Mr L Bosch
Managing Director
Martinick Bosch Sell Pty Ltd
4 Cook Street
WEST PERTH WA 6005

Dear Mr Bosch

PROPOSAL: Houtman Abrolhos Islands Tourism Development (Assessment No. 1559)
LOCATION: Long Island, Wallabi Group, Abrolhos Islands
LOCALITY: 65 to 90 km offshore from Geraldton
PROPONENT: Humfrey Land Development
ASSESSMENT: Public Environmental Review (PER) with a 6 week public review period

Thank you for your letter of 24 March 2005 referring the above matter to the Environmental Protection Authority.

The Authority has determined that the likely environmental impacts are sufficient to warrant formal assessment of the proposal under the provisions of the Environmental Protection Act. The level of assessment has been set at Public Environmental Review (PER) with a 6 week public review period.

There is a 14 day appeal period on this decision, closing 2 May 2005. During this period anyone may lodge an appeal with the Minister for the Environment, accompanied by the required $10 fee, requesting the Minister to consider directing the Authority to increase the level of assessment or the length of the public review period.

Please contact the Appeals Convenor’s office on 9221 8711 after the closing date of appeals to check whether any appeals against level of assessment or the length of the public review period were received.

A formal assessment means that the proponent is required to interact with the Authority to identify potential environmental impacts, and then submit to the Authority plans for managing those impacts. The Authority will then assess the proposal and report to the Minister. A copy of the Authority's report will be sent to you when released.

The Environmental Protection Act requires that no decision should be made to allow or implement this proposal until the Environmental Protection Authority has reported to the Minister for the Environment, and the Minister has authorised implementation or otherwise.

The Department's contact officer for this proposal is Emma Glencross whose direct telephone number is 9222 8311.

Yours sincerely,

K J Taylor
Director
Environmental Impact Assessment

18 April 2005
Mr Edward Clerk  
MBS Environmental  
4 Cook Street  
WEST PERTH WA 6005

Dear Mr Clerk

Tourist Facility and Associated Infrastructure/Houtman Abrolhos Islands/WA  
(EPBC Reference: 2005/2038)

Thank you for the above referral, received on 15 March 2005, for decision whether or not approval is needed under Chapter 4 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The referral has now been considered under the EPBC Act and I have decided that the action is a controlled action. Approval is therefore needed under Part 9 of the Act before the action can proceed.

A copy of the document recording my decision is attached for your information. I have written separately to Humfrey Land Developments to advise of my decision (copy of letter attached).

Yours sincerely

Mark Flanigan  
Assistant Secretary  
Policy & Compliance Branch

April 2005
Dear Mr Humfrey

DECISION ON REFERRAL UNDER EPBC ACT
Tourism Facility and Associated Infrastructure/Outman Abrolhos Islands/WA
(EPBC Reference: 2005/2038)

The above action was received on 15 March 2005 for a decision on whether approval is needed under Chapter 4 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The referral documentation nominated Humfrey Land Developments as the company proposing to undertake the action. I apologise for the short delay in providing a decision on your proposal.

The referral has now been considered under the EPBC Act and I have decided that the action is a controlled action. Approval is therefore needed under the Act before the action can proceed.

A copy of the document recording my decision is attached for your information. In reaching this decision, I carefully considered all available information concerning the likelihood of significant impact on the matters of national environmental significance (NES) protected by the EPBC Act. In particular, in regard to potential impacts on the listed threatened and migratory marine species and seabirds, which are protected under the EPBC Act. While I acknowledge the underlying philosophy of the tourist facility as a low density, land based ecotourism venture, our view is that the development is likely to facilitate usage by guests and associated operators of the surrounding marine area and islands that comprise habitat utilised by listed threatened and migratory species and may lead to indirect impacts on those protected matters.

The Commonwealth and Western Australia have signed a bilateral agreement under section 45 of the EPBC Act to provide for accreditation of certain State environmental assessment processes. I have written to the WA Department of Environmental Protection to seek advice on whether the proposal will be assessed under the bilateral agreement.

If the assessment is undertaken in a manner described in Schedule 1 to the bilateral agreement, the action will not require assessment under Part 8 of the EPBC Act. Please note that separate Commonwealth approval under Part 9 of the EPBC Act is still required following completion of the State assessment. My Department will provide advice to you on this matter once I have received a response from the State Government.

You should note that the Batavia and Hadda Shipwrecks are among those listed under the Commonwealth Historic Shipwrecks Act 1976 and are in the vicinity of the proposed facility. While encouraging responsible public access to historic shipwreck sites, it prohibits the damage, interference, removal or destruction of items or artefacts and penalties apply to individuals or organisations that contravene the provisions of the Act. Humfrey Land Developments

GPO Box 1917 Geraldton WA 6531

Dear Mr Humfrey

DECISION ON REFERRAL UNDER EPBC ACT
Tourism Facility and Associated Infrastructure/Outman Abrolhos Islands/WA
(EPBC Reference: 2005/2038)

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GPO Box 1917 Geraldton WA 6531
Developments, and any operators that may utilise its facilities to access these shipwrecks as part of tourism activities, are strongly encouraged to contact Mr Kael da Costa, the Department's Historic Shipwrecks Officer (telephone 02 6274 2116 or email kael.dacosta@deh.gov.au) who can provide advice on the obligations under the Act.

You should also be aware that the ruins of huts on West Wallabi Island near Long Island (one of which is considered to have been built in 1629 by survivors of the Batavia shipwreck) are listed on the Register of the National Estate for historic heritage values. You should provide a copy of any management/visitation plans formulated with the WA Museum for these sites to the Heritage Division of this Department (Mr Terry Soutberg on 02 6274 2124) for information.

The Department's contact for the assessment of your proposal is Ms Lesley Donohoe, Assistant Director, Tourism and Natural Resources Section (02 6274 1907).

Yours sincerely,

[Signature]

Mark Flanigan
Assistant Secretary
Policy & Compliance Branch

21 April 2005
I, MARK FLANIGAN, Assistant Secretary, Policy and Compliance Branch, Department of the Environment and Heritage, a delegate of the Minister for the Environment and Heritage for the purposes of section 75 of the Environment Protection and Biodiversity Conservation Act 1999, decide that the proposed action, set out in the Schedule, is a controlled action; that the controlling provisions for the action are those set out in the Schedule; and designate Humfrey Land Developments as proponent of the action.

**SCHEDULE**

The proposed action to develop a tourism facility and associated infrastructure at the Houtman Abrolhos Islands, Western Australia, and as described in the referral received under the Act on 15 March 2005 (EPBC 2005/2038).

The Part 3, Division 1, controlling provisions are:

- sections 18 and 18A (Listed threatened species and communities); and
- sections 20 and 20A (Listed migratory species).

Dated this 21 day of **April** 2005
COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION ON CONTROLLED ACTION, CONTROLLING PROVISIONS AND DESIGNATION OF PROPOSED ACTION

I, TANIA RISHNIW, Acting Assistant Secretary, Environment Assessment Branch, Department of the Environment and Heritage, a delegate of the Minister for the Environment and Heritage for the purposes of section 75 of the Environment Protection and Biodiversity Conservation Act 1999, decide that the proposed action, set out in the Schedule, is a controlled action; that the controlling provisions for the action are those set out in the Schedule; and designate Humfrey Land Developments as proponent of the action.

SCHEDULE

The proposed action to develop a tourism facility and associated infrastructure at the Houtman Abrolhos Islands, Western Australia, (EPBC 2006/2792).

The Part 3, Division 1, controlling provisions are:
- sections 15B and 15C (National Heritage);
- sections 18 and 18A (Listed threatened species and communities); and
- sections 20 and 20A (Listed migratory species).

Dated this 26th day of MAY 2006

[Signature]
ACTING ASSISTANT SECRETARY
ENVIRONMENT ASSESSMENT BRANCH
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE
Dear Ms Beasley

Tourism Facility and Associated Infrastructure/Long Island/WA
(EPBC Reference: 2006/2792)

Thank you for the above referral, received on 12 May 2006, for decision whether or not approval is needed under Chapter 4 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The referral has now been considered under the EPBC Act and I have decided that the action is a controlled action. Approval is therefore needed under Part 9 of the Act before the action can proceed.

A copy of the document recording my decision is attached for your information. I have written separately to Mr Barry Humfrey of Hunfrey Land Developments to advise of my decision (copy of letter attached).

Yours sincerely

Tania Rishniw
Acting Assistant Secretary
Environment Assessment Branch

May 2006