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EDO Alert! Challenge to approval of Breakwaters in Hinchinbrook Channel

10th August 2005

New Case – Alliance to Save Hinchinbrook v Environmental Protection Agency

EDO-NQ and barrister Stephen Keim SC are representing the Alliance to Save Hinchinbrook Inc (ASH) in a new Supreme Court judicial review case that was filed on 10th August 2005 in the Supreme Court in Cairns. ASH is concerned with conserving the Hinchinbrook/Cardwell area and its internationally important wilderness and wildlife values from inappropriate coastal developments.

The application seeks to review the decisions of the Environmental Protection Agency and Queensland Parks and Wildlife Service to approve the building of two rock wall breakwaters into the Hinchinbrook Channel at Oyster Point.

Background to the Case

The breakwaters are proposed by Cardwell Shire Council to facilitate the use of the marina at the Port Hinchinbrook development. Approvals were required from the EPA and QPWS under both the *Marine Parks Regulation 1990* and the *Integrated Planning Act 1997* both of which required the EPA/QPWS to consider the effects on the environment.

ASH's challenge concerns the failure of the EPA to consider the impacts of the construction of the breakwaters including the increased boat use of the area and resultant boat strikes on dugongs and the newly identified Australian snubfin dolphins. ASH also contends that the EPA failed to take into account the precautionary principle in forming conclusions on the likely effects of the proposal on dredging in the area. ASH will argue that the EPA also failed to take into account that the breakwaters will fail to function effectively in reducing dredging without future extensions to the length of the breakwaters. The application also requests that the EPA provide further statements of reasons setting out the basis for their decision so that it is clear on what evidence the findings have been based.

What is the Environmental Significance of this Case?

The Hinchinbrook channel is a listed World Heritage Area where there are important populations of turtles, dugongs and dolphins. It is important that decisions about the future of this unique wilderness area consider in detail all evidence of their environmental impacts.

What has Happened So Far?

A Directions Hearing is set down before the Supreme Court in Cairns on **Monday 3rd October 2005** at 10am. We will keep you informed of the outcome.

For more information, contact Kirsty Ruddock at EDO-NQ on (07) 4031 4766.

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