



Queensland Government  
Department of Environment and Heritage Protection

s22(1)(a)(ii)

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Ref CTS 26306/17

24 OCT 2017 30/10

→ Mr. M. Taylor w.r. 30/10 → s22(1)(a)(ii) for noting & file marks.

Mr David Papps  
Ramsar Administrative Authority for Australia  
Department of the Environment and Energy  
John Gorton Building  
King Edward Terrace Parkes  
GPO Box 787  
CANBERRA ACT 2601

Dear Mr Papps

Thank you for your letter dated 15 September 2017 concerning jurisdictional responsibilities and the proposed application for the Toondah Harbour development by the Walker Corporation. While I acknowledge that Queensland is the site manager for the Moreton Bay Ramsar site, it is my understanding that responsibility for the assessment and approval process for the development is under the *Environment Protection and Biodiversity Conservation Act 1999*.

As previously agreed with the Department of the Environment and Energy (DoEE), updating Moreton Bay's site documentation, including the Ramsar Information Sheet, is a priority for the Queensland Government. The Department of Environment and Heritage Protection (EHP) has been updating the documentation for several months and has recently committed additional resources to preparing this information. As you will be aware, the first draft of the revised Ramsar Information Sheet has been forwarded to your branch for review and we look forward to receiving your feedback. EHP is also updating the mapped boundary of the site as part of the RIS process and we recently met with DoEE to clarify several technical issues.

As no decision has been made to approve the Toondah Harbour proposal, there has been no change in the site's ecological character or boundary. As part of its application, the Walker Corporation will need to demonstrate that their project will not change the ecological character of the site. As the Australian Government is the contracting party under the Ramsar Convention, it will be the responsibility of the Australian Government to determine if the development is in *urgent national interest* and liaise with the Ramsar Secretariat in relation to this matter.

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1 William Street Brisbane  
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Website [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)  
ABN 46 640 294 485

The Queensland Government is committed to assisting with technical information on the site's ecological character, including what is needed to ensure its maintenance and is well positioned to provide advice to the Australian Government on what compensatory measures might be applicable in the context of the site's values.

Should you have any further enquiries, please contact **s47F(1)**, A/Executive Director of the department on telephone 07 3330 **s47F(1)**.

Yours sincerely

**s47F(1)**

Jim Reeves  
Director-General



**s22(1)(a)(ii)**

**From:** s47F(1) @des.qld.gov.au>  
**Sent:** Monday, 14 January 2019 2:00 PM  
**To:** s22(1)(a)(ii)  
**Subject:** RE: Query

s22(1)(a)(ii) – talk about professionalism!!! Thanks so much for that – much appreciated.

s47F(1)



s47F(1)

**s11C(1)(a)**

Department of Environment and Science

P 07 3330 s47F(1) mobile s47F(1)  
 Street address: 400 George Street, Brisbane

**From:** s22(1)(a)(ii) @environment.gov.au]  
**Sent:** Monday, 14 January 2019 12:58 PM  
**To:** s47F(1) @des.qld.gov.au>  
**Subject:** RE: Query

Hi s47F(1)

Happy to help!

Resolution VIII.20 is a resolution agreed at COP 8 in 2002, entitled “General guidance for interpreting “urgent national interests” under Article 2.5 of the Convention and considering compensation under Article 4.2”. It is available at:

<https://www.ramsar.org/document/resolution-viii20-general-guidance-for-interpreting-urgent-national-interests-under-article>

Resolution IX.6 was agreed at COP 9 in 2005, entitled “Guidance for addressing Ramsar sites or parts of sites which no longer meet the Criteria for designation”. It includes guidance (at the Annex) for the consideration of the deletion or restriction of the boundaries of a Ramsar site, including a series of scenarios. It is available at:

<https://www.ramsar.org/document/resolution-ix6-guidance-for-addressing-ramsar-sites-or-parts-of-sites-which-no-longer-meet>

Let me know if you need any other assistance or advice.

s22(1)(a)(ii)

**s11C(1)(a)**

Australian Government Department of the  
 Environment and Energy | T: (02) 6274 s22(1)(a)(ii) | E: s22(1)(a)(ii) @environment.gov.au |  
 GPO Box 787 Canberra ACT 2601 | 51 Allara Street, Canberra City |

s22(1)(a)(ii)

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**From:** s47F(1) [@des.qld.gov.au](mailto:s47F(1)@des.qld.gov.au)  
**Sent:** Monday, 14 January 2019 1:45 PM  
**To:** s22(1)(a)(ii) [@environment.gov.au](mailto:s22(1)(a)(ii)@environment.gov.au)>  
**Subject:** Query

s22(1)(a)(ii) do you know what

COP8 Resolution VIII.20 and Resolution IX.6

Of the Ramsar convention is – I am finding it hard to follow on the website



s47F(1)  
**s11C(1)(a)**  
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**s22(1)(a)(ii)**

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**From:** s47F(1) @des.qld.gov.au>  
**Sent:** Thursday, 27 June 2019 11:10 AM  
**To:** s22(1)(a)(ii)  
**Cc:** s47F(1) ; s47F(1)  
**Subject:** RE: Four Corners - Extinction Nation - Moreton Bay, Eastern Curlews and Toondah Harbour featured [SEC=OFFICIAL]

s22(1)(a)(ii)

Many thanks for the update. Yes I definitely saw the episode and was interested in its approach. We will let you know if there is anything else raised from this end.

Regards

s47F(1)

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**From:** s22(1)(a)(ii) @environment.gov.au>  
**Sent:** Thursday, 27 June 2019 10:09 AM  
**To:** s47F(1)  
**Cc:** s47F(1) ; s47F(1)  
**Subject:** FW: Four Corners - Extinction Nation - Moreton Bay, Eastern Curlews and Toondah Harbour featured [SEC=OFFICIAL]

Hi s47F(1)

You may have watched the recent episode of Four Corners – entitled Extinction Nation – which included a substantial section on Moreton Bay and the proposed Toondah Harbour development, particularly potential impacts on the Eastern Curlew.

See: <https://iview.abc.net.au/show/four-corners> (27:00 to 36:00 minutes in). A short summary is below.

Building on the ABC Four Corners program, Birdlife Australia has established online petitions, to object to the Toondah Harbour project. One is directed at Sussan Ley - <https://birdlife.good.do/respectramsar/respectramsarpetition/> (4,000 signatures to date) and one at the Qld Premier - <https://www.actforbirds.org/toondah> (3,000 signatures)

**Four Corners - Extinction Nation – 24 June 2019**

The report describes the migrations of the Eastern Curlew, and the importance of mudflats, including at Moreton Bay, to its life cycle. It reports on an 80% decline in its population in 30 years.

It describes the proposed development by Walker of a residential, commercial, tourism precinct, covering 42 ha of the Ramsar site, with excavation, 3,600 apartments, canals and marinas.

They report that Lang Walker, the developer, is one of Australia's richest men, and his company provided \$200,000 in donations to the Liberals in the year of the first referral.

Sussan Ley is interviewed and says "donations ... will have no impact whatsoever on the decisions I make as Environment Minister".

They report that an FOI revealed that a boundary change to the Ramsar site was being considered (which would have to be "in the urgent national interest"). Walker says this is not under consideration. The FOI also revealed that

the Department had said the proposal would have serious impacts and that a proposal of this scale or likely impact had not been approved within a Ramsar site. They report that initially the proposal was considered clearly unacceptable, but that now it will move to the next stage and be subject to an EIS.

Sussan Ley says she does not have knowledge of the proposal, but “she will see what the advice is”. She is confident that the processes will be handled correctly and that matters of environmental significance will be investigated and included in the advice provided to her.

Birdlife Australia and migratory bird experts claim that Australia’s nature conservation laws are broken if they cannot protect a Ramsar site, Marine Park and endangered species. There is concern that Ministerial discretion can override Departmental advice. They claim that offsets have been used inappropriately, there is little evidence of their effectiveness, and they should only be a last resort. The proposal by Walker for offsets in the Yellow Sea is claimed to be unenforceable, and of no value to this end of the migratory pathway where the habitat will be lost.

It reports on the protest by 500 people at Moreton Bay, objecting to the Toondah proposal and calling for more effective environment laws.

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**s11C(1)(a)**

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