



# ***TRANSPORT AND RESOURCES COMMITTEE***

**Members present:**

Mr SR King MP—Chair  
Mr LL Millar MP  
Mr BW Head MP  
Mr JR Martin MP  
Mr LA Walker MP  
Mr TJ Watts MP

**Staff present:**

Dr J Rutherford—Committee Secretary  
Mr Z Dadic—Assistant Committee Secretary

## **PUBLIC HEARING—INQUIRY INTO THE ECONOMIC AND REGULATORY FRAMEWORKS FOR QUEENSLAND'S ISLAND RESORTS**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 9 NOVEMBER 2022**

**Brisbane**

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**The committee met at 8.29 am.**

**CHAIR:** Good morning. I declare this public hearing for the committee's inquiry into the economic and regulatory frameworks for Queensland's island resorts open. My name is Shane King. I am the member for Kurwongbah and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to eldest past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me here today are: Lachlan Millar MP, the deputy chair and member for Gregory; Bryson Head MP, the member for Callide; James Martin MP, the member for Stretton; Les Walker MP, the member for Mundingburra; and Trevor Watts MP, the member for Toowoomba North.

On 21 February 2022 the Transport and Resources Committee resolved to conduct an inquiry into the economic and regulatory frameworks for Queensland's island resorts. Today's public hearing is the 10th hearing the committee has held in this inquiry. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. As parliamentary proceedings, under the standing orders any person may be excluded from the hearing at the discretion of the chair or by order of the committee. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. You have been provided with a copy of instructions to witnesses so we will take those as having been read. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. I ask everyone present to please turn mobile phones off or to silent mode. I also ask that any responses to questions taken on notice today be provided to the committee by 4 pm on Wednesday, 23 November 2022.

### **CONDOLEON, Mr Nicholas, Lead Town Planner, Mackay and Whitsundays, Veris Australia, on behalf of Oasis Forest Ltd (via teleconference)**

**CHAIR:** Thank you for your submission and for appearing today via teleconference. If you would like to make a short opening statement, after that we will have some questions.

**Mr Condoleon:** I have an opening statement that has been submitted on behalf of Oasis Forest specifically with respect to some of the challenges we have faced in the development of Keswick Island. I want to shed some light on the interrelationships between local, state and Commonwealth government bodies and how that is presenting issues and challenges for us.

**Mr MILLAR:** Welcome, Nicholas; it is great to speak to you. One of the things we found with Keswick Island was that Oasis Forest has lodged applications to build a boat ramp, jetty, gangway and pontoon. Under the terms of the lease, what are the time frames by which you are required to have these developments completed?

**Mr Condoleon:** The time frames of the lease? Is that the question?

**Mr MILLAR:** No, what are the time frames for building the boat ramp, jetty, gangway and pontoon? What is going on there?

**Mr Condoleon:** The time frames were as soon as possible, but things have changed since this inquiry was submitted. Just to make everyone aware, the development is somewhat dictated to by the residents of the island and we are listening to them. For example, the boat ramp is no longer being proposed based on the residents not wanting a new boat ramp. They currently want to continue utilising the barge ramp on the island. It is an existing unlawful boat ramp. An application is currently before council for its removal, and that is the only application before council at the moment being assessed. The jetty, gangway and pontoon are very close to being submitted. We are just dealing with the civil engineering part of everything. It is not really in my hands at the moment. I am just sort of overlooking what is going on from these other consultants.

The resort complex has come to a bit of a halt also with respect to a lease condition that is a bit conflicting. The lease condition states that there would be no building work within an erosion-prone area subject to conditions and subject to further assessment, so we are going down that path at the moment. That is what is holding up that application from being submitted. That is where those three are at.

**Mr MILLAR:** We visited Keswick Island. For us to get onto the island we got a cat and then we had to get into a little tender to get across to Keswick Island. I suppose one of the biggest concerns for the people over there is having some sort of infrastructure which allows boats to pull up safely and commercially. How far is that away?

**Mr Condoleon:** This is probably the biggest concern we have and a real driver for this inquiry. There were always plans for a marina. There was always a lease condition stating that a marina would be proposed and constructed for Keswick. The problem is that it is a state government lease, and during the time when that lease was drafted there was no communication between the state and Commonwealth and specifically the Great Barrier Reef Marine Park Authority. We have had meetings where Great Barrier Reef Marine Park Authority officers were there with Department of Resources, the state government. There were very conflicting points of view and marine park authority officers basically stated, 'We don't care what your lease says. We haven't seen the lease. This is our position with respect to protecting marine plants and dredging for the purpose of the marina.' Basically, it was a 'go away' sort of thing. It was very clear-cut. This is the issue we are having at the moment. I do not know whether this is common throughout other islands and Great Barrier Reef Marine Park Authority boundary areas, but there has been no communication in the drafting of these leases and we are at a halt. That is the issue at the moment.

**CHAIR:** I have a further question in relation to that. It is more a practical thing. By the way, it is a bit of paradise. I can see why people would want to live there. It is a lovely place except for access. While we were there, there was a pontoon of sorts which looked temporary that could be put in the water to aid islanders in the short term. I do not know if you are aware of that. I do not know the legality of it, whether it is a temporary structure. I am just letting you know about that because the islanders were concerned and said that it could help them.

**Mr MARTIN:** I was wondering if you could share with the committee whether or not you think the headlease holder is financially viable enough to fund each of the proposed developments and if you have any knowledge of how the headlease holder came to acquire the lease in the first instance. Some of the submitters to the inquiry have raised that as an issue on Keswick Island as well.

**Mr Condoleon:** To the best of my knowledge there has been no question regarding funds. I would imagine those questions are being raised by the islanders purely because on the ground it seems like nothing is happening. In reality, the consultants are on the move. Oasis Forest Ltd is pushing for applications to be submitted. It is just being held up by local, state and Commonwealth government authorities. It is quite simple in that regard. Yes, from a financial point of view, to the best of my knowledge, I do not think there is an issue. What was your other question, sorry?

**Mr MARTIN:** The committee heard a few submissions from residents on the islands who asked questions about how exactly the head lessee came to get the lease. Were you involved in that at all?

**Mr Condoleon:** Unfortunately not. I was not involved and I am not entirely sure of the history, so I apologise for that.

**Mr MARTIN:** Do you have anything you can share with the committee in relation to whether or not the head lessee really knew everything that was involved when they first purchased this lease? Do you think they did their due diligence and had a reasonable understanding of the application process, what they would have to go through and that things might take a bit of time? Do you have anything you can share with the committee in that regard?

**Mr Condoleon:** I think probably not to the point of the intricacies or the exact steps involved. That is why you engage with town planners and the relevant consultants who do this on the daily. It is not every day you buy a resort to develop. There are different processes and different government bodies involved. To be perfectly honest, I would not expect them to know exactly the avenues to take in terms of the development process but, from speaking with the project managers in charge, they did have a good understanding of whom they had to speak to. It was just what comes first, second, third and fourth in the process. That guidance was provided by us as planning consultants. There was nothing to the point of me thinking, 'Geez, these people know absolutely nothing.' It was nothing like that. They were well educated in the development process as a whole so it has been smooth sailing in that regard. Like I said, the holdup has nothing to do with the consultants involved or Oasis and their project management team; it has been simply the government bodies.

**CHAIR:** One of the submitters had a private aircraft on the island, and he was told that the airstrip was closed and his plane had to be removed. The concern raised was that it was used in an emergency to transport people for medical help and the like. I was just wondering if you were aware of this and if there is any resolution planned for that problem.

**Mr Condoleon:** That is a great question. As the planning consultant, I am not actually aware of the situation. I am guessing this has been kept directly to the project team and any inquiries go to them. No, sorry, I really do not have any comment on that.

**Mr WATTS:** Nick, part of the inquiry is to try to come up with a better way of managing these islands. Can you give us some suggestions or run us through what advice you might have on how to improve the development application process and what clearly seems to be some bureaucratic conflict between different levels? If you could design a system, what would it look like?

**Mr Condoleon:** Looking at it with a top-down approach, the leases are what governs everything to come. Where there are clear jurisdictions that are involved, all of the entities that may have some relevance should be involved in the lease agreement. It is sort of baffling to think that leases were issued without consulting a higher level of government and their jurisdictions. Some of these state officers are shocked to think, 'But we issued this and it has no relevance or is not being met.' It almost makes the lease null and void in some parts. For a top-down approach, right from the beginning there needs to be some sort of collaborative approach in that respect where there are clear areas of jurisdiction and both parties need to be involved in developing any sort of lease.

**Mr WATTS:** Further to that, is it that there is a lack of clear delineation? Are different departments getting out of their lane or is it, in fact, that they are overlapping in the first place and there is multiple jurisdictional control over certain issues?

**Mr Condoleon:** I think, to be quite honest, it was completely overlooked by the state government. They should have recognised, 'We're within the Great Barrier Reef Marine Park Authority. How can we issue a lease without consulting them and their requirements?' There would be clear conflicts in conditions that would arise down the track, and so they have. I do not know how long ago this lease was issued. It was quite some time ago. Maybe there is a lack of understanding from those officers and it was not just that 'communication thing' but an 'understanding thing' from the get-go. From talking with these state officers also, it is not the first time that something like this has arisen where old leases that have been drafted are having issues now. In terms of new leases, I am hopeful that this kind of thing is covered and the right people are being spoken to before these agreements are put in place or drafted at least. That is my answer to that question.

**Mr WATTS:** Obviously there are historic leases that have some conflict and there is a process required to get some resolution so that proponents such as yourself have a clear path. What would your advice be for any future leases or future development?

**Mr Condoleon:** From a developer's point of view in looking to purchase a lease?

**Mr WATTS:** Yes.

**Mr Condoleon:** Absolute due diligence and engagement with the correct consultants from the get-go to review the conditions of the lease first and foremost and whether there would be any conflict with other bodies of government and their jurisdictions. That is first and foremost. The first question is: can you undertake the conditions of the lease without absolute concern? That is the biggest question.

**Mr WALKER:** Nicholas, due diligence has come up a couple of times this morning. Are blocks still for sale by the head lessee?

**Mr Condoleon:** To my understanding, I believe they are or there is intent to sell more blocks, yes.

**Mr WALKER:** Under what conditions? What is being offered to the purchaser in that process?

**Mr Condoleon:** To that degree I am not 100 per cent sure, from a marketing point of view and from a sales point of view, I am sorry.

**Mr WALKER:** The current lessees on the island, as you know, have raised issues about infrastructure and what may have been or may not have been promised in that process. As you know, there are some conflicts about the jetty. I want to get a clear line of sight, as you are their spokesperson. What is your perspective in relation to moving forward with the conditions in the lease? I know you keep saying it is state and federal, but there are no real time lines here as to when those are going to go ahead. That is part of the conflict. Can you give some certainty that they are proceeding to get this infrastructure in place?

**Mr Condoleon:** It is difficult to give a time line. It is always going to be difficult given the development process in Queensland. What we can give is statutory time frames, and I have given those to the project team, of what we could expect in terms of time frames for when applications are submitted to council for assessment. What we cannot control is the Great Barrier Reef Marine Park Authority and their time frames. They are not bound by statutory time frames. It has been a huge issue. I am not exactly sure if the residents are aware of the different government bodies that we actually are (inaudible). The level of certainty in terms of their time frames is completely out of our hands.

**Mr WALKER:** When did you meet with the residents, Nicholas?

**Mr Condoleon:** I have not met with the residents. I have just been fed the information from the development manager.

**Mr HEAD:** Nicholas, you have touched on due diligence and the member for Toowoomba North asked some questions along this line. Are the conditions of the lease reasonable and, more so, are there aspects of the lease that directly make it a lot more tedious for management than it should be?

**Mr Condoleon:** I think on an initial review of the lease the conditions appeared reasonable, without knowing the exact development processes of each aspect on Keswick, meaning what would be involved to actually get a marina or a boat ramp or a jetty and so on off the ground.

**Mr HEAD:** On paper it reads as though it is reasonable but in practice, when you actually go to implement and follow through with the regulatory side of things and deal with government, it is not that straightforward?

**Mr Condoleon:** Absolutely. The state is involved quite heavily. We need their consent. That is a process. Before we can get the state's consent we need a marine park authority permit from the Great Barrier Reef. That has proven to be the absolute longest time frame, from the marine park authority. They have been the most difficult to deal with. There is no written information or guideline as to how long they would expect it to take or just information for consultants who deal with the marine park authority at all in terms of their assessment. I had to basically dig hard and request the exact info from the consultants, from the officers within the authority, saying, 'Tell me: what are your time frames? When can we expect this?' It is completely up in the air. They have 50 to 100 time frames. It is just crazy. I am not sure if it is a lack of staff or the level of work they have. It was not clear. In that respect, yes, that was a difficult component of trying to address the marine park authority and their time frames and meeting expectations. As far as the land consent from the state goes and the subsequent processes under the Planning Act, as a planning consultant working in the industry for 10 years—and that is what I do day to day—it was fine in that regard.

**CHAIR:** Nicholas, another one of the local issues is the barge that has been out of service sporadically, we understand. It was out of service when we went there. Is it a requirement of the head lessee to provide the barge service and, if so, is the barge coming back anytime soon? I think that would really help the residents as well.

**Mr Condoleon:** I would be inclined to not make an assumption here. I have had passing conversations but I am not definite on the answer. I am not 100 per cent sure if it is under the operation of Oasis Forest. I would not be confident in saying yes or no.

**CHAIR:** The residents were of the assumption that it was. It is still up in the air so we will try to get to the bottom of that one.

**Mr WALKER:** Chair, can we take that question on notice?

**CHAIR:** No—it's good; sorry. Member for Callide?

**Mr HEAD:** Do you know what the long-term ambitions of Oasis Forest are for the island? Do they want it to be a large tropical haven and pretty much a tourist resort or do they want it more of a residential island that has a bit of a boutique resort with daytrippers? What is their vision for the island?

**Mr Condoleon:** There is a master plan in development. It is a bit of both, to be honest with you. There are big ambitions, not only from a residential or boutique sort of resort aspect; they are envisioning somewhat of a retail aspect also. There are different precincts on the island that have been segmented in the master plan. The answer to that question is, yes, there are big ambitions. The point of contention right now is access and getting that access sorted for a marina, ramps, jetties and to make that infrastructure possible. That is where we are.

**Mr HEAD:** Further to that, for Oasis Forest a strong residential base is a key part of that plan and having that as a key part of the island's future is part of that?

**Mr Condoleon:** Yes. Obviously there will be a strong residential component with private residences as well as resort style. As you know, there is a resort proposed for Basil Bay in particular, more immediately. Like I said, there is a master plan in development. (Inaudible) are being worked and the intent is for a retail/commercial aspect.

**Mr MARTIN:** One of the things we found when we visited the island—and one of the things that I think was probably the most eye-opening or shocking—was the behaviour of the previous island manager. We heard stories from the residents that he was perhaps instructed to behave in an antagonistic way towards the residents. We heard a story about a Christmas tree that had been there for many years that had been chopped down—it was alleged it was done on purpose—and that security guards were employed there to monitor residents and keep files and notes on them. We have not had a chance to hear anyone from the island give their side of the story, and I was wondering if you could comment on that.

**Mr Condoleon:** This is the first I have heard of any of this.

**Mr MARTIN:** It certainly was surprising. It was very well communicated to us by the residents.

**Mr Condoleon:** As the planning consultant I am dealing with all application related information, so anything on the ground on the island that is occurring with the residents I am somewhat kicked out of the loop.

**Mr MARTIN:** Who do you think would be the person who would have that information?

**Mr Condoleon:** I would suggest Peter Jones. I can provide you with his details if you like.

**Mr MARTIN:** Yes, that would be appreciated, thank you.

**CHAIR:** The secretariat will take that later, thank you very much.

**Mr HEAD:** Talking generally from your point of view, not specifically about Keswick, what are some of the biggest obstacles to private investment and the potential future viability of island resorts off Queensland's coast?

**Mr Condoleon:** I think it is the nature of the process in place at the moment. There are different levels you need to hop through before you can even get an application before the council. It would be very simple if it was a DA lodged with the council—done and dusted—but the nature of it is that the state is involved and the marine park authority is involved, and before you hit council you need to go down the ranks there. That is a difficult aspect, and I do not believe anyone who has not been involved before could understand how long it can actually take. The marine park authority is concerned with marine plants, coral in particular. It is a huge line in the sand, and that needs to be overcome with extensive technical reporting from a number of specialists in that respect. Even then there are percentages that the marine park authority has and stands by in terms of impacts on coral and marine plants, so it is very stringent—extremely stringent, so an investigation on the ground in terms of what is actually underwater there, and immediately. I would highly recommend a marine survey before acquiring anything as part of a due diligence process in terms of developing an island.

**Mr HEAD:** Do you know if the cost of insurance regularly contributes to some of those decisions as well?

**Mr Condoleon:** The cost of insurance?

**Mr HEAD:** Yes. Does that play into some of the obstacles to investment at all?

**Mr Condoleon:** Perhaps. I am not 100 per cent sure on the commercial side.

**Mr WATTS:** I am just trying to get to the nub of the problem. Is there anywhere a clearly articulated process that someone needs to step through in dealing with each level of government bureaucracy to get to the finish line, or does that process not exist and it is evolving as you are going through this application?

**Mr Condoleon:** It does not exist. The way I have navigated it is finding the relevant forms for each government body and reading through the form that is applicable to the development. In that form it basically says, 'Jump over to', 'You'll need this', or a check box which you cannot tick 'yes' to that says, 'You'll need to find this form,' and then you have to jump on the appropriate website and find that form. It just keeps making you hop around until you find the correct form. There is no one guideline, a one-stop-shop sheet that provides you with the necessary steps in order to get through the tape. It is just a bit of investigation on our own. It is not well run.

**Mr WATTS:** Do you think that should be laid out as part of the process of developing a lease and/or managing a lease? Should there be a simple process from one level of government or another saying, 'These are all the tick boxes that you need before you can do anything'?

**Mr Condoleon:** Yes, I believe so. Island resorts in the Whitsundays—not just the Whitsundays but any island resort—are a very unique development. The fact there is not a separate document or process, a sort of guideline for developers, is unusual. I would expect that something of this stature would have that sort of process in place, dealing with the Great Barrier Reef also—the fact there is nothing in place from them in terms of a development process, a collaborative approach between Commonwealth, state and local. The Great Barrier Reef is obviously of importance to Australia as a whole. Why isn't it more streamlined or the information clearly set out if you want to develop in that authority area? I think there is definitely a concern there.

**Mr WATTS:** Would your advice be that if such a document or process existed it should have some statutory time lines attached to it so that people can get information in a timely manner from the various authorities and/or responses to things they are asked to do?

**Mr Condoleon:** Absolutely. I think government officers need to be kept accountable also. Developers have so many things riding on time frames; for example, community expectations, interest on land, insurance. There are all sorts of things they are paying for and we cannot get a time frame out of a government body? It is just wrong: 'Sorry for not being able to buy anything. You'll get it when you get it.' It is not good enough.

**Mr WATTS:** Just to clarify, when you say 'government body', is that the same for local, state and federal?

**Mr Condoleon:** It was more for federal and the state. There are actually no time frames that I could see for the state in terms of owner's consent and a number of other things also, but more relevantly owner's consent. I found the state is more willing to acknowledge the urgency, and I believe they may have some sort of internal time frames they would deal with. I do not know exactly what they are, but just from experience they have been more accommodating. Local government is obviously bound by the DA rules in the Planning Act so we know those time frames before we go in. At the federal level it is all out the window. It is just—yeah. There is nothing they can really provide us with, and what they have provided us with is 50 to 100 days. I just do not see why there is a large time frame with no reasoning.

**Mr WATTS:** I do not want to give an unfair characterisation, but would you say that GBRMPA really just does not want you there, or would you say they are cooperative and helpful in trying to get an outcome that meets the requirements of the marine park and the ability to develop these islands?

**Mr Condoleon:** It depends on the officer. Of those I have dealt with so far, some have been accommodating and really getting into the work and trying to push for a decision to be made or a permit to be issued. That being said, that was only for the barge ramp, boat ramp and jetty, which are not really too contentious. With respect to the marina, that was more clear-cut. It was sort of, 'No, thank you.' You need to provide a level of information, but it was alluded to that it was going to be impossible to demonstrate. Yes, it was not really positive, to be perfectly honest.

**CHAIR:** Just to clear something up, you spoke earlier about the boat ramp. We understand that Oasis Forest has received a permit from GBRMPA to build a boat ramp additional to the existing one you discussed earlier, the barge ramp, in the aerodrome area. You said earlier that your understanding is there is no need and no-one requires an extra ramp now. I was just wondering if that had progressed and you were building another one and then you have been told not to, because we will make further inquiries on that.

**Mr Condoleon:** Yes. I was probably three-quarters of the way through a planning report for submitting my new boat ramp and, yes, that was permitted under the marine park authority. I received a phone call from the development manager saying, 'The residents no longer want a new boat ramp.' The application that went in instead was the boat ramp removal, that unlawful existing boat ramp that was conditioned to be removed prior to any new boat ramp being constructed as part of the marine park—

**CHAIR:** That is not the barge ramp though, is it?

**Mr Condoleon:** It is not the barge ramp.

**CHAIR:** I think we know the one you mean.

**Mr Condoleon:** It is not the barge ramp, no. I am not even sure if that existing boat ramp is in use, to be perfectly honest. From the photos I have seen—

**CHAIR:** It is in quite a state of disrepair.

**Mr Condoleon:** Yes.

**CHAIR:** Time is about to beat us, but the member for Callide has one quick question.

**Mr HEAD:** Has Oasis Forest met all of the conditions of their lease as head lessee to date?

**Mr Condoleon:** Have all of the conditions of the lease been met to date?

**Mr HEAD:** Yes. I have not read all of the pages of the lease by any means, but from your understanding has Oasis Forest met all of those conditions and requirements to date?

**Mr Condoleon:** They are in the process of doing so. The conditions are quite specific to: a marina will be provided; a boat ramp will be provided; a jetty will be provided. They are that specific. We are in the process of fulfilling those conditions. Obviously, it takes time to do so. As far as whether all conditions have been met, no, of course not—not at this point in time, but the processes are being undertaken.

**Mr WATTS:** I know that up on Double Island there were specific conditions with time lines to be met. Do the conditions that exist for Keswick have any time lines associated with them?

**Mr Condoleon:** I would have to double-check again, I am sorry.

**CHAIR:** Is it okay if we send you some written questions just to tease out those bits?

**Mr Condoleon:** Yes, absolutely. Some of these questions would be better suited to Peter.

**CHAIR:** We will get in touch with Peter and see if we can have a session with Peter as well. Thank you very much. We will be in touch with some other questions. We really appreciate your participation in today's hearing. A copy of the transcript of these proceedings will be provided to you and it will also be published on the committee's webpage. Once again, thank you very much. I declare this public hearing closed.

**The committee adjourned at 9.16 am.**