



**COOPER GRACE WARD**  
LAWYERS

Our Ref: AJW:AJ03 10091926

23 February 2011

Senior Officer  
Water Resources  
Brisbane City Council  
GPO Box 1434  
Brisbane Qld 4001

By express post

Also by email:

Level 21, 400 George Street  
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear

**Release of the MIKE11 Hydrodynamic model  
Brisbane River and Bremer River**

We act for RACQ Insurance Limited.

Our client has engaged a water hydraulic engineering company, Water Technology, to assist it with assessing claims made by policy holders who have been affected by the recent Queensland flooding events.

We are instructed that Water Technology has attempted to obtain from Brisbane City Council access to the MIKE11 Hydrodynamic model of the Brisbane and Bremer Rivers (including all files necessary to run the model) extending from the mouth up to the Wivenhoe Dam wall (model).

Our client needs the model to assess a substantial number of the claims it has received as a result of the recent flooding.

Please urgently let us know if the model can be made available to us and if so when.

If you have any queries, please let us know.

Yours faithfully  
**COOPER GRACE WARD**

Lawyer

Partner

AJW10091926 3704558v1

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QFCI

Date:

28/10/11

Jm

66

Exhibit Number:

902

120



*Dedicated to a better Brisbane*

RECEIVED  
02 MAR 2011

BY:.....

28 February 2011

[REDACTED]

Cooper Grace Ward Lawyers  
GPO Box 834  
BRISBANE CITY QLD 4001

Dear [REDACTED]

Thank you for your letter of 23 February 2011 seeking release of the MIKE11 Hydrodynamic model for the Brisbane River and Bremer River, reference AJW:AJC3 10091926.

Your request has been passed on to the appropriate area of Council, as a priority. A Council officer will endeavour to provide a response within 20 working days, however, it is noted that you have requested urgent attention on this matter.

If you have any further Council enquiries, please visit [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au) or telephone our 24 hour Contact Centre on (07) 3403 8888.

Yours sincerely

[REDACTED]

[REDACTED]  
Contact Centre Manager  
Brisbane City Council

Ref: CO07475-2011

Brisbane City Council ABN 72 002 765 795

GPO Box 1434 Brisbane City Qld 4001  
Ph: (07) 3403 8888  
[www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au)



**COOPER GRACE WARD**  
LAWYERS

Our Ref: [Redacted]  
Your Ref: [Redacted]

7 March 2011

[Redacted]  
Contact Centre Manager  
Brisbane City Council  
GPO Box 1434  
BRISBANE QLD 4001

**EXPRESS POST**

Level 21, 400 George Street  
Brisbane 4000 Australia  
GPO Box 834, Brisbane 4001  
T 61 7 3231 2444  
F 61 7 3221 4356  
www.cgw.com.au  
ABN 95 591 906 639

Dear [Redacted]

**Release of the MIKE11 Hydrodynamic model  
Brisbane River and Bremer River**

We refer to our letter dated 23 February 2011 and your letter dated 28 February 2011 (received on 2 March 2011).

As noted in our letter dated 23 February 2011, our client seeks access to the MIKE11 Hydrodynamic model of the Brisbane and Bremer Rivers (including all files necessary to run the model) extending from the mouth up to the Wivenhoe Dam wall (model) to assess a substantial number of the insurance claims it has received from Brisbane residents as a result of the recent flooding events.

We were hoping that Brisbane City Council would provide us with access to the model as a matter of urgency.

Clearly, the timeframe of 20 working days referred to in your letter does not allow our client to obtain the model and process claims urgently.

We again request that you make the model available to us as soon as possible.

If you have any queries, please let us know.

Yours faithfully  
**COOPER GRACE WARD**

[Redacted]  
Lawyer

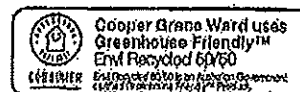
T  
F  
E

[Redacted]

**Rocco Russo**  
Partner

AJW10091026 3710755v1

*For Newport  
This demonstrates  
recurrence  
to RACC  
of getting  
the model  
11 recall*





*Dedicated to a better Brisbane*

RECEIVED  
11 MAR 2011

BY:.....

10 March 2011

[REDACTED]  
Cooper Grace Ward Lawyers  
GPO Box 834  
BRISBANE CITY QLD 4001

Dear [REDACTED]

Thank you for your further letter of 7 March 2011 seeking release of the MIKE11 Hydrodynamic model for the Brisbane River and Bremer River, reference AJW AJC3 10091926.

This further correspondence has been passed on to the appropriate area of Council, as a priority. A copy of this correspondence has also been added to your original file to reiterate the urgency of your request.

If you have any further Council enquiries, please visit [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au) or telephone our 24 hour Contact Centre on (07) 3403 8888.

Yours sincerely

[REDACTED]

[REDACTED]  
Contact Centre Manager  
Brisbane City Council

Ref: CO08995-2011

Brisbane City Council ABN 72 002 765 795

GPO Box 1434 Brisbane City Qld 4001  
Ph: (07) 3403 8888  
[www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au)



**COOPER GRACE WARD**  
LAWYERS

Our Ref: AJW/AJC3 10091926  
Your Ref: CO07475-2011

4 April 2011

[Redacted]  
Contact Centre Manager  
Brisbane City Council  
GPO Box 1434  
BRISBANE QLD 4001

**EXPRESS POST**



Level 21, 400 George Street  
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444  
F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear [Redacted]

**Release of the MIKE11 Hydrodynamic model  
Brisbane River and Bremer River**

We refer to our letters dated 23 February 2011 and 7 March 2011 and your letters dated 28 February 2011 and 10 March 2011.

Your letter dated 28 February 2011 provided that "A Council officer will endeavour to provide a response within 20 working days, however, it is noted that you have requested urgent attention on this matter".

We note that more than 20 business days have now passed since our letter dated 23 February 2011.

We would, therefore, be grateful if you could urgently confirm whether Brisbane City Council will be able to provide us access to the MIKE11 Hydrodynamic model of the Brisbane and Bremer Rivers and if so, when.

If you have any queries, please let us know.

Yours faithfully  
**COOPER GRACE WARD**

[Redacted signature]

Lawyer

T  
F  
E

[Redacted contact info]

[Redacted signature]

Partner

AJW10091926 3776390v1



[Redacted]

---

**From:** [Redacted]  
**Sent:** Tuesday, 5 April 2011 4:43 PM  
**To:** [Redacted]  
**Subject:** Brisbane River model user agreement - CGW  
**Attachments:** Brisbane River model user agreement Andrew Ward.pdf

Hi [Redacted]

Following our phone conversation this afternoon, please find the attached user agreement for Brisbane River model extraction.

Please review the user agreement, provide information if necessary (e.g. Part C), sign and return. The rough estimated maximum cost will be \$1500.00 (excluding GST). There is no cost for the model itself but there will be cost for the time preparing the data.

Please also provide us a purchase order. That is needed by our finance department to initiate the project.

Once the user agreement is properly completed, signed and returned with a purchase order, the model extraction process will start. The requested data will generally be available within 10 business days from the day the user agreement is returned.

Should you have further queries, please don't hesitate to contact me.

Regards

[Redacted]

---

Engineer | Flood Management  
Water & Environment | City Design | Brisbane Infrastructure | Brisbane City Council  
Level 1 Green Square | 505 St Pauls Terrace | Fortitude Valley | Qld 4006

T [Redacted]



Brisbane Infrastructure  
City Design  
Request for BCC Computer Model

CD F 802 020

Date: 5 June 2008

Rev no: 10

Rev date: 29 June 2012

Page 1 of 2

PART A - APPLICANT DETAILS	
NAME	PHONE No. 07 3231 2482
COMPANY NAME COOPER GRACE WARD	FAX No. 07 3231 8482
POSTAL ADDRESS Level 21, 400 George Street, Brisbane, Qld 4000 GPO Box 834, Brisbane, Qld 4001	E-mail
PART B - DESCRIPTION OF MODEL	
CREEK/CATCHMENT Brisbane River model 2004	MODEL TYPE (e.g. MIKE11) Hydraulic model - MIKE 11
MODEL LIMITS FROM: Full Model	TO: Full Model
<p>MODEL DESCRIPTION (Include design events) The supplied data includes Brisbane River model for the design events of Q10, Q20, Q50, Q100 and Q2000, and their modelling results.</p>	
PART C - PROPOSED USE OF MODEL	
<p>PART D - TERMS AND CONDITIONS</p> <p>The computer model data described in this document (the "Supplied Model") is issued by Brisbane City Council ("Council") to the applicant subject to the following terms and conditions:</p> <ol style="list-style-type: none"> <li>The Supplied Model shall be used only for the purposes described in Part C of this document.</li> <li>The applicant acknowledges that Council owns all intellectual property rights in the Supplied Model and in any materials derived therefrom (including any Modified Models).</li> <li>The Supplied Model is based on available historical information, localised studies and geographical and geological data regarding waterway corridors and overland flow paths. The Supplied Model may change if, amongst other things, more detailed information becomes available, or changes are made in the modelling methodology or there are changes in the condition of local creeks and waterways and as other developments occur. For the foregoing reasons:             <ol style="list-style-type: none"> <li>the Supplied Model is a guide only and should not be used or relied upon for development purposes. For development purposes, it is recommended that a registered surveyor or engineer be engaged to undertake the appropriate assessments; and</li> <li>Council makes no warranty or representation regarding the accuracy or completeness of the Supplied Model and Council disclaims any responsibility or liability in relation to the use of, or reliance upon, the Supplied Model by the applicant.</li> </ol> <p>The applicant acknowledges and accepts that Council shall not be liable for any loss, damage, expense, cost or liability arising from the use of or reliance upon the Supplied Model nor is Council responsible for any errors in or failure to correct errors in the Supplied Model.</p> </li> <li>The applicant shall forward to Council, at no cost, any changes or revisions to the Supplied Model. Where these represent the intended future condition of the catchment or watercourse (the "Modified Model/s"), clearly identifying the data and information and any underlying assumptions that these changes or revisions are based upon. The Modified Model/s will be forwarded no later than / / (Insert date)</li> </ol>	

PRINTED COPIES OF THIS DOCUMENT ARE UNCONTROLLED. THE ELECTRONIC COPY IS THE CONTROLLED COPY.  
Standard Clause: C7.5  
Writer: Senior Engineer, Flood Management  
Sponsor: Product Manager, Flood Management



**Brisbane Infrastructure  
City Design  
Request for BCC Computer Model**

<b>CD F 802 020</b>
Date: 5 June 2008
Rev no: 1C
Rev date: 29 June 2012
Page 2 of 2

5. Council has the right to use and further update the Modified Model/s (and the information and data and underlying assumptions associated therewith) mentioned in paragraph 4. without further reference to the applicant.
6. The applicant:
  - (a) acknowledges that the original purpose by Council for the Supplied Model may differ from the applicant's proposed use as described in Part C of this document; and
  - (b) shall apply due care and diligence in determining the appropriateness of the Supplied Model for the applicant's proposed use.
7. Where the Modified Model and/or results from the Modified Model are to be submitted to Council for approval, the base parameters used in the revised model are not to differ from those in the original model unless agreed by the Manager, Water Resources or their authorised representative.
8. The applicant shall not distribute the Supplied Model, the Modified Model nor any information, data or assumptions contained therein to a third party without the approval of the Manager, Water Resources or their authorised representative.
9. The estimated maximum fee to be paid by the applicant to cover the cost of extracting the requested information is:
 

**\$ 1500.00  
(GST excluded)**
10. The applicant may request to halt the extraction of data at any time, however, where this process has already begun; the applicant shall be liable to pay for the extraction work carried out up until the termination order.

<p><i>* I/1, being an authorised representative of the applicant on behalf of the applicant, [<del>delete the inapplicable option</del>] agree to the above terms and conditions governing the receipt and use of the Supplied Model.</i></p>	<p>..... (Name of Signatory)</p>	
<p>..... (Position of Signatory of the Applicant)</p>	<p>..... (Signature of Signatory of or on behalf of the Applicant)</p>	<p>..... (Date)</p>

**INFORMATION NOTES**

1. The Brisbane City Council ("Council") generally will not supply copies of complete hydraulic or hydrologic computer models, but where possible will issue truncated versions.
2. The truncated version of the requested computer model generally will be available within 10 working days from the receipt of the completed application form.
3. No recalibration of the truncated hydraulic model supplied has been undertaken. It is the applicant's responsibility to ensure that a new base model is established with the issued information, which accurately reproduces the levels supplied in the result files. The applicant will need to demonstrate this calibration if the issued information and Modified Model is to form part of a submission to Council.
4. The fee to be paid by the applicant for the provision of the requested data will be the actual costs calculated on the basis of standard charge out rates applicable at the time. A minimum fee of \$550 shall apply.

**PRINTED COPIES OF THIS DOCUMENT ARE UNCONTROLLED. THE ELECTRONIC COPY IS THE CONTROLLED COPY.**  
 Standard Clause: Q7.5  
 Owner: Senior Engineer, Flood Management  
 Sponsor: Product Manager, Flood Management



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 3 May 2011 10:47 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Request for BCC Computer Model  
**Attachments:** Flood Mgmt form - BCC.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear [REDACTED]

Please find attached the completed 'Request for BCC Computer Model' application.

Please let me know if there are any issues.

Regards,

[REDACTED]  
Office Administrator



**WATER TECHNOLOGY**  
WATER, SOCIAL & ENVIRONMENTAL CONSULTANTS  
web: [www.watech.com.au](http://www.watech.com.au)

**WATER TECHNOLOGY**  
93 Boundary St  
PO Box 5700  
West End Queensland Australia 4101  
tel: 61 [REDACTED]  
fax: 61 [REDACTED]

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Brisbane Infrastructure  
City Design  
Request for BCC Computer Model

CD F 802 020

Date: 5 June 2008

Rev no: 10

Rev date: 29 June 2012

Page 1 of 2

**PART A: APPLICANT DETAILS**

NAME	[REDACTED]	PHONE No.	[REDACTED]
COMPANY NAME	COOPER GRACE WARD	FAX No.	[REDACTED]
POSTAL ADDRESS	Level 21, 400 George Street, Brisbane, Qld 4000 GPO Box 834, Brisbane, Qld 4001	E-mail	[REDACTED]

**PART B: DESCRIPTION OF MODEL**

CREEK/CATCHMENT	Brisbane River model 2004	MODEL TYPE (e.g. MIKE11)	Hydraulic model – MIKE 11
MODEL LIMITS FROM:	Full Model	TO:	Full Model

**MODEL DESCRIPTION**  
(include design events)

The supplied data includes Brisbane River model for the design events of Q10, Q20, Q50, Q100 and Q2000, and their modelling results.

**PART C: PROPOSED USE OF MODEL**

To assist Cooper Grace Ward + RACQ Insurance in determining inundation mechanisms in Ipswich + Brisbane regions.

**PART D: TERMS AND CONDITIONS**

The computer model data described in this document (the "Supplied Model") is issued by Brisbane City Council ("Council") to the applicant subject to the following terms and conditions:

- The Supplied Model shall be used only for the purposes described in Part C of this document.
- The applicant acknowledges that Council owns all intellectual property rights in the Supplied Model and in any materials derived therefrom (including any Modified Models).
- The Supplied Model is based on available historical information, localised studies and geographical and geological data regarding waterway corridors and overland flow paths. The Supplied Model may change if, amongst other things, more detailed information becomes available, or changes are made in the modelling methodology or there are changes in the condition of local creeks and waterways and as other developments occur. For the foregoing reasons:
  - the Supplied Model is a guide only and should not be used or relied upon for development purposes. For development purposes, it is recommended that a registered surveyor or engineer be engaged to undertake the appropriate assessments; and
  - Council makes no warranty or representation regarding the accuracy or completeness of the Supplied Model and Council disclaims any responsibility or liability in relation to the use of, or reliance upon, the Supplied Model by the applicant.

The applicant acknowledges and accepts that Council shall not be liable for any loss, damage, expense, cost or liability arising from the use of or reliance upon the Supplied Model nor is Council responsible for any errors in or failure to correct errors in the Supplied Model.
- The applicant shall forward to Council, at no cost, any changes or revisions to the Supplied Model. Where these represent the intended future condition of the catchment or watercourse (the "Modified Model/s"), clearly identifying the data and information and any underlying assumptions that these changes or revisions are based upon. The Modified Model/s will be forwarded no later than: / / (Insert date)

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Standard Clause: Q7.5

Owner: Senior Engineer, Flood Management

Sponsor: Product Manager, Flood Management



Brisbane Infrastructure  
City Design  
Request for BCC Computer Model

CD F 802 020

Date: 5 June 2008

Rev no: 1C

Rev date: 29 June 2012

Page 2 of 2

6. Council has the right to use and further update the Modified Model/s (and the information and data and underlying assumptions associated therewith) mentioned in paragraph 4, without further reference to the applicant.
6. The applicant:
  - (a) acknowledges that the original purpose by Council for the Supplied Model may differ from the applicant's proposed use as described in Part C of this document; and
  - (b) shall apply due care and diligence in determining the appropriateness of the Supplied Model for the applicant's proposed use.
7. Where the Modified Model and/or results from the Modified Model are to be submitted to Council for approval, the base parameters used in the revised model are not to differ from those in the original model unless agreed by the Manager, Water Resources or their authorised representative.
8. The applicant shall not distribute the Supplied Model, the Modified Model nor any information, data or assumptions contained therein to a third party without the approval of the Manager, Water Resources or their authorised representative.
9. The estimated maximum fee to be paid by the applicant to cover the cost of extracting the requested information is: **\$ 1500.00**  
(GST excluded).
10. The applicant may request to halt the extraction of data at any time, however, where this process has already begun; the applicant shall be liable to pay for the extraction work carried out up until the termination order.

*I/1, being an authorised representative of the applicant on behalf of the applicant, I delete the inapplicable option/ agree to the above terms and conditions governing the receipt and use of the Supplied Model.*

[Redacted Signature]

.....  
Director  
(Position of Signatory of the Applicant)

.....  
(Signature of Signatory of or on behalf of the Applicant)

29/6/11  
(Date)

### INFORMATION NOTES

1. The Brisbane City Council ("Council") generally will not supply copies of complete hydraulic or hydrologic computer models, but where possible will issue truncated versions.
2. The truncated version of the requested computer model generally will be available within 10 working days from the receipt of the completed application form.
3. No recalibration of the truncated hydraulic model supplied has been undertaken. It is the applicant's responsibility to ensure that a new base model is established with the issued information, which accurately reproduces the levels supplied in the result files. The applicant will need to demonstrate this calibration if the issued information and Modified Model is to form part of a submission to Council.
4. The fee to be paid by the applicant for the provision of the requested data will be the actual costs calculated on the basis of standard charge out rates applicable at the time. A minimum fee of \$550 shall apply.

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Standard Clause: Q7.6  
Owner: Senior Engineer, Flood Management  
Sponsor: Product Manager, Flood Management

[Redacted]

**From:** [Redacted]  
**Sent:** Monday, 16 May 2011 11:35 AM  
**To:** [Redacted]  
**Cc:** [Redacted]; Evan Caswell; James Charalambous; [Redacted]  
**Subject:** Re: Request for BCC Computer Model

Hi [Redacted]

Thanks for sending through the signed user agreement.

Unfortunately, as per my previous email, a purchase order number for this job is required by our finance department to initiate the project. Can you please provide it at your earliest convenience.

I also notice that the person who signed the user agreement is [Redacted] which is different to the applicant detail in Part A. Should the invoice be sent to [Redacted] please provide the contact detail that the invoice can be sent.

Regards,  
[Redacted]

[Redacted]  
Engineer | Flood Management  
Water & Environment | City Design | Brisbane Infrastructure | Brisbane City Council  
Level 1 Green Square | 505 St Pauls Terrace | Fortitude Valley | Qld 4006  
T [Redacted] | E [Redacted]

>>> [Redacted] 3/05/2011 10:46 am >>>

Dear [Redacted]

Please find attached the completed 'Request for BCC Computer Model' application.

Please let me know if there are any issues.

Regards,

[Redacted]  
Office Administrator



WATER TECHNOLOGY  
93 Boundary St  
PO Box 5700  
West End Queensland Australia 4101  
tel: [Redacted]  
fax: [Redacted]

**Confidentiality & Privilege Notice**

This email is intended only to be read or used by the addressee. It is confidential and may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone, you should destroy it and notify the sender by reply email. Confidentiality and legal privilege are not waived or lost by reason of mistaken delivery to you.

\*\*\*\*\* This message has passed through an insecure network. Please direct all enquiries to the message author. \*\*\*\*\*

\*\*\*\*\* This message has passed through an Insecure  
network. Please direct all enquiries to the message author.  
\*\*\*\*\*

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 17 May 2011 2:05 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Evan Caswell; James Charalambous; [REDACTED]

**Subject:** Brisbane River model provision  
**Attachments:** A file is ready for you to collect

Hi [REDACTED]

Please find the download link in the attached email.

The supplied data includes design events of Q10, Q20, Q50, Q100 and Q2000, and the modelling result of the Brisbane River model.

Please let me know if you have any query in relation to the supplied data.

Regards,  
[REDACTED]

[REDACTED]

Engineer | Flood Management:  
Water & Environment | City Design | Brisbane Infrastructure | Brisbane City Council  
Level 1 Green Square | 505 St Pauls Terrace | Fortitude Valley | Qld 4006  
T [REDACTED]

\*\*\*\*\* This message has passed through an insecure network. Please direct all enquiries to the message author. \*\*\*\*\*

1LB1105254-SAC



Brisbane City Council ABN 72 002 765 795

*Dedicated to a better Brisbane*

20 May 2011

The Manager Water Technology  
PO Box 5700  
WEST END QLD 4101

Attention: [REDACTED]

Dear Sir,

**Request for BCC Computer Model**

I refer to the Purchase Order number 0376 issued by Water Technology dated 17 May 2011 and the Request for BCC Computer Model dated 29 April 2011.

The Council seeks to provide further clarification of the usefulness of the Brisbane River Model 2004 (Supplied Model).

The Supplied Model is based on a flood study completed by Sinclair Knight Mertz in 2004. With the exception of the 100 year ARI flood event information:

1. the results have not been endorsed or adopted by the Brisbane City Council (Council); and
2. the data supplied is only useful in the representation of various magnitude events and should not be used to assess the risk of flooding for the 10, 20, 50 and 2000 year events.

While the 100 year information contained in the Supplied Model (based on 6,000 cumecs at the Brisbane City gauge) represents the best available information at present, it is noted that the flood event which occurred in January 2011 will prompt a review of all design discharges for the Brisbane River in the near future.

Council makes no representations and gives no warranties regarding the accuracy, completeness or suitability of the Supplied Model for any particular purpose. You should make your own enquiries and take appropriate advice on such matters. Council will not be responsible for any loss or damage (including consequential loss) you may suffer from using or relying upon the Supplied Model.

Yours faithfully,

[REDACTED]  
Evan Caswell  
Product Manager Flood Management  
CITY DESIGN

Brisbane Infrastructure  
City Design  
Level 1 Green Square 505 St Pauls Terrace Fortitude Valley Qld 4008  
GPO Box 1434 Brisbane Qld 4001  
T 07 3027 4612 F 07 3334 0212



*Dedicated to a better Brisbane*

Brisbane City Council ABN 72 002 765 795

Office of the Chief Executive  
Level 23 Brisbane Square  
268 George St Brisbane Qld 4000  
GPO Box 1434 Brisbane Qld 4001  
T 07 3403 4601 F 07 3334 0043  
www.brisbane.qld.gov.au

29 August 2011

Mr Karl Sullivan  
General Manager Risk & Disaster  
Insurance Council of Australia  
Level 4, 58 Pitt Street  
SYDNEY NSW 2000

Dear Mr Sullivan

**Request for Brisbane City Council MIKE 11 Flood Model**

We refer to your email request dated 16 August 2011 in relation to the MIKE 11 Model.

**RACQI**

The reference in the press by RACQI to "new information" received from Council and the reference in your email to "new hydrology" received from Council is misguided. There is no "new" information or hydrology. We do not know why RACQI made these statements in support of its decision to "reverse" certain decisions made by it. To the extent you require clarification on this point you should address any queries to RACQI.

**The Model**

To be clear, the information issued by Council to RACQI is the 2003/4 MIKE11 model (which requires MIKE11 software in order to run) (the Model). The Model contains no "new" information and does not come with any data related to the January 2011 flood event. Therefore the Model does not, on its own, provide details of the characteristics of the January 2011 Flood event. A suitably qualified engineer would be required to provide the additional input data necessary for this to occur.

The BCC model is simply a tool to assist with determining the hydraulic performance of the Brisbane River under various flow scenarios. Flow data relating to the specific scenarios desired to be tested need to be derived in the first instance and then used as input into the River model in order to produce useful results:

The Model is based on a flood study completed by Sinolair Knight Mertz in 2004.

The 100 year information contained in the Model (based on 6,000 cumecs at the Brisbane City gauge) represents the best available information at present. It should be noted that the flood event which occurred in January 2011 will prompt a review of all design discharges for the Brisbane River in the near future.



**Access to the Model**

Council is willing to provide the Insurance Council of Australia (ICA) with access to the Model, as Council did for RACQI, on the following basis:

1. the ICA clearly states its proposed use for the Model;
2. following the provision of the information requested in 1 above, the ICA enters into the attached Agreement;
3. ICA agrees not to provide the Model or any information derived from the Model to any other person without the approval of Council;
4. to the extent that members of the ICA also wish to have access to the Model or any information derived from it, each of those parties will be required to enter into an Agreement on similar terms to that attached.
5. Council makes no representations and gives no warranties regarding the accuracy, completeness or suitability of the Model for any particular purpose. You should make your own enquiries and take appropriate advice on such matters. Council will not be responsible for any loss or damage (including consequential loss) you may suffer from using or relying upon the Model.

If the ICA wishes to facilitate access to the Model for its members it should provide a list of those members who wish to obtain access and a contact person within that organisation. That contact person should then contact Evan Caswell, Principal Flood Engineer, Brisbane City Council directly on [REDACTED] to make arrangements to enter into an Agreement to organise access to the model.

We look forward to hearing from you in relation to the ICA's "proposed use for the Model" in order that we can make arrangements for the Agreement to be executed by ICA.

Yours sincerely

[REDACTED]

Colin Jensen  
CHIEF EXECUTIVE OFFICER



Brisbane Infrastructure  
City Projects Office - Planning & Design  
Request for BCC Computer Model

CD F 802 020

Date: 5 June 2008

Rev no: 1C

Rev date: 29 June 2012

Page 1 of 2

**PART A: APPLICANT DETAILS**

NAME	PHONE No.
COMPANY NAME	FAX No.
POSTAL ADDRESS	E-mail

**PART B: DESCRIPTION OF MODEL**

CREEK/CATCHMENT	MODEL TYPE (e.g. MIKE11)
MODEL LIMITS FROM:	TO:

MODEL DESCRIPTION  
(include design events)

**PART C: PROPOSED USE OF MODEL**

**PART D: TERMS AND CONDITIONS**

The computer model data described in this document (the "Supplied Model") is issued by Brisbane City Council ("Council") to the applicant subject to the following terms and conditions:

- The Supplied Model shall be used only for the purposes described in Part C of this document.
- The applicant acknowledges that Council owns all intellectual property rights in the Supplied Model and in any materials derived therefrom (including any Modified Models).
- The Supplied Model is based on available historical information, localised studies and geographical and geological data regarding waterway corridors and overland flow paths. The Supplied Model may change if, amongst other things, more detailed information becomes available, or changes are made in the modelling methodology or there are changes in the condition of local creeks and waterways and as other developments occur. For the foregoing reasons:
  - the Supplied Model is a guide only and should not be used or relied upon for development purposes. For development purposes, it is recommended that a registered surveyor or engineer be engaged to undertake the appropriate assessments; and
  - Council makes no warranty or representation regarding the accuracy or completeness of the Supplied Model and Council disclaims any responsibility or liability in relation to the use of, or reliance upon, the Supplied Model by the applicant.

The applicant acknowledges and accepts that Council shall not be liable for any loss, damage, expense, cost or liability arising from the use of or reliance upon the Supplied Model nor is Council responsible for any errors in or failure to correct errors in the Supplied Model.
- The applicant shall forward to Council, at no cost, any changes or revisions to the Supplied Model. Where these represent the intended future condition of the catchment or watercourse (the "Modified Model/s"), clearly identifying the data and information and any underlying assumptions that these changes or revisions are based upon. The Modified Model/s will be forwarded no later than / / (insert date)
- Council has the right to use and further update the Modified Model/s (and the information and data and underlying assumptions associated therewith) mentioned in paragraph 4. without further reference to the applicant.

PRINTED COPIES OF THIS DOCUMENT ARE UNCONTROLLED. THE ELECTRONIC COPY IS THE CONTROLLED COPY.  
Standard Clause: Q7.6  
Owner: Senior Engineer, Flood Management  
Sponsor: Product Manager, Flood Management



**Brisbane Infrastructure  
City Projects Office - Planning & Design  
Request for BCC Computer Model**

GD F 802 020
Date: 5 June 2008
Rev no: 1C
Rev date: 29 June 2012
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6. The applicant:
  - (a) acknowledges that the original purpose by Council for the Supplied Model may differ from the applicant's proposed use as described in Part C of this document; and
  - (b) shall apply due care and diligence in determining the appropriateness of the Supplied Model for the applicant's proposed use.
  
7. Where the Modified Model and/or results from the Modified Model are to be submitted to Council for approval, the base parameters used in the revised model are not to differ from those in the original model unless agreed by the Manager, Water Resources or their authorised representative.
  
8. The applicant shall not distribute the Supplied Model, the Modified Model nor any information, data or assumptions contained therein to a third party without the approval of the Manager, Water Resources or their authorised representative.
  
9. The estimated maximum fee to be paid by the applicant to cover the cost of extracting the requested information is: \$ \_NIL\_\_\_\_\_
  
10. The applicant may request to halt the extraction of data at any time, however, where this process has already begun, the applicant shall be liable to pay for the extraction work carried out up until the termination order.

<p><i>* I / I, being an authorised representative of the applicant on behalf of the applicant, (* delete the inapplicable option) agree to the above terms and conditions governing the receipt and use of the Supplied Model.</i></p>	<p>..... (Name of Signatory)</p>	
<p>..... (Position of Signatory of the Applicant)</p>	<p>..... (Signature of Signatory of or on behalf of the Applicant)</p>	<p>..... (Date)</p>

### INFORMATION NOTES

1. The Brisbane City Council ("Council") generally will not supply copies of complete hydraulic or hydrologic computer models, but where possible will issue truncated versions.
2. The truncated version of the requested computer model generally will be available within 10 working days from the receipt of the completed application form.
3. No recalibration of the truncated hydraulic model supplied has been undertaken. It is the applicant's responsibility to ensure that a new base model is established with the issued information, which accurately reproduces the levels supplied in the result files. The applicant will need to demonstrate this calibration if the issued information and Modified Model is to form part of a submission to Council.
4. The fee to be paid by the applicant for the provision of the requested data will be the actual costs calculated on the basis of standard charge out rates applicable at the time. A minimum fee of \$550 shall apply.

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