

PHOENIX!

NEWSLETTER OF

THE ALLIANCE TO SAVE HINCHINBROOK INC



Pres. Margaret Thorsborne, VP Margaret Moorhouse, Sec/Treas Mal McLean

THE NEW 'DERM'

EPA and DNRW now one department, under TWO ministers

ASH welcomes the new Sustainability Minister, The Hon Kate Jones, and the Hon Stephen Robertson as Minister for Natural Resources and Water.

The former EPA and the former DNRW have been combined to form one new *Department of Environment and Resource Management* (DERM). The position of Director-General will be filled from the former DNRW, with the Deputy Director-General coming from the former EPA. At present, the Acting Director-General is John Bradley, from the former EPA.

COMING UP:

NEW COASTAL PLANNING

According to the Department of Infrastructure and Planning website, DERM is to be the lead agency in the development of a new State Coastal Planning Policy which will replace the present **State Coastal Management Plan (SCMP)**.

ASH has written to DERM's Acting Director-General John Bradley to find out if the Cardwell-Hinchinbrook Regional Coastal Management Plan (CHRCMP) will be rescinded or redrafted when the SCMP is replaced by the new State Coastal Planning Policy.

The CHRCMP is of very great importance to the Hinchinbrook Region. This state coastal management plan designates the DERM a concurrence agency under the *Integrated Planning Act*, giving the DERM authority in specified areas to reject inappropriate development applications at the stage preceding local Council consideration and decision-making. This is the Plan under which the DERM rejected seadumping of dredge spoil in the Hinchinbrook Passage, various versions of 'Port Hinchinbrook Stage II', and the 'Hinchinbrook Habitats' proposal on the Seymour River.

NOTICE TO MEMBERS

ANNUAL GENERAL MEETING

to be held at

'Galmara'

on

**Saturday 27th June
at 2:00pm, to be followed by**

GENERAL MEETING

At 2:30pm

**Please phone Margaret Thorsborne for
directions, on 07 40 668 537**

If NOT attending in person,

**PLEASE REMEMBER TO SEND YOUR
PROXY!**

Proxy (and renewal) forms are enclosed

MEMBERSHIP RENEWALS

WERE DUE 31 MARCH 2009

Many members have taken advantage of the direct banking process for payment of memberships and donations. The ID system worked well. By 31st March (the end of our financial year) most renewals had been received.

Some members used the counter service of a bank to deposit money in the ASH account, and were unable to link their identity directly with the transfer. If you have sent your renewal this way and have not received a receipt with this newsletter, it may be because we have been unable to identify you as the source of the money.

See page 3 for a note from the treasurer.

From the DERM:
Letter of appreciation (Seadumping) and advice re 'Stage II' Application



Enquiries Mark Cavicchiolo
Telephone (07) 4046 6722
Your reference
Our reference BNE2009/3676

Department of
**Environment and Resource
Management**

8 May 2009

Mrs Margaret Moorhouse
Alliance to Save Hinchinbrook Inc
PO Box 2457
TOWNSVILLE QLD 4810


Dear Mrs Moorhouse

I refer to your letter dated 26 April 2009 regarding the sea dumping proposal by Port Hinchinbrook Services Pty Ltd and the proposed Port Hinchinbrook Stage 2 development. Your support for the Department of Environment and Resource Management's (DERM) refusal of sea dumping is appreciated.

I also note your comments regarding dredging and future spoil disposal and advise that any further information you wish to provide regarding future spoil disposal proposals will be given due consideration by the Department.

Please note that in February 2009, Cassowary Coast Regional Council issued a new acknowledgement notice as a result of changes made to the Port Hinchinbrook Stage 2 application. Consequently, DERM issued a new information request in March 2009, which supersedes the previous information request. To date, the applicant has not responded to the latest information request.

Yours sincerely


John Bradley
Acting Director-General
Department of Environment and Resource Management

'STAGE II' Mk n

ASH now has copies of documents related to the 'Port Hinchinbrook Stage II' Development Application and Material Change of Use as lodged with the Cassowary Coast Regional Council.

The master plan for 'Port Hinchinbrook Stage II' seems to be in a state of flux. The area of the proposed marina has now been reduced to 13 hectares (instead of 26 ha) and the number of dwellings has been reduced. Most of the rural land is proposed to become golf course.

Under pressure from the (former) EPA, the Cassowary Coast Regional Council deemed the Application to have been changed in several important ways such that it had to "go back" to the Acknowledgement stage. Had the Council not done this, the (former) EPA (as concurrence agency) would not have been able to request further information from the developer in relation to the many earlier amendments to the development application. The (former) EPA has made a formal request for further specific information, and the Application cannot progress until the developer has responded to that request.

Ben Williams is now in sole charge of Williams Corporation Pty Ltd and Port Hinchinbrook Services Pty Ltd. On behalf of Ben Williams, Michael Chessels (Cardno, consultant to the developer) invited ASH to meet the 'Port Hinchinbrook' (PH) planning team on two days in May, the 12th and the 14th. The PH planning team included Ben Williams, Michael Chessels and representatives from Sinclair Knight Merz. The first visit was for ASH to make a presentation to the PH planning team. The second was to attend a presentation for "key stakeholders" by the PH planning team at which they would present the latest 'Port Hinchinbrook Stage II' proposals.

Margaret Moorhouse was already booked to fly to Brisbane that week, where she was to have an appointment with policy advisers to the Sustainability Minister the Hon Kate Jones, so could not attend these meetings.

After discussion among the committee and local Cardwell district ASH members, it was decided that ASH would be represented on Tuesday 12th May by Ken Parker and Margaret Thorsborne, and that Mal McLean would drive to Cardwell to join them on the Thursday, for the PH planning team's presentation.

The ASH position was presented very briefly by Ken Parker. He outlined our major concerns and those proposals to which we would be likely to object – see page 3. The committee could not see any point in saying more in the absence of definite proposals, particularly in view of our first point – that the proposed site of the 'Port Hinchinbrook Stage II' could yet be ruled out by the new *Far North Queensland 2009-2031 Regional (FNQ) Plan*, which limits urban development south of Cardwell to the existing 'Port Hinchinbrook' development. Under the new FNQ Plan, which is binding on local Councils, the rural blocks on the eastern side of the Bruce Highway between Stoney Creek and Mary Creek, all held by the developer,

are all outside the urban footprint. Under the new Plan this land could not be rezoned and developed as a marina or residential/canal estate or golf course.

The *Cardwell Hinchinbrook Coastal Regional Management Plan* (CHRCMP) gives the DERM concurrence agency status over these blocks, under the *Integrated Planning Act*. This means that the DERM can refuse a development application for this land, as it did in 2005, before the Council makes a decision about it.

The question now is whether there is anything the developer can do on this land under the present Development Application, which was lodged before the new FNQ Plan became law and hence has some currency (although this is not altogether clear cut), or whether this Application will in effect lapse because of the ability of the DERM (under the IPA and the CHRCMP) to prevent inappropriate development on this site. At least one of the changes desired by the developer would have required a new Development Application which could not now be received by the local Council, under the new FNQ Plan, and was therefore abandoned.

Members will be amused that at one stage of the negotiations over application amendments, the developer claimed that the proposed 'PH Stage II' marina was not a new marina at all, but a "marina extension" of the existing marina, which is some distance to the north and across the 'Grande Canal'.

Mal McLean joined Margaret and Ken on the 14th May, and was surprised to find no other "key stakeholders" in attendance. At this presentation it seemed that very little had been decided for the 'Stage II' proposal, or changed from the application documents lodged with Council, other than the reduction in area of the marina and number of dwellings.

From the treasurer:

Many thanks for the quick response to the membership fee reminder in the February issue of *PHOENIX!* Receipts for moneys received are enclosed with this issue.

I have been unable to identify two direct deposits: one on 9th March 2009, possibly at "Netbank", for \$30, and the other on 12th March 2009 for \$35. If one of these is yours please let me know and I will forward the receipt.

Your direct deposit code is included on your address label.

For those who have yet to pay 2009/2010 membership subscriptions, the relevant bank details for ASH are as follows:

BSB 124001

Account No. 100075618

Mal McLean

Text of ASH Presentation to Williams Corporation Pty Ltd Planning team meeting held Tuesday 12th May 2009

WISH LIST

In the best of all possible worlds, ASH would like to see:

- Spoil ponds removed and Lot 170 rehabilitated, to restore the surface flows.
- No more dumping of saline sediments on Cardwell's agricultural land or where saline drainage can affect the ground or surface water.
- No more sand mining on agricultural land adjacent to Girramay National Park.
- Restoration and re-creation of mahogany glider habitat (around 30 or so hectares) on the developer's land near Mary Creek to replace what was cleared by the developer and also to replace the areas of Girramay National Park killed by the spoil ponds. Given appropriate conditions, a rehabilitation project near Mary Creek would provide useful food plants in 10-15 years. Girramay National Park, on the other hand, having been rendered saline, could take a hundred years or more to rebuild the tall mature forest that has died.
- The remainder of the developer's agricultural land maintained for its present orcharding and light grazing uses.

ASH's POSITION, re use of agricultural land between Norship basin and Seafarm

- ASH fully supports the provisions of the FNQ 2009-2031 Regional Plan. Lot 170 and the blocks south are outside the urban footprint for Cardwell.
- ASH would oppose any structure that would impede or otherwise interfere with the natural quantity, quality, or distribution of groundwater or surface flows to Girramay N.P. This includes excavated structures, 'filling' of land, artificial hills etc., run-off contaminated with fertiliser, herbicides, hydrocarbons etc.
- ASH holds the developer responsible for removing the acid soil/dredge spoil ponds adjacent to Girramay National Park and of restoring water quality and distribution patterns of seasonal surface flows to the damaged northern sections of Girramay National Park. Also for creating mahogany glider habitat to offset what was lost when the developer cleared mahogany glider habitat on the present 'Port Hinchinbrook' development site and on land north of Mary Creek. These impacts are a cost on the existing 'Port

Hinchinbrook' marina and canal estate, not to be borne by the public purse or the environment.

- ASH opposes any increases in boating traffic in the Hinchinbrook Channel/Missionary Bay area (part of the Hinchinbrook Dugong Protection Area). Increased boating traffic leads logically and inevitably to increased risks of boat strike and displacement for marine mammals and turtles, all these being species at risk of extinction world wide.
- Terrestrial species of concern include beach stone curlew and mahogany glider.
- ASH would oppose any development adjacent to high-conservation land that would introduce threats to nearby wildlife, such as dogs, cats, barbed wire, and wildlife-feeding.
- ASH would oppose an airstrip between Girramay N.P. and the Bruce Highway.
- ASH would oppose any activity that caused noise or light pollution apparent within the Girramay National Park or Hinchinbrook Passage. This would include motor boat racing and helicopter use.
- ASH would oppose any topographical interference in or near Girramay National Park or the fringing mangroves, such as a new access channel.
- ASH would oppose the use of good agricultural land as a dump for saline sediments. Some other solution to spoil disposal has to be found; a dumping/ treatment place where no environmental harm or loss of agricultural land ensues.
- ASH would support one change to the *Deed of Agreement*: that the developer be no longer be required to dredge to two metres. We would prefer that dredging not be mandated at all. If however the Council can't let go its interest in access to the boat ramp, the dredging depth could be reduced to one metre or less, which would be more than adequate for the public boat ramp.

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

Compiler/Editor, Margaret Moorhouse.

To contact ASH:
PO Box 2457 Townsville Q 4810
hinchinbrookalliance@gmail.com
0427 724 052