

# PHOENIX!

NEWSLETTER OF

## THE ALLIANCE TO SAVE HINCHINBROOK INC TO MEMBERS OF ASH

May the new year 2010 bring you peace, personal contentment and good health.

May you also have the strength to persevere in all your efforts to further the conservation of biodiversity, in whatever ways are open to you.

*ASH can only be as effective as its members - it's a joint enterprise - and the committee would love to have more feedback and more administrative help too (such as compiling this newsletter).*

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### ***ASH committee attends Commonwealth Community Cabinet in Townsville.***

On Tuesday 12 December, Margaret Thorsborne travelled by bus to Townsville to join Margaret Moorhouse and Mal McLean for the Commonwealth Community Cabinet held at James Cook University.

Aspiring attendees must apply some weeks ahead and be cleared by security. Entry is by photo ID.

Before driving out to JCU, we met near Townsville CBD for a discussion with a Policy Adviser to the Commonwealth Minister for Environment, The Hon. Peter Garrett. We presented images and documents illustrating the failure of the Queensland draft Coastal Plan to incorporate Commonwealth interests in the draft Plan generally or to honour the specific Hinchinbrook region agreement between Queensland and Commonwealth governments.

Upon arrival at JCU, our esteemed President proffered as her photo ID a 1994 newsclip showing her being removed by police from the Oyster Point foreshore. This caused enough good humour to catch the attention of the official Commonwealth photographer, who has recorded for posterity Margaret's unusual security clearance.

Later, we spoke with Senator John Faulkner and with the Hon. Peter Garrett, and briefly reminisced about the early days of the Hinchinbrook Campaign. Senator Faulkner remembered the infamous night of the bulldozers under lights, when his staff stayed up until the small hours, hearing some of the action relayed from a land line phone in Cardwell via an activist two-way radio on the Oyster Point foreshore.

Following these conversations with Commonwealth ministers and staff we have hope that the Commonwealth will pursue its interests in relation to the draft Queensland Coastal Plan. #

*This year, 2009, is the International Year of Astronomy, celebrated in Australia by the release of a special postage stamp and coin. We celebrate and remember with affection Dr. Brian Robinson and his dogged determination to expose the corrupt processes behind the government decisions for development on Hinchinbrook Channel and Nelly Bay, Magnetic Island.*

## **IN MEMORY OF BRIAN ROBINSON FAA**



### **Astronomer and friend to Hinchinbrook**

1930 - 2004.

With acknowledgement of photo and article **From Brian Robinson: Old Clocks and Radio Telescopes** (*Community Close-Up story from Magnetic Times, August 2000*).

Brian Robinson was an exceptional Australian scientist and lover of all good things. It was his outrage at what he dubbed “phony science” that led to his careful analysis of the 1996 “Port Hinchinbrook” approval and strong criticism of the approval processes, both personally and on behalf of the Academy of Science.

For more about Brian’s remarkable life see the website of the Magnetic Times <http://www.magnetictimes.com/> and the Melbourne University Bright Sparcs website - [www.asap.unimelb.edu.au/bsparcs/biogs/](http://www.asap.unimelb.edu.au/bsparcs/biogs/)

### **Celebrating a long and distinguished life**

As a young physics honours graduate employed by the CSIRO, Brian Robinson discovered the presence of gas between stars in galaxies other than the Milky Way.

After gaining his PhD at Cambridge University, Dr. Robinson held many highly esteemed positions including: visiting scientist at the Netherlands Foundation for Radio Astronomy in Leiden 1958-61, Deputy Director, Australian National Radio Astronomy Observatory Parkes 1968-70, Director of Research, Australian National Radio Astronomy Observatory Parkes 1971-79, and Chairman Inter-Union Commission on Allocation of Frequencies 1976-1994.

In 1992, by then a Fellow of the Academy of Science, and after many a discovery (such as the quasar) and many an illustrious battle for good science, Brian retired from active scientific endeavour. He applied his experience and incisive mind in working with a number of international scientific committees and organisations including the United Nations Scientific and Cultural Organisation’s (UNESCO) International Council for Science.

By this time Brian was spending his winters on Magnetic Island, just when government approvals were under way for the scientifically unsupportable proposals for Nelly Bay and Oyster Point. Brian became involved in ongoing debate about the phoney science that was diluting the integrity of Queensland’s development approval processes, whether in highly selective reports by consultants or “long-bow” interpretations extracted from bureaucrats to support bad government decisions.

Writing to the *Senate Inquiry into Commonwealth Environmental Powers*, Brian took great pains to expose the Commonwealth government’s phoney science to the good senators. Never one to be afraid of a fight, he put it bluntly:

*“...complete lack of a scientific basis for Commonwealth consent in 1996 for the Port Hinchinbrook development. It makes it clear that in NO WAY did the review by Russell Reichelt provide Senator Hill with “new scientific evidence” as the Senator repeatedly, and falsely, claimed.”*

**THANK YOU, BRIAN**

## 'Port Hinchinbrook': NEW "TEMPORARY" SPOIL POND

The Cassowary Coast Regional Council has granted Williams Corporation a permit for yet another "temporary" above-ground spoil pond (indicated by white rectangle on photo below). It seems that the only role DERM had was to require the bottom to be leak proof.

Conversations with the Council, DERM and the developer's consultant converged upon the interesting fact that there was no known disposal option for the pond contents, and no answer to the question "if you can't say how the contents will be disposed of, how can you be sure that the pond will be temporary?" Nevertheless, we are assured that the permit is for three years only.

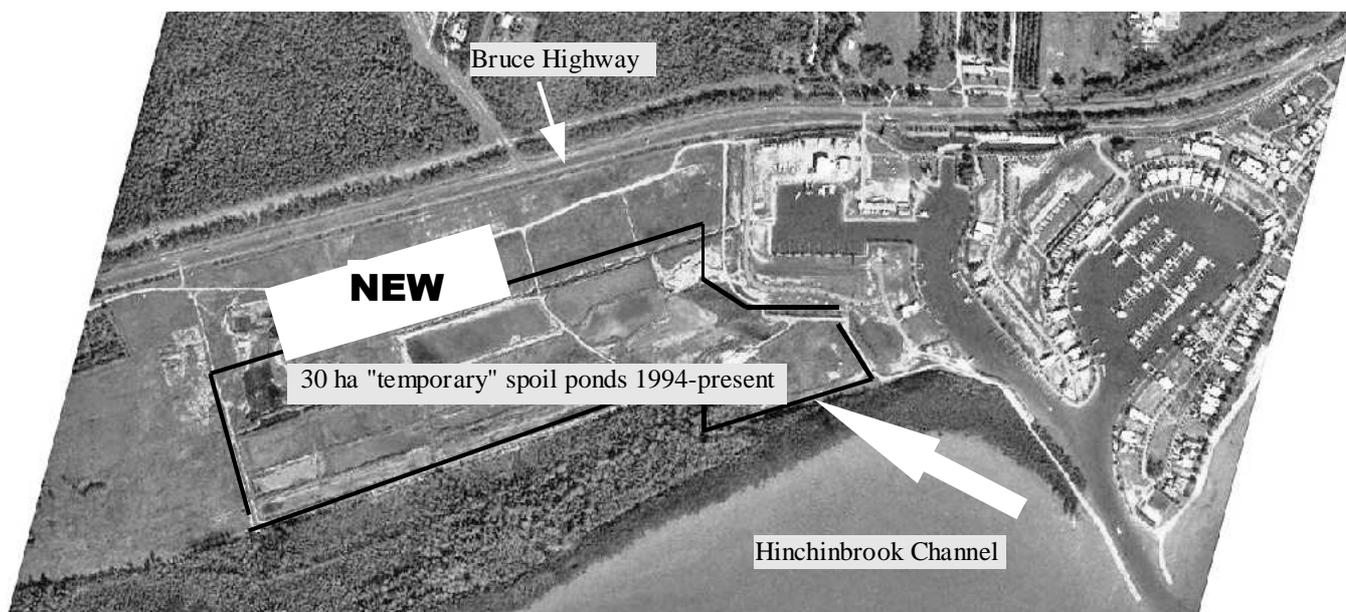
Prior to the release for public review of Queensland's draft Coastal Plan, ASH sought information specifically about the possible repeal of the *Cardwell-Hinchinbrook Regional Coastal Management Plan*. We were given vague reassurances or told "sorry, we don't know". When released, the draft was accompanied by proposed amendments to the Queensland Coastal Act. These would

remove the clauses which require regional community consultation and preparation of regional coastal plans.

Should the regional coastal plans be repealed, two likely outcomes are renewal of application for seadumping of dredge spoil in the Hinchinbrook Channel and a return to the original application for 'Port Hinchinbrook Stage II' - a large marina, canal estate and golf course on 160 ha south of the present ship maintenance basin.

There's also a chance that a new access channel through the southern mangroves might be seen as a solution to the impracticably high frequency of dredging required to maintain two metres' depth in 'Port Hinchinbrook's' rapidly silted canals.

The large white arrow (photo, below) points to the close proximity of the Hinchinbrook Channel to Williams Corporation land, currently spoil-covered but close to the site of a proposed marina refused under the regional coastal plan.



*Above:* view from over the Hinchinbrook Channel: The thin black line encloses land that is now deeply covered with dredge spoil. The left-hand end of the spoil pond area marks the southern end of Lot 170. South of this line (to the left) is another 90 hectares of agricultural land, still under orchards and grazing cattle, for which Williams Corporation has proposed various development projects. All of this land is now *outside* the urban area in the new Far North Queensland 2009-2030 Regional Plan, so no such application could be received today; but the original Preliminary Approval is still in the system, despite the refusals and redraftings. The white rectangle indicates the approximate position and size of the new spoil pond. *Photo ASH.*

*Below:* view of the new spoil pond from the Cardwell Lookout November 2009. Beyond the old spoil ponds the upper limbs of the dead trees of Girramay National Park are still visible above the new mangrove ferns (Photo Margaret Moorhouse).



## Peter Stanton speaks

An address given at the Wet Tropics Management Authority function (14 August 2009)

celebrating 20 years of World Heritage listing for the Queensland wet tropical forests

I would like to start by giving you a brief history of some important events that heralded the beginning of the battles for the wet tropical forests, that have brought us to the event that we are celebrating today.

In the 1960s and 1970s Queensland saw the most massive land development boom in its history. In the brigalow country of central Queensland, 'dozers with chains strung between them transformed half a million hectares of brigalow forest and softwood scrub into treeless plains stretching from horizon to horizon. In the infertile coastal lands from the wallum country of south-eastern Queensland to the wet deserts of the Jardine River catchment at the tip of Cape York Peninsula, inspired by the work of CSIRO's agronomists, and a philosophy that said that all one needed was the soil to stand plants up in, and fertilizing technology and plant breeding would do the rest, massive development leases were issued over crown land. Their record has been one of failure and a ruined natural environment.

The wet tropics did not escape attention. About 20,000 hectares involving the last remaining large area of complex lowland habitats, in the valley of the Tully River, disappeared between about 1965 and 1972. Timber Reserves and State Forests were revoked and added to Crown Land to form one massive land sale, under freehold tenure, to the King Ranch company.

In the same time frame the great Babinda swamp forest was cleared and drained, and swamplands everywhere, previously considered too difficult to develop, were under attack. Not even the mangroves were safe, witness the lease of those in Trinity Inlet to the CSR company, to be reclaimed for the growing of sugar cane. Today we are trying to restore those mangroves.

All of these developments occurred with relatively little public comment or political impact. Perhaps those with conservation concerns were too stunned by the speed of it all to react, but the final straw came with the proposal by an entrepreneur, and actively investigated by the Forestry Department, to base a woodchip industry in the region's forests. From that began epic conservation battles that culminated in inscription of the Wet Tropics of Queensland on the World Heritage register.

This book ["From the Heart"] is a chronicle of some of the many who have loved this area, and of the many who have fought for the protection of its wild lands. For all of them, myself included, this is the time to celebrate a victory which has been won, and a future which has been secured. I wish that I could stand here before you on this evening of celebration and give you, as would be appropriate, a message of optimism for the future of this inspiring land; but I can find no reason for optimism. It now faces threats that dwarf those of the past, and could prove intractable to overcome.

This book therefore, is a chronicle of a land that is vanishing and that, in so many ways, has vanished. Let us look at some of the problems that it faces.

First, there is population. While our civic leaders and economists exult in rapid population growth, they need to understand that restrictions to that growth are imposed by water supply. How many dams will we tolerate being

constructed, how many ruined rivers, how many aquifers drained dry, before we call "enough!"

With the removal of fire from that 66% of the Wet Tropics Bioregion that is non-rainforest vegetation, there has been massive loss of habitat, including that of the wet sclerophyll forests, some of the grandest forests that have ever graced this continent. If present trends continue, and I see nothing to convince me that they won't, they are doomed to extinction, along with the wildlife that depends on them.

We have replaced the fire of the Aborigine with the fire of global warming, stoked by the fuels that were buried in the earth some 150 to 350 million years ago when humanity was unknown to the world. Our local researchers have painted us a picture of the predicted loss of species with every degree of warming and it is a grim picture indeed. On the world scale climate scientists, almost unanimously, are telling us that we are facing a global emergency. When all our most basic survival instincts should be telling us, however, that our first swift response should be to cut energy consumption, we are going in exactly the reverse direction. In the last 10 years electricity consumption alone, in Queensland, has increased by 70%. In airless suburbs, with paling fences, we are designing and building furnaces, houses that are unliveable without air-conditioning, and filling them with every conceivable energy-guzzling gadget and appliance. I fear that we are becoming a soft people, little inclined to experience the discomforts of contact with the natural world. I fear also that the next generation will be even softer as a consequence of the drive to put air-conditioning in every school.

The problem of global warming cannot be solved at the local level, or even at the national level. A solution depends on all parts of the world doing their bit. We are, however, one of the best educated and wealthiest of nations. If this is the best we can do then we cannot ask other nations to do more.

We cannot live without hope, however, and my hope, forlorn as at times it might seem, is that change, when it comes, will come quickly, as it so often has in world affairs.

Most urgently, there is a need to get our young people away from their computer games and the internet, to a world where they can learn to exult in the sights, sounds, and scents of the forests and woodlands. There is no other way they can develop the caring that will equip them as combatants in the battles for survival of the natural world that lie ahead – and indeed, for their own survival. Humanity has demonstrated the capacity to overcome in the face of fearful odds, but it cannot do that without the emotions generated by knowledge and caring.

Perhaps World Heritage listing may yet prove to be but one of many milestones in our passage to a society that has learnt to live within its means. #

**Peter Stanton is now a widely recognised vegetation and fire ecology expert. His skills and hands-on experience in the landscape have earned him international respect. In 1982, he was acknowledged by the International Union for the Conservation of Nature with the inaugural Merit Award, an award given only once in ten years. ASH's efforts to protect the Hinchinbrook region have been greatly enhanced by Peter's assistance, provided through the Thorsborne Trust.**

### May 2004: The experts site visit to USL Lot 33 (now Girramay National Park)

*Above:* Peter Stanton, ecologist, and Simon McNeilage, hydrologist, compare notes: the high conservation value land (now Girramay National Park) is in trouble from the Port Hinchinbrook spoil ponds.



*Below:* Peter Stanton explains: *here is the whole story!* Underfoot is the trunk of a recently dead pandanus and the fallen limbs of dead melaleucas: encroaching from both sides, bright green new stems and leaves of invading mangrove ferns. Pandanus rot quickly, so this tree death is recent. Young mangrove ferns indicate the new presence of salinity high enough to have killed the pandanus and the tall, old melaleucas.

*photos this page Margaret Moorhouse*



*Above:* Peter Stanton very much at home in the landscape - near Mary Creek, south of Lot 170.





**May 2009: Field inspection of Girramay National Park by Margaret Thorsborne and Ken Parker.**

Margaret pushes through the now quite tall mangrove ferns in Girramay National Park. They are now so thick under the tall, still-standing but dead melaleuca trees, that it is impossible to walk through where there used to be relatively open coastal woodland. This dramatic change was the result of 'Port Hinchinbrook' site works. *Photo Ken Parker.*

**WHAT'S WRONG WITH THE DRAFT COASTAL PLAN?**

*Apart from shrinking the coastal zone, prioritising development over conservation, failing to deal with real climate change - yes, there's more:*

- The draft Queensland Coastal Plan is proposed as a replacement of the present Coastal Plan, for the whole of the Queensland coast. To have effect it would require amendments to the Queensland Coastal Act, and repeal of the present Coastal Plan and the four regional coastal management plans written under the present Coastal Plan. The relevant titles are as follows:
- *draft* Queensland Coastal Plan draft State Policy Coastal Management 2009
- *draft* Queensland Coastal Plan draft State Planning Policy Coastal Protection
- *proposed amendments:* Queensland Coastal Protection and Management Act
- *proposed repeal:* Queensland Coastal Management Plan
- *proposed repeal:* Cardwell-Hinchinbrook Regional Coastal Management Plan 2003 (and three other regional coastal plans: Curtis Coast 2003; Wet Tropical Coast 2003; Southeast Queensland 2006).

**(WHAT'S WRONG WITH THE DRAFT COASTAL PLAN?)**

**NATIONAL & INTERNATIONAL ISSUES**

The draft Plan would abrogate the Queensland Government's responsibility for matters of significant national and international interest, agreements and conventions to which Queensland is a signatory. These include areas of high biodiversity value reported by Queensland to the U.N. under the *Convention for Biological Diversity* and declared under the *Queensland Nature Conservation Act (1992)*, as part of the National Reserve System of protected areas. Under this convention "no adverse impacts" are allowed in these areas.

The draft Plan deliberately excludes Nature Refuges, Coordinated Conservation Areas, State Forests and Timber Reserves from protection as *Areas of high ecological significance (Draft State Planning Policy Guideline Coastal Protection p.57 Section 5.8 A 3.5)*. Only terrestrial national parks would be recognised as *Areas of high ecological significance (conservation estate)*.

The draft Plan ignores the environmental constraints inherent in the legislated conservation zones of the Great Barrier Reef World Heritage Area:

1. *marine national parks and yellow/pink/buffer zones* within the Great Barrier Reef Marine Park;
2. *habitat protection areas* within the Great Barrier Reef Coastal Marine Park;
3. other special designated marine areas such as *Dugong Protection Areas and Fish Habitat Reserves*.

The repeal of the *Cardwell-Hinchinbrook Regional Coastal Management Plan* would be a clear violation of the Commonwealth-Queensland agreement for an appropriate regional coastal management plan for Hinchinbrook, as relied on (by the Commonwealth) in the Federal Court in 1996. This is because the draft Plan has no similar provisions for protecting biodiversity and would probably result in approval of development applications already refused under the regional plan. It would mean:

1. loss of very large *Areas of State Significance (natural resources)* in the Hinchinbrook region;
2. loss of test of "no adverse impact" within those *Areas of State Significance (natural resources)*.
3. loss of head of power (2.9.1 Regional Policy - "are to be compatible with") and very specific *Desired Coastal Outcomes* (for all areas under the regional plan) with which development proposals must be compatible.

*continued on p7*

(WHAT'S WRONG WITH THE DRAFT COASTAL PLAN? *from previous page*)

A recent application for the seadumping of dredge spoil in the Hinchinbrook Channel was refused on the basis of 'no adverse impact' and its designation as an *Area of State Significance (natural resources)*.

Since 2004, the Cassowary Coast Regional Council has been holding the 'Stage II' application as a Preliminary Approval. Under the new **FNQ 2009-2031 Regional Plan** this application could not now be accepted because the site lies outside the urban area under that Plan. Under the draft Coastal Plan, however, this application and Preliminary Approval could now be designated a "development commitment". Further, the draft Plan provides for otherwise disallowed applications to be allowed as "required on economic grounds" to support an existing maritime development. Finally, the draft Plan shows 'Port Hinchinbrook' as a designated 'Maritime Development Area'. So all the pieces seem to be in place.

The more waterways there are to dredge the worse will be the problem of disposal of dredge spoil. In February 1994 the GBRMPA wrote to the Queensland Environment Department, after reading the consultant estimates of the rate of silt infill:

*"... maintenance of navigable depth will be difficult - the channel may completely fill in every two years, and could require maintenance dredging, with its concomitant environmental effects, every year. Either there is a mistake in the figures, or the channel concept needs a re-think; to go public with these parameters is not recommended."*

That was nearly sixteen years ago. The general hydrodynamics of Oyster Point have not changed and neither has the logic of the GBRMPA's argument. History has shown that infill rates are unsustainable. Some 50 hectares of agricultural land are now dedicated to dredge spoil that no-one wants. An enormous amount of additional sediment was trapped behind the southern breakwall, delaying infilling of the access channel, but even so it took only 12 months for the 'Port Hinchinbrook' waterways to infill when they were dredged post-completion of the breakwalls. And no-one is telling how much spoil in the past has been "spilled" right back into the Hinchinbrook Channel.

The "economic" argument (to allow the developer to make more money by doing it all again - a second 'Port Hinchinbrook' even bigger than the first) seems like long term madness, but right now the short-term outlook seems to prevail in government circles.

*'Port Hinchinbrook' is only one example. Looking at the Maritime Development Areas proposed along the Far North coast (four on the Johnstone River alone) it seems that the draft Coastal Plan would hand out a huge advantage to canal estate and marina developers at a huge long-term cost to the natural environment.* #

## OYSTER POINT: RECENT VIEWS FORESHORE, ACCESS CHANNEL AND BREAKWALLS



*Above: Mal McLean, facing north west, surveys the ever-eroding artificial "land" along the Oyster Point foreshore, November 2009. Surviving small mangrove trees can be seen in the distance.*

The present appearance is the outcome of fifteen years of attempting to "reclaim" land by "filling" below high water mark. The erosion is not due to rough weather but to the removal of the fringing mangroves in 1994.



*Above: Mal McLean, standing on the northern break wall of 'Port Hinchinbrook' marina and facing south across the entrance to the internal canal. Hinchinbrook Island lies across the water.*

The far end of the southern break wall is visible to the right of the photo; about 1/2 tide level. The break walls are overtopped on big tides, evidenced by marine debris left behind.

The line in the water extending northwards from the end of the southern breakwall (see black arrow) signals that a shoal has built up there, right across the entrance channel. This is due to north-moving sediment in the Hinchinbrook Channel being caught behind the southern breakwall, collecting there, and eventually overflowing past the southern breakwall to infill the dredged channel.

*Photos Margaret Moorhouse.*

## "DUGONG-SAFE" NETTING - AGAIN

Extracts from Crackajack Sportfishing Adventures website - see [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au) and [www.crackfish.com](http://www.crackfish.com) for full story

### Hinchinbrook Barramundi Catch Sharing Proposal

from Alan Goodwin's website (extracts):

"Hi Friends

Just when we thought the Barramundi fishery in Hinchinbrook Channel was protected from commercial harvesting we are now faced with another challenge as per the press release below [see next column ->].

[the fishing lobby] raising these concerns for this research to be conducted is not the recreational sector who fish the already set-net free Hinchinbrook Channel.

It leaves no doubt that commercial sector are trying to come in from another direction (catch sharing) to once again push for the reintroduction of set netting back into Hinchinbrook Dugong protection A area.

If you don't believe this is another cloak and dagger attempt to dismantle a marine mammal sanctuary why would they be even talking about catch sharing, given the fact that all other areas adjacent to the Dugong Protection area are open to barramundi set netting.

It is hard to believe that after such a huge outcry during the last attempt to introduce so called Dugong safe nets into the Hinchinbrook Dugong Protection Area that another attempt would be made so soon.

Regional management ... means local commercial fishers in positions of influence over a public resource.

If you take into context the wording in the press release such as "Catch sharing" and "Hinchinbrook Barramundi" this alone should start the alarm bells ringing given the fact the the only area where catch sharing is not taking place is the Hinchinbrook Dugong A protection area.

Why would the DPI enlist an independent group such as the FRDC to head up this project ... firstly they would have to have commercial sympathies and secondly those DPI reps who attended the first round meetings at Ingham bowls club and Port Hinchinbrook would not be keen to cop what they did at the last attempt to dismantle the a Dugong SANCTUARY in Hinchinbrook Channel.

**This is just the start of the second round of the battle to keep set nets out of Hinchinbrook Channel Dugong A protection area.**

**We must all be aware of what is being attempted and call as many people as possible to arms and reject this proposal and protect the biodiversity of Hinchinbrook Channel."**

**Thanks are due to Alan Goodwin (once again) for presenting to recreational fishers the danger of set nets to dugongs.**

### Fishers to have say in new East Coast research

DPI Media Release 30 July 2009 (extracts):

"A new research project funded through the Fisheries Research Development Corporation (FRDC) kicks off this month to look at regional management of Queensland's fisheries.

Minister for Primary Industries, Fisheries and Rural and Regional Queensland Tim Mulherin said the research is the second phase of the East Coast Inshore Fin Fish Fishery review conducted last year.

"There will be three pilot studies in Port Douglas, Hinchinbrook and the Burdekin, including local meetings starting around September this year.

"Concerns raised in these areas include commercial netting of grey mackerel in Port Douglas, barramundi fishing in Hinchinbrook and commercial net fishing access within the Burdekin River."

Dr Daryl McPhee [principal investigator FRDC] said: "The community knows best how to look after its own patch, so with the pilot projects we'll look at what support and flexible tools our communities need to responsibly share fisheries management."

Mr Mulherin said following the outcome of the pilots, other Queensland stakeholders including recreational fishers and residents would have an opportunity to apply for regional management within their areas. "

### THERE IS NO SUCH THING AS A "DUGONG-SAFE" SET NET.



*This photo, from Alan Goodwin's website, shows a dugong trapped and drowned in a set net. At present, while within the Hinchinbrook Channel, dugongs are safe from set nets.*

**PHOENIX!** is the newsletter of the **Alliance to Save Hinchinbrook Inc.** (ASH).

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