

## Tweed threatens Byron with legal action on bund

Tweed Shire Council claims it will start legal action against Byron Shire Council in a month if Byron Council fails to remove the Kallaroo Circuit bund at North Ocean Ocean Shores. Tweed said the bund is blocking the natural discharge of floodwaters from Byron Shire's Yelgun Creek catchment to the Brunswick River and is diverting them north into Tweed Shire.

According to a press release from Tweed Council, 'Concerns have been raised that the duration of floods has been lengthened in the lower south eastern parts of Tweed Shire, resulting in severe crop losses and economic hardship to sugar cane growers and other affected landowners. Landowners have now been suffering these losses, with no offer of compensation from Byron

Shire, for over 14 years.

'There are significant flooding problems in the North Ocean Shores area of Byron Shire which stem from poor urban planning practices in past years. The diversion of Yelgun Creek floodwaters seems to have been an attempt to partially remediate these problems. However artificially diverting floodwaters to the detriment of Tweed Shire landowners is considered to be unjust, unlawful and environmentally indefensible.

'Byron Shire Council acknowledged the unauthorized action in 1996 and entered into an agreement with Tweed Shire Council and the Mooball Crabbes Creek Drainage Union to install two 3.3m x 2.1m box culverts in the bund

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### Tweed legal threat

From front page to relieve the blockage of Yelgun Creek.

'It has taken nine years from 1996 to 2005 for Byron Shire Council to advance the project and consider a Development Application for the remedial works.

'When it was officially placed before them in April 2005, despite being recommended for approval by their Director of Planning, they withdrew the application.

'In frustration, last December, Tweed Shire Council asked Byron Shire to provide a written timetable of actions leading to full implementation of the 1996

agreement. Byron Shire Council has not supplied the timetable and this has triggered the proposed legal action.'

In response Byron Council's general manager Pamela Westing told *The Echo*, 'Byron Shire Council is now in receipt of the draft final report on flooding behaviour in the Marshalls Creek catchment.

'The Department of Natural Resources will meet with Councillors at a work shop in early June to consider the report, and it will be considered at Council's meeting on June 27.

'This is the course of action agreed to by Tweed Shire Council, the Department of Natural Resources and Byron Shire Council in

November 2005, except that all three authorities were to meet again following the receipt of the final report. In December, without further consultation, Tweed Shire Council resolved to demand an unrealistic timetable for particular actions from Byron Shire Council, and to threaten legal action unless Byron complied with these demands.

'Tweed has now further resolved to put at risk significant sums of money on the part of ratepayers of both shires by commencing legal action unless Byron Shire Council removes the bund entirely by May 31, regardless of the flood study findings, and without any assessment of the social, economic and environmen-

tal impacts of removing the bund entirely.

'Byron Shire Council will determine the next steps in the matter when it has properly considered the findings of the study.'

Byron Mayor Jan Barham told *The Echo* she would discuss the matter with local government minister Kerry Hickey on Thursday. 'I hope that public monies on both sides won't be spent unnecessarily,' she said.

The bund has been a controversial issue for a number of years, with conservationists concerned about the impacts of alterations to it on the water table in the Billinudgel Nature Reserve and nearby residents worried about recent increases in flooding levels.