

The Hon Gabrielle Upton MP

The Minister for the Environment,
Local Government and Heritage
GPO Box 5341
SYDNEY NSW 2001

25th May 2017

Dear Minister Upton,

**Re: BYRON SHIRE COUNCIL NON ENFORCEMENT OF DEVELOPMENT APPLICATION
CONSENT CONDITIONS FOR THE ESTATE OF OCEAN SHORES**

I would be grateful if you could provide myself and other flood affected residents of North Ocean Shores the reasons why the Byron Shire Council has not enforced the following DA consent conditions for the development of North Ocean Shores.

The non-enforcement of these consent conditions has resulted in raising flood levels over the residents and businesses in the North of our Shire and Council has been repeatedly warned of their liability for increasing those flood levels by past Deputy Premiers and Government bodies.

Annexures enclosed:

Annexure 1. Council acceptance of liability for raising flood levels.

Annexure 2. Censored and uncensored versions of those warnings by Council.

Annexure 3. Ministerial and Public Works warnings.

Annexure 4. Admission of bond held for Ocean outfall and necessity of bridge across canal instead of a bund.

Annexure 5. Admission that levee around Golden Beach built by Council will raise floodwaters elsewhere.

Annexure 6. Warning from PWD that if outlet blocked it will raise flood levels by 1.5 metres behind blockage.

Annexure 7. Admission that with outfall in place, dredging of sand build up in Marshalls Creek, the flood levels will be significantly reduced. Note consultants own handwriting.

Annexure 8. Floodplain Plan adopted by Council consultants denies reductions can be achieved despite his previous hand written notes.

Annexure 9. Major outlet closed at Wooyung directing floodwaters south through Ocean Shores.

In this regard we would be grateful if you could provide details of consent conditions for the closure of the major Wooyung outlet and date thereof. We believe circa 1970.

We believe it was illegally closed by the sand miners.

We urgently require relief from these artificially raised flood levels and *a directive from the Government to undertake an immediate **independent** re-evaluation of these necessary flood relief measures and permission to expedite the quick reopening of the essential flood outfalls in the times of emergencies.*

We need Government permission for SES to undertake these actions if Council refuses to do so (as they have done in the past) which will prevent recurring damage to over 3000 residents and businesses being impacted by these failures of Council to enforce the consent conditions approved by previous past Councils and Government agencies.

There is no danger of the ocean inundation of residential properties and businesses if these measures are implemented as the area is above sea flood level and has been so for thousands of years before these artificial blockages of the flood plain.

Minister, we have been waiting for relief from this disastrous situation for over 40 years and do not want to start a class action for Council's negligence despite assurances that we can do so by several leading litigation firms.

We also provide the link to a current Councillors Notice of Motion 9.4 (<http://brunswickvalley.com.au/raft>) and history of area which details all of the above.

The passing of this Notice of Motion while being helpful is just going over old ground done before, but will not provide the prospect of emergency relief if further flood rain occurs in the immediate future.

Our previous Local Member Don Page MP arranged for us to meet with and provide Mike Pearce, Senior Regional Coordinator NSW Department of Premier and Cabinet of Premier Barry O'Farrell with this information above, which we did.

Unfortunately, we have been subsequently been informed by Ms Lees of Local Government Office that no such person existed. **(see attached letters)**

Hoping you may be able to assist in protecting over 3000 residents and businesses in our area from further unnecessary flooding and emotional strain at minimal cost.

I provide the link for the History of this disaster (http://brunswickvalley.com.au/flood-history/current_updates.htm) and note that Council had no trouble providing the \$904,000 for the construction of a crooked footbridge across the canal and respectfully find their argument that they cannot find the necessary funding for this vital piece of community infrastructure.

Respectfully



Jim Mangleson

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