

Richard Sheldrake
Director General
Department of Natural Resources

Dear Richard,

Re: DO/374

Thank you for your reply to my letter of 3rd February sent to the Hon Frank Sartor and replied by you on behalf of Minister Macdonald.

I am aware that you have requested me to convey any further enquiries to Mr Toon Chin, the Dept's Flood Manager, North Coast region but your letter contains information that I was previously informed was not available in relation to the June 30th 2005 flood event therefore I believe it is appropriate to direct these enquiries to yourself.

For your information I initially wrote to the Hon Kerry Hickey on 15th November 2005 requesting verification of the identification of that rainfall event whether it was a 1-10yr, 1-20yr, 1-500yr and he referred me to the Australian Bureau of Meteorology for that figure.

I was subsequently informed by the BoM that they did not have that material nor did they undertake flood frequency studies and I have had a similar assurance from the Shire Engineer Mr Brett Lee.

I note in part of your reply that you state categorically that the 30th June 2005 flood in our area was greater than the 1 in 10 year level.

You also state that the flood of June 30th 2005 "was the biggest flood" to occur in Marshalls Creek.

From whom or where did you obtain this information and how much greater than the 1-10yr event was that flood?

Before adoption of the MCFMP the committee did model dredging and outlets which were found to have a significant reduction on flood levels but were not considered in the 2005 June 30th Value Management Workshop.

The conclusions of adverse impact, high maintainance costs etc. in the adopted plan are therefore purely conjecture and can not be substantiated.

What can be substantiated is that the Council accepted liability for the increase in flood height caused by the ordered closure of the flood outfall which was a condition of development consent for the construction of the canal at North Ocean Shores.

See our community website www.brunswickvalley.com.au/flood-history.

Of equal importance in your reply you state *"The Department has investigated whether Byron Shire Council's management of flood risk in Marshalls Creek has caused flood damage to residential properties in the area."*

Could you inform me what was the result of that investigation as your letter is silent on that point?

You should realise that with confirmation of the rainfall event on 30th June 2005 it will be very easy to prove or disprove the adverse effect of the construction of the bund in the Capricornia Canal as the area was not only modelled but fine tuned before the illegal construction of the bund by Byron Council.

I hope that you may be able to supply the source of your information quickly as it is now 6 months since my initial request. (Copy enclosed).

Of equal serious concern is that the RTA has modelled its flood drainage for the upgrade of the Pacific Highway on a dubious and unsustainable conclusions in the MCFMP.

Because of the serious nature of this matter we are posting your reply with the others received to date on our community website and would hope the Premier begins to personally take notice of this Council orchestrated disaster.

Yours faithfully



Jim Mangleson
P.O Box 6,
Mullumbimby NSW 2482.

5th May 2006