

The Hon Frank Sartor MP
Minister for Planning.

3rd February 2006.

Dear Minister,

Thank you for your correct assessment of the Byron Shire Council and its deliberate delaying of developments on non sustainable grounds.

I wish to draw to your attention an unbelievable saga that has unfolded in our Shire for over 30 years through culpable negligence by this Council.

The community has been forced to create its own website that fully documents Council's accepted liability for causing flooding in the Ocean Shores, New Brighton and Golden Beach Area.

That website is www.brunswickvalley.com.au/floodhistory/

You will find on this site irrefutable evidence that Byron Council has deliberately blocked outlets to the ocean that were a condition of development consent for the Ocean Shores estate and **accepted the liability for increased flood heights caused by these ordered closures.**

The Council has undertaken extensive studies that has conclusively proved that with these outlets re-opened and dredging the now blocked canal and estuary **no flooding would occur in the area.**

There is enough sand in the blocked estuary of Marshalls Creek to replenish the erosion that has occurred on the beaches caused by rock retaining walls at Brunswick Heads and Council is now asking you to consider a hair brained scheme to dredge sand from an adjacent marine reserve to replenish the beaches at a cost estimated between \$25,000,000 to \$50,000,000.

At a Council poll conducted in conjunction with the 1996 Council elections the ratepayers in the flood affected area overwhelmingly voted for the dredging option to cure flooding but Council has ignored that poll and the computer confirmation of the beneficial effect of this dredging.

The cost of the consultants study to date has been in excess of \$1,250,000.

Your colleague, the Minister for Local Government, (the Hon Paul Hickey MP) has informed me that the Bureau of Meteorology (BOM) should be able to supply Annual Recurrence Interval (ARI) data used by Council's consultant that will confirm conclusively the causes of the most recent flood of June 30th last year.

Council erected a bund across the remaining section of the Ocean Shores canal in early 1992. The canal should have drained into the ocean (as a condition of development consent) and this could be proven to be the cause of the huge rise in flood heights if the ARI data was factored into the computer model adopted by Council for a flood plain management plan for this area.

This bund was built by Byron Council without a DA and the Council is now facing legal action from cane farmers in the adjoining Shire of Tweed because of the increased flood heights on their cane fields caused by this illegal structure.

Incredibly the BOM has informed me that they do not, nor ever have held those ARI figures.

The rain event in 1987 that caused some flooding was not as severe as the 2005 event that caused substantial flooding and the only difference to the flood plain since 1987 was the erection of the bund across the canal at Ocean Shores.

You should also be aware that Byron Council has called for your Government's assistance every time it floods on the basis that the flood event is a *natural* disaster.

You should be able to ascertain from the community website that the flooding is any thing other than a natural disaster and we are now making sure that insurance companies are also aware that they cannot be held liable for flooding caused by Council's negligence over this matter.

Minister we would be grateful if you could investigate the circumstances of this complaint as the actions of Byron Council are causing enormous damage to residential properties that should be flood free.

We would be happy to substantiate any or all of this complaint at short notice.

Hoping you may be able to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jim Mangleson', with a long horizontal line extending to the right.

Jim Mangleson
P.O Box 6, Mullumbimby NSW 2482