Hinchinbrook Channel Development

Though this case is well documented (Hinchinbrook Channel Inquiry, Report of the Senate Committee, 1999), some aspects of its approvals have never been aired, though should be, for there may be fundamental lessons to be learnt which have major future implications for the GBR.

This site is on the mainland side of scenic Hinchinbrook Channel, and faces Hinchinbrook Island and its high forested and spectacular mountains. The channel is aesthetically remarkable, and there is no other like it on the GBR. The Queensland National Parks Management Plan describes the Hinchinbrook area as "one of the most valuable, yet accessible wilderness areas in Australia." Author Neville Shute writes of it in his book *A Town Like Alice*, as "one of the most beautiful coastlines in the world." The GBR World Heritage Site and the GBR Marine Park include the channel (but see below) and both stop at low tide mark, followed by a narrow Queensland Marine Park which borders on the leasehold of Cardwell Properties. Large and craggy old-growth mangroves did cover much of the Queensland Marine Park.

Tekin Australia, and its wholly owned subsidiary, Resort Village Cardwell, received approvals for a resort development and a marina. There was potential impact on the channel by the development, not only from the land and marina, but also because a side channel had to be dug a quarter of the way into the main channel to get sufficient depth for boats entering the marina. The GBR Marine Park Authority (GBRMPA) requested an environmental impact statement under Commonwealth law (the Environmental Protection [Impact of Proposals] Act).

The lessees went into voluntary liquidation and never produced the required EIS. After a complex set of transactions, Cardwell Properties took over the site from the original developer. It proposed a substantially larger development, with a huge resort (1500 visitors and about 600 staff) and a port with a marina designed originally for 350 boats (now reduced to about 250 boats, with parking for another 100 trailed boats). The published schematic plans showed large wave-piercing catamarans to take visitors out to the GBR through the Hinchinbrook Channel. The developer also wanted to cut down old growth mangroves in the Queensland Marine Park to get views, and also requested approval to lay a sandy waterfront beach over the channel's muddy banks.

GBRMPA did not request an Environmental Impact Statement (EIS) under Federal law for this development. The channel is, however, included in the GBR Marine Park Central Section (detailed in Proclamation Gazettals No. S 195, 31/8/83; and S 409, 15/10/84, 2.31, 2.32), with the park limit being low tide mark on the mainland. This is also clearly shown in the Authority's own map of the Great Barrier Reef, and this map states "As per Schedule to the Great Barrier Reef Marine Park Act 1975." Proclamation S 409 states that the GBR Marine Park line reaches the mainland at the Herbert River mouth, and thence along the low water mark through the Channel. It seems clear that the original intent of the proclamation was to include the channel.

On 16 December 1991 the Chairman of GBRMPA wrote to the Office of General Counsel, Commonwealth Attorney General's Department, about the Hinchinbrook development, saying (*inter alia*): "The site has recently been auctioned and further development may be considered. The Authority will need to consider whether any part of the proposed development is in the Marine Park. Part of this project extends into the adjacent waters and therefore there is a fundamental question of whether these waters are in the Marine Park or Region." The Chairman requested, "would you kindly advise whether Oyster Point and the rest of the Hinchinbrook Channel is within the Great Barrier Reef Region" (letter obtained under Freedom of Information legislation).

The Attorney General's Department did so advise. It did not, however, state that the Authority had or did not have jurisdiction, but wrote that if its jurisdiction were to be challenged in law, it might lose such a case. No knowledge of any potential challenge has come to light.

At first GBRMPA mentioned this ambiguity in its letters (e.g., Chairman to Friends of Hinchinbrook, 17 November 1993) stating that "a court would most likely find" it had no jurisdiction. But in mid-1994 it was writing "the entire project is outside the GBR Marine Park, and therefore not under Authority jurisdiction; the marine part of the project (channel and breakwater) is in the World Heritage Area but outside the Marine Park" (Authority Chairman to Minister, 15 July, 1994).

There has been no revocation of the original marine park proclamation or a change of the boundary to our knowledge, and no legal case. GBRMPA had apparently withdrawn from this development and from the Hinchinbrook Channel, leaving it in Queensland's care.

It is difficult to find a reason for this withdrawal. If GBRMPA considered the development a sound one, what was there to fear from a proper EIS under the Commonwealth Environmental Protection (Impact of Proposals) Act? GBRMPA did request the Queensland Government to undertake a proper EIS. Instead, an Environmental Review Report was put together with no full study of the dynamics of the area, nor an assessment of what might really happen in the short or long term if the development went ahead. When this document was put on display, over a hundred scientists signed a letter of objection to the Minister. Even the conservative Academy of Sciences (often used for advice by the Commonwealth) expressed concern at the inadequacy of the assessment. The President wrote that there were "some serious deficiencies in the environmental impact process" and "the process failed to consider adequately the World Heritage status of areas adjacent to the development" (Professor Sir Gustav Nossal to the Minister for the Environment, 14 January, 1997). The Academy also offered assistance in this letter. This was not accepted.

But there was still a possibility of enforcing a proper EIS through the Australian Heritage Commission, which has a duty of care over World Heritage Areas, and its GBR World Heritage includes the channel to the mainland low tide mark. The Heritage Commission, however, decided that the likelihood of damage definitely did not exist. In so deciding, the Executive Director of the Commission used GBRMPA advice and wrote, "GBRMPA has assessed that at this stage it would not be appropriate for it to request to the Minister that she promulgate the WHPC Act" (Sharon Sullivan to Friends of Hinchinbrook, 11 January, 1993). Three years later the Chair of the Heritage Commission wrote to the Federal Minister: "In conclusion, the

Commission considers that the decision to grant consent to the proposals will have direct adverse effects on the national estate in the immediate vicinity of the proposal and a high likelihood of leading to significant indirect effects in the region" (Wendy McCarthy, Chair, Australian Heritage Commission to Senator Hill, 9 August, 1996). The Minister chose not to trigger the act.

The GBR "provides some of the most spectacular scenery on earth and is of exceptional natural beauty," to quote the words the Federal Government used to get World Heritage status. Yet there may not have been much consideration given to wilderness scenery, beauty, and aesthetics by GBRMPA, by the Queensland Environmental Review, or by Federal Ministers of the Environment in the development approvals. The Chairman of the Australian Heritage Commission mentions "outstanding scenic landscapes," in the letter quoted above, but that led to nothing.

By this time, in response to public outcry, a Senate Inquiry into Hinchinbrook was under way. In her foreword to the final report the Chair of the Inquiry wrote: "In the committee's view the management of development proposals at Oyster Point has been a tragedy of errors, the results of which have been unsatisfactory to all." Visually the Hinchinbrook Channel has been forever changed. Dredging of the boat channel into the main Hinchinbrook Channel will be a regular activity in this high silt area. Any impact on the seagrasses and on dugongs and other rare fauna will only become apparent through time.

Why did all this happen? The politicians in both governments may have chosen short-term political gain in spite of potential damage—aesthetic damage immediately, and biological damage likely in the long term—to a remarkable portion of the GBR. The precautionary principle was not invoked. The seductive lure of development and its impact on the local economy and on voting patterns were too great.

Why did the Heritage Commission and the GBRMPA, which both care for the GBR on our behalf, withdraw from this issue? One can only assume that they may just have been responding to political will, for support for the development came publicly from the Prime Minister (in a number of speeches), and from the Premier of Queensland (who opened the development in its early stage).

I document this case in some detail to show that, in spite of good environmental acts, short-term political considerations seem to have been the primary factors in decision-making, outweighing long-term environmental and scenic values.

ENVIRONMENTAL IMPACT ASSESSMENT

The history of environmental impact assessment (EIA, EIS) in Australia also shows that typically, once a development is being assessed for impact, it is usually firmly under way and will not be stopped, and this seems to have been the case for Hinchinbrook. An EIS may be used to ameliorate impacts and perhaps alter some aspects of a development, but it seldom stops a development. EIS seem also to avoid assessing scenic damage to a beautiful natural area. In the cases mentioned above the EIS process, however flawed in other ways, did not take sufficiently into account the aesthetic changes the developments would make to the GBR. Why not, when the beauty of the GBR was one of our clearly stated reasons for protecting it?

One can only consider the environmental assessment here to fit the comments of Canadian W. E. Rees, "that EIA is still largely a reactive, quasi-regulatory instrument where the economy and the proposal are the driving variables and the environent and the EIA the dependent ones" (Rees, 1988).

Preliminary environmental assessment and zoning of an area—sometimes called strategic environmental assessment (SEA)—help a developer to consider the right areas to develop that fit within broad management plans (Court et al., 1996). The GBR MPA has a set of zoning plans, and the coast needs the same. The recently produced Position Paper, "Cardwell-Hinchinbrook's Coast: Managing Its Future," which is a step toward creating a Draft Regional Coastal Management Plan (under the Queensland Coastal Protection and Management Act 1995), may help with further developments, though the horse has already bolted through the open stable door in these cases. This act among other things would "identify key coastal sites and coastal resources," "planning for their long term protection." Hinchinbrook is recommended as a key coastal site, but it could be considered too late. The act may help elsewhere, though this still needs to be demonstrated.

CONCLUSION

1. Marine protected areas are insufficient, or are ill chosen, particularly in the inter-reefal areas (e.g., areas protected from trawling chosen because they are not commonly used for trawling, rather than on scientific grounds).
2. Those areas protected are not effectively policed (e.g., no satellite position monitoring yet on fishing boats; too few patrol boats).
3. Fishing effort by trawl is considered unsustainable at the present rate (800+ registered trawlers), and its impact on the bottom biota within the GBR lagoon is considered serious.
4. Tourist pressures are strong, and numbers of tourists are increasing. While increases in tourism development and infrastructure on the GBR may be sustainable if well planned, the absence of coastal planning and the almost overwhelming political/monetary pressures for development are resulting in haphazard development, with developments often wrong in scale, type, and place.
5. Areas where charter yacht usage is increasing are considered by some marine biologists to be showing signs of damaging impact.
6. Dugong populations have been decreasing seriously in the southern GBR—down 50 to 80% in one decade.
7. Green and Hawksbill turtle breeding numbers are measurably decreasing.
8. The coastal wetlands and moist paperbark forest areas are being steadily cleared for sugarcane farming. This, with riparian tree removal, is diminishing the coastal sponge effect, and increasing silt and nutrient loads.
9. Land clearing continues, and in fact has seriously accelerated in 1999 to 2000 with the highest clearing rate ever recorded yet since European settlement. Farming/pastoral activities are often not accompanied by sustainable, long-term landcare practices. Cleared or over-grazed land can suffer

severe sheet and gully erosion with typically heavy tropical rainfall, delivering huge loads of mud and nutrient to the GBR. A number of scientists now believe that inner reefs are being affected.

10. Mangroves are still being destroyed, when they should be being replanted. Their natural role in protecting inshore seagrass beds and corals from silt is therefore lost.
11. Acid sulphate soils are common in the coastal region, and the resulting sulphuric acid links to heavy metals and moves them into the shallow coastal seas. It is considered possible that these are getting into the food chain and are being accumulated in dugongs.
12. Aquaculture is developing, with many more aquaculture farms forecasted. Their impacts are considerable, including loss of mangrove areas and changes to mangrove creeks (important nursery areas).
13. Often even elementary assessment of environmental impact (EIA, EIS) is not done, or not done adequately.
14. Efficient coastal planning has only just begun and is well behind the rate at which development is taking place.

This set of indictments suggests that due care for the GBR is lacking. In discussing the failures in the care and control of the GBR one is often told that this could never happen again with the latest planning and environmental laws. While the laws are now stronger (particularly the Commonwealth Environment Protection and Biodiversity Conservation Act 1999) we believe this to be misconceived. These case studies show us that whatever good environmental acts have decreed in the past, governments will not follow their own rules if they feel a community seeks development over environment.

The message of slow "chipping away" through hundreds of small decisions has not been learnt. Vastly more rigour must be shown in integrated coastal planning, as well as control of activities both in the Great Barrier Reef WHA and outside it that are affecting it now, or are to affect it in the future.

Perhaps the political process itself is inimical to the long-term survival of the GBR as we would like to enjoy it. Too often the demands of governments trying to remain in power in the short term overwhelm sound long-term planning, effective control of development, and many uses (e.g., fishing), in spite of the best of intentions. The answer to the question posed in the title has to be that — *without fresh thinking and fundamental attitudinal and management changes, the Great Barrier Reef will not "survive" as we enjoy it today . . . it will be slowly and continuously degraded both biologically and aesthetically.*

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