

PHOENIX!

NEWSLETTER OF

THE ALLIANCE TO SAVE HINCHINBROOK INC

GOOD NEWS !

Two wins for the Cardwell Hinchinbrook Regional Coastal Management Plan

MEUNGA CREEK

After six years of lobbying by ASH, the narrow peninsula of land on Meunga Creek on which Bob Ford had pursued an unlawful boat maintenance and boat building business has now passed into the hands of new lessees who have assured us that they wish to act only within the town planning and Coastal Act requirements.

Across the creek from world heritage listed Edmund Kennedy National Park, deep draft yachts were hauled out over the public boat ramp. The number of yachts present on the block at any one time went on increasing for four years, to well over twenty, during which time local and State government assured us they were taking all legal steps possible to remove the polluting activities.

The impacts on the adjacent fish habitat reserve of the chemical pollution left from the boat maintenance operations are unknown.

“Thank you” to all who have assisted in achieving this outcome.

story and photos pp 6 & 7

“HINCHINBROOK HABITATS” REJECTED

The Queensland Environment Department has rejected a proposal for a large tourism resort and facilities to be built in prime cassowary and mahogany glider habitat on the Seymour River near Ingham.

In brief, the proposal is for 8 ha of clearing, 147 residential blocks and 49 cabins, a restaurant/convention centre and other facilities including a boat ramp, roads and other infrastructure, with proposals to ban cats and *large* dogs and to educate residents not to feed cassowaries.

The developers have now decided to appeal the decision in the Planning and Environment Court, which means that they will be able to argue the merits of their case, not just whether the decision-making process was correct in administrative detail. *story p4*

NOTICE

MEMBERSHIP RENEWALS ARE DUE NOW

Our year ends 31st March.

*Membership Renewal forms
are enclosed*

GENERAL MEETINGS

to be held at

“Galmara”

on

(1) Saturday 19th April

(2) Saturday 17th May

at

2:00 pm

How to get there?

For directions to ‘Galmara’ please
phone Margaret Thorsborne on

07 40 668 537

If unable to attend:

**PLEASE REMEMBER TO
SEND YOUR PROXY!**

Proxy forms enclosed

*The Annual General Meeting
will be held in June 2008, date
to be announced.*

Cape Richards – jurisdictional issues – resort facilities

As reported in the last issue of **PHCENIX!**, the Hinchinbrook Island National Park Management Plan (HINPMP) calls for the gazettal of several lands associated with the island to be included in Hinchinbrook Island National Park.

The outstanding lands include a gazetted road and esplanade on the island associated with the 8 hectare resort lease. The road cuts through the resort lease, separating the lease into two unequal portions.

In the last few months ASH has sent letters about the resort's dam, sewage treatment and jurisdictional issues to Queensland Government ministers including Health, Tourism, and Environment (past and present); and to Commonwealth Environment Minister Peter Garrett. We also sent a charming DVD tour, complete with buzzing blowflies, of the resort's so-called sewage treatment plant.

A flurry of responses followed, at last yielding some information and some action, including government inspections and surveys.

Some new information

A letter (21 February 2008) from the office of Minister for Sustainability (whatever happened to the Environment?) advised that the **esplanade is under the jurisdiction of the Department of Natural Resources and Water**, contrary to earlier information received and published in the last issue of **PHCENIX!** that the Esplanade was under the jurisdiction of the Cardwell Shire Council.

The same letter advised that a survey was carried out recently, confirming ASH's claim that the resort's dam extends across the lease boundary into the Esplanade. The same letter advised that officers of the Environment Protection Agency had "raised the matter with officers of the Department of Natural Resources and Water and will continue to work with them to resolve

the matter, keeping in mind the conservation values of Hinchinbrook Island".

A letter (29 February 2008) from the office of Craig Wallace, the Minister for Natural Resources and Water (NRW), described the dam as a "minor structure" of "approximately 40 metres x 40 metres in dimension".

The letter stated that the dam and its collection of overland flow is an existing use under the Wild Rivers Act and therefore "not unlawful". The letter also stated "any increase in the capacity of the resort's existing dam would be illegal"; and that the DNRW had been asked to monitor the situation.

A second letter from the office of the Minister for NRW (also dated 29 February 2008) stated that the DNRW "is aware of community concerns relating to the compliance of the lease conditions for Special Lease No 26/41350 and will continue to liaise with the Environment Protection Agency to ensure that all the conditions of the lease are adhered to".

A letter from the office of the Minister for Health (undated February 2008) stated that the sewage treatment plant, "a package tertiary type", is EPA-approved and had been inspected "in the latter half of 2007". This would have been *after* ASH drew ministerial attention to it. "A number of issues ... required remediation ... and these have been subsequently addressed" - that is, *before* the ASH video footage, to which this ministerial letter is a response, was taken.

The letter also states "no public health risk has been identified". The letter goes on to explain the process of drying the sludge and using it for "irrigation and compost on the resort's gardens..."

Despite the assurances from the various ministers, the ASH committee is not convinced that the plant is operating to a proper standard.

Can this really be the EPA standard? No Minister has addressed the environmental impacts of allowing an ongoing accumulation of human sewage, whether in its raw state or as "irrigation and compost", to accumulate on a national park lease – and especially one on sandy soils so close to the sea.

A letter from the office of the Commonwealth Environment Minister Peter Garrett explained that the Commonwealth has limited involvement because the approvals for the resort predated the EPBC Act; "nevertheless, Department officers are assessing certain matters to determine if there is a need for further Commonwealth involvement".

This saga is not over yet. Further, we are now curious about the standards (health and environmental) for sewage disposal on other island resorts in the Great Barrier Reef World Heritage Area.

But no action on NP gazettal of road and esplanade

A deafening silence still reigns however on the question of national park gazettal of the esplanade and road as called for in the HINPMP.

Members are again encouraged to write to the Minister for Sustainability to ask WHY the determination expressed in the HINPMP in relation to the road and esplanade was not carried out when the small islands were included in the national park; and WHEN this situation will be corrected.

*The Hon Andrew McNamara,
Minister for Sustainability, Climate
Change and Innovation*

GPO Box 806 Brisbane Q 4000

sustainability@ministerial.qld.gov.au

HINCHINBROOK COUNCIL RESISTS FISHING DRAFT

(Reproduced from The Townville Bulletin 20th March 2008)

By Daniel BATEMAN

The Hinchinbrook Shire Council has rejected the State Government's inshore fisheries plan, declaring it would create an unnecessary danger for dugongs.

The Department of Primary Industries and Fisheries on Monday closed submissions to its controversial plan, which includes proposed restrictions on bag limits and fish size and more scope for commercial net fishing close to the coast.

Critics of the plan, including recreational fishers, traditional owners, and conservationists had blasted the State Government over the proposal, which they claim would introduce more nets into dugong protection areas such as the Hinchinbrook Channel

CEO Rob Clarke said the council was merely agreeing with many residents who were against the proposal.

"A majority of the people who attended a meeting at the Ingham Bowls Club here, the council said that they weren't in favour of the proposal because of the dugongs.

"That's a very important area for visitors to view dugongs.

"It's a high tourist area at the southern end of our channel and it's a very important aspect." Mr Clarke said the Council should not make any changes to inshore fisheries.

"We don't believe it's in the interests of the dugongs and the tourism industry," he said.

Queensland Seafood Industry Association president Neil Green said there were many 'misunderstandings' about the fisheries plan.

"A lot of people are misunderstanding, in particular, the shark fishery," Mr Green said.

"They're misunderstanding that it's already happening and all that we're doing is putting stricter management controls on it."

Mr Green said he had received several calls from people in the Hinchinbrook region, concerned about the welfare of dugongs under the plan.

"Netting interaction is close to nil with dugongs these days," he said.

"It's more boat strike and it's more habitat losses that are causing problems."

The final proposal is expected to be released around September.

"The extremists on both sides will never be happy, but I think what's in the plan is very possible, and I'm looking forward to the upcoming DPI workshops to work through all sectors of it," Mr Green said.

A DPIF spokeswoman said the department received more than 1500 submissions.

WHOSE

MISUNDERSTANDING?

This article illustrates how the Queensland Seafood Industry Association (QSIA) continues to peddle misinformation to support its cause.

It seems that the QSIA will persist in promoting the myth "*near-enough is good enough*" for dugong drownings, in the face of science and conservation goals. These goals are supported formally by both State and Commonwealth governments (the GBRMPA's goal of dugong recovery). The SIA has also discounted as "*extremists*" the expertise and authority of scientists, conservationists and the GBRMPA.

If the views of the QSIA were sound they would not feel the need to attack those who oppose them, or to smudge the facts.

NO. ASH did not misunderstand the fact that ecologically unsound and unlawful fisheries already exist on the Queensland coast. We do not want them reduced: we want them *stopped*.

In brief, our view is that the Plan review is the appropriate opportunity to ensure that:

1. enforcement measures are changed so that illegal activities cease;
2. ecologically unsustainable practices are made illegal; and
3. exit packages are provided for operators of banned fisheries.

The revised Plan will be released in September this year.

MEANWHILE: AFTER reading the extracts from Alan Goodwin's web page, reproduced on page four of this issue of **PHCENIX!**, PLEASE write to the Commonwealth Environment Minister Peter Garrett.

Tell him how you feel about the fate of the dugong being left to the tender mercies of the commercial fishing industry. Tell him about the abuse of process and of the public purse should the Queensland Government allow fishers to set nets again in DPA A zones, only to be paid out again when the Commonwealth intervenes (as it must) to properly protect the dugong population.

Tell him that there must be NO GILLNETTING in ANY AREAS frequented by dugongs, not just in DPA A zones.

A SPECIAL THANK YOU TO ALAN GOODWIN

for blowing the whistle on the Fin Fish Fishery Plan review.

Alan Goodwin has a sportfishing and tourism business at Lucinda, at the southern end of the Hinchinbrook Channel. It was his personal effort in publicising the risks to dugongs in newspapers and radio interviews that first alerted ASH to the need to investigate this fisheries plan.

On his web page Alan says that he has “*spent a lot of time working with Dr Preen as his eyes in Hinchinbrook Channel recording such things as Dugong counts and movements and sea grass density*”. As for the Plan: “*If there has ever been a case of Double Dipping this proposal has to be up there with the best of them*”.

Type in <http://www.hinchinbrookfishing.com.au/weeklyreport.html> to reach his web page, where, in his own unique style, he discusses the politics of the commercial fishing interests that are driving the Plan. And be warned: at the top of the page he has published a photo of a drowned dugong still lying afloat in a set net.

To whet your appetite and assist in your letter to the Commonwealth Environment Minister, two small extracts from Alan’s website follow.

Ever since exclusion zones were put in place the DPI Fisheries have been under pressure from the Queensland Commercial Fishermans Organization to have set nets reintroduced back into Dugong [A] Wild Life Reserves such as Hinchinbrook Channel.

Now we have a situation where they are going to try and use the Inshore Fin Fish Management Plan to do just that.

We may well ask since when have fisheries managers been given the mandate to become wildlife custodians?

The average citizen out there has no idea of what they are trying to do.

The token awareness campaign put in place by Queensland DPI Fisheries has failed to reach the masses, it all looks good from their side of the fence but out there in the real world ignorance prevails.

One thing is for sure and we challenge them to make public any submissions other than those from the commercial sector supporting the reintroduction of set gillnets back into DPA A rated areas.

The commercial fishers were paid compensation by the federal government they took the money and said thanks very much.

Now there is a real chance that some of those very people who received compensation have obtained new licenses and are pushing for access back into those areas they were compensated to leave.

To my knowledge the issue of reintroduction of gill netting in Dugong protection areas was never raised at any of the previous consultative meetings attended by recreational fishers in 2006.

No one would have thought that the downgrading of Dugong Wild Life Sanctuaries to maximize fisheries yield was up for discussion, considering so much compensation was paid by the federal government to commercial fishers not to gill net these Sanctuaries in the future.

Will the federal Government once again be put in a position where they may have to pay out commercial fishers once again for what ever reason?

“Hinchinbrook Habitats” rejected by EPA; proponent to appeal

“Hinchinbrook Habitats” is a proposal by the Everett Family Trust to develop Lot 125 on CWL2515, Lot 1 on CWL2514, and Lot 32 on CWL74 (about 80 hectares), on the Seymour River, south of the Cardwell Gap near Ingham, North Queensland.

Much of the land is zoned *rural* and is also listed under the *Vegetation Management Act* as *endangered* and *of concern*, being prime habitat for the cassowary and mahogany glider. There has been some past clearing and light grazing on some of the land.

Mark Everett has described the property as “*thick remnant vegetation with large pockets of rainforest ... 253 species of birds, 183 species of butterfly, 27 mammal species, 26 reptiles, and 11 frog species ... More than 70% of the site will remain untouched ...*” (John Young’s web site).

John Young, wildlife photographer and consultant for the proposal, featured ten years ago as a member of a sham expert team that was assembled by Environment Minister Littleproud under pressure to release coastal lowlands for cane expansion and other development.

This non-expert team conveniently found “evidence” that mahogany gliders existed at higher altitudes than the 200 metres limit established by the research of specialist scientists Steve Jackson and Steve Van Dyck.

The sham science was soon exposed by the real experts. The “evidence” collected by the non-expert team has come from other animals, not from mahogany gliders.

Before the report could be discredited, however, the government quickly and quietly removed Lot 33 (near Oyster Point, since gazetted Girrimay

National Park) from the *Critical Habitat for the endangered mahogany glider* list. Keith Williams applied for a lease over it the very next day.

Only serendipity and quick action by North Queensland Conservation Council, the Thorsborne Trust and the sympathetic new Environment Minister Rod Welford saved Lot 33 from becoming a golf course or air strip.

Given this history, the ASH committee viewed with more than usual caution the consultant’s supporting studies for “Hinchinbrook Habitats”, especially the claim that, despite diligent searching, mahogany gliders had not been found on the property.

Continued p5

From p4. Hinchinbrook Habitats

The relevant protected status list includes Halifax Fish Habitat Area, Hinchinbrook Fish Habitat Area, Girringun National Park, Great Barrier Reef and Wet Tropics World Heritage Areas, and Hinchinbrook Dugong Protection Area.

These designations might mean little in terms of real protection were it not for the fact that it lies within a **Key Coastal Locality** defined under the *Cardwell Hinchinbrook Regional Coastal Management Plan (CHRCMP)*.

Under the *Integrated Planning Act (IPA)* Key Coastal Locality designation gives the

Environment Protection Agency (EPA) "concurrence" status and the power to say "NO" before a proposal gets to the stage of the local Council releasing it for public review.

It was a Key Coastal Locality designation that allowed the EPA (with a little help from ASH) to reject the 2005 proposal for "Port Hinchinbrook" Stage II.

The CHRCMP itself came into being as an outcome of *Friends of Hinchinbrook (FOH)* taking the Commonwealth Government to court. Although FOH lost the case, the Commonwealth undertaking to have this state plan written was a requirement of the court in accepting that impacts of the development could be controlled.

ASH has submitted comments on the Hinchinbrook Habitats proposal to both State and Commonwealth governments. ASH objected on a number of grounds, and (further) proposed that land be purchased by the government, added to Girringun National Park, and rehabilitated.

ASH contended that this property is an excellent opportunity to preserve and repair important habitat for the cassowary and the mahogany glider, and to prevent further impacts on the dugong and other threatened and migratory marine species.

The cassowary was a major issue – see excerpts below from ASH's submission.

Townsville Bulletin 07 February 2008

Green project rejected **Fight for habitats**

By **EMILY MACDONALD**

A PROPOSED eco-friendly development near Ingham backed by local naturalist John Young has been rejected by the State Government.

The developers have appealed the decision in the Planning and Environment Court. The development was to include 147 residential blocks as well as 50 tourist cabins, all built into the existing slope of the land.

It would have used recycled water for gardening, while toilets and environmental covenants are in place preventing homeowners from clearing any more land.

Mr Young, who was responsible for the successful Tyto Wetlands project, said the proposed Hinchinbrook Habitats was about as green a project as you could possibly ask for.

"Not only are we clearing only 8ha of land but we are more than making up for it by revegetating 40ha for the mahogany glider," Mr Young said.

"We're taking this to court now and I will go down with this ship because I believe this project is in the right."

Hinchinbrook MP Andrew Cripps said he believed the Department of

Natural resources and Water had rejected the project on the advice of the Environmental Protection Agency.

"The rejection of this project by state government agencies conflicts with the support offered by the Hinchinbrook Shire Council, local conservation experts and local traditional owners," Mr Cripps said.

"Mr Everett has been given the bureaucratic run-around and must now go to court to get the matter sorted out."

Project manager Glen Everett said he was disappointed with the decision.

"Our consultants have told us this is not going to be detrimental to the environment but the EPA went completely against what they said – even though, unlike us, they haven't done a detailed analysis," Mr Everett said.

"We believe we have bent over backwards and this would have been a positive step forward by the Government to help us do something for the environment."

Minister for Natural Resources and Water Craig Wallace declined to comment on the issue for legal reasons.

"HINCHINBROOK HABITATS" PROPOSAL :

CLIMATE CHANGE AND CASSOWARIES

The impacts of climate change will be serious for our coastal habitats. The devastation of forests due to Cyclone Larry lies not only in the destruction of trees (representing seasonal foods, shelter and passage for cassowaries) but also in weed invasions that follow and the inability of the birds to walk through areas of flattened trees.

The level of cyclone destruction (wind speed) is related to the intensity of the cyclonic low. Science confidently predicts that cyclone intensity along this coast will increase as the sea temperature increases.

Cassowaries will need larger, unfragmented, uninterrupted habitat areas for the species to survive the damage due to the cyclones of the future. Breaking up what exists now, putting people into cassowary habitat now, is closing off their future options.

“HINCHINBROOK HABITATS” PROPOSAL: CASSOWARY INTERACTION

Local members of ASH have been involved in the saga of handfeeding of cassowaries (feeding stations away from people) and are terribly aware of the dog and road deaths to cassowaries caused by those householders who continued to hand feed directly, out of misplaced compassion for an individual bird.

No amount of education can prevent emotion-driven hand feeding.

The juxtaposition of resident humans and cassowaries is always fatal to wild cassowaries.

The Hinchinbrook Habitats proposal would disrupt normal cassowary behaviour and lead to cassowary dependency and subsequent deaths

due to the association of people with food.

Posing the proposal as ecologically sensitive ignores the cassowaries’ propensity for quick and permanent association of food with people and the impossibility of preventing people from interacting with cassowaries. This can only lead to intractable problems for the cassowary.

It has been proved impossible for resort operators to always prevent person-cassowary interaction (such as feeding), yet that is what would be absolutely required.

At the best of times education is slow and incomplete. Cassowaries learn to

associate people with food far more quickly than people learn the consequences.

The claim to environmental sensitivity falls down entirely when one considers the impact on the habitat into which this proposal would inject thousands of people-trips and their other recreational activities.

This habitat is not a discretionary item when it comes to the viability of the species. In practice, the officially listed habitat is the minimum to which scientists would sign. These listed lands alone cannot assure the future of the cassowary in the wild.

STORY IN PICTURES: MEUNGA CREEK



Photo 2005

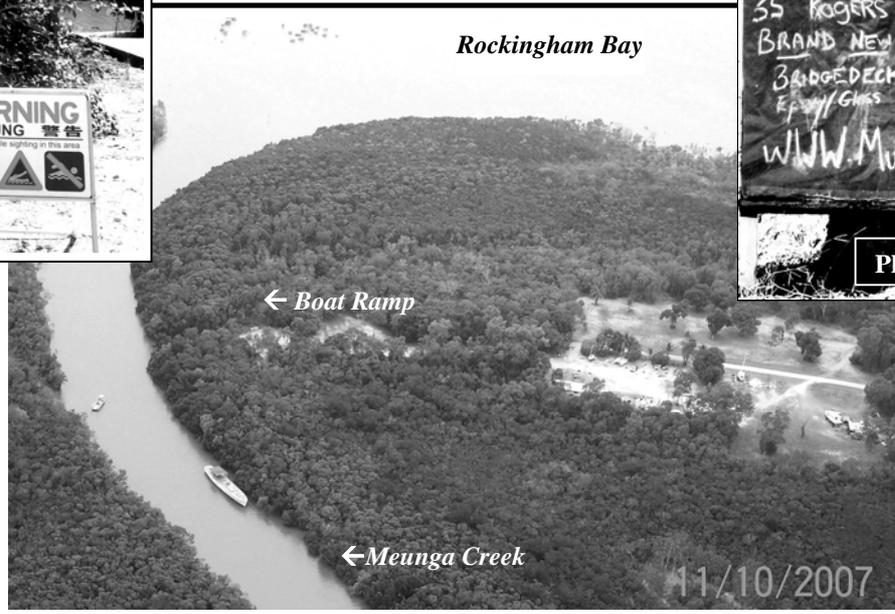
Below: the spit of land between Meunga Creek and Halifax Bay, designated “natural resource protection”, on which for six years Bob Ford ran an unlawful boat building and maintenance business on his leasehold Lot 26 and adjacent public land (cleared area in photo below).

The road to the public boat ramp can be seen in the photo (below). On the north-western bank (left side of photo below) is Edmund Kennedy National Park.



Photo 2005

Rockingham Bay



← Boat Ramp

← Meunga Creek

The Bob Ford Haul-out unlawfully used the public boat ramp (see photo above) for hauling out large vessels (up to 45ft length – see BOATS 4 SAIL sign, photo right) on a ramp intended for small runabouts and dinghies.

← October 2007

The Fords have gone.

Residues of anti-fouling paints, oil and other chemicals will however remain to seep into the marine environment.

Photos by Margaret Moorhouse.



ASH discovered the illegal haul-out on Lot 26 in 2001 and began alerting authorities, expecting quick action. Cardwell Shire Council reported on the illegal use of the Meunga Creek boat ramp, associated illegal mangrove clearing, use of waste oil, and illegal building on public land (esplanade).

Council began writing to the Fords in June 2001, again in October about *expanded* operations; and in 2002 issued a Show Cause Notice.

Unbelievably, despite prosecution by the Environment Protection Agency and

legal action by the Council, and repeated assurances by the Minister for Natural Resources that all legislative powers were being exercised, the DNR supported an application by the Fords for a material change of use and intention to expand into Lot 27. ASH made a formal objection, contending that the Council had no power to override the Cardwell Hinchinbrook Regional Coastal Management Plan. This view evidently prevailed.

By 2005 the Fords were at last on the way out and the number of deep draft vessels on the site (over twenty) began to diminish.

In June 2006 (see photo below left) the large sailing yachts Coonawarra and Konnexion and a dozen more were still on the leasehold property.

The dongas (above) were where multihull construction was, Ford claimed, being carried out for sales to China. The multihull creations received a resounding “thumbs down” in the boating press and have vanished off the radar.

By February 2007 (below, and below right) Coonawarra and Konnexion were looking lonely as other vessels and equipment were at last being removed, all gone by late 2007.

Photos by Margaret Moorhouse.



WHAT'S HAPPENING AT OYSTER POINT?

A Keith Williams Company (but not Cardwell Properties) is about to lodge an application for a new version of Port Hinchinbrook Stage II. This application might:

- comprise part only of the original Stage II;
- seek a deal to remove the 13-year-old 30 hectare "temporary" spoil ponds in exchange for approval for a subdivision;
- seek seadumping of dredge spoil.

The ponds were built above ground as temporary holding for dredge spoil and acid sulphate soils. As long as they block the natural flow of fresh water to Girimay National Park, it will continue to die.

The 2005 McNeillage Hydrology and Stanton Ecology Reports (commissioned by ASH and provided by donations to the ASH Fighting Fund and by The Thorsborne Trust) were vital in clarifying the significance of the freshwater surface flows to the coastal melaleuca woodlands now gazetted as Girimay National Park.

ALL "PORT HINCHINBROOK'S" LEGAL SPOIL DUMPING AREAS ARE NOW FULL.

Despite the construction of breakwalls, the entrance to the marina is accessible to yachts only on a high tide, and no more dredging can take place until a solution is found for the disposal of dredge spoil.

The grapevine reports that the recent Townsville to Port Hinchinbrook "Classic" yacht race saw most of the race fleet anchor outside the marina for the night.

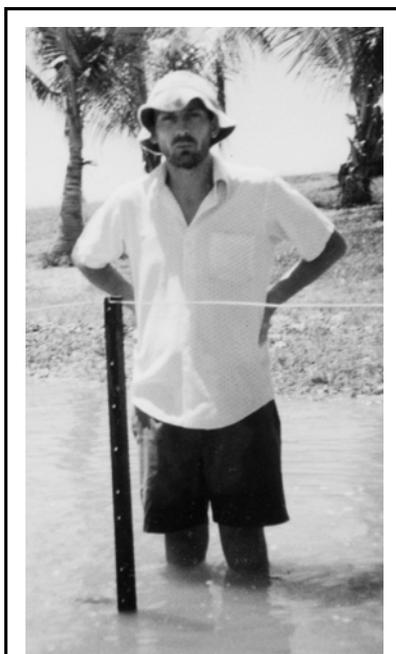
Hence the renewed interest in seadumping – in this case into the Hinchinbrook Channel.

The permission to dredge Port Phillip Bay may be seen as a precedent for how governments will consider dredging along the Great Barrier Reef coast, where the seabottom may be perceived as being much less biodiverse than in Port Phillip Bay.

This would be "Lowest Common Denominator" thinking at its worst – and ASH's next battle.

VALE KEITH HAYES

On New Year's Day the sad news arrived that a NSW supporter, Keith Hayes, had died.



2000: Keith Hayes inside the front fence of a Port Hinchinbrook house block, planning a HAG kayak action to illustrate the intrusion of the PH site into the State Marine Park. Photo Margaret Thorsborne

In the late 1990s Keith lived in Cardwell. For a time he had been our principal action campaigner, playing an integral role in campaign activities generally and in Hinchinbrook Action Group (HAG) surveillance and media-alerting activities.

His enthusiasm was infectious. On one occasion he literally ran down to the sea carrying a newly-modified kayak to test its stability for the safety of novice activists, returning quickly in some excitement to relate how well it had performed.

Keith Hayes died before the recent public response to the horrors of the Fin Fish Fishery Plan Review revealed how much the public attitude to dugongs has improved. He would have been amazed and pleased to think that Hinchinbrook Shire Council would oppose the Plan on the grounds of dugong protection.

At a commemorative gathering in celebration of his life, Jo Valentine read out the following words written by Keith into Ken Parker's notebook:

If things aren't going the way you think they should with the campaign, just remember you're here for nature, not for yourself or anybody else, and it is precious and pure and innocent like your true selves. Your obligation is to fight for nature as you would for yourself and never stop – never, ever.

Farewell Keith. Thank you for your contribution to the protection of the Hinchinbrook Passage.