

We The People
Program 381 May 18, 2020
We the People 381 Burleigh Beach Pavilion



Good day to you. There are some truly iconic place names in Australia which resonate with most of us. Good examples include Coolangatta and Burleigh Heads which form part of our national holiday memory. In 1943 tourism pioneer Jim Cavil proposed there should be a sea water rock pool at Burleigh Heads and then in 1953 his historic counterpart, Jack Evans of Porpoise Pool fame, actually built the pool from rock and concrete. These matters run a parallel with Sydney's Bondi Beach and its famous bathing pavilion, home to the Bondi Icebergs. Generations of Australians have revelled in these important recreation places and in the case of Burleigh Heads the government gazetted the magnificent Burleigh Headland National Park. Back toward the Burleigh surf club became trustee land for community open space and parkland. Today we know this to be the location of the Burleigh Beach Pavilion which includes an indoor swimming pool and facilities with supporting commercial leases to help raise funds for maintenance.

Now the reason for this commentary is to alert the public to mischief by the Department of Natural Resources and the City of Gold Coast which in my view is deleterious to the public interest and a denial of the defined lease uses. The Burleigh Beach Pavilion has been leased to a private company which undertook restaurant alterations. Finally the lessee submitted an application for a hotel which is **'Impact Assessable'** meaning the public is allowed to comment and this attracted a huge number of objections from the local community. In contrast a development which is classed as **Code Assessable** cannot receive public comment in keeping with the State and the Council's predilection to silence public feedback. The basis of these objections that were received included adverse impacts on surrounding prime residential living and adverse changes of amenity to community open space and a **clear contradiction of the terms of the lease.** To this add the dire impact of predicted traffic congestion on Goodwin Terrace, the completion of the Norfolk high-rise tower, extensions to the surf club and possible conversion of the old cinema building. The Lands Department has lawfully decreed at condition 78(1) of the term lease that the lessee must use the leased land for business purposes namely for a swimming pool, kiosk, restaurant and associated health facility purposes and no other purpose whatsoever. Condition 78(2) says, ***"This lease may be forfeited if not used for the purpose stated above"***. Under the circumstances most reasonable people would ask how a hotel land use could be approved firstly by the department and secondly the City of Gold Coast. A hotel is a highly intensive land use complete with multiple adverse impacts inconsistent with the purposes of this community trust land. Without regard to history and legislature the department provided owner's consent for the lessee to **lodge a development application** with council knowing it was for a hotel. **Legal opinion confirms this to be a breach of law under the Lands Act.** Unbelievably, Council have since approved the application so between the Department and Council they have apparently not acknowledged the well defined land use lease constraints. How can this be possible and is this the definition of **duplicity.**

It seems history and culture don't matter nor does the public's opinion concerning amenity and quality of life as government and qangos push forward as though **'we the people'** are the enemy and at best a distraction from their very serious work. After all, government and bureaucracy know best don't they. You know, it's easy to slowly drift toward a system more like the Chinese communist model where the people are irrelevant. If you think that's excessive then let me assure you the noose is tightening around free speech and public opinion like a serpent about to strike. If we don't assiduously guard our community and laws we will lose our rights across the board.

Until next time this is Kent Bayley