



Gladstone Conservation Council Inc.

Queensland, Australia.
ABN: 48 166 710041

P.O. Box 127
Gladstone Mail Exchange
GLADSTONE QLD 4680
Phone: 0499 577 115

E: gladstoneconservationcouncil@hotmail.com

Webpage: www.gladstoneconservationcouncil.com.au

Facebook: <https://www.facebook.com/GladstoneConservationCouncil>

17th February 2014

Gladstone Bund Wall Review

To:

Dr Andrew Johnson

Anthea Tinney PSM

Dr Ian Cresswell

Thank you for the opportunity to make this submission. This time around perhaps it will attract more than just:

*There have been multiple allegations of possible non-compliance in relation to several of the projects. For all of the EPBC approved projects, 11 infringement notices have been issued, five for failing to meet reporting requirements and six for minor contraventions of conditions. Based on the evidence available to the Review, cases of non-compliance are being responded to appropriately by the department and no other substantive non-compliance by EPBC approval holders was found. Some of the **allegations made** throughout the Review were **circumstantial or related to impacts for which causality was not established**. Allegations rarely referred to actual conditions of approval.*

I would also draw your attention to this obnoxious assessment:

When an environmental impact occurs it does not by definition mean that a condition has been contravened or breached. For example, the Western Basin Dredging and Disposal Project (2009/4904) contains a condition that states:

The design, construction materials and construction methodology and management for the outer bund wall of the Western Basin land reclamation area must ensure appropriate design of the reclamation area to prevent water quality impacts from leaching material through the bund wall, decant waters and stormwater run-off.

And the contorted logic to provide excuses for the proponents:

*...the proponent, **acting in accordance with approved management plans**, halted dredging with the cutter suction dredge on discovery of the leak. The proponent sought advice from the Dredge Technical Reference Panel and installed, amongst other things, a finer geo-textile fabric within the bund wall. Although **the bund wall was leaking**, the proponent had acted in accordance with their approved plans and as a result this incident **was not found to be a contravention or breach of the conditions** by the department.*

The bund-wall leaked from inception and that was common knowledge at the time. GCC approached Don Arnold of DERM, when the severe ecological stress was abundantly obvious to anyone prepared to look. Don held the same irrational position that no regulations were being breached and he (DERM) was powerless to act. Access to the exact wording of the environmental permit that allowed the bund wall to leak with impunity was not made available. Given the laissez-faire (literally) approach of the local environment protection regulator, GCC wrote a letter to the federal minister,



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the issuer of the SEWPaC environmental authority which had that essential condition to “safeguard the environment” that the bund wall shall not leak.

Dredging in Queensland's Great Barrier Reef world heritage area and ongoing environmental crisis.pdf

As is quite the norm this letter was not replied to. It does however remove “plausible deniability”.

The authorities knew of the leaking bund, all the way up the food chain.

The Panel conducting the Independent Review of the Port of Gladstone knew.

UNESCO Update by GCC.pdf

How severely this was impacting the environment was being obfuscated by the authorities, insisting that water quality excursions were a function of “natural” flooding and no “causal link” existed with the dredging. The commencement date of dredging was being misrepresented by the authorities. And before you guys reinforce the lie, understand that 9000m³ of acid sulphate material was dredged from the mangroves at the QCLNG dock, apparently without an approved acid sulphate management plan, in November 2010. Just because they juggled Western Basin dredging amongst maintenance dredging permits or other arse covering permits does not mean dredging did not happen in FACT.

Requests for the monitoring data were being denied, also in breach of the SEWPaC environmental authority (*Condition24. The person taking the action must make the findings, including related data, of any or all of these studies or activities publicly available upon request by any interested parties.*)

Belatedly after substantial effort and tenacious persistence, including representation to the QLD environment minister, monitoring data was made available in November 2013, more than three years after the dredging started in October 2010. The data was explicitly requested in the original spreadsheet format, they were instead presented in pdf format almost useless for data analyses.

None the less some of the data was converted for the monitoring station centrally, downstream of the bund, ST1.

Obfuscatory comment by the authorities, including comments by their senior scientists, of a link between water quality parameters and flooding has not been substantiated to the point where it absolves dredging impacts. It is a profound failure of the scientists involved, including those of the Independent Review of the Port of Gladstone to not have done the basic work of overlaying the water quality data over the harbour's hydrology particularly since you have been hiding the dredging impacts behind the floods.

Note that rainfall in Gladstone, even of 100mm is irrelevant when considering that the whole harbour cycles several meters on each tide. What needs to be taken into account is the Calliope River and to some extent the Boyne River discharge.



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I have done so, using all rainfall data of both river catchments and it is blatantly obvious that substantial amounts of water quality variation cannot be explained by rainfall.

GCC Feedback on GBR Strategic Assessment 140129.pdf

What is also very obvious is that the mobilisation of metals by the dredging has been ignored. It makes a mockery of any resemblance of care for the environment; it confounds me that a “scientific” panel could do such a superficial job at reviewing the mess in Gladstone harbour.

Unless, of course, it wasn't about science.

I note that both Anthea and Ian had a hand in the Independent Review of the Port of Gladstone. The observations and conclusions in the Report on Findings - July 2013 were downright shoddy and consequently profoundly inadequate. But perhaps most disturbingly is the weight that has been placed on this “independent” review by others when presenting matters of national significance to UNESCO.

I would be surprised if you would be able to step back sufficiently from it to allow a truly fresh and “independent” evaluation of the decision making processes that led to the bund-wall fiasco.

General adaptive behaviour dictates that you will try and obfuscate.

As to you Andrew, I don't hold out much hope of a strong stand for the truth if it conflicts with ideology. It takes a certain willingness to bend to the climate science denial pervading our governments at the moment if you are to function on the Australian Government's High Level Coordinating Group on Climate Change Science and the Australian Government's Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development. This is one area I seriously hope to be proven wrong.

Sincerely,

Jan Arens

President – Gladstone Conservation Council

Attachments:

Dredging in Queensland's Great Barrier Reef world heritage area and ongoing environmental crisis.pdf

GCC Feedback on GBR Strategic Assessment 140129.pdf

UNESCO Update by GCC.pdf