

Referrals  
Environment Assessment Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

Friday, 4 December 2015

Dear Sir or Madam

We make the following submission to the EPBC Act Referral - 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.

1. The bilateral agreement between the Commonwealth and the State of Queensland is not applicable in this matter.

The assessment of the project to date has been undertaken under the direction and provisions of the *Economic Development Act 2012*. Refer to item 8.1 References in the proponents 'Referral of proposed Action.' The *Economic Development Act 2012* is not a legal planning instrument recognised by the bilateral agreement. The *Economic Development Act 2012* gives the Minister broad powers to the extent that any decision made is not bound to adhere to requirements in relevant planning instruments, such as those mentioned in the Bilateral Agreement.

*Economic Development Act 2012*, which the Queensland Government initiated indicates the objective of the Queensland Government is about development and not about the protection of the environment as required by Section 5(a) of the bilateral agreement. All key environmental studies and considerations to date undertaken by the proponent and State Government have been undertaken under the provisions and guidance of the *Economic Development Act 2012*. Any studies and findings produced by the proponent in support of the referral are tainted by the pro-development focus of the *Economic Development Act 2012* and should accordingly be discounted.

As the *Economic Development Act 2012* is not recognised by the Bilateral Agreement, any material produced by the proponent under this legislation should not be considered and therefore the Referral should be rejected.

The Queensland Government has shown impotence and disregard for the protection of State and National matters of Environmental Significance. This is clearly reflected in the DRAFT local planning scheme for the Redlands, the local authority area in which the subject site is located. The State Government authorised the release of this draft legal planning instrument for public comment clearly understanding that it removed protection for koala habitat and encouraged intensive commercial development adjacent to the Moreton Bay RAMSAR site and Marine National Park ([MN24](#)). Both the koala and RAMSAR site are matters of National Environmental Significance. To date the Queensland Government has shown nothing but contempt for protecting Matters of National Significance.

**Accordingly** the Queensland Government is unsuitable to be engaged in the assessment of this proposed development.

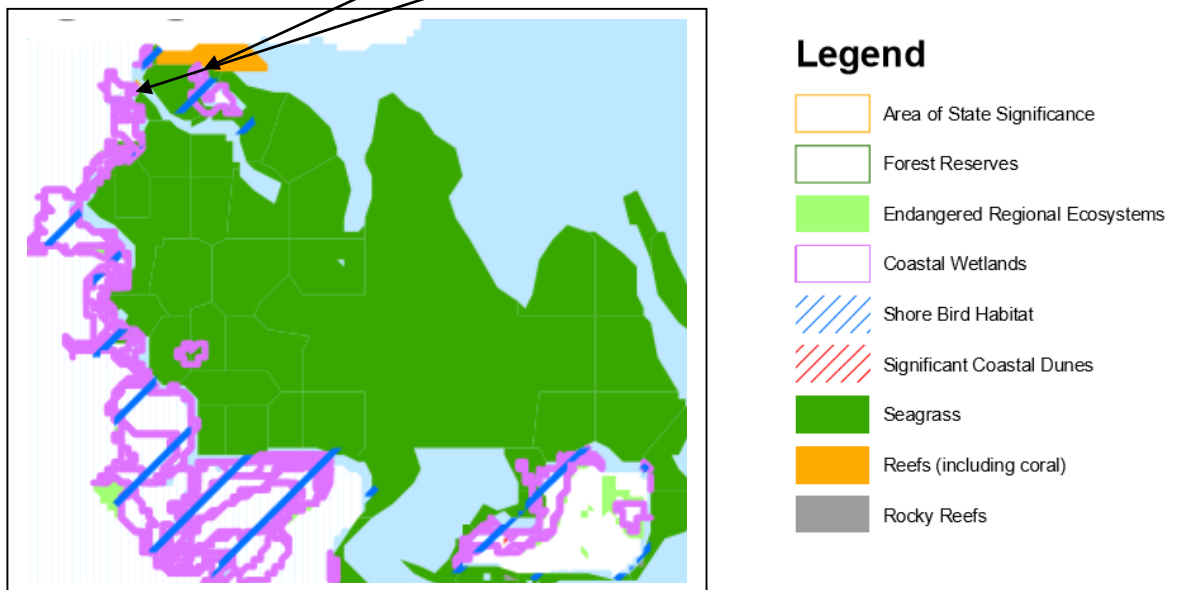
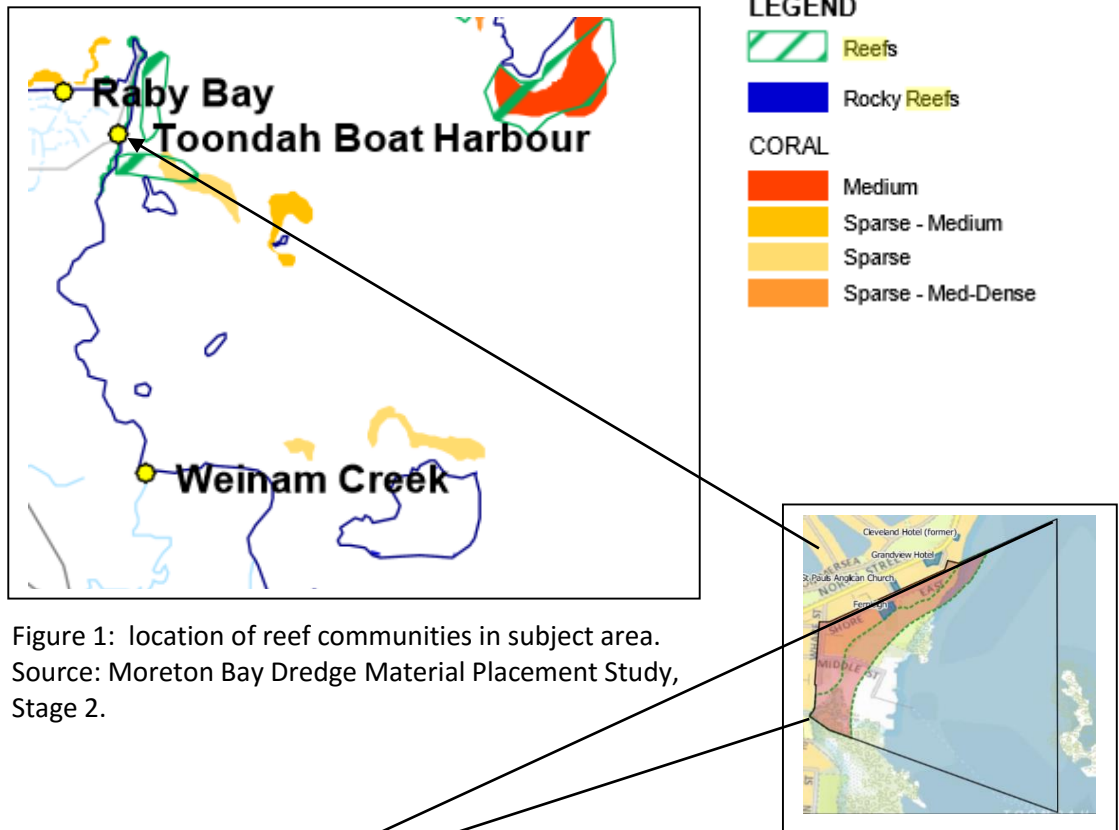
We strongly **recommend** that this is a controlled action that should be subject solely to the scrutiny of the Commonwealth Government.

2. A minimalist approach was adopted to the fauna and flora surveys. This is highlighted by an omission of a number of factors that impact upon matters of National Environmental Significance. The studies supporting this referral were completed over a 3 day period showing a failure to consider seasonal and climatic trends, which impact upon the presence of species and the health of species. The studies were undertaken between the 5 – 8<sup>th</sup> July, 2013. July is a period when migratory wader birds are chiefly absent from Moreton Bay and Australia and seagrass is at its lowest density due to cooler conditions and reduced daylight hours.

The subject site supports dugongs, noted by the Citizen Science projects involving seagrass and mangrove monitoring. <https://wildlifebayside.wordpress.com/> Dugong feeding trails have been noted through adjacent seagrass meadows to the North of the proposed development and dugongs sited feeding 25 metres directly to the East of the Mangrove community found within the Southern section of the subject area. Green Turtles are commonly noted feeding on seagrass within the subject area.

The subject area is noted for supporting seagrass and mangrove habitat, both habitats are critical to a number of species listed as matters of National Environmental Significance, which includes Dugongs, Green Turtle and migratory wader birds. There is a reef (including coral communities) immediately adjacent to the North as highlighted by Map 9C, 2.8.3 'Areas of Coastal Biodiversity Significance', SEQ Regional Coastal Plan, Oct 2005. (See Fig. 2). The Moreton Bay Dredge Material Placement Study, Stage 2 Report likewise highlights the sparse coral communities in Figure 7.4 'Coral and Rocky Reef Communities', 28th June 2006 (See Fig. 1). The subject area is also noted as supporting critical shorebird habitat as highlighted by Map 9B, 2.8.3 'Areas of Coastal Biodiversity Significance', SEQ Regional Coastal Plan, Oct 2005. A critical migratory roost site is directly adjacent to the subject site to the South of the subject site. The mangrove communities located in the Southern section of the proposed development currently provide a buffer to human disturbance emanating from Toondah Harbour. Any development in this area is likely to have a negative impact upon these Significant Environmental values.

The subject site likely supports a population of Illidge's ant blue butterfly, *Acrodipsas illidgei*, listed as Vulnerable under the *Queensland Nature Conservation Act*. Refer to QLD Govt. <https://environment.ehp.qld.gov.au/species-search/details/?id=27#> Hagan (1980) – Recent records of *Acrodipsas illidgei* (Waterhouse and Lyell) (Lepidoptera: Lycaenidae) from the Brisbane area, Queensland, Aust. Ent Mag. 7(3), November, 1980. Beale & Zalucki (1995), Status and distribution of *Acrodipsas illidgei* (Waterhouse and Lyell) (Lepidoptera: Lycaenidae) at Redland Bay, southeastern Queensland, and a new plant-association record. Journal of the Australian Entomological Society 34: 163-168. These studies show that the subject site and adjacent areas have high potential to support further populations of this rare species. Hill & Michaelis (1988) identified urbanisation as a threat. Dunn *et al.* (1994) identified clearing, marina construction and land reclamation as threats. Damage and disturbance to mangrove habitats has affected *A. illidgei*, especially removal of old growth *Avicennia marina* (> ca 12 cm B.D.) and other vegetation (e.g eucalypts and casuarinas) growing near, or at the edge of, mangroves.

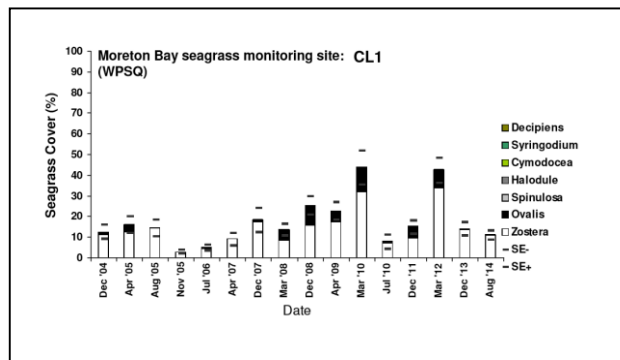


- The studies provided in support of the referral understate the value of ecosystems and species present.

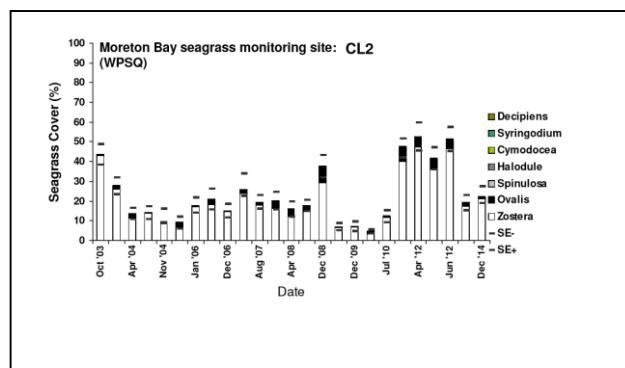
The proponent's studies (Pg. 13 Ecology study) seems to suggest that the loss of salt marsh communities is offset because similar habitat is nearby. This is an endangered ecological community subject to potential widespread loss due to sea level rise. Many studies and media articles highlight the varied important ecological services that salt marsh provide Laegdsgaard (2006) is a point in case. The proponent's studies fail to highlight this point.

The proponent's studies did highlight the high value seagrass in the Northern section of the subject area, a seagrass community utilised by dugongs based on sightings and feeding trails. Likewise the mangrove community in Southern section of the subject area was identified as having high value. Whilst these high values were identified as such on Page 13 the same study goes on further on Page 22 to suggest the seagrass is of marginal value. The schizophrenic tone of the subject studies is typical of EIS studies undertaken in Queensland as they wrestle with reporting ecological values and meeting customer expectations.

[WPSQ](#) seagrass monitoring program, which has been in progress since 2001 shows the area supports a healthy but dynamic seagrass community. Figure 3 shows our Cleveland seagrass monitoring sites, CL 1 and CL2. CL2 is closer to the subject site and is representative of the seagrass communities in that area. Dugong trails have been noted South of CL2. The fluctuations in seagrass density are not a factor that the proponent's study would identify in their 3 day study.



Seagrass summary data for Cleveland site 1.



Seagrass summary data for Cleveland site 2.

[Cleveland, QLD seagrass monitoring sites.](#)

Habitat loss and fragmentation are recognised by Queensland [Shorebird Management Strategy Moreton Bay](#) as threats to migratory species. Fragmentation of habitat forces migratory species to forage further and disrupt foraging habits. Further, fidelity of long-distance migratory birds to sites in their non-breeding grounds can have a major influence on their foraging and roosting success and survival (Coleman & Milton, 2012). The subject areas supports **Critical Shore Bird Habitat** as shown in Map 9B, 2.8.3 'Areas of Coastal Biodiversity Significance', South-east Queensland Regional Coastal Plan. These impacts and issues are poorly defined in the proponent's studies.

The proposed development will result in increased boat traffic representing a significant threat to turtles and dugongs. Moreton Bay is recognised by the Queensland Government as having the highest number of [turtle fatalities due to boat strikes](#).

Despite our disappointment with the proponent's studies it does form the basis of a strong case as to why the Commonwealth should reject this proposal. There are a wide and diverse range of State and National Matters of National Significance that will be destroyed and or put under threat by the proposed development.

We **believe** the proponent's studies, inadequate as they are, and the material we have supplied provide a clear case to reject this proposal. The development has been clearly shown to have an unacceptable, significant and long term detrimental impact upon Matters of National Environmental Significance.

The referral documentation indicates the proponent was found guilty of clearing native vegetation without consent on a number of occasions. We raise **concerns** about their attention to protecting ecological values and the State Government's enthusiastic support.

We strongly **recommend** that the Commonwealth reject the urbanisation of a RAMSAR site, despite the fact it is inconsistent with the '[Wise Use](#)' principles of [RAMSAR](#) it sets a very dangerous precedent.

Yours sincerely

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Secretary

Wildlife Preservation Society of Queensland Bayside Branch (QLD) Inc.

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## References:

Coleman, JT and Milton, David A. Feeding and roost site fidelity of two migratory shorebirds in Moreton Bay, South-Eastern Queensland, Australia. *Sunbird: Journal of the Queensland Ornithological Society*, Vol. 42, No. 2, Dec 2012: 41-51.

Dunn, K.L., Kitching, R.L. and Dexter, E.M. 1994. The National Conservation Status of Australian butterflies. A report to Australian National Parks and Wildlife Service, Canberra ACT.

Hill, L. and Michaelis, F.B. 1988. Conservation of insects and related wildlife. Australian National Parks and Wildlife Service Occasional Paper No. 13.

Laegdsgaard, P. (2006). "Ecology, disturbance and restoration of coastal saltmarsh in Australia: a review." *Wetlands Ecology and Management* **14**(5): 379-399