

QFCI

6 September 2011

Date:

11/11/11

JM

Exhibit Number:

978

Ms Jane Moynihan
Executive Director
Queensland Floods Commission of Inquiry
Level 30
400 George Street
BRISBANE QLD 4000

and

By email: info@floodcommission.qld.gov.au

Dear Ms Moynihan,

RE: REQUIREMENT TO PROVIDE INFORMATION TO COMMISSION OF INQUIRY

I refer to the Requirement to Provide Information to the Commission of Inquiry dated 4 August 2011 ("Requirement"). Thank you for allowing more time to comply with the Requirement. The Requirement requires the Chief Executive Officer of Toowoomba Regional Council ("Council") to provide:

- "1. All material in relation to applications and investigations made pursuant to Millmerran Shire Council (Levee Banks) Local Law Chapter 15 between 1 January 2000 and 4 August 2011; and
2. The identification of levee banks within your local government area by reference to map and property description. Further, identify whether each levee bank is permanent or temporary."

Council has undertaken a search of its records for information, documents, records and other things described in the Requirement and:

- A. In relation to (1) above, I now enclose an optical disc that contains the applications and investigations required to be provided. To assist you, I also include in the disc an electronic copy of the enclosed excel spreadsheet listing the applications (and associated documentation including any investigations).

To avoid any doubt, I advise that where there are any documents that are included on the disc that attract legal professional privilege, Council provides these privileged

documents to the Commission on the understanding that the documents will be kept confidential and will not be disclosed to any other party without reasonable notice to Council of your intention to do so.

- B. In relation to (2) above, I provide a link to an Online Mapping System (<http://maps.toowoombarc.qld.gov.au/FloodCommission/>).

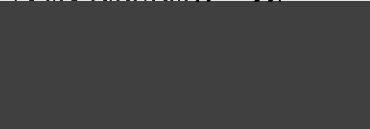
For the purposes of the Online Mapping System, a levee bank is taken to mean man-made earthen structures that prevent or reduce water into or from land or prevent or reduce flooding of land.

The Online Mapping System identifies properties (by reference to property description) in the Toowoomba Regional Council area on which there may be levee banks. These are the private properties for which an application to install a levee bank has been received by the former Councils that now form the Toowoomba Regional Council. The relevant private properties are indicated with blue coloured hatching. There are private properties at Quinalow, which are indicated with brown coloured hatching, on which the former Rosalie Shire Council has created a levee bank. This levee bank is not Council infrastructure.

In the Requirement, the Commissioner has required that I provide information to identify whether each levee bank is permanent or temporary. Council believes that those levee banks that have been built under an application to the former Councils on properties identified on the Online Mapping System, are permanent.

If you have any queries, please contact David Kevin of King and Company, Solicitors (telephone 3243 0000).

Yours faithfully, 



Ken Gouldthorp 
Chief Executive Officer

Enc.

QUEENSLAND FLOODS COMMISSION OF INQUIRY REQUIREMENT TO PROVIDE ALL MATERIAL IN RELATION TO APPLICATIONS AND INVESTIGATIONS MADE PURSUANT TO MILLMERRAN SHIRE COUNCIL (LEEVE BANKS) LOCAL LAW CHAPTER 15 BETWEEN 1 JANUARY 2000 AND 4 AUGUST 2011 - INDEX TO THE APPLICATIONS (AND ASSOCIATED DOCUMENTATION) PROVIDED ON DISC*

Applicant	Application No.	Lot on Plan	Disc Ref.
Agrisources Pty Ltd	096/99.00	Lots 28 and 242 on Plan AG2966, Parish of Cecil Plains	096-99.00
Alpair Pty Ltd	089/97.98	Lots 3 and 4 on RP151580, Lot 6 on RP37122 and Lot 3 on Plan DY839419, Parish of Yandilla	089-97.98
Alpair Pty Ltd	095/98.99 (Lemontree)	Lot 2 on Plan DY927 and Lot 2 on RP186855, Parish of Domville Now Lots 22 and 23 on SP177916 Parish of Domville	095-98.99
Armstrong, D	046/99.00	Lot 7 on Plan AG2381 and Pt Lot 15 on Plan AG2193, Parish of Cecil Plains	046-99.00
Ashlands Farming Co	057-99.00	Lot 75 on RP226525, Lot 76 on AG1050, Parish of Cecil Plains	057-99.00, 57-99.00 & 57
Balmain, A & A & Sons	031/99.00	Pt Lot 244 (Pt AF7591) on Plan AG1054, Parish of St Ruth	031-99.00
Bligh, H S & M J	091/97.98	Lot 254 on SP109446, Parish of Cecil Plains	091-97.98
Bligh, P	079/95.96	Lot 599 on Plan A34414, Lot 415 on Plan CP899775 and Lot 416 on Plan CP899776, Parish of Yandilla	079-95.96
Bond, K C & V E	028/00.01	Lots 1 and 2 on RP95407 and Lot 1 on RP169786, Parish of Tummaville	028-99.00
Brazil, F R	002/98.99 (Whitewater)	Lot 2 on RP60213, Parish of Yandilla	002-98.99 & 77
Brian McGrath Family Trust	013/01.02	Lots 13 and 14 on Plan AG1054, Parish of Cecil Plains	013-01.02
Brownlie, C L & H F (Brownlie Enterprises (Culverthorpe))	062/01.02	Lots 2, 10, 11, 12, 13, 14 and 20 on RP37110, Lots 3, 4, 6, 7 & 9 on RP37106, Lot 1 on RP66779, Lot 3 on RP37108 and Lot 53 on Plan AG2992, Parish of Yandilla	062-01.02
Carinya Trading Co (J N & B A Uebergang - Tosari)	092/97.98	Lots 1 and 2 on RP68694, Parish of Tummaville Now Lot 1 on RP68694 and Lots 20 and 21 on SP140288, Parish of Tummaville	092-97.98
Clapham, C & R M	069/97.98	Pt Lot 136 on Plan AG1055, Parish of Yandilla	069-97.98
Clapham, R J & J E	073/99.00	Lot 13 on RP35142 and Lot 3 on RP 48039, Parish of Tummaville	073-99.00
Clapham, R J & J E	073A/97.98	Lot 1 on RP 912949, Parish of Tummaville	073A-97.98
Crake Pty Ltd	080(A)/99.00	Lots 1 and 2 on RP130649, Parish of Yandilla	080A-99.00
Crank, A B & T A (New Owner: MacKenzie, E D & K J)	090/97.98	Lot 100 on RP839445, Parish of Gore	090-97.98
Doug Hall Poultry Pty Ltd	077/00.01 (Reconal)	Lot 3 on RP51323, Parish of Yandilla	077-00.01
Elsden, D W, T M, G P, W J & S M	094/98.99	Lot 1 on RP81806 and Lot 2 on Plan AG2911, Parish of Yandilla	094-98.99
Gardner Farming Co	097/06.07 Birilli	Lots 1 & 2 on RP186368, Parish of Cecil Plains	097-06.07
Gardner Farming Co (Gardner, P W, B J, F K, W J & M R)	063/05.06	Lot 71 on Plan AG1051, Parish of Cecil Plains Now Lots 60 and 71 on SP125583, Parish of Cecil Plains	063-05.06
Glover, S D & A M	084/95.96	Lot 21 (PLS7852) on Plan AG1711, Parish of Yandilla	084-95.96
Hillebrand-Roellgen, S	052A/01.02	Lot 1 on RP86991, Parish of Yandilla	052.01.02

Applicant	Application No.	Lot on Plan	Disc Ref.
Holzheimer, K W & J E (New Owner: La Frenz, J G)	048/94.95	Lot 36 (AF7639) on Plan AG1050, Parish of Cecil Plains Now Lot 36 on SP151412, Parish of Cecil Plains	048-94.95
Hubbard, R H & B J	007/98.99	Lot 22 (PLS 8037) on Plan AG1053, Parish of Yandilla	007-98.99
J R Armstrong Pty Ltd	041/02.03	Part Lot 39 on Plan AG1050, Parish of Cecil Plains	041-02.03
Janerin Pty Ltd	051/99.00 (Melrose)	Lot 2 on RP113570, Lot 132 on Plan AG3114, Lot 133 on RP222289 and Lot 40 on Plan A34235, Parish of Yandilla	051-99.00
Janerin Pty Ltd	051/01.02 (Melrose)	Lot 2 on RP113570, Lot 132 on Plan AG3114, Lot 133 on RP222289 and Lot 40 on Plan A34235, Parish of Yandilla	051-01.02
Kelly, D W & M J	040/00.01	Lot 3160 on Plan A341585, Lot 3276 on Plan A341671, Lot 3303 on Plan AG2913, Lot 125 on Plan AG342290, Lot 3149 on Plan A341582 and Lot 2 on RP71738, Parish of Yandilla Now Lot 3160 on Plan A341585, Lot 3276 on Plan A341671, Lot 3303 on Plan AG2913, Lot 125 on Plan A342290, Lot 3149 on Plan A341582 and Lot 2 on RP71738, Parish of Yandilla	040-00.01
Kelly, D W & M J	040/97.98	Lot 3160 on Plan A341585 and Lot 3276 on Plan A341671, Parish of Yandilla	040-97.98
Kelly, D W & M J (Kelly Family Enterprises)	008/98.99	Lot 2 on RP87457, Parish of Yandilla	008-98.99
Kirkton Pastoral Co	061/97.98	Lots 23 and 24 on Plan AG1049, Parish of Cecil Plains	061-97.98
Krampl, E	056/01.02(A) Storage	Lot 410 on Plan A34329, Parish of Yandilla	56-98.99 & 56-01.02(A)
Krieg, A G, J A, R C & C F	072A/99.00	Lot 2 on RP151429, Parish of Yandilla	072A-99.00
Kruger, B J & K E	022/99.00	Lot 25 on Plan AG1049, Parish of Cecil Plains	022-99.00
La Frenz, J G	053/01.02	Pt Lot 62 on Plan AG1050, Parish of Cecil Plains	053-97.98
Ladner, I	037/01.02	Lot 23, Pt Lot 24 and Lot 30 on Plan AG1052, Parish of Cecil Plains	037-01.02
Lafrenz, J G & M L	019/01.02	Lot 37 on Plan SP151412, Parish of Cecil Plains	019-01.02
Matilda Pty Ltd (Jauncey P)	011/00.01	Lot 31 on Plan AG1055, Parish of Yandilla	011-00.01
Milson, J	030/02.03	Lot 2 on Plan SP141798, Parish of Tummaville	030-02.03
Myamba Farming Co	045/01.02	Lot 2 on RP 196527, Parish of Yandilla	045-01.02
Nason, G E & J A	012(B) 99/00 and 012"A" and "B"	Lot 230 on Plan M34153, Parish of Tummaville	012A & B-99.00
Noller, I J & J K	018/98.99	Pt Lot 38 (Pt AF8055) on Plan CP867366, Parish of Cecil Plains	018-98.99
Pfeffer, A F & D F	021/98.99	Lot 69 (AF8078) on Plan AG1051, Parish of Cecil Plains	021-98.99
Pfeffer, N D & E F Waterloo Enterprises Pty Ltd	087/99.00	Lot 2 on RP104524, Lot 2 on RP53442, Lot 3 on RP55115 and Lot 1 on RP83100, Parish of Yandilla	087-99.00
Porter, B D & J L	001/97.98	Lot 34 (AF7761A) on Plan AG3337 and Lot 1 on Plan RL6358, Parish of Yandilla	001-97.98
Porter, G R	026/97.98	Lot 28 (PLS 8038B) on Plan AG1053, Parish of Yandilla	026-97.98

Applicant	Application No.	Lot on Plan	Disc Ref.
Postle, T D & D B (New Owner: Dawweis Pty Ltd as Trustee for the Elsdon Family Investment Unit Trust)	088/97.98	Lot 11 on RP28909, Parish of Tummaville	088-97.98
Rohde, P A & S M	047/98.99	Lot 202 on Plan AG1246 and Lot 68 on Plan AG1051, Parish of Cecil Plains	047-98.99
Schulz Farming Co	049/02.03	Lots 2 and 38 on Plan DY853, Parish of Tummaville Now Lot 38 on Plan DY853, Parish of Tummaville	049-02.03
Skene, D L & P G (New Owner: Skene, K L)	020/98.99	Lot 67 (PLS7638) on Plan AG1051, Parish of Cecil Plains	020-98.99
Stirling, I L	093/98.99	Lot 1 on RP850902, Parish of Tummaville	093-98.99
Uebergang, J N (Carinya Trading Co)	071/97.98	Lot 2 on RP204788, Parish of Tummaville	071-97.98
Waetjen, P	038/06.07	Lot 13 on M34581 and Lot 24 on Plan ML1202, Parish of Tummaville	038-06.07
Waetjen, P	038/98.99	Lot 13 on Plan M34581 and Lot 10 on RP216320, Parish of Tummaville	038-98.99
Waetjen, P	074/96.97 (Miraba)	Lot 9 on RP801617, Parish of Tummaville Now Lot 9 on SP165397, Parish of Tummaville	074-96.97
Waetjen, P	075/02.03 (Thewa)	Lot 33 on RP216321, Parish of Tummaville	075-02.03
Waetjen, P	075/93.94 (Thewa)	Lot 33 on RP216321, Parish of Tummaville	075-93.94
Warrawee Farming Co	058/95.96	Lot 36 on Plan AG1053, Parish of Yandilla	058-95.96
Waterloo Enterprises Pty Ltd	087/97.98	Lot 2 on RP104524, Lot 3 on RP55115 and Lot 2 on RP53442, Parish of Yandilla	087-97.98
Weir, D (Correspondence now to Weir, P T)	065/98.99	Lot 63 on Plan AG1051, Parish of Cecil Plains	065-98.99
Weir, P T & D (Correspondence now to Weir, P T & S M)	067/98.99	Lot 64 on Plan AG1051, Parish of Cecil Plains	067-98.99
Yorkrange Pty Ltd	086A/99.00	Lot 3 on RP35138 and Lot 356 on Plan ML1095, Parish of Tummaville	086A-99.00
Yorkrange Pty Ltd and Broadwater Downs Pty Ltd	086/99.00	Lot 2 on RP113675 and Lot 1 on RP49065, Parish of Tummaville	086-99.00

Notes

* The spreadsheet (and the accompanying applications on disc) includes applications made before 1 January 2000 if, during the period between 1 January 2000 and 4 August 2011, Council received documents or correspondence relating to those applications. The applications provided on disc incorporate associated documentation, including the Applications, Drawings, Correspondence, Reports of Consultants, Advertisements, Complaints, Minutes of Millmerran Shire Council Council Meetings, Interim Permits, Permits.