

**Attachment**



Batten Rd King Ash Bay NT 0854

kabservo@gmail.com

Ph 08 8975 9670

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Tarmo & Jolene Koivumaki  
Jamie & Rebecca McGuinness

King Ash Bay Fishing Club Inc.  
David and Committee Members  
Po Box 474  
Borrooloola NT 0854

*for on forwarding to the Aboriginal Land Commissioner*

Tuesday 6th February 2018

Dear David and Committee

We refer to the letter from the Office of the Aboriginal Land Commissioner dated 15th December 2017 in reference to the McArthur River Region and Claim No. 184 and part of Manangoora Region Land Claim No. 185.

We the partners of the King Ash Bay Service Station, being Jamie and Rebecca McGuinness and Tarmo and Jolene Koivumaki would like to express our concern for the considerable detriment that any alterations to existing agreements within the McArthur River Region would be for the King Ash Bay community.

Alterations as outlined in the above mentioned letter could possibly deter people from visiting King Ash Bay which would be detrimental to yourselves the King Ash Bay Fishing Club and therefore also to our business.

We have owned this business for 9 years now and over that time we have expanded the business considerably to suit our customers' needs. We provide items such as fuel, gas, essential supermarket goods and a mechanical workshop to the members and guests of King Ash Bay and surrounding areas, any such alterations or reductions in visitor numbers could render our business unviable.

The King Ash Bay Service Station is a sublessee of the King Ash Bay Fishing Club lease NT Portion 3898 & 3899 (Crown Lease 01476). We have invested time and money into securing this sublease which expires on 03/12/2022 with the option to renew for a further 6 years. We entered into our sublease with the understanding that the current agreements would continue for the term of our sublease and for the entire term of the Crown Lease.

As it is not fully disclosed to why the Aboriginal Land Commissioner wish to obtain this land and what impact these land claims may have on the Northern Territory tourism industry, which we as members of the King Ash Bay Fishing Club and business owners in the region contribute financially to, we are unable to support any changes which alter from what is already in place.

We do agree with the detrimental concerns already raised by members and business owners of King Ash Bay in the original claim document dated March 2002 and believe these are still relevant to the claim today.

Regards

Rebecca McGuinness

*on behalf of Partners Jamie McGuinness, Tarmo and Jolene Koivumaki*

## Secretary - King Ash Bay Fishing Club

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**From:** Gavin Kahl [REDACTED]  
**Sent:** Sunday, 28 January 2018 10:14 PM  
**To:** secretary@kingashbay.com.au  
**Cc:** ASO AFC; [REDACTED]  
**Subject:** Re: re land claim No 184

Hi Marrion,

I spent some time reading through the original land claim which was lodged back in 2000. It seems the two areas under claim are the intertidal zone in the Bing Bong region and the beds and banks of the McArthur River, which may also include the boat ramp.

There were some very compelling arguments put forward by the King Ash Bay Fishing Club and members/businesses back in 2000, and obviously those arguments of detrimental effects are just as valid, if not more so, today. It's interesting that the estimated capital investment in King Ash Bay was estimated at between \$6M – \$8M back in 2000. Today I would estimate total buildings, business and infrastructure at around three times that amount.

I spoke to a couple of other club members and I have put together the following, I am happy to be corrected if some of the dates are slightly out. If there are any other queries please feel free to contact me anytime.

### **In regard to the Alice Springs Outback Anglers and detrimental effects:**

Our club was allocated land by KABFC back in approx. 1994 for use by Alice Springs members. The land today consists of 12 permanent allotments, Alice Springs club shed, toilet block and grounds. Six blocks were gifted/returned back to KABFC to be used to develop the new service station and shop area opposite the caretakers and administration building.

The Alice Springs Outback Anglers were formed in 1992 and we currently have 41 financial members. Alice Springs members and their families consider King Ash Bay as their closest option for fishing within the NT and have a long association with the area and recreational fishing. We currently have six permanent sites that have been developed by members and a large club shed that is utilised by members throughout the year.

The detrimental effects that would be placed upon our fishing club as a result of a successful land claim on the McArthur river, river beds and banks would be very significant. It would likely result in an immediate reduction in our current membership, likely have a negative effect on our ability to encourage new members and adverse financial consequences on our members.

For our members, fishing is a big part of their enjoyment in life and they have chosen the King Ash Bay area as their usual place to pursue this recreational pastime. Not being able to drop anchor or tie up on a favourite spot due to the fact that the McArthur River may become aboriginal owned, would most certainly diminish the level of enjoyment that we currently have in doing so. Likewise not being able to put down a crab pot in search of a feed of mud crabs would also lessen the appeal in visiting the McArthur River region.

Some of our members have invested substantially in the King Ash Bay area and if the McArthur River were to become Aboriginal "land" then it would no doubt have a significant financial impact for some of our members and our club. Particularly those members who have private permanent blocks that have been developed. The impact would be as a result of the possibility of no longer being able to use or launch into the McArthur river at King Ash Bay. Some members could potentially be out of pocket by up to \$150,000 personally.

I would estimate the current financial investment of property and infrastructure in the Alice Springs area (including the club shed and ablution block) at around \$1,250,000 – \$1,450,000. There are also a number of Alice Springs people who have properties out on Centre Island that may be impacted (they rely on launching at and using the McArthur River to get to their properties) should this claim be granted.

**Our wider view:**

The fundamental intention of recreational fishing as a pastime, hobby or way of feeding one self is having the freedom to launch and fish from a boat or to cast a fishing line from the river bank as one would see fit. The rivers of the world be it tidal or seasonal should be navigable by anyone choosing to do so, in order to travel either seaward or upstream. To travel upon the river, or the pastime of fishing should not be impeded by someone preventing it because they believe the river is their property. The opportunity to partake and enjoy these simple pleasures in the McArthur region such as fishing, boating and relaxation should be afforded to anyone that chooses to do so.

Alice Springs Outback Anglers understand and appreciate the cultural value and significance that this area has to local Aboriginal communities within the claim area, as Territorians and regular visitors to this area we will continue to treat the McArthur river and surrounding areas with absolute respect as would be in keeping with those values.

Regards,  
Gavin Kahl  
President Alice Springs Outback Anglers  
On behalf of members.

**From:** [Secretary - King Ash Bay Fishing Club](#)  
**Sent:** Sunday, January 21, 2018 10:57 AM  
**To:** 'Gavin Kahl'  
**Subject:** RE: re land claim No 184

Hello Gavin,  
I have been granted extra time but they are still to let us know how much time we have. She is to email us with the extra time.  
I have contacted all business and as the houseboat people are also on holidays this is one reason that we asked for the extended time. The only people I have not contacted is [REDACTED] he is in Vietnam I have been told.  
We have read the land claim issue that happened back in August of 2000 which is one of the web sites that is in your letter from the land commission.

Regards  
Marrion Backhouse  
Secretary

**From:** Gavin Kahl [mailto:[REDACTED]]  
**Sent:** Saturday, 20 January 2018 5:37 PM  
**To:** Secretary - King Ash Bay Fishing Club <secretary@kingashbay.com.au>  
**Subject:** Re: re land claim No 184

Hi Marrion,

I have just returned from South Australia today and am catching up on emails, thanks for sending this through.

Reading through the attached document from the Aboriginal land Commissioner there are a number of things that come to my mind that would clearly be detrimental to property owners and the club. Obviously

these detrimental effects to the club were pointed out by Bernie Redfern back in August 2000, and my understanding is this is a review of those concerns as required under the terms of reference.

I will make a couple of phone calls and give this some thought and come back to you. The granting of a time extension to respond would be handy, but will put together what I can in the next couple of days. obviously the business owners of the area like the servo, lodge, houseboats etc are all major stakeholders and will no doubt want input into this matter as well. Thanks again, be in touch soon.

Regards,  
Gavin.

**From:** [Secretary - King Ash Bay Fishing Club](#)  
**Sent:** Monday, January 15, 2018 11:08 AM  
**To:** 'Gavin Kahl'  
**Subject:** re land claim No 184

Hello Gavin,

Please find attachment enclosed to this email and would like your input as you and many others have property here at King Ash Bay. I have asked for an extension but if we do not get that all info has to be in by 25<sup>th</sup> January 2018. How this will affect the residents/visitors that stay in own dwellings in your area, how many dwellings there are and how this will affect the fishing if you cannot anchor and the amount of years that the Alice Spring Outback Anglers have been on the lease etc. Any other input you have can only help.

Regards

**Marrion Backhouse** | Secretary  
King Ash Bay Fishing Club

 1 Batten Road King Ash Bay NT 0854 |  PO Box 474 Borroloola NT 0854

 08 8975 9800 |  08 8875 8383 |  [secretary@kingashbay.com.au](mailto:secretary@kingashbay.com.au)

 [www.kingashbay.com.au](http://www.kingashbay.com.au)

## Secretary - King Ash Bay Fishing Club

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**To:** pauline gartlan [REDACTED]  
**Subject:** FW: LETTER TO SUPPORT LAND CLAIM FIGHT  
**Attachments:** Letter KABFC Land Claim 184 06022018.pdf; CCF07022018.pdf; CCF07022018\_0001.pdf

Hello Pauline,

Please find attached documents regarding land claim 184.

There are a couple of things that I have thought off that no one else has mentioned in their letters.

**Cast Nets.** People get out of their boats to throw for fresh bait usually on the sand banks or side of the rivers.

**Buoys in river and outside River mouths.** We have two sets of marker buoys in our river system – One lot in the McArthur River this set not far from the boat ramp is where we have a big set of rocks that come three quarters of the way across the river. Markers show the area of where the deep water is. The other one is in the Carrington River at another set of rocks. They also show where the deeper water is.

We also have a set of markers showing the channel out of the McArthur River at the river mouth and beyond. This set of markers caters for the people who live out on Islands as well as our visitors and another set out the mouth of the Carrington River mouth and beyond to show the deepest channel.

Regards

Marrion Backhouse

Secretary

[secretary@kingashbay.com.au](mailto:secretary@kingashbay.com.au)

**From:** King Ash Bay Service Station [mailto:kabservo@gmail.com]  
**Sent:** Tuesday, 6 February 2018 2:15 PM  
**To:** Secretary - King Ash Bay Fishing Club <[secretary@kingashbay.com.au](mailto:secretary@kingashbay.com.au)>  
**Cc:** David Self - President KABFC <[president@kingashbay.com.au](mailto:president@kingashbay.com.au)>  
**Subject:** LETTER TO SUPPORT LAND CLAIM FIGHT

Good Afternoon Marrion

Please find attached a letter from the KAB Service Station for the land claim of the McArthur River Region. If you feel that something needs to be changed please let me know. Thanks Bec

--

King Ash Bay Service Station

King Ash Bay NT

[kabservo@gmail.com](mailto:kabservo@gmail.com)

Phone - (08)897 59670

Fax - (08)897 59671

Date Registered: 02/11/2009

Volume 741 Folio 914

Duplicate Certificate as to Title issued? No

## SEARCH CERTIFICATE

### CROWN LEASE IN PERPETUITY 01476

N.T. Portion 3898 from plan(s) S90/252D

N.T. Portion 3899 from plan(s) S90/252D

Area under title is 1 square kilometres 99 hectares 8500 square metres

**Owner:**

King Ash Bay Fishing Club Inc  
of 3, 567 Jose Steet, Borroloola NT 0854

Registered Date	Dealing Number	Description
		Previous title is Volume 731 Folio 179
03/12/2001	483660	Variation conditions varied
21/09/1999	431782	Sub-lease to Tarmo Koivumaki and Jolene Koivumaki and Jamie McGuinness and Rebecca McGuinness as tenants in common - expiring 31/8/2011
27/08/1996	358800	Statutory Notice prescribed property
End of Dealings		

**Commencement date: 30th June, 1995**

**Expiry Date: In Perpetuity**

**Reservations:**

1. Reservation of a right of entry and inspection.
2. Reservation of all minerals, mineral substances and ores in or upon the land, including gems, stones, valuable earths and fossil fuels.
3. Reservation of power of resumption.
4. All reservations and rights to which this grant is made subject to the Crown Lands Act.

**Provisions:**

1. The annual rent for the lease ('called the rent') will be nil
2. This lease is granted under and subject to the Crown Lands Act and the Regulations for the time being in force thereunder, and is conditional upon compliance by the Lessee with the lease conditions to be complied with by the Lessee, and will, subject to the Crown Lands Act and the Regulations, be liable to be determined and forfeited for non-compliance with any such lease condition.
3. The Lessee, having paid all rent due to be paid by the Lessee may at any time surrender the lease in the manner prescribed under the Crown Lands Act.
4. For the purpose of sections 58 and 59 of the Crown Lands Act the Lessee agrees that the Minister may at his absolute discretion determine the Lessee's rights in improvements and whether compensation is payable for improvements following surrender, expiry, termination or forfeiture of this lease.

**Lease Conditions:**

**Duplicate Certificate as to Title issued? No**

1. Subject to the Crown Lands Act the Lessee will not use the leased land for a purpose other than the purpose for which it is leased, viz. tourism, recreation, camping and ancillary purposes.

2. The Lessee will, pay rates and taxes which may at any time become due in respect of the leased land.

3. The Lessee will in respect of the land included in the lease, ensure that at all times and to the satisfaction of the Minister, the land is kept clean, tidy and free of weeds, debris dry herbage, rubbish, carcasses of animals and other unsightly or offensive matter and harbour for insect, pests and the breeding of mosquitoes.

4. If the lessee fails to observe and carry out or cause to be observed or carried out the conditions outlined in clause 3 above of the lease on his part, the Territory will have a right to enter onto the demised premises and do all things necessary to that end and the expense and cost thereof, as determined by the Minister, will be borne and payable by the Lessee on demand.

5. The Lessee will at all times maintain and repair and keep in repair, all improvements on the leased land to the satisfaction of the Minister.

6. The Lessee will at all times comply with any Planning instrument affecting the leased land.

7. The Lessee will, not obstruct any land rehabilitation works carried out on the leased land.

8. The Lessee will, within one (1) year of commencement of the lease in conjunction with the Department of Lands Housing and Local Government and the Conservation Commission of the Northern Territory formulate a suitable land management strategy to ensure the sustainable use for the area and at all times take reasonable precautions to prevent accelerated soil erosion and land degradation occurring on the leased land.

9. The Lessee will, at all times comply with the requirements of the Soil Conservation and Land Utilisation Act.

L.T.O. Instrument No. 483660 registered on 3rd December 2001. Variation to condition 8 by inserting ".....formulate and implement a suitable land management strategy...."

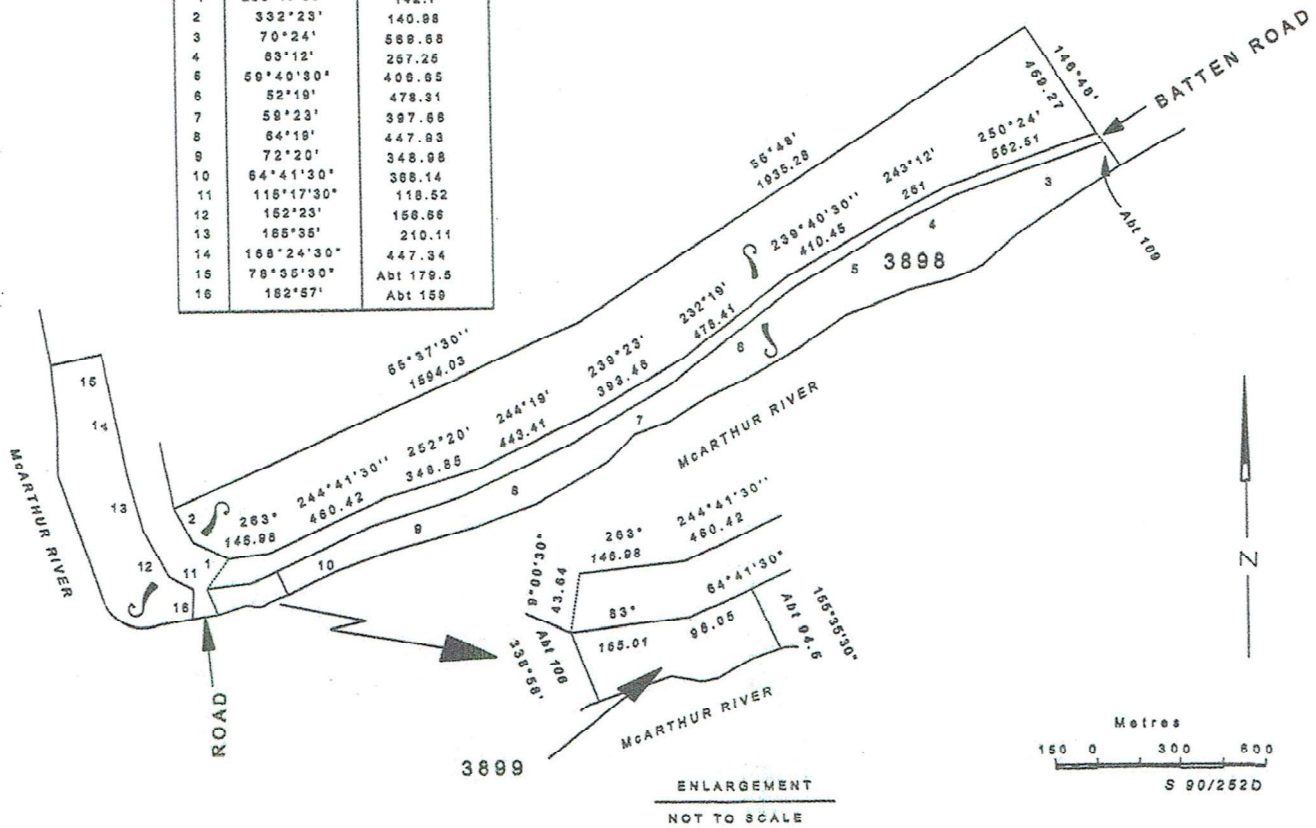
Insert new condition. Condition 10 "The Lessee will produce and provide to the Department of Infrastructure, Planning and Environment, an emergency counter disaster plan."



Date Registered: 02/11/2009  
 Duplicate Certificate as to Title issued? No

Volume 741 Folio 914

LINE	BEARING	DISTANCE
1	285°17'30"	142.7
2	332°23'	140.88
3	70°24'	589.68
4	83°12'	267.25
5	50°40'30"	408.65
6	52°19'	478.31
7	58°23'	397.68
8	64°19'	447.83
9	72°20'	348.98
10	64°41'30"	368.14
11	115°17'30"	118.52
12	152°23'	158.68
13	165°35'	210.11
14	168°24'30"	447.34
15	78°35'30"	Abt 179.5
16	162°57'	Abt 159



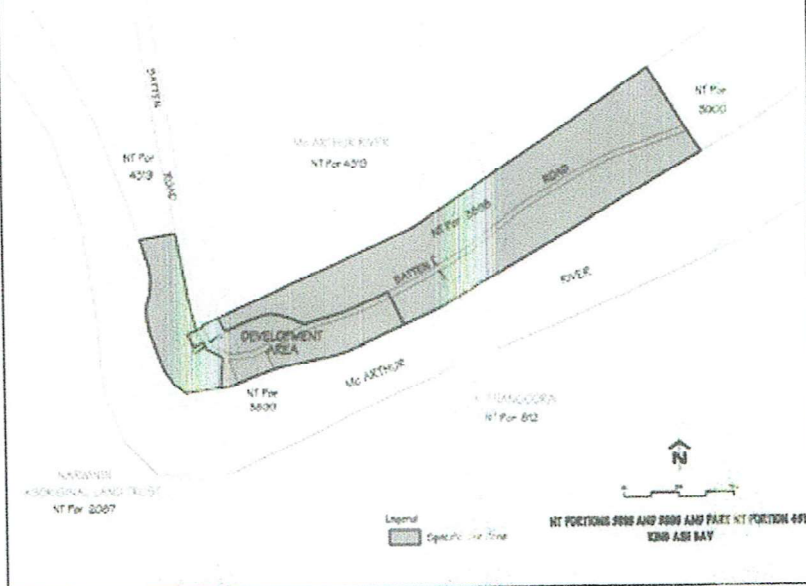
SPECIFIC USES – KING ASH BAY

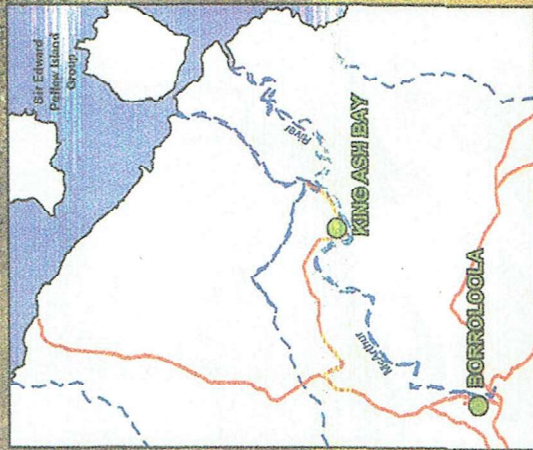
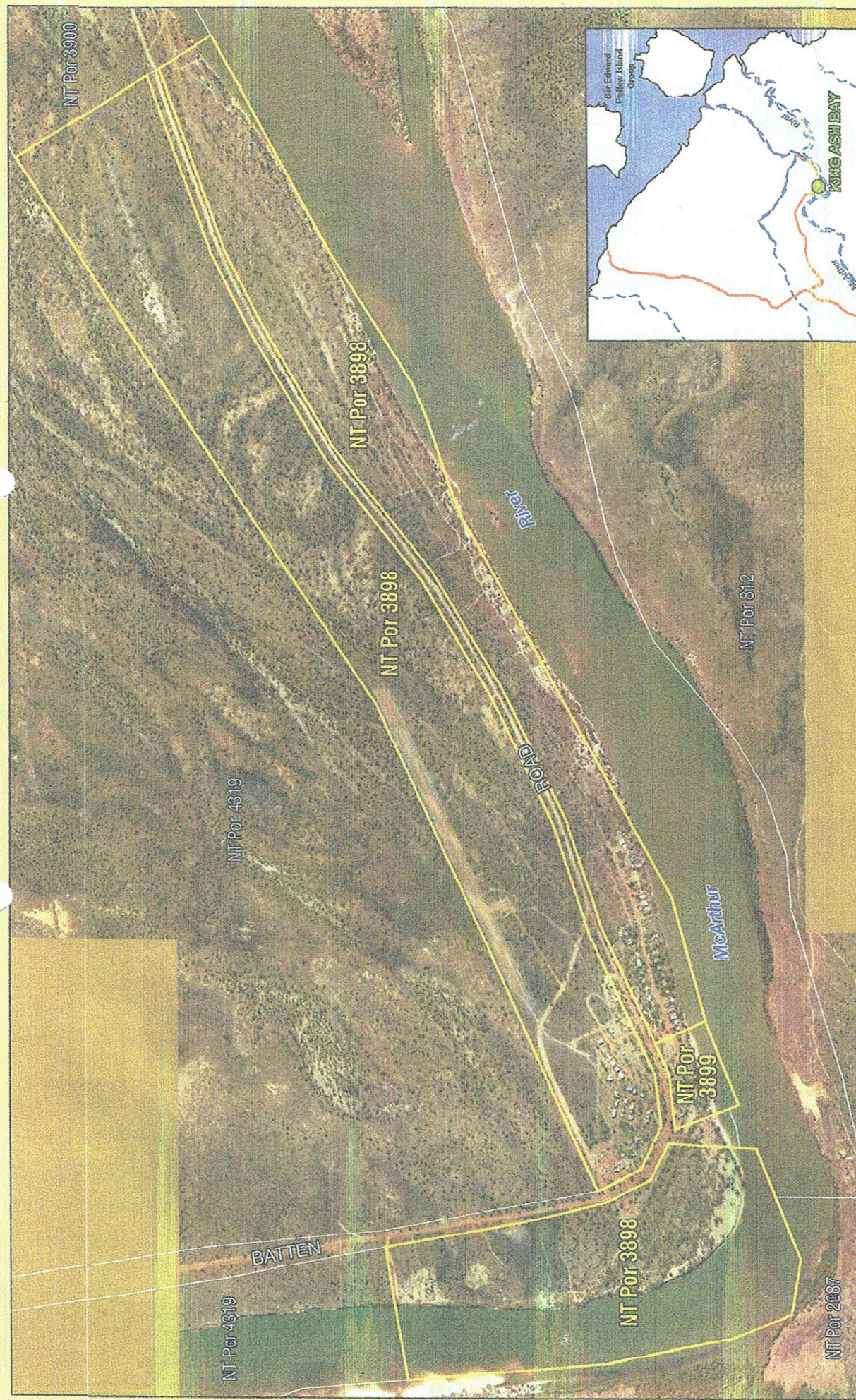
SKA

NT Portlons 3898 and 3899, Batten Road, King Ash Bay locality.

1. The purpose of this zone is to provide for the orderly and appropriate use of the King Ash Bay Crown lease having regard to:
  - (a) the likelihood of inundation due to flooding and or storm surge;
  - (b) potential detrimental impacts on the environment;
  - (c) the availability of potable water;
  - (d) the provision of appropriate infrastructure to safeguard human health; and
  - (e) isolation from community services and facilities.
2. Land within the area designated on the map "King Ash Bay" as "Development Area" may be used or developed for any of the following purposes:
  - (a) without **consent**:
    - i. **home based visitor accommodation**;
    - ii. **home occupation**;
  - (b) with **consent**:
    - i. **caravan park**;
    - ii. **clearing of native vegetation**;
    - iii. **community centre**;
    - iv. **hostel**;
    - v. **licensed club**;
    - vi. **restaurant**;
    - vii. **service station**;
    - viii. sheds or other structures not capable of being occupied as a **dwelling**; or
    - ix. **shop**.
3. Notwithstanding paragraph 2(b)(i) and the definition of **caravan park**, cabins other than for commercial purposes are prohibited.
4. Land shown on the King Ash Bay map other than described as "Development Area" may be used or developed:
  - (a) without **consent** as an airstrip; and
  - (b) with **consent**:
    - i. **caravan park**;
    - ii. **clearing of native vegetation**.
5. Notwithstanding paragraph 4(b)(i) of this schedule and the definition of **caravan park**, permanent structures are prohibited on the land described in that paragraph.

6. A use or development for a purpose specified in paragraphs 2 and 4 of this schedule is subject to the following conditions:
  - (a) any development on existing sites facing the river is to incorporate appropriate erosion control measures;
  - (b) no future development shall be located on land sloping towards the river or within 50m of a watercourse; and
  - (c) appropriate sanitation and waste disposal facilities are provided.
7. The placement of any structure (including a **demountable structure**) other than in accordance with paragraphs 2 or 4 of this schedule is prohibited.
8. A tent, **caravan**, motor home or the like described in paragraphs 2 and 4 of this schedule must be capable of immediate removal at all times.





**ATTACHMENT A**  
**KING ASH BAY FISHING CLUB**  
**NT PORTIONS 3898 & 3899**  
**ROPER GULF SHIRE**

Northern Territory Government

GMA

Scale 1:15000 @ A4

0 150 300 450 600 750m

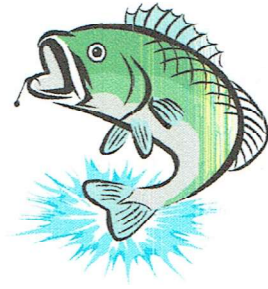
PHOTO DATE: 25th September 2004  
 CADASTRE: 4th March 2013  
 COMPILATION: 4th March 2013

King Ash Bay Fishing Club - Mar 2013.dgn

# Tennant Creek Fishing Club Inc.

PO Box 27

Tennant Creek NT 0861



Dear Sir

The Tennant Creek Fishing Club was established in 1994 and has been slowly growing in numbers. The original foundation members of the club have been fishing the Mc Arthur river system and the Sir Edward Pelew group of island alongside our indigenous brothers since early 1960. Prior history shows that the top of the gulf region was almost impossible to access during the wet season and all the commodities such as food clothing and general goods were brought in by ships and barges to the Wharf then known as Black Rock landing which in the old days was maintained and cared for by the NT Gov. The Tennant Creek Fishing Club together with the Borroloola, Townsville and Alice Springs Fishing Club have put a lot of effort into making the recreational fishing area known as King Ash Bay a great place to visit and enjoy the great outdoors the NT has to offer. Over the years the clubs have worked hard and put a lot of infrastructure and resources into making this a tourist destination that has reached all of Australia. Junior and senior members from all clubs participate in annual fishing competitions and come from all over Australia. The Easter Classic has grown from 3 to 4 hundred to 2200 competitors flocking to the NT to enjoy a week of outdoor living. All clubs are actively engaged in promoting catch and release fishing competitions ensuring that future generations of anglers can also enjoy the great outdoors. The Roper and McArthur rivers are the 2 Main Rivers that access to the NT part of the Gulf for anglers. Free road access to the Ocean without going thru pastoral or Aboriginal land from Nhulunbuy to Burketown is limited to Nhulunbuy, Roper and Bing Bong only. For the future of recreational fishing and outdoor living the Tennant Creek Fishing Club would dearly love to keep the current policy for the area in place ensuring junior anglers a place to participate in one of Australia's great outdoor sports.

Yours Sincerely

Col Battle

President

Tennant Creek Fishing Club Inc  
PO Box 27, Tennant Creek NT 0861

President: Colin Battle Ph: [REDACTED] Email: [REDACTED]  
Secretary/Treasurer: John Baker Mob: [REDACTED]  
Email: [REDACTED]

Borroloola House Boats  
King Ash Bay Cabins

29 January 2018

To Whom It May Concern.

Borroloola House boats is a family run business that started for small beings in 1995 which has grown to the business that it is today. We currently run 4 Houseboats and 6 Hire Tinny and with the purchase of the cabins in 2003 we now offer land base accommodation.

In 1996 we built a floating Mini Mart and moored it on the McArthur River to service the community of King Ash Bay and the Aboriginal out stations in the area. The Mini Mart operated until it was lost in the floods in 2001, then we moved the Mini Mart to the front of the house at 5 River Side Drive with the infrastructure still in place people would still pull up and utilised the jetty to obtain their fresh fruit and vegetable before heading back out to there places of residence. We sold the Mini Mart to the Service Station in 2011.

Our relationship with the Traditional Owners in the past 20 years has grown, since we started our operation in 1995 with us working hand in hand with the local tour operators. The Borroloola area has become a popular Fishing, Cultural and Tourist destination in the Northern Territory.

From our first season in 1995, we had a total of 280 bed nights to our 2017 season we had a total of 3998 bed nights with 2018 looking to being even busier.

If the beds and banks were to be granted back to the Traditional Owners, for the entire McArthur River Delta this would I feel have detrimental economic impact in the Borroloola region and through out the Territory.

If we were unable to anchor our boats anywhere in the river system this would affectively put and end to what is now a third generation business and would I think also put and end to King Ash Bay being a Tourist destination in the Territory.

Yours Sincerely

Kylie Hallett

**KING ASH BAY**



**SERVICE STATION  
& SUPERMARKET**

Batten Rd King Ash Bay NT 0854

kabservo@gmail.com

Ph 08 8975 9670

Open 7 Days a Week - Fuel 24 hours

Find us on Facebook for our latest fuel prices

Tarmo & Jolene Koivumaki  
Jamie & Rebecca McGuinness

King Ash Bay Fishing Club Inc.  
David and Committee Members  
Po Box 474  
Borroloola NT 0854

*for on forwarding to the Aboriginal Land Commissioner*

Tuesday 6th February 2018

Dear David and Committee

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As it is not fully disclosed to why the Aboriginal Land Commissioner wish to obtain this land and what impact these land claims may have on the Northern Territory tourism industry, which we as members of the King Ash Bay Fishing Club and business owners in the region contribute financially to, we are unable to support any changes which alter from what is already in place.

We do agree with the detrimental concerns already raised by members and business owners of King Ash Bay in the original claim document dated March 2002 and believe these are still relevant to the claim today.

Regards

A handwritten signature in blue ink that reads "Rebecca McGuinness". The signature is written in a cursive style and is positioned above the printed name.

Rebecca McGuinness

*on behalf of Partners Jamie McGuinness, Tarmo and Jolene Koivumaki*

emailed to [REDACTED]

## Secretary - King Ash Bay Fishing Club

---

**From:** Steven Miller [REDACTED]  
**Sent:** Friday, 2 February 2018 2:26 PM  
**To:** Secretary - King Ash Bay Fishing Club  
**Subject:** Re: re letters for land claim issue.

Hello Marion,

To the best of my ability I have come up with a figure of 1500 bed nights aboard the house boats per season, this figure is an average only and a + or - of 10 % would most likely cover the true figure.

Hope this helps,

Cheers for now,

Steve

---

**From:** Secretary - King Ash Bay Fishing Club <secretary@kingashbay.com.au>  
**Sent:** Monday, 29 January 2018 9:50 AM  
**To:** steven.p.miller@live.co.uk  
**Subject:** re letters for land claim issue.

Hello all,



This email has been sent to all the businesses here at king ash bay to let you know that we need your responses as soon as possible as we now have a lawyer helping us with this issue, so the sooner we get your response we can forward it on to them as she now has a dead line to keep for us.




We give you a week from today which is the 5<sup>th</sup> February to have your responses to me.

Look forward to hearing from you.

Regards

**Marrion Backhouse** | Secretary  
King Ash Bay Fishing Club

 1 Batten Road King Ash Bay NT 0854 |  PO Box 474 Borroloola NT 0854

 08 8975 9800 |  08 8875 8383 |  secretary@kingashbay.com.au

 www.kingashbay.com.au



From Tom Lingard

### **Native Title Claim Comments**

In early December 2017 I researched native title claim information and although some of the Government website records require password access the following conclusions were made which I would like clarified.

The only native title determination I could find is the Ngajapa claim, Federal court number NDT 17/2014 and NNTT number DCD2015/008. This determination came in to effect on the 26/11/2015.

The claim area is defined as Portion 4319 which is the McArthur River station (including Bing Bong Station), Perpetual Lease Number 1051.

Specified rights were granted to the claimants along with excluded areas. In the lead up documentation, there is mention of various claim numbers and amendments and claim names but as mentioned this is the only successful claim I could find for this area.

**Question.** Can you clarify KAB lease area involvement is any past land claim determinations in the first instance and secondly any current claims.

Secondly 11 clans are noted on the determination, if you come across a map which defines the group areas or the Traditional owners in the area around KAB can you send the information through.

### **The following notes may be of use in the submission**

King Ash Bay Lease area is defined by cadastre mapping which shows the South boundary, in the claim area, finishing at the low water mark and often protruding slightly out into the river. Although the boundaries are subjective, they do define the KAB lease area and with that said the KAB Fishing club has made management decisions considering the actual defined lease area boundaries.

Initially camping and construction of dwellings considered the lease boundary, practical construction and the environment, which resulted in 27 substantial dwelling being constructed on the McArthur river bank with appropriate Development approval at the time.

Changes in legislation following this period, prevented construction within 50 meters of the McArthur River. The area where the 27 houses are constructed, is now referred to as the "Development area".

The Dwellings are from 6 to 30 meters from the tidal area and tidal river bank which contains river flows, except in exception flood events.

A secondary bank often referred to as the "high bank" follows the river in this area initially 6 meters moving out to 30 meters from the water. The dwellings are constructed butting up to this "high bank", if the high bank is used to define the claim area the claim boundary will be the front wall of 27 houses.

The dwellings were constructed following approval processes at the time, ownership has changed hands a number of times with new owners anticipating the purchase included use of the attached jetty or bank and access to the river in front of their dwelling along with privacy associated with the land.

This same principal applies to camping areas outside the development areas along with the caravan park where campers access the river from the King Ash bay fishing club on a daily basis. Boats are often moored in the river from March to November depending on river conditions. Restrictions to this access would destroy the freedom and culture which is the fabric of the KAB fishing club.