

Our Ref: CC:20171270
Your Ref:

20 March 2017

Chief Executive
Department of Natural Resources and Mines
42 Callandoon Street
Goondiwindi QLD 4390

And

The Goondiwindi Regional Council

BY EMAIL:

Dear Sir/Madam

Re:
Illegal structure
Whynot Farm Co Pty Ltd & Capricorn North – Taraba, Fraser and Whynot
GP & L Investments Pty Ltd(Campbell) and Lamey families

- (1) We act for _____ and Lamey families and are instructed to advise as follows:
- (2) _____ and Lamey families are landowners adjacent (“Adjacent Land”) to the properties of Whynot Farm Co Pty Ltd & Capricorn North and their associates, “Taraba”, Fraser and Whynot Farm (“Whynot Farm”);
- (3) Certain Illegal structures were constructed across the floodway of “Taraba”, Fraser and Whynot Farm;
- (4) Starting from the 27th August 2016 to 17th September 2016 Lamey’s family farm was devastated by floods (7.5 meters in Goondiwindi historically moderate flood) (“August 2016 flood”) with the water being impounded on their land for the following two months by the illegal structures immediately downstream of their western boundary destroying fifty percent of their families total yearly income.
- (5) The August 2016 flood also affected “Boongargil”. We reiterate what our client has informed you previously that our clients have not seen overland flow water from the August 2016 flood events at Goondiwindi at “Boongargil”. We are instructed that a 5.6 metre reading at Goondiwindi would normally flow through the floodway of “Boongargil”. The Macintyre reached 7.5 metres in the August 2016 flood and this did not make the floodway at Boongargil. Our client is of the view that the flow had obviously been stopped and blocked by the Illegal structures

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- (6) Our client had been informed by the Goondiwindi Regional Council in or about October 2016 that the Goondiwindi Regional Council issued Notices to the owners of "Taraba", Fraser and Whynot Farm of the construction of illegal structures by the owners of "Taraba", Fraser and Whynot Farm and requiring them to remove the illegal structures within 40 business days of the notice and that the areas of the affected floodway be returned to, and remain at, natural ground level at all time.
- (7) Despite numerous requests made by our clients to both Department of Natural Resources and Mines and the Goondiwindi Regional Council to our clients' knowledge that Notices of illegal structure had not being enforced. The illegal structures still remain on the "Taraba", Fraser and Whynot Farm.
- (8) We are further instructed over the past few days a large amount of rain has fallen in the border rivers catchment area. It is looking like a flow of the about the same amount of water will be coming down, as the flood event of August 2016, which was 50,000 ML/day, where Boongargil got no water and Lamey's were flooded out. It will take 4 to 10 days to get to the Adjacent land.
- (9) This impending flood will in particular impact and will be a major issue for the Lamey family. Chris Lamey's parents live on the farm. Our flood access to their dwelling house will be cut. Mrs Lamey will be 77 years old this year and her health is fading and the impending flood will have considerable impact on her.
- (10) We clients also believe that there are other neighbours as well as the environment and the community in general will be affected.
- (11) We are further instructed that Bruce Lamey has seen Dion Jones of (Goondiwindi Regional Council) on Friday 17th March 2017, and he was informed from the meeting with DNRM that DNRM will be handling the illegal structures in the district.
- (12) We are instructed to request that DNRM and or the council take immediate enforcement action to have the illegal structures removed prior to the current flood water arriving at our client properties.

Yours faithfully
CHAN LAWYERS

Per:

Contact: Charles Chan
Direct Email: charles@chanlawyers.com.au

Your Ref CC:20171270
Our Ref CTS 08032/17

RECEIVED
10 MAY 2017

BY:.....



Department of
Natural Resources and Mines

- 5 MAY 2017

Mr Charles Chan
Chan Lawyers

GCMC QLD 9726

Dear Mr Chan

Thank you for your letter of 20 March 2017 concerning structures on the 'Taraba', 'Fraser' and 'Whynot' properties downstream of the Lamey family property on the Goondiwindi floodplain.

The Department of Natural Resources and Mines (the department) and Goondiwindi Regional Council (council) are working in collaboration on the matter. The council is dealing with enforcement notices under their jurisdiction over structures on the floodplain.

The department is also investigating options for possible action that may be taken under the *Water Act 2000* to support the council in resolving the matter. I recognise that you have been instructed to request immediate enforcement action. However, any compliance action that may be taken by the department (to the fullest extent possible) will be subject to a statutory process which includes review and appeal avenues. The availability of these avenues may affect the timeframe for the resolution of the matter.

Should you have any further enquiries, please contact Mr Jim Weller, Manager, Department of Natural Resources and Mines on telephone

Yours faithfully,

~~Nicole Buchanski~~
Acting Director-General

CC – The Chief Executive Officer
Goondiwindi Regional Council
LMB 7
INGLEWOOD QLD 4387