CORRS CHAMBERS WESTGARTH
lawyers

Statement of Brett Draffen in response to the requirement to provide statement to Commission of Inquiry dated 9 September 2011

I, Brett Draffen, of [redacted] Margaret Street, New South Wales, will say:

1 I swore a statement on 6 September 2011 in response to the requirement to provide a statement issued by the Queensland Floods Commission of Inquiry dated 19 August 2011 (**First Statement**).

2 This second statement responds to the request to provide information on the effect of the January 2011 floods with specific reference to damage and water inundation at the Tennyson development site. It defines 'Tennyson development site' to mean the sites of the former Tennyson power station and animal research centre. For the avoidance of any doubt, the animal research centre has never been owned by Mirvac, nor has it been part of Mirvac's Development. For the purposes of this statement "the **Development**" means the Mirvac Tennyson Reach residential development.

3 I have caused to be made enquiries of various Mirvac employees in relation to the information the subject of the Commission's requirement dated 9 September 2011. This statement is a collection of matters known to me personally and also matters that have been collated from various people and that I understand to be true.

4 Mirvac completed Stage 1 (the Softstone and Lushington residential apartment buildings) in April 2009 and Stage 2 (the Farringford residential apartment building) in March 2010 and transferred ownership of common areas to the body corporate at those times and sold apartments to private residents.

5 Mirvac did not continue to own the Development apart from interests it had in unsold apartments, a sales office and café. Accordingly, Mirvac has had no continuing and permanent presence at the Tennyson development site since March 2010.

6 Mirvac employees attended at the site at various times between the period 11 January 2011, when the gravity of the flood alert became clear, to 17 January 2011. Throughout this period Mirvac, like many others across Queensland and Australia, was keen to assist in the clean-up and restoration efforts following the floods. Given the stage of the Development at the time of the floods, it was not part of the normal duties of the relevant Mirvac employees to attend the site. They did so due to pride in the Development and their desire to help people impacted by the floods. Directly following the flood, Mirvac employees

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Date: 6/10/11
Exhibit Number: 740
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talked to the body corporate and residents of the apartments and offered their assistance and support. They liaised with and made suggestions to the body corporate, providing feedback from their observations when they were on site. They assisted the body corporate when asked. They undertook extensive clean up activities. In the course of providing this assistance and support Mirvac staff made certain observations. The observations of Mirvac employees captured in this statement in response to the Commission's requirement to provide a further statement is not a timeline of events as we were often not present. No forensic analysis was undertaken at the time. This statement provides the detail of observations made by various Mirvac employees at specific points in time.

Extent of damage to bike paths and roads

7 From observations between 12 and 17 January 2011, there were periods where the roads and bike paths could not be used because they were covered with water and then covered with mud and sludge. Mirvac employees did not observe any "damage" to bike paths and roads. Rather at certain periods it was noted that some parts of the bike paths and roads were not suitable for use until they had been cleaned.

8 Mirvac employees cleaned the visitors' car parks of mud and sludge on Saturday 15 January 2011. This was done as a result of concerns about safety within the Tennyson development as the surfaces were slippery with layers of mud and silt with the river water. Following the cleaning of the car parks, every time a car drove along the road into the car park, it brought with it more mud and sludge. Therefore, the Mirvac employees decided to also clean the roads to make the area clean and safe.

9 In order to do that, it was necessary to close King Arthur Terrace, in segments, in order that the road could properly be cleaned. It took Mirvac staff a week to complete the cleaning and restoration of public roads accessing the site, from Sunday 16 January 2011. Mirvac also voluntarily cleaned and restored public paths and parkland surrounding the development.

Details as to when each road was inundated and the height of such inundation

10 On the morning of Wednesday 12 January 2011 at about 7.30am when Georgina Madsen (Senior Development Manager) drove to the site, she noted that Fairfield Road from the east was pretty clear of water but King Arthur Terrace between Fairfield Road and the State Tennis Centre had a maximum depth of approximately 30 cm of water on top of it to drive through. She

recounted that it came up to the wheel arch of her four wheel drive. To the west of the State Tennis Centre, King Arthur Terrace was dry.

11 At the same time, the parkland and King Arthur Terrace to the east were all underwater. At midday on Thursday 13 January Ms Madsen and Mr Kirkwood (Senior Project Engineer) could enter the site via Tennyson Memorial Drive, along Softstone Street, and King Arthur Terrace to the west. They could walk to the ground floor level of the apartment buildings as water had receded, although some water and mud remained in the car parks. Their indication from observation was that the water had predominantly receded in the parkland by that stage. It was clear though from their observations that the parkland and roads and bike paths had been inundated with water. The water appeared to have come up to the plaza outside the Tennis Centre but King Arthur Terrace west of that area did not appear to have been inundated with water.

Height of water in the residential apartments & basements

12 The ground floor apartments of the Stage 1 residential apartments were inundated with water during the floods. The basements of the Stage 1 and Stage 2 residential apartments were also flooded.

13 As noted in paragraphs 41 to 44 of my First Statement, the ground floor apartments (and lobby areas) of the Softstone and Lushington apartment buildings were built to the floor levels of 500mm above the Q100 flood level of 7.9m as certified by CERTIS, being 8.4m. However, the flood waters reached higher than those levels.

14 I understand that the flood waters peaked on Wednesday 12 January 2011. I am unaware as to what time this occurred. I am informed by Georgina Madsen and Cameron Kirkwood that they attended at the Tennyson Development apartments on Friday 14 January 2011, by which time the flood waters had receded. They could see marks on the walls of the ground floor apartments that they inspected which showed how high the water had got to. Cameron Kirkwood measured one mark as being 9.05 metres.

15 On Monday 17 January 2011 or Tuesday 18 January Mirvac arranged for an independent surveyor, Bennett & Bennett, to attend at the Tennyson site. The surveyor determined the Australian Height Datum Reduced Levels (**AHD**) for the eastern ground floor apartment in the Softstone Building. Bennett & Bennett recorded the flood height as RL 9.05m (AHD) for the Softstone ground floor apartment. A copy of the Bennett & Bennett report is **attached**.

16 Mirvac offered to assist ground floor residents in moving furniture and goods from their apartments and undertook an initial clean up. There are nine ground

floor apartments, eight of which were occupied in January 2011. All of the apartments were inundated with water on 13 January. Photographs showing the extent of the damage at various sites around the development are **attached**. Although Mirvac had no liability to do so, Mirvac reinstated the apartments, rectifying the damage to all nine apartments. That process took approximately five months.

17 Both of the basements filled with water during the flood event. Cameron Kirkwood observed this on Thursday 13 January 2011. The lowest point of the walls and ramps surrounding the basement entrance is at RL 8m. The entrance ramp to the basement is at RL 9.14m. So with the water rising to at least 9.05m as noted above, the basements were fully underwater. The water in the basements was pumped out over a few days.

Extent of damage caused to Essential Services

18 Located in the basement of the buildings were essential services such as the electrical services, mechanical services and fire services. On the evening of Tuesday 11 January 2011 Mr Kirkwood observed that despite pumps working in the basements, there was around 15 cm of water on the floor of the lower level basement (B2). At approximately 10.30pm that evening, Mr Kirkwood isolated the power for the basement levels on the distribution board and turned off power for B2 and the lights in the parkland. This was done at the request of the Body Corporate Executive Committee representatives to minimize potential damage to essential services such as lights and outlets and guard against safety hazards arising from water contacting such services.

19 Subsequently I understand Energex cut off power to the whole area. This meant that the fire indicator board was cut off from power but not the sprinklers. Mechanical bio-pumps also continued to have power.

20 Lifts were no longer operating from 11 January 2011. There are sensors in the pit which are triggered by the presence of water. Water had got into the pit on Tuesday 11 January 2011 and as a result, the lift car is automatically sent to the ground floor level.

21 The main switch board which provides power to all services, and the emergency lighting and smoke detectors to the basement were damaged by the flood waters. The car park basement exhaust fans and supply air fans were damaged. The fire indicator panel which activates all emergency and warning systems, communicates to the fire brigade and operates the exhaust systems was damaged as a result of the flood waters entering and inundating the basement. In addition, the hydrant and sprinkler pumps that feed water to

all hydrant landing valves and sprinklers throughout the buildings were damaged. The extent of the damage caused to these services meant that various components either needed to be dried out, replaced or will have a shorter life span than would otherwise be the case.

[redacted]

SWORN by the Deponent)
at SYDNEY)
this 26th day of September 2011)

[redacted]

[redacted]

From: [redacted] [redacted]bennettandbennett.com.au]
Sent: Monday, January 24, 2011 12:58 PM
To: Cameron Kirkwood
Cc: [redacted]
Subject: Tennyson Height Datum Origin.

Cameron,

FYI.

Further to my email dated 19/01/2011. The origin for the level datum that confirms the finish floor levels at the Softstone and Faringford apartments is PSM 165246. This Permanent Survey Mark is located at the intersection of Merlin Street and King Arthur Terrace, Tennyson. This traceability of height datum may aid in any future matters associated with the height survey of these buildings.

If there are any questions or if we can provide any further Town Planning or Surveying advice in the future please don't hesitate to contact me.

Kind Regards

[redacted]

Brisbane Office

[redacted]

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From: [redacted]@bennettandbennett.com.au]
Sent: Wednesday, January 19, 2011 11:51 AM
To: Cameron Kirkwood
Cc: Adam Moore; [redacted]
Subject: Tennyson Center Flood Heights

Cameron,

We have determined the reduced levels (AHD) of the ground floor slab, balcony, hob and flood marking on the window of the Softstone building as requested. In addition to this we have determined the reduced level (AHD) for the ground floor tiles in the Mirvac apartment in the Farringford building.

AHD has been determined from independent state control marks located outside of the development area and in addition to this a comparison has been made with the Brisbane City Council Sewer System. I need to stress at this point that it is not possible for us to determine where the original site height datum was derived from and that differences do sometimes exist between Permanent Survey Marks. This may lead to a minor variation between what we have determined on site today and what may have been adopted as site datum when the site was under construction.
The following are the Australian Height Datum Reduced Levels as requested:

Softstone Building - Eastern Ground Floor Apartment

Concrete Slab height – RL 8.42m (AHD)
Balcony Tile height - RL 8.33m (AHD)
Balcony Hob height - RL 8.41m (AHD)
Flood Height on Window - RL 9.05m (AHD)

Farringford Building – Mirvac's Ground Floor Apartment

Floor Height on top of Marble tiles (Inside Apartment) - RL 9.55m (AHD)

If you have any questions or need clarification with regards to any of these results please don't hesitate to contact me.

Regards

[redacted]

Brisbane Office

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TENNYSON REACH | FLOODING DOCUMENTATION | 14 JANUARY 2011

1.0 SALES OFFICE

1.1 Car Park Entrance

Figure: View from King Arthur Terrace

Figure: West of car park

Figure: West of car park

Figure: Path from car park to sales office front door

Figure: West of Sales Office towards river

Figure: East of Sales Office towards the river

1.2 Debris Under the Sales Office

Figure: Debris includes bins, building materials and pallets.

Figure: More debris on the northern area under the sales office

Figure: More debris and the mud appears to be a few inches deep

1.3 Debris along River in Front of Sales Office

Figure: View north toward the river and left of the sales office

1.4 Water Level Marks

Figure: View east of the office showing the water line, which appears to be level with the balcony.

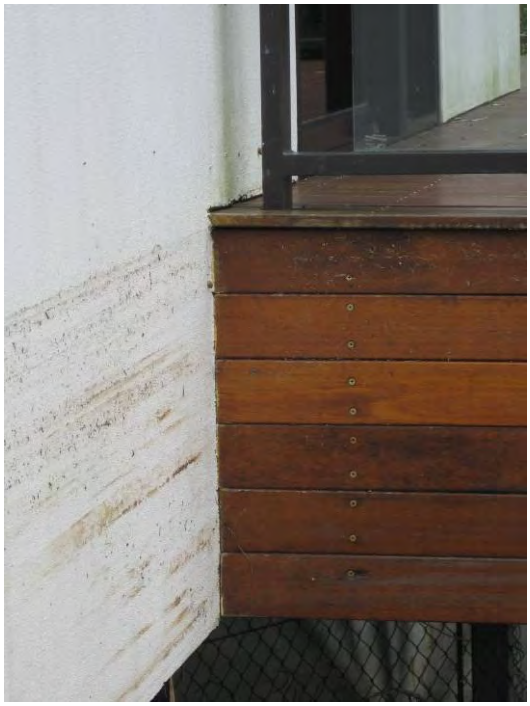

Figure: Close up of this water line

Figure: View from stairs on the eastern side of the sales office that shows the water line below the door

Figure: View on eastern side of entrance showing the water line

Figure: Close up of this water line

2.0 EXTERNAL AREAS

2.1 King Arthur Terrace

Figure: View facing west to the Animal Research Institute

Figure: View west of path along King Arthur Tce

Figure: View north along King Arthur Tce and open space east of Softstone

Figure: A close up of the previous figure

Figure: View West along King Arthur Tce

3.0 BODY CORPORATE AREAS

3.1 Basement

Figure: Basement Entrance

Figure: Basement Entrance

3.2 Parkland

Figure: View of Stage 3 hoarding showing the water line

Figure: Close up of previous image

Figure: View of ramp to parkland and water line of hoarding

Figure: View towards river showing hoarding and parkland stairs

Figure: View of parkland from stairs facing the river

Figure: View of parkland facing east towards Lushington

Figure: View of parkland facing east towards Lushington

Figure: View facing south towards the State Tennis Centre

3.3 Visitor Car Park

Figure: View west towards the visitor car park and Farringford

3.4 Common Areas around Farringford, Lushington and Softstone

Figure: View facing west between Farringford and Lushington

Figure: View facing south from Softstone entrance

Figure: View facing east from Lot 3301 showing King Arthur Tce and path

Figure: View from Lot 3301 towards King Arthur Tce

Figure: View from Lot 3301 towards the river and path to the east

Figure: View of path in front of Lot 3301 along the river

Figure: Pool in front of Farringford

4.0 LOT 3301

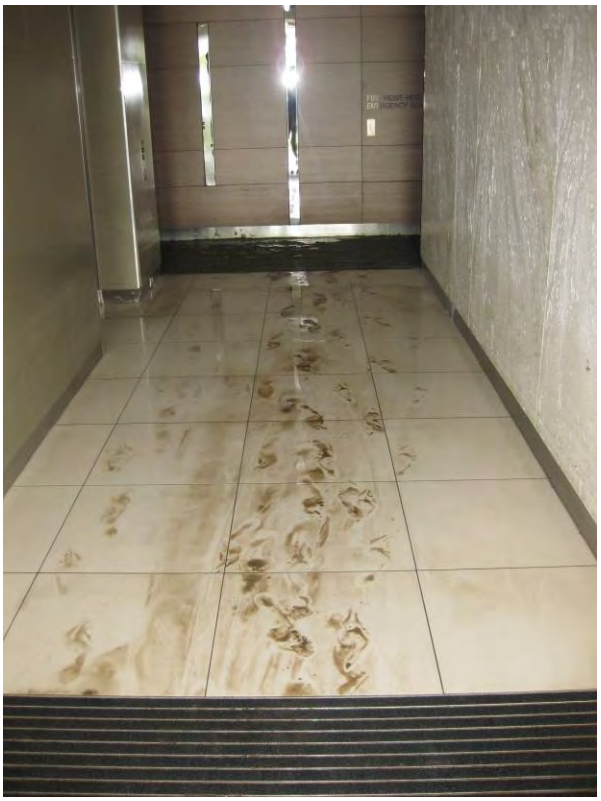

Figure: Entrance to Softstone and the Lobby


Figure: View from Lot 3301 door entrance and view looking back at the door

Figure: Living Room facing west towards the river

Figure: Living Room facing east

Figure: Living Room and Balcony

Figure: BBQ on balcony

Figure: Main Bedroom

Figure: Main ensuite showing mud in bath and toilet

Figure: View of kitchen

Figure: View of kitchen pantry showing warping of timber veneer

Figure: View of kitchen wall and pantry showing damage to plasterboard walls

Figure: View of kitchen wall that connects to balcony

Figure: View of room adjoining balcony