

PHOENIX!

NEWSLETTER OF

THE ALLIANCE TO SAVE HINCHINBROOK INC



ALERT

ANNUAL GENERAL MEETING 2012-13
SATURDAY SEPTEMBER 14th 2:00 PM
at the home of Margaret Thorsborne AO

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- (2) Mayor Bow gets verballed - doesn't want "Port Hinchinbrook" included in Hinchinbrook Shire

Glimpses of Margaret Thorsborne in her new home



Wren cottage: in good shape at its new location.



Puzzle pic: Signs borrowed, but somehow appropriate, keep out the melomys who wanted to move in. The apparently internal forest is a reflection in full-length windows.



Meeting place: A WPSQ gathering celebrates Margaret's new verandah.

"PORT HINCHINBROOK STAGE II" REFUSED

The double-barrelled "Port Hinchinbrook" Development Application DA 080-08 was refused (12 Dec 2012) by the Cassowary Coast Regional Council. A half-baked appeal was lodged and was thrown out by the court.

The rejected Application stated clearly that, except for an internal road, Lot 170 and its spoil ponds would be transferred, as part of the Application, to the members of Port Hinchinbrook Services (PHS) (block owners), thus separating the development company from its legal liability for around 50 hectares of dredge spoil ponds and associated acid land. Neither state nor local government found this outcome acceptable.

"PORT HINCHINBROOK": NO STATE HELP

The State Government will not subsidise post-cyclone repairs to "Port Hinchinbrook's" private infrastructure.

Premier Campbell Newman and Minister Andrew Cripps made it clear that taxpayer money would not be spent on restoring assets owned by the developer.

An article in the Townsville Bulletin 20 Feb 2013 said, in part:

Natural Resources Minister and Member for Hinchinbrook Andrew Cripps said the Government had already undertaken to dredge the channel leading out of the marina as a service to the boating public.

He reiterated what the Premier had said, saying damage to other assets was "a matter between Mr Williams and the property owners".

"We will do what we can to support the developer and the residents, but no public money will be spent on the restoration of assets," he said.

"The relationship between the tenants and the developer is a commercial one," he said. #

"PORT HINCHINBROOK": TO BE OR NOT TO BE?

Today, fourteen years after its approval, the "Port Hinchinbrook" debacle is again threatening the public purse and the natural environment.

The prophetic paragraph (next column) is from a letter "Betrayed over World Heritage" published in the Australian (17 April 1998), signed by international celebrities in the natural sciences.

"Port Hinchinbrook" and its many debts are changing hands. A mystery SMS was sent to ASH:

WC has signed contract with Tony Dotta (google him) to sell him all assets PH and H Island. Settles 14 july. Stg 2 land sep contract same person yet to b signed. WC Went into external adm last friday. PHS under prov liquidator .

A professional economic survey undertaken by Dean Dransfield indicates the resort is unlikely to be financially viable. Any collapse of this development after construction would leave an even worse environmental disaster for nature and the local taxpayers to foot the bill.

Sir DAVID ATTENBOROUGH
Professor PAUL EHRLICH
Professor CHARLES BIRCH
Dr DAVID SUZUKI
Professor DAVID BELLAMY
Professor FRANK TALBOT
Professor IAN LOWE
Dr TIM FLANNERY
Professor ALISTAIR GILMOURE

Port Hinchinbrook Services went into administration first, disabling all its members (block owners) from having any say thereafter. Williams Corporation came next. Somehow, during this time, the entire development had been "sold" to a consortium (AA New Image Developments) led by Townsville house removalist Anthony Dotta, described by the Building Services Authority (which repeatedly refused him a BSA licence) as "not a fit and proper person" who has an "unsavoury history and total disregard for the law".

Purchasers have sunk their life's savings, and the banks their money, in a failed project, and are still being tempted to throw good money after bad.

The Administration process has focused on maximising returns to creditors predicated on a re-run of Keith Williams' dreams under a new owner. The proposals (functioning marina and another canal estate) are crucially dependent on obtaining approvals for seadumping and plans for "Stage II", both of which have already been applied for and refused.

A disclaimer on the prospectus advertises an old plan of the refused canal estate as current but not yet applied for, without identifying that it has already been refused.

How can this be legal? What happened to truth in advertising?

ASIC's role is to ... enforce[s] company and financial services laws to protect consumers, investors and creditors ... (ASIC website). ASH sent two brief letters to ASIC (06 June) without benefit of reply. In August we sent two letters to the Administrator. The first was acknowledged - somewhat dismissively - but the second was not even acknowledged.

One of Dotta's consortium, Andrew Du Boulay, has invited investment into a "Port Hinchinbrook Resort Unit Trust" (PHRUT). You can invest \$500,000 in his Trust (minimum term two years) with a promised 46% return when he floats a public company. This investment would pay out bank mortgages on company-held infrastructure land (roads, sewerage ponds) currently mortgaged to the banks. As far as we can see, residents would continue to have no control over the infrastructure. #

ACID DISCHARGE LICENSING IN GBR

The letter *Betrayed over World Heritage* (see opposite) also referred to the impacts of sulphuric acid discharges in the GBRWHA from irresponsible disturbance of the coastal acid sulphate soils at Oyster Point:

Sulphuric acid has leaked through spoil pond walls from acid sulphate soils on the site. Scientists have warned about the dangers of leaks of acid and distribution of heavy metals over fragile environments from events such as the break in the walls of the overflow ponds, as has occurred in the past few weeks. Specialists have recorded that: "If this level of practice was used in a mine or a chemical factory, it would be closed down."

At the time it was the acid leakage over and through the original spoil pond walls, identified by Environment Minister Littleproud as having a pH of 3 to 4, that was the concern. Little did we know then that in 2009 the state would licence dredge spoil discharges with pH as low as 6.0. Releasing tailwaters into seawater at pH 6.0 directly contradicts the state government's own formal published guidelines.

We have been told informally that the Port Hinchinbrook licence will not be changed.

At pH 6.0, heavy metals are dissolved, washed into the sea where they must come out of solution (because seawater is slightly alkaline, pH 8.0 to 8.5). Attached to fine sediments, metal compounds are carried throughout the GBRWHA, and are ingested by bottom-of-the-food-chain biota including coral polyps, to bioaccumulate in table fish. Heavy metals bioaccumulation is one of the effects of dredging and seadumping identified by UNESCO as having serious long term consequences for the GBRWHA.

Responses to our inquiries suggest that a pH of 6.0 is the de facto standard for releases to seawater in Queensland, despite the very explicit state government guidelines and the facts of chemistry and marine ecobiology.

In 17 years no "beneficial" use has been found for the accumulated spoil. The spoil is described as cohesive (stays wet), salt, and acid. Similar spoil dredged 30 years ago in Darwin is still unusable.

DREDGE SPOIL: HOW'S YOUR ARITHMETIC?

Dredge volumes for any area depend on the depth chosen and whether an area is dredged in its entirety. The figures below have been gleaned from the refused Port Hinchinbrook Services Seadumping Application 2009.

Total volume to be dredged is cited as 132,800m³ (marina 34,900m³, harbour 22,600m³, Grande Canal and break wall section 51,900m³, outer access channel 4,500m³, and boat maintenance basin 18,200m³). When dredged, the spoil will swell to around 330,000m³. By 2009 a similar volume of "semi-dried" spoil was already stored on Lot 170, before a further 12 ha pond (now full) was licensed in 2010.

The Dredge Management Plan for Williams Corporation requires the developer to move the stored spoil to land south of Two Mile Creek. 330,000m³ of "semi dried" spoil could weigh half to one million tonnes; at \$30/tonne (2008 estimate), trucking the spoil would cost \$15 - \$30 million. Block and berth owners were therefore advised that moving the spoil was prohibitively costly.

Because the waterways were never kept navigable, and because Keith Williams did not reveal dredging records, the actual frequency of dredging required to maintain the present artificial waterways has still not come to light.

To save some spoil storage capacity, the Seadumping Application suggests bed levelling in some places. Bed levelling is the underwater equivalent of bulldozing, just pushing the mud out of the marked channel, incidentally dispersing it far and wide as currents carry it away.

The Seadumping Application (with its likely conservative figures) concluded:

"ongoing accumulation of partially dewatered sediments is creating a liability ... dredging to land is not a viable long term option ... ongoing maintenance dredging is vital to maintaining the financial viability of Port Hinchinbrook and land/berth values for owners".

Even if there were as many as a thousand owners to share the cost, each would have to periodically pay around \$15,000 just to store and move the spoil, without the cost of the dredging operation, the hundreds of hectares of additional land required for a 20-30 year storage program, and repeated episodes of trucking the spoil from treatment pond to storage destination.

The proposed Deed of Company Arrangement depends utterly on repeated dredging of all the waterways.

The known prohibitive cost of dredge spoil disposal to land will therefore ensure that approval for seadumping will be high on the agenda of two groups: those already trapped in a cycle of doomed personal investment, and entrepreneurial opportunists seeking quick capital gains based on a marina which can never be viable.

Long term impacts of seadumping in the GBRWHA and the Hinchinbrook Channel would be destructive and irremediable.

The insidious toxic load of thousands of tonnes of seabottom stirred up and redistributed, year after year, would infiltrate the rich benthic communities and seagrasses of the Hinchinbrook Channel, the corals of the Brook Islands and poison vulnerable marine creatures.

Before and after Cyclone Yasi: Cardwell beach south of the jetty

BEFORE (February 2010, below): Foreshore protected by Cardwell's famous calophyllum trees. Some erosion evident.



AFTER (September 2012, both photos below): After the post-cyclone "clean-up". The old calophyllums, their new foliage bright green on their battered skeletons, were threatened first by "clean up" activities and next by excavators. The peculiar construction pictured below is a bunded hole at sea level. This was the source of the Potential Acid Sulphate Soils which became activated when stockpiled right alongside the Bruce Highway. After intervention by ASH, construction method and monitoring were changed. Sheet piling replaced the bunded hole method and marine soils were removed to a dump just north of Cardwell, close to a tributary to Meunga Creek where, again, some management changes had to be made after dumping had begun.



Before and after Cyclone Yasi: Cardwell beach north of the jetty

BEFORE (February 2010, top photo): North of Cardwell jetty, calophyllum and other trees hide the buildings that were once the Reef and Rainforest centre. Queensland agencies and World Heritage management authorities have now removed all their previous "street level" offices by which the public had recourse to friendly informative staff who loved their jobs. Now the public has only the impersonal communications of websites.



AFTER (September 2012, below): after the cyclone and the post-cyclone "clean-up". The old calophyllums and other coastal vegetation suffered greatly from the post-cyclone removal of trees and other vegetation. The former Reef and Rainforest centre, now visible behind the trees, has become a tourist Information Centre.



LATEST, SOUTH of JETTY (30 June 2013, below): Bruce Highway works in progress, the public excluded from this side of the highway [inset: ASH photographer being observed and minuted]. A wide, coloured cement path curves between the calophyllum trees. The roots of each tree are surrounded by large rocks as sandy soil is built up around them to street level. After much local debate, it now seems certain that additional calophyllum trees will be planted.

All photos pages 4 and 5 M. Moorhouse



ASH SUPPORTERS HONoured

PROFESSOR FRANK TALBOT AM

Marine biologist Professor Frank Talbot, born 83 years ago in South Africa, was surprised and touched to find he had been appointed a Member of the Order of Australia, in the Australia Day Honours list in 2012. He was thus honoured *"for environmental protection through the Sydney Institute of Marine Science, coral reef research, museum development and management, and for leading work in international scientific organisations."*

Frank's influence extends world-wide. A founding Professor of Environment Studies at Macquarie University, his posts included Director of the California Academy of Sciences and Director of the US National Museum of Natural History at the Smithsonian Institution. In Australia he established research stations at One Tree Island and Lizard Island.



Galmara 2005: Margaret and Frank, in the forester's cottage in Edmund Kennedy N.P., before Cyclone Yasi de-roofed it in 2011. Pic Margaret Moorhouse.

Frank's many other interests include music and sailing (he now owns his 13th yacht). With his wife Sue, he travels from Sydney to Townsville every year for the Australian Chamber Music Festival, and frequently returns to Cardwell to visit Margaret Thorsborne and the Hinchinbrook coast.

Given his interests and concerns it is not surprising that Professor Talbot joined with international colleagues (see *Betrayed over world heritage* p.2) to protect the GBRWHA and the Hinchinbrook Channel from the expansionist threats of Keith Williams. Williams' grandiose plans included track hardening on Hinchinbrook Island for mass tours, break walls for Zoe Bay, and mass visitation for sensitive coral reef sites such as Beaver Cay.



ABOVE: Professor Talbot's coming out as an environmental protestor in July 1997. Others (left) Jeremy Tager, Margaret Moorhouse; far right, David Haigh.

An Oyster Point rally was held during the James Cook University Student and Sustainability Conference (1997), a fitting occasion for Professor Talbot to make his debut as a protest leader. About 1000 protestors gathered in Cardwell's southern car park listened to Frank's stirring words before proceeding to the "Port Hinchinbrook" site.

Enthusiastic students from Australia and overseas, who understood that the beauty of world heritage is for everyone and fragile in the face of inappropriate coastal development, made many beautiful banners for this rally.

BELOW: L to R: unidentified young lady; Emily, Annelise and Nichola Haigh; and Di Horsburgh, ASH member and 1990s Hinchinbrook Action Group campaigner sadly missed.



From old negatives; photographer unknown.

BRENDA HARVEY OAM

Brenda Harvey was awarded the Medal of the Order of Australia in the General Division, *"for service to the community of Mission Beach through social welfare and conservation organisations"*.

Brenda was a founding member of Mission Beach Progress Association and founding member and inaugural Treasurer of Mission Beach Meals on Wheels 1982. Over 90,000 meals were delivered during her 30 years with Meals on Wheels.

Brenda was a founding Member of the Community for Coastal and Cassowary Conservation (C4) and President for many years; a volunteer and office holder with Mission Beach Wildcare; a former member of the Mission Beach Marine Advisory Committee, and a long term member of ASH.



LEFT: with ACF's Executive Director Don Henry on the beach at Bingil Bay, near the John Busst plaque, Brenda reflects on campaign history following a boat trip to Ellison Reef (08 October 2012) commemorating the reef's rescue from coral mining 45 years earlier.

Brenda's husband Perry was one of the first marine tourism operators in Mission Beach. It was Perry who made the original trip taking the scientists to Ellison Reef.

photo: Margaret Moorhouse

"PH" BLOCK OWNERS SEEK SUBSIDY (AGAIN)

Despite the Premier's clear statement (see p.2 this issue), block owners are again asking for government to take over the subdivision's maintenance - roads, sewage treatment plant and dredging. Today, with the development company potentially headed for liquidation, resident requests continue, as reported in the Tully Times 08 August 2013.

Residents have evidently misunderstood the *Deed of Agreement*, the legal terms of the relationships between marina owner and berth "owners" (sub-lessees), and the application of the Canals Act and the Harbours Act; and, because they pay Council rates, they say that "Port Hinchinbrook" is not a private development.

Legal agreements were signed between developer and Council, and between developer and purchaser. Each purchaser has thereby undertaken responsibility for the upkeep of private roads, underground pipes, sewage treatment system, water reticulation, and dredging of the access channel and ALL the internal waterways. By now, residents have had enough legal advice to know that Council is not liable for ongoing maintenance.

SEDIMENTATION: IMMUTABLE FACTS

The fact that wrecked the developer's dream is the unchangeable "severe siltation" inherent in all Hinchinbrook Channel shores. As the 1977 Harbours and Marine Boat Feasibility Study so plainly stated:

"The excess of spoil really implies that the levels of the site are generally too high for boat harbour development"; and "sedimentation of the access channel would be severe as the channel would act as a silt trap to any sediments moving north or south" (Ch 5, p43).

and:

"The area at Oyster Point should not be developed as a boat harbour" (Ch 2, p9).

It also warned:

"Because of the sea bed profile at Cardwell, the development of significant storm surges is more likely in this area than at the other boat harbour sites under consideration" (Ch 4, p 26).

To his death, Keith Williams continued to reassure Cardwell rate payers:

"Under no circumstances would the people of Cardwell be responsible for any costs associated with the access channel" (*Locals misled over boat ramp: Keith Williams; Herbert River Express, 14 June 1994*).

and

"Mr Williams also rejected Ms Moorhouse's assertion that Cardwell Shire ratepayers were at risk should there be a cost blow-out or should expensive remedial work become necessary" (*"ASH cans marina", Townsville Bulletin, 04 Jan 2007*)

On 26 May 1994, Australia Institute of Marine Science scientist Eric Wolanski responded to a request from Sue English for comments on the "Port Hinchinbrook" Environmental Review Report. He concluded:

"The disposal of dredge spoil is to be solved by drying the material in ponds and using it as land fill. This sounds nice, except that if the material is cohesive the approach does not work (see the problem of Townsville Harbour ...)...

"The EIS has one major flaw: nothing is said about the 100-160 m long seawall interfering with the coastal currents and leading, as seawalls often do, to accretion on one side and erosion on the other side. Also, In my CRC book of the GBR oceanography I show on p166 how the extension of a seawall (airport) at Hamilton island generated trapping of pollutants; looks like Keith Williams is doing the same thing again, this time at Port Hinchinbrook! So is the price of progress, if that is what the local people want! The earth will keep turning, but the environment will degrade."

Despite such sharp responses from an expert scientist, the state government supported the proposal as an *development of state significance*, thus exempting it from a formal environmental assessment and thereby assuring its approval regardless of practical feasibility or resultant environmental harm.

Although he had in 1996 changed the original "all tide" boat ramp promise to "*to the best of the Company's efforts, all-tide*", Keith Williams continued to claim:

"Port Hinchinbrook will have an all-weather all-tide harbour serving all boaties..." (*Breakwaters approved for Port Hinchinbrook, Courier Mail, 19 October 2006*).

With block owner suspicions growing about the real costs of dredging and spoil management, the developer built two breakwalls across the state marine park. When ASH challenged the breakwall permit in the Supreme Court, credulity was stretched beyond breaking point when the developer stated there were no dredging records to verify his assertion that the short breakwalls would significantly reduce dredging frequency, by 75% to 85%.

The southern wall did effectively delay dredging by interrupting and trapping the northwards along-shore drift, but not for long. Little more than a year later, aerial photos show the mud spilling past the breakwall end and into the access channel.

The cost of dredging on the Hinchinbrook Channel coast is just not affordable. When promoting the breakwater walls proposal, Keith Williams said it cost

"\$600 thousand dollars a year to dredge the channel" (*Hinchinbrook decision paves the way for rock wall development, ABC farnorth/stories, 19 October 2006*)

And that did not include the "Grande Canal" or the marina.

By 2008 an anxious PHS BAML-Payers Committee was asking "*why there is so much silt*" (Newsletter 12 July 2008). The only solution they could see was an approval to dispose of the dredged silt by pumping it into the Hinchinbrook Channel.

GIRRAMAY N.P. ABANDONED

The myth of all-tide access was at first sustained by accumulating the dredge spoil in huge leaky above-ground "ponds" on 30 hectares of Lot 170. This series of "ponds" was built along nearly a kilometre of the boundary of Unallocated State Land dedicated by Environment Minister Rod Welford to become Girramay National Park, after a near-miss with changes to mapping and a lease application by Keith Williams. The spoil ponds effectively banded off all surface flows of fresh water to the northern end of the national park. By the year 2000, large scale death of large old melaleuca trees and *livistona drudei* palms was obvious. Subsequent invasion by mangrove ferns made the previously open woodland area impenetrable.

ASH has made substantial representations and requests (19 Feb, 24 March 2013) to the Queensland Environment Minister, without substantive response other than:

"there are currently no plans to change the flow of water across this land ... any development application ... would need to take into consideration a range of issues including the proximity to the national park and any potential changes to fresh water flows".



ABOVE: Ken Parker on a rainy 2009 day among mangrove ferns invading Girramay N.P. The misty backdrop comprises dead and dying *melaleucas* and *livistona drudei* palms. Photo M. Thorsborne.

BELOW: USL (now Girramay NP) to the left, edge of spoil pond wall to the right, jarosite-stained acid drain between. Note pipe from pond to USL. Photo M. Thorsborne 2004



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MARGARET THORSBORNE WALKS FOR GBR

Margaret Thorsborne with unidentified walker (left) and June Norman, organiser of Friends of the Earth Reef Walk; photographer unknown.



The Friends of the Earth Reef Walk 2013 (Cairns to Gladstone) made the connection between the coast and the coral reefs of the GBRWHA. Local walkers joined in along the way. After walking 5.5 kilometres, Margaret said "I could have walked further - it's just that I had to go to Cairns for Peter Kingston's Art Exhibition".

WHAT??

(1) Queensland Environment Minister Powell recently joined his colleagues in labelling Queensland conservation activists "hysterical" and "extreme greens" (ABC 7:30 Report 21 June 2013).

ASH members will be pleased to know that they have been exempted from this category. Yes, we have Minister Powell's letter saying so.

(2) Lindsay Hallam and the Dotta Consortium (Tony Dotta, Andrew Du Boulay and Robert Bisetto) have made separate visits to persuade Mayor Rodger Bow of Hinchinbrook Shire to change the shire boundary to include "Port Hinchinbrook" in that shire.

Next, Mayor Bow was verbalised in the Cairns Post, which claimed he liked this idea. Mayor Bow, however, has told ASH (in writing) that the Cairns Post had not even contacted him.

Mayor Bow has made it quite clear to ASH that he is not at all interested in "Port Hinchinbrook's" troubles, any more than is Mayor Bill Shannon of the Cassowary Coast Regional Council.