

## 2. "PORT HINCHINBROOK": IS A MARINA VIABLE?

### (1) PORT HINCHINBROOK'S TWO LARGE DREDGE SPOIL PONDS ARE FULL

**The dredge spoil storage ponds have never been emptied. There is a reason.**

The **original** 4-metre high spoil ponds (from 1994 on) and acid soil dumps and acid-filled holes cover around 35 hectares of Lot 170 south of Stoney Creek. Because the original ponds were not properly constructed in the first place this storage cannot be refilled, even if it could be emptied; by the developer's own admission, it has contaminated the ground water with salt (developer's Newsletter to PHS Apr 18, 2005).

The "**new**" (western) 12 ha spoil pond, which failed a 2009 dredging licence but was conditioned to meet better standards under a new licence (2010), is also full. Although the developer owned plenty of additional land, it is doubtful that any government would allow Queensland to be covered, 12 ha at a time, with toxic, acid, sticky, salty marine mud from the Hinchinbrook Channel.

### (2) MISSING DREDGING RECORDS: WHAT THE COURT WAS NOT TOLD

**In 2004** Keith Williams was building his case for breakwater construction as a cure for Port Hinchinbrook's access problems. He said the breakwaters:

*"are expected to reduce siltation **to about 30% of current levels** ... This will probably save them about \$250,000 every six months in dredging fees..." (Developer revives breakwater project Courier Mail October 10 2004).*

At a little over \$1 million annually, this was quite an underestimate.

**In April 2004**, Keith Williams' consultant Cardno, in a letter to the EPA, washed their hands of the dredging-reduction claims on behalf of the developer:

***We are unable to confirm that the construction of the proposed breakwater walls will reduce the maintenance dredging requirements in accordance with the estimates presented ... until after the breakwaters are constructed.***

**In 2005** however, in the Supreme Court (*Alliance to Save Hinchinbrook v The Chief Executive DERM, Supreme Court at Cairns file no. 341 of 2005 09 February 2006, Judicial Review of Marine Parks Permit*), the developer asserted (without presenting any evidence) that breakwalls would reduce dredging from a *claimed* 40,000 cubic metres annually to 15,000 or 20,000 cubic metres - ie **to 37% or 50%** of 40,000 c.m. His excuse for not providing evidence to support his figures was that the EPA had not required the keeping of dredging records. His Honour noted:

*[38] ... **There were no means by which accurate data about any future activity could be assessed ...***

Nevertheless, His Honour upheld the permit to build breakwalls, accepting the developer's unevicenced assertion that breakwaters are the usual engineering practice for reducing siltation. Documented evidence that the site was not "usual" had been withheld, including the *WBM Coastal Engineering Investigation 1988* which identified the site as **unique and not easily related to other previously studied areas** (see 1(2) above).

**In May 2006**, the court case over and "missing" records ensuring no possibility of challenge, Keith Williams advised "Port Hinchinbrook" property owners that the breakwalls would:

"reduce dredging **to between 15% and 25%** of that which it is today" (KW to BAMLPAYERS 22 May 2006).

### (3) BREAKWATERS: TRYING TO SELL THE LIABILITY TO THE COUNCIL

**In 2007**, after the breakwaters had been built and the waterways dredged, local contractor John

Wood, representing Port Hinchinbrook Services (a company controlled by the developer) formally advised the CCRC that no dredging would be required for six years (Tully Times 16 August 2007).

At this time the southern breakwater had acted to trap northwards-moving silt, temporarily reducing its full flow into the access channel (see aerial photos published in **PHOENIX!** June 2012), slightly delaying the inevitable revelation that the newly-dredged channel was again silted up.

**By mid 2008**, the siltation was obvious. And now there was nowhere to legally dump new dredge spoil. By this time the PHC BAMLPAYERS were questioning if past dredging had been as claimed, struggling to understand "*why there is so much silt*" (BAMLPAYERS Newsletter 12 July 2008). They had yet to grasp the fundamental problem presaged in government documents since 1977: **dredging at this site would be economically untenable**. The PHC BAMLPAYERS made a conservative cost estimate for just one episode of spoil removal to accommodate the marina area alone **(130,000 cubic metres) as \$4m** (2008 dollars) - and, very likely, an annual requirement.

**In 2010** the most recent dredging licence (1PD801379509) was given for a new, much smaller (12 ha), above-ground containment pond. This is now full, the last addition being from State government dredging of a central gutter in the Grande Canal at public expense.

The new pond may only be emptied if the salt and acid dredge spoil is disposed of in a manner:

- (a) which does not cause any land to become contaminated land; and
- (b) is not likely to cause environmental harm ...