

Transcript of Proceedings

Issued subject to correction upon revision.

THE HONOURABLE JUSTICE C HOLMES, Commissioner

MR JAMES O'SULLIVAN AC, Deputy Commissioner

MR PHILLIP CUMMINS, Deputy Commissioner

MR P CALLAGHAN SC, Counsel Assisting

MS E WILSON, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS OF INQUIRY ACT 1950

COMMISSIONS OF INQUIRY ORDER (No. 1) 2011

QUEENSLAND FLOODS COMMISSION OF INQUIRY

GYMPIE

..DATE 13/10/2011

..DAY 47

THE COMMISSION RESUMED AT 9.31 A.M.

COMMISSIONER: Mr Ure, you appear for?

MR URE: The Gympie Regional Council.

COMMISSIONER: Thank you.

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MR CALLAGHAN: Thank you, Madam Commissioner. Between the 7th of January and the 11th of January, heavy rainfall led to widespread flooding in rivers and creeks in the Mary River catchment and the South Burnett region. The creeks rose quickly causing flooding in the towns of Kingaroy and Nanango. A land slip on the Blackbutt Range led to the closure of the D'Aguilar Highway causing trucks and travellers to turn back, or at least take significant detours. This near constant rain also isolated the town of Cherbourg.

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By the 10th of January, having been isolated for several days, Cherbourg required resupply of food and other essentials such as medication. Inundation damaged some parts of the town's water supply and sewerage treatment infrastructure and caused power outages which, in turn, threatened to interrupt Cherbourg's supply of fresh water.

Similar issues - power outages, isolation and damage to essential infrastructure - also affected the nearby towns of Murgon and Wondai. Council officers worked hard to protect the town's water supply, and Ergon Energy, working closely with the South Burnett Local Disaster Management Group, worked to restore power to these small towns.

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Similarly, in the western parts of Gympie's Council region, local creeks flooded rapidly causing a wall of water to flow through the town of Kilkivan. This water flooded the Kilkivan show grounds, washing away buildings and causing damage to some houses in the town. The townships of Woolooga and Goomeri also suffered inundation.

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As a result of this heavy rain and flooding in Kilkivan and other parts of Gympie's western region, the Gympie Local Disaster Management Group was activated. Council officers and other concerned locals remained on alert as the rain continued to fall.

In the early morning of 11 January 2011, the Mary River peaked at 19.45 metres. Significant parts of the Gympie town centre were inundated. Gympie itself was divided by flood water. Roads into and out of the town were cut. The two main bridges - the Kidd Bridge and the Normanby Bridge were closed for days. Council records indicate that by the 13th of January, over 70 houses and 60 businesses had suffered inundation.

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To accommodate those whose homes had been flooded, evacuation centres were established on either side of the city, which

remained partitioned for several days. In some, for this region, as for many others, January's rain caused isolation, damage and interruption to essential services.

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On the 1st of August, the Commission delivered its interim report which made recommendations about planning and preparation for the next wet season. These recommendations addressed the means by which communities, cut off by flood waters, can better prepare for isolation and methods by which Council and those who deliver essential services can ensure the continued supply of clean water, sewage treatment, power and communications.

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We do not propose to call further oral evidence in relation to these issues today, but we will further furnish the permanent record of these events and to that end, I now tender statements made by those who were involved in the response to the flooding in the Gympie and South Burnett region in January 2011.

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First is the statement of Acting Superintendent Ron Van Saane, the Gympie District Coordinator. I tender his statement.

COMMISSIONER: Exhibit 802.

ADMITTED AND MARKED "EXHIBIT 802"

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MR CALLAGHAN: The second is the statement of Mr Ron Potter, Gympie's Local Disaster Co-ordinator. I tender his statement.

COMMISSIONER: Exhibit 803.

ADMITTED AND MARKED "EXHIBIT 803"

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MR CALLAGHAN: The Commission has now turned the attention of these public hearings to longer-term measures, such as land planning systems, in an effort to assess whether they can minimise the effects of flooding on property and infrastructure. That flood might affect land use is not a proposition that is novel to the town of Gympie, which lies adjacent to the Mary River and, according to records kept since the 1870s, has been repeatedly inundated by major floods. Whilst the 2011 floods in Gympie have added to the record books, at least 12 floods greater than January's have affected this town previously. The flood of 1893 at 25.45 metres AHD still stands as Gympie's greatest recorded flood, and the 1999 flood, which reached a height of just under 22 metres, would be prominent in the living memory of many locals.

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Perhaps due to the history of significant flooding, those who live and work in Gympie have demonstrated some relevant initiative and resilience. In that regard, the Commission will see how Gympie businesses have drawn on their experience to create an Emergency Action Plan for flood-prone businesses in the city's main street. A long-standing resident of Gympie, Mr Gary Davison, will give evidence about the creation of this plan, called the Gympie CBD Flood Sub-Plan, and the amendments which have been undertaken to that plan in response to flood events.

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The speed with which Gympie's traders are able to return to business are another issue of interest to this Commission and Miss Mandy White of Big Bargain Furnishers will give evidence today about her business practices which allowed the business to reopen for trading less than one week after the January floods.

The issues raised by Mr Davison and Ms White have some relevance to the terms of reference already examined by the Commission, but they are relevant to the Commission's more recent focus on land use planning. The relevant term of reference requires the Commission to grapple with how, in the future, decisions about land planning are made so that new development is adequately protected from flooding. Any look to the future requires a consideration of whether the Gympie Regional Council's land planning processes adequately take into account the risk of flooding when assessing new developments.

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To explain the Council's planning schemes and processes, the Commission will hear from Mr Mike Hartley, Director of Planning and Development at Gympie Regional Council. It is in this context, too, that the Commission will hear evidence from a local business owner, Ms Roselys Blaich. Ms Blaich moved to Gympie after 1999 and thus had no knowledge of Gympie's recent flooding. She, with her husband, began developing their business in 2006. The January flood caused extensive damage to that business, rendering it inoperable for some time.

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Ms Tania Stenholm, the Manager of Development and Compliance within Council will give evidence about the considerations of the Council when approving Ms Blaich's development application, and whether those considerations adequately took into account the risk of flooding on the site will be the subject of some examination today.

Also giving evidence today is Mr Bob Fredman, the Council's Director of Engineering, who can explain what information is currently available to the Council about flood levels in Gympie's Council region, how that information is used by the Council, and how that information is provided to the public.

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For other parts of the Council's region, the events of January were unprecedented. Those living in the western town of Kilkivan described how a wall of water inundated homes and infrastructure in the Kilkivan area. The Commission understands that similar events unfolded in the towns of

Goomeri, Woolooga and Widgee. These towns were isolated from Gympie and more than 350 people required evacuation as Queensland Fire and Rescue, local police and local SES responded to the flooding.

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In response to the flooding in Kilkivan, the resources of the SES in particular were stretched. The Commission is continuing its examination of matters associated with recruiting, funding, training and equipping Queensland's SES who, as was the case for the flooding in Kilkivan, are often the first to respond to a disaster. The evidence of Kilkivan's SES member Mr Brian Thomas about his experience will remind us of that which is involved in this important issue.

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We've also been reminded in our investigations referable to this region of the mandate to investigate the operations and systems of dams across the State. This area - that is, the area covered by the Regional Councils of Gympie and South Burnett - is home to 10 dams, and the Commission has investigated the operating procedures and emergency management of each. These dams have little or no flood mitigation capacity and exist primarily to provide a water supply to surrounding towns and areas. The release of water is something that the operators cannot control. Once the dam level reaches a certain height, water will begin to release from the dam. It follows that the focus of emergency management for these dams is on the operator's procedures for providing warnings to disaster management personnel and to local communities.

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Many of the issues and recommendations made by the Commission in its interim report relate to emergency management at dams and are applicable to the dams in this area, and, as a result, once again, this is not something on which it will be necessary to adduce oral evidence today. The relevant materials will form part of the Commission's records.

The evidence which we will hear shall commence with Ms Blaich, from whom I propose we hear after a short adjournment.

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COMMISSIONER: We'll adjourn for five minutes.

THE COMMISSION ADJOURNED AT 9.45 A.M.

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THE COMMISSION RESUMED AT 9.51 A.M.

MR CALLAGHAN: I call Roselys Blaich.

ROSELYS BLAICH, SWORN AND EXAMINED:

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MR CALLAGHAN: Your full name is Roselys Blaich?-- Yes.

And Ms Blaich, you are the author of a statement which has been prepared for the purposes of the Commission; is that correct?-- That's correct.

I will show you a copy of that. That's your statement and the accompanying exhibits?-- I beg your pardon, I missed that.

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That is your statement?-- Yes, it is.

I tender that.

COMMISSIONER: Exhibit 804.

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ADMITTED AND MARKED "EXHIBIT 804"

MR CALLAGHAN: You indicate in your statement that you'd purchased a property at 34 Violet Street in Gympie?-- That's correct.

And you purchased this land for the purposes of developing a business which was the Quick and Easy Car Wash; is that correct?-- Yes.

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Look, we're all probably familiar with the sort of service that you provided, but can you just tell us a little bit about the business?-- Yes. The business is a four bay manual car wash, which is designated for self serve so our customers can wash their own cars. It also has an auto - a machine - where the machine will wash the car for you - you just drive through. We organised provisions for - as we hoped the business would grow - to also include another auto, so we had left the space appropriate for that. We then decided, as we were going through the processes of planning, to include two dog washes, so customers can wash their dogs there. We also have eight vacuum bays so they can clean their cars.

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And, again, this is probably obvious, and you talk about it in paragraph 7 of your statement, but can you just give us a brief indication of the sort of equipment that needed to be

installed for this business to develop?-- Yes, we wanted to adopt - we knew at the time that clean and green initiatives were very important to our communities, and we wanted to adopt clean and green policies and initiatives, so we included recycling machines that would harvest water and also prepare that water to be reused. We thought this would provide a saving to the community, because at the time we were going through drought and, of course, washing at home, one would use more volumes of water, so we were offering incentives to save water.

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All right. Now, in terms of what happened to your business during the January flood, the picture probably tells it all. You've annexed some photographs of your business during January to your statement; is that right?-- Yes, we have.

If we look at Attachment A, and perhaps the second photograph might be the best one to demonstrate it if we can get that up? That's now on the screen there, Ms Blaich, and I know you have your own copy, but we see the sign advertising your business there and, as I say, the picture probably speaks for itself. How long was your business inundated for?-- It was inundated for a good part of the whole week. It started, I think, about the 8th or 9th of January and we weren't able to access our property until the 13th.

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And how long was it inoperable for?-- Inoperable for approximately two months.

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Have you actually been able to get it up and going again?-- Yes, we have - through an incredible amount of diligence and hard work we have. There's still machinery and equipment that is not functioning as it did prior to the floods.

Okay. Well, if we can go back to your statement in paragraph 5, you express the concern that the Council was not forthcoming with information about how flood-prone the site was; is that right?-- Yes.

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And you go on in paragraph 6 to develop that and express the concern that the Council failed to pass on its knowledge of flood heights to you; is that right?-- That's correct.

Do you just want to - and, again, you've expressed your concerns in your statement, but do you just want to give voice to the concerns that you have in that regard?-- Yes, I do. We feel that Council didn't pass on knowledge that they had, particularly we've now learnt that they had been through a flood only 10 years or so prior. They had also approved, prior to us purchasing the land some 10 years ago, that's now come to our attention, a development application to actually lift the existing building at the time up on girders. It was to include the raising of that building and - in addition to that building - and that was after the floods. So, it was in August that that application was submitted to Council and approved, and yet the flood had only been in, I think, February or March of that year.

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Of which year?-- Of 1999. So, they had a history of this particular site that was not passed on to us. We also feel that had they passed on the information that was available about drainage and problems of drainage in the area that we would have been able to reconsider that site and had the information to make informed choices.

What particularly about the drainage?-- We came to understand that prior to the flood event in January there had been quite a lot of rainfall, and there were homes - and I don't know if other businesses were involved - but areas above us and around us that had been affected by sewage flowing into the drainage systems, so those houses were sitting in sewage.

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COMMISSIONER: Can you just help me with what was approved in 1999?-- Yes.

You said it was a raising and the use of girders?-- Yes.

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Did that actually happen?-- Yes. When we actually viewed this property, it was sitting - there was a building - a very old building sitting on girders and that's how - was removed by us once we were given our approvals to develop that site.

MR CALLAGHAN: Since this event, you have actually gone through your records and located a rates search which was provided to you as part of the purchase of the site; is that correct?-- Well, yes and no. Firstly, we engaged solicitors to do our searches. They had submitted to us through that process certain documentation in relation to their searches. It wasn't actually until the day - which was unnoticed by us, because we were busy on settlement day - that it was actually sent to us - the search that the Flood Commission sent to me - Council searches relating to flood - on the day of settlement.

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And since you purchased - since that date of settlement, have you received any information about flooding at the site?-- No.

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Not-----?-- Not from Council. I've obtained my own knowledge since then, I've done my own research since then-----

It wasn't?-- -----and I've just been shocked that - how easily that information was actually available, and particularly would have been for Council very accessible.

It wasn't part of the development application process-----?-- I-----

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-----the information that you're talking about?-- No, it was not provided to me, no.

You do note at paragraph 2 of your statement, I think, that the Council did, in fact, impose other requirements on you to meet environmental standards for waste disposal and so on?-- Yes.

But no conditions that related to flooding; is that right - I'm sorry, I don't mean to mislead you. There may have been one condition that related to flooding; is that right?-- Yes.

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Tell us about that?-- Well, I understood condition 12, which is what I understood to mean chemicals - we use chemicals - our chemicals are actually biodegradable chemicals - and it referred to chemicals in the event of flood.

Sorry, can I just interrupt you with this request: to just perhaps slow down a little?-- Apologies.

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It is all being taken. We were talking about chemicals and you were saying they were biodegradable?-- Yes, concurrently to that - those conditions being provided to us, Council had requested information about our volume of water usage, how we would use water and volumes of water and actual data. They also requested data about chemicals that would be used on the site. This was provided to them in a data specification sheet by John Carkeet, who was our Quick and Easy Car Wash systems director, and he has built numerous car washes previously. So, they were provided by him to Council. So, we didn't hear anything about that again. So, I believed condition 12 to relate specifically to that, and as we have in our plant room up to six or seven tanks that hold water, massive volumes of water, and in the ground we have up to four, I believe - four water tanks, enormous volumes of water, and a couple of pits that also support water, water issues and flooding specific to our site and our machinery is possible.

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So it was your expectation that given that and given the site does flood, as we know, historically, it is your expectation that council would have imposed more conditions referable to the issue of flooding?-- Yes. And I imagine there would - then specifically would relate to those issues, and put conditions specific to those and make us aware of those issues, yes, which they did not.

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In paragraph 7 of your statement you talk about raising the recommendation with the Mayor?-- Yes.

Can you just tell us a bit more about that?-- Yes. Earlier in the year we thought it was important to speak to the Mayor about issues that we were concerned about relating to planning. We felt that the system had let us down and that we were perhaps a victim of major oversights by council. So we approached Ron Dyne - unbeknownst to us, the Planning and Development Director, Michael Hartley, was present - and we discussed our situation. We also discussed recommendations. Ron actually contributed to some of the recommendations he thought might be important, such as having flood heights on rates records, and there were other issues raised and recommendations at the time.

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All right. Just finally, you have told us that the business, through some delegate work, is up and running again but it is clearly - it has clearly had an effect on you -----?-- Yes.

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-----and your business. Do you just want to summarise that for us?-- Yes, I do. In terms of a flood event, this might be considered a minor one for Gympie as a whole community but for us its effect was major. We had to cover recover costs ourselves, we had to use any working capital to ensure that we were operable. As a result of that, the financial and economic pressure on us is enormous. We're paying interest rates for our loans on this. Our insurance company would not cover us. And what's interesting is they have deemed us too high risk to continue insurance, within our - our own insurers, and I think this does relate to council. They have a responsibility for us to be sustainable and to operate in a resilient manner, and we're unable to do that because of the decisions that council has made. We're now subject to possibly operating without flood cover and we're at the risk of flood, which means we would not be able to operate again. There is no way for us to recover from this again. So the financial and emotional and stress levels has been enormous and they continue to be.

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All right. They are the only questions I have, but just wait there for a moment. Some others may have some questions for you.

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COMMISSIONER: Mr Ure?

MR URE: Thank you, Madam Commissioner. Just a few matters, Ms Blaich?-- Yes.

You told us that you have some manual bays where patrons can drive in, clean their own cars in their own way, and an automatic bay?-- Yes.

How long does the automatic bay take to wash a car?--
Approximately about 10 minutes - between eight to 10 minutes, depending on the cycle that they have chosen.

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A driver can come in, pay his money or get his token, whichever way you do it, have the car washed, and be gone in under a quarter of an hour if he chooses?-- Yes.

With the manual car wash, I suppose the driver takes as long or as little time as he wishes to do whatever it is he wants?-- Yes.

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With respect to the dogs, I assume it is the same, with the owners - there is no automatic dog wash; I assume they come in and wash them?-- It is an automatic machine that they need to put money into, and it has a time limit. They can choose to top that up at any stage and take longer than the actual-----

How long does that ordinarily take? The biggest dog?--
Probably about eight minutes.

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All right. Now, nobody resides, nobody sleeps on the business premises, do they?-- No.

And the hardstand area, the slab, if I can call it that, is what? Is that bitumen or concrete?-- It is concrete.

All right. Now, you told us that you had a solicitor who acted for you at the time of purchase?-- Yes.

And it wasn't until the date of settlement that you received from him a rate search that had been done, is that correct?-- That's correct.

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When was the date of settlement?-- The 23rd of November 2006, I believe. I would have to check that.

All right. Well, look, I will show you, in fact, the application that was made by Mr Morris. That was your solicitor at the time?-- No, the actual solicitor was Keith Mansell operating through-----

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Sorry, practising?-- Yes.

Look, please, at this document. This is an application made by the Andrew Morris Legal Practice to the then Cooloola Shire Council for a rate search, property search request. The land was purchased in a corporate entity's name, a company that was a trustee of a discretionary trust of yours?-- Discretionary

trust.

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It was Kik Pty Ltd is the company?-- Yes.

And we can see that the solicitor has ticked the full rate search box and we can see that the council's form tells the applicant that one of the matters that would be dealt with in the full rate search is the matter of flooding. Do you see that?-- Yes.

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It is about the third or fourth entry on the second line in the small print. I tender that application.

COMMISSIONER: Exhibit 805.

ADMITTED AND MARKED "EXHIBIT 805"

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MR URE: And we can see - look, please, at this document. This is the search that resulted from the application that we've just looked at and we can see in the land inquiry details the purchaser is the company you've told us about, Kik Pty Ltd, and we can see that it contains the receipt in section 1 for \$153, and the application date was, as we saw, the 5th of October 2006, and the settlement date was the 23rd of October 2006?-- I beg your pardon, it was October.

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Does that refresh your memory?-- Yeah.

There's no problem. All right, so, it was not until that date, the 23rd of October 2006, that you got the rate search?-- Well, it arrived in my email, box. I was not there to obtain that.

All right?-- I was busy organising settlement issues.

Now, if we can go, please, to a particular section of the search - and it is on page 3 of 6, and it is section 9 headed "flooding"? "The council's records indicate the property is subject to flooding?" Answer yes. That's pretty unequivocal, isn't it?-- Yes.

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And it says, "Detail, see attached plan." Well, we'll go to the plan in a second. And in section A it tells us that council has adopted flood frequency levels in this area of 59.9 metres AHD in the Q40, or 1:40 year event, 60.38 metres AHD in the 1:50 year event, and 62.15 metres AHD in the 1:100 year event. And we see in section B the subject property in relation to the calculated flood frequency is as follows: it is below the 1:40 year event, below the 1:50 year event, and below the 1:100 year event. And it also tells you that the highest recorded flood information for the property is for the 1893 flood. Again, I suggest, Ms Blaich, there can be absolutely no doubt in the reader's mind that this property is subject to flood inundation in all of those events?-- Yes.

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Do you agree?-- Yes.

All right. And if we then go to the map, the photocopies may not be as good as the original may have been but one can see fairly readily the heavy line equates to the Q100 or the 1:100 year event. If we hold the plan like this, with the type down the bottom and the legend so it has been read up the page, we can see what I will call the Q100 line, that's the dark line that runs through block 38 up the top, it turns at lot 19, and heads west. Did you see the line I am talking about?-- Yes. Yes.

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If you look just to the right of that, there is a lighter line which would equate to the 1893 flood. If one looks to the left of that there is the second darkest line which we can see from the legend is the 1:50 year event. And to the left of that - again, you may or may not be able to see a ghosted line. It also runs through lot 40 up the top with the Q50 and that's the 1:40 year. Can you see that line?-- Yes, I can.

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When one looks at your property, number 34 Violet Street, we can see that it is squarely within the ambit of all of those flood levels?-- Mmm.

Correct?-- Yes.

All right. I tender the property search.

COMMISSIONER: Exhibit 806.

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ADMITTED AND MARKED "EXHIBIT 806"

WITNESS: May I add something to that?

MR URE: Please?-- Had I been the reader of that, I would have conceded that too, and what is pertinent here is that council had this and they didn't use this in their development application approval.

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Well, with respect, they told you-----?-- I can't see it would be suitable even with this information.

Well, it is a parcel of land that's been approved for a use that nobody resides on, it has a use that is temporary and transitory in nature, a car wash that might take 15 minutes, a car wash that - please let me finish - a car wash that might take longer if you are doing it manually and a dog wash that takes a short period of time, too?-- Excuse me, we're not talking about the service being mobile, as in people coming in to do their own servicing; we're talking about the plans and the infrastructure and the level of equipment, how highly technical it is, how highly electronic it is, none of which is portable. They were provided all those plans, they were

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actually provided with this image, if you would like to refer to that, which showed nothing about this being mobile or portable.

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Prior to - well, let's go back to your statement, please. Let's just correct something. You have told us on three occasions now-----?-- Yes.

-----that you didn't receive this until the time of settlement at the earliest. You got it via email?-- It arrived in my email box. I did not see it on that day.

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Well, you say in paragraph 5?-- I wasn't aware of that, by the way, until just recently that it had arrived in my email box.

You say in paragraph 5 that, "At the time of purchasing the land and establishing this business, my husband and I were not aware that the location was subject to flooding."?-- That's correct.

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Well, not inquiring about the relationship between yourself and your solicitor, there is no doubt, is there, that the professional acting on your behalf received this information on the 23rd of October - sorry, no later than the 23rd of October 2006?-- I might like to add this: that that professional was sacked not long after that for practices that were not lawful and not in keeping with how Andrew Morris runs his practice.

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Look, please, at this document. This is an application for demolition and it relates to the dwelling that you had a discussion with the Commissioner about that was on the land. Can you turn, please, to the fourth last sheet in that bundle of documents? When Kik Pty Ltd - it should be a photograph; two photos on a page - when Kik Pty Ltd acquired the subject land, that structure was on the subject land, correct?-- Yes, I don't believe it was a dwelling. We actually saw it. There was no bathroom, there was no dwelling, kitchen or anything.

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I suggest to you that anybody looking at that structure would be put on inquiry, given the fact that the stumps are between four and five metres?-- Yes, when we purchased the land, the representation that we had by the real estate agent was that it had been used previously to hold plant and equipment and the owner wanted to sit above his site. We had no reason to doubt him. He didn't ever mention flood to us.

Did it occur to you prior to lodging your application for the material change of use to get professional assistance by, for example, town planners or engineers to look at the site and the proposal and see that the two were compatible?-- Well, what we did when we first had the site shortlisted, we went to council prior to any predevelopment or prior to putting in a material change of use to find out what the zoning is and whether our proposed car wash would suit that, and we were advised that that area had been designated for roadside services. In that belief, we conducted ourselves towards a

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feasibility of establishing our business there.

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So the answer to my question is no, you didn't consider obtaining professional advice prior to lodging your application?-- Well, according to - if I may get this out - we used documents that were available - available to us in the town planning development office regarding how to use a Cooloola Shire Council scheme and operational works. And if you would like to have a look at this, step 2 actually - step 3, I beg your pardon, "Applicable codes - check the relevant planning area assessment table for development other than material change of use to determine level of assessment." In this particular instance, Gympie council was actually the assessment manager. They needed to assess that information. They had intricate knowledge of the policies and constraints relevant to it, not me.

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There are other uses in this area which are inundated by floods, such as your neighbour, 7 Steel, or a name such as that, are they not?-- They were known as Somesteel.

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Whatever they are called?-- 7 Steel.

It is, again, an industrial or quasi industrial use that's on the land which can be inundated, the water can dissipate and then they can continue with their business. Are you suggesting-----?-- 7 steel purchased that site after we had established ours. It was initially Somesteel and it was operating well before we were there.

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It may well have been operating?-- We didn't speak to them. They had no knowledge of what we were doing.

Are you suggesting that there are no uses that can operate on lands that will be occasionally inundated?-- No, not at all. I would answer that by saying if we - it is one thing that we purchased it and perhaps could have been more astute in making sure that we observed the commitments that our solicitor had had and where they had - informed us in writing that they would notify us of any incumbrances to the site. I don't doubt that we could have been more astute but it is one thing to purchase land that is subject to flooding, but to develop it to the extent that we had was irresponsible and that was irresponsibility on the behalf of council.

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That's your view?-- Yes, it is. If I had chosen to put a shed there, the costs are far less loss, and mitigations would have been quite different, and the implications would have been different to what's happened to us now.

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Small point, paragraph 12, you suggest that Mr Hartley, Director of Planning and Development, signed off on an application-----?-- Yes.

-----at that particular time. I suggest to you that at that time Mr Hartley was not employed by the council, he was with the Department of Local Government and Planning. He came-----?-- I beg your pardon, whoever signed off on that

form, and I believe there may be two signatures on various things that I have in my possession.

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Look, please, at this document. I tender the demolition file.

COMMISSIONER: Exhibit 807.

ADMITTED AND MARKED "EXHIBIT 807"

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MR URE: This is the negotiated decision notice with respect to the subject land. You have included in your statement as attachment E the decision notice. This is a later negotiated decision notice that supersedes that and there are some changes made. Do you recall that?-- Yes.

Go, please, to condition 12 on page 3 of 7. It says, in terms, "A contingency plan is to be submitted and approved by council for the evacuation of chemicals stored on the property in the event of flood." I suggest to you there is absolutely no doubt in a reader's mind that that indicates the potentiality of flood on the property as well?-- Well, there is some ambiguity there, as I have explained that earlier, that because we deal with water we have numerous water tanks within our plant room on our site. Floods can happen within our own plant. That's what I understood that to mean. That's where we keep our chemicals.

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I tender that negotiated decision notice.

COMMISSIONER: Exhibit 808.

ADMITTED AND MARKED "EXHIBIT 808"

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WITNESS: I would like to add, if it was going to be a particular condition, why didn't they request it, and if they think we hadn't satisfied it, why didn't they further request it from us?

MR URE: Well, compliance, Ms Blaich, is really reactive. There is an obligation on you pursuant to that condition to submit for approval a contingency plan. You didn't do that, did you?-- No, because I didn't understand that it was being requested of me. But what we did provide them is we provided them with the data and information regarding chemicals and how chemicals were handled on our site, because we have a brochure that determines how those things should be handled by our employees, and that's how I understood it.

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Look, please, at this document. This is an extract from the plumbing file of the then Cooloola Shire Council. It is a

facsimile transmission from a Mr Jeff Stohlberg to Mr Eric Blaich, that's co-director, your partner?-- Yes.

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Your husband?-- Correct.

And there is some handwritten material. If you go, please, to the second page?-- Uh-huh.

Down the bottom, one of the requisitions, if I can call it that, is "install a reflux valve on sewer connection point for flood period." Do you see that? Right down - it is the last dash point on page 2. "Install reflux valve on sewer connection point for flood period." See that?-- Yes, I do see that.

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Turn over the page. There is another matter. The third dash point: "Show", shorthand for "installation method to eliminate/prevent flood water from entering the sewer in flood event." Right? Go, please, to the last sheet. That's a text message that Mr Eric Blaich sent to the council responding to Mr Jeff Stohlberg, "Hi Jeff", come down to about point 6 on the page, there is a query under the little heading "other", "Not sure what is meant by eliminating floodwater from entering sewer without plugging up toilet and sink. I don't see how this is possible." That suggests, I suspect, that there was absolutely no doubt in Mr Eric Blaich's mind that there was discussion going on about the potentiality of floodwater entering the sewer on the subject land?-- To the contrary. I would have thought that meant exactly that if there was floodwater, we would have imagined is any water - look, our plumbing system is extremely involved. The network in our plumbing is extremely involved. If you saw the level of infrastructure that went in under the ground you would understand. So I can't answer completely for Eric and I would have to get his information to include to the Flood Commission later in regards - in respect to that, but I know that to the contrary, that comment actually indicates had he been made aware that flood events - the flood defined events or ARIs were specific to this site, then we would have known what he was referring to.

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I tender the extract from the plumbing file.

COMMISSIONER: Exhibit 809.

ADMITTED AND MARKED "EXHIBIT 809"

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MR URE: Excuse me. Thank you, your Honour. Nothing further.

MR ROLLS: I have no questions, thank you, Commissioner.

MS McLEOD: No questions, thank you.

COMMISSIONER: Mr Callaghan?

MR CALLAGHAN: Ms Blaich, when you were being asked questions by Mr Ure you referred to a document that you have with you in a folder of documents, and I think it was a document that's not referred to in your statement, is that right?-- I am just checking to see.

10

I am just not sure if you were looking at something that was attached to your statement.

COMMISSIONER: It was a document about the application process?-- Yes.

MR CALLAGHAN: Can I just take a look at that, please?-- That's a copy of the document that I had at the time of feasibility.

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This is the one that you were referring to -----?-- Yes.

-----in your evidence?-- Yes.

I will tender that.

COMMISSIONER: Do you need to get a copy back, Ms Blaich?-- No, I have a copy of that.

All right, thanks. Exhibit 810.

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ADMITTED AND MARKED "EXHIBIT 810"

MR CALLAGHAN: And I have no further questions for Ms Blaich. May she be excused?

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COMMISSIONER: Yes, thank you very much, Ms Blaich. You can be excused?-- Thank you very much.

WITNESS EXCUSED

MR CALLAGHAN: I call Tania Stenholm.

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TANIA MAY STENHOLM, SWORN AND EXAMINED:

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MR CALLAGHAN: Your full name is Tanya May Stenholm?-- Yep.

You are the manager of Development and Compliance at the Gympie Regional Council, is that right?-- Yes.

Ms Stenholm, you have produced a statement in response to a requirement from the Commission. Your statement's dated 15 September 2011. I will have a copy shown to you?-- Sorry, what was the date?

10

15 September?-- No, it says 28 September.

In any case, the document that's being shown to you is the statement which you've signed, is that right?-- Yes, that's correct.

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I tender that.

COMMISSIONER: Exhibit 811.

ADMITTED AND MARKED "EXHIBIT 811"

MR CALLAGHAN: The statement relates to the development undertaken by Ms Blaich and her husband about which we've just heard evidence, is that correct?-- Yes.

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Can I ask you to have a look at Exhibit 808, which has just been tendered, which I think is the negotiated decision notice. 21 May 2007. You are listed as the authorised delegate, is that correct?-- Yes.

What does that mean in terms of your involvement in assessing this application? Do you just oversee the process or are you the key decision-maker? How does it actually work?-- Well, at the time, I think I was a senior planning officer, so I oversee the process, the assessment process. There was another planning officer that actually did the assessment as such.

40

All right. Can I just ask you some questions about the assessment criteria? Paragraph 8 of your statement, there you outline the codes against which this development application needed to be assessed, is that right?-- Yep.

50

That's the Gympie Planning Area Code, the Infrastructure Works Code, the Landscaping Code, and the Vehicle Parking and Access Code. That's right?-- Yes.

I'll just show you a copy of the assessment table for the Gympie plan area. It's a document with which you're, no doubt, familiar?-- Mmm-hmm.

I don't think I need to tender it. I'm just asking you in effect to refresh your memory because if you look at the row which relates to commercial premises-----?-- Mmm-hmm.

-----does it also list the erosion and sediment control code as being applicable code?-- Yes, it does. 10

Is there any reason why that code isn't listed in your statement as being applicable code for 34 Violet Street?-- I extracted those from the assessment reports so that code wasn't included in it.

Wasn't-----?-- Those codes were extracted from the assessment report. 20

All right. Would it be applicable?-- Yes, it would be applicable.

Okay. We can get that back from you, I think. We don't need to worry about that there. And I might, being close, show you a map of the zones of the Gympie planning area, the zoning map. I suppose, before we go on, why would that code not have been referred to in the assessment report? Any reason?-- I'm not sure. Probably an error. 30

Just an oversight?-- Yeah.

COMMISSIONER: What would it have required - what would have been the criteria of the code?-- It probably only relates to works subsequent to a development and erosion and sediment control measures that should be in place to prevent material from leaving the site.

MR CALLAGHAN: Now, you have the zoning map there. I think you may not even need it. We circled the Violet Street development on that map, but it's in the Gympie planning area as commercial zone; is that right?-- Yes. 40

I think you pick up at paragraph 15 of your statement, the table there, which relates to the specific outcomes and probable solutions for Gympie planning area commercial zone?-- Yes.

The relevant specific outcome with respect to flooding described as SO8, is that the development maintains the safety of people from flooding and then lists some alternatives, probable solutions or some probable solutions in the alternative; is that right?-- Yes. 50

Is this the only assessment criteria which relates to considerations of flooding in the Gympie Planning Area Code for the commercial zone?-- As far as I know, yes.

Now, in paragraph 16 of your statement where you address firstly the compliance with this provision, you state that it was considered relevant that no permanent employees would be based on the subject land; is that right?-- Yes.

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We've heard some cross-examination directed to this issue this morning. What you're getting at here is the fact that no employees would actually be living at the site; is that right?-- Yes.

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This is a specific outcome for the commercial zone code?-- Yes.

Which obviously relates to proposals for commercial uses?-- Yes.

Is it ordinarily expected that people would be living at commercial sites these days?-- I don't-----

I'm sure it happens, but-----?-- I don't know if it's ordinary, but you can have a caretaker residence.

20

Yes. So you'd accept, yes, it does happen but it's not-----?-- Yes.

-----something we'd think of conventional these days?-- Yes.

So the absence of permanent employees would not of itself demonstrate compliance with that performance criteria; you'd agree with that?-- The absence of employees doesn't demonstrate compliance.

30

Yes. The absence effectively and permanently?-- I think it was a consideration that there was no permanent employees there so, therefore-----

It might-----?-- -----the specific-----

You go on. Don't let me interrupt?-- The specific outcome seeks to maintain the safety of people from floods.

40

Yes?-- So there was no-one living there or permanently working there.

Yes. But of itself it's not going to demonstrate compliance though, is it, there's that fact?-- No, I guess not.

The fact that people don't live there?-- I don't understand really.

50

Well, it is, I'm sure, a relevant consideration and by itself just pointing to that fact that people don't live there all the time or someone is not there all the time?-- It's a fairly large consideration, I'd say. What other risk could be there to people if there's no-one working or living there.

Well, it's really only imagination, I suppose, but I suppose it needs to be safe for everyone, not just those who might

permanently live there. That's the point, isn't it?-- Okay. 1

All right.

COMMISSIONER: It's a funny use of language when you say "permanent employees" you actually mean living employees?-- They're just based there every day.

Based there every day?-- Hmm. 10

Do you mean people who work 9 to 5, five days a week?-- Yes.

Well, presumably they work this business or is there some reason to suppose that they're not working-----?-- It's self serve. So there's no - there was no office as such.

Did you envisage it as fully automated-----?-- Largely, yes.

MR CALLAGHAN: It must have been contemplated there'd be somebody there to oversee it, surely?-- Not permanently. 20

No?-- No. We've got another car wash in Gympie that I've never seen anybody at.

COMMISSIONER: Who takes the money?-- There's machines.

All right. And you had no understanding that anybody was there to operate anything?-- No.

Okay. 30

MR CALLAGHAN: Not even to contact in case of a breakdown or anything like that?-- Well, not at the time of assessing the application, the information that had come in.

Right. Have a look at some of the other applicable codes, the Landscaping Code, Infrastructure Code, vehicle parking and Access Code, the short point being that none of the specific solutions in those codes relate to flooding; do you agree with that?-- Yes. 40

So there's no specific outcome that applies to the development of an ordinary business in commercial zone of the Gympie plan area that seeks to protect property from the impacts of floods; is that right?-- Commercial property? There's provisions for residential property.

Yes. All right. We're talking about an ordinary business?-- Not for commercial or industrial property, no. 50

Okay. Do you know why that would be? Is it because of the frequency with which the commercial-----?-- Why council didn't seek to protect the commercial properties?

Beg your pardon, I missed that?-- Sorry, the question why didn't council seek to put provisions in to protect commercial properties?

Yes, yes?-- No, I probably couldn't answer that on behalf of council.

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No, I accept that?-- I guess Gympie does flood or has, you know, comparatively and fairly regularly there are businesses that have adapted to that and sit quite well within the flood area.

I'm sure that's right but - and I accept that you can't articulate perhaps a policy position for council, but just as a matter of opinion wouldn't it, in your opinion, be wise to include provisions which at least encourage mechanisms of a kind which are already deployed to minimise the extent of flood damage?-- Oh, I would agree that the planning scheme provisions could be elaborated in regards to the flooding.

10

All right. If we just look at some of the assessment considerations and the conditions, and the considerations that the council does require to be taken into account, some of the propositions I think which do emerge from your statement but I just wish to confirm, it's not necessary to consider how close to the Mary River that development might be?-- Yes.

20

That's the case? It's not necessary to consider how often a flood had affected it, a particular site?-- For commercial proposals, yes.

What about matters such as stormwater, is it necessary to consider those when self assessing a development of this nature?-- I think in my statement I answered that those are not accommodated in the design of the development, yes. I couldn't tell you what the actual provisions in any of the Codes about designing stormwater systems for flooding, but I would say not.

30

No. It would seem in some that there are no specific outcomes in the applicable codes that require flooding, stormwater, proximity to water courses to be taken into account when assessing development? You're nodding?-- Yes.

40

We've just got to take it down?-- Okay.

There was one condition again to which we've had our attention drawn this morning relating to flooding that was imposed with respect to Ms Blauch's site and that Exhibit 808, I think it was, condition 12, required that a contingency plan be submitted and approved to council for the evacuation of chemicals?-- Yes.

In the event of flood; is that right?-- Yes.

50

Why was that imposed or why was that condition?-- To ensure that the operators had a plan in place to remove chemicals in the event of flood.

Well-----?-- The Mary River flood.

Sure. But did it relate to a probable solution in any one of

the applicable codes?-- No, it didn't.

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So to return to my question, why was this particular condition imposed but other conditions relating to the mitigation of flooding not imposed?-- No, I couldn't answer that.

And could you indicate as to why the condition was framed in the way it was framed as opposed, for example, to a requirement that chemicals be stored in such a way as to prevent the intrusion of flood waters in the first place?-- Sorry?

10

As opposed to evacuation?-- I haven't got the wording of the condition in front of me.

It's 808 and condition 12. And not much might turn on it. Why was it worded that way?-- I probably couldn't answer that. I don't know exactly why it was worded, but full evacuation of chemicals is - on the properties in the event of flood, so the chemicals weren't there or-----

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Yes. As opposed to them being stored in a way which prevented-----?-- Okay.

-----water-----?-- No, I couldn't answer that. I don't know why it was worded like that.

Don't know, for example, whether it was because of concern about the extent of the flooding which might happen there which might make the way in which they were stored irrelevant?-- I would say not.

30

Okay. I'd just like you to address one of the comments that was made in a planning and development committee meeting held on the 13th of March 2007 when this development application was considered by council. Are you familiar with that?-- Yes.

And there's a comment which I think you identify as having been made by another staff member. This site was considered well suited to the proposed use given the mobile nature of the service offered; is that right?-- Yes.

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And, again, we've heard some questions directed to this issue this morning. It would seem the proposition being that those who used the service provided by the site would not be in attendance at the site for any great length of time; is that-----?-- That's what I assumed.

That's the interpretation. But, of course, there would still be a significant amount of property infrastructure on the site itself. The fact that the cars or dogs themselves are unlikely to be there - sorry, the fact is that the cars are unlikely to be there in times of approaching flood, in any event, aren't they?-- They're unlikely to be there.

50

Yes?-- Yes.

And you'd accept that it's the property, the infrastructure which is the business?-- Yes.

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Is the process adequate, Ms Stenholm, if it appears that that consideration wasn't really addressed?-- Protection of the infrastructure?

Hmm?-- Well, I think we have a statutory role to play in the assessment process and in most cases people undertake the due diligence when they're purchasing the property. I don't know that it's necessarily the local government planning's responsibility to advise all developers or purchasers of a property of every land use constraint. I think that's a bit onerous on council officers. There's people within the profession that do play that role.

10

Is that-----?-- We do offer a free pre-application meeting service as well where most of the constraints are canvassed.

And is that really the response to the concerns which are raised by this issue, it's a case of let the applicant be aware? The onus is on them too?-- Primarily, but I don't know that - that council would have hidden the fact that the site flooded. I mean, the minutes from the council meetings are publically available in most cases when applicants aren't - aren't professionally represented. They either attend a council meeting or they get a copy of those minutes which - or they attend the meeting.

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But that wouldn't have helped much in this case, would it?-- Well, I think there is a section in the report that identifies the site is subject to flooding.

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I'm sorry, I thought you were talking about the minutes of development committee meeting?-- Yes. Yep, section 3.5 assessment of site floods.

I might tender those before I forget to.

COMMISSIONER: Exhibit 812.

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ADMITTED AND MARKED "EXHIBIT 812"

MR CALLAGHAN: And it's been pointed out Ms Blaiich volunteered that a rate search was provided to her solicitors. You refer to that in paragraph 21 of your statement; is that right?-- Yes

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And, again, you'd accept was part of the conveyance process. It wasn't part of the development application-----?-- Yes, that's right.

-----process. And I suppose the suggestion is whether it would be of value as part of the development application

process as well as the conveyance process for that sort of information to be provided?-- I guess it would be of value but, you know, it's an extra responsibility, I guess, to put on development assessment plans

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It's only an extra piece of paper though?-- A rate search?

Yes?-- So to provide the rate search as part of the DA process.

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Or if not rate search that information, just part of the process. It wouldn't be particularly onerous?-- I guess it's expected that most people have already obtained that themselves.

Right. Well, again, that's effectively the response, is it, it's expected that people have done this themselves?-- Yes.

Would it be different - can you explain to us the way in which it might be different for a residential development?-- In terms of flooding?

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Hmm?-- The specific provisions in the planning scheme that require habitable flood floor levels to meet certain AHD levels. So any residential development would be assessed differently.

So there's an added layer of protection there, I suppose, for residential development?-- Yes.

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Of course, for someone self-employed or a small business their business might be just as important to them as their house; you agree with that?-- Yes.

All right.

COMMISSIONER: Can I just understand this, council would approve any new business really, no matter how inappropriate, in the event of flooding as long as life wasn't at risk?-- Well, that's the provision that the planning scheme was only protecting people. Whether or not council approved any use I probably couldn't answer. I don't - I don't know of any commercial or industrial use that has been refused because of - it was inundated during the flood.

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Thank you.

MR CALLAGHAN: Just finally, can I pick up on paragraph 21. You talked about something you understand anecdotally. What are you talking about there?-- Just talking about discussions with former employees that they - they recall - they recall specific discussions, they recall that the applicants were aware the site flooded.

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So you've spoken to, did you say, former employees?-- Yes.

And they've told you that they had conversations with the Blaichs?-- Not a specific conversation, but they understood

that flooding was an issue and that the applicants were aware of it.

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What was the basis of that understanding, a conversation that they've had with them?-- Or just conversations at the time in 2006.

What sort of conversations would we be talking about in part of the process?-- Inquiries. Just inquiries at the counter, over the phone.

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Surely these would be noted?-- Inquiries?

Well, if there was a development application?-- No, public discussions aren't generally recorded.

And even to the extent of specific advice being given about an issue like flooding, you say that wouldn't even be recorded?-- Not if it was in a formal meeting situation. We do have pre-application meetings, but we can't locate any - any record of there being a pre-application meeting for this development.

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All right. At best, this is a recollection from someone who's told you about something that they think might have happened; is that right?-- Yes, yes.

Okay. No.

COMMISSIONER: Mr Rolls?

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MR ROLLS: No, I have no questions, thank you, Commissioner.

COMMISSIONER: Ms McLeod?

MS McLEOD: No questions.

COMMISSIONER: Mr Ure?

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MR URE: Thank you, just a couple of matters. Ms Stenholm, you were asked about the erosion and sediment control code and you told the commission that your recollection was that it involved works being carried out on the land and ensuring that those works, rather than MCU applications, et cetera, be carried out without having any negative impact as a consequence of earthworks being washed away, things like that. Look, please, at this document. Is this an extract from the Cooloola Shire Councils Planning Scheme which is, in fact, the Erosion Sediment Control Code?-- Yes.

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And just peruse, please, the specific outcomes and does that the precisely as your recollection suggested it does, deal with works being carried out on the land?-- Yes.

I tender that.

COMMISSIONER: Exhibit 813.

ADMITTED AND MARKED "EXHIBIT 813"

MR CALLAGHAN: And just while Mr Ure is tendering that, in case there's any questions arising from it, can I tender the zoning maps to which I've referred.

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COMMISSIONER: Yes, it will be 814.

ADMITTED AND MARKED "EXHIBIT 814"

MR URE: A couple of other matters. You refer to the fact that the meeting of the minutes of the planning and development committee made it abundantly clear that the subject site was subject to flooding in a Q40 event. Look, please, at this document. I'm showing you a copy of Exhibit 804, the statement of Ms Blaich and I'm opening it to attachment B and the internal pagination of the attachment on the minutes is page 196.

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COMMISSIONER: Ms Stenholm, are you still holding the Safety Erosion Assessment Code there?-- Yes.

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We'll retrieve that from you and we'll give you that section.

MR URE: Is that the section 3.5 to which you refer which makes it abundantly clear that the site is subject to Q40-----?-- Yes.

-----flooding. May I have my brief back, please. Thank you. Is there any record of either Ms or Mr Blaich availing themselves of getting access to the publically available minutes?-- No.

40

Is there any record of them attending the meeting at which the matter was discussed which they were entitled to attend?-- Not that I have found.

COMMISSIONER: Did those records exist?-- I don't know that we would take note of people sitting in the gallery at a meeting.

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MR URE: There's no attendance book?-- No.

In your statement, paragraph 15, you deal with the specific outcome 8 of the Cooloolo Shire Planning Scheme which was relevant to the development and that is the specific outcome that development maintains the safety of people from floods. Is there anything you've heard or understand about this particular development in this location that offends that

specific outcome?-- No.

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The site has exposure to Violet Street which is, in fact, the Bruce Highway at that point, is it not?-- Yes.

Does the Bruce Highway enjoy significant commercial exposure as a consequence of the annual and daily vehicle traffic that passes along it?-- Yes.

Is that something in your experience as a planner that is attractive to developers?-- Definitely.

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Are there developers in Gympie who develop plans in areas such as this, albeit they may be flood prone for uses such as commercial uses like this that don't have the necessity for people to be present there at all times?-- Yes.

Is there anything unusual in a planning sense with respect to specific developments being developed on land, albeit it's flood prone?-- Commercial developments?

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Commercial?-- No, probably not in Gympie.

Yes, thank you.

COMMISSIONER: Mr Callaghan?

MR CALLAGHAN: No further questions. May Ms Stenholm be excused?

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COMMISSIONER: Yes, thank you.

WITNESS EXCUSED

MS WILSON: Madam Commissioner, the next witness is Emily Lang. I understand she will be giving her evidence via telephone.

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EMILY LANG, ON AFFIRMATION, EXAMINED:

MS WILSON: Ms Lang, my name is Liz Wilson and I'm the counsel assisting. Can you hear me?-- Yes, I can.

I'm just going to be asking you some questions?-- Sure.

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Have you got your statement in front of you?-- Yes.

And that statement is an eight page statement?-- Let me see. Nine including the Justices Act signature at the back.

Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 815.

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ADMITTED AND MARKED "EXHIBIT 815"

MS WILSON: Now, Ms Lang, you're the licensee office manager of Laguna Real Estate?-- At the Gympie office, yes.

This is a business premises that is situated at shop 2/5 River Road, Gympie?-- Correct.

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Now, during the January 2011 floods your premises was completely inundated; is that the case?-- Yes, that's right.

How long have you resided in the Gympie areas for?-- Since 2007.

Have you ever experienced a flood in this area before?-- No.

Now, from reading your statement you're of the view that such flood - previous flood experience assists in planning and preparation for floods in this area?-- Sorry, can you repeat that?

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You are - from reading your statement-----?-- Yes.

-----it is your view, is it, that such previous flood experience assists in the planning and preparation for floods?-- Yes.

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Now, where did you get your information from to assist you in your planning and preparation for this January 2011 flood?-- We didn't really have any. We had the flood plan which was given out to businesses in the Gympie area, however, when it came to the flooding that involved the premises we basically did what we had to do to get out. I didn't refer to that flood plan. I had sort of flicked through it in the past, but

basically all that we were doing was referring to the BOM web site and any other businesses had said what they were doing and making sure that what we were going to do and when we were going to evacuate and, et cetera.

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COMMISSIONER: Ms Lang, can I just stop you a minute?-- Sure.

You can't see this, but there's actually somebody taking down in shorthand everything you say?-- Okay.

So, can you go slowly and pause occasionally when you give your answers?-- Sure, yes.

Thanks.

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MS WILSON: The people who run the Telstra shop next to your shop, have they been through a flood before?-- Yes.

And they told you when to start packing; was that the case?-- We had previously discussed - I had previously discussed with the manager of Telstra - you know, in the past it had rained a lot - "What will we do when it floods? When will we evacuate?", and she had said, "Look, don't panic, I've been through it before. I will let you know when we start evacuating, and you start evacuating when we do."

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And do you have any idea how the Telstra - the people who ran the Telstra shop would know when to evacuate?-- Only because they had been through it before and I guess they would look at the flood height and look at the weather, see what it was doing, you know - I'm assuming that that's what they would do. They were very experienced.

You refer in your statement to a flood plan?-- Mmm.

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And is that the Gympie CBD flood plan?-- Yes.

And you knew from that flood plan that when the river got to 15 metres, your premises would be affected?-- Affected, yes. I didn't know whether that meant, you know, is that when it gets to the ceiling or is that when it just hits the floor. I wasn't 100 per cent sure of that.

Okay. Now, you feel that the Gympie CBD flood plan needs updating?-- I felt it did. I just didn't think that it was maybe particular enough for the business of all the people who hadn't been through it before. I felt that it needed to be a bit more specific, because obviously the businesses in lower Monkland Street and River Road get affected by the businesses in Mary Street, and I just felt like it was more sort of focused on the Mary Street businesses than the lower lying ones.

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You refer in your statement to the information that others have who have been through a previous flood. Have you got any view how this information could be better captured to assist others?-- In the actual - the district flood plan?

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Yes?-- Is that what you mean?

Yes?-- I mean, I have put in my statement that there were little things I felt could have been a bit more specific. As

I have said in there, maybe saying about the - you know, when it actually hits your - when it actually hits your businesses - businesses need to know how long it will take for you to get out, is it still rising, just things like that to make it a little bit more specific.

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Also, you would like to see some further information about what to do with electrical items pre-flood and post and during recovery?-- Yes, we were given quite a bit of conflicting information about what to do with that, and even though it is a minor thing, it was just something that I think should be mentioned to the - for the people who know what to do, it could be something minor that could be jotted down in there or maybe in a preparation sheet about what to do with air-conditioners, electrical sockets, doors. I have put in my statement at one point that our landlord recommended taking all of our internal doors of their hinges. Simple things like that a person who has not been through a flood before would not know - or I, myself, did not know, and would need to know in the future.

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You have obviously obtained a significant amount of experience about what you went through in the January 2011 flood. Have you conveyed that information to anybody in Council so that could be included in an updated flood plan?-- No. Apart from talking to the Commission and my recommendation for it, no, I haven't.

You also describe in your statement the rebuilding process, and if you can go to paragraph 21 of your statement-----?-- Sure.

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-----where you have used materials that are more practical for flood and can be easily removed in advance?-- Yes.

Can you tell us about this, please?-- Tell you about that?

Yes?-- For example, we had carpet all through our office, and at this stage we still haven't got carpet throughout the whole of the office. The carpet we have now laid is removable carpet tiles that are not glued down, they're simply just put in place and they're very easy to remove. We also had, you know, plaster walls - dividing walls in our office. We no longer have that. We have corrugated iron, which is a bit of a feature, but is also removable as well. Things like the front desk previously was bolted to the floor before the flood. Basically when we were evacuating for the flood, we had to sort of break the pop rivets to get it out. Therefore our new office desk will now be totally removable as well.

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Ms Lang, they are all the questions I have for you. Just hang on. Some other people may have some questions for you?-- Sure.

COMMISSIONER: Mr Ure?

MR URE: Ms Lang, Stewart Ure is my name. I appear on behalf of the Council?-- Sure.

I have a few matters for you. You say on a number of occasions throughout your statement, which has become Exhibit 815 before the Commission, that, for example, paragraph 12, "I could not understand why they would have the cordons" - this is cordoning the streets off - "for Mary Street and not for our area as the water floods our property well before it gets to Mary Street. Some of those properties ended up having little or no water in them when we were completely under."?-- Yes.

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The CBD plan that you talk about in your statement is, in fact, a plan that is very helpfully prepared by the Gympie Chamber of Commerce. Are you aware of that?-- Yes.

And have you seen a statement of a Mr Davison, who is going to give evidence, we're told, before the Commission, which attaches an amended plan?-- No, I haven't.

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All right. Well, I can tell you that it appears, either as a consequence of your efforts or coincidentally, that a number of your suggestions have been taken on board, and I'll just indicate some to you and ask you a couple of questions about it?-- Sure.

What used to be the CBD plan in draft has now been renamed by the Chamber of Commerce, "The Gympie Business District Flood Sub-Plan"?-- Okay.

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It historically was described as a two-part booklet, the first part is the flood sub-plan for the Mary Street businesses. That's now been deleted and it is now just referring to businesses generically?-- Okay.

Just bear with me, please?-- No problem.

With respect to the question of road closures, it used to read that, "Liaison officer contact Council requesting road closure of Mary Street.", then, "Liaison officer request Council", et cetera, et cetera. It's proposed to amend it to read, "Requesting road closures of Mary Street, Monkland Street, River Road, Reef Street and Jaycee Way."?-- Okay.

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You would see that as being an improvement?-- Absolutely.

You make some comments in your statement about business owners being entitled to get back to their business to see what's going on, and the understandable attitude that the police had to try and minimise access to the area-----?-- Yes.

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-----there was a suggestion that business owners now receive wrist bands to identify them and enable them to have access to their businesses. Would you see that as a positive?-- Absolutely.

It appears that throughout the draft business plan, any reference to Mary Street as the only street has been removed and the other streets to which I referred earlier have been incorporated. Do you see that as a positive?-- Yes, yes, absolutely.

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And there's also a suggestion, which I think is related to something you've made - again I don't know whether you can take credit as being the author or whether it is just something that somebody else has thought about - and that is there's a suggestion that included in the flood plan be a directory of service providers and suppliers; for example, where one can obtain truck transport, where one can obtain shipping containers-----?-- Shipping containers, yes.

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-----et cetera. Would you see that as a positive?-- Yes, that would be of great benefit.

All right. It looks like thought has been given to a number of your suggestions. You say in paragraph 20 on a different matter, "We were well aware the property was in a flood area."?-- Mmm.

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"And this was a decision we weighed up against the rent being cheaper when moving into the building."?-- Yes.

In your experience, is that the sort of thing that business people can do - choose to live in an area - sorry, choose to operate their business in an area with the potential that it may at some stage be flooded because they perceive other benefits, which may be cheap rent or good exposure or matters such as that?-- Yes, I believe so.

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Thank you?-- You're welcome.

COMMISSIONER: Mr Rolls?

MR ROLLS: I have no questions, thank you, Commissioner.

MS McLEOD: No questions, thank you.

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COMMISSIONER: Ms Wilson?

MS WILSON: May Ms Lang be excused?

COMMISSIONER: Thanks very much, Ms Lang?-- Thank you.

You're excused. You can hang up?-- Thank you. Bye-bye.

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WITNESS EXCUSED

COMMISSIONER: Yes, Ms Kefford?

MS KEFFORD: Madam Commissioner, I call Gary Davison.

GARY JAMES DAVISON, ON AFFIRMATION, SWORN AND EXAMINED:

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MS KEFFORD: Is your full name Gary James Davison?-- Yes, it is.

And you've produced a statement to the Queensland Floods Commission of Inquiry. Can I get you to have a look at this document, please?-- Yes.

Is that your statement?-- Yes, it is.

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I tender that statement.

COMMISSIONER: Exhibit 816.

ADMITTED AND MARKED "EXHIBIT 816"

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MS KEFFORD: Now, you've lived in Gympie your whole life with the exception of 10 years; is that correct?-- That's correct.

And you're currently the Vice President of the Chamber of Commerce?-- Yes.

And you tell us in your statement that you recall 1999 as being the largest flood in Gympie. Did that particular flood cause any action to be taken by the Chamber of Commerce?-- Yes, it did. It was the largest flood besides the 1893 one, the largest that I assume anyone can remember. After the 1999 flood, the Chamber of Commerce and some other interested parties in the community looked at developing a flood plan to assist businesses predominantly in the Mary Street area to be able to prepare for floods when they invariably occur.

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And was the flood plan developed by the Chamber of Commerce alone, or was it done in consultation with the council or some other body?-- There were a number of people involved over a number of years. We certainly received some feedback from the Council. We involved other businesses that may not necessarily have been Chamber members, but had been through flooding or people that had just had some good experience in flooding when developing the plan overall. I suppose it was auspiced by the Chamber of Commerce, but there was input from a number of organisations and people.

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And the flood plan seeks to provide advice to people about

what to do in times of flood?-- Effectively. It's like a self-help plan. It's to provide information so that people are aware of what they need to do to best prepare themselves for a flood.

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And we've just heard through questions of the previous witness that there's proposed amendments to the flood plan; is that correct?-- I suppose if you look at it - and I agree with a lot of the things that Emily was saying - the people that developed the flood plan from 1999 are people that had been through floods, and you don't know what you don't know until you actually go through a flood, so developing a flood plan by people that have been through them take a lot of assumptions into account, and I think that's been evident by this last flood. It was the first time that we had a chance to test the flood plan and it gave us an opportunity to review it following that flood and make a number of recommendations on how that can be improved.

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And one of the recommendations since the last flood is that there be volunteers with wrist bands. Can you-----?-- Yes, what we've found is certainly in 1999, and more so this time, that one of the biggest difficulties we have is from sightseers, and because it is such a long time since we have had a flood and because we have a lot of new residents, when it was known that there was going to be a flood, Gympie, being a hilly place, means you can drive around and have a look at the flood waters, and that causes a lot of problems particularly down in that Jaycee Way, River Road area, because that's where the water first comes from, it's first noticeable there, and people go to have a look there, block off traffic and block off exits for businesses to be able to get their stock out.

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The revised draft of the flood plan suggests that police officers be contacted, requesting their cooperation in enforcing only vehicles with an official street pass, and it will now also include volunteers with wrist bands - only those people be able to enter the area. Have you found in the last flood event that there was cooperation from the police in achieving these goals?-- We've got excellent cooperation from everyone involved, from the SES, the police, the fire service. There was excellent cooperation from everyone. I suppose what we're trying to do is have the least amount of inconvenience to businesses and the most amount of time and the most amount of space that they have to be able to get their stock out and cause the least amount of damage.

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How do people get access to the flood plan and become aware of it?-- The flood plan was up on the Council - there was a link from the Council website to the chamber website, and it was on the chamber website. The other thing that we did is - and there's been a lot of changes from '99 to 2011 - back in '99, the Internet was not well accepted and very few people had E-mail addresses. What we've found - in October last year I went around a number of the businesses in the CBD area and also some of those businesses down around the River Road area there where Emily is situated and I obtained E-mail addresses

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from as many businesses as I could. In the week before Christmas, I E-mailed out to all of those businesses a copy of the flood plan with advice that we'd been advised that there was going to be a heavy rain season and it was likely that floods could be occurring further down the track. I think the new E-mail system is a lot more effective. One of the things that we intend to do now that we have that database is probably next month do an E-mail out to all of those businesses with read and delivery receipts to see how many are bounced back. Any of those that are bounced back, we will then go and contact those businesses and update their E-mail addresses so we have all the up-to-date information. We have also since this flood done all of the One Mile area and got E-mail addresses from a number of the businesses down there and similarly some of the businesses up in the Alfred Street area to try and expand the area that we could cover. We couldn't really do that back in 1999 because we didn't have the ability to contact businesses easily, except on foot, but now with E-mails, it will be far more effective to be able to get that information out.

You mentioned a few new areas. So, is the extent to which the flood plan operates being extended, is it?-- Well, we want to contact any business that is in a flood area and provide them with information, and that's really what the flood plan is there for - to give people the opportunity to be able to prepare themselves should a flood arise. What we've done in that area down around the One Mile is got in touch with businesses, asked them to work out their floor height so that they're aware of how that - when water will come into their businesses and know about how much time they'll have to be able to get out.

You mentioned in one of your earlier answers that towards the end of last year you E-mailed the flood plan around, having been advised that there was a heavy rain season coming. Where did that advice come from?-- That came from Council. I was involved in some of the information from Council. They were advising me when severe long range forecast weather was coming out and I think I received an E-mail from Council around the 23rd of December or 21st of December saying that there expected to be some heavy rain in the coming months. We then took the initiative of attaching a flood plan to the E-mail that we sent to every E-mail address that we had, and then negotiated with Council to ensure that the link to the Chamber website where the flood plan was was also on Council's website. We also had some publicity in the paper about the flood plan and it was available on the Chamber website.

Was that because of experience from communications with the Council and cooperation with the Council? Is that a common experience?-- We have a good relationship with Council. The last flood has given us an opportunity to probably have a closer relationship in that I think we all realise now there is a lot to be done and the more people you have got to do it and the more areas you can allocate that out so you have people looking after specific items, the more opportunity we have got of getting those things done. It is the first time

that we have had the disaster meetings that have been happening when the floods have been on, and I think that was also very effective in being able to provide Council, police and others with information of exactly what was happening in the CBD area, and some of the difficulties we were running across.

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In your statement at paragraph 7, you mention that the latest review of the flood plan document has been conducted and is not yet finalised, but that you're currently in negotiations with Council regarding several matters. Are you able to tell us what those negotiations relate to?-- What they particularly relate to is the logistics of some of the suggestions that we have put in there. We may well have said that they should be closing off Monkland Street, Jaycee Way, River Road and Reef Street. I don't know what the ramifications of that are from Council's point of view, I don't know from the police point of view what that does to traffic flows in those particular times, and they're the things that we need to negotiate to make sure that what we're suggesting is going to be the best and is something that can be implemented.

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Now, also earlier you mentioned that in incorporating the One Mile area into the flood plan, you've contacted businesses in that area and asked that they work out their floor heights and how that relates to flooding?-- Yes.

Do you know how they go about doing that task?-- Nearly everyone knows where the flood went to in their building. In this flood, we asked them to measure down from there to the floor height and take it off from the 19.42, what the height was, to work out their flood height from there.

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Can I also ask you a few other questions about things you say in your statement? In paragraph 8 of your statement, over on page 4, you say that you were responsible for the co-ordination of use for available resources that could effectively be used to assist people during times of flood and that you were the representative on the Local Disaster Management Group. Who runs that group?-- That's the one that is called, I think, when there is an emergency. The Deputy Mayor, Tony Perrett, was the Chairman of that. It involved the police, the ambulance, the emergency services, fire services, ourselves - I think we had some other representatives on their as well.

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Do you know how you came to be invited to be a representative?-- I think it was because Tony Perrett and Ron Potter from Council knew that I was involved with the flood plan. I had had discussions with Ron Potter before the actual event, back in December, when we were making sure that the Council had on their website a link to our Chamber website to get the flood plan out there to the public, and I think it was from there they then invited me because I had information about what was happening in the main street.

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And at paragraph 10 of your statement, you make a number of

recommendations including that there be more gauge sites that BOM could utilise for measuring of river heights. Could you explain to us where those gauge sites might be located or the need for them?-- I suppose we're a bit fortunate in Gympie in that we get a reasonable amount of warning. Obviously the more gauge heights and the more recording areas there are the more accurate the predictions with regards to flood heights. One of the problems that we came across this time is, from history, the old method of calculating the flood heights in Gympie was going from the flood heights at Kenilworth Bridge and there is no recording now at Kenilworth Bridge. There is one at Kenilworth Station. We don't know the difference between those two to work out what the height is going to be at Gympie or how long it is going to take to get here, but there are many of the old-timers who work from the height of the river at the Kenilworth Bridge to calculate how long it will be before the peak reaches Gympie and how high it will be. So, all I was suggesting was that there may be some of those that could also be included now to allow people more information to be able to predict when they need to move.

You also say that there should also be, I guess, the continued availability on the BOM site, demonstrating to people what relevant heights were at specific times and locations. Can you just explain what you mean by that?-- Well, what happens, particularly for people in these flood areas, what they're doing is concentrating on getting out of their business and concentrating on getting back into their business. By the time they get into their business, if they go to the BOM site to see what actually happened with the peaks and where the peaks were and what the peak heights were and the times were, all of that information is then gone from the BOM site, so they can't get any of that information to be able to prepare themselves for the next flood. All they have is current information.

Oh, I see. So, what you're saying is-----?-- The history of what happens in the flood disappears immediately that it's gone.

And there is useful information that could be taken from that history?-- Yes, yes.

To assist in future preparations?-- Yes. For example, if you know what time in the last flood the peak was at Kenilworth and what time the peak arrived at Gympie, that is good information for the next flood to be able to say, "This is the amount of time that I have to be able - before the peak reaches here." But for people in the business area that have been busy evacuating and getting back in, by the time they go to search for that information, it's gone.

Thank you. I think I understand. I have no further questions.

COMMISSIONER: Mr Ure?

MR URE: No, I have nothing, thank you.

COMMISSIONER: Mr Rolls?

MR ROLLS: Commissioner, the State only received Mr Davison's statement this morning. I haven't had an opportunity to obtain instructions in relation to it. I don't expect there's any interested statements affected by it, but I would seek leave to deal with any matter that might affect the State by way of further statement if necessary.

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COMMISSIONER: Okay.

MR ROLLS: Subject to that, I have no further questions.

MS McLEOD: I have no questions. I do need to seek instructions about the archiving of information.

COMMISSIONER: Yes, it is an interesting point.

MS KEFFORD: Might Mr Davison be excused?

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COMMISSIONER: Thank you, Mr Davison.

WITNESS: I have one other comment if I could?

COMMISSIONER: Yes.

WITNESS: One of the biggest difficulties that we came across was after the flood. Once the peak has reached Mary Street, all of the businesses have obviously been flooded and, as the water goes down, we get excellent assistance from the rural fire brigade. They come along, connect to the local town water supply and hose out all of the businesses. We had extreme difficulty this time because someone, somewhere had decided that they needed a signed authority from every business owner before the rural fire brigade could go in and hose out that business. Logistically, that was impossible because many of the business owners know that it is flooding, they've moved out, they may well have moved to the south side before the peak got there and can't get back in to have their businesses - you know, to sign off on that. As it turned out, I think I now own every business in the CBD district because I signed every one of those forms. It just seems a ridiculous situation to have a piece of paper signed by a business owner where the choices are: "Do you want your business all hosed out and cleaned, or do you want it left with the mud in there?" It is pretty straightforward what their choices should be. What I thought would be a sensible thing was that if ever there was a state of disaster declared, then in that situation the rural fire brigade have the authority to go in and hose out businesses. They certainly have the authority if it is on fire. I don't see the difference if it has got water through it.

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COMMISSIONER: Mr Rolls, is that something that does affect you?

MR ROLLS: Yes, that is something that does affect the State

and perhaps something we will address at a later stage.

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COMMISSIONER: Thanks very much, Mr Davison?-- Thank you.

WITNESS EXCUSED

COMMISSIONER: We'll take the morning break and come back at quarter to.

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MR CALLAGHAN: Commissioner, can I flag this? It is difficult to know how we're tracking, but I apprehend that there is a good chance that if we're not finished by one - and we probably won't be finished by one - it won't be a great deal after that. If at 1 o'clock it looks like we've only got half an hour to go, I submit that we should proceed and finish it. And I just raise that now in case there's anything anybody has to do at 1 o'clock in expectation of a conventional adjournment, so I just thought I would flag that and-----

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COMMISSIONER: As presently advised, would that cause difficulty for any of you?

MR ROLLS: Not in the least, Commissioner, from my perspective.

COMMISSIONER: Mr Ure?

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MR URE: No.

MS McLEOD: That would be most convenient, thank you.

COMMISSIONER: All right. We'll have the break now till quarter to 12.

THE COMMISSIONER ADJOURNED AT 11.30 A.M.

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THE COMMISSION RESUMED AT 11.48 A.M.

COMMISSIONER: Yes, Ms Kefford?

MS KEFFORD: Madam Commissioner, I call Amanda Jane White.

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AMANDA JANE WHITE, ON AFFIRMATION, EXAMINED:

MS KEFFORD: Is your full name Amanda Jane White?-- Yes.

And you have provided a statement to the Queensland Floods Commission of Inquiry. Could I ask you to have a look at this document? Is that a copy of your statement?-- Yes.

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I tender that.

COMMISSIONER: Exhibit 817.

ADMITTED AND MARKED "EXHIBIT 817"

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MS KEFFORD: Now, you have lived in the Gympie area your whole life?-- Yes.

And I understand that until recently you, with your husband, owned and ran the Bargain Furniture Store in Gympie?-- That's correct.

Where is it located?-- It is right at the bottom of Mary Street, and it is one of the first buildings to flood in Mary Street.

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And it has access to Mary Street as well as to Reef Street?-- Yes, it goes right through.

And in terms of that building, has that building been adapted to cope with flood events?-- Yes. I mean, my husband's family have worked out of that building since 1929. So with three generations of family, it has slowly been adapted over the years. We use - all the lighting fixtures in the roof and the fans are removable, we use floor coverings that we can just hose out. We use - if we need carpet, because sometimes we have carpet in the building, we use a carpet called Walkertex, which is waterproof, so you can just hose that out. So over the years we have generally adapted it.

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And I understand you have experienced some success with those type of adaptations that have been made to the building in terms

of the inconvenience experienced in times of flood, is that correct?-- Yeah. I mean, we're lucky because we've had so much experience over the years that flood is more of an inconvenience rather than a major saga for our family. So we knew - when the predictions were, you know, 15 metres, we knew we'd have to move out the bottom. The bottom is all concreted, there is nothing there that's going to be hurt. We remove all the furniture. We bought storage out of flood level so we could move storage up there, and then when we know it is going to be predicted up to 30 metres, we know we've got to move the top floor. When the water is going down, we've got fire hoses in the shop so we can hose ourselves out without worrying anybody else, and everything's waterproof, basically. All we need to do once the water's gone is get the electrics dried out and tested and we're up and running again.

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And in terms of getting the electrics dried out, in your statement you talk about removing the cover from the circuit boxes and spraying the wet electrical items with a dewatering fluid?-- Yeah. Luckily, our son is an apprentice electrician, so we got advice from his boss that that was a quick way to get the circuits all dried out so we could get them running again. Of course, we can't start anything until it is passed by an electrician that it is safe.

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How long - these latest floods, following the January 2011 floods, for how long is your business closed?-- Exactly a week.

After a week you were fully operational again?-- Yes, yes, opened the doors. Everything was fine.

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In your statement you mentioned that as part of the process of preparing for the floods, you have a flood evacuation plan in place and that you move stock out and take it to storage on higher ground?-- Yes.

Do you have a storage shed for that purpose?-- Yes. Over the years, because we're lucky because it has been a family business for so long, Todd's parents actually bought storage sheds. So during the year, because furniture being such a large item, we use it as a storage shed but it is also a back-up for when we need to evacuate. Many years ago, I think half the problem is Gympie was a very static town, there wasn't much growth, and the last ten or so years there has been a huge growth in Gympie and I think it has caught a lot - the locals aren't aware because they didn't realise there were so many new people that didn't know what to do, because all the old-timers, everyone knew everyone, everyone knew what time it would go out, everyone had a back-up plan and everyone looked after themselves. So I think it was a shock for a lot of the old locals that some of the new locals were so disadvantaged, yeah.

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In terms of your business being a furniture store, you mentioned that they are bulky items?-- Yeah.

They are obviously not items that you can load into your car.

So how much time do you need in terms of warning to achieve the evacuation of stock?-- About 10 to 12 hours to fully empty the shop.

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And do you generally find that you receive that much warning?-- Yes.

COMMISSIONER: Have you had any problems with access either getting stock out, or getting back into your building and cleaning?-- No, usually by the time we're leaving - we're one of the first, like I said, in Mary Street to move. So usually people wait for us to start before they start doing it. So - and we found that when we move back we can use our back access when we do underneath, and that's just straight up the hill to - our storage shed's only about 200 metres away, 500 metres away, and in the front - we have to park out the front and by then the Mary Street is blocked off to only business owners. So we've never had much of a problem at all.

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Thank you. I have no further questions.

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MR URE: I have nothing thank you.

MR ROLLS: No, I have nothing, thank you.

MS McLEOD: No questions, thank you.

MS KEFFORD: Might Ms White be excused?

COMMISSIONER: Thanks very much for your time. You are excused.

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WITNESS EXCUSED

MS KEFFORD: I call Robert Fredman.

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ROBERT ALEXANDER FREDMAN, ON AFFIRMATION, EXAMINED:

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MS KEFFORD: Your full name is Robert Alexander Fredman?-- It is.

And you are the Director of Engineering at Gympie Regional Council?-- Correct.

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You have produced two statements in response to requirements from the Queensland Floods Commission of Inquiry. If I could ask you to have a look at these documents, please? Are they copies of your statement?-- Yes.

I tender those documents.

COMMISSIONER: That will be Exhibit 818.

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ADMITTED AND MARKED "EXHIBIT 818"

MS KEFFORD: Now, if I could just ask you a few questions about the contents of particularly your first statement? At a number of spots within your statement you make reference to flood studies and a flood line. When you make reference to the flood study that's being prepared by the council, are you in all instances referring to the flood study by GHD that was commissioned by the council in 2010?-- Our current flood study is dated year 2000. We're, as I state, underway with a new flood study which is also by the same company, which is due probably late this year.

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And in terms of references to studies being prepared and flood lines being investigated, is that all references to the - to the one new study that's being commissioned or is there more than one study that's being commissioned?-- Only one study being commissioned. The references to the flood line in my statement refer to the 2000 study which is council policy.

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Do you know whether it is intended that the flood study that's been commissioned to be produced will identify the one per cent probability flood levels?-- That's the intention.

In paragraph 6 of your statement you say that, "As a consequence of the 2011 floods an estimated 2011 flood line is being developed for council's western towns." Is that a separate exercise to the flood study commission of GHD in 2010?-- That's the same study.

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So it will also identify a one per cent probability flood level for those western areas?-- That's correct.

Do you know what use is intended to be made of the flood line once it is identified?-- The flood line is a vital tool for

all planning council does - both town planning, engineering planning - and it is essential that that line be used whenever land use are being considered by council. 1

What do you mean when you refer to engineering planning; what does that involve?-- All engineering structures have to be designed with flooding in mind.

What type of structures are we talking about?-- Oh, for example, a bridge. 10

Now, at page 8 of your statement in the second dot point you mention that council has found problems with the recorded debris levels not being an accurate measure of maximum flood level. Can you explain to us the relevance of the debris level? Has that type of information been used by council in the past when considering the flood risk posed?-- We've used debris levels to - as part of the recording process of what in reality flood levels - floods have reached in terms of level. That was put to the Inquiry because we previously assumed you could rely on the prelevels in design work, and reality is we're finding significant discrepancy between the maximum recorded flood level in one area and the debris level. It is put in there just to alert people to the fact that engineers normally make that assumption and it is turning out to be an incorrect assumption. I also point out here that the maximum debris level is likely to be within a metre of the peak, but in land that's relatively flat, that can be quite a large distance. 20

So is it intended that that type of information will be used in mapping of the flood line, or will it be - that type of information be excluded from it?-- When council determines the flood line, it is initially a calculation based on theoretical rainfall, topographical features, and we do truth that against the evidence we have on the field, including the debris line. 30

And from what you say there will be some caution in truthing it against the debris line now?-- There is a degree of interpretation involved, so we found out. 40

Now, you might be aware that there is a number of different approaches to flood mapping and flood studies, and the Commission's interested in how councils are conducting flood studies and flood mapping given the importance of those and in the process of preparing planning schemes. Given that the council is currently in the process of creating a flood study, can I just ask you some questions about that? Were the council's - what were the council's instructions to GHD in terms of what information the council wanted the study to cover?-- Council sought a one per cent or 1:100 year flood line for all areas where development is likely to occur. That's not rural development, that's urban development or concentrated development, as may occur, for example, at the airport. 50

And is that - when you say urban development, that captures

both residential and commercial?-- Correct.

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Do you know whether the council has a hydrologic and a hydraulic component to be included in that study?-- The study incorporates all the possible engineering. In Gympie, for example, we have enough data since 1867 to be able to calculate the flood frequency type basis for determining the flood line. There is another technique used where you use maximum possible rainfall events and we calculate the - use the topography to calculate the likely volume coming past Gympie, for example, and that's another way of determining a 1:100 year flood level. As well as that, as I said before, we then truth it against events that we know, because floods aren't flat, contrary to popular opinion, and there is a lot of aberrations occur from side creeks coming in, and the like, and so there is a number of factors you would look at to try and get the most reliable Q100 possible.

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Has GHD been requested to factor in climate change at all?-- No. Sorry, I will just clarify that. There are two sorts of water inundation. One is flood and the other is coastal inundation, and we certainly have to factor in climate change into the coastal one. I don't think the science is well enough developed yet to build in climate change on the flood level.

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In terms of inland flooding?-- In terms of land flooding, it is - more information is needed but there is quite a lot of information comparison on sea level rises and the like.

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At page 8 of your first statement you note at dot point 5, "There is not enough emphasis placed on the velocity of floodwaters compared with the level of floodwaters." Do you know if the study that GHD have been commissioned to undertake will assist council to understand flood flows as well as flood levels?-- No, the study is determining maximum line as compared with another study which may occur in the future where there is a vulnerability to velocity. Taking Gympie, for example, Gympie, the water is generally fairly static. So the damage to property is minimal compared with some of our western areas. We have a fair velocity associated with your peak, which means it is much more destructive in relation to property.

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You talked about another study that may occur in the future. Is the council considering commissioning a study into velocity of floodwaters?-- No, it is one step at a time. I am just thinking ahead in relation to where we go after this one.

Do you know whether as part of the flood study a flood frequency analysis has been or is to be conducted?-- That's the prime aim of the study. It is to determine a flood line based on a 1:100 frequency. So you have to determine what the line will be. I repeat, the line has a gradient on it which means that it is a fairly complex matter.

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Will the study look at issues such as the rate of rise and the impact on warning time, do you know?-- Good question. In

Gympie, no. Gympie we get excellent advice from the Bureau of Meteorology. Their service has got quite remarkable degrees of accuracy now and there is a lot of warning time. So we don't have an issue in Gympie, which is probably obviously a vexed concern given 90 per cent of the population here. In other areas, warning time is an issue. I am sure catchments, for example - you know, a flood can occur within a couple of hours after the first rain, as Toowoomba found out. So it is horses for courses. We have got to assess the risk in different areas and take appropriate action in our flood policies to match the risk.

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So is that something that you would recommend GHD consider, not so much in terms of Gympie but in terms of the other areas that the GHD study is to cover?-- It won't be part of the current study. As I say, we've got to get that finished yet. There is a lot of work in that. I suppose as councils mature in relation to their knowledge on flooding, that these sort of studies will be undertaken.

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In terms of the GHD study identifying the one per cent annual exceedence probability line, do you know whether it will also include the Q50 or the probable maximum flood line as part of that information?-- Certainly won't be doing the probable - the maximum flood line. In relation to the Q50, for example in Gympie, that is part of the outcome, there will be a Q50 line.

And what use does council intend to make of the study once it is received?-- The study is very, very important for council in relation to all decisions relating to development, relating to its own infrastructure.

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So is there an intention to somehow incorporate the information in scheme amendments or-----?-- The new planning scheme will be based around the outcome of this study and arrangements are put in place to ensure the timing suits that process.

Now, obviously Gympie floods quite frequently and council obviously has a good appreciation of the issues for this city. Does the council have a similar level of knowledge with respect to the other towns that are within its jurisdiction?-- Council is an amalgam of three previous councils. The history of flood knowledge within the old Cooloola Council, which incorporates the townships of Kandanga, Imbil, Amamoor, Gympie, Tin Can Bay, Rainbow Beach and Cooloola Cove. It is is quite good. There is good knowledge coming from that council. The other councils haven't had that degree of knowledge, and so basically the work we're doing now in the current study is going back to first principles for the areas that amalgamated on the old Cooloola.

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What do you mean by going back to first principles?-- I understand there was no flood policy or flood data kept by those councils.

Do you know whether the locals have any knowledge, or is

flooding not an issue in those areas?-- It is amazing how much knowledge they have when you actually need it. There is obviously a body of local knowledge. As much as local knowledge isn't totally reliable, it is certainly a good way of ground truthing what our study will calculate.

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And are any steps being taken to capture that local knowledge or to ground truth against that local knowledge?-- Yes, there are. It is an important part of the process to prove - to prove these outcomes.

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Do you know what steps are being taken in relation to that?-- Well, for example, in areas where we're not certain, we've been inquiring of people. The most reliable flood in Gympie where people do have good memories is '99 and we've been checking with people in relation to the '99 levels. In relation to Kilkivan and Goomeri, our understanding at the moment is this latest flood is the highest in memory, which means that we do have at our fingertips the local knowledge.

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Can I just ask you some questions about the matters in your statement associated with the council's infrastructure? At attachment 2 of your statement you have a document which records the council's treatment plants and whether they were affected in the 2011 floods, and it effectively records, as does paragraph 16 of your first statement, that the Gympie sewerage treatment plant is located above the 1:100 year flood level, as are the Tin Can Bay and Cooloola Cove treatment plants, apart from their chlorination process. No flood damage was sustained to those treatment plants, I understand?-- That's correct.

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Flood damage did, however, overtop the treatment lagoons for the Kilkivan sewerage treatment plant?-- That's correct.

What are the treatment lagoons?-- I don't think I used the word "treatment lagoons", but correct me if I'm wrong. That's the effluent ponds. So in a sewerage treatment plant, you have a concrete structure that is the plant, and all the sewerage enters that plant and is treated as the sewage passes through the plant. What comes out the other side is called effluent. It is free of - let's just say some of the nasties in the sewerage, without - unless you want a full explanation, I will bypass that - and that liquor passes then into the lagoons where it is treated by natural means. It is UV light, oxidation and natural processes that occur in shallow lagoons. It is an integral part of the treatment plant but it is the secondary phase; it is not the initial phase.

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Are you aware of reports that flooding in Kilkivan caused sewerage to be deposited on homes in the area surrounding the treatment plant?-- No. But I am aware of a claim that some of - a house had an odour which would indicate that sewerage had entered that house.

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Has council investigated that matter?-- Yes, council has investigated that.

Do you know whether that was related to the overtopping at the
Kilkivan sewerage treatment plant?-- We certainly do not
believe so.

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Do you know whether the Kilkivan sewerage treatment plant has
been affected by other flood events since it was opened in
1969, I understand?-- I am not aware.

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Do you know if the council's intending to take any action in relation to the treatment ponds?-- There's no action planned at this stage, partially because we believe that the over topping of the effluent ponds did not cause anyone any harm. So it comes a lesser priority and effort. If it had been the source of some problem, without a doubt. That's not the case.

At attachment 4 to your statement there's a document called Annexure O flood proportions for Gympie and south side water and sewerage. Is that an emergency action plan for when flooding threatens certain sewerage treatment plans for Gympie and on the south side?-- That's an action plan from when flooding affects any sewerage infrastructure, whether it be the treatment plan, whether it be pump stations or any of the infrastructure.

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And are you aware whether the procedures described in the plan were followed in the 2011 floods?-- Yes, they were.

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Were they effective in minimising the damage to the plant?-- Yes, they were.

Do you know whether council has or intends to create similar documents for all of its sewerage and water treatment infrastructure?-- The balance of the schemes haven't had a problem that I know of in relation to flood impact on the - on the sewerage process. So at this point in time we have no plans. That said, Gympie's a major challenge so the other towns, for example, there's no flooding as such from a river in Tin Can Bay, Rainbow Beach and Cooloola Cove. The problem - 99.9 per cent of our problem is in Gympie and that's we're we've been concentrating and we're not aware of any other urgent problems.

30

And just, finally, just in relation to that attachment, step 3 of the flood precautions requires that owners of properties affected be advised. How does council undertake that step? Does it have a list of the people affected?-- Step 3 says, "Turn off all flood valves as directed".

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Yes?-- "By an operator and advise owners of properties affected." There's one-on-one contact with those properties because in a time of heavy rainfall there's an enormous increase in the volume of sewerage in the system and it has to exit the system somewhere. So we do have one-on-one contact with the people that are impacted.

Thank you. I have no further questions.

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COMMISSIONER: Mr Rolls?

MR ROLLS: Thank you, Commissioner. Mr Fredman, last Tuesday did you have a meeting with officers of the Queensland Reconstruction Authority?-- Yes.

Did that meeting discuss the reconstruction authorities flood plain overlays?-- Yes. 1

Were those overlays and the roles that they play in flood plain mapping and how they might be used in planning schemes, were they discussed?-- Yes.

And it's - did you undertake a comparison between the flood plain overlay that was prepared in relation to what I'll call the Gympie business district and the flood plain mapping that is presently in the possession of council?-- At that meeting we did compare the proposed flood line for all of Gympie with the flood line which is shown on the draft plans from QRA. 10

Do you have a copy of that comparison?-- I do.

Is it with you?-- By pure coincidence.

You've just got one copy of the map; is that the case?-- I have in my file here a copy of what we discussed in relation to the flood lines with QRA. 20

Could you just hold it up and show the Commissioners precisely what is shown - to the Commissioners, what is shown on that particular map. There are a series of colours, there's blue and perhaps I can call it brown or-----?-- Pink.

Pink. What are the significance? And there's also a grey colour. What's the grey, first of all?-- Okay. That's essentially a map of Gympie and environs and environs take in largely the rural residential areas. The Gympie urban area is the grey shaded area. Where am I supposed to be pointing? 30

The Commissioners. The most important people in the room?-- The grey is the urban area. The blue is the interim outcome of our current study, Q100 line, and the pink is the outcome of the draft plans from QRA.

Now, when you say the interim flood study, is that the 2011 study that you referred to previously in its interim form. Not final form?-- That's correct. 40

Commissioner, I tender that document - I'm sorry I only have one copy.

COMMISSIONER: Exhibit 819.

ADMITTED AND MARKED "EXHIBIT 819" 50

MR ROLLS: Do you intend to undertake further assessments of the QRA flood plain overlay and compare it with the flood mapping that you've already undertaken?-- At that meeting we put to Mr Moffatt, the representative of DERM, that we would like to analyse the differences between his mapping and ours

with a view to reaching agreement on what a Q100 line would be. It was put that way because we're very close in most areas so we should be able to, between our staff and Mr Moffatt, actually reach agreement on the thing

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When you say "very close", what do you mean by that, you're very close?-- In the Gympie - in the Gympie footprint I'd say we're 95 per cent the same line.

So is that - is your evidence that there's a 95 per cent correlation between the QRA mapping and the flood - the interim flood study mapping that you have undertaken?-- That's correct.

10

And for the protection of the citizens of Gympie, how much did the council incur in preparing that flood study?-- As in dollars?

Dollars?-- For the - it was somewhere between 100 and 200. We have been amending with the contract with variations as we go because, as I said, it's a complex matter and we found it to be more complex at times. I think 200 would probably pull it up.

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That's your anticipation of the final cost of the flood study would be?-- I think it would be less than that, but that's a likely maximum.

Now, the Gympie regional or Gympie Regional Council incorporates not only Gympie City, but also other areas such as Kilkivan; is that the case?-- That's correct.

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And do I understand your evidence earlier that areas such as Kilkivan are bereft of flood studies?-- They have been.

Until they've come under your good offices, that might be right, but when you acquired that area there was no flood studies?-- I'm not sure about the word "acquired".

Well, joined together. That might be more politically correct?-- That's correct.

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All right. Perhaps acquired stewardship, that might be the way. Anyway, leaving that to one side, you're undertaking some flood studies for Kilkivan; is that the case?-- All our urban areas including Kilkivan. We are determining a Q100 line.

But is it true that the Queensland Reconstruction Authority have flood plain overlays for the entire former Kilkivan Shire Region?-- That's not correct. That was the intention. There are some areas which are missing from their plans.

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Is that Goomeri?-- That happens to be Goomeri.

Any other regions?-- There - I'll just have to reference my file. In the old Cooloola area, a town called Imbil hasn't been mapped either.

And you pointed that out to the reconstruction authority representatives when you spoke to them on Tuesday?-- We certainly did.

And they intend to provide you with flood plain overlays in respect of those particular areas?-- I can't remember actually discussing the question the way you've put it, but the intentions from the QRA offices were very clear and very good and very positive and there was agreement that anything that was identified as a shortcoming in either plan would be discussed and finalised. So all shortcomings should be addressed.

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Now, the way you're speaking, do you perceive that there's some role in relation to the QRA mapping in relation - with the Gympie Regional Council?-- The intention is after some meetings with them that the map is common, in other words, their - QRA's map is the same as our planning scheme map for Q100. So there would be - there would be no - there would be no differences, no issues so anyone accessing information from one source or the other gets the same answer which is very, very important.

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Did you agree or suggest that there might be some benefit in participating in a pilot scheme with the Queensland Reconstruction Authority in relation to the continued use of these flood plain overlay?-- We did offer to be the first council that - that goes through the process of correlating the two maps to reach a common outcome. There wasn't any discussion about the long-term future given that flood line mapping is a function of time, but if we had, for example, a Q100 next year and we went back and crunched the frequency analysis we'd probably need to raise our line and then, of course, now that the State government has a set of lines, we would be in negotiation with them too to do the same.

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In relation to areas where there is no flood plain mapping, there is a benefit in the QRA mapping, isn't there?-- An enormous benefit.

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How so? How is it enormous benefit?-- I suppose it's easy for us to say here because we have to live with floods and it's an important part of everything we do, but I can imagine that councils that don't have an understanding of the potential of floods and haven't looked at it in the past, this would be an extremely valuable tool to either get something that's moving or to at least have a starting point before something can happen.

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In practical terms how would you perceive it to be able to be used?-- I think the QRA maps given - the minute they're calculated it's different to the one that we use. So I can't comment on the accuracy of them, but I'd say as an alert for all planning considerations for every council in Queensland they must be invaluable if those councils don't have their own in-house information. It's probably best as an alert because I think the methodology are used as such you can't expect them

to be a precise planning tool.

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Although they're 95 per cent accurate on your examinations to the present point in time?-- That defies logic. I don't understand how that occurred.

But it's happened?-- I do concede it's happened. I handed over the evidence.

And the areas where there is no flood mapping, you say they're an alert - that would alert a planning officer in a regional council that that area would be subject to flooding; is that right?-- I think you need to be more specific than that. It would alert people to the need that they need to assess the likelihood of flooding. As I say, I don't - I don't think those maps were designed to be that reliable.

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No. And to be used with other information?-- Correct.

It's readily available such as heights from gauging stations and contour maps; is that right?-- Correct.

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And together those particular tools come together to assist to providing more information for a planning officer in considering flooding issues?-- Very much so.

Are there any other items in the toolkit which would be of assistance to a planning officer that didn't have access to other flood information in using the QRA material?-- I don't know how advanced council's west of here are in relation to what information they have, that they can supplement the QRA information with. It's, no doubt, over the fullness of time those maps will act as a catalyst for a lot of work and lot of other information that will be gathered that can be used. Each town, its rivers, haven't got the same characteristics. I can't generalise.

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They're a building block; is that right?-- They're a stepping stone/building block.

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And they're the start of the first principles that you referred to in your answer to my learned friend before?-- Yes.

Thank you, Commissioner. I have nothing further.

COMMISSIONER: Ms McLeod?

MS McLEOD: No questions, thank you.

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COMMISSIONER: Mr Ure?

MR URE: I have nothing, thank you.

MS KEFFORD: Just a few questions. Do you understand the QRA maps to convey something about the actual risk or probability

of flooding?-- I know what they're - they're intended to be and they're - I repeat they're - in relation to how they correlate with the Q100 level, the true Q100 level, any one knows what it is, I don't know what the degree of accuracy across the State they're achieving.

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Sorry, if I can go back to my question, though, do you understand the QRA map to convey something about the actual risk or probability of flooding?-- That's correct.

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On its own?-- Yes.

What do you understand the QRA map conveys in terms of probability of flooding?-- That's what I'm talking about in my answer in relation to it. Whether or not it correlates with the Q100 line I can't answer. However, in our case it appears to be a good indicator of Q100. I can't comment for other parts of the State. It certainly serves as an alert that flooding is an issue wherever the map shows - shows colour, it should - it should trigger, depending on the importance of the infrastructure proposed, it should trigger further studies without question.

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When you say you don't know whether it correlates in other areas is that because it doesn't convey any information about probability of flooding?-- It certainly doesn't appear to.

In terms of the methodology you gave an answer earlier about the methodology that was used in producing the QRA maps. What do you understand to be the methodology used?-- Can I read it out?

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COMMISSIONER: By all means. Just read it?-- The methodology is based on a number of data sets including the vegetation, vegetation screening, including soil analysis for flood plain identification. There's some gauging station information. There's obviously land sat imagery and aerial photographs, bearing in mind that for Gympie, for example, it was probably a Q20 flood. So the photographs and the imagery don't necessarily correlate with a line for Q100. Any of the other methods they've used like, say, vegetation or siltation areas don't necessarily convey a flood frequency. They do, however, convey a risk.

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Mr Fredman, can I ask you, on my understanding of the evidence I've heard previously, and it hasn't necessarily been from the people who actually did the mapping, so it may be that what we hear in the future will make it clearer, but the mapping actually shows you areas that have flooded in the past, but with no limitation on the period during which that might have happened. Is that your understanding?-- I don't know whether they can say it's areas that were flooded in the past with any certainty and there's certainly no discussion of when it could have been a thousand years ago. If there's a big silt deposit somewhere it would mean a flood a long, long time ago. It's a brilliant exercise for what it's trying to do but it - I repeat it doesn't correlate with an exact science of flood prediction.

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Well, you would think if it's going to show you where it flooded a thousand years ago it might not tell you much about your risk in the present?-- I think they've used a number of other data sets which have possibly eliminated some of the risk to do with silt deposits. I think that is one of the 10 layers that they used. So it's interesting that it correlated for Gympie. I can't imagine it correlates that well in other places.

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MS KEFFORD: Thank you, your Honour, I have no further questions.

COMMISSIONER: Do you have anything arising out of that Mr Rolls?

MR ROLLS: Yes. The document you're reading from, Mr Fredman, that's the guideline planning for more stronger and more resilient flood plains?-- That's the draft document.

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That's the draft guideline?-- Yes.

For the record, that's Exhibited to Brendan Nelson's affidavit, Commissioner. You said there were 10 data sets used. Are you familiar with the data sets or would you simply be reading from that particular document?-- I'm reading from the document and I haven't seen any data sets as such, but it's quite understandable that they use these data sets.

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Such as? What are they?-- Well, look, vegetation mapping, aerial photography taken at flood peak last flood. Gauging stations, land set imagery, stream orders, 10 metre contours and there's potential error in that alone, but they're the sort of - they're the data sets that they've used as compared with flood frequency analysis data sets which is where council has come from.

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So it's a different methodology?-- Different methodology. Totally different.

Totally different. But it also provides for a more - it's a less expensive and more - it covers a wider area than what might be done with conventional flood plain or flood mapping?-- The amount of work that's been done is extraordinary in the time available. The only way you can do it is with nonspecific data sets like this. It's quite extraordinary how much they've done.

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How long have you - has the Gympie Regional Council been spent - or has it spent on doing its most recent flood plain mapping, flood mapping?-- As in the current study-----

Current study?-- -----underway, it's probably been six months.

I have nothing further. Thank you, Commissioner.

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MS KEFFORD: Nothing further. May Mr Fredman be excused?

COMMISSIONER: Yes. Thank you Mr Fredman, you're excused.

WITNESS EXCUSED

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MS WILSON: Madam Commissioner, I call Michael Hartley.

MICHAEL PETER HARTLEY, SWORN AND EXAMINED:

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MS WILSON: Your full name is Michael Peter Hartley?-- That's correct.

And you're the director of planning and development in the Gympie Regional Council?-- That's correct.

And you provided three statements to the Queensland Floods Commission of Inquiry. Your first statement is dated the 25th of August 2011. Is that your statement there?-- It is.

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And you've got some attachments to that statement?-- That's right.

And that statement on the 25th of August 2011 sets out the planning schemes that the Gympie Regional Council administers?-- Yes.

And sets out how those planning schemes deal with flooding?-- That's right.

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Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 820.

ADMITTED AND MARKED "EXHIBIT 820"

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MS WILSON: Another statement was provided the other - another statement was provided by you dated the 27th of September 2011?-- That's correct.

Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 821.

ADMITTED AND MARKED "EXHIBIT 821"

MS WILSON: And the final statement that has been provided by you to the Queensland Floods Commission of Inquiry is the statement dated 6th of October 2011?-- That's correct.

And that is a statement that sets out some matters in relation to the Queensland reconstruction authority?-- It does.

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Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 822.

ADMITTED AND MARKED "EXHIBIT 822"

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MS WILSON: Now, if we can, first of all, go to your first statement that's dated the 25th of August 2011. Have you got that statement there?-- I have.

And have you got the attachments to that statement?-- Sorry.

As long as you've got them with you in the witness box?-- I'm not sure there were attachments to that statement.

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Okay. Well, if we can go through your statement. At paragraph 1 you referred to the - that there has been no changes to the council's land planning policies, processes or other statutory instruments in relation to the flooding?-- That's correct.

Is there any reason for that?-- There's been no changes since-----

Yes?-- -----between January and now?

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Yes?-- Look, the main reason is that we - we have three planning schemes at the moment. The planning scheme that deals with the bulk of development in the Gympie region is the - from the Cooloola Shire Planning Scheme. It has quite a lot of regulation within it in relation to flooding and dealing with development applications in relation to flooding. We're also quite well advanced with preparing new planning schemes under the Sustainable Planning Act. We've undertaken over the last, sort of, two and a-half years a range of planning studies and supporting material that we're now-----

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Mr Hartley, every word that you say will be taken down. So if you can just slow down?-- So we're well advanced. We've got all the supporting material that we need with the exception of the finalisation of the current flood studies that's been undertaken at the moment. So we are drafting the document proper at the moment and we're putting basically all our

efforts and resources into the new planning scheme under the Sustainable Planning Act.

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The three planning schemes that you currently set out are Cooloola, Kilkivan and Tiaro?-- That's correct.

The new planning scheme that is being proposed will incorporate those three planning schemes under a single planning scheme; is that the case?-- That's correct.

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And there will be one planning scheme with one set of conditions for all - for the entire area of the Gympie Regional Council?-- Well, that may not necessarily be so. There may be different standards in different localities for character and amenity reasons and under the circumstances, but it will be one planning document.

And distinctions will be made for-----?-- Yes.

-----different environments?-- Correct.

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So you've set out the three planning schemes in your statement and if we can go through some of the matters that you raised in relation to each of those three. The Cooloola Planning Scheme is set out from paragraph 3 onwards?-- Yes.

If I can take you to paragraph 6. Now, paragraph 6 deals with applications to subdivide land?-- It does.

The reconfiguring of the lot code contains two specific outcomes and associated probable solutions. On the left-hand side of that table we have the specific outcome. On the right-hand side we have the probable solution?-- Yes.

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Is that the case?-- That's correct.

So in terms of the residential use that is set out in S017; you can see that?-- That's right.

And one way with complying with what is set out in S017 is by meeting the probable solutions which is the right-hand column?-- Correct.

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So if we can now go to the probable solutions. One of the ways that can be met is requiring the proposed lots to have a minimum building pad above the 1 in 100 ARI flood level where it is known?-- That's right.

Does council have this type of information from any areas covered by the scheme?-- The Q100 line?

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Yes?-- Yes, we do. It doesn't form part of the planning - the Cooloola Planning Scheme in particular. It doesn't form part of that scheme that that knowledge is available.

And how-----?-- Sorry.

Sorry, how is that knowledge available?-- Through the GHED

study that was undertaken in 2000.

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And then we can see then specific regions Tin Can Bay, Rainbow Beach and Rainbow Shores have particular matters that it can be met?-- That is right.

If we can go to E. If areas where the 1 in 100 ARI flood level is not known at or above the highest lying flood level in that locality?-- That's right.

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So where does that information come from, Mr Hartley?-- Look, it would be up to individual development proponents to demonstrate that to council to enable officers to assess that and, if you like, whether that's done by a flood study, by a flood engineer engaged by the applicant to prepare a flood study on a particular development proposal, whether or not it's statements from locals, there are a range of ways of trying to find out. Ordinarily we would ask applicants to provide some information from a qualified engineer in relation to flooding on site that we new very little about.

20

If there is no information about the historical flooding for an area covered by this planning scheme, is it assumed that the land is not subject to flooding?-- Not necessarily.

And would the developers still have to go through and provide that additional information to you?-- If - yes, and there's a degree of, I suppose, judgment in that there's a degree of individual site analysis. But certainly if there was some concern in relation to the risk of flooding, once an application was lodged there would be every likelihood that there would be a request for further information from the applicant in relation to the issue of flooding.

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S017 sets out information in relation to residents. S018 talks about nonresidential use, businesses, commercial use?-- That's right.

The specific outcome seeks to maintain the safety of people and minimise the potential damage to property in flooding. See that?-- That's right.

So there's two concepts there: one is maintaining the safety of people and the other is to minimise potential damage to property from flooding?-- That's right. 10

And that can be met by the probable solutions which are contained in the right-hand column?-- Correct.

Some of those solutions that are contained in that right-hand column, you'd agree that some are more likely to be effective than others in meeting that outcome?-- That's not the way the scheme was drafted. I mean, if you're asking - like, my personal - my professional personal opinion in answer to that is probably yes, but they're evenly weighted in the planning scheme. 20

When you say - well, let's look at - let's look at what is contained in the probable solution. For example, (d) and (e) - sorry, (e) and (f), "The outcome could be met to minimise the potential damage to property from flooding if lots are located in an area where there's sufficient flood warning time to enable safe evacuation."?-- That's right. 30

Well, that wouldn't meet the outcome, would it, of potential damage to property from flooding?-- Well, again, my opinion is that it may not, but strict interpretation of the planning scheme suggests that it does.

Well, is it the case that you can meet the specific outcome if you satisfy any one of those matters that is listed under PS18?-- Yes, that's correct. 40

So, it could be satisfied if each lot contains a safe refuge, for example, which is contained in (f)?-- Well, it would satisfy the specific outcome, but I appreciate the point that it wouldn't protect property.

Okay. So there are matters there that development could be approved that has no ability to protect property from damage from floods; do you agree with that?-- I think compliance with the code can be achieved without necessarily ensuring protection of buildings. In fact, I think that's what you're saying. 50

Yes?-- That any one of those acceptable solutions will achieve compliance with the specific outcome, and that's the way the word - the scheme is drafted, if you like. That's a scheme structure issue more than anything else.

And that is a scheme structure issue that could be addressed

when you're looking at it again with fresh eyes and looking at the new scheme being proposed?-- It will be, and maybe just on that comment, one of the prerequisites of the 2011 flood study that's being commissioned is that that flood study will inform the drafting of the new planning scheme to the extent that the new scheme will reflect SPP 1/03 in relation to flooding. So, there is every expectation in the supporting material that the standard of the new scheme will entirely reflect the new SPP.

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And in the new scheme, would it be possible to satisfy the specific outcome by just meeting one of those matters that are set out in SP18 - PS18?-- I'm not in a position to comment on the structure and the exact wording of the codes that are likely to appear in the scheme.

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I appreciate that, but are you alert to the fact that PS18-----?-- Yes.

-----does not satisfy the outcome-----?-- Yes.

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-----in some respects?-- Look, very much, and I think a comment, for what it is worth, "resilience of nonresidential buildings in times of flood", is an important and a laudable outcome. Whether or not that's actually built into planning schemes, whether or not there's a better mechanism of planning and development framework, like the Queensland Development Code or some other document like that, I think that's yet to be determined, but, as an outcome, it is certainly a positive one.

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Now, S018 deals with new lots intended for nonresidential use?-- That's right.

What about the situation where we have a vacant lot or some other lot that there's going to be a proposed material change of use? How does the Cooloola Planning Scheme deal with that in relation to flooding?-- Well, that's further in my statement.

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Well, paragraph 5 deals - refers to material change of use. Depending on the location of a particular development site, one of these planning area codes will apply to any development application for material change of use?-- That's right.

Is that what you were looking for in your statement?-- Yes, it is.

Okay?-- And that's-----

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So, what probable solutions are there to specific outcomes of minimising potential damage to property from flooding in that situation?-- Well, again, I'd go to paragraph 3 in my statement, which has got probable solution 10, which talks about residential building levels complying with those that are established in a particular table, and that table is on the very next page, and for nonresidential buildings, there is no solution-----

No?-- -----described in the planning scheme.

No. And that's where my question was directed at - nonresidential; that is, business or commercial. So, in that situation where there is a material change of use proposed, there is no specific outcome or probable solution to deal with flooding presently in the planning scheme; is that the case?-- Oh, yes, there is. You say to deal with - I don't think there is a specific provision that requires resilience in relation to building materials or whatever, but there are certainly provisions in the scheme in relation to evacuation routes, in relation to safe refuge. There is still - for want of a better word, there is still a test that applications have to be assessed against in relation to flooding.

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What about the specific outcome of minimising potential damage to property from flooding?-- No, there are no further provisions in relation to commercial and industrial development.

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And is that something that really needs to be addressed in the new planning scheme?-- Yeah, look, it is something that needs to be addressed. I just go back to my earlier comment. If every planning scheme in Queensland attempts to address building resilience in areas of flood, you're going to end up with 70-odd potentially different standards because each drafter of each local planning scheme may want to use different words, different terminology, there may be different outcomes. It may be it's one of those circumstances where a state-wide code, like the Queensland Development Code or some other State-wide standard, should deal with that issue of nonresidential building resilience in identified flood areas.

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But why couldn't there be a specific outcome, like as drafted, of specific outcome 18, that deals with nonresidential use when there's going to be a proposed material change of use to a property lot?-- There certainly could be. It could be incorporated and incorporated in the planning scheme.

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And we've heard evidence this morning from Ms Blaich about the damage that was suffered to her business?-- Yes.

And that sort of amendment to a planning scheme would, in some way, address those issues about ensuring that there is a specific outcome for a - minimising potential damage to property from flooding?-- An amendment to the existing planning scheme.

Or - no, when you are looking at the new planning scheme?-- No doubt about that. I think the issue of resilience will need to be taken into account, whether or not it is through the planning scheme or through a higher order code. I mean, if there is no Queensland development standard for it or some other State-wide requirement, then the idea of building - resilience of buildings in the planning scheme is the right one.

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Why couldn't a specific outcome for a material change of use for a nonresidential use have some of those matters that are set out at PS18 (a) to (c)? Why couldn't that occur?-- Look, they could. They could. There's no reason why they couldn't if that was the policy position of the planning authority, being the Council. 1

And will that be the planning policy for the Gympie Regional Council in relation to the future?-- Look, I can't say that it will be or that it won't be. Will I be - would I, as the Director of Planning and Development, be recommending to Council that some level of building resilience be built into the relevant codes? Look, the answer to that is "yes" if there is no other State-wide control. 10

Why do you need "if there is no other state-wide control"? Why do you need that?-- Only because there's little point in duplicating what would already be - if it is already in the Queensland development code, then it is unnecessary and immaterial to duplicate it in the planning scheme. 20

If we can go to the Kilkivan Planning Scheme that you set out in paragraph 7 and following? The specific outcome that is set out there provides that areas susceptible to hazards associated with, and relevant for our purposes, flooding-----?-- Yes.

-----are maintained in a state which minimises things such as damage to property and essential services and infrastructure, unacceptable changes to local flooding and drainage characteristics. There is no map to define what specific area that outcome applies to, is there?-- No. 30

So that specific outcome must be addressed in any development application that has to address this code?-- That's correct.

And in terms of addressing the specific outcome - the probable solution again is one way that it can be addressed?-- That's right. 40

And the probable solution S2.25 is set out there?-- That's right.

And refers to the 1 per cent AEP. Does Council have information with respect to the 1 per cent AEP?-- In the former Kilkivan Shire, not to my knowledge. Not to my knowledge. And that's something that we are acquiring through the flood study that's nearing completion at the moment.

So, in practical terms, S2.25 couldn't be used?-- Well, that's right. That's right. 50

As a physical use?-- That's right, we don't have that knowledge.

Does Council have information on the highest known flood level in this area?-- I think just based on Mr Fredman's testimony this morning, what happened earlier this year I think is the

highest known flood, in that - so, the answer to that is yes, but we're only based on January-----

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Post-2011?-- Yes.

So, prior to 2011, how did applicants address compliance with this provision?-- I suppose very simply there's not a lot of development activity occurring in the Kilkivan Shire. An example I can give is a development application that we did receive for a range of - a small number of urban lots on the outskirts of Kilkivan. We, Council, as part of the information request, insisted on a flood study, because that knowledge just wasn't available to us, and the lot in question was on the banks of a creek. Now, the applicant refused to provide that information. They said, "Look, the family has owned the land for 100 years, we know we're not going to flood and we're not going to provide that information." From an assessment perspective, that wasn't sufficient for us to determine it complied or that that requirement had been achieved, and just as a matter of procedure, whilst the site was suitably located for urban development, we didn't have all that detailed flooding information, so the Council actually approved a-----

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Just slow down?-- -----Council actually approved a preliminary approval for that site and required a further application to be accompanied by a detailed flood study to demonstrate that the lots can actually conform in terms of flood, and, look, the applicant refused to - refused to accept that and actually lodged an appeal, and they're now in the process of preparing a flood study. So, that's - at this stage, that's an example of how we have to deal with flooding in the form of Kilkivan Shire. That will change, hopefully, once we have the knowledge of the flood study, and appropriate mapping is built into the planning scheme.

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A preliminary approval, though, means that a development couldn't proceed until that further information was obtained?-- That's absolutely correct.

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Well, now, if we can move to the Tiaro Planning Scheme and go to paragraph 9 of your statement? The Tiaro Planning Scheme does not reflect the State Planning Policy?-- That's right.

And it's the case that all three planning schemes that you administer don't reflect the State Planning Policy?-- That's correct.

But it does have provisions with respect to flooding - Tiaro?-- It does.

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Now, we see there residential uses are established in localities, and the solution refers to that being above the highest available flood level. What does "available" mean?-- I'm sorry, where are you reading that from?

See your paragraph 9?-- Paragraph 9, yes.

Yes. And you see the right-hand column, which would be the probable solution?-- Yes.

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And that is that new residential areas are developed on land which has the characteristic of being above the highest available flood level. So, where - I'm interested in the term "available"?-- Well, I mean, the former Tiaro Shire Council Mayor may not have had some information in relation to a flood that may have exceeded the Q100. I'm not aware of any such mapping, and for the purposes of interpreting that acceptable solution, it would be the Q100 line.

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And is that Q100 line available?-- There is a flood map that forms part of the Tiaro scheme, that's right.

You referred to before that none of these State Planning Policies reflect the SPP 1/03. If I can-----

COMMISSIONER: Planning scheme.

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MS WILSON: None of these planning schemes reflect the SPP 1/03. If I can show you this letter, please? This is a letter from the Gympie Council, a letter from the Chief Executive Officer to the Queensland Floods Commission of Inquiry?-- That's right.

Paragraph 3 sets out the Council has not made any application to the Minister for Local Government and Planning seeking a finding as to whether or not a planning scheme administered by the Council appropriately reflects SPP 1/03?-- That's correct.

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Were you aware that that was the case?-- I was.

Do you know why the Council has not made any application?-- There has been - certainly since 2008 there has been no amendments to the Tiaro or Kilkivan planning scheme, and nor has there to the Cooloola scheme. There has been no occasion for Council to seek the Minister's advice. There has been no trigger, if you like, to seek the Minister's advice as to whether or not the schemes don't reflect the SPP. At the time of drafting - I mean, again, I don't think this is that unique in Queensland. I suspect the vast majority of planning schemes operating in Queensland at the moment don't fully reflect SPP 1/03. It's a timing issue. The State Planning Policy was introduced when the vast majority of planning schemes under the Integrated Planning Act had been three-quarters drafted. There was certainly a push on at the time to get a large number of planning schemes through the process. That was the fifth year, if you like, after the Integrated Planning Act commenced which said new planning schemes had to be prepared within five years. So, there was a genuine push at the time to try to get planning schemes through, and I think you'll find that's probably why there's an exception, if you like, in relation to flooding in the State Planning Policy, which is probably linked to the timing of its introduction, more than anything else.

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So, we're now coming up to eight, nine years on-----?--
That's right.

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-----some may think that's been sufficient time for councils to have their planning schemes reflect SPP 1/03?-- Look, I don't have the document with me, but if I remember correctly, when the Minister signed off particularly the Coolooloola scheme - signed it off as suitable for adoption, the Minister of the day did state that there would be a requirement to undertake the necessary flood studies and reflect the SPP for the next planning scheme, which is the one that's currently under preparation right now.

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Okay. And when do you expect the future planning scheme to take into account all of these three planning schemes that we have been referring to? When do you expect that to be completed?-- Always a bit difficult to predict how long a draft planning scheme is going to take to get through the state interest process and through the whole process.

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Well, when will-----?-- Look, an educated guess for me is 12 months from now.

And is Council at the stage that it's nearly completed the work that it needs to do before it goes on to the state interests?-- Yes, the advice that I've received from consultants who are assisting us draft the planning scheme is that we should have almost an entire draft by Christmas this year.

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Thank you, Mr Hartley.

COMMISSIONER: Yes?

MR ROLLS: Commissioner, I have no questions, thank you.

MS O'GORMAN: We have no questions, thank you.

COMMISSIONER: Mr Ure?

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MR URE: Just a couple of matters, Madam Commissioner. Mr Hartley, Ms Wilson asked you some questions early on in your evidence with respect to specific outcome 18 which you deal with in paragraph 6 of your first statement, the one of the 25th of August 2011?-- Yes.

Which has become Exhibit 820 before the Commission. That, of course, deals with new lots, correct?-- That's correct.

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It was suggested that there weren't any specific outcomes that dealt with material changes of uses in the way that the probable solutions A, B and C are reflected in specific outcome 18. That may well be true, but in paragraph 3 of your statement, you reproduce specific outcome 10. Whether or not there is a probable solution identified with respect to that specific outcome, is it the scheme of both the Integrated

Planning Act and the Sustainable Planning Act and, in fact, the scheme that the specific outcome applies, whether or not there's a probable solution or not?-- Yes.

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All right, so if we start from the position that specific outcome 10 does operate with respect to assessing an application for a commercial building, to achieve compliance with specific outcome 10, is it necessary that there be absolutely no impact from inundation by flooding on a building or not?-- No.

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All right. That brings me to some matters that Ms Stenholm was asked about earlier this morning. Do you have a copy of her statement, Exhibit 811 before the Commission? You may not need it. She reproduced specific outcome eight from the Cooloola Planning Scheme which was, "Developer maintains the safety of people from floods." Now, that's a different concept, but related to specific outcome 10?-- Yes.

If you can just turn your mind, please, to 34 Violet Street, which is the property that we heard some evidence about from Ms Blauch this morning, given the use that's being made of that land, in your view, having regard to the provisions of the scheme, both S08 referred to in Stenholm's statement and S010 in your statement, is that an appropriate land use for that land given that land's attributes?-- Yes, it is.

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Why is that?-- There's a number of reasons. It is zoned commercial, but it's also in what's called a highway services precinct, indicating that the preferred land use outcome on that site would be related, if you like, or linked to activities on the highway. That's precisely what that use is. So flooding aside for the moment, from a very rudimentary planning assessment, it's an ideal use for that site at that location. Look, in relation to the flooding issue, there are not a lot of employees on the site, there are not a lot of permanent employees there. There may be one or two people there from time to time for maintaining the equipment and surveillance and security and what have you, but there are not a lot of employees on the site, so people that are going to the site are in cars, they can get on and off the site really very quickly. You know, in terms of protecting people, it's probably a very good land use planning outcome for land in an area affected by flood.

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Is it essential that properties for all the spectrum of commercial enterprises be immune from flood or not?-- No.

We heard from - I think it was Ms Lang this morning that a conscious decision was made, aware of the flood characteristics of the parcel of land on which her business was carried out, to utilise that parcel because it offered a reduction in rental?-- That's right.

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Other similar questions, in your experience, arise with respect to exposure from business with respect to passing traffic that developers may take into account in deciding whether or not to utilise a constrained parcel of land for a

business?-- Certainly. Certainly that's right.

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In your view, is it necessarily a wise planning principle to ensure that all commercial businesses are on land immune from flooding?-- No, it's not, and in the Gympie context, it's really an unreasonable explanation. It just wouldn't be achievable. I think the key planning outcome for commercial and industrial buildings in Gympie in flood-prone areas is to deal with the resilience of those buildings and the resilience of the onsite infrastructure in times of flood.

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Thank you.

COMMISSIONER: Ms Wilson?

MS WILSON: I have no further questions. May Mr Hartley be excused?

COMMISSIONER: Thank you, Mr Hartley, you're excused.

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WITNESS EXCUSED

COMMISSIONER: How long do you expect the remaining witnesses to take?

MR CALLAGHAN: I think we only have Mr Thomas left, and I would have thought, for myself, no more than about 10 or 15 minutes, unless anyone wants to indicate that they're going to be any length of time with him?

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COMMISSIONER: All right.

MR CALLAGHAN: I call Thomas William Brian Thomas.

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THOMAS WILLIAM BRIAN THOMAS, SWORN AND EXAMINED:

MR CALLAGHAN: Can you tell the Commission your full name, please?-- Thomas William Brian Thomas.

And you reside at Thomas Road in Kilkivan, is that right?-- Yes.

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Mr Thomas, you have prepared a statement for the purpose of the Commission, is that correct?-- Yes.

That's the document that's in your hand now?-- Yes.

I tender that.

COMMISSIONER: Exhibit 823.

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ADMITTED AND MARKED "EXHIBIT 823"

MR CALLAGHAN: Mr Thomas, you've lived in the Kilkivan area all your life?-- Yes, that's correct.

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And you indicate in the first paragraph some of your local involvements. You've also been on the - were on the Kilkivan Shire Council for a period, too, is that correct?-- That's correct.

Can you just tell us in brief terms what happened in Kilkivan on the 7th of January this year?-- Basically we had a warning that there was going to be a heavy downpour of rainfall. I started shifting cattle from my creek flats to safety, and I returned to the house. As an SES officer I started receiving phone calls for assistance. People were reporting that their businesses were being inundated by rainfall that was spilling over town drains.

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And in paragraph 9 of your statement you speak about a large wall of water emanating from the creek which flows to the east of Kilkivan, is that right?-- That's correct.

You're familiar with the area. Has there ever been anything like that before in the area, to your knowledge?-- This was about one and a half metres higher than any flood that I'd seen before.

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And what about in history, going back before your time, or whether it is stuff that you've been told about or know about; were you aware of anything as significant as this?-- My father observed a flood in about 1954/55 that was equal to about the '89, '88 floods.

Where did that rate compare with this one?-- Probably about a metre lower.

Part of the response that you've spoken about in your statement involves your role in the SES. You're the group leader of the Kilkivan SES, is that right?-- I am now group leader. I was a community member of the SES.

What does the position of being group leader now involve? Do you get paid or do you get particular training or anything like that?-- I get an allowance during December, about \$350 odd to cover phone calls and office expenses. I am responsible for recruiting, seeing to it that all members are up to standard with their training, and I am responsible for calling out members if there is an event. 10

During the 2011 event there weren't many members, is that right?-- There was only three members in town on the night. The acting group leader had taken sick. He was 79 years of age. 20

And of the others members, as you say, one was 55 and one was 40?-- Around that age group.

Around about that. Moving on, as we understand it you have been able to recruit some more volunteers since January, is that right?-- That's correct. Last meeting we had nine members. 30

How did that come about? It was clearly in response to the flood, but did you have to do anything in particular or-----?-- I put a flyer out around Kilkivan requesting assistance for the SES with new members.

You have noted that these sorts of recruitment efforts are limited by the fact that young people leave the area to go and work in the mines and so on?-- That's correct. It is a small community. Various people volunteer for different services. We have first respondents, we have rural fire brigades, we have the SES. 40

Do you have any suggestions about means by which recruitment might be improved?-- Council could assist us with recruiting drives.

With what, I'm sorry?-- Council could assist us with recruiting drives, campaigns.

Okay. On the topic of equipment and training, as you've said in your statement there is limited equipment; one rescue boat and it requires a marine operator's licence to operate, is that right?-- That's correct. It needs a coxswain. 50

But it couldn't be used in January because no-one with the relevant training was available?-- The previous coxswain, a former group leader back in 2010, was the last one to hold a coxswain ticket.

So what's the story there with the training? Is that an EMQ thing? Would they be the ones who provide it?-- EMQ are going to work with the new recruits. We've picked out four new members that will train for the flood boat.

All right. On the topic of communications, you've said at paragraph 8, I think, of your statement, you normally use UHF radio channel during emergencies but you weren't able to do that on this occasion because of the extreme weather, is that right?-- Kilkivan is a very hilly place surrounded by ranges. We normally have to put up a portable repeater on the ridges but with only three members it was not practical to go and spend time doing that.

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I think there is a suggestion that the communications for the Kilkivan SES are going to be enhanced. Can you tell us more about that?-- EMQ are presently testing new radio sites throughout the Gympie region, from Imbil through to Kilkivan, to try and pick up the best possible positions for new repeaters.

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Another topic we've looked at over the last months is the question of evacuation centres which you discuss at paragraph 12. The Kilkivan Town Hall proved to be inadequate and people were moved to the retirement units, is that right?-- That's correct. I didn't take part in that evacuation. The residents took it upon themselves to try to find a position - a place for the evacuees to go to.

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I see. How were people made aware of that?-- Most people were brought into town by the local police officer, flood boat crew, and they met in the main street and were advised to try and get into the hall. There is no showers there. Some of the people had been in houses flooded by sewerage. It was decided to find some other place where they could at least have a shower and change their clothes.

Is the thought that the retirement units will be used as an evacuation centre instead in the future?-- Depends. Council is presently working on a Western Disaster Management Plan. This will set aside an area that we will take people to in the future.

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I was going to ask you about that next. Is that what you talk about in paragraph 16 of your statement?-- Yes.

And is that something that is being looked into because of the January floods?-- Yes.

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Okay. And what role do you understand this group will perform in emergencies - presumably any emergency, not just flood?-- We will meet all the standard operating procedures of SES, depending on what disaster we face; storm damage, flooding.

All right. In case anyone's reading this transcript at a later point, we can cross refer to the interim report at pages 163 and 164.

Were you present here when Mr Fredman was giving evidence about the question of the sewerage issues?-- Yes, I believe I was.

And I think, in essence, his evidence was that the belief was that the overtopping of the sewerage treatment lagoons resulted in no harm to anyone. Is that consistent with the local opinion on the issue?-- The family that were affected by the sewerage, we helped clean the house in the days after the flood. It was then declared that it was condemned and the order was that it would be completely stripped of all its internal linings or cupboards. The cost to this family would have been \$75,000. They asked me to intervene on their behalf to give a report from SES on the matter, so that they could present this to their insurers. It came down to the fact that the insurers were bringing in a hydrologist, and he did not keep the appointment. So the insurance company informed the family that they would, therefore, pay up because they had not met the terms of their agreement. And it was only through that stroke of luck that the family avoided paying \$75,000 out of their retirement investments to refurbish their house. So I believe there would have been quite a considerable loss to this family because of sewerage in the house.

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COMMISSIONER: You did think it was sewerage?-- From my knowledge as a former Kilkivan Shire Councillor, I believe it would have had to be at least three stages where sewerage would have entered the house. There is a discharge into One Mile Creek where sewerage ponds for a considerable amount of time, there then would have been the run off from the gravity fed ponds - up to a megalitre of water would have probably accumulated in these ponds - and then there would have been floodwater to the ponds. And this would have all proceeded downstream in stages during the flood event into the Wilan house.

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MR CALLAGHAN: Well, someone might spoil it after I sit down, but it would be good to end this round of hearings on a positive note. To that end, I would refer you to paragraph 17 of your statement where you have very positive things to say about the manner in which the community banded together?-- Yes, that's correct. Quite a few of the community were upset that I didn't call them out during the night. Some of the CWA women in their 70s and 80s were willing to turn up that night but I considered it would probably cause more harm than good to call them out in a storm.

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But you got bagged for it anyway?-- Yes, they were quite upset.

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Thank you. I have no further questions.

COMMISSIONER: Mr Ure?

MR URE: Just one matter. It may be a matter of terminology, Mr Thomas, but paragraph 15 of your statement you say, "I am aware that council had claimed to the Wilans that there was no leak of sewerage from their waste pits." I assume you mean their sewerage. Is it the solids - you are not talking about or you are not saying, necessarily, there was any intrusion of solids into the house, because perhaps if I develop this: if there was an overtopping of anything, it was an overtopping of effluent ponds?-- Yes.

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And by the time that material gets into the effluent ponds it is liquid?-- Yes.

With no solids. And assuming that there was, in a flood event such as this, an overtopping of the effluent ponds as a consequence of the ingress of floodwater, there would be a very significant dilution factor as a consequence of that, would there not?-- That's true.

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It is also the case, isn't it, that albeit it is proximate to the sewage treatment plant, there are also septic tanks in the neighbourhood - sorry, septic tanks and also septic effluent disposal systems?-- It was stated to the Wilans it could be their own septic tank but they had pumped theirs out the week before.

So the Wilans themselves operate on a septic system and neighbours in the vicinity also have septic systems?-- That's true.

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Yes, I have nothing further.

COMMISSIONER: Mr Rolls?

MR ROLLS: This witness is a State officer of the SES so perhaps I should go last.

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COMMISSIONER: I clearly regard Mr Thomas as a more local witness but I suppose that's strictly correct.

MS McLEOD: I have no questions.

MR ROLLS: Now I have no questions.

COMMISSIONER: We can adjourn for lunch on the sewerage note.

MR CALLAGHAN: May Mr Thomas be excused?

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COMMISSIONER: Yes. Thanks very much, Mr Thomas.

MR CALLAGHAN: Until Ipswich on the 18th of October.

COMMISSIONER: Sorry, which date was it?

MR CALLAGHAN: The 18th. Tuesday the 18th.

COMMISSIONER: We will adjourn to Ipswich on Tuesday - at 10 o'clock, I assume?

MR CALLAGHAN: Yes.

THE COMMISSION ADJOURNED AT 1.28 P.M. TILL 10.00 A.M.,
18 OCTOBER 2011 AT IPSWICH