

Date: 23 March 2017

Norman Farmina


Structures on Lot 3 SP246968 and easement upon Lot 1 SP246968

We refer to previous correspondence regarding structures on the above properties.

Background

1. In October and November 2016, Council wrote to you requiring the removal of various structures that appeared to be in breach of local law permits for the land.
2. On 30 November 2016, you responded by providing some information about the structures and the plans to model, alter or remove them, and the timeframes for such actions, including potential new applications for local law permits. In particular, you sought additional time to comply so that you could obtain topographic data to allow your hydrology consultants, Cardno, to complete a floodplain assessment. The estimated time for completion was March 2017.
3. On 13 February 2017 Council wrote to you to clarify that, in certain circumstances, some of the subject structures may be covered by the new regime for levees under the *Sustainable Planning Act 2009* (SPA) and *Water Act 2000*, and that the subject structures, including any alterations to them, and possibly new structures that you wish to construct, may require development approvals under the SPA rather than local law permits. It was also asked that you keep Council informed of the progress of the hydraulic study.
4. On 16 February 2017 you advised Council that the hydrology study would not be completed by March 2017, and that it would instead be completed by July 2017.
5. While some of the structures have since been removed, others remain in place. Of particular concern are the structures located in the areas identified by the red lines on the attached plan (Attachment 1).

Current issue

6. Council understands that a flood in August/September 2016 had a significant impact on various properties in the vicinity of the subject structures and that the impact was exacerbated because of the structures. In particular:
 - (a) the Lamey family property experienced water ponding where, prior to the structures, water would flow through the property; and
 - (b) the "Boongargil" property did not receive any overland flow water where, prior to the structures, overland flow water would be received.

7. Last week, a large amount of rain fell in the catchment. It is estimated that the flow of water will be of a similar magnitude to the August/September 2016 flood and will likely reach the Lamey property in the coming days.

Request for urgent interim action

8. Notwithstanding the current hydrology study being carried out and any future applications that may be made about the structures, Council asks that you take urgent interim action to mitigate the impact of the impending flood.

9. Carrying out the above interim steps should not prejudice the hydrology study being carried out but will assist in mitigating any potential adverse impacts on neighbouring properties in the meantime.

If you require any further information, please contact Council's Department of Engineering Services on 07 4671 7449, which would be pleased to assist.

Yours faithfully



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council