

QFCI

Date: 7/11/11 *JM*

Exhibit Number: 918

QUEENSLAND FLOODS
COMMISSION OF INQUIRY

STATEMENT OF WITNESS

Prepared by: Legal Services Unit Date: 13 October 2011

Name of Witness: Gary Leonard Mahon

Address of Witness: 125 Park Road, Kedron Queensland 4031

Occupation: Public Servant

Position: Assistant Director-General, Strategic Policy Division,
Department of Community Safety

STATEMENT OF GARY LEONARD MAHON

I, GARY LEONARD MAHON, c/- 125 Park Road, Kedron, in the State of Queensland, Assistant Director-General, Strategic Policy Division, Department of Community Safety ("DCS") state:

1. I have previously provided a statement in response to the Queensland Floods Commission of Inquiry Requirement number 1684613 addressed to me and dated 26 August 2011.
2. I provide this statement in response to the Queensland Floods Commission of Inquiry Requirement number 1736908 addressed to me and dated 28 September 2011.

This is page 1 of a statement comprising 8 page/s.

Witness (Gary Leonard Mahon):

JP/Lawyer/Commissioner
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3. Having only joined DCS on 24 July 2006, I have had to rely on available records in responding to the Commission's questions.

Preliminary matters

4. It has come to my attention that there is a typographical error in my previous statement dated 8 September 2011 and tendered at the Commission hearing on 19 September 2011.
5. Paragraph 43 of that statement should be amended as follows:


43. On 31 May 2005, DCS was invited to provide further comment, if required, on the proposed Brisbane City Plan amendments. As DCS understood, reference to SPP 1/03 had been withdrawn from the proposed amendments. A search of records reveals ~~a~~ no response from DCS. A copy of the email from DLGP on 31 May ~~3005~~ 2005 is attached and marked GLM-18.

Brisbane City Council's Planning Scheme

The correspondence between the Department of Community Safety and each of the Department of Environment and Resource Management and the Department of Local Government and Planning with respect to the State Planning Policy 1/03, insofar as it relates to flood, being appropriately reflected in the Brisbane City Council's planning scheme from 2003 to present.

6. A search of the Department's records relating to the years 2003 to 2011 reveals that there are six volumes of correspondence that would meet the description of the documents described in the requirement.

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Witness (Print name and title): 	JP/Lawyer/Commissioner for Declarations: 
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7. I would generally categorise this correspondence into two groups:

- i) Correspondence relating to the Brisbane City Plan in 2004 (as outlined in my previous statement); and
- ii) Correspondence relating to various subordinate planning instruments: Neighbourhood Plans, Master Plans, Local Area Plans, Local Growth Management Strategies, Renewal Strategies, Precinct Plans and Priority Infrastructure Plans.

i) Correspondence relating to the Brisbane City Plan in 2004

8. This correspondence encompasses the documents already supplied in my previous statements at paragraphs [39] – [44]. As the requirements of this statement are broader than those of my previous statement there are also some additional documents included.

9. A copy of all correspondence on our records is attached and marked “GLM-1”

ii) Correspondence relating to subordinate planning instruments and later amendment packages.

10. Attached and marked “GLM-2” is a table summarising the advice provided by DCS to each of the subordinate planning instruments.

11. Attached and marked “GLM-3” to “GLM-8” are volumes of correspondence relating to a number of subordinate planning instruments including: Neighbourhood Plans, Master Plans, Local Area Plans, Local Growth Management Strategies, Renewal Strategies, Precinct Plans and Priority Infrastructure Plans.

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12. At the request of DLGP, DCS participates in state interest checks on these subordinate planning instruments. Any comments are forwarded to DLGP, usually by completing a template table provided by DLGP.
13. For convenience, each volume is broken down into schedules which include all relevant correspondence for each subordinate planning instrument. An index at the front of each volume provides details of which subordinate planning instruments appear in which volumes.

The regard had to advice from the Department of Environment and Resource Management with respect to the State Planning Policy 1/03, insofar as it relates to flood, being appropriately reflected in the Brisbane City Council's planning scheme from 2003 to present.

14. DCS refers a planning instrument (or subordinate planning instrument) to DERM where technical (hydrology) advice is required in relation to the adequacy of flood studies or flood maps submitted as part of a draft planning instrument.
15. During 2004, in an undated email, DCS referred the mid 2002 City Plan Amendments to DERM. The amendments appear not to have had a direct relevance to flood, and our records record no reply from DERM. This email is attached and marked "GLM-9"
16. On 31 October 2005, DLGP referred the End 2005 City Plan Amendments Package to DCS. The amendments included a Compensatory Earthworks Planning Scheme Policy that provided guidance when reshaping land within the flood regulation line or Waterway Corridor. That email is attached and marked "GLM-10".

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17. DCS referred the matter to DERM for advice and on 27 November 2005, DERM replied. This email is attached and marked "GLM-11".

18. DCS then provided advice to DGLP and a copy of that advice is attached and marked "GLM-12".

Ipswich City Council Planning Scheme

The correspondence between the Department of Community Safety and each of the Department of Environment and Resource Management and the Department of Local Government and Planning with respect to the State Planning Policy 1/03, insofar as it relates to flood, being appropriately reflected in the Ipswich City Council's planning scheme from 2003 to present.

19. A search of our Department's records reveals there are three volumes of correspondence that would meet the description of the documents described in the requirement.

20. I would generally categorise this correspondence into two groups:

- i) Correspondence relating to the Ipswich City Plan 2004 and Ipswich City Plan Amendment Packages in 2006 and 2007 (as outlined in my previous statement); and
- ii) Correspondence relating to various subordinate planning instruments including the Local Growth Management Strategy, the Priority Infrastructure Plan, the Ripley Valley Master Plan, and the Traditional Neighbourhood Design Code and later Amendment Packages.

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i) Correspondence relating to the Ipswich City Plan 2004 and the 2006/2007 Amendment Packages

21. This correspondence encompasses the documents already supplied in my previous statements at paragraphs [49] – [57]. As the requirements of this statement are broader than those of my previous statement there are also some additional documents included. Those documents are attached and marked.

22. A copy of those documents is attached and marked “GLM-13”.

ii) Correspondence relating to subordinate planning instruments and later amendment packages.

23. Attached and marked “GLM-14” is a table summarising the advice provided by DCS to each of the subordinate planning instruments.

24. Attached and marked “GLM-15” and “GLM-16” are two volumes of correspondence relating to a number of subordinate planning instruments including the Local Growth Management Strategy, the Priority Infrastructure Plan, the Ripley Valley Master Plan, and the Traditional Neighbourhood Design Code) and later Amendment Packages. For convenience, each volume is broken down into schedules which include all relevant correspondence for each subordinate planning instrument and amendment package. An index at the front of each volume provides details of which planning instruments appear in which volumes.

25. At the request of DLGP, DCS participates in state interest checks on these subordinate planning instruments. Any comments are forwarded to DLGP, usually by completing a template table provided by DLGP.

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The regard had to advice from the Department of Environment and Resource Management with respect to the State Planning Policy 1/03, insofar as it relates to flood, being appropriately reflected in the Ipswich City Council's planning scheme from 2003 to present.

Draft Ipswich Planning Scheme Amendments Package 2005

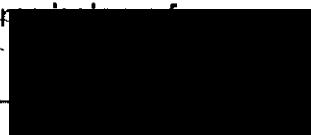
26. DLGP referred the amendments to the Walloon Thagoona Master Plan to DCS on 4 August 2005, The correspondence detailing this referral is attached and marked "GLM-17".
27. DCS sought advice from DERM and DERM provided a written response. A copy of that response is attached and marked "GLM-18".
28. On 26 August 2005, DCS provided advice to DLGP advising that DCS had no issues with the draft statement and noting that DERM (then the Department of Natural Resources and Mines) had been consulted regarding the proposed amendments. A copy of this correspondence is attached and marked "GLM-19".
29. Our records do not show any other instances where amendments or subordinate planning instruments were referred to DERM.
30. There has been other correspondence which is not attached because it reflects work carried out pursuant to instructions issued by Crown Law's legal team in preparation for the hearings for the Queensland Floods Commission of Inquiry.

This is page 7 of a statement comprising 8 page/s.

Witness (Gary Leonard Mahon):



JP/Lawyer/Commissioner of
Declarations:



I make this statement of my own free will believing its contents to be true and correct.

Justices Act 1886

I acknowledge by virtue of Section 110A(6C)(c)(i)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 13 October 2011 and contained in the pages numbered 1 to 8 is true to the best of my knowledge and belief; and
- (2) I make it knowing that, if it were admitted as evidence, I may be liable to prosecution for stating anything that I know is false.

..... Signature

Signed at Brisbane this Thirteenth day of October 2011

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Witness (Gary Leonard Mahon):

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The attachments to this statement are too large to publish on the website.