

REFERENCE NO:

GMcD/JT/03

Bonding
check may be ok.

YOUR REFERENCE:

Further Contact: Mr. G.A. McDonald

BYRON SHIRE COUNCIL



P.O. BOX 159, BYRON BAY,
N.S.W. 2481
TELEPHONE No. 85 6500 (066)

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE SHIRE CLERK

The Managing Director,
Ocean Shores Development Corporation,
P.O. Box 19,
BRUNSWICK HEADS. N.S.W. 2483

30 OCT 1985

Attention: Mr. M. Cunningham

Dear Sir,

Re: Ocean Shores Bonding - Flood Overflow.

I refer to discussions between yourself and Council's Engineer on Monday the 28th October, 1985, where you requested justification for Council requiring your company to bond, at this stage, the construction of the flood overflow, from the estate into the ocean.

The position is, as explained by Mr. McDonald, that the development currently existing was originally approved by Council and the Public Works Department on the basis of a floodway design that incorporated a flood overflow as an integral component in controlling the flood levels. Subsequent development has proceeded at levels based on the assumption that the flood overflow would be installed.

It is estimated by the Public Works Department that the 1:100 year flood level at the northern divisions would be half a metre higher than that previously calculated, should the overflow not be installed as required. This has, of course, implications for the development in the northern divisions in particular, which were partially developed in the mid 70's (on the basis of the overflow being installed) and subsequently completed shortly after your organisation purchased the development company.

A quick perusal of Council's files has provided the following in support of Council's viewpoint in this matter (copies attached):-

1. Public Works Department letter of the 10th May, 1973 to Cardno & Davies setting out terms of approval to the hydraulic master plan, and development of the estate, which entails construction of a temporary flood by-pass and the bonding for the construction of a permanent one.
2. Council letter to developer of the 18th March, 1974, setting out conditions of approval for the Development Area Plan for the northern divisions, which includes a requirement that the "design of waterways be approved by the Public Works Department and Council".

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3. Public Works Department letter of the 6th August, 1975, to Cardno & Davies reconfirming the Department's original conditions of approval and detailing the matters (including the flood overflow) still outstanding at that point in time.
4. Minister for Public Works' letter to Council of the 8th December, 1982 expressing concern that his Department's original condition of concurrence for development on the estate - i.e. the flood overflow - had not been enforced by Council.
5. Public Works Department letter to Council of the 22nd December, 1982, reiterating that Department's requirement that a flood overflow be constructed and that, without it, the developed land is 'flood prone'.
6. Department of Environment and Planning letter to Council of the 9th May, 1984, advising that the Public Works Department's original requirements should be carried out "in fulfilment of the previous conditions of consent".
7. Minutes of Byron Shire Flood Plain Management Committee Meeting of the 7th August, 1985, (Item 2) where Mr. Parr, District Engineer of the Public Works Department, advised the meeting that "the flood overflow must proceed".

Whilst both Council and the Public Works Department are willing to consider any proposals that your company may have, as an alternative to the construction of the flood overflow (these proposals would have to include consideration of effect on existing development previously approved on the basis of the overflow proceeding), it is indisputable, from the attached correspondence, that the company is currently obligated to the bonding of the overflow. It is also pointed out that the overflow is presently included (at \$130,000) within the current bond of \$295,000. ✓

Yours faithfully,

C. J. Shevellar
C.J. SHEVELLAR
SHIRE CLERK.

PER: *[Signature]*

ENCL.