

## Statement of Cassandra Sun

I, Cassandra Sun, Regional Manager of Development Assessment Central Team, Brisbane City Council, of 266 George Street, Brisbane, in the State of Queensland, affirm as follows:

- A. Attachment **CS-01** is a copy of a notice from the Commissioner of the Queensland Floods Commission of Inquiry (**Commission**) dated 9 September 2011 requiring me to provide certain information to the Commission with respect to the existing residential building at 108 Albert Street, Brisbane (also known as Festival Towers) (**Subject Land**) in the form of a statement by 13 September 2011 (**Notice**). This Statement is provided in response to the Notice.
- B. For the purposes of responding to the Notice and preparing this Statement I have, in my position as Regional Manager of Development Assessment Central Team of the Brisbane City Council (**Council**), had access to:
- (a) the business records of Council; and
  - (b) Council officers,
- to obtain information to provide a response to the Notice. I have also received advice from Clayton Utz solicitors in respect of some matters of statute law stated in this Statement. Unless otherwise stated, the matters set out in this Statement are based on my own knowledge and the information derived from the above sources.
- C. The documents from the above sources and attached to this Statement have been collated by Council officers under my instruction.
- D. I set out below my responses to each of the questions set out in the Notice.

### Qualifications and Background

1. I hold a Bachelor of Regional and Town Planning (Hons), University of Queensland.
2. I have been employed by Council since 1 April 2001. I have been in the Development Assessment Central Team from this date until the present. Since commencing at Council, I have performed the role of Senior Urban Planner (2001 to 2006), Principal Urban Planner (5 December 2006 to 29 May 2007) and Regional Manager (30 May 2007 until the present). My role of Senior Urban Planner involved the assessment of a range of development applications against the City Plan 2000 within the Central region. In the role of Principal Urban Planner

  
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my primary duties involved the assessment of complex development applications as well as supervision of some staff.

3. I currently hold the position of Regional Manager of Development Assessment Central Team of Council. I provide leadership to a multi-disciplinary Development Assessment Team in the assessment of development applications.
4. At the time of the development application for the Subject Land I was a Senior Urban Planner. As indicated earlier, in this role I was responsible for assessment of a range of development applications within the Central region.

#### **General observations**

5. The Council files indicate that the Subject Land is described as 67-89 Charlotte Street and 104 Albert Street, Brisbane. I have reviewed the relevant Council files.
6. I was not involved in the assessment of the development application for the Subject Land.

#### **Response to the Notice**

<b>1. The defined flood level of the Subject Land prior to the January 2011 flood event;</b>
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7. Based on Council's records, I am aware that prior to the January 2011 flood event, the defined flood level (DFL) of the Subject Land was 3.9 metres AHD. The highest source of flooding is river flooding.

<b>2. Whether Council's records indicate that the Subject Land was subject to surface flooding impacts during the January 2011 flood event;</b>
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8. I am not at all familiar with the records which Council has of surface flooding during the January 2011 flood event. I note from advice given by Council officers that Council has access to flood mapping done by the Department of Environment and Resource Management and that that mapping indicates that the Subject Land was partially affected by flooding. I am also generally aware that Council has carried out modelling of flood levels but do not know the technical or other details of that work. I also note from Ms de Lange's submission that there was "*no flood waters immediate to our building particularly on the Charlotte Street side during the floods or entering the ground floor levels*". A more fulsome explanation of the records as to flood extent and modelling of flood depth can be provided by Council officers familiar with this technical area.

  
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**3. When approval was given to permit use of the Subject Land for the existing residential development;**

9. A Development Approval was given by Council by Decision Notice dated 29 October 2002 to Devine Limited c/- Mr Chris Buckley of Buckley Vann Town Planning under section 3.5.15 of the *Integrated Planning Act 1997* for a Development Application for Centre Activities (Multi-Unit Dwelling, Shop, Office, Restaurant and Memorabilia Display) (**Development Approval**). A copy of the Decision Notice is Attachment CS-02.

**4. When the development application the subject of the approval referred to in paragraph 3 was assessed, what consideration, if any, was given to the potential for inundation at basement level through adjacent Energex conduit pits and what conditions, if any, were included in the approval to address this issue.**

10. In preparing this Statement, I have been provided with a copy of a submission from Ms Lynn de Lange dated 9 March 2011 which is available on the Commission's website. I note that the submission relevantly provides that:

*"During the floods our basement car park was inundated with water causing considerable damage to the two bottom car park levels which is costing some \$300,000 to repair. This water entered the basement from mainly one area in the top basement on the Charlotte Street side to the building.*

*We do not have flood insurance. As there were no flood waters immediate to our building particularly on the Charlotte Street side during the floods or entering the ground floor levels we sought an engineer's report on what went wrong to allow so much water to pour in through the top basement in such a short time. The engineer's report is attached.*

*This report advises us that the water entered via the conduit in which the Energex underground power cables enter the building from the Energex pits in the footpath outside which are very deep. These would have had considerable water in the bottom coming up from the river. Apparently, Energex does not seal around the cables where they enter the conduit that takes the underground cables to our site."*

11. I assume that the Notice relates to the matters raised in the submission.
12. From my review of the file and from what I know of Council's development assessment practice, it is unlikely that there was consideration of the potential for inundation at basement

  
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level through adjacent Energex conduit pits. I cannot identify any conditions imposed as part of the Development Approval which specifically relate to this aspect.

13. The Development Approval provided a condition relevant to the supply of underground electricity, which is Condition 41 in Attachment **CS-02**.

14. Condition 41 refers to Council's "Guidelines for the Provision of Underground Electricity" which provides some comment in relation to the installation of underground electricity, however in relation to the standards for design and installation, the Guidelines make reference to *"the appropriate Policies and Standard Working Practices of Energex."* A copy of the Guidelines for the Provision of Underground Electricity are Attachment **CS-03**.

15. I am advised that under the *Sustainable Planning Act 2009*, Council through its planning scheme is unable to regulate development for:

*"All aspects of development for a supply network for electricity, as defined under the Electricity Act 1994, or for private electricity works that form an extension of or provide service connections to properties from the network, if the network operates at standard voltages up to and including 66kV, other than any aspect of development for:*

*(a) the construction of a new zone substation or bulk supply substation; or*

*(b) the augmentation of an existing zone or bulk supply substation if the input or output standard voltage is significantly increased."*

16. I am also advised that a "supply network" under the *Electricity Act 1994*:

*"...is a system, or part of a system, of electric lines, substations and associated equipment, other than a transmission grid, for distributing electricity to customers, whether or not generating plant is connected to it."*

17. I note that this is reflected in the following exemption under Chapter 3 of the Brisbane City Plan 2000:

*"development for a utility installation, being an undertaking for the supply of water, hydraulic power, electricity or gas, of any development required for the purpose of that undertaking by way of:*

- development of any description at or below the surface of the ground - the installation of any plant inside a building or the installation or erection within the*

  
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*premises of a generating station of any plant or other structures or erections required in connection with the station*

- *the installation or erection of an electricity distribution or supply network (and any components of such a network) which operates at voltages up to and including 33 kilovolts, excluding new substations*
- *the installation or erection of a new electrical transmission line on land on which such a line has already been erected and which is identified as a future line on Plan No: A4-H-303666— Powerlink Electricity Network and Plan No: 7775-A4/A— Energex 110kV Feeder Network*
- *the augmentation of a Powerlink substation identified on Plan No: A4-H-303666— Powerlink Electricity Network and of any Energex substation existing as at the date this clause took effect*
- *the placing of pipes above the surface of the ground for the supply of water, the installation in a water distribution system of booster stations and meter or switchgear houses*
- *any other development not specifically referred to above except where it involves erection of new buildings or reconstruction or alteration of existing buildings that would materially affect their design or external appearance."*

18. I understand that for the reasons above, works by Energex are generally a matter between the utility provider and the developer.

  
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I make this statement conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867 (Qld).

**Dated** *14* **September 2011**

**Signed and declared** by Cassandra Sun at  
Brisbane in the State of Queensland  
this *14* day of September 2011  
Before me:



Signature of person before whom the declaration is made



Signature of declarant



Full name and qualification of person before whom the declaration is made