

Phoenix

This is the official newsletter of **The Alliance to Save Hinchinbrook Inc. (ASH)**

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- special edition of phoenix -

Once upon a time

- a historical background

Once upon a time

... there was a small, friendly, seaside township called Cardwell-by-the-Sea, on the North Queensland mainland at the northern end of the World Heritage listed Hinchinbrook Channel, just four kilometres across from the magical and mysterious Hinchinbrook Island.

In the 1970s the Queensland Government carried out investigations of mainland sites that had been selected, from an engineering perspective, for investigation as small boat harbours. The Government had already decided that Oyster Point (the mouth of Stoney Creek, about one kilometre south of Cardwell) was unsuitable. The local Council, however, in a time of little environmental awareness and perhaps under pressure from developers, so badly wanted to have a boat harbour on their bit of coast that they persuaded the State to include Oyster Point in their studies in 1977 and again in 1980. On each occasion the resulting Report stated that Oyster Point was unsuitable as a boat harbour; citing engineering costs, flood and sedimentation proneness and lack of natural deep water; all difficulties that persist to this day.

Nevertheless, a company called Tekin Australia began to develop a 26 ha Special Lease and about 20 ha of associated land on a former mangrove island that formed the northern bank of



Thousands of people have participated in protests around the country to protect Hinchinbrook Island and Channel from the impacts of mass tourism.

Here, protestors march to Oyster point along the foreshore that was substantially cleared of its protective mangrove forest.

Photo: Cairns Post

Stoney Creek. The company also owned some 85 ha south of Stoney Creek, including Lot 17 where now stands the four-metre-high and kilometre-long dredge spoil reservoir or 'spoil pond'. Tekin substantially cleared the development land, illegally cleared old-growth mangroves on and north of the development site, and began earthworks for a resort project and boat harbour. South of Stoney Creek, Tekin dumped acid sulphate soils in 'mullock heaps' on Lot 17 and in the adjacent Vacant Crown Land (now called Unallocated State Land or USL).

Tekin was floated as a public company, bringing in some \$31m. For most of its life it had four directors

(some of whom were associates of Keith Williams) who were also directors of another company called Resort Village Cardwell (RVC). Tekin borrowed around \$10m from Farrow Mortgagees, a Skase company. Much of these moneys were transferred to RVC, the liability remaining substantially with Tekin. Tekin

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.....And lots more

persuaded the contractor engaged for site works to bring more machines onto the site even though progress payments had been stopped and even though, no matter how deep his excavations into the soft marine mud, he could find none of the promised sand with which to carry out the surface work.

After campaigning by the Wild Life Preservation Society of Queensland and other groups, the then Commonwealth Environment Minister Senator Graham Richardson had requested a Public Environment Report (PER) - but Tekin was wound up before this could be done. Ten years later the contractor was still trying to recover a claimed \$1.5m. At the time of winding up about \$12m seemed to be missing, accepted as having been in the possession of RVC. Farrow's loan to Tekin was not recovered. Three years later RVC (same directors as Tekin) was also wound up, and this time the missing money was apparently supposed to have been with the defunct Tekin.

In April 1993 a former Tekin associate started a new company Cardwell Properties Pty Ltd (CP) which acquired the site at fire-sale price. Within two months Keith Williams had become a director and had written to the Queensland Government advising that he would push ahead with a new version of the old Tekin project. Before long the only directors were Keith Williams and his son Ben.

With trouble looming in the Hinchinbrook Channel, the Great Barrier Reef Marine Park Authority (GBRMPA) decided that the Hinchinbrook Channel was not under their jurisdiction - despite the fact that the GBR Marine Park boundary follows the mainland coast and has never been changed - after receiving a weak legal opinion based on their advice to the Commonwealth Attorney General's Department. This boundary issue has since been canvassed publicly in Professor Frank Talbot's chapter *Will the Great Barrier Reef Survive Human Impact?* in Eric Wolanski's book *Oceanographic Processes of Coral Reefs* (CRC Press).

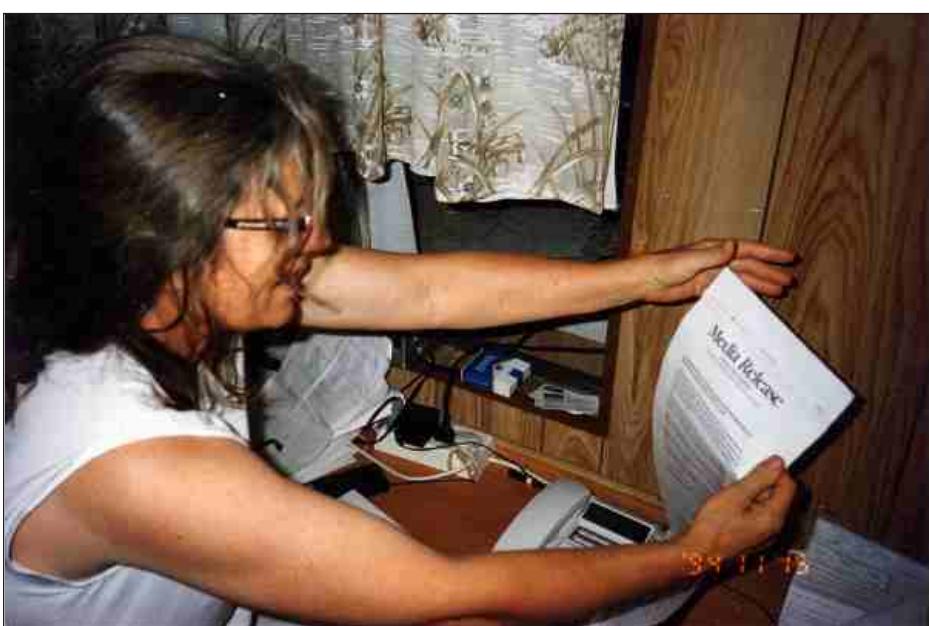
The GBRMPA did at least insist that dredge spoil would have to be stored ashore, not dumped at sea. The

GBRMPA also wanted the Queensland Government to carry out a public *Environmental Impact Assessment (EIA)*. Instead, the Queensland Department of Environment published in 1994 an *Environmental Review Report (ERR)*, a poor excuse for an EIA. Further, the developer's handwriting was all over the drafts (later obtained under Freedom of Information legislation), a fact not denied by the developer when confronted on the ABC Four Corners program *The Dugong and the Developer*.

Using locally scavenged soils a dredge spoil reservoir was built above the ground on Lot 17 (owned by the developer), along the boundary of the adjacent low-lying melaeuca (freshwater) wetlands of Unallocated State Land (USL) Lots 42 and 33. No crystal ball was needed to predict that the kilometre of north-south earthen walls would block the easterly overland freshwater flow into the coastal wetland; nor that there would be more dredge spoil and discarded acid sulphate soils than could be accommodated in the reservoir. Nevertheless the proposal seemed assured of State approval regardless of these and many other serious environmental issues. Ironically, USL Lot 33, now officially given 'high conservation'

status and valued as habitat for mahogany gliders (*endangered*), beach stone curlews (*vulnerable*) and *Livistona drudei* palms (*rare*), has for the last seven years been earmarked by the Queensland Environmental Protection Agency (EPA) for inclusion in the new Giringun National Park, along with other Hinchinbrook coastal lands such as Lumholtz National Park.

In late 1994 the Australian Governor General accepted the advice of the Commonwealth Environment Minister Senator John Faulkner and issued a Proclamation over part of the Great Barrier Reef World Heritage Area, comprising the Hinchinbrook Channel waters adjacent to the development site north and south of Stoney Creek. The Proclamation, the only one ever issued in relation to private development actions, gave the Commonwealth legal power to stop any actions that would threaten world heritage values in the Proclaimed area of the Great Barrier Reef World Heritage Area (GBRWHA). Nevertheless, all the northern foreshore mangroves would have been destroyed had not conservationists been protecting them with their bodies while the Proclamation, a lengthy legal document, was being prepared; and in the end the developer's bulldozers



Margaret Moorhouse in Cardwell, receiving by fax the Governor-General's Proclamation over parts of the Hinchinbrook Channel, the legal instrument that should have stopped the bulldozers and saved the mangrove trees so far protected only by the bodies of protestors. And in the afternoon the bulldozers did stop. But late that night flood lights went up on towers, and midnight saw machines again on the foreshore tearing down most of the remaining forest. Only the incoming tide prevented dozer access to a narrow strip of more seaward trees.

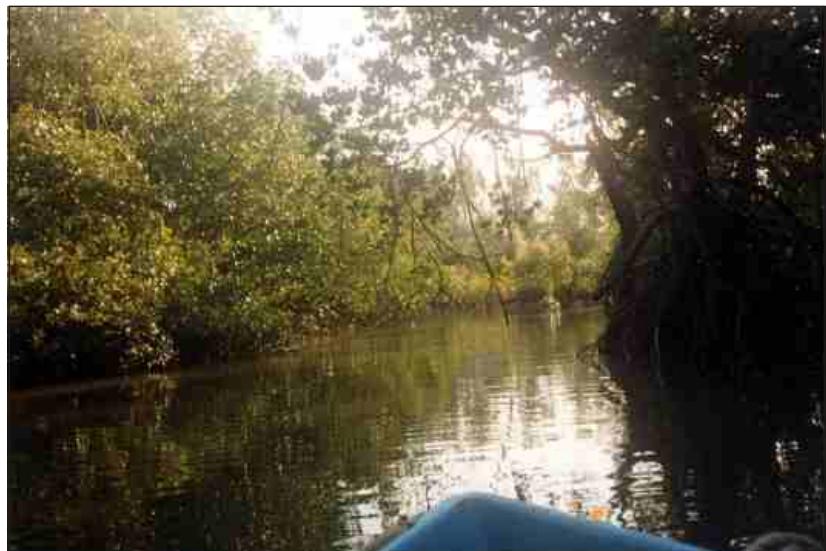
entered the foreshore at midnight on Proclamation Day, felling the tall mangroves under flood lights. Although Environment Minister Faulkner had then commissioned a scientific report that recommended immediate restoration of the foreshore, his Government was unable to act on the Report because elections intervened.

The incoming Howard government evidently did not feel compelled to act on the GBRMPA Report.

In fact the new government actively supported the development. Following a brief Commonwealth public assessment process in 1996, both Prime Minister Howard and Deputy Prime Minister Fischer publicly stated that they favoured the development proposal, thus preempting the proper decision of the new Environment Minister Senator Robert Hill.

Although that part of the 1996 application relating to the construction of breakwater walls extending 600-900 metres out into the Hinchinbrook Channel was refused, Environment Minister Hill approved further destruction of the remaining fringing mangroves, along with futile attempts to create an artificial-beach as if Whitsundays-type beaches could ever be transposed onto this turbulent tropical mangrove coast.

In 1996 in the Federal court in Sydney, *Friends of Hinchinbrook* (FOH) was granted an injunction (based on an affidavit by Margaret Moorhouse) to prevent the imminent destruction of the remaining mangroves in the intertidal zone (State Marine Park). This precipitated a full hearing in which FOH challenged the decision of the Commonwealth Minister under the *Administrative Decisions Judicial Review (ADJR) Act*, and lost on Appeal. The merits of the development application were not in question; only the way in which



Beautiful Stoney Creek, as it used to be, now replaced by the wide rock-walled 'Grande Canal'.

Photo: M. Thorsborne

the decision had been made. The judge's findings filled some 90 pages; essentially it seemed that as long as the paper processes had been properly carried out, ministerial discretion was unassailable.

In 1997 the Queensland Government exempted from Environment Impact Assessment a new proposal for a canal estate along the excavated 'Grande Canal' that now carried the flow from the former Stoney Creek. Later the Queensland Environment protection Agency (EPA) approved a further canal extension to the south for a 'ships maintenance basin'. By this time disturbed acid sulphate soils were releasing sulphuric acid into the environment, a headache to the agencies that had permitted the development works.

In 1997 too the development came under scrutiny in two Senate Inquiries the first into Commonwealth Powers and the second into the Hinchinbrook Channel. Senators visited the site and saw for themselves the obvious environmental damage. The subsequent Hinchinbrook Channel Inquiry Report referred to the saga that unfolded during the Inquiry as a "tragedy of errors".

HOW MANY STAGES?

Although the present proposal (to extend the canal estate a further four kilometres south to Mary Creek) is called STAGE II, there have already

been three distinct 'stages'. The point is an important one; that incremental development results in death by a thousand cuts was recognised by the Hinchinbrook Channel Inquiry Report and by the system of referral of Actions under the new *Environment Protection and Biodiversity Conservation (EPBC) Act*.

Nevertheless the Commonwealth Environment Minister has recently accepted the Breakwater Walls proposal, referred to the Commonwealth under the *EPBC Act* by the Cardwell Shire Council (CSC), as a separate development from the Stage II proposal by Cardwell Properties/Keith Williams. Presumably the Minister, in making this decision, was aware that an *Infrastructure Agreement* outlining a deal between Cardwell Properties/Keith Williams (CP/KW) and the CSC, relating to the proposed breakwaters, is included within the CP/KW Development Application currently lodged with the CSC; and that the two CP/KW Stage II Applications (one lodged with the CSC and the other with the Commonwealth) are not identical.

SITE HISTORY

The abandoned Tekin site comprised approximately 40 ha of freehold and leasehold blocks north of Stoney Creek (including a 26 ha Special Lease and a partial boat harbour excavation), One Mile Creek (which runs into Stoney Creek), and 85 ha of mostly cleared land south of Stoney Creek.

The separately approved stages of the Cardwell Properties (CP) development are listed below, using the term 'phase' to avoid confusion with the developer's present use of 'stage'.

PHASE 1: In late 1994 CP started site works for a residential canal

estate and marina complex. Under Queensland Marine Parks permit CP substantially destroyed the northernmost kilometre of coastal fringing mangroves adjacent to the site and built huge above-ground spoil reservoirs ('ponds') on Lot 17. These works were 'controlled' by a tripartite *Deed of Agreement (Deed)* between the developer (CP), the Council and the Queensland Government; in 1996 the Commonwealth Government too became a party to the *Deed*.

PHASE 2: CP began a new residential/industrial canal subdivision along the former meandering and vegetated Stoney Creek, now a wide rock-lined drain known as the 'Grande Canal'. The Queensland Government took the view that the *Deed* could be stretched to 'control' the new development because (they said) the issues were the same - despite a significant increase in area and population and addition of industrial uses - so (they said) there was no need for an Environmental Impact Assessment.

PHASE 3: CP excavated a 'ships' maintenance basin' under EPA permit and without public notification, just south of Phase 2, joining the Phase 2 EIS-exempt canal estate on the 'Grande Canal' to the northern end of Lot 17. Lot 17 is the northern end of the site proposed for the new lake/canal estate known as Stage II.

COMMUNITY SUPPORT

Since 1993, fund raising events have been held in many places, including a dinner (organised in Brisbane by the Queensland Conservation Council) that was supported by Peter Beattie before he became Premier. One of the most important early contributions (by Kevin Weldon, the Sydney publisher) included a mobile phone; although primitive by today's standards, it provided essential communications during Oyster Point rallies and even within the Federal Court building in Sydney (where the public phones had been disconnected) during the 1996 hearings.

The campaign gathered national

and international momentum during 1996. International scientists and conservationists who have publicly supported the Campaign include David Bellamy, David Suzuki, David Attenborough, Charles Birch and Frank Talbot, all signatories to an open letter published in *The Australian*. Within Australia over 200 practising scientists have

**First they ignore you,
then they laugh at you,
then they fight you,
and then you win.**

Mahatma Ghandi

signed letters of support, and many have provided relevant expert advice.

Artists and poets have supported the campaign, most notably in the *Dugongs of Hinchinbrook Art Exhibition* organised by Sydney artist Peter Kingston and The Wilderness Society, where over 120 artists donated half the proceeds of their works to the cause.

Sydney has hosted many Campaign actions. In 1996 The Wilderness Society hung huge banners on the Sydney Opera House. To this day, mysterious pavement drawings on the Prime Minister's walking route in Lavender Bay (near the home of Sydney artist Peter Kingston) constantly remind our PM that the campaign continues unabated.

Photographers have donated their skills in various ways with aerial surveys, posters and ground photographs of the site. A recent publication is a collection of stunning photographs of Hinchinbrook Island by Steven Nowakowski and of beautiful poetry by Liz Downes. This book also tells Steven's personal campaign story.

Musicians too have donated their talents. Early in the campaign

Peter Garrett gave a benefit concert in Townsville, followed by a large donation by Midnight Oils to the first legal fighting fund; Nightjar recorded a haunting original song "Life Blood"; and Oyster Point rallies have always been accompanied by local instrumentalists and singers.

Solicitors and barristers have given their time and expertise to assist Hinchinbrook campaigners. David Haigh, a Townsville barrister and law lecturer and Campaign Coordinator in the early years, initiated lawyer working parties in Townsville and Cairns known respectively as H E L L (Hinchinbrook Environmental Lawyers' League) and HADES (Hinchinbrook And District Environmental Solicitors). Barristers represented Friends of Hinchinbrook on a pro bono basis in the Federal Court; solicitors of the Environmental Defender's Office (EDO) in Sydney, Brisbane, and Cairns have all enthusiastically assisted the cause. When Margaret Moorhouse was threatened with a defamation suit by Keith Williams, solicitors and barristers again provided their legal expertise pro bono. Our current legal team includes Joanna Cull and Kirsty Ruddock at EDO NQ (Cairns) and Brisbane barrister Chris McGrath, who was once on the staff of the local Townsville EPA.

The fate of conservation activists became a topical legal issue. In 1998 Margaret Thorsborne and David Haigh were invited speakers at a law conference held in Sydney by the Environment Defenders Office Network, the proceedings published as *Defending the Defenders: Protest, the environment and the law*. More recently Sydney barrister Brian Walters has published a book *Slapping on the Writs: Defamation, Developers and Community Activism* (UNSW Press) about the way in which defamation writs have had the effect of silencing conservation activists. Two pages are dedicated to defamation threats made against activists involved in the



Conservationists stand their ground in the face of bulldozer assault on the Oyster Point foreshore - an early attempt to construct breakwater walls into the Hinchinbrook Channel.

Photo: John van Tiggelen

Hinchinbrook campaign. In 2004-2005 Sydney barrister Bruce Donald has been broadcast on ABC radio discussing the defamation-intimidation issue.

A great many politicians have supported the Campaign; by leading protest on site, use of parliamentary Question Time to expose unsatisfactory government processes, tabling documents, sitting on parliamentary committees, and lobbying their colleagues. Sitting members of the Democrats, the Greens and Labor have all at times provided critical support.

Thousands of individuals from Australia and overseas have rallied in Cardwell, Townsville, Cairns, Brisbane, Sydney and other places, to publicly demonstrate their support for the campaign, the largest single gathering numbering over 600, at Cardwell. And countless individuals have donated money to support specific aspects of the campaign, such as legal action.

Last but not least, local and regional activists have made the campaign possible from the very first day through their presence in a small town where anonymity was not possible and hostility the norm. Ken Parker, Cardwell local, became the ears and eyes of FOH and ASH, in charge of the Campaign flagship MV Ian Fairweather (the dinghy and outboard provided by the first *Dugongs of Hinchinbrook* Art Exhibition) and a fleet of battle-

scarred kayaks donated from other campaigns.

RECENT EVENTS

Over the last few years ASH has monitored the increasing areas of dead melaleucas, *Livistona drudei* palms and grass trees in the high-conservation value USL Lot 33. ASH believes that this vegetation death has been caused substantially by activities in Lot 17 (the adjacent development site) that have resulted in local hotspots of acid run-off, hydrology changes and resulting salinisation of larger freshwater wetland areas. For some of this damage the Queensland Environmental Protection Agency (EPA) fined the developer a mere \$1500, after ASH had personally presented photos to Queensland Environment Minister Dean Wells. As far as ASH is aware, no remediation works were required of the developer. The EPA has also defended the developer's excavation of several huge vertical-sided holes, metres deep, as 'borrow pits' - despite the apparent coincidental matching of the excavated contours with the contours of the not-yet-approved but proposed canals.

In late 2003 Cardwell Properties/Keith Williams (CP/KW) applied to the Commonwealth seeking declaration that the new lake/canal estate proposed was a 'Not

Controlled Action' under the new *Environment Protection and Biodiversity Conservation (EPBC) Act*. This proposal, as put to the Commonwealth, included a golf course and a long 'lake' with many side fingers, but without external breakwater walls in the Hinchinbrook Channel. The Commonwealth Environment Minister has since declared the proposals to be a Controlled Action and subject to a *Public Environment Review (PER)*. Recent news stories suggest that the *PER* may be close to public release.

CP/KW has also applied to the Cardwell Shire Council (CSC) for rezoning and development approval, the Application containing both the canal estate configuration put before the Commonwealth Government and a second configuration extending the proposed canal system all the way south to Mary Creek. The public review period for this Application has not yet begun.

The CSC has now applied to the Commonwealth, as proposed in the *Infrastructure Agreement* in the CP/KW development proposal put before Council, for approval to build two long breakwater walls out into the Hinchinbrook Channel. These are the walls that in 1995-96 the Commonwealth would not allow Cardwell Properties to build, and which were not included in the CP/KW development Application currently before the Commonwealth. (See p.11 for some fascinating clauses from this Agreement.)

In 2004 ASH formally asked the Commonwealth that the breakwater walls be declared a Controlled Action, and that the Cardwell Shire Council's (CSC) breakwater walls Application be considered in conjunction with the CP/KW STAGE II Application. Notwithstanding the contents of the CP/KW-CSC *Infrastructure Agreement* (in which it seems clear that the Council is acting on behalf of the developer) the Commonwealth has decided to consider the two Applications separately.

WHAT TOOLS DO WE HAVE?

The Oyster Point/Hinchinbrook Campaign has been a major trigger for the raised environmental awareness of the Hinchinbrook region and for many of the new Acts and Plans that have come into being since 1995:

Commonwealth:

Declaration of *Dugong Protection Areas*; smaller than recommended by dugong scientists, these are not sanctuaries but are areas where netting restrictions have been tightened.

Tightening of Great Barrier Reef Marine Park Authority GBRMPA permitting and park management, and eventually the *Representative Areas Program* and resulting increased formal conservation protection within the GBR.

GBRMPA 2004 - *Hinchinbrook Plan of Management (HPoM)*. The HPoM has introduced NEW MASS activities ('cruise ships') into the northern Hinchinbrook Channel/Missionary Bay area. ASH is concerned that these ships would have the capacity to disgorge hundreds of tourists at a time (via ferries) into the 'Port Hinchinbrook' marina, from where many may re-emerge in hire boats as uncontrolled private boaties.

Environment Protection and Biodiversity Conservation Act (Cth) (this replaced the *World Heritage Properties and Conservation Act*). This new Act has proved useful in protecting native wildlife such as the spectacled flying foxes of North Queensland.

Precautionary Principle. This principle is still having a struggle being taken seriously.

Queensland:

The *Cardwell/Hinchinbrook Regional Coastal Management Plan (CHRCMP)*. The CHRCMP was a direct outcome of the FOH legal challenge to the Commonwealth Government in 1996. The CHRCMP has no effect on existing developments and it cannot stop inappropriate development. Nevertheless, it can provide arguments when assessing new developments and must be taken into account in town planning schemes. This plan establishes wilderness and high scenic values for most of the Hinchinbrook Channel.

Hinchinbrook Island National Park Management Plan (HINPMP). Thirteen years in the making, this plan establishes wilderness as a value for most of the island, keeping out mass tourism. The *HINPMP* also notes the need for matching marine parks management plans to be made for the adjacent waters.

Despite all our efforts, there is still no *Hinchinbrook Channel Marine Parks Management Plan*, only the declaration of a *Great Barrier Reef Coastal Marine Park*.

National Park Management Plans for the Family and Brook Groups of Islands, and for Goold Island. Released with the *HINPMP*, these afford good levels of protection, particularly for the small fragile islands of the Brook Group.

Deed of Agreement: This is an legislative and therefore unenforceable agreement, in its latest form between three levels of government and the developer, to 'control' construction activities of the Cardwell Properties development.

Integrated Planning Act (IPA). This legislation facilitates development applications before local Councils. The *IPA* requires that Development Application files held by Councils be made available to the public on request.

-Phoenix-



In this view of dead and dying tall trees in the Unallocated State Land adjacent to Lot 17, one lone *livistona Drudei* still retains its crown (top right of photo), others are already crownless (top left of photo). Photo: Steven Nowakowski



Looking south over Oyster Point: devastated foreshore mangroves and residential blocks, marina basin, 'Grande Canal' and EIS-exempt canal estate, Ships' Maintenance Basin, Lot 17 with dredge spoil ponds on eastern edge of clearing; newly acquired agricultural lands, still under orcharding and grazing, extending to the edge of the prawn farm ponds in the far distance. South of Oyster Point, wetland forests of USL Lot 33 and fringing mangroves separate the developed land from the Hinchinbrook Channel. Bruce Highway forms western boundary. Dark green areas west of Bruce Highway are pine plantations.

Photo: Steven Nowakowski



Looking northwest over site. Major area of vegetation death adjacent to Lot 17 evident from the air by January 2004 (circled in red).

Photo: Steven Nowakowski



Looking southeast across Lot 17 and towards USL Lot 33 and the Hinchinbrook Channel. Bruce Highway at bottom of photo. One of the more strangely shaped 'borrow pits' is circled in red.

Photo: Steven Nowakowski



Looking east along the drain that carried site effluent into the high-conservation-value USL Lot 33. Visible at the edge of the photo is the toe of the southern wall of the spoil pond, which rises some 4 metres. The earth bund to the right of the photo is one-two metres high. For the damage caused in the USL, the EPA fined the developer \$1,500.

A.S.H. Photo



Left: One of the so-called 'borrow pits' whose contours appear to match those of the proposed canals on Lot 17.

A.S.H. Photo

NOT ONLY ... BUT ALSO ...

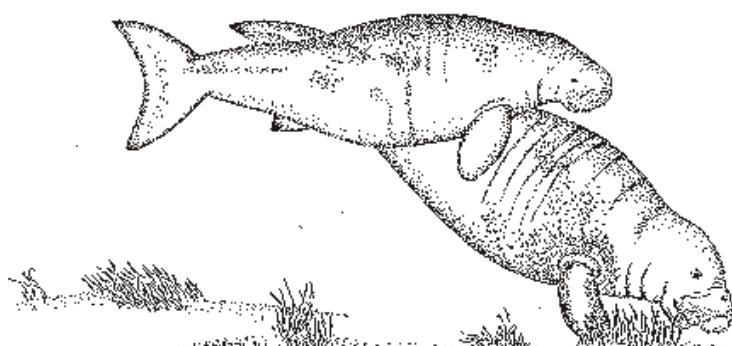
Battles To Protect Hinchinbrook's Natural Environment

In lobbying for and preparing submissions on management plans and legislation, conservation groups have been generously assisted by scientists, government officers, lawyers and other knowledgeable persons not acknowledged here by name. The table below is not comprehensive, but is typical of the many fronts on which conservationists must fight to protect the natural beauty and wildlife of the Hinchinbrook region.

AIMS	Australian Institute of Marine Science	HIS	Humane Society International
Cth	Commonwealth	HPPS	Hinchinbrook Peaks Protection Society
DEST	Dept of Environment (Cth)	NP	National Park
DNR	Dept of Natural Resources (Qld)	NQCC	North Queensland Conservation Council Inc
DoE	Dept of Environment (Qld)	PTO	Permit to Occupy
DPA	Dugong Protection Area	QCC	Queensland Conservation Council
EA	Environment Australia (Cth)	Qld	Queensland
EPA	Environment Protection Agency (Qld)	USL	Unallocated State Land
FOH	Friends of Hinchinbrook Inc	WPSQ	Wild Life Preservation Society of Qld
GBR	Great Barrier Reef	WTMA	Wet Tropics (World Heritage Area) Management Authority
GBRMP	Great Barrier Reef Marine Park	WTWHA	Wet Tropics World Heritage Area
GBRMPA	Great Barrier Reef Marine Park Authority		

<i>Issue/threat</i>	<i>place</i>	<i>agency</i>	<i>mechanism</i>	<i>outcome</i>
State Marine Park mangroves	Oyster Point north of Stoney Creek	DoE	State Marine Parks Permit 1994	c. 900m fringing mangroves mostly cleared. Proclamation brought Cth into decision-making.
State Marine Park mangroves	Oyster Point banks south of Stoney Creek	DoE	Haul road cut through mangroves for dredge pipe	Loss of cleared mangroves and some associated dieback
State Marine Park mangroves	Oyster Point north of Stoney Creek	DoE and DEST	Cth consent 1996	More clearing and 'coppicing' of c.900m of remaining fringing mangrove trees. AIMS low tide area replanting and required developer replanting failed. 12,000 substantial mangrove trees resulting from FOH replanting were mostly cleared.
Melaleuca freshwater wetland contaminated	USL Lot 42, small block south of Stoney Creek	DoE	1- PTO over small creek for site effluent discharge into Hinchinbrook Channel mangroves 1994/95. 2- overtopping and collapse of dredge spoil pond 1997.	Extensive local damage from effluent; no remediation
Mahogany Glider habitat	Development site south of Stoney Creek	as of right activity	Developer bulldozers from 1994 on.	Some areas of habitat on development site were cleared.
Mahogany Glider habitat: Application to DNR by Cardwell Properties/Keith Williams for lease over Lot 33	USL Lot 33	EPA, DNR, EA	Investigation, lobbying, media by NQCC and WPSQ. Publicising of competing lease application by Thorsborne Trust.	Both lease applications rejected. Instead, EPA Minister promised Lot 33 for national park; similar protection for USL Lot 24 (south of Lot 33) followed.
Mahogany Glider habitat 1997-present.	Coastal lands of Hinchinbrook region	EPA, DNR, EA, WTMA	WPSQ and NQCC/ASH representation on Mahogany Glider Recovery Team which wrote the MG Recovery Plan and Conservation Plan and on WTMA's Conservation Sector Liaison Group.	Critical habitat determined. Purchase of private lands, but not enough to ensure viability of mahogany glider. Recovery and Conservation Plans completed but as far as is known, not enacted.

<i>Issue/threat</i>	<i>place</i>	<i>agency</i>	<i>mechanism</i>	<i>outcome</i>
Wilderness concept: Communication tower proposed requiring excision from NP with potential for other activities.	Mt Bowen summit, Hinchinbrook Island;	QPWS	NQCC, HPPS, FOH - media action, lobbying, a focussed paper war. NOTE: wilderness serves as a blanket protector of biodiversity.	Threats to activists' lives. Mt Bowen intact. Simple whip antenna placed on lower peak of Goold Island, no disturbance to vegetation or view.
Wilderness concept vs mass visitation	Hinchinbrook Island	DEH, EPA, QPWS	Hinchinbrook Island National Park Management Plans (HINPMP): long political action (13 years) by many groups. Protest action by Hinchinbrook Action Group (HAG) and ASH precipitated release of HINPMP to public.	Significant wilderness protection prevented the mass visitation on Hinchinbrook Island (Zoe Bay, other eastern bays, Thorsborne Trail) as had been canvassed by coastal developers.
Wilderness concept vs mass visitation	The Brook Group of Islands	DEH, EPA, QPWS	Brook Islands NPMP. Long political action (13 years) by many groups, as above.	Appropriate protection measures prevented visitation on the fragile Brook Islands as had been canvassed by coastal developers.
Hinchinbrook Island: small coastal islands	Hinchinbrook Island East coast	QPWS, EPA	As above	Islands to be included in Hinchinbrook Island National Park (HINP).
Hinchinbrook Channel: small mainland islands	South Hinchinbrook Channel	QPWS, EPA, WTMA	As above	Mangrove Islands to be included in mainland NP and proposed for inclusion in WTWHA.
Redundancy of permits within the GBRMP. 1997/8	Beaver Cay, Brook Group, Family Group, others	GBRM PA	NQCC. Very active support from QCC Coord Imogen Zethoven, NQCC Coord Jeremy Tager.	Protection of specific sites by GBRMPA use of two legal mechanisms.
Dugongs: mortality threatening extinction	Qld east coast, sp Hinchinbrook area	EPA, QPWS, DEST	1994-97 Lobbying, national media, demonstrations, rallies. Originated with NQCC, then HSI, QCC, etc.	DPAs declared. Voluntary Transit Lane scheme for Missionary Bay
Dugong habitat	Hinchinbrook Channel/ Missionary Bay	GBRM PA	GBRMPA Hinch Plan of Management (HPoM). State draft complementary plan.	Introduction of NEW MASS activities (cruise ships) into the northern Hinchinbrook Channel/Missionary Bay area. NO final complementary State Plan.
Dugong habitat	Hinch Channel	EPA, DOT.	Lobbying, media	Speed limit restored in southern Channel but set at 40 knots (80km/h)



Port Hinchinbrook

Current applications and assessments

Date & Reference	Description	Application	Applicant	Approval Agency	Legislation	Progress
	Construction of breakwater walls in Hinchinbrook Channel	Permit	Cardwell Shire Council	QPWS	Marine Parks Act 1982	Comments were sought and submissions closed in October 2004- no decision as yet
14.10.04 2004/1826	Construction of breakwater walls in Hinchinbrook Channel	Environmental Approvals	Cardwell Shire Council	Commonwealth Environment Minister	EPBC	Minister determined as Controlled Action. EPBC level of assessment required under bilateral agreement
Referral 9.10.03 2003/1246 9/3/04 PER announced	Stage II of the integrated Resort 150ha site: 16ha 'lake', 291 residential lots, 100 room motel, golfcourse and buildings. See EPBC WEBSITE	Environmental Approvals	Keith Williams and Cardwell Properties	Commonwealth Environment Minister	EPBC	Minister determined as Controlled Action. Level of assessment determined as Public Environment Report
2003	Stage II similar to above - two proposals submitted; one extends canals all the way to Mary Ck	Applications for Development and Material Change of Use	Keith Williams and Cardwell Properties	Cardwell Shire Council	Integrated Planning Act	Lodged with Cardwell Shire Council in 2003 but not yet released for public comment.

This verse was published in the TB letters page Mon June 21 2004 p8.

Not sure whether Roy Evans realises that "greenies" oppose the high-speed transit lanes, or whether he thinks that the EPA and GBRMPA are "greenies"! And what are "inbetweenies"?

Nevertheless, he has well-expressed the uselessness of voluntarily "restricting" high-speed boating to the 100-metre wide "lanes" through the heartland of the Hinchinbrook dugongs: the shallow seagrass meadows of Missionary Bay.

At last we've solved the problem for the dugong in the North,
Traffic lights and transit lanes from Cardwell to the wharf,
Underwater traffic lights with signs to show the way,
Parking bays and rest points for them to rest and play.

We will need to train the dugong to stop when red is seen,
Swimming down the channel when they see the light is green.

Boats will travel slowly like the cars upon our roads,
Never breaking limits no matter what their load.

Another stupid thought from the greenies.

Maybe we should change to little inbetweenies.

Roy Evans - Cordelia

"If people destroy something replaceable made by mankind, they are called vandals; if they destroy something irreplaceable made by God, they are called Developers".

Joseph W. Krutch

Extracts from Infrastructure Agreement

Extracts from Section 12 Canals Access Channel Breakwaters/Training Walls of Attachment 3 Draft *Infrastructure Agreement* between Council and the Applicant for a development application signed on 21/10/03 by Keith Williams as sole director of Cardwell Properties P/L and subsequently lodged with Cardwell Shire Council.

Although the breakwaters/training walls were a component of the applicant's original submission for approval of Port Hinchinbrook consent to their construction was not given by the Commonwealth Government who had exercised their authority under the World heritage legislation. As a result the applicant has no obligation to build or maintain the breakwaters/training walls (p20).

When and if Stage II is approved or at earlier date determined by the Applicant or Port Hinchinbrook Services, the Applicant or Port Hinchinbrook Services shall prepare in the name of the Council all necessary applications and supporting information to permit the construction of a Breakwater/training walls for the Access Channel to Port Hinchinbrook (p21).

The Council shall, upon resolving to sign the application, apply for all necessary permits for the construction of breakwaters/training walls, subject to information being provided within 90 days of the Stage II approval or earlier if the Applicant or Port Hinchinbrook Services is prepared to proceed (p21).

The cost of preparation of the application and supporting documents shall be borne by the Applicant or Port Hinchinbrook Services (p21).

The Applicant or Port Hinchinbrook Services shall pay the Council its reasonable costs including consultant's costs related to perusing, processing and obtaining all necessary approvals for the construction of the breakwaters/training walls. The Applicant or Port Hinchinbrook Services will be responsible for appointment of the consultant which will be Cardno MBK or an alternative consultant agreed to by the Applicant or Port Hinchinbrook Services and the Council (p21).

If the Council is eligible for subsidy it will pass the benefits of subsidy to the contractor which will be Cardwell Properties Pty Ltd or a construction company selected by Hinchinbrook Services (p22).

The Applicant or Port Hinchinbrook Services indemnifies the Council and will keep the Council indemnified in relation to any costs, damages, suits or actions that arise from the application or Port Hinchinbrook Services approval, construction or operation of the breakwaters/training walls (p22).

The Applicant shall construct the breakwaters/training walls as a contractor to the Council and in accordance with the approvals and the conditions attached thereto (p22).

The Applicant or Port Hinchinbrook Services will pay to the Council a sum equal to that which the Council will pay to the Applicant as a contractor (p22).

IMPORTANT DATES:

April

- 5th-29th - "Dugongs of Hinchinbrook II" Artists supporting Hinchinbrook Island and Channel, KickArts Gallery, CoCA 96 Abbott Street, Cairns.
- 8th - Exhibition Launch - "Dugongs of Hinchinbrook II Art Show", KickArts Gallery, CoCA, 96 Abbott Street, Cairns, start time 6pm. Exhibition officially opened by Diane Cilento and with guest speaker Ray Crooke.
- 16th - Floor Talk, "The Power of Images" Speakers: Peter Kingston, Gavin Wilson, Ray Crooke and other artists. KickArts Gallery, CoCA, 96 Abbott Street, Cairns, start 3pm.
- 23rd - Floor Talk, "Hinchinbrook Island and development site images" featuring Steven Nowakowski and Margaret Moorhouse, KickArts Gallery, CoCA, 96 Abbott Street, Cairns, Start 3pm.
- 29th - Auction Night - "Dugongs of Hinchinbrook II Art Show", KickArts Gallery, CoCA, 96 Abbott Street, Cairns, start time 6pm. Special Guest Greg Hocking.

May

- 14th - Alliance to Save Hinchinbrook - General Meeting, Cardwell.

June

- 28th - Alliance to Save Hinchinbrook - General Meeting, Cardwell.



Photo by Margaret Thorsborne

In 1994, and for some years, James Crawford's house became the Hinchinbrook Campaign operations centre. From its beachfront location near the Cardwell jetty, Oyster Point could readily be monitored for activities that might threaten its foreshore mangroves. James' tinnie and outboard, sailing catamaran, fax, mobile phone and video camera provided invaluable support for the crucial early protest actions and during the ensuing campaign.

ALLIANCE TO SAVE HINCHINBROOK GENERAL MEETING

28th June

Cardwell

For information:

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