

QFCI

Date: 13/10/11 JM

Exhibit Number: 811

Queensland Floods Commission of Inquiry
Statement Prepared by Tania May Stenholm

I, Tania May Stenholm, Manager of Development and Compliance, Gympie Regional Council make the following statement under oath as required by the Commissioner of Inquiry:

The defined flood level, if any, at or around the time the application for a material change of use on the Subject Land (application number DA14786) was lodged

1. The application for material change of use was submitted to Council on 8 November 2006.
2. Council has no formal defined flood event for the Subject Land in relation to Commercial development. However, Council has previously adopted flood frequency levels in the area of:
 - (a) 59.9 metres AHD for a 1 in 40 year event;
 - (b) 60.38 metres AHD for a 1 in 50 year event; and
 - (c) 62.15 metres AHD for a 1 in 100 year event.
3. This information is contained in Council's rates search database. A copy of the rates search for the Subject Land as at October 2006 is attached as *Annexure 1* to this statement.

Whether Council's records indicate that the Subject Land was flooded during the January 2011 flood event

4. Council does not at present have official maps of the 2011 flood.
5. However, Council has information (Source: Bureau of Metereology) from the Kidd Bridge guage, Gympie, which indicates the highest level of the 2011 flood, on 11 January, to be 19.45 metres AHD. This level could be relayed on Council's contour mapping to determine the extent of flooding that occurred over the Subject Land.
6. By way of an estimate, it is likely that the Subject Land was completely inundated in January 2011.

The date on which the development approval which authorised the use of the Subject Land for the Quick and Easy Car and Dog Wash was issued

7. A negotiated decision notice for the abovementioned development was posted on 22 May 2007, with the decision having been made by Council on 15 May 2007.

In assessing the development application:

- a) *what assessment process was followed specific to flood impacts*

.....
[Redacted]

Witness

.....
[Redacted]

Solicitor / Justice of the Peace / Commissioner
for Declarations



8. The proposal was defined as 'Commercial Premises' under the 2005 Cooloola Shire Planning Scheme and was subject to code assessment. Council was therefore bound by the assessment process as outlined in the *Integrated Planning Act 1997*. In particular, the development application was assessed against the following codes in Council's planning scheme:

- (a) Gympie Planning Area Code
- (b) Infrastructure Works Code
- (c) Landscaping Code; and
- (d) Vehicle Parking and Access Code.

b) what consideration, if any, was given to:

i. the proximity of the Subject Land to the Mary River

9. No consideration was given to the proximity of the Subject Land to the Mary River.

ii. the flood risk or the potential impact of flooding on the use proposed for the Subject Land

10. The assessment report made mention of the site's flood proneness during a Q40 flood event, and included reference to the appropriateness of requiring the developer to prepare contingency plans for the evacuation of chemicals stored on the property in the event of flood.

iii. the frequency with which flooding has occurred at the Subject Land in the past

11. Again, the assessment report made mention of the site's flood proneness during a Q40 flood event. Otherwise, the relevant codes in Council's planning scheme did not require consideration to be given to this issue.

iv. the proximity of the Subject Land to storm water drains located near the Subject Land

12. No mention is made of external storm water drains in the assessment report for the development. The relevant codes in Council's planning scheme did not require consideration to be given to this issue.

v. measures to address the potential impact of flooding from stormwater runoff on the Subject Land

13. The impact of stormwater runoff upstream or downstream of the Subject Land is normally a matter to be accommodated in the design of the development.

14. Condition 14 of the relevant development permit requires:

[Redacted]

Witness

[Redacted]

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for Declarations



'Any filling or other development works undertaken on the site shall be carried out so as not to cause the ponding of water on any adjoining lands or the blockage or interference with any natural watercourse.'

vi. measures to manage the storage of chemicals or hazardous materials associated with the proposed use on the Subject Land given the flood risk or the potential impact of flooding on the Subject Land

15. The following provision of the Cooloola Shire Planning Scheme was relevant to the development:

Gympie Planning Area: Commercial Zone	
COLUMN 1	COLUMN 2
SPECIFIC OUTCOMES	PROBABLE SOLUTIONS
SO-8 Development maintains the safety of people from floods.	PS-8 For non-residential development, either: a. the floor levels of buildings are at or above the 1:50 ARI flood level; or, b. there is at least one evacuation route that remains passable for emergency evacuations during all floods up to and including the 1:50 ARI flood; or, c. the premises are located in an area where there is sufficient flood warning time ⁵⁵ to enable safe evacuation; or, d. a safe refuge ⁵⁶ is available for people within the development site.

16. In regards to this specific outcome of the Gympie Planning Area Code it was considered relevant that no permanent employees would be based on the Subject Land as a result of the use.

vii. the need to impose any other conditions in respect of the flood risk or potential impact of flooding on the Subject Land, in addition to condition 12 of the Negotiated Decision Notice dated 15 May 2007, being the condition regarding the removal of chemicals stored on the property in the event of a flood

17. Based on the provisions of Council's Planning Scheme, there were no other conditions considered necessary in respect of the flood risk on the Subject Land.

c) what council means when it refers to the 'mobile nature of the service offered' at item 3.5 of the extract of the Planning and Development Committee Meeting held on 13 March 2007 (page 249)

18. These comments were made in an assessment report prepared by a Planning and Development Department staff member. The respective staff member is no longer employed by Council so it cannot be ascertained particularly what was meant. However, it could be assumed the writer was referring to the development servicing travelling vehicles that do not remain on the site for an extended period.

.....
 [Redacted Signature]

Witness

.....
 [Redacted Signature]

Solicitor / Justice of the Peace / Commissioner for Declarations



d) *how council came to the conclusion that the service offered on the Subject Land was mobile in nature*

19. Please refer to the comments previously made in item c) above.

e) *whether council gave any consideration to advising, or did advise, the applicants about the flood risk or potential impact of flooding on the Subject Land*

20. The rates search attached as *Annexure 1* to this statement was issued by Council to the applicants Solicitors in October 2006. Section 9 of the search indicates that the Subject Land is susceptible to floods.

21. Anecdotally, it is understood the applicants also had preliminary verbal discussions about their development plans with Council's Planning and Development staff, at which time flooding of the Subject Land was identified.

In relation to the development approval, what conditions were included with respect to protection from impacts of flooding (regardless of its source)

22. Other than condition 12, no other conditions were included in relation to protection from flooding impacts.

Sworn by Tania May Stenholm at Gympie this 28th day of September 2011 in the presence of:

Witness

Solicitor / Justice of the Peace / Comm. Dec.



Rates Department

(07) 5481 0664
(07) 5481 0801council@coooloola.qld.gov.au

PROPERTY SEARCH FORM (148)

COUNCIL REF	A17496
SEARCH #	11658

1. APPLICANT DETAILS

NAME	Andrew Morris Legal	RECEIPT #	402093
ADDRESS	PO Box 1448	AMOUNT	\$153.00
	Noosaville DC QLD 4566	RECEIPT DATE	05/10/2006
APPLICATION DATE	05/10/2006		
SETTLEMENT DATE	23/10/2006		
YOUR REFERENCE	06.1174 KDM:KH:ta:Kik P/L		

2. LAND ENQUIRY DETAILS

VENDOR	Lavin Investments Pty Ltd as Trustee
ADDRESS	[REDACTED]
	NUNDAH QLD 4012
PURCHASER	Kik Pty Ltd
DESCRIPTION	[REDACTED] 888049
PROPERTY LOCATION	[REDACTED] Violet Street, GYMPIE 4570
PARISH	Gympie
COUNTY	AREA 1860 sq metres
	March

3. VALUATION DETAILS

(a)	Unimproved capital value/rateable value	\$84,000
(b)	Date of effect of valuation	30/6/05

4. RATING DETAILS

HALF YEAR (01/07/2006 to 31/12/2006)	
GENERAL RATE CATEGORY 1	\$514.50
WASTE MANAGEMENT OPERATIONS LEVY	\$23.20
ENVIRONMENT LEVY*	\$6.50
DUMP ESTABLISHMENT LEVY	\$13.65
SEWERAGE CHARGE	\$185.64
WATER ACCESS CHARGE – OTHER	\$133.76
FIRE LEVY GROUP 2*	\$68.00
GROSS LEVY	\$945.25
DISCOUNT	-\$87.10
NET LEVY - PAID	\$858.15
TOTAL OUTSTANDING DEBTORS	\$0.00
TOTAL ALL RATES/CHARGES NOW DUE	\$0.00
Rates are paid to the 31st December, 2006.	

5. WATER CONSUMPTION CHARGES

(If a water meter/s is installed)

Please note: Council has not performed a special reading on the water meter. The last annual reading only is shown. Council is able to perform a special water meter reading on payment of a \$64.00 fee. Council has now gone onto a user pay system therefore a reading is advisable.

METER #	M3245A
CURRENT READING DATE	15/06/2006
METER READING	604 kilolitres
PREVIOUS READING DATE	13/12/2005
PREVIOUS READING	604 kilolitres
CONSUMPTION TO BE CHARGED	0 kilolitres
WATER CONSUMPTION RATE 2005/2006	\$0.51/kl up to 290kl,\$1.30/kl thereafter
NO CONSUMPTION HAS BEEN CHARGED ON THIS METER	

6. DRAINAGE PROBLEM AREA

Drainage problem areas are declared by policy. There are no drainage problem areas declared by policy, however, information relating to this can be obtained through Council's Design Department on Ph: (07) 5481 0622.

7. UNREGISTERED RESUMPTIONS FOR REALIGNMENTS

Is the land affected by any road scheme or roadworks by Council? **No**

DETAILS This property has dedicated road (Bruce Highway) frontage, check with Department of Main Roads regarding any requirements of the Department.

8. ROAD STATUS INFORMATION

Is the gazetted road reserve leading to the property maintained by Council? **No**

DETAILS This road is maintained by Department of Main Roads, however at present Council is the Contractor for such works.

9. FLOODING

Do Council records indicate the property is subject to flooding? **Yes**

DETAILS (See attached plan)

- (a) Council has adopted a flood frequency levels in this area of
59.9 metres AHD 1 in 40 Year,
60.38 metres AHD 1 in 50 Year and
62.15 metres AHD 1 in 100 Year.
These levels are not to be interpreted as being non-floodable.
- (b) The subject property in relation to the calculated flood frequency is as follows:-
below the 1 in 40 Year event;
below the 1 in 50 Year event; and
below the 1 in 100 Year event.
- (c) The highest recorded flood information available for this property is for the
1893 flood.
- (d) Refer to Building Department for actual Minimum Habitable Floor Level.

10. DRAINAGE OR SEWERAGE RIGHTS

Do any Council stormwater drains traverse or affect any part of the land? **Yes**

DETAILS **Stormwater drainage traverses the northern corner of this property (see attached plan).**

Do any Council drains or sewers traverse or affect any part of the land? **Yes**

DETAILS **Note trunk sewer and sewer mains traverse this property (see attached plan).**

Please be advised that the sewer main as highlighted and classed as a “trunk main” and as per Council’s “Building Over Sewer” Policy PR-WS-02 any new building work can not encroach within 2.0 metres of this main.

As per Council’s “Building Over Sewer” Policy PR-WS-02, any building work within 2.0 metres of any sewer is subject to specific prior approval by Council. Application forms are available at the Town Planning Department.

11. OUTSTANDING REQUISITIONS

(a) HEALTH

DETAILS **There are no outstanding health requisitions.**

(b) PLUMBING

Are there any outstanding plumbing requisitions in respect of the land or the premises thereon?

DETAILS **No**

(c) BUILDING

(i) Are there any unsatisfied requisitions against any buildings on the land (health or otherwise)?

DETAILS **No**

(ii) Are there any outstanding charges against the land in respect of dangerous or dilapidated buildings, unauthorised structures and/or alterations?

DETAILS **No**

NOTE: This information is based on available records and a site inspection has not been conducted. More detail search verification is available on request and payment of the required fee.

12. BUILDING APPROVALS

Building approval information relating to Class 1 and 10 Buildings is only available for approvals issued from the 30th March 1996.

Please note that the inspections noted on the attached are those which Council / Private Certifier have been requested to carry out. There are currently five main types of inspections undertaken – Footing, Slab, Frame, Final and Plumbing Final (where there is plumbing work), however this was not always the case. If an inspection is NOT listed, this means that this inspection was not requested and therefore not carried out. Cooloola Shire Council DO NOT issue a Certificate of Occupation or similar, as may be the case in other areas. A Final Inspection would indicate that the structure is complete. Final Inspection Reports are issued at the time of the inspection, however these have only been issued since 1996.

Building Permit Number DA01374 (9901452) was issued on 04 August 1999 for a Class 5 Raising and Additions to Building

Inspections were carried out on the following dates:

Footing Inspection: 27 August 1998

Final Inspection: 15 September 2004 – Requires a further inspection

- * Verandah handrails are required to be at least 1000mm high. The rear one is only 870mm and the front one is 990mm. Some gaps exceed 125mm.
- * Gaps between handrails on the stairs must not exceed 460mm with a bottom rail not more than 150mm above the nosing of the stair treads. Gaps between treads exceed 125mm.
- * Changes made to plan include a roof over rear verandah and location of the stairs has changed. An amended plan and relevant fee is required.
- * One bracing set missing.
- * Verandah floor shown on plan to be hardwood particle board still in place.
- * No footing inspection or plumbing and drainage inspections recorded. Any person considering acquisition of a

building should initially satisfy themselves as to.

- (a) The nature of the termite protection used (if any) and the constraints and maintenance provision of the system.
- (b) That the installation was initially completed properly.
- (c) That the particular maintenance requirements of that termite protection method have been carried out strictly in accordance with manufacturers guidelines and/or relevant Australian Standard/s.

13. TOWN PLANNING / HERITAGE / CONSERVATION

Council recommends that separate planning and development certificates be requested to verify town planning information required. Please contact the Planning & Development Department for Search Application Forms and further information on Ph: (07) 5481 0644.

14. GENERAL

Is the Council aware of any other matter or thing which in Council's opinion should be brought to the attention of the enquirer?

DETAILS Yes

Council is aware that Department of Main Roads is currently undertaking a Highway Realignment Planning Study from Cooroy to Curra. Contact Department of Main Roads for further information on telephone 1800 180 566 or website www.mainroads.qld.gov.au.

Council is aware that the State Government is currently considering the construction of a large dam in the Mary Valley area of Cooloola Shire. Please contact the Department of Natural Resources Mines & Water.

15. BASIS UPON WHICH INFORMATION IS DISCLOSED

Note 1: The information and/or material contained in this document is given without acceptance of responsibility for its accuracy. Cooloola Shire Council (and its officers, servants and agents) contract and agree to supply the information only on that basis. Neither the Council nor any officer, servant or agent of the Council shall be liable for any loss or damage incurred or suffered by any person relying on such information in any circumstances whatsoever whether in contract or in tort (including as a consequence of negligence or otherwise).

It should be carefully noted that the land and improvements, if any, have not been inspected by Council for the purpose of supplying such information and consequently, such information is given on that understanding. Any person or his agent seeking to verify such information may inspect personally such of Council's records as are of a public nature on payment of the prescribed fee.

Note 2: The responsibility for the eradication of noxious plants and clearance of long grass, weeds and undergrowth from any land passes to any purchaser thereof. If Council exercises its powers in respect of any such eradication or clearance, all costs so incurred may become an immediate charge upon the land concerned.

Note 3: If water supply is metered then the intending purchaser of the property should inspect such meter as Council, as a matter of policy, does not check or read water meters for the purposes of property transfers. Water, sewerage and cleansing rates apply respectively from the date they became available and (if applicable) will be back-charged to such date on the next rate notice.

16. CERTIFICATION

Date of Issue of Search Form 19/10/2006



For Chief Executive Officer

Any enquiries can be directed to