

2. OCEAN SHORES - DIVISION 17 (03.6)

Pursuant to Minute 423 of Council's May meeting, I have discussed the closure of the temporary flood overflow with Princess Properties Pty. Ltd., The company has agreed to close the flood opening and to restore the ground to its original condition in accordance with its agreement with the Department of Lands. Associated with this work, the Company will arrange to clear the waterway from the existing New Brighton Road bridge upstream to the bend in Yelgun Swamp. An exchange of correspondence will confirm this arrangement.

I also discussed the possible effect of flooding in the New Brighton/South Golden Beach area as a result of closing this temporary flood by-pass. Mr. Corben expressed the opinion that the Company would not be liable for any claims in the future that works that have been carried out by the Company have resulted in an increase in flood height in these areas. I agree with Mr. Corben in this as the area of the flood plain which the Company has developed is only a relatively small proportion of the total flood-plain area. If the Company's works did have an effect on the height of any particular flood, this would only be marginal, say in the order of 1 to 3 inches, and virtually impossible to establish with any precision.

For Information.

2. OCEAN SHORES - DIVISION 17 (03.6)

539 Cr. Donoghue, Resolved that the information be received.
Cr. Farrell.

BYRON SHIRE COUNCIL.

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Further to Council's request to restore the old mining track in the vicinity of the temporary flood outlet north of New Brighton, a letter has been received from the Company indicating the method of construction proposed. Sand fill will be placed in the opening in the dune, this will then be mulched, vegetation planted and fenced and the road gravelled. The works will be joined to the existing land forms in easy curves and with minimum disturbance of existing vegetation.

I have examined the proposal and inspected the site and consider that the works, as proposed, should adequately meet Council's needs.

As discussed at the June meeting, closure of this temporary outfall could have an effect on the flood levels in New Brighton, although, in my opinion, the effect would be very small and impossible to determine accurately. There is also the distinct possibility that the temporary outfall would be blocked when the flood occurred anyway, and, in that case, would have no effect whatsoever.

The company seeks Council's endorsement of its proposal and, thereby, effectively transferring the responsibility of whatever increased flooding may result from the works, from the Company to Council.

Recommendation:- That the Company's proposal to block the temporary outfall from the Yelgun catchment be approved by Council.

7. OCEAN SHORES BONDING (03.6).

631 Cr. Knuckey, Resolved that the recommendation be adopted.
Cr. Donoghue.

**COUNCIL RECORDS PROVIDED BY OMBUDSMAN SHOWING COUNCIL
RESOLUTION TO ACCEPT LIABILITY FOR FLOODING CAUSED BY
COMPANY COMPLYING WITH REQUEST TO CLOSE OUTLET**