



**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

MS20-000307

The Hon Leeanne Enoch MP
Minister for Environment and the Great Barrier Reef
GPO Box 5078
BRISBANE QLD 4001

Dear Minister

I am writing to you regarding the proposed Toondah Harbour development at Moreton Bay, Queensland. As you may be aware, this proposal overlaps the Moreton Bay Ramsar site and has been referred to the Department of Agriculture, Water and the Environment (the Department) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The international importance of wetland areas within Moreton Bay was recognised through its designation as a Ramsar Site in 1993 with the site meeting all nine criteria for the designation of wetlands of international importance.

Given the important values of the Moreton Bay Ramsar site, the environmental assessment of the proposed Toondah Harbour development will be of significant interest to Queenslanders, Australians more broadly and to the international community. Australia has important obligations under the Ramsar Convention regarding the conservation and 'wise use' of declared wetlands in Australian territory. In deciding whether or not to approve the proposal under the EPBC Act, and what conditions to attach to such an approval if granted, I must not act inconsistently with Australia's obligations under the Ramsar Convention.

Alongside the responsibilities of the Australian Government, the Queensland Government also has an important role to play in relation to Australia's obligations under international environmental conventions, such as the Ramsar Convention. As well as being a declared Ramsar site, Moreton Bay is also a declared marine park under the *Marine Parks Act 2004* (Qld). I understand that the Queensland Government has management and regulatory functions in relation to the park, the discharge of which assists Australia in meeting its commitments under the Ramsar Convention. I note in this regard that the main purpose of the *Marine Parks Act 2004* (Qld) is to provide for conservation of the marine environment, including through the cooperative implementation of Australia's international responsibilities, and intergovernmental agreements and instruments.

I will need to deliver a comprehensive and timely assessment of the Toondah Harbour proposal that ensures that Australia meets its international obligations under the Ramsar Convention.

s. 47E(d)

The proponent for the proposal is currently preparing the draft Environmental Impact Statement for assessment under Part 8 of the EPBC Act and this is expected to be submitted to the Government by the end of 2020. s. 47E(d)

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I have provided a copy of this letter to Minister for State Development, Manufacturing, Infrastructure and Planning, the Hon Cameron Dick MP, as I understand he may have administrative responsibilities relevant to the proposal under the *Economic Development Act 2012* (Qld).

I look forward to working closely with you to ensure a timely and comprehensive assessment of the Toondah Harbour development that ensures Australia meets its obligations under the Ramsar Convention.

Yours sincerely

SUSSAN LEY

Cc. Minister for State Development, Manufacturing, Infrastructure and Planning,
the Hon Cameron Dick MP



Hon Dr Steven Miles MP
Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef

Ref CTS 22263/17

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25 AUG 2017

The Honourable Josh Frydenberg MP
Minister for the Environment and Energy
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister 

Thank you for your letter of 4 August 2017 concerning the proposed Toondah Harbour development.

The Queensland Government will continue to work with the Australian Government on the maintenance and enhancement of its Ramsar sites, including Moreton Bay. Specifically, the Department of Environment and Heritage Protection will work with the Australian Government to inform the assessment of the proposal with respect to the maintenance of the ecological character of the Bay's Ramsar-listed wetland.

You may be aware that the Queensland Government is working with the proponent to provide technical information on the Moreton Bay Ramsar site. Additionally, the department has prioritised updating of the Moreton Bay Ramsar Information Sheet to ensure the most accurate information is available on the site's ecological character. The first draft of this information will be provided to the Australian Department of the Environment and Energy for initial review in the near future.

Finally, the Queensland Department of Environment and Heritage Protection will await further information from the Australian Government regarding any boundary amendment proposal associated with the Toondah Harbour, and acknowledges that any such amendment needs to be in the "urgent national interest".

Any questions in relation to this letter should be directed to Ms Danielle Cohen, Chief of Staff in my office on (07) 3719 7330.

Yours sincerely

DR STEVEN MILES MP
Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef

s. 42(1); s.47F(1)

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Australian Government

Department of the Environment and Energy

PDR Ref: MB20-000126

EVENT SUMMARY ***Minister for the Environment***

Site visit to Toondah Harbour, Queensland

Event and purpose	Visit to the project site of the proposed Toondah Harbour Development to gain information on the project and an understanding of the site context and impacts on matters of national environmental significance.
Date	31 January 2020
Time	11.00 am
Location	Emmett Drive Boat Ramp, Corner of Middle Street and Emmett Drive, Cleveland
Minister arrives	Minister expected to arrive by 11am
Minister departs	Minister departs by 12:00 noon
Parking	Not applicable
Dietary requirements	Not applicable

Subject to Third Party Review Rights

	<ul style="list-style-type: none"> • s. 47F(1) s. 47F(1) Biodiversity Assessment and Management (BAAM) • s. 47F(1) (BAAM) • s. 47F(1) Group. Saunders Havill
Speakers	Not applicable

Key message(s)

1. The proposed action was determined to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 23 July 2018. It will be assessed by Environmental Impact Statement (EIS).
2. The proponent is intending to prepare their draft Environmental Impact Statement (EIS) in accordance with the Terms of Reference published on 6 February 2019. They expect it will be available by the end of 2020.
3. The Department has indicated a desire to be engaged in early discussions with the proponent regarding key components of the draft EIS, particularly those that demonstrate how a net benefit will be achieved for the Moreton Bay Ramsar site and other relevant protected matters, and which support a case for wise use of the wetland.
4. On 18 December 2019, the Department met with Walker Group to provide feedback on their draft Ramsar impact assessment methodology. Comments were returned to the proponent on 23 December.
5. The Department has conducted a full, fair and transparent process at all stages of the project, in accordance with the provisions of the EPBC Act.

s. 42(1)

Media notified

Not applicable

Issues/sensitivities

- The Toondah Harbour Project is a joint initiative of Redlands City Council and the Queensland State Government. The proponent has been selected as the preferred developer.
- The proposed action has strong support from the Member for Bowman, Mr Andrew Laming MP.
- The referral area is 52 hectares, 42 hectares of which are within the Moreton Bay Ramsar Wetland. The proposed includes a mixed-use residential, commercial, retail and tourism precinct, new ferry terminals and a marina.
- The referred proposal includes up to 32 hectares of land reclamation within the internationally protected Moreton Bay wetlands, which Australia and the Queensland Government have obligations to protect under the Ramsar convention, and which is also a State marine park.
- In making the referral decision, a delegate of the Minister decided that the proposed action is likely to have a significant impact on:

- the ecological character of the Moreton Bay Ramsar site
- listed threatened species, including marine turtles and the critically endangered Eastern Curlew
- listed migratory species, including the Dugong.
- No commercial residential development of this scale and impact has previously been approved in a Ramsar wetland in Australia.

Subject to third party review rights

- The Queensland Government are the managers of the Moreton Bay Ramsar Site and may have a role in administering any mitigation measures.
- The proposed action is locally contentious and continues to be raised by environmental NGOs at international Ramsar meetings. Approximately 180 public submissions, including from the Ramsar Secretariat, and a further 1,238 campaign submissions were received during the public comment period on the Referral, with most against the construction of a housing and marina development. A further 115 submissions were received on the draft EIS Guidelines, which were published on 6 February 2019.
- In accordance with the EIS Guidelines, the proponent's EIS must address the Moreton Bay Ramsar site values identified in the listing criteria and must include discussion of impacts to listed threatened species, including but not limited to, the Eastern Curlew. The EIS must also describe how the proposed development will not be inconsistent with Australia's obligations under each of the international agreements relevant to the conservation of Matters of National Environmental Significance.

Subject to third party review rights

See attachments:

Talking points are included in this pack.

Appendix A: Map of the site

Appendix B: Advice – Ramsar wetland and migratory species

ORDER OF PROCEEDINGS

11.00 am	Minister arrives at the Toondah Harbour site
12.00 noon	Minister departs

BACKGROUND

About the event

- You indicated that you would like to visit the Toondah Harbour project site.
- The purpose of this site visit is:
 - To give Walker an opportunity to provide their views on any matters they consider may be relevant in the assessment phase.
 - To gain an appreciation of the site and its context and the potential impacts of the proposed action on the Moreton Bay Ramsar site and other protected matters.
- You may also wish to ask Walker questions that are relevant to your capacity as a decision maker under the *Environment Protection and Biodiversity Conservation Act*. Guidance is provided at Attachment A.
- You will be taken on a tour of the project site. Lunch will be provided at the project information centre.

About the host organisation

- Walker Group Holdings Pty Ltd is the proponent for the proposed Toondah Harbour development
- On 18 September 2019, you met with **Subject to third party review rights** Mr Andrew Laming MP, Member for Bowman; Dr Penn Lloyd, Principal Ecologist, Biodiversity Assessment and Management and the Department (represented by Mr Andrew McNee). The purpose of that meeting was to obtain a update about the project and an understanding of how Walker propose to address impacts on the Ramsar site (MS19-000899 refers).
- **s. 47F(1)**

met with Assistant Minister for the Environment in February 2018. Representatives of Walker Corporation have met a number of times with Minister Frydenberg / Minister Frydenberg's advisers about the project and previously with Minister Hunt. Mr Lang Walker met with Minister Frydenberg in April 2017.

About the proposed action and location

- The proposed action is located at 30 kilometres (km) south of Brisbane at Toondah harbour, at the corner of Emmett Drive, Cleveland, Queensland.
- In June 2013, at the request of the Redland City Council, The Queensland Government declared Toondah Harbour a priority development area (PDA) under the *Economic Development Act 2012 (Qld)*. **s. 47B(a)**

The PDA has an area of approximately 67 hectares including 49.5 hectares over water within the Moreton Bay Marine Park.
- The proposed action will involve the excavation of a new marina and boating channel, and reclamation of land within the adjoining Moreton Bay Ramsar wetland to develop a mixed use residential, commercial, retail and tourism precinct including new ferry terminals. The Toondah Harbour project is proposed to be delivered in stages over a 15 to 20 year period.
- The project includes a minimum 250 metre buffer between the high tide shorebird roost sites (Nandeebie claypan and offshore mangrove roost) and any urban or tourism uses, as

well as a wetland education and cultural centre. The development footprint will be entirely contained within the PDA (aside from the Fison Channel works).

Subject to third party review rights

- A second referral was submitted in May 2017; the Department recommended Minister Frydenberg find the proposal clearly unacceptable. Minister Frydenberg instead decided the proposal was a controlled action requiring assessment. The assessment of this proposal has not progressed as on 5 June 2018 Walker Group submitted a third referral for a revised design.
- The third referral (EPBC 2018/8225) was determined to be a controlled action on 23 July 2018 due to the likely significant impacts to wetlands of international importance and listed threatened and migratory species.

Ramsar requirements

- The Convention commits its member countries to promote the conservation of their Wetlands of International Importance (Ramsar wetlands) and to plan for the wise use of all of the wetlands in their territories.
- Wise use is about maintaining wetland ecological values and functions, while at the same time delivering services and benefits now and into the future, for human well-being. Wise use, in promoting maintenance of environmental, economic and social sustainability, encourages compromise between individual and collective interests. Ordinarily, wise use would relate to traditional or cultural use of a wetland by indigenous peoples, or to developments supporting education or public awareness of wetland values.

TALKING POINTS

If asked about...

Making a decision on whether to approve the proposed action

- The proposed action is currently in the assessment phase and has not been recommended for decision.
- The proposal will be assessed fairly and transparently in accordance with the requirements of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- I take my obligations under the EPBC Act seriously and I will not form any view as to the decision that I will make until I have received a recommendation report from the Department.

The potential impacts of the proposed action

- It is important for me to understand all of the issues, including the environmental impacts of the proposed action arising from both the construction and operation of the development. It is also important for me to understand and consider any broader social and economic considerations.
- I am advised that the EIS must provide a detailed assessment of the extent and severity of any likely impact that the proposed action may facilitate on the ecological character of the Morton Bay Ramsar site and listed threatened species.
- I am advised that the EIS must include a list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, and that all actions and mitigation measures must be consistent with the Australian Ramsar Management Principles, set out in Schedule 6 of the EPBC Regulations 2000. This includes wise and sustainable use of the wetland.
- I am aware that the proposed development will remove a substantial amount of foraging habitat of the Eastern Curlew and impact two known roosting sites (Nandeebie claypan and offshore mangrove roost), one of which has recorded a maximum count of 180 individuals (Nandeebie claypan).
- I also understand that the proposal will potentially impact on Koala habitat along the foreshore area.
- I am aware that I, as the Minister, in considering whether or not to approve a project, must not act inconsistently with Australia's obligations under the Ramsar Convention or conventions applicable to our migratory species, such as CAMBA and JAMBA. This is a requirement of the EPBC Act.
- I have not yet formed a view on the proposal.

Appendix A: MAP

Appendix B: Advice – Wetlands and Migratory Species Sections



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