

1. From Sondra Adams
No. 102 Mathew Cr.,
Burpengary 4505. 12 July 1999.

The Secretary, House of Representatives Standing Committee on Environment and Heritage.
Parliament House
Canberra A. C. T. 2600.

INTRODUCTION TO SUBMISSION.

It is ESSENTIAL that we have management of land, environment and heritage in Australia by a strong and independent body. Checks need to be made that reports are true accounts.

Who is keeping the organisations honest that are supposed to be keeping other people honest ?

The Commonwealth should not be fooled that just because of the existence of statutes, by-laws, requirements, rules and policies or rules of conduct set out under Acts of Parliament, there to govern, manage and protect among other things, land and environment.

They are NO use UNLESS they are respected and evenly and impartially implemented.

My submission gives some examples of problems that need to be addressed. I believe they are indicative of far wide problems and if left unresolved they will just continue to fester.

If the Commonwealth Government can build up a trust with the citizens and the many sincere officials in various levels of Government... that will foster a co-operation that will give such a solid foundation that all the goals of reversing environmental degradation and achieving environmental sustainability WILL be attained.

The most important thing to tie the various levels of government, the private sector and the community together to be able to achieve something, is for people to be able to rely on being given FACTS.

Nothing is going to be achieved if authorities are more interested in obliging their friends, or more concerned in protecting themselves or their friends from having to give any admission of liability.

Statutory by-laws governing land fill and excavation and a Flood Plain Management Policy do exist.

By ignoring them the body charged with enforcing or upholding them sets a dangerous precedence.

Constitution of Queensland Bill 1999 - Notes to the Bill.

- Clause 70 [CA ss 54 (1) - (4) defines a local government as an elected body that is charged with the good rule and local government of the area allocated to it.

I was one of the people who forced Council, finally, to commission flood studies in the catchment area of Burpengary Creek. A creek of shaded beauty rich in flora and fauna.

Also I was on the Flood Sub-committee. This Shire has a lot of very flood prone areas.

I commissioned a flood report relative to my own land, taking into account Council records from '79.

I have a brief report from an independent Engineer on the problems fill in the wrong place in a catchment area can create. Council itself noted fill on a flood plain needs URGENT removal.

My submission gives a broad outline of some of the problems.

Then some constructive suggestions.

Seven (7) pages.

SUBMISSION. Examples of why good management of catchment areas is essential.

2.

During periods of heavy rain, local catchment water drained away freely over the gently sloping plane to a drainage system that fed into nearby Burpengary Ck.. This area is on the flood plains.

The owner of a property of two five acre blocks of land on the lower slopes started filling. The filling being between the drainage system and the other properties back up the slope. Some of the fill bulldozed to the dividing fence. The land being so flat that it did not take much height to obstruct the natural flow of ground water.

Complaints were made to Council. An impartial Council office wrote to the owners that filling was being done in breach of the by-laws. Council advised the owner that the filling was unlawful. Council notified the owners of mandatory requirements. Either remove the existing fill OR apply for Council approval by supplying Council with details of existing and proposed filling.

Council refused to act over breaches of the by-laws. Council did NOT grant approval. Filling continued. (Despite the valid concerns of Council officers and a number of Councillors.)

This was drawn to the attention of the Local Government Department. The Director General of Local Government was concerned at the failure of Council to enforce the **statutory** by-laws governing land fill and so asked the CJC to investigate for Official Misconduct. Council admitted to the CJC that it had failed to enforce the by-laws. Statutory by-laws. Council's excuses for their failure to do so were easily disproved by Council's own records. The CJC noted the filling was done unlawfully. (Note. Fill to recent times.)

Incredibly the CJC went against the truth of established facts in their hands and supported Council. The CJC washed their hands of it and sent the papers on to the Ombudsman as the next appropriate person to deal with the matter.

I was told that during a Council meeting a senior Councillor proclaimed to the meeting and the press and the public gallery, that the Ombudsman agreed with Council NOT with the complainant.

A Senator and politicians from various parties called for a thorough and impartial investigation.

Since the PCJC was the watch-dog committee of the CJC the matter was put in their hands. Incredibly the PCJC refused to acknowledge the facts and so supported the CJC.

The PCJC qualified this support by explaining, in writing, that the PCJC had to rely on the CJC to investigate and to advise the PCJC !!! Apparently the CJC investigated itself a few times, but found no fault with itself and so advised the PCJC who just repeated the same result each time the CJC investigated itself. (Documented.)

NB. The Chairman of the CJC wrote to me and acknowledged that the CJC should NOT have said what it did in their finding. Nevertheless he supported the CJC.

(No wonder the owners of the property enhanced by the admitted excessive and unlawful filling confidently wrote that for a person to find fill on their property . "... then that person must be a lot smarter than anyone else here ".

All the bodies supported a view that was the opposite to what irrefutable evidence indicated. With their support Council confirmed it would take NO action against the owners for unlawful fill.

ALL these bodies supported something they KNEW WAS UNLAWFUL from the beginning.

- B.** This has allowed the statutory by-laws governing land fill to be ignored. 3.
This has allowed the Flood Plain Management Policy to be ignored.

EXAMPLES of why community trust will need to be regained.

The blocks of land on either side of the property with the fill, were put under Option D of the flood study, option for acquisition of land.

BUT NOT the property with the unlawful fill.

The property with the filling was on Council record as 100% flood prone and HAD been lower than the block that was under Option D.

Council was asked to explain why that property (with all the filling) was not under that Option D when other properties were.... Council wrote that probably fill had raised the levels on it !!!

The block adjoining the block with the fill was shown as NOT flood prone at time of purchase.

Council subsequently advised it was 95% flood prone.

A senior valuer in Land Dpt. Said to me...the LAST thing we need is MORE development on the flood plain. Unfortunately there is an abysmal lack of effective control over Council.

An environmental officer and his wife had produced a booklet on the Creek in which they said that building in the flood path of Burpengary Creek resulted in continued public and private cost.

In recommending approval of subdivisions of that property with the fill , on the flood plain, Council noted the land was flood prone and BELOW the Q100 level of 14.52 AHD.

The subdivisions have gone ahead with Council claiming the subdivisions were to comply with the Flood Plain Management Policy.

YET the Council records prove that the subdivisions could NEVER comply with the F.P.M.P.

The Flood Plain Management Policy (which Council claimed in writing IS in force throughout the Shire), requires in EACH block , at least 1,000 s.m. of land ABOVE the Q100 level PRIOR to alteration of the NATURAL ground levels. Council set the Q100 level at 14.52 AHD.

1992 Council run shows the subject two five acre blocks of land as BOTH 100% BELOW the Q100 level of 14.52 AHD.

Council records that there was NO application to alter the ground levels on the subject block.

More building has been allowed.

Apart from the condition that the applications meet the F.P.M.P. ...another condition Council set before allowing the subdivisions to go ahead...was that NO more fill would be brought in.

Fill HAS been brought in. Fill on top of fill. Yet this is a flood plain.

When bodies were required to produce ANY evidence that the subdivisions comply with the Flood Plain Management Policy, they were unable to do so. They admit no such documentation exists.

The statutory by-laws governing land fill have been ignored. (They are there for a good reason.)

The Flood Plain Management Policy has been ignored. (That is there for a good reason.)

A dangerous precedence has been set. It works against establishing any effective management.

1. SUGGESTIONS.

4.

IDENTIFY places of little known historical interest...HERITAGE.

I believe the mountain near Lake Wyvenhoe is where Queen Victoria's deer were released .
The mountain is 195 meters high and is called GOONNERINGERRINGGI.

FOSTER community support...encourage confidence that everything will be done in an honest and impartial manner by deeds NOT just words. Not just to profit a few people.
Actually make sure things ARE done honestly and decisions are made impartially.

There are a lot of people (including myself) who would LOVE to help the Commonwealth Government achieve its commendable goals in improve catchment management.
Unfortunately a lot of people have seen that MIGHT IS RIGHT and have given up.
I have not given up.

(a) The basic problem is that while there are rules in place to protect the environment and prevent development in areas unsuitable...such as very flood prone areas.... apparently it is more profitable to ignore them.

TREES AND TURTLES DON'T PAY RATES.

SOLUTION. Essential by-laws and policies governing land fill, excavation, non interference with flow of flood or catchment water, protection of flora and fauna along creek banks and forests MUST be so worded that authorities who have had years of practise in getting around such rules when it suited them...can NOT put their OWN interpretation on the rules and policies to suit themselves.

Someone makes the decisions. Someone ignores the facts. But the community pays.

(b) THERE HAS TO BE ACCOUNTABILITY for there to be a responsible attitude.

While an authority can say they did NOT know about something... unlawful filling on the flood plain... excessive destruction of a forest... destruction of a valuable native habitat... Developers clearing along the creek when NO clearing was allowed within a specified distance of the creek....
when the authorities THEN say that it is done and nothing can be done about it... SUCH authorities will CONTINUE to allow that sort of thing to happen.

As one headline in our local paper put it. ' DAM THE ENVIRONMENT '.

Our creek used to have pockets of wild maiden hair fern that used to cascade from mossy rock pockets, clean water that rippled over smooth rocks and even tiny beaches of clean sand.

Turtles or some other shy creature's presence in deeper water was indicated by bubbles breaking the surface.

Builders rubble pushed down the creek bank from development along the higher bank of the creek does NOT have the same appeal.

2. Every time Council's make a mistake the ratepayers pay for the Council's mistakes. 5.
I am tired of reading about the expensive bungles that ARE exposed and reported.

Often it is the environment that suffers too. Damage to the environment is just accepted.

A pair of nesting eagles were just left to perch on a bare branch in cleared land.
(I was told they were later SHOT.)

A turtle habitat dam being filled in...some children managed to rescue some of the turtles .
How many were buried alive ?
The R.S.P.C.A. rewarded the children for their efforts. The Council did not comment.

The environmental officer in Council had advised that the dam was of significance.
Council did not accept that...Council has a way of ignoring what it does not want to hear.

The mistakes that have been made need to be recognised and admitted so that the same mistakes are not made over and over again.

A local Council's Environment Officer and his wife wrote a booklet on Burpengary Creek that commented that homes built in the flow path of Burpengary Creek resulted in continued public and private cost.

EXAMPLE of continued public cost.

A flood prone area near the Creek.

To cut a long story short.. Council allowed filling and a school to be built.

One of the flood studies Council was forced to commission noted that in a flood the school would be isolated and the children at risk.

(THAT had to be obvious BEFORE approving the school.)

Council talks about filling in a bend in the creek to fix the problem.

Accountability would definitely make the decision makers MORE CAREFUL and would save hundreds of thousands of dollars which could be put to development of good catchment management in Australia.

Water run off over naturally treed and grassed land is about on a scale of 1.

Water run off over developed land with impervious surfaces, house pads, roads, guttering etc is on a scale of 10.

It is not that development means there is more water... it means that on a developed slope the water gets where it is going faster.

In lower areas there is not so much area for the water to spread out.

Obstacles create turbulence and turbulence results in more damage to the land.

Even a layman can put a rock in a tray of water and see how the water level rises.

Development in catchment areas MUST be carefully monitored... authorities get more revenue the more development there is.

Maroochydore Council north of us apparently was not so greedy for revenue that it could not sensibly recognise that the environment can only sustain a certain amount of development and is limiting development.

**BEST PRACTISE METHODS OF PREVENTING, HALTING, REVERSING AND ACHIEVING 6.
ENVIRONMENTAL SUSTAINABILITY.**

Many schools are already encouraging the children to take a hand in exactly that.

Often the children have more open minds than the adults who are chasing profits at any price.

Landowners need more encouragement to maintain and plant what is native to their area.

At Burpengary there is a nursery that specialises in native species...and more like that should be encouraged right around Australia.

A national education program is needed that proves that gardeners need not use so many chemicals harmful to our environment to control pests.

As a long time member of the Inala Conservation Society I know that a lot of native species die cruel and unnecessary death.

Birds and lizards die from eating insects, or mice/rats that have been poisoned.

MECHANISMS for monitoring, evaluating and reporting.

T.V. and newspaper reports of what the Commonwealth is trying to do.

Ask for community support.

Ask for members of the community to send in reports of areas they consider of special environmental value...flora or fauna.

Identify the areas where such as koalas live or travel.

I was awoken by a roar that so terrified me that I thought lion from the animal park had escaped and was outside my house. Fearing for my dogs I got them inside the house.

Then with a torch gingerly went outside to check on the situation and found a koala near the house.

A PROGRAM TO EDUCATE dog and cat owners to their role in environment protection.

Dogs can be taught not to touch. Bark but do not touch.

The cat I had was taught not to touch birds.

I am really enthusiastic about your efforts.

There are other suggestions I would love to make but I fear that it may take up too much of your time.

However if you think I could help, or if you want more details from the records I have, do not hesitate to contact me.

DAM THE ENVIRONMENT.

Extracts.

7.

“ A move to force a development company to repair a destroyed turtle habitat at Deception Bay has been rejected by the Caboolture Shire Council.”

“The Council retrospectively approved the draining of dams in Creek Road by XXXXX Properties which reportedly led to the deaths of endangered long neck turtles.”

Children tried to save them.

“The R.S.P.C.A. presented the youngsters with appreciation certificates for their efforts in saving the hapless animals but the council has failed to give the children any recognition.”

“The council approval for stage one of the development specifically stated that the dams were of environmental significance and should be retained” one Councillor said.

Another Councillor, now Mayor , is reported as saying that “ The developers had every right to destroy the dams.”

“To argue that they are of some environmental significance is a nonsense” he is reported as saying.

The paper continues... ” However , a report from the council’s environmental officer submitted before work began on the development stated the dams were of significance. “

Quoted from Quest Community Newspaper 12 August 1994.

END. Submission From Sondra Adams . 12 July 1999.