

## A History of Land Alienation on Fraser Island

*Until 1963 except for the lighthouse reserves and three areas long the western side of the island at Wathumba, Moon Point and North White Cliffs, the whole of Fraser Island had only one land tenure, State Forest. This FIDO Backgrounder provides a chronology to explain the fragmentation of Fraser Island since then especially the freehold developments.*

In the Post-war period, an increasing number of people, mainly from Maryborough and Hervey Bay sought Forestry occupational leases on which to establish fishing shacks. Apart from Happy Valley and Eurong occupational leases were issued for Waddy Point, Indian Head, Yidney Rocks, The Oaks, Poyungan Valley and Poyungan Rocks. The Forestry Department became increasingly uncomfortable with managing these tenancies that were evolving into a strip development. Forestry wanted to focus on its core business. The fragmentation of Fraser Island with more freehold tenures began in the 1960s.

Despite the history of land alienation since the 1960'sw the resident population of Fraser Island remains below 100 and more than 99% of the island is included in the Great Sandy National Park (Fraser Island Section).

**1962:** Hereditary baronet Sir Reginald Barnwall and former Childers cane farmer Don Adams established a series of business relationship based in Hervey Bay to form Island Airways based at their Scarness airstrip. Barnwall wanted to develop a resort on Fraser Island where he could locate an airstrip next to the beach. He chose Orchid Beach because of its proximity to Waddy Point. Waddy Point was remote and exclusive with a strong appeal to fishers. Barnwall then pleaded to be allowed a large lease in the Fraser Island State Forest. Local Isis MP, Jack Pizzey, a senior cabinet Minister and future Premier supported this proposed development. Barnwell's application for land within the forest reserve coincided with many others up and down the east coast of Fraser Island. The Forestry Department didn't want to manage this land tenure.

**1962-63:** The Lands Department excised a strip of land half a mile wide between Sandy Cape and Eurong from the State Forest. It was resolved that all future residential land releases would be limited to new villages at Happy Valley and Eurong where a number of fishing shacks were already located. Geoff Andrews surveyed several blocks in these two villages to better manage future demand for residential land. At the same time, land was pegged out to allow Barnwall to establish what would become the Orchid Beach resort.

**1963:** Eurong and Happy Valley subdivisions were released by auction. Forestry occupational leases along the beach were allowed to be freeholded. Orchid Beach became a reality and work almost immediately began to start building a resort there.

**1964 -68:** After completing the airstrip, Barnwall built two Angler's Lodges to enable clients to fly in and fly out. These were followed by smaller units to cater for other self catering visitors. Because it was virtually impossible to reach Orchid Beach along the beach from the south due to the steep and loose surface at Middle Rocks, all construction material was taken from Maryborough to Wathumba Creek and across the island by Sid Melksham.

**1968:** The Orchid Beach resort changed from the small, self-catering units to a big resort based on the shape of the

Samoaan fales. The new central building, the "fono fale", served as the dining room, bar and central amenities area.

**1969:** The new enlarged and extended Orchid Beach resort opened. Beryl and Charlie Sinclair were working there at the time.

**1971:** The raging sandmining controversy resulted in the first installment of the Fraser Island National Park in the northern part of Fraser Island from Sandy Cape to just south of Wathumba Creek.

**About 1972-73:** A new syndicate took over a deteriorating Orchid Beach Resort. Zeta Curve erosion sliced away the foredune in front of the resort. More than 50 metres went in one storm leaving the swimming pool perched precariously over a precipice.

**1973:** A subdivider applied to rezone 160 acres of freehold land at Wathumba Creek into 425 residential blocks. FIDO strongly opposed this development. After a four day comprehensive study of the island by the Committee of Inquiry into the National Estate, the Commonwealth Government offered the Queensland Government money to acquire this block of land to be added to the National Park. The Conservator of Forests, who was then responsible for the National Park Service in Queensland refused to acquire it because he believed the price to be offered was unreasonably high and too generous. As a result of FIDO opposition, the Wathumba Creek block remained undeveloped.

**By 1975:** Toowoomba entrepreneur and Island Air proprietor, Snow Richards, had acquired the Orchid Beach Resort.

**1976:** Mr Snow Richards of Island Air Pty Ltd acquired the Wathumba Creek 160 acre freehold for \$158,000 at auction and almost immediately proposed exchanging the land for vacant crown land next to the Orchid Beach resort.

**1977:** Following the cessation of Fraser Island sandmining, the Bjelke-Petersen Government quietly approved swapping 67 hectares of swampy, mosquito and sandfly infested land adjacent to Wathumba Creek on the western side of Fraser Island for 69.9 hectares adjacent to Orchid Beach which Richards then controlled. An extra 3 hectares land with much greater amenity was a handy bonus for Richards.

**1978:** The Bjelke-Petersen Government prepared a Recreation Management Plan for Fraser Island that recommended acquisition of the freehold blocks at North White Cliffs and Moon Point but failed to provide funds to implement its recommendations. It also proposed that no further residential subdivisions occur at Happy Valley or Eurong although the Lands Department had initially established very large reserves around these two villages to allow for future land releases.

**1979:** Richards said that he wanted his recently acquired land relocated to Orchid Beach for possible future resort expansion. However Island Air's application to rezone Portion 19 was post-dated. This attempted to precede the Hervey Bay City Council new by-laws requiring all rezoning applications to be advertised .

# A History of Land Subdivisions on Fraser Island

**1980:** FIDO challenged the validity of the post-dated application. FIDO had first to overcome a threshold question of legal "standing". Because FIDO was in the business of running safaris to Fraser Island it was deemed to have "standing" and the right to make a legal challenge.

**1982:** Belgravia Hotels Pty Ltd. applied for rezoning and FIDO lodged an objection. Hervey Bay City Council approved the application despite FIDO's objections. So FIDO lodged an appeal with the Local Government Court. Then Island Air lodged another application for rezoning but the application was invalid because of the appeal still pending for the same land. The application was rejected

11 June: The Queensland Supreme Court ruled in FIDO's favour on the above matter. The subdivision application was illegal and a new application had to be lodged.

10 September: Island Air advertised a new application for rezoning. FIDO objected. Council approved. FIDO lodged an appeal with Local Government Court.

**1983:** 12 April: While the appeal to the Local Government Court was still pending, FIDO was alerted by a "deep throat" that Island Air had substantial legal debts and that Local Government Minister, Russell Hinze, was planning a ministerial rezoning to bail them out.

23 April: The Deputy Commissioner for Taxation petitioned for the winding up of Island Air.

FIDO sought an injunction in the Queensland Supreme Court to restrain Minister Hinze on the grounds that he was not acting in the public interest. After a 3 day hearing, the Court refused the injunction and the ministerial rezoning went ahead. Minister Hinze sought to recover the Crown's costs of over \$4000 from FIDO. Hinze's rezoning allowed for about 75% of the area to be rezoned as Residential with the conditions as proposed by the council that there would be corduroy roads throughout the subdivision, and that no water power or sewage services would be required to be provided. 29 hectares were zoned for Special Facilities — Resort.

**1984-1991:** Most of the subdivided land is sold off. Very little had any ocean view. More than half is in a closed valley to the west of Orchid Beach with little air circulation.

**1990:** The Commission of Inquiry into the Conservation, Management and Use of Fraser Island and the Great Sandy Region was conducted.

**1991:** Commissioner Fitzgerald in the Report of the Commission of Inquiry into the Conservation, Management and Use of Fraser Island and the Great Sandy Region observed (page 58, paragraph 1) that: *"Any development on the island should be directed away from the northern half which has extremely high conservation values and is already substantially national park. To the maximum extent practical, the northern half of the Island should be preserved in its natural condition, and activities there confined to wilderness experiences"*. The Queensland Government commissioned a study of the options to implement this part of the Fitzgerald Report. The consultants recommended that of the options available, the small resort was the least intrusive on the wilderness qualities and even if a second resort were built (as was threatened) it would not be as intrusive as the more extensive subdivision which was the only alternative without a rezoning.

**1992:** As a result of what was described by one Goss Minister as normal "wheeling and dealing", the Orchid Beach Resort was acquired for \$6 million. Then Environment Minister Tom Barton explained: *"The Government spent \$6 million in 1992 to prevent resort development at Orchid Beach and since that time, Orchid Beach has developed into a small holiday/residential township in a wilderness setting."* His statement has proved to be prophetically untrue. Subsequent developments transformed Orchid Beach into a far cry from *"a small holiday/residential township in a wilderness setting."*

Having spent \$6 million acquiring an unprofitable and dilapidated and from every account an unviable resort, the Department of Environment then negotiated to have the remaining 16 hectares on the hill behind the resort which had been zoned for Resort rezoned to Residential. The Department of Environment didn't explain to any stakeholder groups, other than the beneficiaries just how they were going to accomplish this.

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**Dilli Village:** When D-M Minerals established their sandmining operations in 1975, they had a fly-in fly-out workforce returning to the mainland after every shift. However they needed a base on the island to accommodate workers in the event of emergency and they therefore established Dilli Village. When mining ceased in 1977, D-M Minerals sold the camp to the Queensland Government. Dilli Village was managed by various departments as a special lease area until 2004 when the University of the Sunshine Coast took over this special lease to manage it.

**The Kingfisher Development:** In 1986 a property developer acquired an option to develop the 160 acres (67 ha) at North White Cliffs. Again such a large sub-division and development was opposed by FIDO. When the Maryborough City Council approved the application, FIDO again took the matter on appeal to the Local Government Court where the court ruled in favour of a development.

The resort was subsequently facilitated by being the first development covered by the Queensland Government's Integrated Planning Act in 1988 which allows it to sell strata title dwellings within the resort complex.

**Cathedral Beach:** Although further land releases of residential land in the villages of Happy Valley and Eurong have been frozen since 1978 there have been other releases. These have all been mainly to satisfy commercial interests. This is how the Cathedral Beach Resort was released in the early 1980s.

**Other new leases** enabled a dramatic physical expansion of the Eurong Resort and the alienation of the Wangoolba Creek airstrip. There has also been land alienated within Eurong, Happy Valley and Orchid Beach villages to allow for establish entitlements for limited industrial and commercial use. However, generally the moratorium on further land releases on Fraser Island have been observed and this has resulted in the resident population of Fraser Island remaining at less than 100 despite the dramatic increase in visitation and the growth of the workforce there.