

s47F

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**From:** Andrew McNee  
**Sent:** Thursday, 5 March 2020 5:03 PM  
**To:** s47F  
**Subject:** FW: Toondah RFQ [SEC=OFFICIAL:Sensitive, ACCESS=LegalPrivilege]  
**Attachments:** MS17-000835-letter to manager of Moreton Bay Ramsar Site-Miles-signed.pdf  
  
**Categories:** Response Provided

Hi s47F

I thought this may be of interest. I will be keen to discuss the focus of the proposed letter to the Queensland Minister next week. This looks like it may provide a precedent.

Thanks, Andrew

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**From:** s47F  
**Sent:** Thursday, 5 March 2020 3:17 PM  
**To:** s47F  
**Cc:** s47F; s47F; Andrew McNee <Andrew.McNee@environment.gov.au>  
**Subject:** RE: Toondah RFQ [SEC=OFFICIAL:Sensitive, ACCESS=LegalPrivilege]

Hi s47F

FYI – I've just come across this letter from Minister Frydenberg to Qld. It mostly relates to a potential change in the Ramsar boundary, which I don't believe is being proposed. Still might be relevant through.

Cheers,  
s47F



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-000835

04 AUG 2017

The Hon Steven Miles MP  
Minister for Environment and Heritage Protection  
GPO Box 2454  
BRISBANE QLD 4001

Dear Minister 

I am writing further to my recent letter notifying you of my controlled action decision for the proposed Toondah Harbour development (EPBC 2017/7939). I am writing to you as the Queensland Minister responsible for the management of the Moreton Bay Ramsar wetland as well as the Moreton Bay Marine Park (which shares a largely similar footprint).

In that letter, I mentioned that there are significant challenges relating to the approval of this project. These relate to the proposal being located substantially within the Moreton Bay Ramsar wetland boundary and my obligations, under s.138 of the *Environment Protection and Biodiversity Conservation Act 1999*, not to act inconsistently with Australia's obligations under the Ramsar Convention. Under the Ramsar Convention, Australia has a responsibility to maintain or enhance the ecological character of its Ramsar-listed wetlands.

I am now writing to seek your agreement to Queensland working with the Commonwealth to inform the development of proposals to ensure that the proposed Toondah Harbour development can maintain the ecological character of the Moreton Bay Ramsar wetland.

One option that may arise is for a case to be developed to amend the boundary of the Ramsar wetland. To meet Australia's obligations under the Ramsar Convention, any such proposal is required to demonstrate that the change is in the 'urgent national interest', and that additional areas of compensatory habitat could be included in a revised boundary. Such a proposal would need to be substantial in terms of scale (hectares to be protected), quality (of new protected habitat), management (such as measures to minimise threats to migratory birds), and could include proposals to enhance public awareness of the ecological values of the site (such as an interpretive centre). Any proposed boundary change would need to have a clear benefit to the ecological character of the wetland as a whole.

I have asked officers of the Ramsar Administrative Authority, in the Department of the Environment and Energy, to provide information to and cooperate with Queensland officials to allow these matters to be fully considered. Any proposed case would need to be assessed and endorsed by Queensland, as the property manager, prior to submission to the Commonwealth. Through this process, I would expect that Commonwealth officials would provide advice to Queensland on the capacity of any developed proposals to fully address Australia's international obligations, in advance of any case being presented for my consideration.

Questions about this process can be directed in the first instance to s47F the  
Ramsar Administrative Authority, by email: s47F or  
phone: s47F

Yours sincerely



JOSH FRYDENBERG