

Council faces legal action over Lot 107

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The battle over Lot 107 Shara Boulevard has finally ended up in court with Byron Council set to face its own residents to determine the future of the site.

The Brunswick Valley Sports Association has initiated the action in the Land and Environment Court and is seeking to have the site categorised as a sportsground.

It also seeks an order that Byron Council be permanently restrained from selling Lot 107 and a declaration that the sale of the land would be a breach of statutory trust under the Environmental Planning and Assessment Act.

The sports association also wants the court to order the council to spend the money it holds in trust for Lot 107 on providing sports facilities at the site.

And it also wants an order that the land not be sold until the court action is determined.

However, while the sports association was under the impression that the council had given an undertaking not to enter into a contract to sell the land within two weeks, the council's general manager, Pamela Westing confirmed last Friday that negotiations were still continuing with the Roads and Traffic Authority.

Ms Westing said if agreement was reached with the RTA, the land would be sold.

The sports association and the Ocean Shores Community Association have been outraged by the council's decision to sell Lot 107 to the RTA.

They say the council has totally ignored the wishes of the majority of Ocean Shores residents who want Lot 107 to be used for the purpose for which it was bought nine years ago - sportsfields.

Byron mayor, Cr Jan Barham, said she was definitely disappointed that the matter had been taken to court.

Cr Barham said she believed the council had been acting in good faith in pursuing an alternative site in the area for sports fields, including one at Yelgun.

She said she didn't believe Lot 107, for environmental reasons and because it was isolated, was suitable for sports fields.

Cr Barham said the threat of legal action didn't change her position.

Frank Mills, the president of the Ocean Shores Community Association, said it was sad that "it has come to this".

Mr Mills said probably 90 percent of the people at Ocean Shores would support the action of the sports association.

"It's a very sad state of affairs when the council will not listen to the wishes of the people and the people have no other option than to take the matter to court," he said.

Mr Mills said the Yelgun site, which was not convenient for residents, had not even been bought by the council.

He said he couldn't understand why the council would want to spend \$1.3 million to buy the site when it already owned land for sportsfields at Lot 107.

Mr Mills predicted that if the Yelgun site was bought by the council it would go down the same track as Lot 107

with most of the site set aside for environmental purposes.

The action was listed for a callover in the Land and Environment Court on Tuesday.