



Speech by

DIANNE REILLY

MEMBER FOR MUDGEERABA

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BEACH PROTECTION LEGISLATION AMENDMENT BILL

Mrs REILLY (Mudgeeraba—ALP) (9.57 p.m.): I rise to support the Beach Protection Legislation Amendment Bill 2003. This bill amends the Beach Protection Act 1968 and the Coastal Protection and Management and Other Legislation Amendment Act 2001. The protection of coastal developments from erosion is an essential component of proactive coastal management, and the surrender of land to the state to maintain a buffer which will allow natural coastal processes to occur unimpeded has been a critical aspect of this strategy for a long time. It is and will continue to be a priority of this government and must not be diminished in any way.

In the case of Monterey Keys the developer has sought to question the decision of the Governor in Council on land surrender and in so doing is holding up the registration of titles for land which he has continued to sell to purchasers. This is despite the Gold Coast City Council clearly stating that it would take over the management responsibility for the surrendered land.

While the developer has a view on the interpretation of the Beach Protection Act 1968 and on the ability of the registrar of titles to register lots without the conditions of the Governor in Council being complied with, he is fully aware that the government has taken advice on this matter from the Crown Solicitor and that we do not believe such a registration can occur. Therefore, he is aware that it will not proceed with any such registrations until the conditions of the Governor in Council have been complied with.

I believe the present bill will send a clear message to the development industry and the community on the importance we place on coastal management legislation and land surrender in particular. I am very encouraged by the impending commencement of the Coastal Protection and Management and Other Legislation Amendment Act. I spoke at length on that legislation when it was being introduced in 2001, so I will not repeat my comments other than to reiterate the importance of this legislation, which serves to protect coastal waters for future generations and also ensures that future confusion over land registration is eliminated.

I have been well aware of this situation at the Monterey Keys development. I want to clarify exactly what this situation is in a nutshell. It is a situation where essentially people had purchased blocks of land on the shores of a lake so that they could live out their dream of living on the water. While I support a position where we do not continue to develop canal and other inappropriate coastal developments, I can understand the need to have that dream. It is a very common one. Where there has been land made available on closed locks, as in the case of Monterey Keys, and there is a whole suburb of residences on one side of the lock, it was perfectly reasonable for people to expect that when some land opened up on the other side of the lock that they would be able to purchase there and build their homes there. That is the pursuit of the dream.

These buyers bought these blocks of land in good faith with the reasonable expectation that, like their neighbours across the water, they would be able to go through a normal sales process and build their residences. So members can imagine their heartache and frustration—and this happened a good 12 months ago and over a period—when all of this was delayed. Through no fault of their own the process was delayed indefinitely. Then they started to be asked or even bullied by the developer into either paying more for their land than they had originally agreed or to just giving it up and losing the purchase altogether—in effect, walking away from and surrendering that dream that they had. With the soaring land prices in the past 12 to 18 months and the dwindling availability of waterfront blocks, which

is as it should be, they had their opportunity when they bought 18 months ago. There is no way they would be able to purchase land at the same sort of prices as they did then. They were left with financial devastation and heartache. As the member for Gaven said, this has been an enormously stressful situation for a lot of people involved in this process. Their health and their financial situation has suffered.

I am delighted to see these efforts, particularly the efforts of my colleague the member for Gaven. He is probably phoning some of these people now to let them know the good news, possibly one of the constituents who made representations to him, Bob Bennett, who is actually running for the seat of Southport. So Robert Poole, the member for Gaven, has gone through with these representations to the minister in complete fairness and without any regard to any personal feelings that he may have had towards the constituents who brought these issues to him. He did this with total regard to the process of natural justice and fairness that was the right of the purchasers and the need to continue to protect and to ensure the future conservation of erosion-prone lands in coastal areas. I want to congratulate my colleague and I want to congratulate the minister and the minister's advisers who have put together these amendments very quickly in order to address a very urgent situation.

I am sure that they will have a positive environmental result with the continued protection of Saltwater Creek now assured. It is a very positive result for innocent purchasers who will now be able to continue to pursue their great Australian dream. I commend the bill to the House.