



05 April 2022

Committee Secretary  
Transport and Resources Committee  
Parliament House  
George Street  
BRISBAN QLD 4000

Via Email: [trc@parliament.qld.gov.au](mailto:trc@parliament.qld.gov.au)

Dear Sir/Madam,

**RE: FORMAL SUBMISSION – INQUIRY INTO THE ECONOMIC AND REGULATORY  
FRAMEWORKS FOR QUEENSLAND’S ISLAND RESORTS**

**1.0 Overview**

Oasis Forest Limited A.R.B.N 628 311 160 (Head Lessee), over various lots on Keswick Island provides this formal submission to the abovementioned Parliamentary Inquiry. This submission specifically provides comment on the current regulatory frameworks that exist for Great Barrier Reef Island Resorts, and how they impact upon carrying out appropriate works/approvals in a timely manner to meet the needs of the community, and ultimately Queensland’s growing Tourism Economy.

Currently, Oasis Forest are in the pre-development application phases for various aspects of development and associated infrastructure over Keswick Island, including the following –

- New Boat Ramp;
- New Jetty, Gangway & Pontoon;
- New Eco-Resort;
- New Marina;
- New Masterplan.

Pre-lodgement discussions for each aspect of development have been had with Local, State & Commonwealth Government bodies, with the intention to submit formal Development Applications to Mackay Regional Council for the below listed within the next 1-2 months –

<b>Operational Works (Prescribed Tidal Works)</b>	Boat Ramp
<b>Operational Works (Prescribed Tidal Works)</b>	Jetty, Gangway, Pontoon
<b>Material Change of Use</b>	Resort Complex

## 2.0 Regulatory Process

The purpose of this submission is to 'shed light' on the current regulatory processes in place specifically for Islands within the Great Barrier Reef Marine Park Area Boundaries. The current 'steps' in the process of obtaining ultimate DA approval has been provided below, indicating the relevant governing bodies and associated approvals/permits required -

Steps	Governing Body	Permit/Approval
1	<b>Great Barrier Reef Marine Park Authority (GBRMPA)</b>	Marine Parks Permit
2	<b>Department of Resources (DOR)</b>	State Land Owners Consent
3	<b>Mackay Regional Council</b>	Development Permit
4	<b>State Assessment &amp; Referral Agency (SARA)</b>	Development Permit

With reference to the above governing bodies, the following process description is provided in brief -

1. Lodgement of application to the Great Barrier Reef Marine Park Authority to obtain a 'Marine Parks Permit';
2. Once a Marine Parks Permit is obtained, a formal application request for Owners Consent from the Department of Resources can then be submitted, required in order to submit a formal Development Application over State leased land;
3. Following the issue of State Owners Consent, a formal Development Application can then be submitted to the Local Authority, being Mackay Regional Council in this instance;
4. As part of the Development Application process, referral to SARA is required for assessment.

## 3.0 Application Dealings

### GBRMPA (Commonwealth)

Application dealings began on the 17 June 2020, with the formal lodgement of a Marine Parks Permit Application (G44348.1) to GBRMPA. Despite multiple follow up attempts to expedite the assessment process, GBRMPA officers continued to reiterate that they are not bound by statutory assessment timeframes. As a result, assessment periods were stretched out with zero consequences, with a Marine Parks Permit issued in March 2022 (10 months later). It should be noted that without a Marine Parks Permit, all subsequent application processes cannot be carried out.

### DOR & SARA (State)

As of the 4 April 2022, formal requests have been submitted for State Owners Consent to form part of formal lodgement to Mackay Regional Council. Receipt of acknowledgement is yet to be provided. It should be noted however that the forms and processes in place in order to obtain consent are extensive, particularly for works below the high-tide water mark and should be simplified. DOR officers have been supportive of the proposal as a whole, and shown keen interest in expediting pre-application processes in the best interest of Queensland Tourism.

### Mackay Regional Council (Local)

Pre-lodgement discussions were held with MRC relative to all proposed work, informing the relevant authorities of the proposal and collaboratively discussing the required reporting to support each Development Application proposal. Pre-lodgement discussions were held in a timely manner, with relevant and informative meeting minutes issued.

### Inter-Government Relations

As part of the lease agreement over the Island, there were a number of conditions specified and ultimately enforced by the State in carrying out development over the subject leasehold areas. These include (as selected examples) –

1. *Conditions to specifically construct a Boat Ramp & Jetty for private use on the island, to be separate to that of a Barge Ramp for all other uses.*

GBRMPA officers initially advised that the existing Barge Ramp within the aerodrome is adequate, disregarding the safety of Keswick island community residents, insisting on one ramp per island to be sufficient. With further delays and negotiation on the island operation procedures, the authority provided a permit of a boat ramp outside of the aerodrome precinct. We are acknowledging that authorities are limiting access infrastructure to Keswick Island which is obscuring the masterplan and development for the Island, its Sub-lease holders and the Whitsunday/Mackay tourism region.

2. *Condition specifically made to construct a Marina for the island.*

Following the above point, during pre-lodgement discussions with the State and GBRMPA, there was clear conflict between State and Commonwealth department officers, in which GBRMPA officers stated they do not recognise lease conditions imposed by the State, providing a strong stance in the construction of infrastructure within the Marine Parks boundaries. The stance taken is (to a degree) in conflict with the conditions of the lease, which may prevent the conditions from being carried out in accordance with the lease agreement.

The point being made is that the relevant State Government Departments are issuing leases and specific conditions without consultation with all relevant Government bodies. There were no discussions had internally between departments at a State-Commonwealth level, which has now presented further issue and concern in delivering the requirements of the lease in line with the expectations of the community, further dragging out the process.

The above presents an enormous challenge, spoken for all Island lease holders when specifically considering infrastructure access arrangements within the Great Barrier Reef Marine Park Area Boundaries. There is a clear inconsistent tone in approach and assessment between Local/State & Commonwealth Departments which must be rectified to allow lease holders to appropriately fulfil their obligations.

### **4.0 Concluding Summary**

The development of Keswick Island is considered an immediately relevant and significant part of attracting new and return visitors to Queensland and the Great Barrier Reef. The community of Keswick is strong, and relevant lease holders have an obligation to fulfil the requirements of their lease in a timely manner/in line with the expectations of the community. The conflict between government departments specifically, obscures the overall goal for tourism and economic growth in Queensland through Island Resorts.

There is a sheer lack of accountability within the relevant assessing bodies, in the context of assisting in the delivery of such impactful development which will ultimately drive Queensland's Tourism Economy. The comments made within this formal submission are provided with full transparency in an attempt to 'better' the development process.

Should the relevant government bodies wish to discuss the matters raised in further detail, please do not hesitate to contact the undersigned.

Regards



Nicholas Condoleon of Veris Australia  
Planning Team Leader, Mackay & Whitsundays

**On behalf of**

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