

Transcript of Proceedings

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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

MARYBOROUGH

..DATE 12/10/2011

..DAY 46

THE COMMISSION RESUMED AT 10.00 A.M.

COMMISSIONER: Yes, Ms Wilson?

MS WILSON: Thank you, Madam Commissioner.

Today Queensland Floods Commission of Inquiry is sitting in the Fraser Coast Regional Council chamber here in Maryborough. 10

Maryborough is built around the Mary River and has experienced seven major and four moderate flood peaks since flood records began in 1864.

The flooding experienced in Maryborough during the last wet season did not reach the peaks of previous floods. However, the pace of the Mary River rise in January this year was significant. 20

In these hearings, we will hear that whilst previous floods may have taken two to three days to inundate, the January 2011 flood took significantly less time.

The rate of the river rise was a particular issue that caught people unaware.

During December of last year over 600 millimetres of rainfall was recorded over large parts of the Mary River catchment. 30

The Bureau of Meteorology issued flood warnings for the Mary River in mid-December and again in the days before Christmas but it was between Christmas and New Year that significant rainfall caused localised flooding in the Fraser Coast region.

Maryborough's Marina precinct was one of the first areas to experience inundation on Monday, the 27th of December. By Tuesday the 28th, coastal areas such as Toogoom and the Pacific Haven were being affected by rainfall run off and creek rises coinciding also with high tides. 40

Access issues began to be experienced on a broad scale with many roads and bridges being closed.

During the first weeks of January, it became apparent that the region's wet summer was continuing.

The Bureau recorded very heavy rainfall in the Mary River catchment during the first two weeks of January. 50

The Maryborough Marina area was again flooded from Friday the 7th of January, and near midnight on this day, the Bureau of Meteorology advised that during the evening fast river rises and moderate to major flooding was occurring along the Mary River between Gympie and Tiaro. Minor flooding overnight and further heavy rainfall was predicted for Maryborough.

In response, the Fraser Coast Regional Council began to take the precautionary measure of removing the guard rails and electrical equipment from the Lamington Bridge.

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However, the rapid rise of the river prevented this work from being completed.

In the early hours of Friday the 8th of January the Council Disaster Coordination Centre was being established in the Moreton Street Depot.

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That morning, a decision was made to call a Local District Disaster Group meeting and the group then continued to meet daily until the 14th of January 2011.

The Local District Disaster Group identified Granville as an area of immediate concern because of isolation issues; all access roads to and from the area, including Granville Bridge, were cut.

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The Local District Disaster Group minutes show that an emergency hospital was established at the Granville Hockey Club to deliver health services to isolated residents.

On Saturday the 8th of January, and over the course of the next three days, 60 patients presented at the clinic and some had to be airlifted by helicopter to Hervey Bay.

The SES also operated a "flood boat" that conducted frequent trips across the Mary River to deliver essential food and medication and to serve as a shuttle service for the stranded residents of Granville.

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Lights were going out in Maryborough that Saturday with Ergon disconnecting power to approximately 21 properties as a precautionary measure and disconnecting high-voltage powerlines across the Mary River.

At about midday on Sunday the 9th of January 2011, the Mary River peaked at 8.2 metres. The river level remained above eight metres until Monday.

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On Sunday afternoon, the road between Hervey Bay and Maryborough had been closed and water was over the road at St Helens and Saltwater Creek Bridge. Some coastal communities south of Maryborough were also isolated.

River levels temporarily receded but peaked again on the morning of Wednesday 12th of January at just under eight metres.

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Many of the issues experienced within the Fraser Coast area, the planning and preparation for the wet season, the immediate management and response to the flooding, flood forecasts and warnings were the subject of the Commission's Interim Report published on the 1st of August this year.

During these hearings, statements from Mr Stephen Wardrope,

the District Disaster Coordinator, Councillor Mick Kruger, Mayor of the Fraser Coast Regional Council, and Andrew Brien, the then Chief Executive Officer of the Fraser Coast Regional Council, will be tendered in respect to these planning and preparation issues so that they form part of the public record and can be made available to the public on the Commission's website.

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Every person's, community and region's experience of the December and January flooding is unique and can offer to the Commission a perspective and opportunity for further understanding about the scale, nature and effects of the flood events.

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In today's hearings, the Commission will hear evidence from a sample of the region's residents who are directly affected by the December and January flooding. Some raised issues about the ways in which land use planning can affect the impact of flooding on infrastructure and property.

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Ms Kathleen Wilson, a resident of Toogoom, will give evidence about the inundation of her property in late December, and again in the early January, and the way in which she believes new residential development near her property has affected its susceptibility to flooding.

Mr Graham Wode of Granville will speak of his isolation for a period of seven days when the Granville Bridge became inaccessible to vehicles.

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Mr John Kennedy, the owner and manager of the Wallace Hotel and Caravan Park, will be called. He provides information about his planning and preparation for his site to best minimise damage from flooding.

Mr Michael Cox, co-owner and operator of "Muddy Waters Cafe" and Mr Bill Brown, proprietor of Mary River Marine Supplies, and chandlery at the Maryborough Marina will give evidence about their businesses not being able to be fully vacated and of significant property damage that was sustained.

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Today we will also hear from Mr Peter Care, the Chief Operating Officer of the Wide Bay Water Corporation, who will give evidence about the emergency management and operating procedures of the Lenthalls Dam. Lenthalls Dam is located on the Burrum river close to the town of Howard.

The dam is operated by Wide Bay Water Corporation and in 2007, as a means of raising the height of the dam to store more water, crest gates were installed on the existing spillway of the dam.

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It had been a long-term objective since the building of the dam in the early 1980s to eventually increase its capacity by physically raising the dam wall.

In February 2008, issues with the operation of these gates during a rainfall event caused the waters of the Burrum River

to back up, flooding areas upstream of the dam, with some effects also downstream.

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In the 2010/2011 wet season, heavy rainfall and issues with the gates saw the occurrence of minor flooding events at the beginning of December.

As the rainfall persisted, a more significant event at the end of December saw the malfunction of the crest gates and another flood event occurred.

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Mr Care will give evidence about the operation of the gates and their maintenance, especially prior to the commencement of a wet season.

A focus of the Commission's final report will be land use planning through local and regional planning systems to minimise the damage caused by flooding to property and infrastructure.

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The Commission will call three council officers: Mr Wayne Sweeney, the Director of Infrastructure and Environment; Mr Michael Ellery, Executive Manager Development Assessment; and Ms Lisa Desmond, the current Chief Executive Officer of the council, to give evidence about these issues.

These public hearings are only one part of the Commission's process. If there are matters that need further clarification or investigation, this will be done after these hearings within the time constraints of meeting the final report deadline.

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Madam Commissioner, if we could now adjourn for just a short period before we call the first witness?

COMMISSIONER: We will adjourn for five minutes.

THE COMMISSION ADJOURNED AT 10.10 A.M.

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THE COMMISSION RESUMED AT 10.17 A.M.

COMMISSIONER: Ms Wilson, I am thinking the clock might be a bit of a challenge. When it strikes the hour, we might actually pause, I think, while it is doing it so the reporters have some chance.

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MS WILSON: Thank you, Madam Commissioner. Madam Commissioner, I call John Kennedy.

JOHN ANDREW KENNEDY, SWORN AND EXAMINED:

MS WILSON: Is your full name John Andrew Kennedy?-- Yes, it is.

And you have made a statement for the Queensland Floods Commission of Inquiry?-- Yes, I have.

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Can I show you this document, please? Is that your statement?-- Yes, it is.

And there is some attachments to that statement?-- Yes.

Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 780.

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ADMITTED AND MARKED "EXHIBIT 780"

MS WILSON: Madam Commissioner, at this time I will tender a statement of Andrew George Brien. He was the Chief Executive Officer of the council and he has responded to some of the matters raised in Mr Kennedy's statement

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COMMISSIONER: Exhibit 781.

ADMITTED AND MARKED "EXHIBIT 781"

MS WILSON: Mr Kennedy, you owned and operated Wallace Motel Caravan Park?-- Correct

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How long have you been doing that for?-- Just over six years.

So about 2005?-- That's correct, yeah.

And this property, for today's purposes, significantly is bordered by the Mary River?-- Technically, there is a creek that comes around the border but it joins up with the river.

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So how far would your site be away from the Mary River?-- 40 metres.

Now, before 2010/2011, the flood event that you just experienced, in the time that you've been operating this hotel have you experienced any other flood events?-- No.

When you purchased this property, did you make inquiries about

the potential for flooding on your site?-- We did and we were well aware of the fact that it does flood and Maryborough is a flood city.

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Who did you make those inquiries with, Mr Kennedy?-- With the normal council checks.

And those normal council checks, did that include looking at some maps from the council?-- It does. As well as business contacts that we established at the time when we were buying it, a bit of research just around town, previous owners, things like that.

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So at the time that you purchased the property you were aware that it was susceptible to flooding?-- We were. With the caveat that the Mary floods, but it normally takes three, maybe two days to rise. So there is a very important consideration when we forked out quite a substantial amount of money for a property right next to the river.

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So why was that a consideration, the time that it took the Mary River to rise?-- Because it allowed us to evacuate all of the assets to mitigate the costs of operating a business in a flood prone area. So it was very important.

So you purchased the property knowing that it would flood?-- Yes.

But taking into account that the Mary River takes two to three days and you will have time to get out your assets?-- Yep.

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Now, in terms of the January flood that you experienced this year, paragraph 6 of your statement describes the beginning of the flood event. One of the issues that you raise in your statement is something that you just spoke about, the rate of the rise of the Mary River. Tell us about that? Tell us how fast it rose?-- Well, it was scary because we sat around that night with sort of rainfall that we've never experienced before. I mean, we couldn't even have a beer that evening, it was such a nerve-racking level of rain, so we expected something to happen. So the only avenue we knew to monitor the potential flooding of the Mary River in Maryborough was through the Bureau of Meteorology site. So we monitored that religiously at the time - the updates only came every three hours - so at the same time we went down to the river and we observed river heights, and, to be honest, right through until 11 o'clock at night the river had barely moved. So lots and lots of rain but the river had barely moved.

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What day are we talking about?-- That was the Friday night.

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And can you tell us the date?-- I can't remember.

The 7th?-- 7th.

So you went down to the river and you saw it barely rising?-- Yep.

Then did it reach a stage where it rose quickly?-- Well, it did. We didn't stay down there to watch the river; we were hoping that, you know, being a flood city there would be adequate modelling and we would get plenty of notice of a disaster type flood. So we had to wait three hours. That was the window. So gut feel, more than anything. There was no phone calls, no nothing. So we had no idea of what was happening anywhere and we relied on this information. So I actively made sure everybody went to bed to get a couple of hours' sleep because I just had a feeling. So we got up again at 2 o'clock in the morning.

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And when you say we got up, that is you-----?-- Actually, I got up myself but I had notified staff to be prepared-----

Okay?-- -----basically.

And at 2 in the morning?-- At 2 in the morning I met the CEO of the council on the edge of our property and we both looked down at the river and we swore. Because it had risen that fast it was - we knew there was very little that could be done, it was coming and it was coming very, very quickly. So we basically looked at one another, shrugged and just started work.

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And the work was to evacuate your site?-- That's right.

Now, you had done some preparation and planning before the wet season and the cyclone season in relation to evacuating your park?-- Yep.

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In an event of a flood?-- Yes.

Is that the case?-- Yes.

Can you tell us about the preparation that you did?-- Well, we asked a lot of questions from old-timers around town as to, you know, to try and get time-frames and things like that, and it always kept coming back to that two to three days. That just gave us, you know, a criteria, if you like, and then we proceeded to identify all the things that needed to be removed, or moved, or picked, or plugged, whatever it was, and developed a plan. I have done a lot of planning for businesses over the years, so we ended up with a plan. It was - again, it was about a two-day plan.

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And you moved as much material from the ground level as possible?-- Yes.

And you pumped up the tyres of the caravans?-- We - it was just part of the process. There was lots of things. We have cyclone chains on all of our assets that are moveable, we've got sewerage connected, water connected, electricity, all of those things. Step-by-step pumping up the tyres is just one of the processes. I think we'd already done that the week before because there was a minor flood, so that really indicated to us we should be prepared for those sorts of things.

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Now, at 2 a.m. when you saw how far the river had risen did you decide then it was now time to start evacuation?-- Yep.

Now, the steps that you took to evacuate are set out in paragraph 10. If I could just ask you about a couple of those matters. Now, it consisted of moving all of the cabins and every single asset that you had in the park to higher ground?-- Yes.

Was that to leave the park or to remain in your site but just to higher ground?-- Well, we have - on our 10 acres there's probably only half an acre that is well above the recorded flood levels, so we knew we could move some assets up to there, but there was way too much, so we proceeded to move it to higher ground outside of the park.

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You also had to plug sewerage outlets?-- Yes.

Can you tell us about that?-- It's pretty simple really. There's sewerage outlets that go into each asset, each cabin, for example.

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Yes?-- You put a cap over it and a strap around it, tape it up.

And make sure that all the lines were covered as best as you could. What are you referring to?-- The lines, was it?

Yes?-- Well, we have electricity that zig-zags all over the property, and out of the ground we have electric poles - we call them power boxes - where caravans would plug in or cabins can plug in or whatever. So, we had to get electricians to come in - a team of electricians to disconnect all of the meters and power boxes and then we tape them all up and stop them seeping back into the lines.

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And did that occur in those early hours that morning?-- It did. The electricians were standing on ladders in the flood waters doing it, and we got some crazy photos.

And is that when the onsite power poles were removed?-- Yeah, that's when they were, yes.

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And how long did this process take, as you've set out in paragraph 10?-- Well, we physically started moving things at 4.30 in the morning and we collapsed in exhaustion about quarter to 12 the following day. So, near-on 24 hours just flat-chat. We didn't finish everything.

Now, in your statement you've made some comments about the preparation and planning from the local government and other agencies. You've had the opportunity, have you, to read Mr Andrew Brien's statement this morning?-- Very briefly, yes.

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And it responds to some of the matters you raise in your statement?-- Yes.

Is there anything you wish to - anything further you wish to say?-- No, other than that Andrew keeps referring to the

planning that was in place, and I accept that. It's just - it wasn't shared with us, and perhaps part of the process of any good plan is to communicate, and I think that's all I could add to that.

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He does set out some of the occasions when he spoke to you and sets out - so, there's nothing you further wish to add?-- No.

Thank you, Mr Kennedy. That's all the questions I've got for you.

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COMMISSIONER: I'll just have to find my way around. Ms McLeod?

MS McLEOD: I have no questions, thank you.

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

COMMISSIONER: They're the only other appearances?

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MS WILSON: Madam Commissioner, may Mr Kennedy be excused?

COMMISSIONER: Thank you, Mr Kennedy, you're excused?-- Thank you.

WITNESS EXCUSED

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MR CALLAGHAN: I call Graham Wode.

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GRAHAM WILLIAM WODE, SWORN AND EXAMINED:

MR CALLAGHAN: Could you tell the Commission your full name, please?-- Graham William Wode, W-O-D-E.

Mr Wode, you're a retired police officer; is that correct?-- Yes.

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You reside in Hoffman Street at Granville?-- 28 Hoffman Street, yes.

You prepared a statement for these proceedings, and that's a statement dated 5 September 2011; is that right?-- Yes.

I'll show you a couple of documents. Firstly, I'll show you the statement which you prepared. That's a copy of that, is it?-- Yes.

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I tender that.

COMMISSIONER: Exhibit 782.

ADMITTED AND MARKED "EXHIBIT 782"

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MR CALLAGHAN: And since making your statement you've also made a further submission to the Commission; is that correct?-- Yes, two, I think. Two, I think, by memory. Basically they're all together, yes.

Yes, we've received it in instalments; is that correct?-- That's correct, yes.

And we've only just received the last part of it in the past 24 hours or so; is that correct?-- Dated the 10th of October.

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All right. Some of the other parties might have only just received that, as indeed have we, but I'll tender that submission.

COMMISSIONER: Exhibit 783.

ADMITTED AND MARKED "EXHIBIT 783"

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MR CALLAGHAN: Now, could I take you to your statement and paragraph 3 where you record that on the morning of the 8th of January to the evening of the 14th of January, you were confined, basically, to the area of Granville; is that

correct?-- Yes.

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That was due to the closure of the Granville Bridge?-- Yes, and access roads to it.

Could I just ask you about that? I think you indicate in your statement that the Granville Bridge crosses the Mary River. It provides access for residents of Granville and other suburbs to the Maryborough CBD; is that right?-- Yes.

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And, in fact, if we're able to look at annexure A to your statement, the first photo in that annexure is the photo of the bridge in question; is that right?-- The bridge with the hump, yes.

Yes?-- The hump is where the barges used to go through before.

It used to be a drawbridge?-- Drawbridge, yes.

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Now, as you say, that's located on Tiger Street?-- Tiger Street on the town side. It's on two streets, but it's a continuation.

A continuation?-- Yes.

And on the Maryborough side of the - on the CBD side of the river-----?-- Yes, is Tiger.

Tiger Street is intersected by Kent Street?-- Yes.

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And then Mary Street?-- Correct.

Okay. And those streets are major thoroughfares leading into the CBD?-- Yes.

Perhaps if we looked at annexure B - the first or maybe second photo in that annexure illustrates the dip in the section of Tiger Street which you were concerned with. It might be the next one, I think - oh, they're probably both the same. But is that the very low section-----?-- Yes.

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-----of the street that you're concerned about?-- Yes, and it indicates the vehicle in the dip.

All right. And obviously - well, perhaps it's obvious, but, during January, that particular dip was filled with flood waters; is that the case?-- Yes, to about the height of that particular vehicle.

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Of which vehicle?-- The vehicle in the dip.

Okay. There's a white - can't really tell what it is - but van or something?-- It's a white four-wheel drive with a canopy on the back of it.

You indicate in your statement that with Tiger and Kent Street closed, residents of Granville had no access to the CBD, and

you say that this affected residents of Granville's access into the central services. Can you just elaborate on that?-- Yes, I've - I've got to go a bit further. I've suggested that the road level be raised in the dip, sort of where the vehicle is to the same road level as Tiger and - no, Mary and Guava Streets, down further, and that would give you a direct access to town. 1

I was going to take you to that?-- Yes, as it is at the present stage, we could not get essential services, normal shopping, for fuel, whatever - use town as your normal base and use the Granville shops and the Granville servo as your normal type corner store. As it was, we required to use the corner store type essential service as our major essential service during the time of the flood. 10

And your simple point is to raise that road or raise that dip to a level that it doesn't flood?-- To the same level so that it gives us approximately, I would think, another metre and a half access. It gives us more sort of - you know, sufficient time to get over and back, get our services and get back again to Granville and to the other coastal communities down further on the Cooloola Coast Road. 20

All right. Now, there's another issue that you raise in your statement - I think it might be easiest to take you to some photographs in Annexure C. The first photograph in that annexure appears to be a stormwater pipe; is that right?-- Stormwater pipe, yes. 30

We might just refer back to what you speak to in paragraph 7 and following?-- Stormwater drain - is that the one you're after? The drain?

Okay. Well, referring back to paragraph 7 - I might have this wrong - you talk in paragraph 7 about large stormwater pipe that filters stormwater directly on to Guava Street?-- Yes, that's from Downer EDI sheds. 40

Which section are you looking at there?-- That's the one marked after "C". "C" is the drain, the open drain in the drip in Tiger Street where you saw the four-wheel drive. 40

Four or five photos on from that is a photo of the pipe; is that right?-- Yes.

The point you make in your statement being, I think, that in the area south of Guava Street, there's a large catchment area that in times of flood carries water to Guava Street?-- Yes. 50

And a combination of water from the catchment and from the stormwater pipe even contributed to shipping containers being washed away during the flood; is that right?-- Containers were moved. That particular - the volume of water from the particular sheds was of no real significance to the major flooding as the flooding in the pocket in the paddock opposite is actually the continuation of the mouth of Tinana Creek, where it shortcuts inside the river.

Now, you've written to the Council raising your concerns about issues such as these; is that correct?-- Yes.

I know - I think in the materials that you've sent us you've provided some letters of acknowledgment from Mr Kruger, one dated 27 January 2011 regarding the Guava/Tiger Streets entrance to the bridge, and another, 7 February 2011, regarding flooding problems in the vicinity of Tiger/Guava/Mary Streets. Have you had any further feedback or response from the Council since the 7th of February?-- No, nothing since those replies to those particular letters.

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Which just indicate that the Director of Infrastructure and Environment has been asked to investigate your suggestions and provide you with feedback?-- Basically so.

But you haven't had any-----?-- I haven't had anything as a result of - an ongoing result from that.

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All right?-- To clarify, those particular areas - there's a map supplied by the Fraser Coast Council with a cross on it that would indicate to all people readily what the area is involved with.

Is that an annexure to your materials?-- Yes. Yes, it was part of the second letter.

The most recent one we just received?-- Yes.

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We may not have that scanned?-- No, no, no, back on the - about the 20th or whatever it was.

Oh, okay. The first instalment. Yes, we may have that in the submission.

COMMISSIONER: It's there. I see it.

MR CALLAGHAN: The Commissioner is happy it's there. The only other aspect of your statement I wanted to get you to talk about was in paragraph 10?-- Yes.

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Where you express your concern about the need to advance warnings to the community?-- Yes.

What warning did you receive?-- None.

I think you indicate that you relied upon radio and television and the information it provided?-- Yes.

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Are you aware that the Commission has made some recommendations in the interim report?-- Yes.

And are you aware that one of those recommendations, 4.1, suggests that in issuing warnings for a district or region, local and/or state authorities should use a range of different warning mechanisms effective for the particular district or region including methods which do not rely on electricity.

Would the sorts of things you have in mind be embraced by that recommendation?-- Basically radio and the equivalent, yes.

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COMMISSIONER: That means, of course, that you need to have batteries and a battery-operated radio?-- Yes.

What's contemplated there is you can function there if your electricity goes off?-- Yes, the ordinary old standard transistor radio, the most basic communication system of all.

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Exactly.

MR CALLAGHAN: And also in paragraph 10, you raise the need for consideration of reversion to manual readings of flood levels?-- Yes, I did.

Would you like to elaborate on that?-- Yes. During my experience as a police officer, I was stationed at both Maryborough and Tiaro. In the particular time at Tiara, I was there during the 1968 flood, which was one of the highest floods prior to '74. It's basically only been beaten by '74. We had manual readings under the BOM system, as you know it, basically all the way down the river, between Gympie and Maryborough. I contacted - in latter years, I should say - in latter years, I experienced more flooding here before I retired in 1997. During the period after retirement, or close enough to it, that was the time of introduction of automatic system whereby the manual readers were phased out. I have a copy of the BOM map revised in 2009 for the Mary River flooding area, and located on it is the legend that there is still manual readings at both Miva and Tiaro, and that is incorrect. They have now reverted to automatic readings with no manual readings recorded. Various other locations on those river systems and creek systems also revert only to automatic readings. In other words, we have no manual readings between Gympie and Maryborough, which I consider absolutely unbelievable.

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All right. They're the only questions that I have of Mr Wode, thank you.

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COMMISSIONER: Ms McLeod?

MS McLEOD: I have a couple of questions for Mr Wode and I should note I've only just got Mr Wode's additional statement and I haven't had time to get instructions about the matters Mr Wode just raised. Mr Wode, my name is McLeod and I appear for the Commonwealth and, in this instance, the Bureau of Meteorology?-- Yes.

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In this instance, can I ask you in relation to your opinion that it would be preferable to have manual systems in the lower Mary river. Is that for, in your view, a matter of accuracy, or what is the reason for that?-- It's a matter of having a secondary back-up. At the present stage, we are relying wholly and solely on automatic recordings. In the

event of failure, we have - by whatever reason, malfunction, whatever - we have no secondary system in place.

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For those-----?-- Excuse, please.

Sorry?-- I have suggested that at the top end of the lower flooding scale that manual readings should be reintroduced in addition to the automatic readings so that then we have a back-up in the case of failure.

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I see. You're not suggesting that they should replace the automatic ones?-- No, definitely not. Additional to, because it then gives you accuracy and very much better projected height flows because the majority of places where these stations are are on tributary creeks coming into the system whereby, instead of having one particular projected height, we have multiple projected heights, and further downstream it just evens out, or we have what may be called an initial peak, and then secondary, third, fourth, tenth peaks, or whatever the case may be afterwards.

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Would you accept that if there's a delay in having the manual gauge read and that information passed on to the Bureau, that would necessarily result in a delay in having the Bureau be able to post that information and take it into account in their flood warnings?-- No, I don't.

Does it not follow as a matter of logic?-- No.

Why not?-- Please, please. Under the old system-----

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Yes?-- -----of Met office reporting, in rainfall you normally record it - this is on a standard basis - normally record it as at a particular time - 9 o'clock or 10 o'clock or whatever the case maybe. As for flood readings, you normally record it as a particular flood height, and the volunteer readers, or whatever they were, read them at those particular nominated times on the instruction chart.

Yes?-- And they were directed directly to BOM-----

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My suggestion to you is if they did not make those readings and they did not pass that information to the Bureau, as I'm instructed occurred for a short period of time on this occasion, then the Bureau would have no way of getting the information from that gauge?-- The Bureau would have no information from a manual gauge.

From that gauge?-- Well, no readings were taken at both Tiaro and Miva during the 2010/2011 floods. I have checked that with the readers.

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Well, I refer the Commission to ^ Mr Badly's statement which exhibits the warnings at the relevant time. Mr Wode, can I ask you - you say you were - it was your practice to listen to radio and television. Were you aware of - were you listening to the Bureau flood warnings on local radio?-- Are you talking about this time?

Yes, I'm sorry, throughout, say, the 7th to the 9th of January?-- They were not directed in any particular timeframe on an hourly sort of a basis, no.

You weren't listening to them, or they didn't - they weren't being broadcast?-- I was isolated, there was no point.

I see. So, you couldn't listen to them; is that your point?-- No, no, no, as I said, we were already isolated. There was no point in me listening to them.

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Okay. I take it from that that it follows that you didn't listen to them?-- I listened to some.

Okay?-- I looked at the height of the river, knew what the river situation was in the past. As I have got an interest in property at Tiara, got additional information from the neighbours at Tiara, and I could not see any point in listening to them further while we knew the flood gauge was still available - still there.

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Thanks.

COMMISSIONER: Mr Rolls?

MR ROLLS: I have no questions, Commissioner, however the material that's been given to the State this morning from the Commission - the additional material from Mr Wode - I haven't had an opportunity to seek instructions and I would seek leave, if necessary, to put in additional material in response to it.

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COMMISSIONER: Yes.

MS McLEOD: I should say I would seek the same opportunity.

COMMISSIONER: Yes. Any further questions?

MR CALLAGHAN: I have nothing further, Commissioner. May Mr Wode be excused?

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COMMISSIONER: Thank you, Mr Wode. You're excused?-- Thank you.

WITNESS EXCUSED

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MR CALLAGHAN: I call William Brown.

WILLIAM HILTON BROWN, SWORN AND EXAMINED:

MR CALLAGHAN: Your full name is William Hilton brown; is that correct?-- Correct.

Mr Brown, you own the Mary River Marine Supplies and Chandlery at the Maryborough Marina; is that correct?-- That's correct. I'm also the manager of the marina as well.

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You prepared a statement for the Commission of Inquiry; is that correct?-- That's correct.

I'll get you to take a look at this. It's a copy of your statement with accompanying photographs and so on; is that correct?-- Yep, that's correct.

I tender that.

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COMMISSIONER: Exhibit 784.

ADMITTED AND MARKED "EXHIBIT 784"

MR CALLAGHAN: Now, that statement is now before the Commission, Mr Brown, and forms part of the record, but I do want to take you to a couple of matters that you raise?-- Yep.

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If we can pick up at paragraph 5, you indicate that you received information from some people you knew - that's Neville Ford and Dave Patrick - that they believed that the water - or believed that water would inundate your business up to about one metre at 2 p.m. on the 27th; is that right?-- That's correct.

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Did you know the basis upon which they told you this?-- Yes, I do.

Can you tell us?-- Yep. I've owned the business and I bought the business off Neville Ford some two years ago.

I see?-- And under the undertaking of purchasing the business and coming from an area that was renowned for flooding back in Victoria, I asked the pertinent questions in regards to flooding and so forth. Neville indicated that, yes, the business does get inundated and, under normal circumstances, as previously tendered here, there's been a window of between two to three days and, under normal circumstances, we would get all of our stock out. I asked him how he read those particular - how he indicated that the river would flood and how he knew what was taking place and he said over the many years that he had partaken conversations with Dave Patrick, a

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gentleman who owns the boat and is a member of the boat club on the river, and they'd formed a - they'd formed their own model on how the river flows from Gympie through and, under normal circumstances, we can take into the model that the Bureau doesn't take into account, and that's whether we have a high tide or a low tide, at what time the river is going to make - at Maryborough. So, that's how they've come up to the point at 2 o'clock on the 27th, taking into account what the tide was doing at the time and what the levels of the river - at particular points along the river - and so long as the telemetry from the Bureau is up to date, it's not hard to calculate what's going to actually take place. I, as a number of years younger than both Nev and Dave - and I intend to keep my business there and manage the marina for the Ford family - I have to learn what happens, and - with the river - so I'm taking a big interest in what's taking place.

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Can you tell us any more about this model and how sophisticated it might be. It obviously draws upon a lot of local knowledge?-- It draws upon a lot of local knowledge and what levels it is at a particular point down the river, whether it's rising at - it can be rising at Miva, falling at Home Park, that gives us an indication that we've got a plateau coming along, and if there's a rise further down the river, we know that there might be a bit of strife. Then it is indicated on how long it takes from one particular point to another to get to Maryborough, and then that gives us an indication of whether we are in trouble or not.

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This is their model, so you may not be the one to ask about it, but did they use computers to process it or-----?-- They access the BOM site, but they also work on what the river is doing out the front of the building.

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Yeah?-- There's a number of anomalies with the area that we're all in, which we can go further with if you like, but on that particular day at 10 past 2, or 15 minutes past 2, water proceeded to go through my shop.

That's what I was going to bring you to, because it seems like they gave you a fairly accurate estimation?-- Well, prior to that - you know, during the month of December, we'd had a lot of rainfall and we'd had a couple of scares. I think on about the 22nd or 23rd of December, I arrived back from Victoria with my son and at that point, when I pulled up out the front of the shop, I noticed that the river was quite high and I knew that the tide had not finished coming in, so I was a little concerned and I went straight in and asked Neville what the situation was, and he said, "I don't think we're going to get inundated, but I think the carpark is going to fill.", and that's exactly what happened.

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Again you may not be the one to ask, but do you know if they've had any dialogue with council or anyone else about the possibility of sharing this model or the information?-- I've had - I've tried since the event on probably six different occasions to formulate a contingency plan with Council, because we can - we're the first people that get flooded.

We're flooded one metre before the Bureau issues a minor flood warning. We're set at four metres, and at five metres the Bureau issues a warning.

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All right. Coming back to the 27th - and I suppose this just illustrates the value of a warning - you were actually able to arrange for a removal van on that day?-- Yes, we knew exactly what was going to take place and, by the way, on the 8th of January, we had set in place that we were going to evacuate because we knew that things were not going to be good. It was the local telemetry that wasn't in place at Tiara - there was one indication at 4 o'clock from Tiaro to say 9.5 metres. The next time that we got an indicator from Tiaro was after the day, and we were already at 7.5 metres at that point, and-----

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Well-----?-- -----if there was telemetry coming out of Tiaro, we've got an eight hour window between Tiaro and Maryborough. In eight hours, we would have had our complete stock and the marina cleared out.

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And just to tidy up, on the 27th that's when we come back to talk about the events of the 8th, the fact is that with that early warning you were able to remove-----?-- We got all our stock.

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-----stock, but you were up and trading again, was it, on the 29th?-- 29th, yep. We washed the shop out. It was - it's what we call a nuisance flood. It came through the shop 750 mil. The bureau didn't indicate that we were going to have a minor flood that particular day either, by the way. So with Nev - Neville and Dave Patricks formula we already new what was going to take place.

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That was on the 29th?-- On the 27th and we were-----

Sorry, 27th?-- And we were back open on the 29th because we had the plan in place.

Right. And the second flood event began on the 7th?-- On the 7th.

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And you again began to move stock on this occasion?-- For sure.

Yes?-- Yeah.

Were you able to move everything that you wanted to?-- No.

And you were able to remove some refrigerators and sort of thing?-- To bring you up to speed, what actually took place was I went and retrieved my wife and my son from Hervey Bay, came back and we had made arrangements that we were moving out the next day. So we knew that we were going to be there all night, mooring stock to a higher ground if need be and working on the telemetry that we were given from the BOM site. Both Neville and Dave indicated that we were probably okay through the night, but we would probably have to evacuate on the Saturday. So we were all in the opinion that we were going to have to evacuate on the Saturday. Had we had telemetry, again from Tiaro, to know that that local rain was falling in Tiaro at the rate that it was and the river level was rising at the rate that it was, it was something like a four metre rise at Tiaro and prior upstream from that was probably only half a metre a rise. There's a big difference in water if you know what's going on and, again, had we had eight hours we would have got out, but that river came up and we - it rose up the wall one metre in under half an hour.

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And I think you recalled that it 7.30 - sorry, 7.30 on the 7th you were told by Neville and his son that you needed to evacuate immediately?-- Yes.

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Further on in your statement, as you described in your statement what happened thereafter including the need to use a boat, it was in paragraph 13?-- Yep.

To move property from the marina?-- Yep.

Paragraph 16 tells us-----

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COMMISSIONER: I think it's no use while this is on, Mr Callaghan.

MR CALLAGHAN: Just taking you to paragraph 16 and querying whether that gives us some clue as to the force of the water involved because anchors were actually washed away; is that right?-- That's correct. We found six 45 pound anchors that were washed out onto the wharf proper and that would be some 15 to 20 metres from where they were located and that's not normal for what would normally happen in the Mary River.

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That was what I was going to ask you even if you don't know yourself, presumably you have discussed with locals as to what that meant to the extent of this flood?-- For sure. Under normal circumstances - and I asked - I asked Neville on previous occasions and I think he indicated that the back of the shop which actually is closest to Kent Street is normally an eddy of water. There isn't much movement. The water normally flows fast past the front of the shop and along the marina proper. This particular case it came down from Kent Street through the railway line and it was running probably faster through there than it was on the river proper.

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All right. Just to finish off, I suppose two opinions from you. First of all, on the question of the adequacy of warnings which you touched upon in paragraph 19 and 20, what would you say as to how warnings could be improved?-- First of all we need telemetry in Tiaro as a minimum. And to reiterate what the previous witness said, manual readings need to be in place as well as the automated. If Dave Patrick had been given an opportunity to address - he's got - he's got a complete run down of what the telemetry was during the flood and some of the cases that we got were up to 12 hours later. So that needs to be updated. And the warning system. And Maryborough's a very, very small community, there's minimal people get affected in a normal flood. Minimal people get affected. I've asked from council to set a contingency plan in place and involve the key players. I'm still waiting for a response.

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I did ask you specifically about warnings. You've gone a bit wider and that's fine because the next question I have for you is about the further information which you think should be available and you may have already answered that in the course of the answer you just gave?-- Of course.

But is there anything else is my question?-- At the end of the day a proper contingency plan in place for all the businesses that are down along the river and that goes from the motor boat club, Whites Engineering and ourselves. We're all flood friendly businesses. We know what's going to take place. We know how to handle it to get our stuff out. The only thing we need from anyone is support from council to have road closures in place. The other enforcement agency is to stop people from coming down with motor vehicles so that we can get our stock and all of our plant and equipment out.

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It's a simple equation. Let's get back to basics. A phone call. It's all it needs. A phone registrar of people we know. Before council knew on that particular day, when I addressed it with Mick Kruger on the 8th, he suggested to me that he did not know that there was going to be a flood until 11.30. At 11.30 we were walking waist deep in our businesses. We could have told him at 8.30.

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So, in summary, would your proposition be - is something along the lines of you're prepared to embrace the risk of flooding, it goes with the territory?-- Of course.

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You don't want things made any more difficult for you?-- Exactly. If we get the correct telemetry and one of the key things is a five metre datum. When you've got businesses that are four metre datum, it doesn't equate to me and it's been asked of BOM on many occasions to have it changed by previous owners of the business and people along the river and nothing's taken place.

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All right. They're all the questions I have. Just stay there for a moment.

MS McLEOD: My name is McLeod. I appear for the Commonwealth. Your business, you said, was flooded at four metres?-- Exactly.

Now, four metres on my information is the highest astronomical tide level-----?-- No.

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-----for the Mary River?-- 3.9.

All right. Let's say 3.9?-- There's a one metre-----

And a metre above that is the heart of the minor flood level set by the bureau which is at five metres?-- Correct.

Right. So your business, do I take it, would flood each time that that high tide reaches the high tide level?-- No, at four metres-----

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Yes?-- -----the wharf goes under.

Right?-- We've got another 250 mil.

Have you raised the issue with the council of seeking to change the minor flood levels?-- No.

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You indicated that you didn't exceed that minor flood level of 5 metres in December, you got water in, did you say, but it wasn't significant?-- If you call 750 mil not significant, yes, we got water.

Not compared to the January floods?-- That's exactly right.

Can I ask you are the other businesses that are on a similar

level to you around that four metre mark?-- Yes.

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And the marina's about the same level?-- I'm on the marina.

Right. Okay. Can I just ask you whether you're aware of some variations in warnings and I'll take you through those warnings issued by the bureau and you tell me whether you're aware of them or not and I've got the warnings here. So if you don't remember them, that's fine too. Were you aware of severe weather warning issued by the bureau around 11 a.m. on Wednesday, 5th of January, for - indicating localised flash floods and potential worsening of the existing flood situation?-- Yes.

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Were you aware of a flood warning issued at 5.19 p.m. on the Thursday, the 6th of January? It's about 30 hours ahead of the minor flood level, predicting a minor flood level?-- For where?

For Maryborough?-- On what date was this?

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The 6th of January?-- No.

Okay. Now, you mentioned in fact the heavy rainfall that fell in the lower Mary River and the creeks - sorry, it was correct, isn't it, that there was very intense rainfall particularly on the Friday, the 7th, in the lower Mary River and the creeks just around?-- Correct.

Just upstream and usually the flooding to Maryborough comes via Gympie from the upper Mary River?-- That's correct.

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Yes. So this rainfall was unusual, if you like, because it fell mostly or largely in the lower Mary River catchment?-- Correct.

Which obviously would give you and those predicting the flood levels shorter lead time to predict the flood rise?-- There is no model for it. The BOM doesn't - BOM doesn't - site doesn't have any localised flooding for the area. They don't have any telemetry. They have no indicators.

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Well, I'll just go back to my question which is that localised intense rainfall in the lower Mary River would, as a matter of logic, give you a shorter lead time than intense flooding in the upper Mary River travelling downstream?-- Under normal circumstances localised rain doesn't flood the Mary River.

And-----?-- It doesn't matter how intense it is.

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But in this instance on the Friday, the 7th, you had more than 300 mils in less than 18 hours and a flash flood, in fact, upstream at Kilkivan?-- Kilkivan.

Thank you. Were you aware of that?-- That information wasn't forthcoming. We didn't know there was 300 mil. We looked on the BOM site and we were quite aware that there was very, very heavy low depression.

Yes?-- And it wasn't going away. It went out to sea and came back.

Well, one of the things you did say you looked for was the readings at Tiaro?-- Tiaro.

Tiaro, sorry.

COMMISSIONER: Ms McLeod's from Melbourne.

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MS McLEOD: Hopefully I can be forgiven many things. On Friday the 7th of January at 7.12 p.m. the flood warning issued by Tiaro was for, "Moderate flooding continuing downstream along the Mary River between Miva and Tiaro, with fast rises occurring with the heavy rainfall during Friday afternoon and evening. River level rises overnight are expected to maintain high moderate flood levels during Saturday." And then the readings for Tiaro are listed. 9.5 metres and rising?-- That was at what time?

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That was 7.12 p.m. on Friday the 7th?-- That wasn't on the BOM site. That was at four - it was 9.4 at four.

Perhaps you're thinking of the warning that was issued, the one before at 2.28 p.m.?-- It wasn't updated.

That might be - did not have a reading for Tiaro?-- It didn't have an update after that, though.

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You looked and you did not see that warning being posted?-- No.

Then on 11.15 p.m. on Friday, the 7th of January, noting heavy rainfall - continuing heavy rainfall, continues to fall across the lower Mary catchment below Gympie. Mentions the amount of the rainfall, river levels downstream of Maryborough currently expected to reach minor flood level of five metres overnight Friday?-- At what time was this, sorry?

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11 p.m. Friday?-- At 11 p.m. Friday.

Yes?-- I was waist deep in water. We were already over five metres at that stage.

The warning at 11 p.m. says, "Exceed five metres overnight. Reached 6 metres during Saturday."?-- At 11 o'clock.

Yes?-- We were already over a metre of water so that's over the five metre mark.

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Right?-- So there was - at 8 o'clock what was the warning because, I'm sorry, at that time - at that time I was probably frantic and I didn't look at any web sites.

7 p.m. I've mentioned the Tiaro reading, 11 p.m., the warning to reach at least six metres during Saturday?-- Had we got that report at seven-----

Yes?-- -----that Tiaro was - what was the reading at Tiaro at seven?

9.5 metres and rising?-- Had we got that we would have moved earlier.

Were you actually checking your web site yourself?-- As well, yes.

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The 8.2 metre peak-----?-- Mmm-hmm.

-----was reached around 12.30 on the Sunday, the 9th; you agree with that?-- I do.

You did not see at 4 p.m. on the 7th, Friday the 7th, a posting for Tiaro of 9.5 metres and rising?-- I said that that was at 4 p.m. on Friday. That was the only reading that we - the only telemetry that we got from Tiaro was at 4 p.m. at 9.5 and rising. The same telemetry was at 7 p.m. if you go back and - you've just said it to me.

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Yes, we might be at cross-purposes?-- In our three hour interval-----

Yes?-- -----you've still got the same telemetry of 9.5 and rising.

Yes?-- So there's been no change. What you're saying to me there's been no change so there wasn't another reading at 7 o'clock. They used the same reading.

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Right. And the reading-----?-- Was a manual reading and it was used at 4 o'clock and they've used the same one at 7 o'clock.

Which presumably means there hasn't been an updated communication to the bureau?-- That's exactly what I'm trying to say.

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So would you accept - I'll ask you the same question I asked Mr Wode. If there was nobody communicating the manual reading through to the bureau, the update, then obviously they can't post the updated flood level?-- Correct.

Yes. Did you take into account the narrative that was posted or is it the case that you did not see at all that 7 p.m. warning on the 7th of January?-- The 7 p.m. report was exactly the same as the - from Tiaro was exactly the same as the 4 p.m.

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I'm sorry, the narrative about the moderate flooding between Mary River and Tiaro fast rising occurring?-- That still gives us eight hours. At Tiaro gives us an eight hour under - under normal circumstances gives us an eight hour window to be able to get out.

And the reading that was the warning before, sorry, the

warning immediately before that at 2.25 p.m. did not have a reading?-- From Tiaro?

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Hang on. Let me just check that. If there was no reading from Tiaro for that time then obviously that also impacted your ability to respond?-- For sure.

And, again, someone hadn't communicated that reading then the BOM couldn't post it?-- So my point to you is that we need an automated indicator at Tiaro so that the telemetry then is continuing down that river.

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We've just heard from Mr Wode that he thought - and I don't have instructions on this so I'm just asking your view about it, that it's an alert system, not a manual gauge at Tiaro?-- We need to know what - what the river's doing at Tiaro.

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But you don't know whether it is an alert or manual system?--
I have no idea.

Okay. As you say in your statement, your issue is not with the accuracy of the rainfall predictions, but the delay in getting those flood postings?-- For sure. You can't have things that are 12 hours old. If you have a look at the complete report, some of the indicators are up to 12 hours old. You can't do that during a flood event, and that's where it has to be all up to date. We rely heavily on that particular telemetry to be able to salvage our - what we have is all of our assets.

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And you would accept that the Bureau depends on those who are meant to be reading the gauges and passing on that information?-- Well, most of them have made it through-----

For the manual ones?-- For the manual ones, yes, and I think it is up to the Bureau to make sure it is manned during a flood time. And it wasn't as if it was in the middle of June where we had 300 mm of rain as an event that come out of the blue. It had been raining since January 1.

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Well, you have indicated that you think it is up to the Bureau to make sure they are manned. Can I suggest to you it is not a Bureau issue about who mans them; they are owned and operated by somebody else?-- It doesn't matter to me who they are owned and operated by. The BOM site puts the warnings out, and at the end of the day I don't care who is responsible for it, but whoever is responsible for it should be doing it because someone - we were lucky we didn't lose any lives here. We were more fortunate than lucky that nobody was hurt more than cuts and bruises, and to me it is important.

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Thanks, Mr Brown.

MR ROLLS: No questions of Mr Brown, thank you, Commissioner.

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MR CALLAGHAN: I have no questions. May Mr Brown be excused?

COMMISSIONER: Thanks very much, Mr Brown. You are excused.

WITNESS EXCUSED

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COMMISSIONER: Ms McLeod, will the Bureau be providing some information about the state of affairs with the gauges?

MS McLEOD: We have already provided to the Commission a bundle of material back before we started the first round, which includes the maps that Mr Wode referred to, and a summary of the floods, the heights and so on. But we can certainly do an update and cross-reference against the things

that are being said here.

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COMMISSIONER: Thank you. Yes, Ms Kefford? I am looking at the time would that be a convenient time?

MS KEFFORD: Would that be convenient?

COMMISSIONER: We will come back at 25 to.

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THE COMMISSION ADJOURNED AT 11.22 A.M.

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THE COMMISSION RESUMED AT 11.40 A.M.

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COMMISSIONER: Yes, Ms Kefford?

MS KEFFORD: Madam Commissioner, I call Kathleen Wilson.

KATHLEEN MARY WILSON, ON AFFIRMATION, EXAMINED:

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MS KEFFORD: Is your full name Kathleen Mary Wilson?-- Yes.

You provided a statement to the Queensland Floods Commission of Inquiry. Can I get you to have a look at this document, please? Is that a copy of your statement with annexures?-- Yes, it is.

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I tender that document.

COMMISSIONER: Exhibit 785.

ADMITTED AND MARKED "EXHIBIT 785"

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MS KEFFORD: Ms Wilson, you reside in a low-set house situated at 43 Shellcot Street, Toogoom?-- Uh-huh.

And you built that house in 1985, is that correct?-- Yes, correct.

And at the time of constructing the house was there any other residential development in the area?-- Yes, there was, but nobody either side of me. There wasn't a lot in the street.

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Was there anything behind you?-- Nothing. Only beautiful bushland. That's all.

Can you describe to us the level of your land at the time that you bought it in comparison to the land surrounding it?-- The bushland went a little bit lower than the natural surface level, my land, because I didn't build my land up at all. Other than later we did because floodwaters had risen up again. We had a flood in about 1990 and the floodwaters actually did come up to the backyard about two inches up the backyard. Following that we did bring in truckloads of soil to fill so that this would never happen again and - yeah.

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So when was that?-- That was about 1990, and when we filled the backyard, the natural bushland was lower. So it should never have flooded again. And the blocks beside me were the same level as mine, and so actually, you know, mine might have

been a little bit higher in the back because theirs seemed to be built up maybe a little bit. So this should never have happened again.

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In around 1990 when you filled to prevent flood happening again, at that point in time where was the water coming from? Was it coming from the bushland at the back or-----?-- Yes, I'd say it most probably was, mmm.

In paragraph 4 of your statement you say that on purchasing the land you didn't realise that the property would be subject to flooding. Was there any searches that you did at that time to ascertain whether it would be subject to flooding?-- No, I don't think we even thought about it because sandy soil, you think it would just go through the sand, and it is very close to the beach. Couldn't imagine it flooding, actually.

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Now, in the recent January 2011 floods, did your property flood?-- Oh, yes, it did.

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And do you have a view as to why your property flooded?-- I do. Because there was a new development, all the beautiful bushland was knocked down behind and a new development was built and they raised that soil up about a metre higher than what the bushland would have been. And also I have got neighbours down beside me and their land is higher than mine. They levelled theirs up higher than mine.

If I could show you an aerial photograph and if you could explain to us where some of these features are with reference to that aerial photograph? Now, in that photograph, is your property the one-----?-- With the X.

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-----with the X in the centre of the black circle?-- Yes.

Where had the - where was the area that was previously forested and now developed?-- Well, between my place with the X and Castaway Court, that was - oh, and right up it was forest right up to O'Regan Creek Road, and that was all beautiful and natural forest. Right behind me, directly behind me, the forest was - forest land started.

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And do you know what the - can you see that there is a thin area which has a sort of red stripe across it?-- Yes.

Do you know what that-----?-- Well, that's-----

-----indicates?-- That's a drain easement.

Drainage easement?-- Drainage easement. It is an easement with no drain in it. It should have a drain in it because if it had a drain in it we would not be flooded at all because the drain - the water would just be taken away to wherever it is supposed to be drained to.

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When you say there is no drain in it, so there is no pipe?-- No.

And in that location is there a dip in the land at all?--
Very slight. Very, very, very slight. Yep.

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And in your statement you talk about a concern that there's
been some BlueScope Steel fences which have been constructed
across the easement/drain?-- Mmm.

Are those fences across that red hatched area?-- Yes, they go
right across right to the boundary fence of old Shellcot
Street back fence.

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You describe them as being constructed to ground level. What
do you mean by that?-- Well, they're right down to the
ground. There is no way - if there is a drain or an open
drain, there would be no way the water could flow through
because they are blocked with this fence that goes right down
to the ground.

And was there any water - so that would prevent water
flowing?-- Oh, definitely.

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Underneath the fence, obviously?-- Oh, definitely because
there is nowhere for it to go. It is trapped. All the
water's trapped.

Does that potentially save your property from water flowing
underneath the fence from the neighbouring property to the
rear, or is it trapping the water on your side of the fence,
do you believe?-- It would go through. It would go through
the picket fence, the water from my backyard, if there was a
proper drain put in the ground, but maybe it would over the
top it would flow out, I wouldn't have a problem. There
wouldn't be any problem for myself and other residents in
Shellcot, but the drain's not there. They didn't put the
drain in and I don't know why. They should have.

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And so that's obviously one of your concerns. Is your other
concern related to the fence?-- Yes, and the fence - well,
they should have a big gap in the fence somehow. You have got
to be able to let the water flow through but if they did have
a proper drain in the ground with a grid over the top that let
the water go through, maybe they could leave the fence there.
That's what I need, is a drain so water can escape.

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Thank you, I have no further questions.

MS McLEOD: No questions, thank you.

MR ROLLS: No questions, Commissioner, thank you.

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MS KEFFORD: I have no further questions. I should, however,
tender the aerial photograph.

COMMISSIONER: It will be Exhibit 786.

ADMITTED AND MARKED "EXHIBIT 786"

MS KEFFORD: Might this witness be excused?

COMMISSIONER: Yes. Thanks very much, Ms Wilson, you are excused.

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WITNESS EXCUSED

MR CALLAGHAN: Madam Commissioner, just before I call the next witness, in the interests of giving affected parties as much notice as possible, we are scheduled to sit in Gympie tomorrow. The starting time I think has been published as being 10 a.m., but might it be convenient for the Commission to commence at 9.30 in Gympie tomorrow?

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COMMISSIONER: Will that suit you?

MS McLEOD: That will suit, Madam Commissioner.

MR ROLLS: It won't cause me any inconvenience.

COMMISSIONER: All right.

MR CALLAGHAN: There are some other parties that aren't present-----

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COMMISSIONER: Let them know straight away and if there is a problem there we might have to adjust.

MR CALLAGHAN: I call Peter Care.

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PETER WILLIAM CARE, SWORN AND EXAMINED:

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MR CALLAGHAN: Could you tell the Commission your full name and occupation, please?-- My name is Peter William Care and I am the Chief Operating Officer for Wide Bay Water Corporation.

Mr Care, you have provided a statement to the Commission. It is dated 14 September 2011 and has 12 annexures, is that correct?-- That's correct.

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I will show you this. That's your statement and annexures?-- Yes, it appears so, yes.

I tender that.

COMMISSIONER: Exhibit 787.

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ADMITTED AND MARKED "EXHIBIT 787"

MR CALLAGHAN: Mr Care, Wide Bay Water is the owner and operator of Lenthalls Dam - how is it pronounced? Is it Lenthalls?-- Lenthalls Dam is the term.

And Wide Bay Water owns and operates it?-- It owns and operates it, yes.

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The Commission's attention has been drawn to this dam principally, I think, because of the operation or not of the crest gates. You are aware of that?-- I am aware of that, yes.

Is it the case that in February 2007 the full supply level of the dam was increased by the installation of five crest gates?-- It was, yes.

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Was the concept of backflow during a flood event considered during the process of deciding to raise the dam storage capacity?-- Although I wasn't involved in that decision-making process of using the crest gates, one of the primary reasons for utilising crest gates was to prevent back flood to properties.

And was there then a contingency consideration given to the concept of gate failure?-- Gate failure was reviewed as part of the processes involved in designing the gate - sorry, in the decision process to implement the gates, and part of that process was to look at the risk impacts of failure of the gates and that was undertaken by SunWater projects as part of the decision-making process.

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The gates are designed to function automatically, is that-----?-- That's correct. In the event of a flood event,

the gates systematically are designed to open with the first gate opening when the water level's 150 millimetres above the top gate level.

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Which is?-- Which is RL26.

The gates can also be operated manually?-- Each of the flood gates has a manual valve to manually open those valves for testing purposes and also anything that we wish to lower water levels in advance of the normal operating levels of the gates.

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Are there any other - if I can take you to paragraphs 35 to 37 of your statement? You have referred to the maintenance of the gates?-- That's correct.

It is the case that crest gates have never been added to an existing dam as far as you are aware, is that right?-- As far as we're aware the crest gate concept was actually developed in South Africa and prior to installation of the Lenthalls Dam crest, there has only ever been installed in South Africa and has only ever been installed as part of an original dam development rather than post construction, as ours has been.

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Just turning then to the topic of maintenance which you address in paragraphs 35 to 37, you say that operational maintenance is undertaken annually at the time of the first spring rains. First of all, what are they? Is that the first time it rains in the springtime?-- No. Effectively, the maintenance process is actually undertaken in about October or November each year so we're effectively saying in that spring period prior to the summer, rainfall events - historically we know that rainfall events in our catchment, the chance of excessive rainfall from October onwards - the end of October onwards.

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You don't actually wait for it to rain?-- No, no. We use that term but, you know - it is a term that we use but, effectively, we like to have that work undertaken around about the end of October.

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Is that the only time each year that testing and maintenance is carried out?-- It is following the operation and maintenance manuals and standard operating procedures that were developed for the dam.

Well, at that time you do test the capacity of the gates to open and close, is that right?-- Correct. We go through a number of processes to clear the air venting system and the gate pipe work along with opening and closing of each of the individual gates.

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And if a gate isn't working as it is meant to during these tests - we will come to specific examples of that - but is there a routine or a procedure that is to be implemented if such a defect is revealed during maintenance? Is there a report or something-----?-- We have a process that was developed by the gate designers, GHD, which we undertake during the testing procedures, and in the case of last year we

had one gate that didn't open as it was designed to do and we used external hydraulic force to actually open that gate.

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I will come to that in a moment. What I was probably getting at was whether any relevant difficulties during the maintenance process are communicated to anyone, such as the local council, or DERM, or anything like that?-- No, no, they don't.

We might just get an overview of the way the things have gone since February 2007. That was when they were installed, is that right?-- That's correct. Construction works had been completed.

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There was a rainfall event in February of 2008 when the gates should have opened automatically?-- That's correct.

But did not?-- That was the first flood event after post construction and it was our first opportunity to actually hopefully see the gates work, but, in effect, the gates did not operate during that event.

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Was there an effect upstream as a result of that flooding?-- There was flooding upstream or there was inundation upstream of the catchment, yes.

Again, in terms of communications, do you know - I appreciate you may not have been there, but do you know what agencies or individuals were notified?-- I personally wasn't involved in the operations of the dams at that point in time, although I did provide engineering support to the operators. I personally contacted the dam safety regulator and I believe contact was made with the property owners at that time as well, too, upstream.

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In paragraph 44 of your statement, you say that the Emergency Action Plan and the operation and maintenance manual were in draft form at this time. Why only in draft, do you know?-- We had received a condition schedule from the dam safety regulator and we were following that document and providing the relative document within the time-frames that were identified, and at that point in time those documents were only in draft form. They had not been provided through to the dam safety regulator.

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By what time were they required to be finalised?-- I would have to look back through the conditions schedule, but I believe it was November of that year.

And was it in fact - were they in fact - were those documents finalised by November?-- I believe so. As I said, I wasn't actually involved in putting those documents together, but I believe they were.

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At that time, the Emergency Action Plan had no provision for contact of upstream or downstream landholders, is that right?-- Look, I couldn't comment. I wasn't part of the process of developing the document, so I - sorry, I don't know

the answer to that.

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There was another event in May/June 2008 when the gates did not operate as designed. Once again, I think you address that in paragraphs 60 to 64, is that right?-- Yes, that's correct.

And so in response to these events, Wide Bay Water commissioned GHD to complete a number of investigations?-- Those investigations really had commenced after the February event.

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Right?-- And flowed on to the May/June event as well, too, where basically the design that they provided to us had not worked and we were endeavouring to find a solution.

Well, there was - you received a report by GHD titled "Lenthalls Dam Flood Draft Report, February 2009", is that right?-- That's correct, yes.

I might tender that. I will show you that.

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COMMISSIONER: Exhibit 788.

ADMITTED AND MARKED "EXHIBIT 788"

MR CALLAGHAN: And we're picking up here on paragraph 51 of your statement, is that right?-- That's correct, yes.

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And just above that, in paragraph 49, you refer to or identify "two upstream landholders are impacted by the events of the dam". That's the Allen family and Mr Neilsen, is that right?-- That's correct.

Now, in essence, this report found that, due to the failure of the gates, Lintel Waters backed up along the upstream tributary, is that right?-- That's correct.

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And that resulted in some residents being stranded - some landholders?-- Access to properties was compromised, yes.

Okay. All right. GHD found that the likely cause of the gates' failure, you say in paragraph 46, was excessive pressure of the gate seals which prevented them from dropping during a flood event. Now, I have looked at the report. I suspect, with the exception of Deputy Commissioner Cummins, it is probably not that accessible to most of us. Is it possible to give an easily interpreted explanation as to what the problem is?-- The problem identified from the 2008 events was that the actual seals themselves were preventing the gates lowering. Basically, the way the gates operate is that we have a - the gates themselves have a seal which basically prevents water leaking out of the gate or leaking beside the gate. It was GHD's determination - or the designers of the gates' determination was basically that the seal was too

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efficient in sealing the gate and the loads on the gates in a flood event were preventing the gate from lowering.

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That does help. We might show you that report. It was completed in 2008. That's the report, do you agree?-- That's the report, yes.

I tender that.

COMMISSIONER: Exhibit 789.

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ADMITTED AND MARKED "EXHIBIT 789"

MR CALLAGHAN: So was that attended to then, following that report?-- Yes.

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That issue with the seal?-- Yes, following the seal - following the report from GHD, we moved ahead with modifications to the seals in the gates. Those works were undertaken and completed in 2009. I think it was around about February 2009. And we used the recommendations from the GHD report to undertake that project.

And-----?-- We engaged the same constructor that had been involved in the construction of the gates to undertake those works for us.

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Did that improve things?-- Well, we weren't to know until the next flood event, which is the unfortunate situation - that unless we have a flood event, we don't know whether they are going to work. Unfortunately, we didn't have another flood event until 2010.

I see. I might just get a couple of other documents. There was a further report of March 2009, again a GHD report, the wet testing procedure report, and another - we might do one at a time. You are aware of that one?-- I am aware of that, yes.

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What's meant by wet testing?-- The wet testing report was a report that was put together by GHD to enable us to test the gates after the seal adjustments and modifications had been made. So it is a process that we had to undertake to basically identify any other problems with the gates and to trust to be able to operate the gates under the recommendations.

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As you just said, though, unless you get annual flood?-- Well, we weren't testing them in a flood event. We were testing them in a dry situation. Effectively we couldn't test in a flood event because we would need a flood to do so. So we tested them in a situation which was utilising manual opening of the gates.

Which just happens to be called the wet testing procedure?--
It is - wet testing the gates is the frame that was used, yes;
unfortunately not a flood event.

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I tender that.

COMMISSIONER: Exhibit 790.

ADMITTED AND MARKED "EXHIBIT 790"

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MR CALLAGHAN: As you say, you didn't get another flood then
until 2010, is that right?-- That's correct.

Can you just tell us about the preparation for the 2010/11 wet
season? Was there communication between Wide Bay Water and
DERM in the lead-up to the wet season at all about the
gates?-- No, no, we had no contact.

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Paragraphs 65 to 67, there was actually an event in March
2010. What happened then?-- Again, at that point in time I
wasn't involved in the operations of the gates but during
the March 2010 event, again, the gates did not operate as they
were designed to do and required manual intervention with
hydraulic jacks to actually get the gates to open or get some
of the gates to open.

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Likewise in paragraph 71, you mentioned the testing of the
gates was carried out in November 2010; gates 1 to 4 operating
as designed, gate 5 not working without manual assistance, is
that right?-- That's correct.

What, if anything, was done to address the issue with gate 5
prior to the 2010/11 wet season?-- Again, we went back to the
designers, GHD, and identified that there were problems.
We're not dam designers so we did not have the technology or
the experience to make any decisions ourselves on
modifications so we went back to GHD and asked them to
identify what potential problems there were and what action we
could take.

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When did you do that?-- That would have been in November -
sorry, that would have been after the March event and also
in November that we had to use hydraulic jacks to actually
move gate 5.

So was there any response to that that you could meaningfully
use for the wet season-----?-- There was no change that we
could make. The potential problem was again identified as a
seal issue but we couldn't make any modifications in time to
actually have them implemented before the wet season.

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I see. As you say in paragraph 72, there was a number of
flood events during the wet season of 2010/11. We might just
do an overview of them from your statement. We apprehend that

three large events occurred, you say, 12 December, 17 December and 28 December with a smaller event on 6 January, is that right?-- That's correct.

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They were all, we can tell from the dates, in fairly close proximity to each other?-- Yes.

So there wasn't time then to institute any solution-----?-- No.

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-----to the difficulties. Again, just by way of overall summary, it would appear that a number of the gates failed to operate automatically during this period, is that right?-- In the first flood events, yes. Again, we had problems with gates operating under an automatic regime. We, again, were in contact with GHD and identified what we thought were some of the problems which was air venting of the gates. They acknowledged that that was very likely one of the potential causes of the gates to fail and they agreed on some modifications as a temporary solution to the gates to improve the performance of those gates. That took place, if I remember correctly the date, 21st of December.

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There were also problems opening them manually?-- That's correct, yeah, opening manually, that's right.

And what were the issues there?-- Well, again, we had the same problem which we believed was an air venting issue and that once the gates had opened and then closed, a water lock was created in the air flow to the gates which were preventing the gates from further opening. Effectively, we ended up in a situation the gates would open once but wouldn't open a second time. We had to go out there and manually clear the air vents on the gates and once we had manually cleaned they would operate, drop once, raise and they wouldn't work again. We came to the conclusion that there was a problem with the air venting system within the gates and we identified that to GHD, and they concurred with our feelings on how the gates were operating and agreed on a temporary solution for those gates, which was to drill a hole in the top of each of the gates to improve the air release process.

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There's a further report from GHD provided in August 2011?-- That's correct.

I'll show you that. There are two further reports. There's one of June 2011 and one of August 2011?-- That's right.

I'll show you those. I might just show you the June report. Can you just tell us about that report, what it was-----?-- That report was requested from GHD to - as a back-up and follow-on from the report we identified earlier that had been completed in February 2009, which was the flooding report relative to the February 2008 flood.

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So, that one doesn't deal with the 2010/11-----?-- It does. It covers the '10/'11 flood event, and as a follow-on from the - as I said, the February 2009 report.

Presumably-----?-- So, basically it was undertaken to confirm or deny the results that came out of the February 2009 report, and identify any other potential problems for the - that impacts flooding - backwater flooding.

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Is it accepted that the malfunctioning of the gates does increase flooding for the residents upstream?-- In a 1 in 100 year flood event, water levels would be 430 millimetres higher on - what we refer to as the Allan house - farmhouse - and both those reports confirm that in a 1 in 100 year flood event, with total failure of all the dam gates, water levels would rise 430 millimetres at that farmhouse.

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What's the source of that statistic?-- That was a conclusion that GHD had determined from that report from flood analysis.

Is that the June report or the August report?-- That's the June report.

Okay. I tender the June report.

COMMISSIONER: Exhibit 791.

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ADMITTED AND MARKED "EXHIBIT 791"

MR CALLAGHAN: Well, just wrapping up the report, I suppose, do we know, Mr Care, that these gates will ever work as designed?-- Well, I can't confirm that they'll ever work as designed. I'm not a dam designer-----

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I understand that, but on the basis of all the studies and experiences so far, can we say that we can't be sure that they will ever work as they're designed to work?-- I could not say they'll ever work. At the moment we do know that we do have some problems. We have been able to make changes to the temporary solutions that we identified in December of 2010,

and they have actually identified that the gates will open as designed. In fact, actually, today, about an hour ago, we actually managed to get Gate 5 open for the first time in nearly 12 months. So, it's actually operating at the moment. Look, where we go at this point in time - we have engaged GHD to identify permanent solutions. We are in their hands to some extent. We have also engaged an independent peer review of the reports that have been provided by GHD to enable us to have some confidence that we can implement any changes recommended to identify a permanent solution to the opening of the gates.

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COMMISSIONER: Can I just understand this: do some of the gates operate but not others, or do they-----?-- One gate in particular, Gate 5, has been the one we've had the greatest difficulty with, which we have opened today, actually, but the other four gates - all gates we have had problems with since day 1 in getting the gates to open. We have implemented in the last month some temporary solutions, which is installation of a snorkel going to the gates and we actually have all gates operating, opening, but there has also been identified other potential operating problems with the gates, which GHD are presently reviewing.

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Because the figure you gave before was the increased level at the farmhouse when four gates were not operating, what's the situation now that you've got a gate operating?-- I couldn't tell you off the top of my head with one gate not operating.

Is that in the report?-- No, I don't believe it is. It's looking at a total failure of the gate - gates opening. What the report also identifies - and that's the June report - is that there is evidence that the gates are lifting partially after they have actually opened, and that is a concern that we have at the moment as well, which GHD are working through and the consultants that we have engaged a peer review of the gates - of GHD's solutions were identified to us.

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Is there any litigation looming about all of this?-- Yes.

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MR CALLAGHAN: You mentioned the temporary solutions and the snorkels in paragraph 113 of your statement; is that right?-- Yes.

I was going to take you-----?-- Yes.

I was just going to query you about the paragraph about that, 112, where you talk about a third party review. What's involved in that?-- We have engaged two independent consultants, one a dam - both of them actually dam experts which I believe this Commission has been involved with these particular people - persons - and they've been engaged to review the GHD reports and identify where there may be some shortfalls, if any, in those reports, so that we have the confidence that any recommendations that are given to us we can follow through and have confidence that will work.

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Who are they?-- They - one of them is Glen Hobbs, and the

other one is Peter - SKM - I can't remember his surname now - Glen Hobbs is one of them - yeah, sorry, I can't remember the surname. It's Peter from SKM. 1

COMMISSIONER: Peter Hill?-- Peter Hill. That's the one.

MR CALLAGHAN: All right. Well, just a couple of final questions: are there any - have you had any communications with DERM - specifically, I suppose, with those involved in dam safety - in relation to the solution or any solutions that might be proffered?-- We've maintained a regular contact with DERM and we have passed all reports provided on to them - in particular, Peter Allen - and we have - any report we've received from each consultant has been passed on and we're in regular contact with DERM to make sure they're well aware of the processes we're going through. 10

And whilst I understand you're working towards a permanent solution, has there been any steps taken with a view to this coming wet season - perhaps before the permanent solution's installed?-- Well, we do know that with the temporary solution, as we referred to with the snorkel on it, we do know that we can now open all of the gates. 20

Four of them?-- Sorry?

Did you say four of them?-- All of them. As of today we are able to open all of the gates.

As of today?-- And we know we still have problems with Gate 5, but we're confident that we can actually open Gates 1 to 4 in a flood event, but, look, again, our hands are tied to some extent because we presumed we have a solution because we have been able to open the gates, but we are stuck until we can prove they'll work in a flood event - until we have one. 30

And whilst you're stuck in that position, are you investigating any other possibilities such as, for example, lowering the dam level itself in advance of the wet season?-- We did that last year, the last season event. We were actually opening gates a lot earlier than they were designed to do so we could actually mitigate any flood events, and we'll definitely be undertaking that this year. We have a very good understanding of how our catchment works and we always look in advance of any flood events - or potential flood events. 40

Sorry, did you finish?-- Any potential flood events.

And in so far as the coming wet season is concerned, are there any further plans for dialogue or communication or dealings with people living upstream of the dam?-- Well, we have made modifications to our EAP, which includes changes to contact details. They are implemented in our latest version of EAP. Basically we are - at the moment, we don't have a permanent solution available to us. When we do, you know, those solutions will be passed on to the appropriate organisations. 50

I suppose I shouldn't have limited that to people upstream of the dam. Presumably if you're looking at it through your EAP, it includes people downstream as well?-- It does. Downstream conditions - or downstream property owners are actually notified through the Local Disaster Management Group.

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Excuse me one moment. Look, I was confused before when I was showing you the GHD reports. Are there actually two from June 2011?-- No, there's one in June and one in August. The June one identified the back property flooding. The August report identified the permanent solution to the air venting problems.

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Can I just show you this one?-- Sorry, there was actually - there's an August version of that same report as well.

August version of the June report?-- Of the June report. It's exactly the same report, sorry.

Yes, I tender that one. That's the one that I was referring to-----?-- That's the one that identifies the permanent solution to the air vent problem.

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Okay. I tender that.

COMMISSIONER: Exhibit 793.

ADMITTED AND MARKED "EXHIBIT 793"

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MR CALLAGHAN: They're the only questions I have.

COMMISSIONER: Ms McLeod?

MS McLEOD: No questions, Commissioner.

MR ROLLS: No questions, thank you, Commissioner.

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MR CALLAGHAN: I have nothing further, Commissioner. May Mr Care be excused?

COMMISSIONER: Thank you, Mr Care. You're excused?-- Thank you.

WITNESS EXCUSED

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MS WILSON: I call Wayne Sweeney.

WAYNE EMANUEL SWEENEY, SWORN AND EXAMINED:

MS WILSON: Is your full name Wayne Emanuel Sweeney?-- That's correct.

And you are the Director of Infrastructure and Environment for the Fraser Coast Regional Council?-- That's correct.

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You have provided a statement to the Queensland Floods Commission of Inquiry. Can you have a look at this document, please? Is that your statement?-- Yes, it is.

And attached to your statement are some exhibits that you've attached with reference to your statement?-- That's correct.

Madam Commissioner, I tender that statement.

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COMMISSIONER: Exhibit 794.

ADMITTED AND MARKED "EXHIBIT 794"

MS WILSON: Mr Sweeney, do you have a copy of that statement with you?-- Yes, I do.

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If I can take you to some parts of that statement? In paragraph 7, you provide a Summary of Flood Mitigation Infrastructure and Associated Maintenance Programs, and 7(e) you refer to backflow devices?-- Yes.

The device - the backflow devices that you refer to in paragraph 7(e), were they operational during the 2010/2011 wet season?-- I wasn't here at the time, but I understand that they were.

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Okay, and they were serviced prior to the wet season?-- I can't confirm that they were serviced prior to the wet season, no.

Can you give any indication, by reference to what you've been told or by looking at records, whether these devices performed well during the flood events?-- I think the main one that concerns Maryborough would have been the shut-off valve behind the admin building, and I believe that they had some initial problems with it, but I think they finally got it to function satisfactorily. That was my understanding.

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Okay. The stormwater design capacity and urban run-off capacity and sewerage design capacity and a review of these capacities is set out in response to a question from the Floods Commission in a requirement, and that is set out in paragraphs 8 and onwards in your statement. Have you got that

there?-- Yes.

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COMMISSIONER: Look, I'm sorry, with the child - whoever is with the child - are you particularly interested in this evidence?

UNIDENTIFIED SPEAKER: I was. I can actually take him out now. I'm actually interested in the evacuation procedures.

COMMISSIONER: I don't want to prevent you hearing anything that's important to you.

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UNIDENTIFIED SPEAKER: I am interested in the evacuation procedures, and I do apologise.

COMMISSIONER: That's all right.

UNIDENTIFIED SPEAKER: I couldn't get a babysitter at short notice and when I realised there was factual incorrectness in the last statement, I----

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COMMISSIONER: All right. Most of us have been in your position, so don't worry, but come back by all means when the evidence you want to hear is on.

UNIDENTIFIED SPEAKER: Thank you.

MS WILSON: Mr Sweeney, if we can go to paragraph 9 of your statement? Council undertakes hydraulic modelling when it predicts possible flooding during a 100 ARI event. How long does the Council undertake this hydraulic modelling?-- Essentially - it really depends. If you're talking about the Mary River, we did hydraulic modelling I think just prior to amalgamation, and that was associated with - particularly with a development we were looking at further down the river. It was a very coarse model and it didn't accurately predict the flooding that would occur in the Mary River, but after amalgamation, we've actually started our consultants to review that model and they're currently in the process of reviewing that flood model.

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And that's set out in paragraph 9(a)?-- That's correct.

So I can understand it, there was this, as you describe it, coarse model done prior to amalgamation?-- Yes.

And has there been any further modelling done after amalgamation?-- Yes, that's the one that's set out in (a).

The Mary River Flood Study?-- Yeah, it's currently being done now as part of the review of our planning scheme.

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And when will that be finalised?-- It will be finalised as part of the roll-out of the new planning scheme, which I think it's mid next year, in 2012.

And how long has that study been in train?-- Look, I couldn't give an exact timeframe, but I think in the last six months.

Okay. And when you talk about the previous study, you're talking about prior to amalgamation?-- Yes.

I just want to get some idea of the timespan between the coarse model that you have described prior to amalgamation, and this study that is set out in paragraph 9(a) of your statement?-- It would probably be two to three years timeframe.

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Okay?-- But prior to amalgamation, or right up until now, we've been using the old flooding maps of historical flooding of Maryborough, which is the 1893 flood, and that's the one that was in our planning scheme and that's the flood that we advise property owners - or people wanting to have flood searches, that's the information we have provided to them.

So, when you refer in your statement to development of these hydraulic models as ongoing, it is - you're referring to a coarse study that was done pre-amalgamation and this one that you expect to be finalised soon?-- I guess we've got two scenarios. We've got the Maryborough City area, which is predominantly well developed - and it's not developing at the same rate as what Hervey Bay is. Hervey Bay, as you know, is a high-growth centre, and we're continually doing hydraulic modelling for growth areas within Hervey Bay. So, that's ongoing - the development really is in Harvey Bay. As another area of land that comes up for development, we do hydraulic modelling so we know the flooding constraints and the issues associated with that development.

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You're doing hydraulic studies in relation to each and every development as they come on board?-- It's more of an area base. If, for example, it would be in a catchment area - there could be five or six or 10 developments who will want to develop in that catchment area, but we'll do a catchment-wide hydraulic model.

Is the potential impact of each development, is that fed into the overall hydraulic study of that area?-- That's correct, yes.

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So, as each new development comes on track, that impact is then assessed in accordance with the overarching hydraulic study?-- That's the theory.

Does it work?-- Yes, I think it does.

And during the flood events, how did this hydraulic study work in relation to what occurred?-- As I say, I wasn't actually here at the time of the flood event, but certainly I think the feedback I've received back is most of the stormwater drainage systems functioned reasonably well in the Hervey Bay area.

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Outcomes of these studies are incorporated into the Council's operations through imposing them on all floor levels on developments. Does that relate to the Q100, or what levels are they assessed at?-- My understanding is the Q100, yes.

And when minimum floor levels are imposed, how is this done? Is this done through a planning scheme?-- Yes, it's done through the planning process as part of the development approval.

Is it done through the scheme or just as part of the planning process that has been set up?-- It comes from the planning scheme and, as developers lodge applications, then they have to meet the requirements of the planning scheme.

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Okay. You have set out in your statement how flooding information is available to stakeholders, and you set out the number of sources that it is available from. If we can go to paragraph 12 of your statement?-- Yes.

The first category that you've set out there is rate searches?-- Yes.

And you provide scenarios of prior to amalgamation and post-amalgamation?-- Yes.

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Generally no information was provided with respect to flooding caused by surcharge in stormwater systems and overland overflow. Since amalgamation, some information has been provided on stormwater flooding. What information is now provided in relation to stormwater flooding?-- I think as the officers - if officers are aware that a particular stormwater overland flow path causes flooding of properties, then they've made notations on the rate searches to that effect. In the Maryborough scenario, I suppose it relates more to - we don't have the hydraulic modelling that shows the overland flow path and the extent to which a Q100 would inundate properties, so we've never really provided that information to properties in Maryborough, but I think what's happened was with new people coming on board - you know, as people - with the amalgamation, people saw it as their role to - "I know that's an overland flow path, I know that property floods" - they've made notations, which is probably a bit more than what we would have normally done under the previous system.

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So, is the information coming from observations made by persons from Council?-- That's correct.

What about observations from members of the community? Is that information fed into these records as well?-- Not as a general rule - that I'm aware of, anyway.

And are you satisfied this information is accurate, based upon observations?-- Personally, I'd prefer that we did provide any information where we didn't have hydraulic modelling to support it, because it probably doesn't give the full extent of what may be happening in that catchment area.

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And this information is obtained from Council members when we talk about observations?-- Yes.

So, how do they get this information? Is it by a resident

complaining about an issue and then a Council officer going out and inspecting that issue, or is it the fact that the Council officer has to observe it?-- I suppose when we have a storm event - and I'm speaking particularly for the Maryborough case, which I'm more familiar with, I guess - after a storm event or rain event, we get a lot of customer requests to investigate flooding in certain areas - stormwater flooding - so our officers become very familiar with flooding in those catchment areas. What they can't really advise, I suppose, is to what level - where the Q100 full supply level would come. They know there's an overland flow path that goes through people's properties and they know a certain amount of flooding has occurred on those properties, but whether that's as a result of a Q1 storm event, a Q5 or a Q100 storm event, that's the information that they lack, I suppose.

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So, it is the quality of the information really that just reflects that there is some overflow, but can't give any further particulars as to heights?-- Exactly right. It's just - basically saying there's an overland flow path that goes through your property.

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Full stop. There's no further information from the Council?-- No further information, no.

Do you know whether residents find this information useful?-- It's probably the people buying the property that find it particularly useful, but I think if you were buying a property, you would - you could very easily identify whether you are in an overland flow path or not in a lot of cases, so it's probably just supporting the person buying the property that there is an overland flow path on the property. I mean, the seller of the property might not want that-----

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Why do you say in a lot of cases that can be easily identified?-- Well, Maryborough is a fairly old city and it's developed around some fairly old, I guess, engineering principles, and some of those stormwater systems were virtually just a small pipe drain with large overland flow paths. A lot of the houses were built on stilts and they were never built in underneath and people accepted that the water just sort of - in a storm event, the water just went through underneath the house and that was what was accepted at that time.

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And that information has just been passed on by word of mouth through generations?-- I guess so, yeah.

Has the Council adopted any building code to take into account this - for example, you said that they built on stilts and the water just went under it?-- Yes.

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What's the Council's position now?-- Well, all those areas basically already have dwellings or buildings on those sites. I guess if a property owner applies to renovate the building or demolish and rebuild the building, then generally that private certifier would have to, you know, look at all the drainage constraints on the block and provide advice as to,

you know, what level the house floor should be constructed at and that sort of thing.

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We've been focusing on Maryborough-----?-- Yes.

-----in relation to this information. You set out the situation in Hervey Bay in your second paragraph and, to your knowledge, the practice post-amalgamation is to provide the default answer of "not known", unless the land is in a declared drainage problem area. So, is it the case that the Council doesn't go to that extra step that it does in Maryborough?-- That's my understanding, yes.

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Flood searches are set out in paragraph 12(c), and where formal information - so, that suggests to me that it's different than the information that we've just been talking about. Do you see that in paragraph 12(c)?-- Yeah, I do. Can I clarify? Flood searches tend to relate to Mary River flooding.

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Right?-- And not stormwater flooding.

Okay?-- So, if that clarifies?

And where do you get the formal information from?-- Well, the information that we have is the 1893 flood for the Mary River.

Right?-- We have maps of where the prediction of that flood inundated properties, and that map has been adopted since I've ever been in Maryborough anyway, and is the basis of providing information to - in flood searches.

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You attach at WS6 an example of a Flood, Stormwater and Tidal Surge Property Search Report?-- Yes.

The designated flood level there is recorded in AHD; is that the case?-- Yes, I believe so.

Can you just assist and explain this diagram to us? Is further information put on this diagram - because this is just a generic proforma that you've provided, is any additional information put on this diagram in relation to the plan of the house that we see there?-- Look, I'm unable to answer that. I really don't know.

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You're unable to assist me in relation to what information is actually provided on this document?-- That's correct.

Who would be able to assist?-- Some of my officers.

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Okay?-- The people who do the flood and stormwater searches.

But you just haven't got that detail?-- No, I haven't.

Now, Mr Wode gave evidence this morning in relation to some flooding problems and can I show you Annexure D to his statement? This statement of Mr Wode is Exhibit 782?-- Is it D you're looking for?

I think it's actually been set out for you. The front page?--
Front page, yep.

Is that a letter from the Mayor to Mr Wode?-- That's correct.

Dated the 7th of February?-- That's correct. Yes.

And it thanks him for his letter of the 3rd of February,
providing information in relation to the flooding problems in
the vicinity of Tiger, Guava and Mary Streets, Maryborough?--
That's correct.

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And the Mayor has requested the Council's Director of
Infrastructure and Environment to investigate Mr Wode's
suggestions?-- That's correct.

Do you have any knowledge of this letter?-- I do.

And can you assist us whether you have investigated Mr Wode's
suggestions?-- I E-mailed my office earlier this morning and
I do have a letter that we sent Mr Wode - if I could just open
it up, perhaps?

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Yes?-- Okay. I wrote to Mr Wode on - looks like the 2nd
of March - says, "Thank You" - does the Commission want me to
read the letter?

COMMISSIONER: Might as well if it's not too long?-- "Thank
you for your correspondence to Council and subsequent meeting
with Council's officer Tony Woods regarding improving the
flooding immunity to the Granville Bridge approaches. Council
officers have contacted the Department of Transport and Main
Roads and they are well aware of lower Kent Street offering
less immunity than the bridge and have indicated that further
studies of the transport network may be implemented." I don't
know whether the Commission is aware, but the bridge and Kent
Street is on the Main Roads controlled road network. Further
goes on to say, "Improvements in Tiger Street and Guava Street
which we've referred to have not been identified in Council's
10 year plan, however Council's Department of Infrastructure
and Environment were mindful of your suggestions when
planning, prioritising and formulating future budgets."

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Can you provide-----

COMMISSIONER: What does that mean? When you say you are mindful, what's it actually mean?-- Well, I guess we put that on our list of works to be considered. When we start to review our ten-year plan - and part of the process would be try to work out the costs for works - and then having done that, council has to then rule on whether it is a priority.

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MS WILSON: Could you provide - could you have a look at this letter, please? Is that the hard copy of that letter you just read out?-- That's correct.

Madam Commissioner, I will tender that.

COMMISSIONER: Exhibit 794.

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ADMITTED AND MARKED "EXHIBIT 794"

MS WILSON: Thank you, Mr Sweeney, I have no further questions.

COMMISSIONER: Ms McLeod?

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MS McLEOD: My name is McLeod and I appear for the Commonwealth. Can I just ask you a couple of questions, you may know the answer to. As Director of Infrastructure and Environment, are you familiar with the flood warning network above Maryborough?-- Sorry?

Are you familiar with the flood warning network above Maryborough?-- Not completely familiar, no.

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A couple of witnesses, at least one witness this morning, indicated that he relied on readings from Tiaro. Are you aware of the existence of another - a telemetry river station about 15 kilometres upstream at Home Park?-- No, I am not, sorry.

Are you aware of a gauge downstream at the barrage, another telemetry station?-- No, I am not, no.

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Are you familiar with either proposed, or having been made an application under the Natural Disaster Resilience Program for funding for gauges at Tiaro and Maryborough?-- I am aware something went through, yes.

At what stage is that at?-- Look, I don't have the information.

Okay. Thank you. Thanks, Mr Sweeney.

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

MS WILSON: May Mr Sweeney be excused?

COMMISSIONER: Yes, thanks, Mr Sweeney.

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WITNESS EXCUSED

MR CALLAGHAN: I don't think we've got anyone to go on with at the moment. Excuse me a moment, Commissioner. I was just investigating whether there was any point in resuming at 2.15 but I am told that people have been told not before 2.30.

COMMISSIONER: All right. We will adjourn until 2.30.

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THE COMMISSION ADJOURNED AT 12.47 P.M. TILL 2.30 P.M.

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THE COMMISSION RESUMED AT 2.28 P.M.

COMMISSIONER: Yes?

MR CALLAGHAN: I call Michael Cox.

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MICHAEL STEWART COX, SWORN AND EXAMINED:

MR CALLAGHAN: Would you tell the Commission your full name, please?-- Michael Stewart Cox.

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Mr Cox, you own and operate the Muddy Waters Cafe at the Maryborough Marina, is that correct?-- Yes.

You provided a statement to the Commission of Inquiry?-- I did.

I will show you a copy of that. That's the statement that you've signed and provided?-- Yes.

I tender that.

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COMMISSIONER: Exhibit 795.

ADMITTED AND MARKED "EXHIBIT 795"

MR CALLAGHAN: Mr Cox, that statement's now part of the record of the Commission, and there are only a couple of things I wanted to get you to elaborate on in the statement itself. Can I take you to paragraph 26? You speak there about the fact that a number of things had been done to the building to prepare it for flood and you detail a couple of them. Is there anything else that has been done in order to prepare it for flooding, and how did these steps help in that regard?-- Well, as it says in the statement, we've raised the height of the power points to 1.5 metres, so we previously had power on the floor, which wasn't ideal. Everything is on wheels for easy access to remove now, everything. Dishwasher - everything can be removed pretty quickly.

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And you say in that same paragraph that you are in the process of introducing your own flood evacuation plan. Can you tell us about that?-- Oh, just so staff know, and everyone in the marina, we all work together. So we're better organised to lend a hand with each other to evacuate as quick as possible.

All right. Now, we have your statement - and we've heard from Mr Brown this morning, who I think shares some of your concerns - although, of course, you have a slightly different perspective. I don't want to cut you short on anything but can I suggest that your concerns - your two principal concerns seem to relate to the question of warnings and lack thereof, would that be right?-- Yes.

And what would you have to say in that regard?-- Oh, just if - if local council could better prepare, you know, or give earlier warnings, I suppose. We had issues with the Bureau of Meteorology with getting regular updates. I know it is hard in that circumstance, but it just seemed like no-one knew the system and how the system saturates so quickly, and everyone sort of seemed to know what happened with the Gympie water when Gympie water came down, but with the local water no-one seemed to know how that would affect the rise in the river so quickly.

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That was probably the second aspect, which I would suggest - or the second major topic of concern would be information-----?-- Yeah.

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-----that you have an issue with the availability and accuracy of the information?-- Yes.

Would that be right?-- That's correct.

And was there anything else you wanted to elaborate on in that regard?-- Oh, not really, no.

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COMMISSIONER: Can I just ask you about the evacuation plan? Is that just for your business or are you saying-----?-- We have our own evacuation plan but then will work with the other businesses, too, to try and get - if we're under control, then we can help others out.

Have you got somewhere to move your stuff to?-- Look, if it happens as quick as last time, then we'll just roll everything up the road. That's as quick as we can. Like, if it happens at night - if it happened about 8.30, 9 o'clock when it did last time, there is no-one you can ring. We tried ringing council, we tried ringing the police to get road closure so we could - I actually moved it up - three fridges up the road to The Port Residence, another restaurant up the road. He came out and helped out when he realised what was happening.

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Thank you. I have no further questions.

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COMMISSIONER: Ms McLeod?

MS McLEOD: One question, Mr Cox. My name is McLeod and I appear for the Commonwealth. You said you had some regular issues or had some issues with the Bureau, getting regular updates. Is that during the floods?-- Yes.

In January?-- Yep.

Were you looking yourself for Bureau information or were other people, your friends, looking for information-----?-- No, we were looking. Everyone was looking and we were even looking together.

Right. Were you looking on the website?-- On the website, yes.

Were you listening to the broadcast?-- No, I wasn't listening to the broadcast, no.

Thank you.

COMMISSIONER: Mr Rolls?

MR ROLLS: No questions, thank you, Commissioner.

MR CALLAGHAN: Nothing further. May Mr Cox be excused?

COMMISSIONER: Yes. Thanks very much for your time, Mr Cox.

WITNESS EXCUSED

MS KEFFORD: Madam Commissioner, I call Michael Ellery.

MICHAEL THOMAS ELLERY, SWORN AND EXAMINED:

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MS KEFFORD: Is your full name Michael Thomas Ellery?-- It is.

And you're the Executive Manager, Development Assessment for the Fraser Coast Regional Council?-- That is correct.

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You have provided two statements to the Queensland Floods Commission of Inquiry in response to requirements from the Commission. Can I ask you to have a look at those statements, please? Is that a copy of your statements?-- Yes, they are, yeah.

I tender those documents.

COMMISSIONER: Exhibit 796.

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ADMITTED AND MARKED "EXHIBIT 796"

MS KEFFORD: Now, the Fraser Coast Regional Council administers four planning schemes, does it?-- That's correct.

And they are the planning schemes the Maryborough, Hervey Bay, Tiaro and Woocoo?-- The Tiaro scheme method applies to the Fraser Coast Regional area, that's correct.

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Why do you say that?-- Sorry, at amalgamation, division 3 of the former Tiaro Shire was actually included in the Gympie Regional Council, and the planning scheme for Tiaro was still in force for that area at the time of amalgamation. So the Tiaro scheme that we administer is only that portion that applies to the area that was amalgamated with the Fraser Coast.

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And the balance gets administered by the Gympie Regional Council?-- Correct.

None of those planning schemes record that they adequately reflect the State Planning Policy 1/03?-- That's correct.

With respect to flood?-- That's correct.

In your statement you tell us that the defined flood event for those schemes - you tell us about the defined flood events for those schemes. Is it fair to say that each scheme includes criteria which reference either the Q100 or the highest reported flood?-- That would be correct.

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And those flood levels, Q100 or the highest recorded flood, are they used to set minimum floor levels and the like?-- Generally that's correct, yes.

And none of the schemes, other than Maryborough City Plan, contain mapping which records the sites which are subject to flooding?-- That's correct.

And none of them have details - none of the schemes have details of flood coverage or levels?-- That's correct.

How, then, do applicants for development ascertain whether flooding is an issue for their property?-- Generally, council provides a service for flood search and certainly property owners, potential developers and the like, can make an inquiry with our Infrastructure Environment department, and I understand that generally flood levels are provided where they're known. 10

Given that obviously some information does exist, to what extent does the council have information about flooding?-- Oh, I am not sure I can actually answer that question. That information is held by our Infrastructure Environment directorate, of which I am not a member of. But to the extent that it is - where it is held is with our Infrastructure Environment directorate, and there are specific officers whose role is to manage council's drainage assets and consider flooding matters, and I think that information sits with them. 20

When you receive a development application, if the developer or the applicant has not made inquiries of the council to obtain the flood search, do you make inquiries within council as to whether the property the subject of the application is subject to flooding?-- If it is apparent that the development is potentially affected by flooding or stormwater issues, then, yes, we would do a referral of that application to that section of council and they would provide comments back to us for consideration in that development application. 30

I think you said if it is evident it is subject to flooding. How do you make a determination of whether it needs referral?-- If we know that it is in a floodplain, if it is obviously seeking to develop right next to a watercourse, if we know it is in a low-lying area that's had historic problems with drainage issues, then I think it is that local knowledge and our past experience that will lead us to question those matters. 40

When you say local knowledge, is there a source of documentary information within the council or is it the local knowledge of each individual planning officer who is looking at the applications as they come in?-- It would generally be the knowledge of the assessment team as a whole. All new applications reviewed by the senior officer of my department, including the senior development engineer, and so there is quite a few people that are brought to bear to consider the application when it is first lodged. 50

You mentioned - you agreed earlier that there are criteria within the schemes which reference either the Q100 or the highest recorded flood. In terms of the Q100 and meeting

criteria within the scheme, is there information or modelling within the council that determines where the Q100 is for each of the schemes?-- Not for each of the schemes, no, there would not be. There is certainly flood modelling available in the Hervey Bay area and - which is where most development activity occurs, and that's reliable and readily available to us for consideration. In some areas, certainly in more remote rural areas of the council, we wouldn't have any flood modelling available at this present time.

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What about information on the highest recorded flood; is that type of information available for all scheme areas?-- I couldn't say. Not to my - not to my knowledge. Certainly there is information available about the flood levels in Maryborough but if you are asking about the highest flood level for all areas of the council, I don't know whether we hold that information or not.

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Given that there are criteria in the schemes that set minimum habitable floors by reference to those - to that data, the Q100, or the highest recorded flood, how, in a practical sense, does the council assess a development application without having the information on Q100 or the highest recorded flood level?-- Look, I think in the event that we don't have flood information we would make a request to the applicant to provide that information.

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And is that common, in your experience?-- We don't receive many applications in areas where we don't have flood information, so it is not that common, no. But it certainly has happened in my time as executive manager.

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If council does receive flood studies from an applicant, does council have in place a process for assessing the accuracy or adequacy of those flood studies?-- Again, we'd refer those to our Infrastructure and Environment directorate and the engineering officers there would certainly do a first review. If that review indicated potential major problems with the data to be provided, we would certainly look to outsource that to appropriately qualified consultants for further advice about that study.

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Do the internal officers who you refer it to have qualifications of their own, hydraulic engineering, or are they general engineers?-- I couldn't answer that question.

If I could just ask you a few questions about the management of hazardous materials? At paragraph 31 of your first statement you tell us that in the four schemes that council administers there is no specific provisions in relation to the storage of chemicals and land below the applicable flood line. And you say that the assessment of that issue was undertaken against the State Planning Policy 1 of 2003. How, in practice, do you undertake that assessment?-- Look, I would struggle to think of a specific example that we would have had in recent times but in saying that, obviously in the State Planning Policy, in the guideline there was a performance criteria about the storage of bulk hazardous chemicals, and

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we'd certainly assess it against that provision. But in saying that, I think it is probably likely that areas that are appropriately zoned for those types of activities are not located in areas subject to known flood hazards.

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At paragraphs 32 and 33 of your first statement, to give us an example on the type of condition that you normally would apply to any application involving the potential for storage of hazardous materials, that condition requires approval in writing by the assessment manager before hazardous materials are manufactured or stored in bulk on the site. What does the assessment manager take into account before giving that written approval?-- I think they would take into account the likely environmental impacts and the ramifications that would occur as a result of those chemicals being exposed to floodwaters.

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Do you know what type of information the assessment manager requires applicants to provide before the written approval is given?-- We have never received such a request, so-----

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Are you aware of an occasion where the condition has been imposed?-- I can probably think of one or two occasions, and I think in that instance a condition was imposed more as a safeguard in the event that the applicant hadn't applied for an activity that directly involved the storage of bulk chemicals, but, you know, had applied for an activity that might, by inference, include storage of such materials. For example, you know, a truck depot or something like that. The applicant at the time hadn't made application for, you know, environmental authority to store - to have fuel storage - bulk fuel storage on the site but there is a possibility that they may do it without our knowledge. It is probably a safeguard measure to bring it to their attention that they can't just bring those things on site, that they would need to tell us first, and then we could assess that and determine whether it is appropriate or whether it in fact might trigger further assessable development.

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Can I ask you just in terms of the need to administer four planning schemes, are there any particular difficulties that you have encountered because of the need to administer four planning schemes with varying developing constraints for flood prone land?-- I am not sure it is a difficulty. I mean, certainly there are inconsistencies, and the role of council is to obviously explain to potential developers and their residents the differences between those four schemes, explain why there are those differences. So far as that's a difficulty, then I would say that is one, but other than that I think we're clear on what the differences are and we just administer those in our normal practice.

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Obviously council will, at some stage, adopt a new planning scheme that covers all of the areas now within its jurisdiction, and the Sustainable Planning Act provides for a template to be used based on the Queensland Planning Provisions, and that the Queensland Planning Provisions give the opportunity for inclusion of overlays. Do you know

whether council intends to include an overlay with respect to flooding in its new scheme?-- It is my understanding that they do intend to include such an overlay.

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What actions have been taken to progress the mapping of such an overlay?-- The drafting of the planning scheme is only in its very preliminary stages. A consultant has been appointed to assist council in drafting that and that was only - I don't recall the exact date as I am not the project manager for that particular project but I think it is within the last couple of months. The - as part of the sustainable growth strategy - which is another body of forward planning work that council has undertaken as a precursor to the planning scheme - there was work done in terms of obtaining additional flood mapping, and I believe that that flood mapping will help inform the new overlay.

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In your second statement at pages 1 and 2 you tell us about a drainage problem area, local law which was previously applied by council but which you also tell us was repealed some time ago, and in paragraph 9 of your statement you mention that despite its repeal, Hervey Bay City Council retained a notation on its rating system about drainage problem areas. Has that notation still been retained now that Hervey Bay City Council is part of Fraser Coast Regional Council?-- I am advised that it has been retained.

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Do you know what form the notation takes?-- No, I don't.

Do you know what, if any, explanation is given about the relevance of the notation?-- No, I am sorry, I don't have any direct knowledge of that.

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Do you know who might be able to assist us with that type of information?-- I believe the mechanism and, again, I refer to Mr Sweeney's statements which I've obviously read. That that information is provided on property and rating searches and I don't have any direct knowledge of who is responsible for issuing those, but they would certainly fall - that section falls within our organisational services directorate and Alexis Evans is the - the acting director of that directory.

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Finally, if I could just ask you a few questions about a statement given to us by Ms Wilson. Ms Wilson raises the concern about impact of fences constructed along drainage easements. Could I ask you to be shown a copy of attachment B which is a letter from the council. I'll just give you a moment to read - particularly the first page of that and under the paragraph of number one where it says, "There's been recent development to the rear of the property", the paragraph under that. Just a general question: first, is it common for there to be conditions on developments that require the dedication of a drainage easement to the council?-- Yes, that would be quite common.

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And the situation which seems to be explained in this letter where fences are able to be constructed within drainage easements and they're considered to be non - not permanent construction and may remain even though they impede the flow of water, do you know whether that's common in terms of the drafting of the easement that the council ordinarily relies on?-- No, I don't believe that would be common. I think the normal practice would be and certainly the easements that I've been responsible for endorsing would include provision that would allow you to erect fences, but there would also be - there's clear provisions that you can not impede the flow of water through the area of the easement.

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Have you had any cause to look at this particular easement yourself?-- In response to Ms Wilson's statement I did take the opportunity to review the easement that is in place at the rear of the lots that she's talking about, yes.

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And do you agree with the position as set out in the letter that there's an ability for fences to be constructed in the easement that impede the flow of water?-- I don't think that's a correct interpretation of what the easement is saying, no.

Have you spoken to anyone and council about this construction on your view?-- I only read that easement this morning in preparation for appearing here today so I haven't had the opportunity to do so.

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Do you intend to?-- I do.

I have no further questions.

MS McLEOD: No questions, thank you.

MR ROLLS: No questions, thank you, Commissioner.

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MS KEFFORD: Might this witness be excused.

COMMISSIONER: Thanks Mr Evans. You're excused.

WITNESS EXCUSED

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MS WILSON: Thank you, Madam Commissioner. I call the final witness for today, Ms Lisa Desmond.

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LISA MARGARET DESMOND, ON AFFIRMATION, EXAMINED:

MS WILSON: Is your full name Lisa Margaret Desmond?-- That's correct.

And you're the Chief Executive Officer of the Fraser Coast Regional Council?-- That's correct.

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And you prepared and signed two statements and provided those to the Queensland Floods Commission of Inquiry?-- That's correct.

And one of those statements is shorter than the others. One has got eight paragraphs and the other has got 24 paragraphs. Have you got those?-- I've got a copy of those.

I'm going to show you those documents and there's exhibits attached to your statement. Are those your two statements?-- Yes, they are.

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With attachments?-- Yes.

Madam Commissioner, I'll tender them separately.

COMMISSIONER: All right. So the shorter one first, Exhibit 797 and the longer one is 798.

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ADMITTED AND MARKED "EXHIBIT 797 & 798"

MS WILSON: If I could take you to your longer statement. The Fraser Coast Regional Council has commissioned an external consultancy to prepare a draft on study as part of the council's sustainable growth strategy?-- That's correct.

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You can see that in paragraph 5 and paragraph 6. Can you tell us about the council's sustainable growth strategy?-- Council commissioned to discuss sustainable growth separately which was probably just after amalgamation and it basically - I don't have the planning terminology for it, but it certainly had done a lot of - a number of studies. One obviously the flood study, you know, economic studies and that to sort of set a framework and a vision for the development of the Fraser Coast Region and would then be used to inform the planning scheme.

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COMMISSIONER: Could I get you to slow down a bit?-- Sorry.

Because every word is actually physically taken down?-- My apologies.

So if you could speak a bit more slowly.

MS WILSON: And how does a flood study fit in to the council's sustainable growth strategy?-- It was just one of the many studies that was undertaken as part of that project. All of those studies would now be passed along to the - to our project team in delivering and formulating the new planning scheme for the Fraser Coast.

You referred to economic studies. What do you mean by that?-- In terms of employment, housing studies, community studies, all those type of things that would inform our planning scheme were done as part of that sustainable growth strategy.

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At the time of signing your statement on the 31st of August 2011, this study had yet been tabled at the planning and development committee. It was proposed - the timing - that at the time of signing your statement to be done on the 14th of September. Can you tell us whether it now has been tabled?-- The study has been tabled and adopted by council as sustainable growth strategy. I don't have the exact date, though.

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And how is the council proposing to use this study?-- Well, I think as Mr Ellery spoke that flood study will then inform the planning scheme and assist them in developing flood overlay maps for the new planning scheme.

No changes have been made to council's flood planning processes since the flooding occurred earlier this year?-- That's correct.

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Will this flood study now accelerate any changes to any land planning processes?-- My understanding is the study won't amend any of the existing planning schemes because obviously that takes a large process. We're in the middle of doing now - or the commencement part of doing a new planning scheme so our focus is to deliver a draft planning scheme by April next year. So that's where the focus is.

And is it proposed that the draft planning scheme to be delivered in April next year will comply with the State Planning Policy 1/03, is it not?-- It's probably not within my - but I'm assuming any of our planning schemes will comply with any State regulated provisions.

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Are you aware whether these - the planning schemes that you presently use comply with the State Planning Policy 1/03?-- Not - I'm not - I can't answer that question.

If I can show you this document, please, which is the Fraser Coast Regional Council flood disaster debrief dated the 24th of January 2011. And if I can take you to page 5 of that document and Kim Roberts report is set out there. Can you see that?-- Yes.

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"Provision of information due to timing of event is COT", what's that?-- I don't have the exact acronym, but it's an internal working group of council that were established to

assist with, you know, flooding in a disaster management.

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So if this internal group had been set up earlier briefings could have been established to ensure provision of information to business owners. Do you have any knowledge of how that could have assisted provision of information to business owners?-- I'm not privy to Kim's comments in relation to that. Like I said, I wasn't heavily involved in the disaster event at the time, but I can only assume that Kim's talking about had we had enough, you know, prewarning and those types of systems in place we may have been able to provide additional information to business owners that they were requesting earlier.

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The second dot point refers to, "Marina businesses requesting increased level of assistance to evacuate, suggested earlier road closures to provide time and space to evacuate.", and then we see two further dot points, one of which is "LD"?-- Mmm-hmm.

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That's you?-- Yes.

"Queried the existence of a subevacuation plan for the marina." Do you recall being a part of these discussions?-- I was at the debrief, that's correct.

And you were at the debrief and do you recall being a part of these discussions?-- Yes, at the debrief.

So you recall the topic of marina businesses requesting increased level of information being discussed?-- I believe that Kim Roberts part of the recovery was the recovery stage of the flooding events and I understand that he went down and spoke to all of the affected business owners because he was part of the economic business recovery team and I understand that that was some of the feedback that he had received from those businesses and, hence, the dialogue there about the feedback and had there been earlier road closures and my comments was did there exist a subevacuation plan for that marina businesses, if they were the ones that would be the most - the earliest businesses to be flooded.

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And can you advise whether any more work has been done on these issues?-- I don't - I believe that there is no subevacuation plan that's been finalised to the marina as discussed this morning by one of the previous people, but certainly council's got a whole raft of initiatives that it's working through to improve our response times as an outcome of the recent flooding.

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And when would you expect for those responses to be completed?-- We've got a program in place certainly to have a lot of things in place by October and November and certainly before the new - the new wet season comes.

And when you're talking about October and November you're talking this year?-- That's correct.

Thank you, Ms Desmond. I have no further questions.

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MS McLEOD: No questions.

MR ROLLS: No questions, thank you, Commissioner.

MS WILSON: Madam Commissioner, I have no further questions but I will tender that document I showed Ms Desmond.

COMMISSIONER: Exhibit 799.

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ADMITTED AND MARKED "EXHIBIT 799"

COMMISSIONER: Thank you, Ms Desmond.

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WITNESS EXCUSED

COMMISSIONER: Do we know any more about the starting time for tomorrow if we've been able to contact-----

MS WILSON: Yes. I understand we have and we will be starting at 9.30 tomorrow. Madam Commissioner, before we adjourn today can I tender two statements that I indicated in my opening?

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COMMISSIONER: Yes.

MS WILSON: The statement of Stephen Michael Wardrope, the district disaster co-ordinator for Maryborough Police District.

COMMISSIONER: Exhibit 800.

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ADMITTED AND MARKED "EXHIBIT 800"

MR WILSON: The statement of councillor Nick Kruger, the mayor of Fraser Coast Regional Council.

COMMISSIONER: Exhibit 801.

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ADMITTED AND MARKED "EXHIBIT 801"

COMMISSIONER: We will adjourn to Gympie at 9.30 tomorrow.

THE COMMISSION ADJOURNED TO 9.30 A.M THE FOLLOWING DAY AT GYMPIE