



Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

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SOUTHERN MORETON BAY ISLANDS DEVELOPMENT ENTITLEMENTS PROTECTION BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.03 p.m.): The issue of the ability of people who bought land in the Moreton Bay islands area to construct homes and to own that property without any concern as to future development has been around for a long time. I have been in parliament since 1995 and on a cyclical basis people have come in and spoken to me about their concerns in relation to the actions of Redland Shire Council, particularly in sharp focus in terms of their ability to build a house on the land that they bought in the islands.

The previous speaker outlined the background to the matter. I do not think there is any misunderstanding or lack of clarity. The land was subdivided back in the early 1970s and it was subdivided in a way that was unsustainable in terms of both the carrying capacity of those islands and the ability to service the islands. More importantly, it was subdivided in such a way that people were enticed to buy the land sight unseen, and in many instances they did. They did not do the 'buyer beware' type of examination. They did actually purchase land. When they finally came up and had a look, they found that at high tide some of the properties were submerged and that some were completely unusable in terms of their slope or their position on the island.

I can remember the tragedy that unfolded quite a number of years ago when some of these landowners—they were mum and dad investors from the southern states who felt that they had purchased a piece of paradise for their retirement or similar—found that they needed waders to traverse their property. It has been a problem for a long time. The government's actions in endeavouring to address the issues that have faced those landowners are welcome, I am sure.

When we are purchasing property, because it is one of the biggest investments we make as individuals or a married couple—it is one of the biggest investments that we make over time; not just the original purchase price but also the development later on—we are always told 'caveat emptor'. We need to ensure that we have a look at what we purchasing, that we know whether there are encumbrances or that we know whether there are any disadvantageous caveats over those blocks of land.

However much protection is put in place by governments, there will still be those who, often inadvertently, are captured by shonky salespeople or by shonky developers simply because they are by nature trusting people. Some of the folk who sell major assets are able to put themselves forward as very plausible people.

I note that the consultation enunciated in the explanatory notes excludes any of the landowners. Given the organised nature of some of the landowner groups on the islands, it is worrisome to me that the consultation did not include at least one or two of those landowner groups. Perhaps the minister could clarify whether there was a reason the landowner groups were not included.

As a result of the IPA provisions there was a risk that the entitlements of landowners on properties would have those entitlements retained for only a two-year period. That has been extended to a 10-year period. I believe that, in terms of the opportunity for people to understand that there will be a limitation on

their ability to develop the property they purchased—again I believe in good faith—stretching it from two years to 10 years is certainly an advantage. It gives people time to financially plan. Prior to this legislation, in theory people owned the properties and therefore had an entitlement to development as and when they wanted to, as anyone who buys a freehold block of land in any part of this state has. These are special circumstances, however, and there certainly are some constraints on the development ability on those islands.

I do have to place on the record my concern over a number of years at the treatment by the Redland Shire Council of landowners who purchased those blocks. As I said, this is an issue that has arisen over a long period of time in a cyclical manner. I would have to say that the information I receive—I have to be honest and say that it is not from the Redland Shire Council or councillors—from landowners who were subjected to its treatment is that the attitude of the Redland Shire Council towards those landowners has at best been intimidatory. Some of the correspondence that was forwarded by the council to the landowners was certainly overly harsh and, I believe, held out in some measure that land purchased by those people which, at least to a lay person, appears to be useable was required to be resumed for environmental reasons, and they were paid a pittance as a result. It was pleasing to see the court case come down in favour of the landowners. I believe that it vindicated in great measure the active role that landowners have played over the years to prove the actions of Redland Shire Council to be wrong.

It is unclear how many people, as a result of this piece of legislation, will have their rights removed for development. I understand it is not because of this legislation. It will, in great measure, be the actions of the Redland Shire Council in deeming certain areas unsuitable for construction that will be the major factor in deciding which properties will be able to be developed or not within this 10-year period. I would seek assurances from the minister that her department will very closely monitor the actions of the Redland Shire Council in deeming properties unsuitable either for drainage reasons or for other circumstances, with the result being that that land is unsuitable for construction.

I believe the history of Redlands is sufficient to show that they have taken at times an intimidatory role with the landowners. They have at times claimed some blocks of land are unsuitable for construction. Some landowners had engineers' reports that confirmed the land was suitable in terms of drainage and stability of subsoil, but Redland Shire Council at the time took a very administrative role and resumed the properties. The resumption payments which I saw could be called conservative, but I believe they are insulting in the quantum which some of the landowners were paid.

I would seek an assurance from the minister that any decisions which Redland Shire Council might make in deeming properties suitable or unsuitable for housing construction will be very closely monitored and examined in terms of their validity. My criticism is not of anyone specifically on the Redland Shire Council but of the attitude demonstrated by the council over a long period of time. To those landowners who will lose their right of construction, and I understand that the legislation is aimed at mum and dad purchasers as opposed to investors who purchase the land for speculative reasons only—

A government member interjected.

Mrs LIZ CUNNINGHAM: Well, I understand that legislation is only for mum and dad investors. There will be those in that category who will lose out in great measure. It could be said that they have owned the land for 20 or 30 years and have had time to construct their dwelling. All of us here know that, if that 20 or 30 years was a time when they were raising children, putting them through school and perhaps university, there is not much spare money left to build a dream house. But, again, I commend the minister for implementing a 10-year threshold which allows them at least some certainty in terms of planning and construction.

Again, I seek the minister's assurance that her departmental people will keep a close eye on the Redland Shire Council and the manner in which it deems properties suitable or unsuitable for construction. Whilst I do not believe the legislation will make everybody happy, it will give some certainty to those who at the moment are in a vacuum and who are unsure of where they stand in terms of their legal rights. I will be supporting the legislation.