

# Airstrip and fishing base, Cape Londonderry

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Benrama Pty Ltd

Report and recommendations  
of the Environmental Protection Authority

Environmental Protection Authority  
Perth, Western Australia  
Bulletin 629  
May 1992

## THE PURPOSE OF THIS REPORT

This report contains the Environmental Protection Authority's environmental assessment and recommendations to the Minister for the Environment on the environmental acceptability of the proposal.

Immediately following the release of the report there is a 14-day period when anyone may appeal to the Minister against the Environmental Protection Authority's recommendations.

After the appeal period, and determination of any appeals, the Minister consults with the other relevant ministers and agencies and then issues his decision about whether the proposal may or may not proceed. The Minister also announces the legally binding environmental conditions which might apply to any approval.

## APPEALS

If you disagree with any of the assessment report recommendations you may appeal in writing to the Minister for the Environment outlining the environmental reasons for your concern and enclosing the appeal fee of \$10.

It is important that you clearly indicate the part of the report you disagree with and the reasons for your concern so that the grounds of your appeal can be properly considered by the Minister for the Environment.

## ADDRESS

Hon Minister for the Environment  
18th Floor, Allendale Square  
77 St George's Terrace  
PERTH WA 6000  
CLOSING DATE

Your appeal (with the \$10 fee) must reach the Minister's office no later than 5.00 pm on 29 May, 1992.

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## Summary and recommendations

Benrama Pty Ltd has proposed the construction of an airstrip and fishing base on vacant Crown land in the vicinity of Cape Londonderry, approximately 260 km North West of Kununurra in the Kimberley. The site, although currently vacant Crown Land is the subject of an Environmental Protection Authority recommendation for the purpose of a National Park (refer Figure 1).

The purpose of the proposed fishing base would be to provide accommodation for crew involved in licensed commercial fishing activities, and to also provide accommodation for amateur/sport fishermen. There would be a maximum of fifteen people accommodated at the base at any one time. The proposed airstrip would form the main access to the fishing base. Crew and amateur fishermen would be flown to and from the base from towns such as Kununurra, and chilled fish from the commercial fishing will be flown out from the base for sale to towns such as Kununurra, Turkey Creek, Halls Creek and Wyndham. Government agencies such as the Department of Conservation and Land Management, Bush Fires Board and Customs Department also propose to use the airstrip to assist in the carrying out of their own regulatory activities.

The proposed fishing base was granted a lease by the Minister for Lands, through the Department of Land Administration in May 1990. The Environmental Protection Authority became involved with the proposal when in accordance with the requirements of the fishing base lease, an application was lodged with the Department of Land Administration for an airstrip lease. The Authority decided to assess both the fishing base and airstrip proposal at the level of Public Environmental Review. This decision was based on the fact that the fishing base and airstrip were both to be located in the proposed Cape Londonderry National Park (Environmental Protection Authority System 7 recommendation 7.8).

A Public Environmental Review document was prepared by the proponent under guidelines issued by the Environmental Protection Authority and was subsequently released for an eight week public review period which ended on 13 December 1992. Twenty two submissions were received during the review period.

There were two main issues (with a number of sub issues) of significance identified by the public submissions and the Authority in the assessment of this proposal.

### *The implications of this development proposal for the proposed Cape Londonderry National Park.*

This issue is of a regional nature and relates to the implications of this proposal for System 7 recommendation 7.8, that is the proposed Cape Londonderry National Park. The Authority has made specific recommendations on this issue stating that it continues to support this recommendation and would like to see it implemented as soon as possible. The Authority did not consider that the proposal was of such scale and nature as to be in conflict with the National Park proposal though a recommendation has been made that when the area is declared as a National Park, the Land Act leases necessary for this proposal should be immediately surrendered and that the Department of Conservation and Land Management or the National Parks and Nature Conservation Authority should take immediate control of the area.

### *Management of ecological impacts which may arise from the construction and operation of the airstrip and fishing base.*

This issue is of a site/proposal specific nature and relates to ecological impacts which may arise from clearing of vegetation, fuel storage, boat servicing and maintenance, rubbish and effluent disposal, provision of water supply, and potential for access to other areas in the region. The Authority has considered each of these issues and has dealt with them through specific recommendations calling for the significant reduction of the lease area and for the necessary Land Act leases to reflect all environmental management requirements in their conditions. In addition, the proponent has also made commitments with regard to management.

fishing base and airstrip is in conflict with the intent of the of the System 7 recommendation. This is based on a number of factors including; the fact that the original Conservation Through Reserves Committee recommendation stated that the area had potential for recreation dependant upon improvement of access, the small size of the fishing base, the rudimentary aesthetically pleasing nature of the built structures, and the strict management of access to the area. None of the intended development should compromise the national park values of the area.

Nonetheless, the Authority considers that when this area is declared as a National Park, the Land Act lease should be surrendered, and the Department of Conservation and Land Management should take an immediate active role in determining the future of the fishing base and airstrip. The granting of freehold title of the lease to any private individual or company should not be considered at any time.

To achieve the environmental objectives through lease conditions between the Crown and the proponent, the proponent should fulfil the requirements contained in Recommendations 3, 4 and 5 (below).

### Recommendation 3

The Environmental Protection Authority recommends that the proponent's leases (proposed and existing), should include provisions to the satisfaction of the Minister for the Environment, such that when the Cape Londonderry National Park is declared, the fishing base and airstrip Land Act lease should be immediately surrendered, and the National Parks and Nature Conservation Authority should take control of its future vesting and management.

### Site specific issues

The land area given in the lease for the fishing base is considered to be excessive for the scale of the proposed development. The low key nature of the fishing base construction and service facilities could be well accommodated in an area of no greater than 5 hectares.

### Recommendation 4

The Environmental Protection Authority recommends that the existing Land Act lease for the fishing base be re-drafted such that the land area included in the lease is reduced from 100 hectares to a maximum of 5 hectares, to the satisfaction of the Minister for the Environment.

The direct potential ecological impacts from the construction and operation of the fishing base and airstrip will be managed through the recommendations made in this report and the proponent's commitments, so that the National Park values of the area are not compromised. Some of the environmental management requirements are already reflected in the existing fishing base lease and it is expected that these should be further reflected in the new Land Act leases.

### Recommendation 5

The Environmental Protection Authority recommends that the proponent's leases (proposed and existing) be drafted, to the satisfaction of the Minister for the Environment on the advice of the Environmental Protection Authority and the Department of Conservation and Land Management, to reflect all environmental management requirements for the proposal.

# 1. Introduction

In 1990 the proponent, Benrama Pty Ltd, applied for a lease for vacant Crown land for the purposes of constructing an airstrip to provide access to its proposed fishing base, a lease for which had been granted in 1990 by the Minister for Lands. The Environmental Protection Authority became formally involved with the proposal at this stage and decided to assess the request for an airstrip lease and the as yet unconstructed fishing base at the level of Public Environmental Review. This decision was based on the fact that both the airstrip and the fishing base are proposed to be located on land proposed to be a National Park under System 7 Recommendation 7.8. The Authority issued guidelines to assist the proponent in the preparation of the relevant documentation for the proposal in July 1990. The Public Environmental Review was released for an eight week public review period which closed on 13 December 1991.

## 2. Description of proposal

The proposal by Benrama Pty Ltd involves two main parts, the construction of a low key fishing base, and the construction of an airstrip to provide access to the base. The land subject to the proposal is vacant Crown land.

The fishing base would be constructed using pine log frames on a concrete floor with hessian walls. Power would be provided by a generator, sewage will be disposed of via a septic tank system, and all non-combustible rubbish will be removed from the site. It is planned that the base would be used in the first instance to provide accommodation for a commercial fishing crew, followed closely by the provision of accommodation for amateur/sport fishing, that is, tourism. Regardless of which use is in place, it is proposed to accommodate a maximum of 15 people at any one time.

The proposed airstrip would have the approximate dimensions of 1200 metres x 100 metres and would require the total clearing of 6 ha and the partial clearing of a further 6 ha. The airstrip is required as a condition of the existing fishing base lease which states that access to the base would be by sea or air only. Chilled fish caught as a result of the commercial fishing activities would be transported by plane from the base for sale in towns such as Kununurra, Turkey Creek, and Halls Creek, and crew and amateur fishermen will be flown to and from the base from Kununurra. The proponents also propose to make the airstrip available to Government agencies for their use in the carrying out of duties such as fire fighting, customs monitoring and wildlife inspections (Benrama Pty Ltd, 1991).

## 3. Review of public submissions

Comments were sought on the proposal from the public, community groups and local and State Government authorities. The Public Environmental Review document prepared for the proposal was available for an eight week public submission period which closed on 13 December 1991. There were twenty two public submissions received which raised numerous issues, the principal topics of which relate to:

- Suitability of the proposal given its location in an area recommended to be set aside as a National Park by the System 7 study;
- need for and purpose of the proposal;
- management of access to and from the base, and to other areas of the region;
- effect on commercial fishing interests of the region;
- management of direct biophysical impacts related to the construction and operation of the airstrip and base;
- concern over the existing fishing base Land Act lease;

## 4.2 Regional issues

### 4.2.1 System 7 recommendation 7.8

In 1972, the Environmental Protection Authority established the Conservation Through Reserves Committee to make recommendations with respect to National Parks and Nature Reserves of the State. Western Australia was divided into 12 different Systems each representing a natural and demographic entity. The Kimberley Region was identified as System 7. The Committee's initial recommendations for System 7 were given to the Authority in 1978 whereupon the Authority called for public submissions. Following consideration of the public submissions and further review and consultation, the Environmental Protection Authority transmitted the recommendations for System 7 to the Government in 1980 (Environmental Protection Authority, 1980). These recommendations were subsequently supported in principle by Cabinet. The recommendations, including Recommendation 7.8, have been updated recently by the Department of Conservation and Land Management's study "Nature Conservation Reserves in the Kimberley" (Burbidge *et al*, 1991).

System 7 Recommendation 7.8 proposes the establishment of a National Park in the Cape Londonderry area. The Authority continues to support this recommendation and believes that it and all other System 7 Recommendations should be implemented.

#### Recommendation 2

**The Environmental Protection Authority recommends that System 7 Recommendation 7.8 for a National Park in the Cape Londonderry area be implemented as soon as possible, and that State Government continue its commitment to implement all the recommendations made by the System 7 Study.**

Whilst the conservation estate, both existing and proposed, is clearly identified by studies such as System 7, the proposals remain largely unimplemented. This can result in a situation where people may be unaware of the existence of a conservation reserve recommendation and may be encouraged to develop proposals for uses of the land affected by a recommendation which are inconsistent with its purpose. This situation is compounded by the lack of an appropriate region plan to coordinate and integrate competing uses for land.

The Authority understands that the Department of Planning and Urban Development has been coordinating a Kimberley regional planning study for some years. The Authority fully supports the principle of this study, and considers that it should be finalised and implemented as soon as possible so that residents and developers in the region can work within an established planning framework.

The key issue associated with this assessment is whether or not the proposal for a fishing base and airstrip is appropriate within the context of System 7 Recommendation 7.8.

In assessing this issue it is appropriate to refer to the words used when formulating the recommendation. The preamble to System 7 Recommendation 7.8 states:

"The Conservation Through Reserves Committee has recommended that the area of vacant Crown land at Cape Londonderry be reserved because of its geographical position, being the northernmost point of the Western Australian mainland, and its varied scenery, geology, flora and fauna. The reserve should include mangrove communities, including the mangrove islands at the mouth of the Drysdale River." The Conservation Through Reserves Committee also stated that this area, which covers 70 862 ha, has the potential for recreation dependant upon improvement of access.

## 4.3 Site specific issues

### 4.3.1 Ecological impacts

The following are the direct potential ecological impacts from the construction and operation of the fishing base and airstrip which were considered by the Authority in its assessment of the proposal, and management proposed by the proponent to deal with each of these issues.

#### *Clearing of vegetation and erosion.*

The relevant commitments given by the proponent to manage this are:

"The proponent will ensure that erosion will not take place during, or as a result of the construction of the airstrip and will not clear any areas other than that which are necessary to operate the airstrip to the satisfaction of DOLA and CALM.";

"The proponent will if erosion becomes a problem during the operation of the airstrip take action to correct the problem as soon as is practical to the satisfaction of DOLA and CALM."; and

"The proponent will minimise clearing associated with the construction of the fishing base to the satisfaction of DOLA and CALM."

#### *Fuel storage and management*

The proponent has stated that:

"Drums of diesel will be stored in a designated fuel dump area. With the recommended bunding built around the area to hold the fuel should leakage occur. The necessary fire fighting equipment will be in place."

In the response to public submissions, the proponent has further stated that :

"The transport of fuel will be within 200 litre drums, there will be no pumping to transfer fuel, therefore the possibility of leakage is minimal. All care will be taken in the transfer of this precious commodity."

#### *Management of boat servicing and maintenance.*

The Proponent has stated:

"Boat servicing will be carried out in Wyndham. Only immediate break downs will be carried out on site. Servicing of lighting plant is minimal and carried out on site."

#### *Water supply*

In responding to public submissions the proponent has stated:

"Our observations have shown that sufficient water for drinking can be found in an adjacent creek. The water hole in this creek does not feed a rainforest area but runs straight into a mangrove stand. On the edge of the beach pandanus are growing, which indicates fresh water underground. This is where we would locate a spear if necessary. However rain water tanks will be installed and fresh water can be barged in if required. The number of guest and staff at the camp will be such that there will only be a low demand for fresh water. It is noted in the PER that salt water will be used for showers and toilets."

#### *Rubbish and effluent management*

Condition 27 of the existing Land Act lease for the fishing bases states that:

"all combustible rubbish is required to be barged out to an approved Local Authority refuse site. No refuse site will be allowed to be constructed on the leased area"



#### **4.4 Public Environmental Review document**

The Public Environmental Review document prepared for the assessment gave an appropriate description of details associated with the proposal. However, the document did not address the principal issue of private development within a proposed National Park and it did not offer comparisons with other regional issues.

The document was only considered adequate for release for public comment because of the low key nature of the proposal and the minimal ecological impacts associated with it, and because the Authority does not want to exclude proponents from the environmental impact assessment process on the basis of cost of developing their case.

The Authority continues to have expectations that documents provided to it for assessment will be of a high standard and will address all relevant environmental issues.

### **5. Conclusion**

The Environmental Protection Authority considers that all environmental impacts associated with the Airstrip and Fishing Base at Cape Londonderry as identified in this assessment report are manageable, subject to the recommendations made in this assessment report and the commitments made by the proponent.

### **6. References**

- Benrama Pty Ltd (1991), Public Environmental Review of Proposed Airstrip and Fishing Base, Cape Londonderry, Western Australia.
- Burbidge A A, McKenzie N L, & Kenneally K F (1991) Nature Conservation Reserves in the Kimberley Western Australia, Department of Conservation and Land Management, Western Australia.
- Environmental Protection Authority (1980), Conservation Reserves for Western Australia as recommended by the Environmental Protection Authority - System 7.

## Appendix 1

Proponent's commitments

## SUMMARY OF COMMITMENTS BY PROPONENT

We the proponents agree to maintain a sound environmental management system to the satisfaction of the Department of Conservation and Land Management which shall be practised over the area and to this effect a surety of \$10 000 in the form of a bank guarantee shall be provided by us. The bank will provide funds from the account of up to \$10 000 without question; upon application by the Department of Land Administration or the Department of Conservation and Land Management for the purpose of environmental rehabilitation work on the lease.

Should however an environmental problem occur we will immediately contact the Department of Conservation and Land Management and the Department of Land Administration.

- A) We will undertake the recovery work with the relevant offices supervising the project.
- B) What the work is: We will obtain the necessary information from the relevant authority/ Shire, CALM, DOLA to determine the action required to rectify the problem.
- C) When the work will be carried out: The work will be carried out immediately, subject to the relevant offices being available to supervise the action required to rectify the problem.
- D) The work will be undertaken to the satisfaction of the relevant Department and Authority.

### The proponent makes the following specific commitments

#### 1. The Airstrip

- 1.1 The proponent will ensure that erosion will not take place during, or as a result of the construction of the airstrip and will not clear any areas other than that necessary to operate the airstrip to the satisfaction of DOLA and CALM.
- 1.2 The proponent will if erosion becomes a problem during the operation of the airstrip take action to correct the problem as soon as is practical to the satisfaction of DOLA and CALM.
- 1.3 The proponent will not waste cleared vegetation but will use it for cooking.
- 1.4 The proponent will not permit unauthorised use of the airstrip, or use by other commercial operators to achieve access to areas other than the fishing base without the express permission of CALM or EPA.

#### 2. The Fishing Base

- 2.1 The proponent will minimise clearing associated with the construction of the fishing base to the satisfaction of DOLA and CALM.
- 2.2 Staff will be restricted to the base site by written and verbal instructions to the satisfaction of CALM.
- 2.3 An incinerator will be on site to dispose of combustible waste. All non biodegradable waste will be removed to the satisfaction of DOLA and CALM.

## Appendix 2

Proponent's response to issues raised by public submissions

## **RESPONSES TO SUMMARY OF ISSUES RAISED BY SUBMISSIONS ON THE PROPOSED AIRSTRIP AND FISHING BASE, CAPE LONDONDERRY**

### **INTRODUCTION**

Five years ago we formed the concept to build a fishing base on the Kimberley coast. Following a trip through the area in 1986 we visited a small beach north of the King George River. Investigation showed this area to be Vacant Crown Land and we applied for a lease. While the application for this lease was being processed, we bought a small tourist fishing business on the lower Ord River and decided to use this camp in conjunction with the proposed base camp on the coast.

The proposed coastal base camp and accommodation is for the purpose of resting crew and unloading chilled fish from our licensed fishing boat and as an additional aspect is to allow amateur sport fishermen an opportunity to fish the surrounding water from the base accommodation using guides and boats provided by Benrama Pty. Ltd.. We believe both purposes can work in tandem to supplement each other.

A great deal of thought, planning and discussion resulted in the decision to apply for a lease to build a fishing base in a small cove at the bottom end of Cape Londonderry. At all stages DOLA and CALM officers were involved. Two trips were made to the area, possible building and air-strip sites were considered until environmentally safe positions were selected, conditions were set by experts in both Departments and accepted by the proponent. The lease puts in place guidelines and controls to allow low impact development in a fragile area.

The airstrip is a requirement of the lease which states "access to the site will only be by sea or air". The access road from the strip to the base already exists and requires minimal up-grading. Maintenance of the lease site and of constructed facilities is covered in the lease conditions.

There is concern that aboriginals who may be the traditional owners were not consulted. This is also a concern of ours, because we did not intend to offend local aboriginal people. The people we have spoken to are interested in our project and see no conflict with it and their activities, in fact we have had preliminary talks regarding the transfer of guests from our site to the Pago Mission site. We intend to establish talks with the groups who feel they have not been consulted.

The fact that the Vacant Crown Land is a proposed National Park does not pose a problem to our intended enterprise. The lease conditions and restrictions allow us to operate in a strictly controlled manner. We hope that when this area does become a National Park and CALM eventually takes over the lease, they will see our development as environmentally acceptable and compatible to the surrounding area and allow the lease to continue as a recreational activity offered in the National Park.

4. The aspects of the PER that relate to the overall concept, access routes, construction, rehabilitation and water availability are only superficially addressed. Some of these issues are critical to the minimisation of impact. The information and data supplied regarding the existing environment is inadequate and lacking. No detailed assessment can be undertaken on the basis of such limited information.

The proposed development is very small in scale, of low key construction and limited to a maximum of 15 people. Given the scale of the proposal, it is felt that the Public Environmental Review (PER) adequately addressed the bio-physical impacts of the proposal. Information on the existing environment is available from CALM reports of field studies. The relevant officers had the required information, as well as making onsite visits, to make an informed assessment of the impact expected from the development planned. Conditions were placed in the lease agreement to minimise impact on the environment.

5. The claim that there is no access road into the proposed camp area is incorrect. There is a track near Palo Creek which runs to within one kilometre of the proposed camp which has a stock yard at its head near the coast. These tracks are numerous in the area and are not shown on any current Crown maps, and many of them have now turned into 'roads' used by all the major safari group tours which operate in this area from Derby and Kununurra. These tracks could be used by 4WD's to access the proposed camp.

When we drove into the area in July 1989 with DOLA and CALM officers the main track was almost impassable and definitely unused. The only way we could identify this track was with the use of a helicopter.

We have established with Kununurra Visitors Centre that they know of no tour operators that go into this area by road, and Derby Tourist Bureau knew only of Sam Lovell who operates out of Derby. We have checked with Sam Lovell, who confirmed, that to his knowledge no other operators go in there and he himself has not done a tour in there for three years.

Palo Creek is not marked on any maps that we have checked and is unknown to people we have contacted who have spent time in the area. Further more, upon consulting with the Geographic Names Branch of the Department of Land Administration, Palo Creek could not be found nor identified.

All stockyards on stations are named and marked on maps, the stockyard referred to by the submitter is also unmarked and unknown to station managers and mining companies that have worked in the area.

In addition, Condition 21 of our current lease states " access to the site will only be by sea and air".

6. It has been local experience that providing access especially physical access into fragile areas by way of road, designated tracks, defined parking and camping areas does work and people generally have a high regard for adhering to the rules provided there are rules to follow. Without these guidelines or controls there are always those whom make their own way and can cause a lot of damage both physically and spiritually. The project is supported in pioneering of the North coast.

We reaffirm that guidelines and controls have been put in place by DOLA and CALM to allow access with limited impact to all aspects of the area. If approved by the Minister for the Environment, the proposal will have further conditions applied to it to ensure environmental protection.

12. In Section 5.2.7 of the PER it is stated that water will be "pumped from an adjacent creek, supplemented by spear if necessary". In section 6.1.3 it states "The area is drained by small creeks that only run in the wet season." Given the contradiction and the lack of other information it seems reasonable to presume that either the document is sloppy or the proponents don't really know where the water for the project is coming from. If they have not tested the groundwater supplies they would be unwise to presume they exist in the required quantities. No water must be drawn from creeks feeding any areas of rainforest.

Our observations have shown that sufficient water for drinking can be found in an adjacent creek. The water-hole in this creek does not feed a rainforest area but runs straight into a mangrove stand. On the edge of the beach pandanus are growing, which indicates fresh water underground. This is where we would locate a spear if necessary. However rain-water tanks will be installed and fresh water can be barged in if required. The number of guests and staff at the camp will be such that there will only be a low demand for fresh water. It is noted in the PER that salt water will be used for showers and toilets.

With regard to the apparent contradiction in the PER when discussing creeks in the area it should be noted that section 6.1.3. relates to drainage not water supply. The creeks referred to are in different areas. The creeks which drain the area are more like drainage lines, whereas the creek for water supply (5.2.7) is a much larger creek, a short distance from the construction site.

13. What number of tourist would be expected in a 12 month period, ie management projections?

We hope to attract amateur sport-fishermen rather than tourists. However as the facility can hold a maximum of 12 people at anyone time and we intend to only operate for seven months of the year, i.e. April to October, the number will be relatively small. Initially we estimate 200 for a season, perhaps growing to a maximum of 1000 as time progresses, though this would not be envisaged for quite some time.

14. What are the benefits or otherwise to existing tourist operations in the area and to Wyndham specifically? Will Wyndham operators be guaranteed access to the area?

There are a number of benefits to businesses in the Wyndham and Kununurra area. We will require to purchase fuel, hire a barge, use air charter operators, buy stores, construct airstrip, hire staff, etc. and as is our practice we will seek these services locally. We have already stated in the PER that our boat will be serviced in Wyndham.

We would be open to discussions with Wyndham operators towards making our facilities available on a commercial basis within the context of operational conditions placed on us through the environmental approval process. Our base would offer an alternative tourist destination for the region, and as Wyndham is a town within the same region it should benefit.

- 18. There does not appear to be an in-depth study of the possible economic and social consequences to Wyndham of this proposed base. There is concern that the fishing base has the potential to divert commercial fishing interests from utilising the Port of Wyndham.**

We believe that Wyndham has great possibility to prosper from this enterprise in many areas. As stated previously, we will require to purchase fuel, hire a barge, use air charter operators, buy stores and service boat, as well as general repair needs. Wyndham is the closer town, there are many opportunities for small businesses to benefit from this project if they choose.

The bay on which the lease is granted is far too shallow to be used as a port. We will be required to anchor our boat at a mooring approximately two kilometres off shore. It is hard to imagine why it would be thought that we would divert commercial fishing from the Port of Wyndham as our operation is of such a small scale and we will have no facilities for commercial fishing interests, e.g. fuel, wharf or freezers.

- 19. The fishing base will be within 10 kilometres of Koolama Bay which is of strong historical interest. Outsiders could access this area and damage the historical site and its contents.**

Koolama Bay is already recognised as an historical site and as such is open to and visited by the public. Our added impact will be minimal because our prime interest is fishing and we would only visit the bay by boat (which is a 16kms boat trip) if a visitor to our base requested it. There is not a lot to see as the Koolama is no longer there, it went on to Wyndham before it sunk. If a visit to the bay is made we would take all care and make sure that no historical items were disturbed should any be located.

- 20. Storage and transfer of fuel is always a problem at fishing bases. Transfer of fuel from barges to shore and thence from shore to fishing vessel presents the high possibility of pollution. The onshore storage of fuel has the added potential of fire hazard. The increased risk of wild fires escaping into surrounding vine forests on the east coast poses a serious threat. All fuel depots must be bunded.**

The PER states (8.14) "drums of diesel will be stored in a designated fuel dump area. With the recommended bunding built around the area to hold fuel should leakage occur. The necessary fire fighting equipment will be in place".

The transport of fuel will be within 200 l drums, there will be no pumping to transfer fuel, therefore the possibility of leakage is minimal. All care will be taken in the transfer of this precious commodity. We would not like to see pollution of the environment we hope to inhabit.

- 21. A camp of this nature is likely to attract increased visits from passing seacraft and the possible introduction of cats and dogs to this area.**

The camp is likely to attract passing seacraft but sea-farers will be instructed upon arrival that no domestic animals they have on board will be permitted to land at the camp. Unfortunately cat tracks have already been noted in the area of the camp.

- 22. No assessment is made of the impacts on the turtle and dugong breeding areas.**

There is no evidence to suggest we would have any effect on the turtle and dugong breeding areas. From our observation of the bay there are no signs of turtle activity on the beach area, or sightings of newly hatched turtles. The main species of turtle in this coastal area is the flat-back turtle, other species may make rare visits.

No dugong have been sighted in close proximity to the base and from observation there are no suitable seagrasses growing in the bay for them to forage.

Dr. Bob Prince from CALM indicates there are no concerns raised by our planned project. The low key nature of the camp construction is such that there would be no high voltage lights that would interfere with turtle breeding by causing confusion.



33. **How can the proponent guarantee that "offshore islands will not be visited" (paragraph 5.2.4) if the tourists in fact desire to go to such islands?**

The off-shore islands can be, and are, visited already by passing craft. General CALM guidelines need to be followed should it be necessary to visit these islands, however it is not our intention to visit them except in an emergency.

34. **The proponent is entering an area where crocodiles might be found and the animals are to be considered a necessary part of the environment. According to Departmental policy this area does not fall into the category where crocodiles might become 'problem crocodiles'. In the event of CALM undertaking any work on crocodiles because of complaints that there are problems, all work, including inspections and surveys, should be paid for by the proponent.**

We understand that any costs to CALM in the removal of troublesome crocodiles would have to be met by us.

35. **What is the possibility that present or future leaseholders will request expansion of facilities within the leasehold area?**

Lease Condition 6 requires all building to meet local authority, DOLA and CALM approval. Independent extension would not be possible, DOLA and CALM are able to contain expansion of facilities. In addition we have made a commitment in the PER (section 11) to not expand the currently proposed facilities without the agreement of EPA, DOLA and CALM. If the Minister for the Environment approves our proposal, this commitment will become a legally binding condition of approval.

36. **What is the possibility that present or future leaseholders will request a change to approved land use, or additional uses such as accommodating amateur fishing operators or tourists? Although the proponent refers to a plan to "eventually fly in amateur fishermen" the indications are that "eventually" means sooner rather than later.**

The present lease already allows accommodation for amateur fishermen. Any further change to land use has been protected by Lease Condition 4. "The lessee shall not without the previous consent in writing of the Minister assign, transfer, mortgage, sublet or part with the possession of the demised land. The Lessees shall not seek to transfer the lease without the express permission of the Minister for Lands, who may consult with the Minister for Conservation Land Management to ascertain whether such transfer permission should be granted." In our commitments we have stated that we will not expand the currently proposed marine and land based facilities without consultation with and agreement of EPA, DOLA and CALM.

We stated in the PER ( 1.1) that once the base was established we would begin amateur fishing activities.

37. **The fact that one lives in the general region is not indicative by itself of sound environmental knowledge and management practices in a particular area. There is simply a litany of assertions, there are no descriptions of specific management techniques or evidence of qualifications or experience in environmental management.**

The fact that we have lived in the area for many years gives a love and responsibility for the surrounding environment. We have operated in the Kimberley over the years with various government controlled licences which would not have been renewed if we had not met the requirements satisfactorily. These areas of work have involved environmental management in National Parks, namely Kakadu, Gregory and Bungle Bungle (Purnululu). At present we are operating in the protected Noogoora Burr area of the Ord River under strict environmental control.

## **AIRSTRIP**

- 42. What guarantee can Benrama give that their airstrip would remain serviceable at all times?**

The airstrip will remain serviceable all year with maintenance being undertaken if and when required. In times of heavy rain it will be temporarily closed.

- 43. In the absence of development, there would appear to be little likelihood of a need for "emergency evacuation" or increased need for the Bush Fire Board access.**

Bush Fire Board access is always required as numerous bush fires and back burning projects occur every year. Ready access is vital for not only the safety of the country side but also the civilian population.

Naturally emergency evacuations would not be required by us in the absence of development, however other people do visit the area and public officers that have cause to fly into the area regularly take comfort from the fact that an airstrip in such an isolated area can provide an emergency landing, and, in the event of our development, support.

- 44. How will the machinery needed to upgrade the airstrip be brought onto the site? Across country access would be unacceptable if it meant making a new track or meant that an existing track would have to be made trafficable.**

Machinery to construct the site will be brought in by sea. Lease conditions state there will be no road access to the site.

- 45. Airstrips do not revert to their original state in the absence of use. The compaction from construction equipment and plan and vehicle trafficking would require ripping, and seeding would also be required. Given this, the surety of \$10 000 put up by the proponents for lease rehabilitation (ie not just the airstrip) is likely to be quite inadequate in the event of the failure of the venture) it is possible the proponents would find it financially expedient to forfeit the surety rather than carry out all rehabilitation needed.**

The area where the proposed airstrip is to be constructed is already gravel based and as such only minimal earthworks are required to construct the strip. This area has a sparse woodland vegetation which will necessarily have to be cleared for airstrip construction. The DOLA and CALM officers who inspected the area considered \$10,000 surety reasonable considering the impact we would make to the environment of the area.

- 46. Information should be given on the type of aircraft and frequency of flights to provide a data base for monitoring activity at the base and the possible environmental impact on the area.**

The type of aircraft will be single engine light planes and occasionally a twin-engine, e.g. a Barron. Monitoring will be done by Flight Service of the Department of Civil Aviation and data can be obtained from them. Initially we expect one flight per week.

**50. The Bush Fires Board supports the proposal, particularly the landing strip.**

The Bush Fires Board supports the proposal as it would provide them with a springboard to combat bushfires which occur each year in the vicinity. Also it would assist them to undertake backburn programmes which help immensely in the controlling of such fires.

These fires cause environmental damage on a much greater scale than this development. We see it as an important asset that the proposed airstrip can assist in deterring this annual, large scale damage. It can also be utilised in an emergency or for the support of people working in this isolated area.

**51. There is no commitment that fuel will not be stored at the landing ground and so no safeguard that the landing ground will not be subject to usage above that described in the proposal.**

Aviation fuel is not to be stored at the strip as planes landing will have sufficient fuel for the return flight.

In the PER section (8.14) it states, "there will be no fuel stored" at the airstrip.

Section (5.1.5) states that the airstrip "is strictly an Authorised Landing Area (ALA), on a fly-in, fly-out basis, and quick turn around is required. Aircraft using this strip will carry sufficient fuel for the return flight. The strip is solely for the purpose of a landing ground".

#### **FISHING BASE LEASE**

**52. The lease given to the proponent for the fishing base should be withdrawn because:**

- i) it was not approved in a proper fashion, particularly as it was not assessed by the EPA or the NP & NCA;
- ii) it is believed that there are discrepancies between the purpose for which the lease was originally granted, and the purpose for which the proponents are now seeking approval which render the lease invalid: if the lease was granted on the basis of a commercial fishing venture, and the project currently before the EPA for assessment is actually a tourism fishing venture, then it is believed that this constitutes a change of purpose of the initial lease, and thereby renders that lease invalid under clause (1) of the lease;
- iii) clause (5) of the lease states that the lessee 'shall occupy and use the lease for the purpose specified within nine months of commencement of the lease...'. This clearly has not happened.
- iv) under clause (17) of the lease, "the lessee shall have possession of the appropriate fishing licences..." It is understood that whilst one or more of the Directors of Benrama may hold such a licence, Benrama as such does not. It is Benrama which is the lessee.
  - (i) DOLA has advised that they referred the application to all relevant Authorities and Departments for comments as per usual.
  - (ii) The existing lease was issued for the purpose of "Fishing Base and Accommodation". The commercial fishing venture and the amateur fishing venture were both in the original lease. The proposal came before the EPA formally when the airstrip was requested at a later date. Therefore there is no conflict of lease interests.
  - (iii) Occupation of the leased area has not proceeded as the EPA requested that all development be held in abeyance until such time as the environmental assessment has been completed.
  - (iv) The Department Of Land Administration considers that providing one or more of the Directors of Benrama Pty Ltd are in possession of a current fishing licence and the vessel is licensed, this would be sufficient to maintain the lease.

## THE PROPONENT

57. There is concern that the proponents have not clearly indicated the corporate structure of the company in relation to:
- (i) majority share holding structure;
  - (ii) management arrangements;
  - (iii) Directors and affiliation of Directors to other companies;
  - (iv) the registered 'Principal Activity' of the company;
  - (v) the lack of information on present operations or future operations.

It is felt that such information is vital for informed opinions as to Benrama's future commercial intentions. Ultimately it is wished to ensure that future corporate changes of Benrama Pty Ltd during the lease period would not lead the proponents to develop beyond their stated aims.

The corporate structure of the company will change should the Minister for the Environment grant approval. Two of the Directors of Benrama Pty. Ltd., namely David Swansson and Susan Bradley, have withdrawn from this venture.

However, despite whatever structure the parent company may be, the performance of the proponent with requirements to the proposal is controlled by:-

- . the conditions placed in the lease,
- . whatever conditions may be placed on the airstrip lease,
- . commitments made in the PER and
- . whatever conditions which may be set by the Minister for the Environment following EPA assessment.

Therefore the specific corporate structure of Benrama Pty. Ltd. is irrelevant to the main concern expressed which is that development beyond the stated aims may occur.

## PRINCIPLE

The following is a summary of issues of principle which were raised by submitters. The issues raised are wider than the scope of this individual development proposal, however, they are included so that you may provide comments in response if you choose to.

58. The PER does not discuss the alternative use of the area as a proposed National Park. The CTRC and EPA recommendations are stated but, there is no discussion of the conflict of the proposal with these recommendations. It must be noted that the conflict of such an establishment within a proposed National Park is quite significant and the absence of discussion of this conflict is a serious inadequacy of the PER.
59. It is suggested that the proposal for a National Park in this area be left to run its course. We should then all be obliged to accept the umpire's decision - be it for or against.
60. It is believed that the policy decision by the EPA to allow this development on the limited information base provided by the proponent, sets a precedent which would be utilised by future developers to obtain further leases in this area. Such a trend would be of deep concern and would evoke a controversial debate regarding monopolisation of public assets and private enterprise. It is believed that it is preferable from the point of view of all parties and in the public interest, that this initial development evolve a clear criteria of issues that must be addressed by future potential developers as well as the present proponent.

Areas in National Parks are zoned to direct people's pressure away from areas of high conservation value into less sensitive ones. This consideration was important in selecting the area for which we applied. The mangrove stands higher up in Cape Londonberry are of high conservation importance and should be zoned accordingly. Our proposed camp site is positioned in the lower corner of Cape Londonberry and in fact in a corner of the proposed National Park. In this position it is suitable for recreational zoning. This is because our development will not have undue impact on the biophysical environment and because, although it is located in the proposed National Park, it will be contained and isolated on the border of the total park area. Therefore it will not require the crossing of a large area of the proposed Park to get to the camp.

Our facility will allow controlled access to an undisturbed area. It will open an area of great beauty to people wishing to experience the rugged Kimberley coastline. The flight to the fishing base will give people: the opportunity to fly over an area that is vast and remote; an understanding of the size of the Kimberley region; and a chance to enter it with the least impact to its uniqueness.

Impact on the fragile environment is minimised by various factors. Access is controlled due to entry being only by air or sea, the restricted size of the development and the remoteness of the area. The Conservation Through Reserves Committee states that the area "has the potential for recreation dependent upon improvement of access". In addition to assisting access the airstrip will provide a facility to be used by various Government departments responsible for the conservation and security of the Kimberley.

Developments in National Parks should be aesthetically pleasing. Buildings made to blend with the natural setting, minimal impact by modern forms of transport and machinery, very little clearing of vegetation and habitats left undisturbed to allow birds and animals to continue using the area. The development we plan will allow humans to be part of the environment the National Parks preserve for their enjoyment, with very little disturbance to that environment.

The fact that people are becoming more aware of the environment of which they are part encourages the concept of conservation and recreation occurring in the same area simultaneously.

