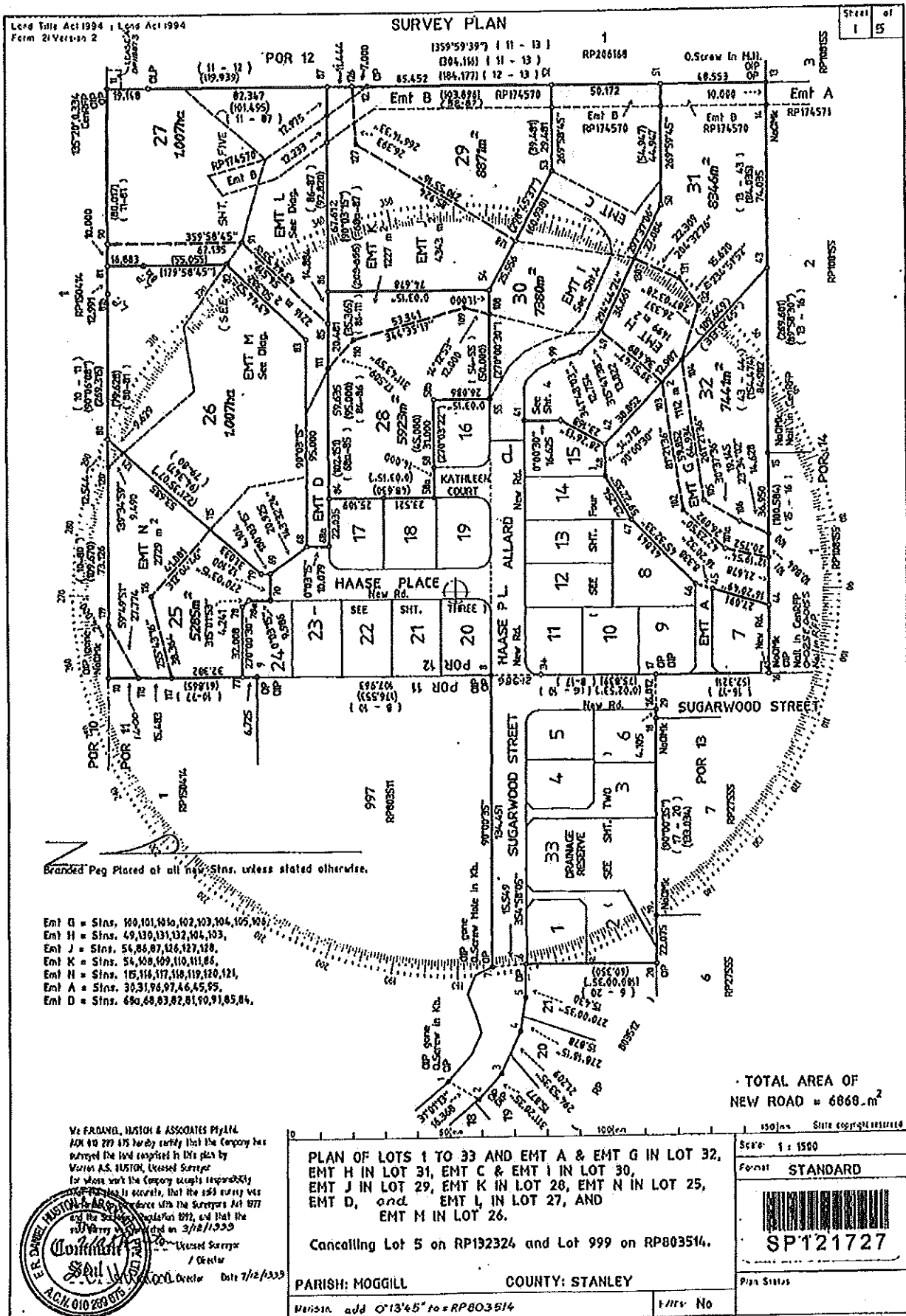
If you have any questions in the meantime, please do not hesitate to contact Tanya Lee of our office.

Yours faithfully
CHRIS WLODARCZYK & CO,


per:

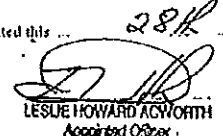


encl.



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Registered		Lodged by R. Praeger & Associates Level 5/243 Edward St Brisbane QLD 4000 322 926 888 460 <small>(Include address, phone number, reference, and Lodger Code)</small>	

1. Certificate of Registered Owners or Lessees. N/Wo BELBOWRIE ESTATES PTY LTD BELBOWRIE ESTATES PTY LTD AS TRUSTEE UNDER NOMINATION OF TRUSTEES NO H160289 TRUSTEE <small>(Names in full)</small> * 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 Registered Owners of this land agree to this plan. Signature of *Registered Owners *  * File out where it is applicable	6. Existing <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Title Reference</th> <th>Lot</th> <th>Plan</th> </tr> </thead> <tbody> <tr> <td>147371 51</td> <td>5</td> <td>RP 132324</td> </tr> <tr> <td>18029074</td> <td>999</td> <td>RP 803514</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Mortgage</th> <th>Lots Fully Encumbered</th> <th>Lots Partially Encumbered</th> </tr> </thead> <tbody> <tr> <td>601036825</td> <td>7 - 32</td> <td></td> </tr> <tr> <td>700142293</td> <td>1 - 6, & 33</td> <td></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Easement</th> <th>Lots to be Encumbered</th> </tr> </thead> <tbody> <tr> <td>601111876</td> <td>27,29,30,31</td> </tr> </tbody> </table>	Title Reference	Lot	Plan	147371 51	5	RP 132324	18029074	999	RP 803514	Mortgage	Lots Fully Encumbered	Lots Partially Encumbered	601036825	7 - 32		700142293	1 - 6, & 33		Easement	Lots to be Encumbered	601111876	27,29,30,31
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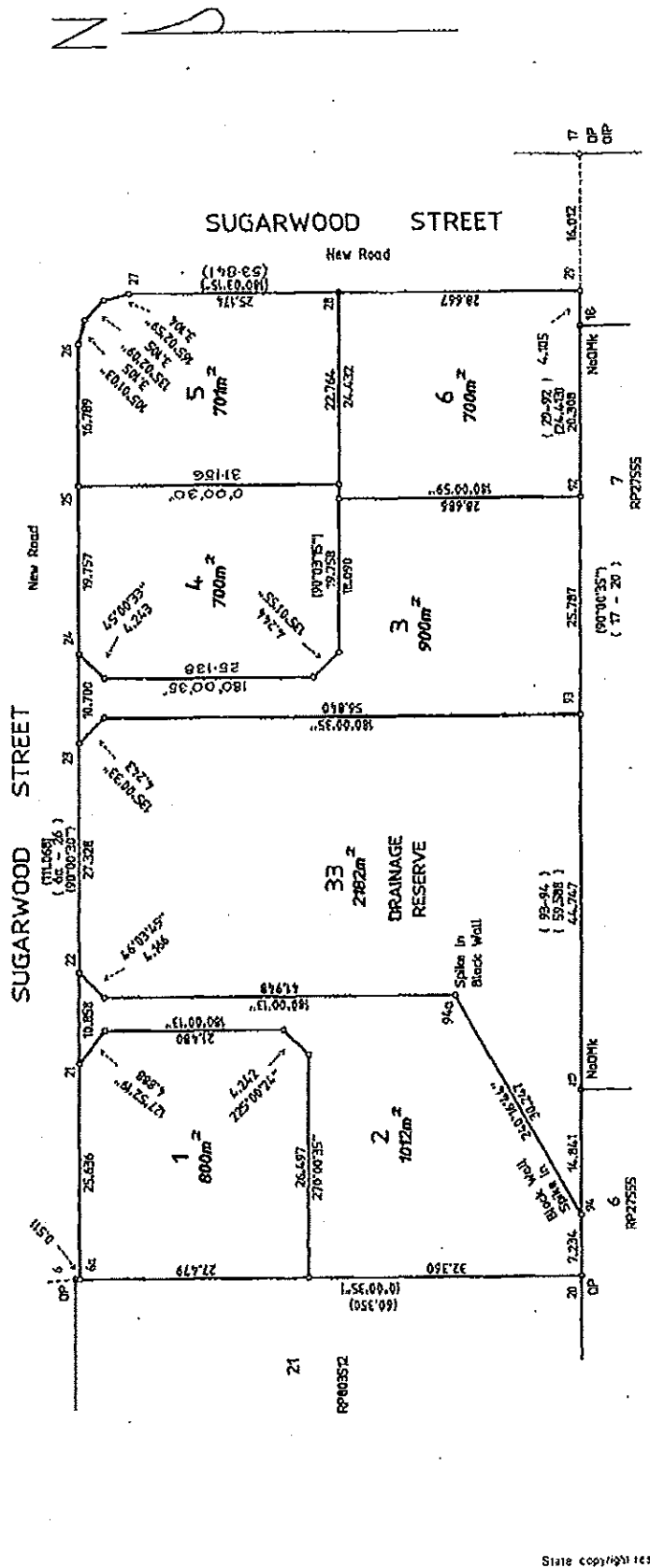
2. Local Government Approval. * BRISBANE CITY COUNCIL hereby approves this plan in accordance with the: % Local Government (Planning and Environment) Act 1990 subject to the granting of Easements G, I and L for drainage (underground and overland flow) purposes to the Council. The granting of Easements 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 <u>28th</u> day of <u>January</u> , 2000  LESUE HOWARD ACWORTH Appointed Officer <small>% Insert the name of the Local Government % Insert Integrated Planning Act 1997 or Local Government (Planning & Environment) Act 1990</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">SHORT FEE</td> <td style="text-align: center;">\$ 25</td> </tr> <tr> <td style="text-align: center;">RECONSTRUCTION FEE</td> <td style="text-align: center;">\$ 25</td> </tr> <tr> <td style="text-align: center;">POSTAGE FEE</td> <td style="text-align: center;">\$ 25</td> </tr> <tr> <td style="text-align: center;">- 6 MAR 2000</td> <td></td> </tr> <tr> <td style="text-align: center;">Paid Value No. 601111876</td> <td></td> </tr> <tr> <td style="text-align: center;">Letter No. 601111876</td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Por 11</td> <td style="width: 50%;">1 - 6, & 33, New Rd.</td> </tr> <tr> <td>Por 12</td> <td>7 - 32, New Rd.</td> </tr> <tr> <td style="text-align: center;">Orig</td> <td style="text-align: center;">Lots</td> </tr> </table> 7. Portion Allocation: a. Map Reference: 9442-11341 b. Locality: BELBOWRIE c. Local Government: BRISBANE CITY COUNCIL d. Passed & Endorsed: By: _____ Date: _____ Signed: _____ Designation: _____	SHORT FEE	\$ 25	RECONSTRUCTION FEE	\$ 25	POSTAGE FEE	\$ 25	- 6 MAR 2000		Paid Value No. 601111876		Letter No. 601111876		Por 11	1 - 6, & 33, New Rd.	Por 12	7 - 32, New Rd.	Orig	Lots
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Por 12	7 - 32, New Rd.																		
Orig	Lots																		

3. Plans with Community Management Statement: CMS Number: _____ Name: _____	4. References: Dept File: _____ Local Govt P&E No 343 of 1997 Surveyor: 100M-1017/1
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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 roads; * Part of the building shown on this plan encroaches onto adjoining * lots and road Licensed Surveyor/Director * Date _____ * Select one or more as required	13. Lodgement Fees: Survey Deposit \$ 760 Lodgement \$ 87 32 New Titles \$ 1,280 Photocopy \$ 8 Postage \$ _____ TOTAL \$ 2,135
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14. Insert Plan Number SPI21727	15. Insert Plan Number SPI21727
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REFERENCE MARKS				
STN	TO	BEARING	DIST.	ORIGIN
1	QIP gone	211°01'55"	1.000	RP803512
1	0.5 Screw in Kb	211°01'55"	3.950	RP803512
2	QIP	31°01'55"	1.000	RP803512
6	Spike in Kb	0°28'20"	3.539	
7	QIP gone	270°00'35"	1.000	RP803511
7	0.5 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 H.H.	188°54'30"	34.244	
13	QIP	359°59'40"	0.606	RP108155
13	0.5 Screw in H.H.	326°21'00"	3.753	RP174570
13	Nail in H.H.	321°09'40"	3.985	
13	Nail in H.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"	0.606	RP108155
16	Spike in Kb	216°02'35"	4.484	
16	I.Pin	34°39'35"	1.543	
17	QIP	270°00'35"	1.000	RP803514
20	Nail in H.H.	46°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°33'59"	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°58'20"	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	16°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°12'	12.665	
50	Spk in Conc	300°25'40"	8.935	
51	I.Pin	2°15'55"	0.668	
52	I.Pin	359°51'50"	4.524	
53	Spk in Conc	270°58'00"	0.948	
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	219°49'55"	6.265	
59	Spike in Kb	432°31'40"	5.426	
60	Spike in Kb	99°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	270°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°24'40"	2.433	
69	Spike in Kb	203°01'25"	5.300	
71	Spike in Kb	90°00'10"	4.029	
72	Spike in Kb	87°46'00"	4.009	
73	Spike in Kb	90°36'50"	3.846	
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'	5.460	
80	I.Pin	7°10'35"	24.048	
80	I.Pin	90°06'08"	14.449	
61	I.Pin	0°08'40"	0.887	

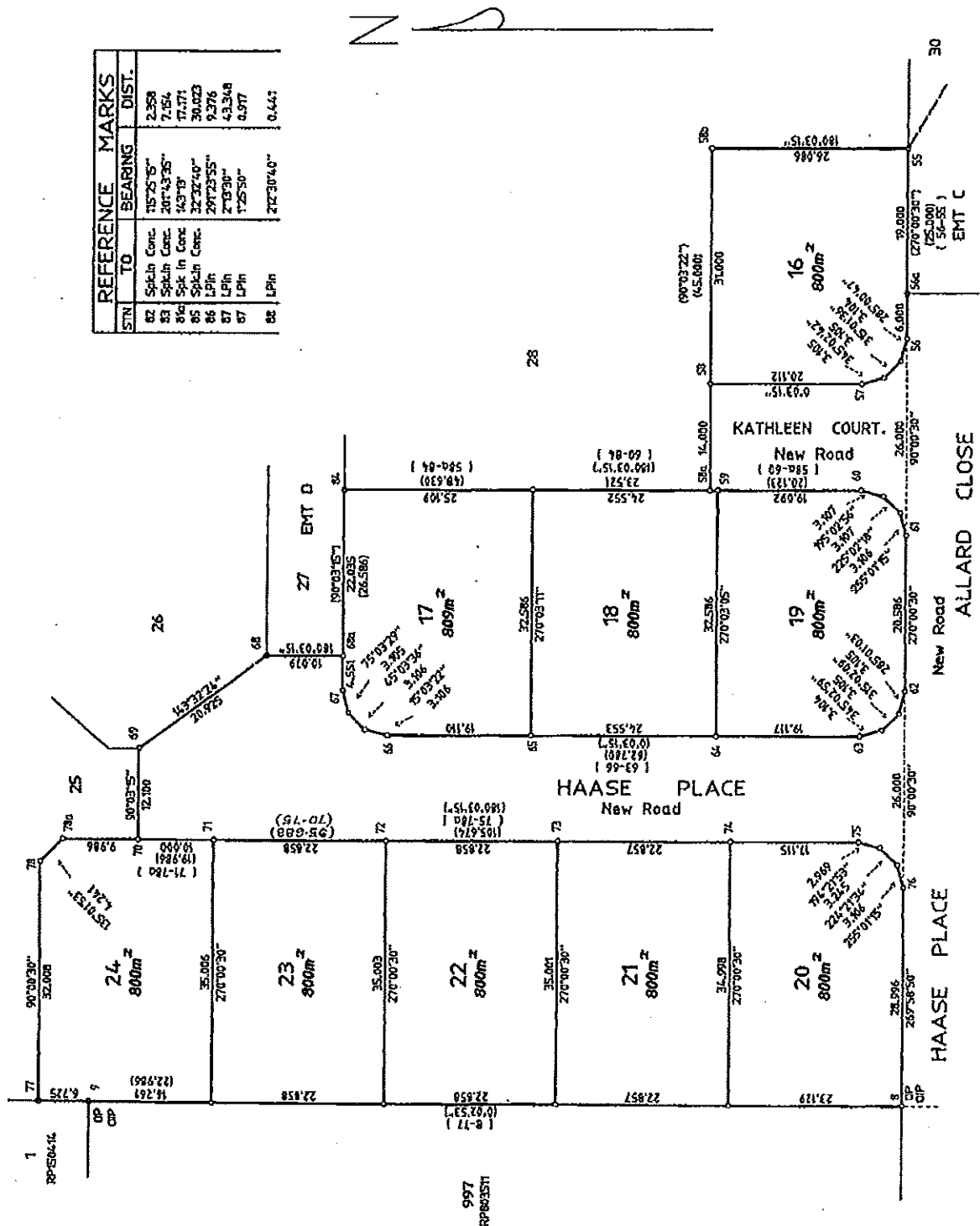


Scale 1 : 500

State copyright reserved

Insert Plan Number SP121727

STN	TO	BEARING	DIST.
82	Spk in Conc.	15°25'15"	2.358
83	Spk in Conc.	20°43'25"	7.154
84	Spk in Conc.	42°37'	17.171
85	Spk in Conc.	32°32'40"	30.023
86	LPin	29°23'55"	9.376
87	LPin	2°13'30"	43.348
87	LPin	1°25'50"	0.917
88	LPin	72°30'40"	0.447



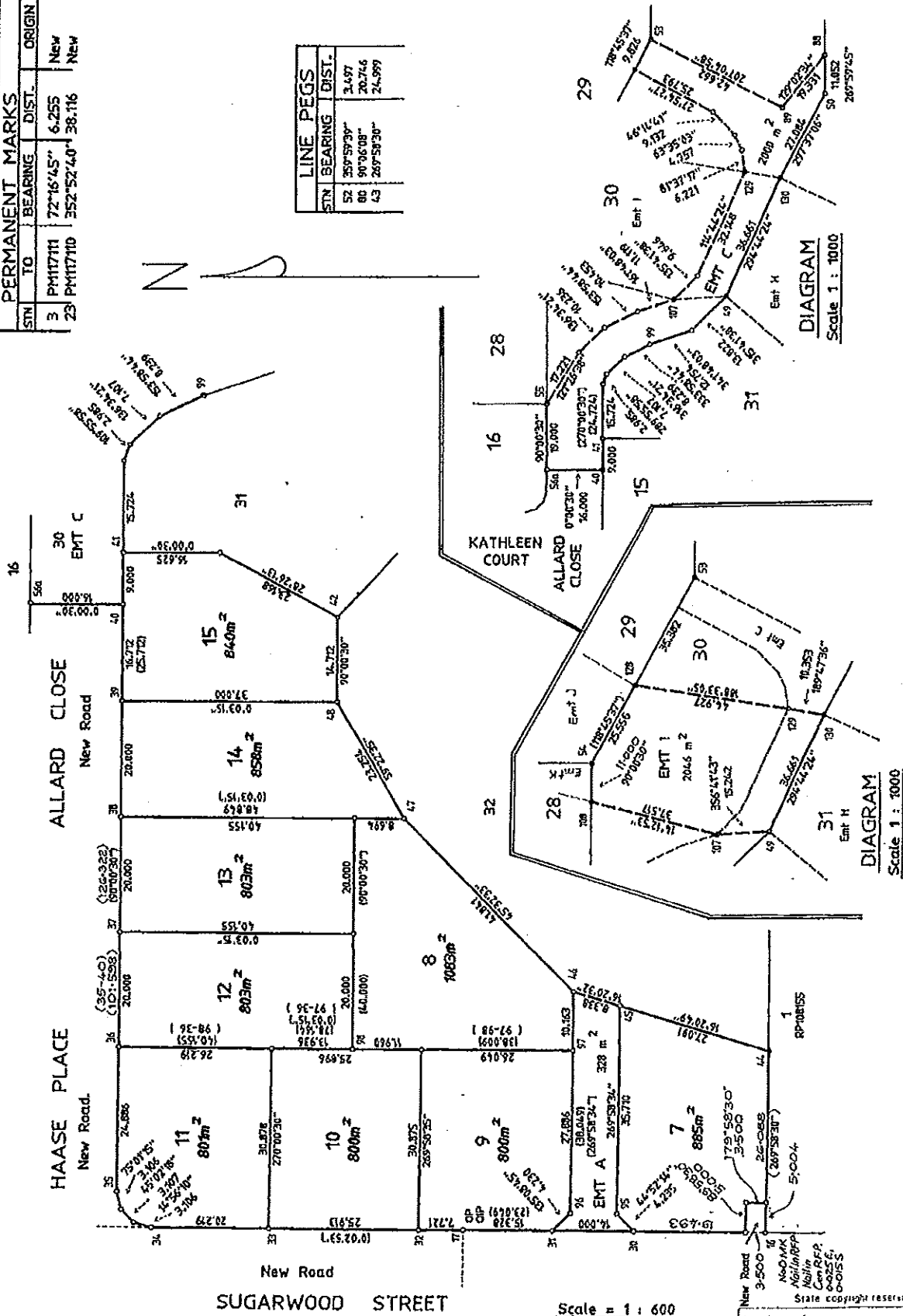
SCALE 1:500

State copyright reserved

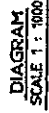
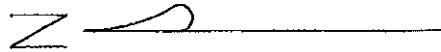
Insert
Plan
Number SP121727

PERMANENT MARKS			
STN	TO	BEARING	DIST.
3	PM11711	72°16'45"	6.255
23	PM11710	352°52'40"	38.116
			New
			New

LINE PEGS		
STN	BEARING	DIST.
52	359°59'39"	3.497
80	90°06'08"	20.746
43	269°58'30"	24.999



SP121727
State copyright reserved



Insert
Plan
Number **SP121727**

28 September 2009

Lord Mayor
Campbell Newman

RE: Application number: [REDACTED] – 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

Brisbane City Council

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

Telephone 07 3403 8888

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

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: [REDACTED] Weekes Rd Moggill Qld 4070
[REDACTED] Weekes Rd Moggill Qld 4070
Real Property Description: Lot(s) 1,6 on Registered Plan [REDACTED] Lot(s) 3 on Registered
Plan [REDACTED]
Application Reference: [REDACTED]

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

30 November 2009

The Chief Executive Officer
Brisbane City Council
GPO box 1434
Brisbane Qld 4001

Dear Sir/Madam,

RE: Application number: [REDACTED] – Proposed rezoning of The Golf Course Riverfront
Land from Rural and Parkland to Residential - Weekes Road - Moggill.

Our names are Anthony and Karen Leighton and our address is [REDACTED] Bellbowrie,
which immediately adjoins the western boundary of this proposed development.

We would like to object to it on the following grounds:

1. The adverse impact it would have on our lifestyle.
2. It would completely block our family's only evacuation route from a major flood in the river.
3. Our property would become an unofficial alternative access to it.
4. This locale is not suitable for this type of development.
5. It does not offer the Community sufficient net benefits to warrant approval.
6. It would end the possibility of a much needed East-West bridge ever being built in this area.
7. The removal of the ridge from this property is not good flood risk management.
8. The use of fill on this site is not good flood risk management or environmentally sound.
9. The adverse impact it would have on wildlife and the environment.
10. It does not adhere to relevant requirements for development in this locale; i.e. river corridor set backs, lot sizes etc.

A detailed explanation of our concerns, along with our requested solutions, is as follows;

1. **The Impact it would have on our lifestyle** – Our property and every other block of land adjoining this proposed development are acreage lots. Rezoning this rural land and allowing it to be subdivided into 93 residential lots without minimising or eliminating the impact it would have on the semi-rural lifestyle the families from these acreage properties enjoy should not be allowed.

The semi-rural lifestyle the Moggill/Bellbowrie suburbs offered our family was the main reason we chose to move into this area and purchase this acreage property almost two years ago. This development would remove that lifestyle from us.

It would result in multiple, relatively tiny blocks immediately backing on to our property, perched and overlooking our backyard, within metres of our glass walled bedroom, living room, dining room and pool, invading our privacy, destroying our views and our semi-rural outdoor lifestyle which we enjoy immensely.

This developer has already agreed, after a direct request from the Lord Mayor, to remove the equivalent "offending" lots from a previous withdrawn attempt to develop this land, due to the obvious impact they would have on the lifestyles of the families from the adjoining properties on its western boundary. The reasons the Lord Mayor asked this developer to remove these lots remain sound, therefore we can see no justification for them being allowed in this proposal.

In addition, some versions of the lot layout submitted by the developer seem to show a car park or other development located behind our premise, which we also object to because of the impact it would have on our privacy, security and peace of mind.

1. Accordingly, to substantially reduce the impact this development would have on our lifestyle, we request that lots 57 through 62 (Dwg DA-100 Rev A), and the Cul de-sac that services them, be removed from this development (again) and the land they would occupy be surrendered to Council as Parkland. In addition we request that any car park, or other facility, be removed from behind our property and be relocated in lieu of proposed lot 78 and that all pathways in this region of the development originate from there.

2. **It would completely block our only escape route in a major river flood**– Our single storey house is built on an artificial “peninsula” built up by “fill” to the lowest allowable level with regards to a 1 in 100 year flood event. Our driveway is a full 10 meters lower still.

As our driveway is almost at the level of the river (which is in very close proximity) and crosses the enormous gully which runs parallel to the entire western boundary of this proposed development, vehicular escape from our property would be impossible even in the event of a minor-moderate flood in the river, let alone a major one.

Therefore, if we still live here when (not if) the Brisbane river rises towards the 1974 level (the level of our roof) again, our family’s only escape route to any higher ground at all will be by foot, up the narrow ridge to the south east of our property (see Councils Flood Flag Map - Bellbowrie) and the proposed lots (57 to 62) behind our house would completely block this route forever. Should this proposal progress unaltered and we end up with 6ft fences on the properties that border ours, and the river rises at night (as it did in 1974), we would either have to attempt to climb over a 3 metre barrier (2m fence plus 1m existing retaining wall) in a flood, at night, or wade through deeper flood waters, to evacuate. There *is* no other route.

This scenario is a very real concern to our family. Periodically this river does flood above the Q100 level. When it does, our safety should not be jeopardised at all, nor should we live with worry, just so a developer can eek every last possible drop of profit out of a subdivision that prima facie is deemed inappropriate.

2. Accordingly, we request that lots 57 to 62 (Dwg DA-100 Rev A) be completely removed from this development and the land they would occupy be surrendered to Council as Parkland (these are the same lots that would have the greatest impact on our lifestyle). Any proposed compromise that could eventuate in any obstacles (including fences) being encountered during a hurried night evacuation from our house to substantially higher ground is unacceptable.

Note: Should Council rezone this land and this subdivision proceed unaltered, the families from the other two properties that adjoin this proposed development on its western boundary (and share our driveway) would face exactly the same danger in the event of a major flood; however this submission is not made on their behalf, nor with their knowledge.

3. **The creation of a Thoroughfare through our Property** – We are concerned that our property will become a “de-facto” alternative access to, and from, this development.

In our opinion, the proposed Main access point, facing south on to Weekes road, plus a convoluted pedestrian pathway heading north towards Birkin Road, does not provide sufficient access for a sub-division of this type, in this location.

Our property would be the only obstacle between this proposed development and all of the following community facilities in Bellbowrie that would only be within comfortable walking distance of it if a shortcut is taken through our property;

- The Skate Bowl in Sugarwood Street
- The Bellbowrie Public 50m Pool and Café in Sugarwood Street.
- The Schools Bus Stop that would service this Development.
- The Public Bus Stop for buses to and from the city that would service this development.
- The combined Basketball and Tennis court in Sugarwood Street.
- The Bellbowrie Shopping Centre
- The probable future commercial site – currently vacant (fill settling) but zoned CP-MP3 multi purpose - on the corner of Sugarwood Street and Moggill road
- The future Tavern (currently with Council) on the corner of Moggill Road and Birkin Road
- The licensed clubhouse with restaurant, tab and poker machines at Bellbowrie Sports and recreation reserve in Sugarwood Street
- The cricket club with multiple fields and practice nets in Sugarwood Street
- The soccer club with multiple fields in Sugarwood Street
- The hockey club with multiple fields in Sugarwood Street
- The children’s playground in Sugarwood Street.

A shortcut taken through our property to this proposed development from each of these places would save anyone on foot over 600m compared with walking around to the Weekes road main access point. And that is just to the access point.

Also, the dead end road servicing the majority of the above facilities would naturally “funnel” anyone on foot seeking to get to this development, directly to our front boundary, as it would appear to be the logical and most direct route to it. The road ends seamlessly at our front boundary and becomes our driveway which is unfenced due to an easement sharing the driveway between the three properties on the western boundary of this proposal.

From our front boundary it would be easy to see the housing from this development across our mown gully and we fear the temptation to shortcut through our property will prove irresistible for kids, or drunken teens walking home from the bus stop after a night in the city.

In fact, from the road (or Google earth), our driveway would somewhat resemble, and could be mistaken for, one of the proposed concrete parkland pathways from this development, due to its long (150m), winding, branching, and partly hidden nature, and the multiple, mown, unfenced acreage properties through which it runs.

Once discovered, the shortcut through our property would quickly become common knowledge and be impossible to stop. We would lose our sense of privacy, security and peaceful enjoyment of our own land and would be at increased risk of; crime, stress, trespass, and duty of care issues (there is a bridge/culvert and wet creek on our property).

3. Accordingly, we request that the developer provide at least one more (western), major public access point to this development and demonstrate to Councils and our satisfaction that no trespassing on our property will occur as a consequence of this application being approved.

4. **This locale is not suitable for this type of development**-- This parcel of river front land is Rural in both zoning and character and the acreage properties that surround it provide an excellent cascaded semi-rural buffer between it and the developed areas of Bellbowrie.

We still hear cattle lowing from properties adjoining this land and from across the river. We are woken many mornings by the raucous calling of flocks of hundreds of cockatoos and corellas stirring from their roosting spots in the large gum trees along the river that fronts this land. We are often kept awake by the loud calling of frogs in the wetlands lake at night. We have had kangaroos, koalas, echidnas, bandicoots, tortoises, fish, many snakes and countless birds and species of birds, on our property. If we stand on the boundary we share with this proposal and look east across the land it would occupy, we currently can see thousands of trees and lots of land and water, but cannot see even one house or road, despite being able to see for hundreds of meters in a 180° unbroken arc from North through East, to South. We could go on forever, our point is;

This is Not an area that has lost its rural feel, as claimed by the developer. In fact this land contributes significantly to the conservation of the rural, vegetated, open, character of the Bellbowrie/Moggill area.

The developer claims that Council has set a precedent for this application by allowing the pre-tirement "village" in Weekes Road on land that was previously zoned rural. That development involved the creation of a "gated" over 55's community on land that was already surrounded by residential lots, and virtually across the road from many of the earlier mentioned community facilities. It was a far different proposition than allowing a 93 lot suburban residential development on land that is surrounded by acreage lots, contains almost one kilometre of river and creek frontage that floods and is only really within comfortable regular walking distance of community facilities – if a shortcut is taken through a private residence.

The two are not comparable enough to set any sort of precedent.

We believe a better precedent is the developer's previous unsuccessful attempt to have a 40 something lot subdivision approved for this very site. That application was with Council for almost four years and did not receive approval, despite being relatively "kind" to the environment and offering the community a replacement golf course as compensation for losing their green space when the original one on this site closed down under the ownership of developers.

This current application is for double the number of lots of the previous application, proposes bulk earthworks for every lot and offers the Community relative trinkets in return for their loss of Green space.

We do understand that the previous application was withdrawn by the developer prior to a decision being made and we are not aware of the reasons why it was withdrawn. However the fact remains that a previous less invasive development application was submitted for this land and it was not approved, despite being with Council for years.

If any precedent is relevant to this application it is the previous unsuccessful application for this very site.

Also, the very small lot sizes proposed imply that 2 story housing will be allowed on this site. When we purchased our property we were informed by the previous owners that the reason that all the houses in this vicinity were single storey was because 2 storey houses were not allowed so as to preserve the open character of the area. That requirement should be a fundamental prerequisite of any development on this site.

We believe that this developer is making an extravagant request with this application in the expectation that the community will then settle for a compromise development they may otherwise not allow.

The community would expect Council to see through this ambit claim and deliver an outcome that maximises the possible benefits for both the community and the environment before this site can be rezoned.

4. Accordingly, we request that Council insist on the mandatory 100 metre rural river corridor setback being maintained for this development and that the number of lots be limited to 40 to 45 considerably positioned larger lots consisting of only single storey dwellings. We also request that the balance of the land not used for development be surrendered to Council as parkland in order to preserve some of the rural amenity of this area for; adjoining residents, wildlife, the community and posterity.

5. **It does not offer the Community sufficient reward in return for their loss of green space. –**

The riverfront portion of this land is potentially worth vastly more in non-monetary terms to the community and the environment, than it is in monetary terms to the developer.

The Precinct 1 river corridor portion of 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 park which includes a Riverside Playground, leash free Dog Park and BBQ facilities.

Quality community green space is under provided for in the Western Suburbs, especially since the closure of this golf course, and a substantial extension to the small existing riverside parkland via this development would provide quality community green space which would benefit the families from these suburbs for generations and create a riverside recreational area that could rival any in our city.

The removal of lots 6 through 25 (Dwg DA-100 Rev A) from this development and insisting on the mandatory 100 metre Precinct 1 river corridor being maintained, whilst leaving roads 4 and 5 unchanged and requiring an elevated (rather than low level) pedestrian creek crossing to Booker Place park would go a long way towards delivering such a priceless asset to the community as compensation for the “windfall” the community would be granting the developer should any development of this site proceed.

5. Accordingly, we request lots 6 through 25 (Dwg DA-100 Rev A) be removed from this proposal and the land they would occupy be surrendered to Council as Parkland and/or conservation area. We also request that all proposed residential development within the 100 metre Precinct 1 river corridor be removed whilst leaving roads 4 and 5 substantively unchanged and Council insist on an elevated pedestrian crossing of the creek, to Booker Place Park.

Allowing any Development at this location without road frontage to a substantial riverside park, irrespective of the protestations of the developer, the terrain, or any other reason, would be disgraceful.

6. It would end the possibility of an East-West bridge ever being constructed in this area -

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 them with excellent access to the arterial roads (Centenary Highway, Ipswich Motorway and Logan Motorway) and railway, in close proximity to, but just across the river from, this proposal.

The approval of this application 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.

6. Accordingly, we request that that Council consider the impact on the community of losing forever the possibility of an east-west bridge being constructed across the river in this locale, before approving this application.

7. The removal of the ridge from this property would not be good flood risk management –

Apart from its considerable aesthetic qualities, we believe that the large ridge that runs through the middle of this property plays a significant role in protecting the Bellbowrie area from exposure to river currents in the event of major floods.

This high ridge acts as a natural groyne on the river and would divert much of the energy from a major flood around the mouth of the creek that opens behind it into Bellbowrie. The effect of this ridge on floodwaters may well be the reason this river is so unusually wide at the meander immediately downstream from it.

The low areas of Bellbowrie flood now but it would mainly be from 'back up' water from the creek in behind this ridge and not 'current' from the river. Removing the ridge will expose Bellbowrie to river flood 'current' at a much lower level than would naturally be the case.

At whatever level this ridge is reduced to, flood water will begin "push" into Bellbowrie from the East via the River, rather than "back up" from the North via the creek which it currently does.

With the ridge removed, the north bank of the existing creek (where the leash free dog park is) will act as a 'reverse levee' turning Bellbowrie into a 'harbour' with positive pressure from river current pushing floodwater higher into the suburbs than would otherwise be the case. Removing this ridge would significantly change the characteristics of floods for the areas of lower Bellbowrie.

Council's responsibility with respect to flood risk management should not cease at the Q100 level. We appreciate that a line must be drawn somewhere for cost/benefit reasons however Council should maintain some basic, low cost, flood risk management for higher floods because this river does periodically reach those levels. The prevention of the removal of this ridge should fall into that category.

We believe this ridge would play such a significant role in protecting lower Bellbowrie from the majority of the energy from a major flood in the river that it should be protected in the Bellbowrie local plan as a Geological feature.

7. Accordingly, we request that the developer not be allowed to remove or alter this ridge in any material way. We also request that this ridge be protected through the Bellbowrie local plan as a geological feature.

8. The use of fill on this site is not good flood risk management or environmentally sound. --

Any residential development on this site and in particular any riverfront lots must be limited to areas that occur naturally above the Q100 line.

"Filling" must not be allowed to be used to achieve this level – especially for any riverside allotments - it will be dangerous. The level the developer proposes to fill to at this site was a long way under water in the 1974 flood, and that was not the biggest flood recorded in this river. It will flood again and fast flowing river flood water would erode soil fill – no matter how well it is compacted or protected – far easier and quicker than it would natural ground.

We appreciate that some water flow rate and erosion studies accompany this submission, and assume that they support the application (neither of us are experts in this field) but "he who pays the piper calls the tune" and we believe that other studies if carried out could/would conclude that it is not sound flood risk management to use fill to obtain the Q100 level on this flood plane, in this location, of this river. Its only common sense.

Allowing development down to the Q100 level on solid ground, if this was an appropriately zoned site would be one thing, but making an informed decision to rezone land that is currently unable to be built on, to allow a developer to artificially increase a flood plane through fill, for residential housing on a river bank that suffered such dramatic erosion in precisely this area (and also at Goodna just up river) in 1974, would be irresponsible at the very least and at the worst negligent. It would be Flood dumb.

Apart from the danger in floods, there is also an environmental aspect to consider of allowing fill to be used to obtain the minimum elevation near wetlands. On this point we speak with some first hand experience. As stated earlier our house is built on fill that has been used to achieve a minimum height on the edge of a waterway and we and the environment are still living with the consequences of Council allowing it to occur. Silt has gradually washed down from the fill used to elevate (7 or 8) properties in our subdivision and now blocks the large gully in a property down stream from us. Each time we have run off rain, water backs up from our neighbours property and sits still and stagnates in a "lake" on our property 40 meters long and 20 meters wide (but only 150mm deep) until it evaporates. Sub catchment A of this proposal would discharge into this gully. Using fill to obtain a minimum building elevation near a wet environment should not be allowed to happen in Brisbane again.

Should this application be approved and the developer be allowed to "fill" to the Q100 line, he would either; sell this land with the DA approved and "step away", or develop it himself, before moving on to other things. Either way it would ultimately be the future occupants that are allowed to build on this land that would suffer the consequences of this decision and ratepayers would be left to clean up the mess.

This land is already zoned as being inappropriate for this type of development however that has not stopped consecutive applications being lodged with Council to develop it.

Providing all other pre-requisites and considerations are met, it may be feasible to build on certain portions of this site that naturally lay at or above the Q100 line, but any land that falls below this line on this site should not be built on ever.

As zoning seems to be ineffective in deterring attempts to develop the portion of this land below the Q100 line, we believe the best solution would be for all the land below it to be owned by Council - regardless of the outcome of this particular application.

8. Accordingly, we request that no "fill" be allowed to be used to create residential lots on this site and all residential boundaries on this site be confined to areas that naturally lay at or above the Q100 line. We also request that any land on this site that naturally falls below the Q100 line become the property of Council, either through voluntary surrender by the developer or through compulsory acquisition, under a flood property acquisition scheme, regardless of the outcome of this application.

9. **The adverse impact it would have on wildlife and the environment**– The assessment of the impact this development would have on the local wildlife should not be limited to the boundaries of this development. It should be considered within the wider context of the Bellbowrie local plan.

As mentioned earlier, every property that adjoins this land is acreage and most of them have limited or no restrictive fencing on the boundaries they share with it. In addition this land borders a substantial amount of parkland, extensive riverbank corridor habitats to its north and south, and a river front environment to its east. Combined this represents a substantial rural environment that is able to carry viable populations of native wildlife far beyond what the sum of its parts could carry in isolation should they be separated, which is what this proposal would do.

Some of the native wildlife we have observed in and around the immediate area of this proposal that would be at risk should the synergy effect of these 'bloc' of properties be lost are;

- Koalas (dogs should be banned, by covenant, from this development)
- Kangaroos(frequent visitors if not resident)
- Echidnas
- Bandicoots
- Blue Tongue Lizards
- Snakes
- Tortoises (they often "migrate" from the lake across our property?)
- Frogs (many, and very loud at times)
- Birds (we can identify over 50 species, but there are more especially in the wetlands.)

Also, contrary to representations made by the developer, the wetlands in the middle of this proposed development is not a dry lake. At the date of this submission it has a body of water over 100 meters long and 50 meters wide and we have not had any real rain for over 6 months.

During the evenings of the warmer months in the year, the sustained chorus of calls from the enormous number (and species) of frogs in this wetlands is remarkably loud. So loud in fact, that we often have trouble falling asleep at night. We are of the understanding that frogs are a good indicator of the health of the environment in which they live. If this is true then this wetlands currently forms part of a very healthy environment indeed.

We notice that the developer proposes to permanently drain these wetlands in the most recent version of this development, currently before Council. This wetland is vital to sustaining a freshwater wetland ecosystem, immediately adjacent to the brackish one of the river. Much of the wildlife in and around this development would most likely "disappear" should it be removed.

Also, we regularly have tortoises "migrate" from these wetlands across our land and adjacent properties to the creek at the front of our property and back again, a one way distance over land of about 250 meters. We don't know why they migrate but they do and they somehow know the location of the water in the lake because they head straight for it. Should it be drained it would certainly bring an end to this behaviour, which may be important to their survival and/or breeding, we just don't know.

It is our understanding that this body of water is in a designated wetland area, and if our understanding is correct, it should remain so, and the developer should not be allowed to drain it, period.

As the Bellbowrie/Moggill area becomes more populated it is important that bushland pockets that can carry viable wildlife populations are retained, or increased where possible, when development occurs. It is equally important that green corridors are maintained between bushland pockets to allow genetic material to mix.

A substantial part of this land should become an additional bushland pocket within the Bellbowrie local plan to complement the priors pocket road bushland already recognised. In addition the 100 metre Precinct 1 river corridor is the ideal "vehicle" to maintain a green corridor between them as they both contain linked Precinct 1 river frontage.

9. Accordingly, we request that Council prevent the developer from draining the wetlands that exist on this land and require that an independent study is undertaken to determine the species, population and vulnerability status of the frogs and tortoises of these wetlands and the impact this development would have on them. We also ask Council to ensure the developer adheres to the 100 metre Precinct 1 river corridor and evaluate the vital role this parcel of land plays in sustaining viable wildlife populations in the variety of different habitats throughout the Bellbowrie local plan, prior to approving this application.

10. **It does not adhere to the relevant requirements for developments in this locale** – We are not professionals in this field, however below are some of the issues we believe we may have identified where this application does not comply with “Councils City Plan 2000”, the “Bellbowrie local plan” or the “local plan for outer suburbs”.

These plans were done up by professionals at an expense to ratepayers and ratepayers would expect them to be closely adhered to as they provide all stakeholders with the same transparent consistent development guidelines to follow. The number of breached requirements we believe we have identified below reinforces our argument that this proposal is not suitable for this location. We may be incorrect with some but there are probably many others we have missed.

- **The Brisbane River planning scheme policy holds that no development is allowed within the 100 metre river corridor for river precinct 1.** The developer proposes to create 20 residential lots within the 100m exclusion zone; this would be lamentable for the community, detrimental to the environment and set a perilous precedent for rural riverfront areas.
- **A Generally Inappropriate Impact Assessable Proposal such as this must demonstrate that it has a positive impact on the landscape, scenic quality and streetscape of the locality.** In no reasonable way could this development be seen to have a positive impact on the landscape or scenic quality of this locality, if compared to what it would replace.
- **A Generally Inappropriate Impact Assessable Proposal such as this must demonstrate that it does not detract from the appearance, environment or amenity of the locality.** This application proposes to remove a large scenic, grassed riverside ridge and use the dirt as fill. The end result will be a flat residential suburban enclave too close to the river. This would detract greatly from the current appearance, environment and amenity of this locality.
- **The Bellbowrie local plan says that any development in the area must maintain Bellbowrie's open character. It says that large residential lots contribute to the open character of the area. This application proposes 60 lots less than 800m².**
- **The Brisbane City Council PDOnline interactive mapping site indicates The body of water in the middle of this proposal is;**
 - **A designated wetlands,**
 - **Within the Brisbane River corridor,**
 - **On property zoned rural and parkland,**
 - **Within the Bellbowrie local plan which exists for environmental reasons.**

The developer proposes to drain these wetlands. Surely they cannot be drained.


Despite this lengthy objection, we are not opposed in principle to some form of considerate, moderate development on this land. Provided it does not adversely impact any stakeholder we would not object to it.

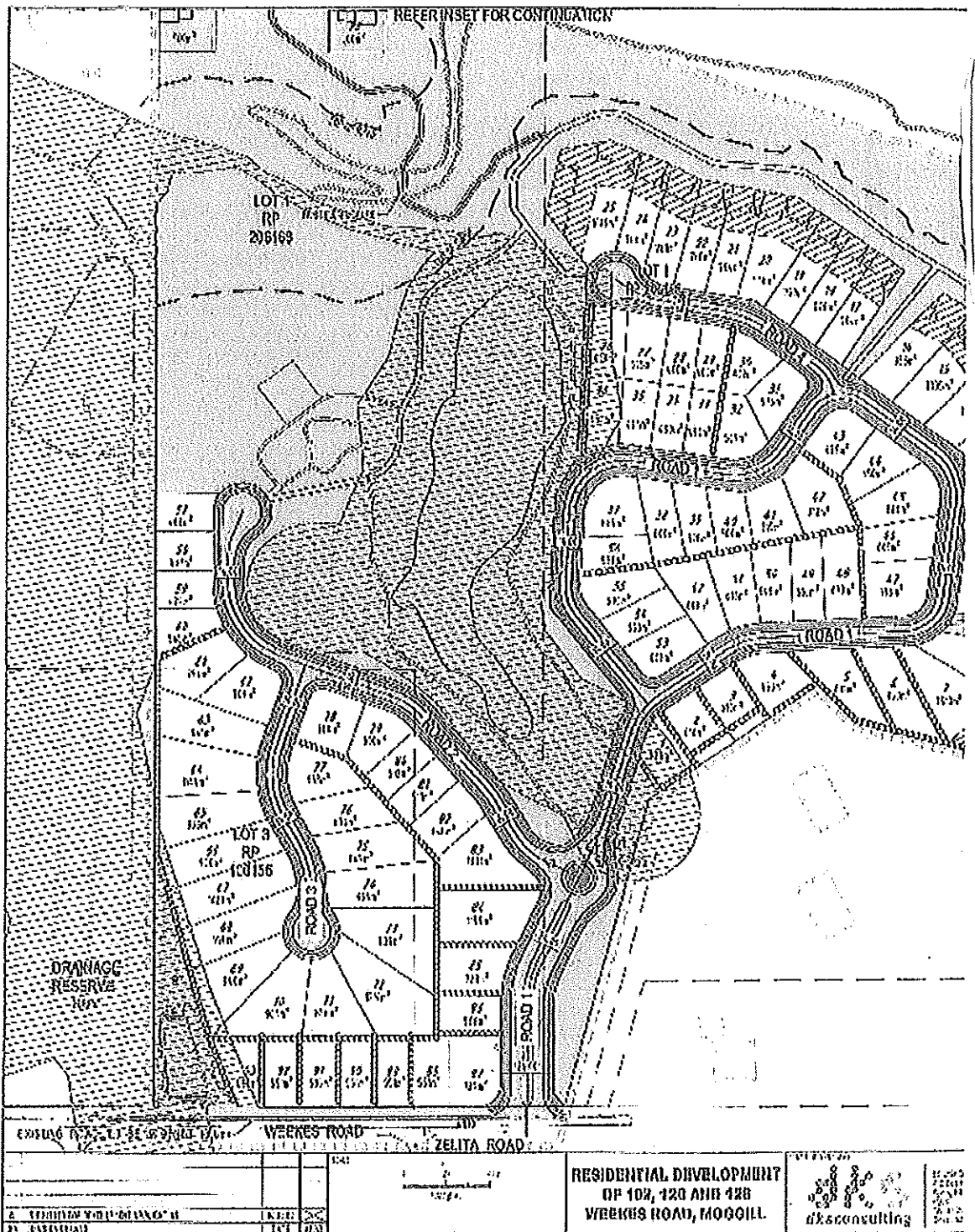
Unfortunately however, the application currently before Council would have a major negative impact our lifestyle as well as the lifestyles of the other residents that surround it. It would be detrimental to the environment, and does not provide sufficient reward to the community in return for their loss of quality rural green space from when this golf course closed. The only major stakeholder that would gain more than it cost them from this development would be the developer.

Therefore we ask that Council negotiate with the developer to deliver a revised proposal that is acceptable to all stakeholders. Otherwise this development should not proceed.

Yours truly,

Anthony and Karen Leighton







Dedicated to a better Brisbane

11 February 2010

Brisbane City Council

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

Telephone 07 3403 8888

MGC Properties Pty Ltd (receivers and managers appointed)
C/- Ernst & Young
GPO Box 7878
Brisbane QLD 4001

Attention: Nathan Kelly / Justin Walsh

CC: PLACE Design Group
[REDACTED]

Permit Type: DA - IPA - Material Change of Use, DA - IPA - 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: [REDACTED] Weekes Rd Moggill Qld 4070
[REDACTED] Weekes Rd Moggill Qld 4070

Real Property Description: Lots 1 & 6 on Registered Plan 206168, Lot 3 on Registered
Plan 108155

Application Reference: [REDACTED]

Dear Sir/Madam

RE: Outstanding Issues

Further to our meeting on 21 January 2009, I write in relation to the current application for the above site. The meeting was a good opportunity to discuss the key issues relating to the current application and to also discuss the constraints of the site and opportunities to resolve the outstanding issues.

The proposed development is not supported in the current form. Whilst the proposed use on the site for low density residential purposes is supported in principle, there are a number of key issues that need to be addressed and resolved before the proposal could be favourably considered.

The revised plans in response to Council's Information Request dated 10 December 2008 do not show any major modifications from the original layout and there are a large number of issues outlined in the Information Request that have not been adequately addressed. The proposed layout needs to be substantially revised before the proposed development could be favourably considered.

The key issues that need to be addressed and resolved include:

- Lot layout and density
- Parkland areas (including the river corridor parkland and the central parkland)
- Setback to the Brisbane River
- Stormwater / Hydraulics / Flooding
- Earthworks

As discussed, these are only the key issues relating to the current application. Once an appropriate and acceptable layout is achieved, more specific technical issues may still be raised.

Lot Layout & Density

- Low density residential is supported in principle, however the proposed density is higher than what currently exists in the area. There are significant environmental constraints on the site and there is limited public transport in the area, therefore a lower density and fewer lots should be planned for.
- The density and lot sizes should be consistent with the surrounding area (sites that have already been developed). Whilst the proposed use on the site for low density residential purposes is supported in principle, the subject site is located in the Rural Area and the Intent and DEOs of the Rural Area need to be considered and addressed.
- Private residential lots should not back onto public space areas, including the proposed river corridor parkland area and the proposed central parkland area, as it results in access, visibility and CPTED issues.
- The proposed layout results in the appearance of a 'gated community'. The layout should be re-considered to improve visibility and accessibility to parkland areas, including the proposed river corridor parkland.
- The proposed development in the current form only provides for 1 access to Weekes Rd via a cul-de-sac road to all lots. As the proposed subdivision layout would generate well in excess of 100 dwelling units, an additional access to Weekes Rd should be provided (as a minimum emergency access is required). Whilst a bus route in Weekes Rd is not planned for the foreseeable future, an additional access point could incorporate a potential location for a future bus turnaround area.
- The proposed lots 90 and 91 are land-locked. It is acknowledged that these lots are for the existing telecommunication towers and are to include lease arrangements, however the creation of freehold lots in this location is an issue, as well as maintenance and access issues.

Parkland

- The extent of parkland is in excess of what is required for the area, therefore the functionality and useability of the parkland areas is critical.
- The proposed river corridor parkland is not desirable in the current form. The useability of this parkland area is poor due to limited visibility and poor accessibility. The width, accessibility and visibility of the park is critical for it to function well, and to reduce safety issues. An esplanade road should be provided to address these issues.
- All parks should have at least 50% road frontage. As stated above, the proposed river corridor parkland should provide an esplanade road to improve the visibility, access, and useability of the park. The proposed central park area should also provide sufficient road frontage with an appropriate interface to the park, with no retaining walls and no steep batters.
- The proposed parkland areas should provide a strong link to Booker Park to the north-east of the site. Due to the topography of the site, a bridge link would be required. An appropriate and achievable location for a bridge needs to be determined.

IN RESPONSE TO THIS THE DEVELOPER SUBMITTED
A REVISED LOT LAYOUT SHOWING MANY LOTS WITHIN THE WATERWAYS
ON THIS SITE (AS OURS IS) ↓

Setback to Brisbane River

- The setback to the Brisbane River is to be determined on the lot layout and topography, as well as the width and useability of the river corridor parkland with an esplanade road.
- The subject site is located in Precinct 1 of the Brisbane River. Whilst a setback similar to properties in Precinct 2 may be considered appropriate from a planning perspective, this may not be achievable and a greater setback may be required in order to achieve flood immunity and an appropriate interface to this river corridor park area.

Stormwater / Hydraulics / Flooding

- Extent of cut and fill in any waterway corridors (including the Brisbane River Corridor) need to address the Filling and Excavation Code as well as the Compensatory Earthworks Planning Scheme Policy.
- As stated above in the 'Setback to Brisbane River' section, the setback to the river will be determined on the lot layout together with a river corridor parkland area and esplanade road. An amended layout and design will be required, and therefore the extent of fill in the Brisbane River Corridor will be altered. Any filling in the Brisbane River Corridor would need to address the relevant provisions in the City Plan and appropriate hydraulic modelling would be required.
- As discussed, the extent of park and an esplanade road to the river is a key issue and should be a key consideration in any revised layout. The central parkland area provides additional open space, but is in excess of what is required for parks in the area. The existing lake and wetland located in this central park area has limited ecological significance. Whilst filling in waterway corridor is generally not supported, opportunities to fill part of this waterway could be explored, provided hydraulic issues are adequately addressed. Additional lots could be provided in the centre of the site, and pulling the development away from the edges of the site to achieve a greater setback to the Brisbane River and reducing impacts on adjoining properties.

It is suggested to grade the slope of the site where possible to divert runoff to the Brisbane River, which would reduce impacts on adjoining properties.

- Stormwater treatment measures should not be located within public areas. Better use of road side swales should be considered to reduce sedimentation before runoff to parkland areas. Parks should not be the sole use for infiltration and removing sediments.
- The bio-retention basin in the south-west corner of the site (near Weekes Rd) will obstruct local flows and should be located outside of the waterway corridor and 100 year ARI flood extent. Alternatively, it would need to be demonstrated to have no adverse impacts if located in the waterway corridor.
- The capacity of the culvert under Weekes Rd in the south-west tributary must be shown to have at least 20 year ARI flood immunity to provide for flood free access to the site. This may need to be upgraded.

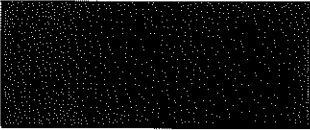
Earthworks


- The extent of cut and fill needs to be reconsidered and well planned to ensure there is a good interface to parkland areas, to waterway corridors, and to adjoining residential properties.

- An appropriate interface should be provided to the parkland areas, including adequate road frontage to parks, no retaining walls and no steep batters. Batters to parkland areas are preferred to be at least 1:6.
- Where retaining walls are required for lots to achieve flood immunity and to level the land, larger lots with batters may be a more appropriate outcome, rather than a smaller sized lot with retaining to all sides.

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

Yours sincerely



Meaghan Bourke
Senior Urban Planner, Development Assessment
Development Assessment West BSQ

Development Assessment Branch

anthony leighton

From: [REDACTED]
Sent: Monday, 13 September 2004 4:31 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Latest Plan for Moggill Country Club development
Attachments: Properly made Submission Weekes Rd Moggill sub division letter.doc; plan as of 07.09.2010.pdf
Thanks Margaret,

I appreciate the time you took to reply, as I could only imagine your workload.

I understand the planning process relatively well as I have been following this particular application closely for years.

However, this is the umpteenth submission of this application/plan/proposal and I seem unable to get the following simple message through to anyone;

THE PROPOSED LOTS ON ITS WESTERN BOUNDARY WILL ENDANGER THE LIVES OF THE RESIDENTS OF THREE EXISTING PROPERTIES THE NEXT TIME THE RIVER FLOODS.

That may sound dramatic but it is real, I assure you.

I have previously raised this issue with;

- Yourself on multiple occasions,
- The Lord Mayor (who personally had them removed once before)
- The last three Council assessment managers, and;
- The owner George Cheikh (who agreed to remove them as a "professional courtesy").

However the Reclevers and Managers are now in control and they include them on the latest plan (attached) submitted to Council, therefore I can only conclude that Council has not made it clear to them that these lots will not be allowed, as many other issues raised by Council have been rectified by the latest plan (which is the best so far that does not include a replacement golf course). I ask you to read our concern No 2 in the attached objection letter (they are not in any order of precedence) which was sent to your office when we submitted it to Council.

I suspect this issue is being lost/confused due to our objections to the impact this development will have on our lifestyle, which is understandable but frustrating.

Either way, I seem unable to get this issue across in writing.

Accordingly, I ask for five minutes of your time the next time you are in Bellbowrie so that you can assess this issue in person.

I will need half an hours notice to get home from work.

Regards,

Anthony Leighton

[REDACTED]
Bellbowrie
[REDACTED]

31/12/2004

From: [REDACTED]
Sent: Monday, 4 October 2010 7:31 AM
To: [REDACTED]
Subject: Latest Plan for Moggill Country Club development

Dear Anthony

Thank you for your email and for raising your concerns about the latest development application lodged for the Moggill Country Club.

I fully understand your concerns however at this stage there is nothing which I or anyone else can do other than to advise you to lodge a formal submission when the public notification signs are erected. The process once a development application is lodged is that the process as legislated in the Sustainability Planning Act 2009 has to be followed. This involves initial assessment by the Council planners followed by a very thorough assessment after all submissions have been considered. It is only after that process that a decision is made about whether or not the application will be approved.

I hope it is of some comfort to know that the initial assessment has determined that the application is Impact Assessable - Generally Inappropriate which means the applicant will have to convince the Council that it is a good development and can address all the identified issues. Those already listed by the Planners include:

- Extent of cut and fill
- Flood immunity
- Retaining Walls
- Hydraulics assessment
- Interface with existing residential

I can assure you that the concerns you express, particularly as an affected neighbour, will be very thoroughly investigated.

We do not know how long it will be before the notification signs are erected. At the assessment stage the planners will also seek my views and I will certainly be raising the issues you have alerted me to. When your submission is lodged at the appropriate time please send me a copy.

I trust this information is of assistance.

Yours sincerely

Margaret de Wit
COUNCILLOR FOR PULLENVALE WARD
Chairman of Public and Active Transport

Suite 6, Level 1
Kenmore Village Shopping Centre
KENMORE QLD 4069

Ph: (07) 3407 0220
Fax: (07) 3407 0226
E-mail: pullenvale.ward@ecn.net.au

No virus found in this incoming message.
Checked by AVG - www.avg.com

31/12/2004

anthony leighton

From: [REDACTED]
Sent: Sunday, 30 January 2011 5:59 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: Application A002171615 - to Subdivide The Old Moggill Golf Course
Attachments: Image.png; ATT00067.htm; Image.png; ATT00070.htm; Image.png; ATT00073.htm; Image.png; ATT00076.htm
Hi Margaret,

I have been in contact through emails, quite a few times over the past year or so regarding the above application endangering my family, in the event of a major flood in the river, by completely blocking our only possible escape route.

Well the flood happened and severely impacted the three families to the immediate west of this proposal as predicted.

We are all safe thanks to the SES, however the story may well have been very different if this development was in place as proposed.

The SES evacuated us through a narrow route that this development would block completely block forever with 6 ft residential fencing.

I ask that you read my latest email thread(below) with the current assessment manager for this application before contacting me to arrange a meeting at our house so you can see in person the very real danger this development poses.

Regards

Anthony Leighton
[REDACTED] Bellbowrie

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: January 19, 2011 10:14:38 PM GMT+10:00
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Application A002171615 - to Subdivide The Old Moggill Golf Course

Hi Meaghan, how was your christmas break?

Ours was not too good.

The exact scenario I have been warning you/Council about for a long time (below) unfolded and severely impacted the three properties on the western boundary of this application. If the residential allotments 90 through 93 that this development proposes ever eventuate, at some stage in the future (whether we still live here or not) lives will be in real danger.

RESIDENTIAL PROPERTIES MUST NEVER, EVER, EVER, BE ALLOWED TO BACK ON

31/12/2004

I am not an expert in town planning but I cannot believe Council could take a deliberate, informed, positive, unnecessary, action (rezoning lots 90 through 93 from rural to residential) that will place residents in real danger.

Please find below as requested, the email from Council I was referring to in our discussion, which suggests a possible solution to this issue. This is not the answer however as it would result in multiple lots backing onto parkland, significantly detracting from the visual amenity of the parkland area with no benefit to any stakeholder except possibly the developer. However even his cost/benefit analysis of the inclusion of these four lots would have to be marginal at best given their location.

The answer is to very simply remove these four lots from the development.

Could you please read this email (below) and reply via email at your earliest convenience.

Regards,

Anthony Leighton.

From: [REDACTED]
Sent: 29 September 2010 09:29
To: [REDACTED]
Subject: Re: FW: Possible redevelopment of golf course - Moggill

Hi Sarah

I do apologise for the delay in getting back to you.

The applicant for the old golf course site (being lot 3 on RP 108155 and lots 1 and 6 on RP 206168) has submitted a revised lot layout to Council's Development Assessment West (DA West) team for their consideration. I have attached this to this email, however you can get more information on their application and all documents associated with the application via Council's website: <http://www.brisbane.qld.gov.au/planning-building/assessing-development-applications/check-application-status/index.htm> and enter in the following application number: A002171615

As you will see, their new proposal still includes housing lots along your back boundary. I have been discussing this application with our 'Strategic Planning' section however, and it will **probably** be their recommendation to our DA West team that the small street that is to provide access to these houses actually run along your back boundary (thereby providing more of a buffer between your property and any adjoining properties). Strategic Planning have yet to finalise their recommendations, however this is their current thinking.

If you would like to discuss this application in more detail, it is probably best for you to speak directly with the DA West team. Penny Douglas is the officer dealing with this application I believe (you call Council's number 3403 8888 and ask to be connected through to her).

I understand that the applicants will have to readvertise their proposal, and this will provide you with another opportunity to make a submission to Council on the application. Signs will be erected on the site to inform the community of their opportunity to do this, and you will also receive a letter as an adjoining land owner informing you of your opportunity to make another submission. Your existing submission would have been considered by the DA West team, and you should be able to view it on Council's website (as per the above address).

I hope this information is of some assistance.

Kind regards
Susan

From: [REDACTED]
Sent: Monday, 4 October 2004 1:42 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Application A002171615 - to Subdivide The Old Moggili Golf Course

Hi Meaghan,

My name is Anthony Leighton and my address [REDACTED] Balfourrie, which immediately adjoins the western boundary of this proposal. We have spoken by telephone on a couple of occasions.

I notice earlier this week you sent another information request to the developer regarding some outstanding issues Council has with this application.

Whilst I agree with your comment that the latest lot layout is an improvement on the original proposal, there is one issue not addressed in your letter that is of such concern to me that I feel compelled to bring it to your immediate attention in isolation from all other issues:

THIS LOT LAYOUT WILL ENDANGER THE LIVES OF THE THREE FAMILIES FROM THE EXISTING RESIDENCES ON ITS WESTERN BOUNDARY. That may sound dramatic but it is very real I assure you, and I am becoming increasingly alarmed at it not ever being addressed as this proposal progresses ever further.

An enormous gully (that is part of the River) separates these acreage residences from the relative safety of local suburban streets; and their only possible escape route to any higher ground at all the next time the river floods will be completely blocked by proposed lots 90 through 93. I am not talking about being "marooned" but safe, I am saying that next time the river floods, multiple families will have no possible escape at all from the rising water. These houses are built at the lowest allowable level and in 1974 the water level was above our roof.

Accordingly, I REQUEST THAT LOTS 90 THROUGH 93 BE COMPLETELY REMOVED FROM THIS DEVELOPMENT. No development at all should be allowed to endanger members of the community.

Previously, I have brought this issue up with:

- Yourself - via email
- The Lord Mayor - Campbell Newman
- Our local Councillor - Margaret De Wit
- Councils Assessment Process - through our properly made submission.

However it has never even been acknowledged as an issue by Council, let alone dealt with, despite its possible dire consequences.

I attach a copy of our original properly made objection letter for your convenience and refer you to our objection item number 2 (they are not in any order of precedence).

Could you please read it (item 2 only) and respond at your earliest convenience.

Regards,

Anthony Leighton.

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Version: 8.5.449 / Virus Database: 271.1.1/3296 - Release Date: 12/06/10 19:34:00

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Version: 8.5.449 / Virus Database: 271.1.1/3311 - Release Date: 12/12/10 07:35:00

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Version: 8.5.449 / Virus Database: 271.1.1/3411 - Release Date: 02/03/11 07:34:00

Area Classification Changes

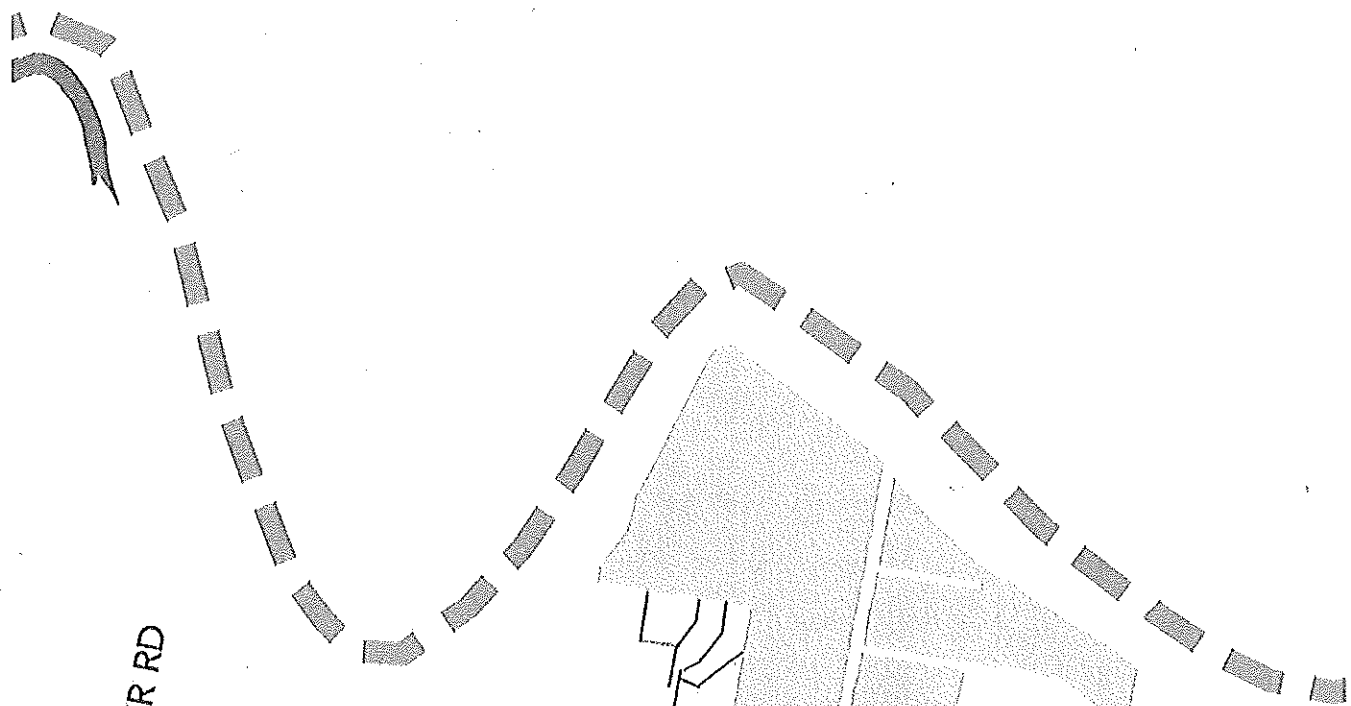
The map illustrates the proposed area classification changes for the Neighbourhood Plan boundary. The boundary is shown as a dashed line. The map includes the following features:

- Neighbourhood Plan boundary:** Indicated by a dashed line.
- Low Density Residential (LR):** Shaded with a light stipple pattern.
- Low-Medium Density Residential (LMR):** Shaded with a medium stipple pattern.
- Convenience Centre (MP4):** Shaded with a dark stipple pattern.
- Community Use Area (CU2):** Shaded with a light stipple pattern.
- Environmental Protection (EP):** Shaded with a medium stipple pattern.
- Park Land (PK):** Shaded with a dark stipple pattern.
- No Area Classification:** Indicated by a cross-hatch pattern.
- Proposed District Sports Park:** Marked with a star symbol (*).

The map also shows the locations of the proposed District Sports Park, the proposed District Sports Park, and the proposed District Sports Park.

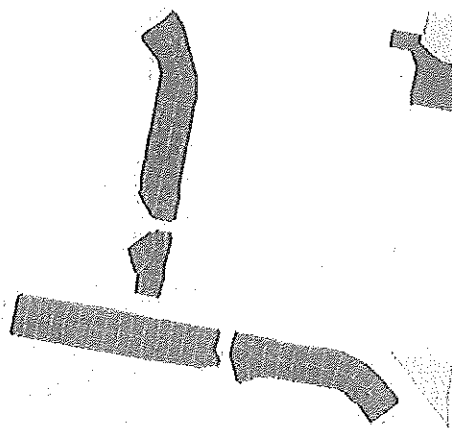


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