

**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** EPBC Referral Ref 2015/7612 Walker Group Holdings Pty Ltd  
**Date:** Tuesday, 8 December 2015 11:01:19 PM  
**Attachments:** [EPBC Referral Toondah 2015.pdf](#)

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Please find attached my submission Ref 2015/7612 Walker Group Holdings Pty Ltd

Yours sincerely,  
s47F

s47F



Referrals, Environment Assessment Branch  
Department of the Environment  
[epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)

8.12.2015

To whom it may concern,

I make the following submission to the EPBC Act referral, reference number 2015/7612 Walker Group Holdings Pty Ltd/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. This application should be a controlled action assessed entirely by the Commonwealth Government.
2. The development area impacts on the Moreton Bay Ramsar site. This site meets 6 of the 9 criteria for Ramsar listing. The Moreton Bay Ramsar listing description includes Aboriginal Cultural heritage.
3. The flora and fauna surveys taken by the proponent are inadequate. The survey was only conducted over three days which is insufficient sample effort to ensure all species are sampled and distribution and abundance properly established. Seasonal, weather and tidal variation cannot be accounted for over such a short time. For example migratory birds are not generally present in winter when the sampling was done. Weather and tide conditions can affect activity of many species requiring sample effort to be spread over a greater period than 3 days.
4. The site is likely to support a number of EPBC listed species eg dugong, green turtle, migratory birds and Illidge's ant blue butterfly. The site contains endangered salt marsh communities
5. The development will result in creased boat traffic, which has the potential to harm seagrass habitats used by green turtles, dugongs and migratory birds. Potential harm includes boat strike and\ or damage to habitat. The proposed development has the potential to change natural seawater movements.
6. The application has not dealt appropriately with Indigenous Cultural heritage values and yet Indigenous culture is listed as a key feature of the Moreton Bay Ramsar site listing:  
*Moreton Bay Ramsar site lies in the traditional estate of a number of Indigenous groups including the Kabi Kabi, Jagera and Turrbal, Quandamooka (Ngugi, Noonucle, Gorenpul), and Yugambeh and Ngarang-Wal/Kombumeri. Evidence from these excavations and other archaeological sites discovered in Moreton Bay indicates that fishing, the collection of shellfish and the gathering of local food plants were important activities for Indigenous peoples living in the region.*

In conclusion, I submit that the applicant's environmental and cultural studies are inadequate. There is an unacceptable risk of harm to values of national environmental significance.

I submit the Commonwealth should reject this proposal.

Yours sincerely

s47F



**From:** s47F  
**To:** [EPBC Referrals](#)  
**Cc:** [ramsar@ramsar.org](mailto:ramsar@ramsar.org)  
**Subject:** submission to EPBC Act Referral - 2015/7612 - urbanisation of RAMSAR site - Moreton Bay, QLD, Australia  
**Date:** Sunday, 6 December 2015 12:38:22 PM  
**Attachments:** [submission-epbc-referral-wpsqbb.pdf](#)

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Referrals

Environment Assessment Branch Department of the Environment  
Commonwealth Government, Australia  
GPO Box 787 Canberra ACT 2601

6<sup>th</sup> December 2015

Dear Sir or Madam

Please find our submission to EPBC Act Referral - 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld attached.

Regards

s47F



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.

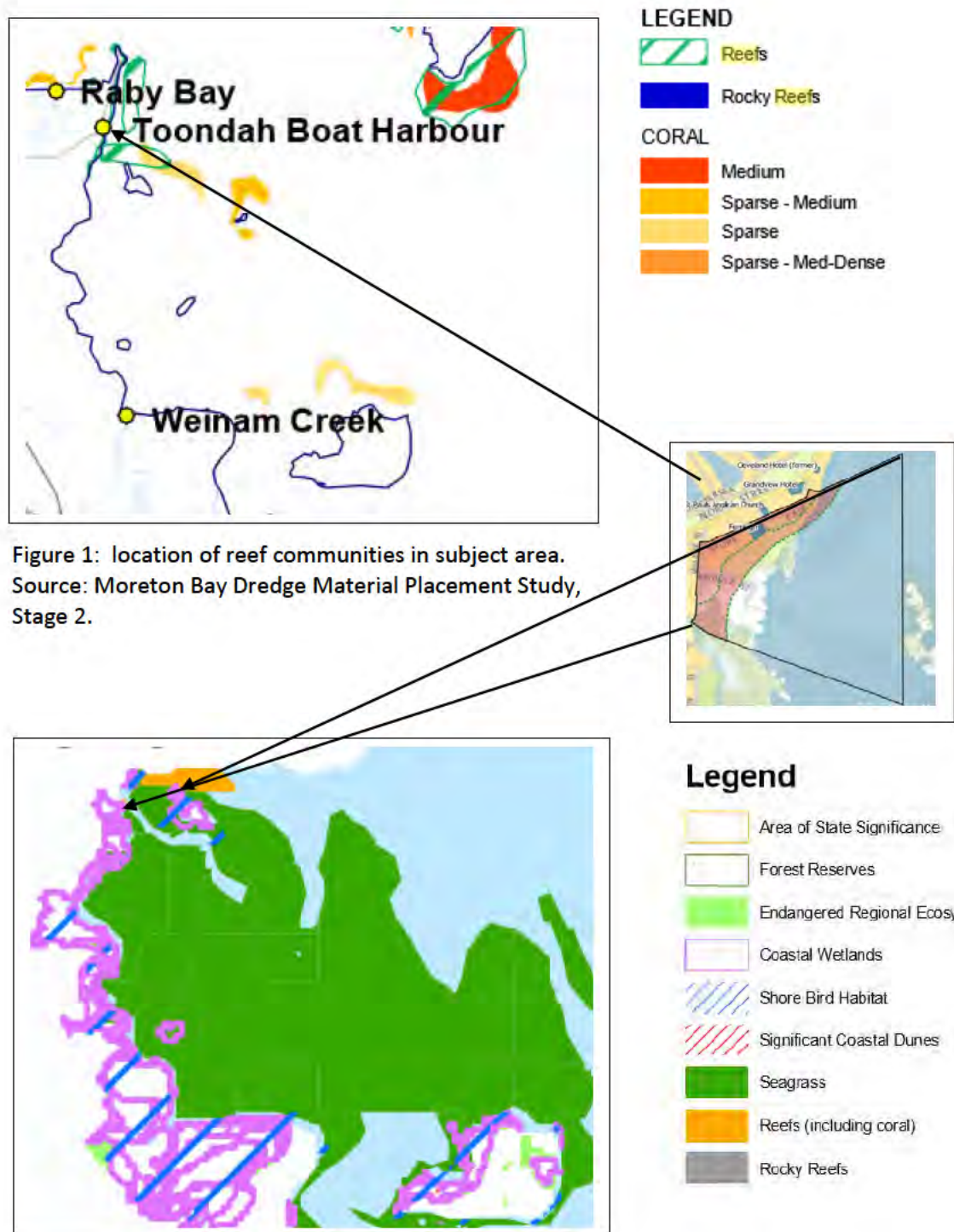


Figure 1: location of reef communities in subject area.  
Source: Moreton Bay Dredge Material Placement Study, Stage 2.

Figure 2: State Significant Coastal values. Seagrass, shorebird habitat and Reefs.  
Source: SEQ Coastal Management Plan. Areas of state significance (Natural Resources), August 2003.



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

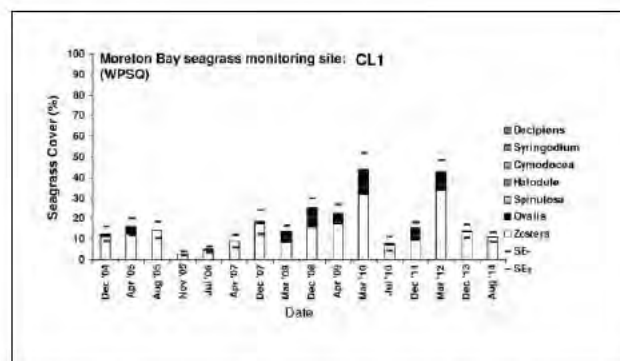
The proponent's studies (Pg. 13 Ecology study) seems to suggest that the loss of salt marsh communities is offset because similar habitat is nearby. This is an endangered ecological community subject to potential widespread loss due to sea level rise. Many studies and media articles highlight the varied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

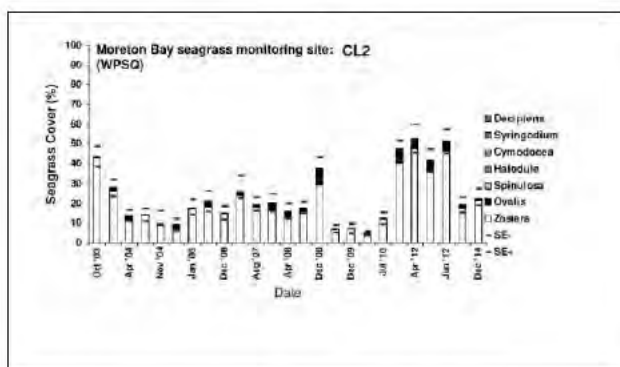
[WPSQ](#) seagrass monitoring program, which has been in progress since 2001 shows the area supports a healthy but dynamic seagrass community. Figure 3 shows our Cleveland seagrass monitoring sites, CL 1 and CL2. CL2 is closer to the subject site and is representative of the seagrass communities in that 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.



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



Seagrass summary data for Cleveland site 1.



Seagrass summary data for Cleveland site 2.

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

s47F



#### 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



**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** Referrals 2015/7612  
**Date:** Tuesday, 8 December 2015 4:40:08 PM  
**Attachments:** s47F [EPBC Act Referral -2015\\_7612 Walker Group Holdings Pty Ltd-1.docx](#)

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Please find attached my submission regarding this referral.

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s47F

A large grey rectangular box redacting the signature and name of the sender.

Referrals  
Environment Assessment Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601  
Email:epbc.referrals@deh.gov.au

8. December 2015

Dear Sir/ Madam

I 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.

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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 . 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

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

**2.The proposed site is a Wetland of International Importance (declared Ramsar wetlands)**

The referral area includes approximately 138.9 hectares contained within the Moreton Bay Ramsar site, which is listed under the Convention of Wetlands of International Importance 1971 (Ramsar Convention). The Moreton Bay Ramsar wetlands are nationally and internationally significant as one of the largest estuarine bays in Australia enclosed by barrier islands of vegetated dunes, which together with the permanent lakes of the sand island components provide a diverse and rich suite of wetland habitats.

The wetlands are significant as habitat for dugong and migratory shorebirds.

The subject areas supports **Critical Shore Bird Habitat** .

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.

The proposed action will have a direct impact on the ecological character of the Moreton Bay Ramsar wetland. It will impact on habitat values (seagrass, mangroves and intertidal mudflats), on the lifecycle of native species such as migratory shorebirds who forage and roost in or near the referral area.

The change in the hydrological regime of the wetland will consequently change water quality, sedimentation and aquatic habitats.

Threatened species, such as migratory shorebirds, marine turtles, dugongs and ecological communities will be impacted.

The proposed action will result in loss of intertidal foraging habitat important for migratory birds. Habitat degradation will occur due to impacts on surface water quality.

Direct impacts from the proposed action on these species include habitat removal, such as seagrass meadow and intertidal mudflats

The development has clearly shown to have an unacceptable, significant and long term detrimental impact upon Matters of National Environmental Significance.

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.

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.

I strongly recommend that the Commonwealth reject the urbanisation of a RAMSAR site, not only is it inconsistent with the 'Wise use' principles of the RAMSAR , it sets a very dangerous precedent.

Yours sincerely

s47F





**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** Re: Toondah harbour  
**Date:** Monday, 7 December 2015 2:28:33 PM

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Sent from my iPad

> On 7 Dec 2015, at 11:34 am, s47F wrote:  
>  
> To whom it may concern  
> I refer to your add in the Redland City Bulletin, re your "exciting concept master plan". This waterfront development will be a disaster for the Cleveland forshore for the following reasons:  
> 1-we have one of the healthiest koala colonies in the state- this would be destroyed.  
> 2 "this spectacular waterfront location" will no longer be that- it will be concrete broad walks, multi storey buildings, no shade - in other words, an eyesore.  
> 3 the G J Walter park does not need "enhancing". What can be more beautiful than the foreshore with its mangroves, dog park and sports oval.  
> 4 the precinct of the heritage listed "Fernleigh" home, built in the 1870's, is an important part of our history, should never be compromised.  
> 5 the dog park, as it is now, with its access to the bay, is a wonderful attraction to dog owners of many parts of Brisbane. The elderly, in particular, feel totally safe and unthreatened by bike riders.  
> 6 families picnic beside the water throughout the year, young cricketers start playing early Saturday morning followed by teenagers kicking a ball or just jogging around the oval. Walkers are common from dawn to dusk.  
> 7. Cleveland does not need more restaurants and cafes, these encourage drinking, loud music and noise, which residents would not appreciate.  
>  
> Residents of Redlands, do not want this "important revitalisation "  
> PLEASE LEAVE IT AS IT IS.  
>  
s47F  
> Sent from my iPad



**From:** [CARP-Redlands](#)  
**To:** [EPBC Referrals](#)  
**Cc:** [ramsar@ramsar.org](mailto:ramsar@ramsar.org)  
**Subject:** CARP submission to EPBC Act Referral - 2015/7612 - urbanisation of RAMSAR site - Moreton Bay, QLD, Australia  
**Date:** Tuesday, 8 December 2015 4:07:59 PM  
**Attachments:** [submission-epbc-referral-wpsqbb.pdf](#)  
**Importance:** High

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**FOR ATTENTION PLEASE:**

Referrals  
Environment Assessment Branch  
Department of the Environment  
Commonwealth Government of Australia  
GPO Box 787  
CANBERRA ACT 2601  
  
cc Ramsar Secretariat.

08 December 2015

Dear Sir /Madam

**SUBMISSION TO EPBC ACT REFERRAL - 2015/7612:  
WALKER GROUP HOLDINGS PTY LIMITED/COMMERCIAL DEVELOPMENT/MORETON  
BAY/QUEENSLAND/TOONDAH HARBOUR PROJECT, MORETON BAY, QLD.**

Please consider this email and the attached document our submission to *EPBC Act Referral - 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.*

The **Community Alliance for Responsible Planning (CARP) Redlands Inc** is an alliance of organisations and individuals formed in 2004 to ensure that the voice and wishes of the community are heard over the voice and inordinate influence of the development industry.

**For well over twenty years**, the people of the Redlands have been actively engaged in defining and shaping the Redlands of the future and concurrently, have been actively protecting all that is intrinsic to the quality of life we value so greatly - the bush, the bay, the red soil farms and the separate, distinct villages.

With respect to **Moreton Bay and Toondah Harbour**:

- × In 1988 the Redlands community fought off a plan to overdevelop the Toondah Harbour, Moreton Bay and environ with a massive canal estate; coming together as STIR (Secure Toondah's Invaluable Resources), we garnered 12,000 hard-copy signatures, took the conservative State Government on in the media, and won.
- × In March 2014 it became clear that Redland City Council was disregarding community values and concerns about the Toondah Harbour Proposed Development Scheme

(Priority Development Area). To make our voice heard, the community organised its own planning workshop facilitated by the Queensland Chapter of the Australia Institute of Architects, supported pro-bono by eminent experts in urban planning, engineering, development, architecture and landscape architecture. The Toondah Harbour Priority Development Area Master Urban Design Workshop Final Report 14.03.14 was provided to Redland City Council and the Queensland State Government - to no avail. The community outrage arising from Redland City Council's contrived, 'closed shop' handling of the Toondah Harbour Proposed Development Scheme led to the formation of **Redlands 2030**, a community network dedicated to the pursuit of good governance, raising awareness and as the name suggests, ensuring that the community's vision and values as expressed in the Redlands 2030 Community Plan are foremost in all Council and State Government decisions. See <http://redlands2030.net/>

- × Throughout 2014 and 2015 the community assisted by CARP, Redlands2030 and many other organisations sought to influence the State Government to withdraw the 'Toondah Harbour Priority Development Area (PDA) Proposed Development Scheme' as released January 2014 and start again, ensuring that the process of drafting a new Proposed Development Scheme (a) honours the Redlands 2030 Community Plan (April 2010); (b) honours the findings of the Toondah Harbour Community Engagement Report (August 2013) , and (c) is done in close and continuing consultation with the people of the Redlands.

Regrettably, these efforts were unsuccessful and the Redlands community is now confronted by an **even more massive, unwanted overdevelopment of the Toondah Harbour, adjacent foreshore parkland and RAMSAR listed Moreton Bay**, as proposed by the Walker Group Holdings Pty Ltd with the support of Redland City Council and the Queensland State Government.

The Walker Group Holdings Pty Ltd proposal **simply cannot be allowed to proceed.**

In this context, please be advised **we stridently support** the submission of the *Wildlife Preservation Society Queensland (Bayside Branch)*, dated 04.12.15 and attached for your reference.

Sincerely

s47F



**Community Alliance for Responsible Planning (CARP) Redlands Inc**

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

Friday, 4 December 2015

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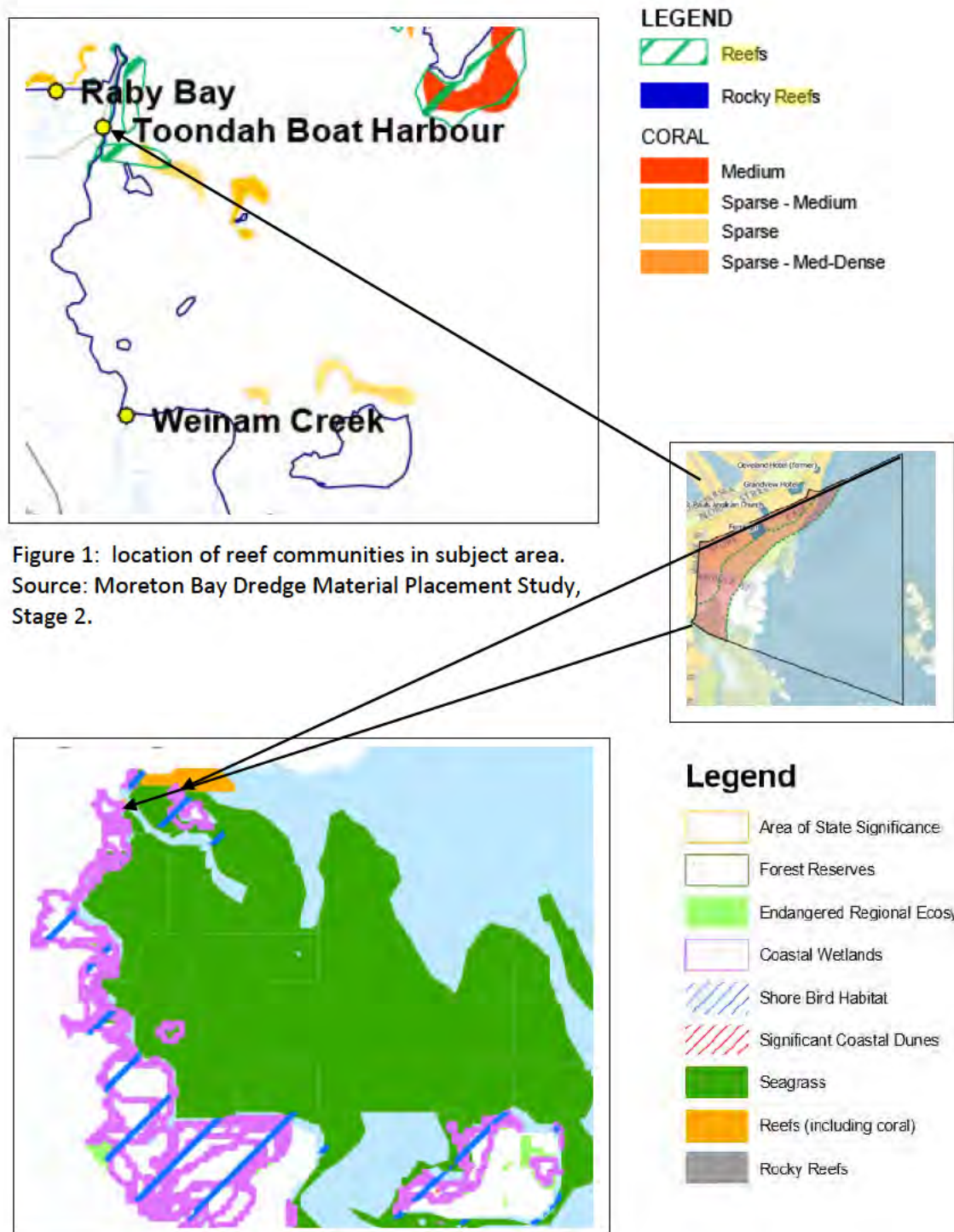


Figure 1: location of reef communities in subject area.  
Source: Moreton Bay Dredge Material Placement Study, Stage 2.

Figure 2: State Significant Coastal values. Seagrass, shorebird habitat and Reefs.  
Source: SEQ Coastal Management Plan. Areas of state significance (Natural Resources), August 2003.



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

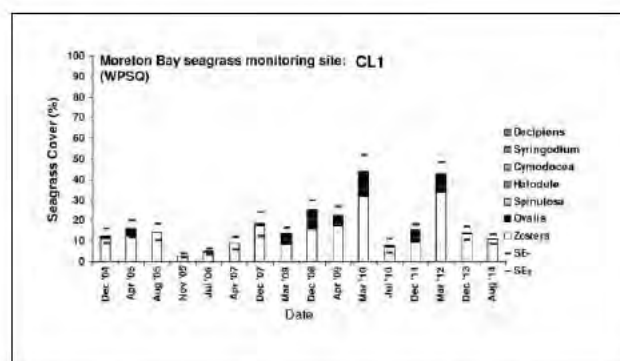
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The proponent's studies did highlight the high value seagrass in the Northern section of the subject area, a seagrass community utilised by dugongs based on sightings and feeding trails. Likewise the mangrove community in Southern section of the subject 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.

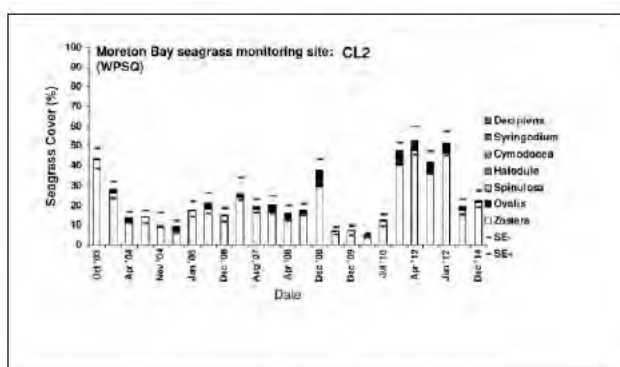
[WPSQ](#) seagrass monitoring program, which has been in progress since 2001 shows the area supports a healthy but dynamic seagrass community. Figure 3 shows our Cleveland seagrass monitoring sites, CL 1 and CL2. CL2 is closer to the subject site and is representative of the seagrass communities in that 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.



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



Seagrass summary data for Cleveland site 1.



Seagrass summary data for Cleveland site 2.

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

s47F



## 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.

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

**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** EPBC Act referral. Invitation for public comment  
**Date:** Monday, 7 December 2015 5:30:18 PM  
**Attachments:** [PastedGraphic-1.png](#)  
[submission-epbc-referral-s47F.pdf](#)

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Referrals, Environment Assessment Branch  
Department of the Environment  
[epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)

7.12.2015

I make the following submission to the EPBC Act referral, reference number 2015/7612  
Walker Group Holdings Pty Ltd/Commercial Development/Moreton  
Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.

**Under the Environmental Protection and Biodiversity Conservation Act 1999, I believe permission may not be granted for the proposed development at Toondah Harbour, Cleveland, Queensland. Grounds include relevant environmental, cultural/historical and urban objections.**

#### **1. Environmental objections to granting development approval at Toondah Harbour**

Purpose of the EPBC Act: *'a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance.'*  
(<https://www.environment.gov.au/epbc>)

The Act protects wetlands of international importance, migratory species, national heritage places, threatened species and ecological communities, biodiversity conservation. The proposed development at Toondah Harbour – which would displace 1.5 million cubic metres of dredged material soaked in heavy metal contamination, as well as Acid Sulphate Soils (*'known high risk of ASS'*: proponent's referral of proposed action) – and locate tall buildings on 1.2 million cubic metres of the dredged material (comprising 43.5 hectares) in stages over 15-20 years – within the Moreton Bay Marine Park, overlaid by Ramsar listing – constitutes an existential threat to key values the Act is designed *'to protect and manage'*.

The Moreton Bay Ramsar site (<https://www.environment.gov.au/cgi-bin/wetlands/ramsardetails.pl?refcode=41>):

*'Key features of the site:*

*'... The extensive Mangrove and tidal flats provide a nursery for fish and crustaceans, and also support birds and other marine life. The sandflats provide roosting sites for migratory birds.*

*'The seagrass areas provide food and habitat for fish, crustaceans, the internationally vulnerable Dugong, and the nationally threatened Loggerhead Turtles, Hawksbill Turtle and Green Turtle. Other nationally threatened species that occupy the site include the Oxleyan Pygmy Perch and Honey Blue-eye, Water Mouse and the Australia Painted Snipe.*

*'The site supports more than 50,000 migratory waders during their non-breeding season. At least 43 species of wading birds use the intertidal habitats, including 30 migratory species listed on international conservation agreements.*

*'The close proximity of the wetlands to Brisbane and other populated areas makes the site a popular recreation area for tourism, birdwatching, water based recreation, scuba diving, four wheel driving, camping and boating. Parts of the site are conservation reserves. Commercial activities such as shipping, transport and fishing also occur within the site.'*

*'Moreton Bay Ramsar site lies in the traditional estate of a number of Indigenous groups including the Kabi Kabi, Jagera and Turrbal, Quandamooka (Ngugi, Noonucle, Gorenpul), and Yugambeh and Ngarang-Wal/Kombumeri. Evidence from these excavations and other archaeological sites discovered in Moreton Bay indicates that fishing, the collection of shellfish and the gathering of local food plants were important activities for Indigenous peoples living in the region.'*

*'Justification of the listing criteria:*

*'The Moreton Bay Ramsar site meets six of the nine criteria:*

*'Criterion 1: The Moreton Bay Ramsar site is ... one of the largest estuarine bays in Australia which are enclosed by a barrier island of vegetated sand dunes. Moreton Bay protects the local area from oceanic swells, providing habitat for wetland development. The site receives and channels the flow numerous rivers and creeks east of the Great Dividing Range.'*

*'Criterion 2: Moreton Bay supports large numbers of the nationally threatened Green Turtle, Hawksbill Turtle, Loggerhead Turtle. Other nationally threatened species that the site supports are the Oxleyan Pygmy Perch, Honey Blue-eye, Water Mouse and the Australia Painted Snipe. The site is ranked among the top ten habitats in Queensland for the Internationally vulnerable Dugong.'*

*'Criterion 3: The Moreton Bay Ramsar site supports over 355 species of marine invertebrates, at least 43 species of shorebirds, 55 species of algae associated with mangroves, seven species of mangrove and seven species of seagrass. At least 43 species of shorebirds use intertidal habitats in the Bay, including 30 migratory species listed by international migratory bird conservation agreements.'*

*'Criterion 4: Moreton Bay is a significant feeding ground for the threatened Green Turtle and is a foraging and breeding ground for the Dugong. The Bay also has the most significant concentration of the young and mature Loggerhead Turtle in Australia.'*

*'Criterion 5: The Moreton Bay Ramsar site supports more than 50,000 wintering and staging shorebirds during the non-breeding season.'*

*'Criterion 6: The Moreton Bay Ramsar site regularly supports more than 1% of the population the wintering Eastern Curlews and the Grey-tailed Tattler.'*

The referral site is located in this rich environmental matrix. Destruction of environmental values within the site will have permanent consequences far beyond its boundaries. Destruction of environmental values will emanate from high-density residential, commercial and recreational uses, including a 400-berth marina and additional boating activity. The concentration and intensification of uses will cause increased littering and rubbish; increased pollution in the Bay from fuel, stormwater run-off; loss of protective environmental assets such as mangroves; and heightened threats of boat strike to threatened turtles, dugong and other marine animals, including whales. The negative effects will diminish the value of Moreton Bay Marine Park overall.

These Ramsar criteria define a place of special importance nationally and regionally. It is of extreme concern that a large, invasive, environmentally-unsustainable urban development

projecting into the Bay, built on toxic dredged material, could even be proposed. Yet it is proposed in the full knowledge that mangroves, saltbush and seagrass provide a range of services of inestimable value – including buffers against storm surges and flooding, cleansers of pollutants and urban run-off, protection of biodiversity, carbon sinks.

A prudent government would implement a whole-of-Moreton-Bay protection and conservation program. To do the opposite and to facilitate the destruction of part of the Moreton Bay Marine Park coastline, to allow a portion of the Park to be resumed and privatised, and to ensure a legacy of ongoing environmental pressure and pollution for the Bay into the future, is governance at its most reckless. Indeed, the proponent's referral report acknowledges that *'Moreton Bay Ramsar site wetlands are nationally and internationally significant'*, with a *'a diverse and rich suite of wetland habitats'*. This is precisely why no remaining element of this significant natural and national asset should be removed from EPBC Act protection.

I note that Environment Minister Greg Hunt is chairing a blue carbon event at the Paris climate summit as I write this. That underscores the national (and international) significance of conserving the mangroves and seagrasses of Toondah Harbour.

The extraordinary provisions of the Economic Development Act 2012 give priority to development over environmental protection. The Queensland government has shown contempt for Ramsar and koala habitat protection, which are matters of national environmental significance, and are matters integral to consideration of the referral site for approval under the EPBC Act.

Furthermore – as the submission of the Wildlife Preservation Society of Queensland, Bayside Branch (QLD) Inc makes clear (which I fully concur with; see attached pdf below) – the proponent's approach to surveys of flora and fauna is *'minimalist'* and the studies and findings produced are *'tainted by the pro-development focus of the Economic Development Act 2012 and should accordingly be discounted'*.

Given the scale of the proposed development, and its time-scale of 15-20 years, the measures promised to mitigate environmental destruction within the referral site are nugatory.

I agree with the WPSQ: The Queensland government is unsuitable to be engaged in the assessment of this proposed development. This should be a controlled action subject solely to scrutiny of the Commonwealth government.

## **2. Cultural/historical objections to granting development approval at Toondah Harbour**

The defining character of the peninsula – of which the referral site is a part – is established by the remnants of Cleveland's origins as a settlement and port from the 1820s.

Heritage places of value within and surrounding the referral site include scenic views and viewsheds (a geographical area visible from a location; it includes all surrounding points in line-of-sight with that location).

The proposed development will block many views and viewsheds of significance. For instance, the Grandview Hotel (a State listed site) will lose its unrestricted – historical as well as being scenic – views of the Bay.

The coastline as seen from the Bay is also a viewshed that deserves protection. The observer approaching the coast from the islands sees the natural ridge line of the land and the green tree canopy punctuated by iconic Norfolk Island pines (State listed) planted as



markers by the early generations of European residents. This viewshed also retains a memory of the pristine coastline views that greeted the first Europeans in Moreton Bay, not to mention also the far more ancient and venerable Aboriginal view. The proposed development would destroy these views, ten-storey buildings hiding the topography – and the implicit sense of history and time that these views incorporate.

The early residence Fernleigh and GJ Walter Park (registered heritage places located within the PDA) would be detached from their waterfront context, which would be destroyed. The park would be a landscaped welcome mat to the marina.

Heritage values include significant Aboriginal heritage and cultural assets.

*'Moreton Bay Ramsar site lies in the traditional estate of a number of Indigenous groups including the Kabi Kabi, Jagera and Turrbal, Quandamooka (Ngugi, Noonucle, Gorenpul), and Yugambah and Ngarang-Wal/Kombumeri. Evidence from these excavations and other archaeological sites discovered in Moreton Bay indicates that fishing, the collection of shellfish and the gathering of local food plants were important activities for Indigenous peoples living in the region.'* The Moreton Bay Ramsar site

The referral site is located within the country of the Quandamooka people. The map below shows the Quandamooka estate.

<http://www.qyac.net.au/our-native-title-determination/>



As Ramsar notes, and also the proponent concedes, the referral site has indigenous heritage values. It would be inappropriate and ill-advised to grant premature approval to the proposed development, thereby not only potentially destroying indigenous heritage assets and archaeological sites but also obliterating all memory of the country before European settlement, which is something that may still be experienced, inherent in the views of the shoreline that retain a 'natural' unspoilt character.

It would be putting the cart before the horse if the proponent were to establish a Cultural Heritage Management Plan and invite *'Aboriginal communities and individuals who wish to participate'* after the development were approved, and thus deprive them of the right to influence the destiny and management of their estate.

Remember, this proposed development depends on the *'availability of government landholdings in the Toondah Harbour PDA'*, as the proponent admits. It is not yet private land. The rights of Quandamooka should be fully taken into account before approval can be given.

### **3. Urban objections to granting development approval at Toondah Harbour**

Priority Development Area status combined with the Economic Development Act 2012 precludes urban design evaluation of Toondah Harbour within the broader context of Cleveland. This is unfortunate in every way, as it pinpoints the referral site in stark isolation, abstracted from context.

What if this fragile site were the least satisfactory place in Cleveland to locate a major urban development?

In 2014, an urban design workshop of professional experts convened by the then president of the Australian Institute of Architects (Queensland chapter) did undertake an assessment of the broader urban context of Cleveland and found that the north-facing, kilometre-long underused waterfront at Raby Bay is the only logical place for a major waterfront destination attraction. Raby Bay has none of the environmental problems of Toondah Harbour which this EPBC referral is required to adjudicate. Neither does Raby Bay have extensive tidal mudflats or suffer from the scything prevailing south-easterlies. But no one ascertained all that before subjecting Toondah Harbour to a PDA.

The proponent answers Yes to the question of whether or not '*alternatives to the proposed action*' exist. However, in section 2.2 we find the answer is really No: the project is predicated on the '*availability of government landholdings in the Toondah Harbour PDA*' ... '*No alternatives to taking the proposed action have therefore been considered.*' (My emphasis.)

Walker Group/PDA/Redland City Council/Queensland government never scoped alternative locations in Cleveland. So the proponents don't/won't/can't identify Raby Bay as the alternative location for a major waterfront development.

The Commonwealth government requires an understanding of why Raby Bay is in fact the preferable alternative location, in order to be able to establish the genuine merits or otherwise of the Toondah Harbour scheme referred for EPBC Act approval.

Is the site at Toondah Harbour suitable for large-scale development? Almost at random one reads in the recent press: '*The entire Australian coastline will be mapped to prepare for projected flooding from rising seas under a government project to be launched at the Paris climate summit that could lead to national standards for how close homes should be built to shorelines.*

*'It is part of a new climate change adaptation plan to be unveiled by Environment Minister Greg Hunt on Wednesday, amid debates at the talks over how the world will deal in a global agreement with locked in climate change.*

*'Mr Hunt told Fairfax Media he hoped that the coastal data – due to be completed and made public in late 2017 – would be picked up by state governments to guide planning laws about how close homes and other property should be allowed to be built to the coast given expected future flooding and erosion from rising seas and storm surges.*

*'Coastal planning laws have been controversial in a number of states, sparking bitter disputes between local councils, state governments and business. Regulations currently differ between jurisdictions.*

'UN climate conference 2015: Australian coast mapped under plan released in Paris', Tom Arup and Peter Hannam, Paris, *Brisbane Times*, 2.12.2015

During a week when we learn the projected sea level rises are to be mapped to show where Australian foreshores will go under, how ironic to be considering the viability of a project to be built entirely on reclaimed land in a protected Marine Park.

The proponent notes that '*... the site is not affected by river flooding*': however the site is affected by storm surges. '*Finished floor levels*' will be designed to be flooded periodically. Is this modest precaution insufficient in light of what we know about future rises in sea level? Will the proposed development be like Venice, where the *aqua alta* progressively leaches into masonry and brickwork, slowly dissolving the city? What of underground car parks?

Venice is not a far-fetched analogy, since the proposed development will require (costly)

extensive and very deep piles to act as foundations in the soft mud and reclaimed land.

It should be mentioned that the PDA at Toondah Harbour was established under the former LNP government in Queensland by Minister Jeff Seeney, Minister for State Development and Minister for Infrastructure and Planning, who ordered that any mention of climate change be scrubbed from all local planning instruments in Queensland. Evidently Mr Seeney did not believe in the possibility of sea level rise.

The outstanding matter – and the original motivation for a development at Toondah Harbour – is the dilapidated condition of the heavily used port facilities that service North Stradbroke Island, and parking availability. Reasonably, Redland City Council wanted to revitalise the port without incurring any cost to ratepayers; the council has estimated the port will cost \$100 million to fix. Already the Queensland government has ear-marked \$90 million for ‘infrastructure’ at Toondah Harbour, and it is not unrealistic to imagine the outstanding \$10 million could be found. In contrast to the project to revitalise the port, the Walker Group’s proposed development is estimated to cost \$1.39 billion over 20 years.

The image of a sledge hammer and a walnut come to mind.

None of this would be an issue if the Redland City Council and the Queensland government had conducted effective due diligence in the first place, and identified Raby Bay as the suitable site for the envisaged major destination attraction to ‘put Cleveland on the map’. There would be no conflicts of land use on a constricted and environmentally fragile site, as there are at Toondah Harbour, and no destruction of priceless environmental assets.

I thank you for the opportunity to make this submission on a matter of urgency and significance for Cleveland and the Moreton Bay Marine Park, to oppose the proposed Walker Group development at Toondah Harbour, and I trust under the EPBC Act the Commonwealth government will make this a controlled action and withhold approval for the unsustainable development.

Sincerely

s47F



**Attachment**

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

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.

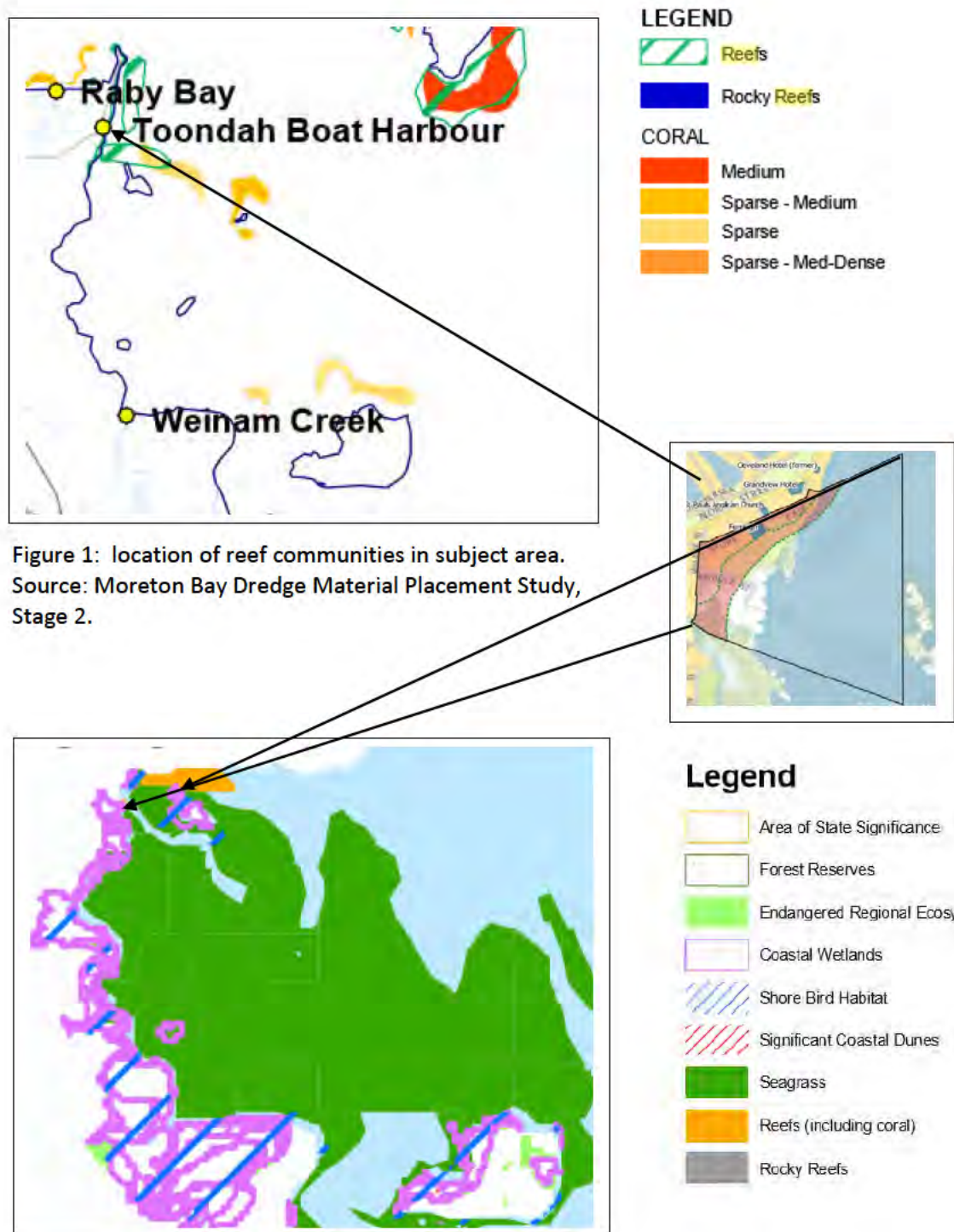


Figure 1: location of reef communities in subject area.  
Source: Moreton Bay Dredge Material Placement Study, Stage 2.

Figure 2: State Significant Coastal values. Seagrass, shorebird habitat and Reefs.  
Source: SEQ Coastal Management Plan. Areas of state significance (Natural Resources), August 2003.



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

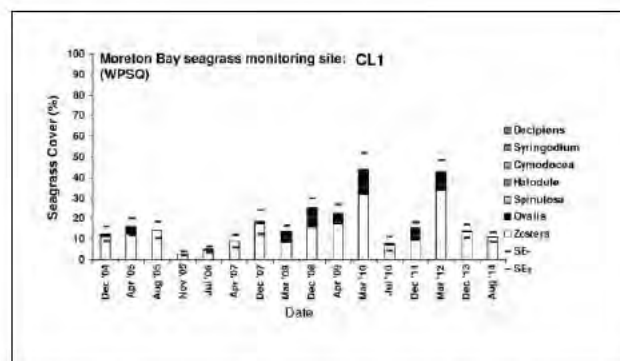
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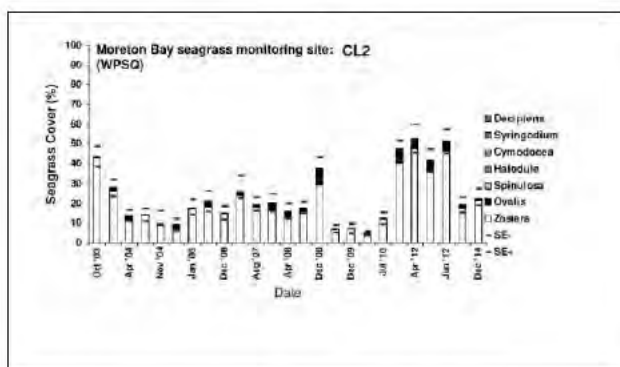
[WPSQ](#) seagrass monitoring program, which has been in progress since 2001 shows the area supports a healthy but dynamic seagrass community. Figure 3 shows our Cleveland seagrass monitoring sites, CL 1 and CL2. CL2 is closer to the subject site and is representative of the seagrass communities in that 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.



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



Seagrass summary data for Cleveland site 1.



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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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## References:

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

**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** Fw: submission-epbc-referral-wpsqbb  
**Date:** Saturday, 5 December 2015 2:31:47 PM  
**Attachments:** [submission-epbc-referral-wpsqbb.docx](#)

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**Please accept our attachment as a submission.**

s47F



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.

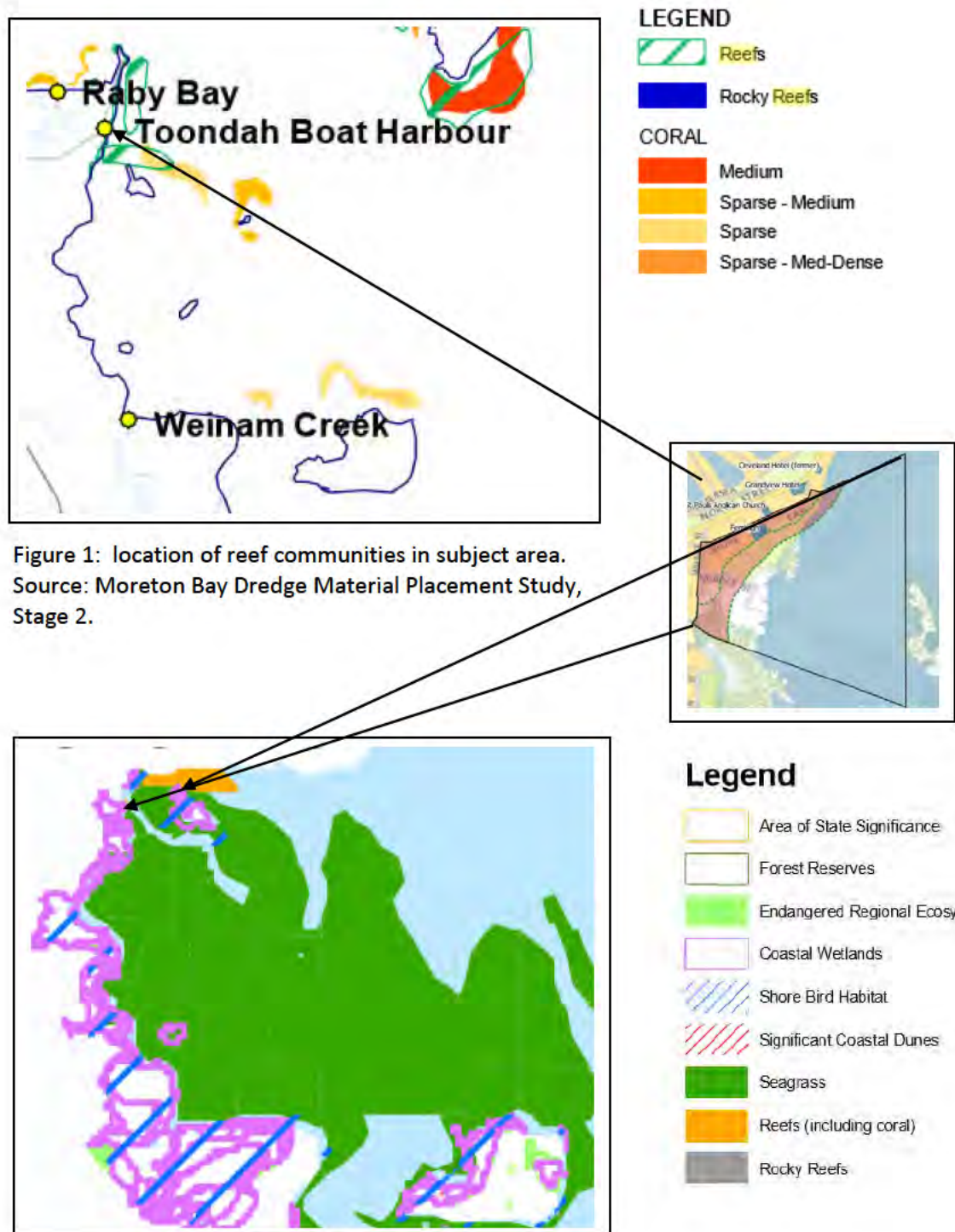


Figure 1: location of reef communities in subject area.  
Source: Moreton Bay Dredge Material Placement Study, Stage 2.

Figure 2: State Significant Coastal values. Seagrass, shorebird habitat and Reefs.  
Source: SEQ Coastal Management Plan. Areas of state significance (Natural Resources), August 2003.

- 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.

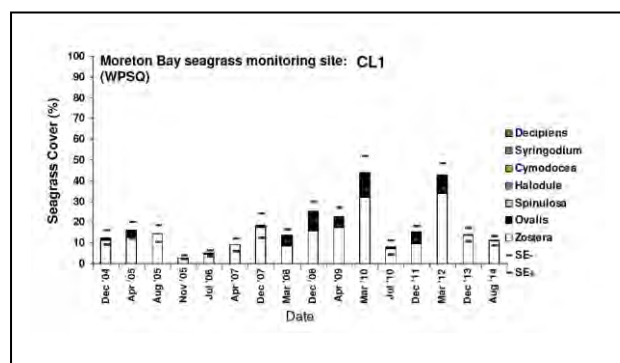
The proponent's studies did highlight the high value seagrass in the Northern section of the subject area, a seagrass community utilised by dugongs based on sightings and feeding trails. Likewise the mangrove community in Southern section of the subject area was identified as having high value. Whilst 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.

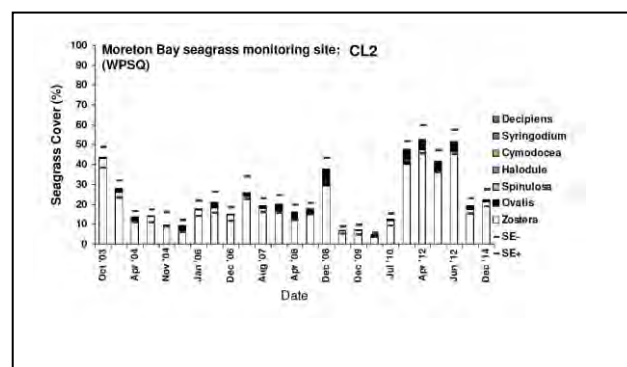


u

mmary data for Cleveland site 2.



mmary data for Cleveland site 1.





[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.

s47F



## 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



**From:** S. [REDACTED]  
**To:** [EPBC Referrals](#)  
**Subject:** WALKER TOONDAH HARBOUR PROJECT REFERENCE NUMBER 2015/7612  
**Date:** Monday, 7 December 2015 7:37:36 AM  
**Attachments:** [Scan0040.pdf](#)  
[Walker Project - EPBC submission.docx](#)

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Further to the email I just sent, here are my comments this time with the attached letter mentioned in paragraph 3. My apologies for any inconvenience caused.

S. 11C(1)(a) [REDACTED]  
[REDACTED]  
[REDACTED]

s47F

Hon Jeff Seeney  
Minister for Economic Development Queensland (MDEQ)  
Queensland Government  
Toondah Harbour PDA  
Economic Development Queensland  
Reply Paid  
PO Box 2202  
BRISBANE QLD 4001

Dear Minister,

**SUBMISSION - TOONDAH HARBOUR PRIORITY DEVELOPMENT AREA  
(PDA) PROPOSED DEVELOPMENT SCHEME**

s47F

The natural beauty of the  
foreshore and the views across Moreton Bay and to G. J. Walter Park never  
cease to inspire me. It is quite simply a regenerative experience!

Some mornings there can be as many as several hundred birds wading on  
the foreshores at Oyster Point. I am aware that some of them are migratory,  
often travelling enormous distances to Oyster Point. Egrets, pelicans and  
cormorants are common sights.

In addition, the mangrove foreshore between Oyster Point and Toondah  
Harbour is the habitat for Eastern Ospreys and White-bellied Sea-Eagles. In  
just the past three weeks, a juvenile Channel-billed Cuckoo has made its  
presence known through its incessant demands for food. These cuckoos are  
the largest parasitic birds in the world and on one particular morning, the  
juvenile cuckoo was demanding food from a crow which may well have been  
the host parent bird that unknowingly raised it from a chick.

✠ So it is not simply birds such as curlews that migrate to Oyster Point. The  
Channel-billed Cuckoos migrate from New Guinea and Indonesia to eastern  
and northern Australia at the start of summer to breed and return to New  
Guinea and Indonesia in late summer. For those with eyes to see and ears to  
hear, the area is quite significant for bird and other life, including marine life  
(e.g. breeding grounds for crabs and other marine crustations).

The whole coastal mangrove environment from Toondah Harbour south to  
Victoria Point comprises some of the best and most well preserved mangrove  
habitat in Moreton Bay and it was only right and proper that the whole area  
was included in the Moreton Bay Marine Park when it was gazetted.

Anyone taking the time to understand and value this amazingly diverse ecosystem would also realize that the area is, from time to time, the home of carpet snakes, koalas and quite a range of lizards.

This whole foreshore area is valuable for its aesthetic and environmental value! Since the development of the Eddie Santagiulana Way, a growing number of people have taken the opportunity to experience the beauty and the "bush-like" feel of this great foreshore environment, even though they may not appreciate fully the biodiversity of the area.

\* It is against this backdrop that I write to express real concerns about the Proposed Development Scheme for Toondah Harbour. I believe that improvements can and should be made to the current facilities at that harbour but to impose an anthropocentric vision, which is what the Proposed Development Scheme amounts to, onto an area with incredibly rich biodiversity and natural beauty is simply a travesty. It also sets aside some forty years of growing public awareness underpinned by state and federal legislation that has moved the wider community towards a more biocentric approach to development planning and habitat preservation.\*

I hope that the Proposed Development Scheme might be withdrawn to allow for proper community consultation that takes into account the wonderful biodiversity of the area.

I have refrained from commenting on a number of matters in this letter such as the arrogant assumption that any government, be it local, state or federal, can ride rough-shod over a community's love of communally owned open spaces (that is, parks), the perversion of democratic process (setting aside the Redlands 2030 Community Plan), and the use of economic development as the primary prism through which to view reality. Surely, the past forty years have taught us just how destructive approaches to development have been, resulting in many cases in sterile environments bereft of biodiversity and natural aesthetics.

I am not opposed to a reasonable upgrade to Toondah Harbour but the Proposed Development Scheme could hardly be described as reasonable when assessed against environmental, aesthetic, democratic and communal wellbeing criteria! I therefore ask that the Scheme be withdrawn.

Yours sincerely,

s47F

# Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

## Toondah Harbour Project

Reference Number 2015/7612

Following are my comments on the referral of the Toondah Harbour Project under the EPBC Act by the Walker Group.

### Part 1. “Controlled Action”

2. Clearly, aspects of the proposed project are “controlled actions” under the EPBC Act as acknowledged by the Walker Group (online pg. 32).

#### *Wetlands of international importance (RAMSAR)*

3. Walker’s proposal provides a perfunctory assessment of the likely impact of the project on the wetlands declared under the RAMSAR international agreement. **According to figures in the proposal, 82.9% of the referral area falls within the Moreton Bay RAMSAR area.** While the Walker proposal tends to dismiss this as only a fraction of the total RAMSAR wetland, birdlife abounds around Toondah Harbour as attested to by the accompanying letter from a Cleveland local bird watcher.

4. Moreover, any abrogation of our international obligations under the RAMSAR Agreement has the potential to damage Australia’s standing on environmental protection particularly at a time when the Prime Minister and the Minister for the Environment are negotiating environmental matters on the world stage.

#### *Listed threatened species and ecological communities*

5. I find the Walker referral largely dismissive of the significant impact of their proposal on threatened species to such an extent that it is verging on misleading. Reclamation work as extensive as that mooted will clearly have a serious and long term impact on both land and sea species that cannot be reversed. For example, the loss of vast areas of seagrass, the breeding and feeding grounds of fish, prawns and dugongs, to massive reclamation work will never be replaced. In this connection, I share the concern expressed by many that such work will destroy Moreton Bay, which is already under ecological threat.

6. The Redland City Council (RCC) and the Queensland Government have an abysmal record of late in protecting the koala population of the Redlands. The Council once took pride in the fact that the Redlands has the largest (but declining) urban population of these iconic animals in the world. Regrettably, this is no longer the case with developers seemingly able to remove habitat trees at will. It would be refreshing for the Commonwealth Government through the EPBC Act to seize the opportunity to require adoption of a positive approach to “grow” the koala population!

#### *Migratory species protected under international agreements*

7. Again, while acknowledging that there are some issues to be addressed, I find Walker’s approach to be so dismissive of the significant issues to be considered as to be verging on misleading. The inference I draw is that any concerns can be mitigated through

an environmental impact assessment process. Their suggested strategies for addressing the issues identified, at best, are acknowledged as reducing the risk to the wetlands and the various protected species. With respect to the wetlands and shorebirds, the best Walker can suggest is to reduce the threat posed by reclamation from high to medium (online pg. 26). This is not acceptable!

## **Part 2. Other important features of the environment**

8. According to the Walker proposal, the Toondah Harbour PDA covers 68.4 hectares which includes 50.5 hectares of marine and tidal environment. Yet the referral area of the Walker proposal covers 167.5 hectares, that is, nearly two and a half times the area of the initial PDA. Of this greater area, 62.2 hectares is to be developed with 43.5 hectares being land reclaimed from Moreton Bay principally for residential development.

9. I have been told that for the project to be accepted as proposed there will be the need to revoke the protection currently afforded Toondah Harbour waters as part of the Moreton Bay Marine Park. **I have also been reliably informed that such a step for the purpose of reclaiming land for residential use would set a precedent with possible Australia wide implications.** It should not be overlooked that the Walker proposal provides for other parts of the already fragile Moreton Bay to be potentially impacted, firstly, by the dredging of additional fill from Middle Banks and, also, by the dumping of any excess or unsuitable (perhaps toxic) dredge material at Mud Island.

10. I have also been told that test drilling of Moreton Bay some years ago by the Queensland Mines Department identified dangerous substances. I have been more reliably informed that material from previous dredging of the Fison Channel produced contaminated material that had to be removed inland for treatment. It will be interesting to see how these anecdotal remarks fit with Walker's statement that "The material from the dredging is expected to consist of silty muds to stiffer clays, with some sand." (Online pg. 8)

11. Apart from the effects of dredging on the ecology of Moreton Bay, there are other matters that would adversely contribute to the quality of the Bay waters should the project go ahead. Most of the land in the referral area is flood plain some of which, according to the Walker report, is below the high water mark. These factors coupled with a shallow water table and the scope of the planned development would, I presume, see far more runoff finding its way into the Bay.

12. Also the continual need to dredge any marina or enlarged Fison Channel will cause further degradation to the Bay waters. Indeed, the Walker report recognises the current unsatisfactory state in the following words:-

"The areas of intertidal and sub-tidal, unvegetated mud and sand around Fison Channel are extremely disturbed by frequent boat and ferry traffic, with wash affecting exposed areas at low tide. The rest of the area is moderately disturbed with runoff from developed areas and impacts due to recreational use." (Online pg. 21)

The situation will only get worse should the Walker proposal proceed.

## **Part 3. Action under the EPBC Act**

13. I am not across the range of actions now available to the Minister of the Environment in relation to the Walker referral. However, I believe that one is to undertake an accredited bilateral assessment process in conjunction with the Queensland Government. Given that

most, if not all, of the land covered by the proposal is owned by either the RCC or the Queensland State Government, and as the Walker Group is the development partner of both the RCC and the Queensland Government, I would think it a conflict of interest for the State Government to be involved in any assessment process under Federal legislation. Moreover, some of the issues concerned could have national and international implications (see paragraphs 9 and 4 above).

#### **Part 4. Community consultation**

14. My concluding comments aim to correct the Walker misleading statements about earlier community consultation. The so-called extensive public consultation was little more than a sham. The Toondah Harbour PDA Scheme developed and released by the RCC bears little resemblance to the grandiose Walker project. The Scheme documentation was acknowledged as being incorrect but not withdrawn. Much of the community's feedback was not considered. The time for comment clashed with the Christmas holiday period and the then State Government refused to extend the unreasonably short deadline. I trust that the Walker Group learns from this but they are not off to a good start with the timing of the release of the referral document or the inclusion of the incorrect date for comments to be submitted. (Their original letter to residents advised that any comments were to be with the EPBC by 9 December rather than 8 December 2015.)

S. 11C(1)(a)



**From:** S. [REDACTED]  
**To:** [EPBC Referrals](#)  
**Subject:** Toondah Harbour Walker Referral No: 2015/7612  
**Date:** Monday, 7 December 2015 8:19:16 AM  
**Attachments:** [Scan0041.pdf](#)

---

Dear Environmental Assessment Team,

Attached are my written comments on the Toondah Harbour Project Walker Referral No: 2015/7612. Thank you for giving me time to make my comments. My name, address, home phone number and date are at the end of my comments. I would appreciate it if you would confirm receipt of my email.

Yours sincerely,

S. 11C(1)(a) [REDACTED]  
[REDACTED]



## **Toondah Harbour Project (Reference No. 2015/7612)**

### **Comments on the referral by the Walker Group to the Minister for the Environment under the Environmental Protection and Biodiversity Conservation Act 1999.**

I am commenting on three matters that **will** be adversely impacted by this **unnecessary** development:

- Wetlands of International Importance
- Listed threatened species and ecological communities
- Listed migratory species

A Ramsar site, a Marine Park, sea grasses, mudflats, mangroves and other migratory bird sites will be adversely impacted if this development is allowed to go ahead. There are **no mitigating strategies** that can possibly compensate for the loss of sea grasses (critical habitats for juvenile brown tiger prawns), the loss of the mudflats (the breeding ground for crabs and other marine crustations), the loss of mangroves and the disturbance of the Ramsar site. Any mitigating strategies would be analogous to “closing the gate after the horse has bolted”.

s47F

s47F

Some mornings there are several hundred wading birds to watch. Some of them are migratory. Egrets, pelicans and cormorants are common sights. In addition the mangrove foreshore around Toondah Harbour is the habitat of the Eastern Ospreys and White-bellied Sea-Eagles.

The Ramsar site is extremely important both nationally and internationally. I understand that it is only one of four sites on the east coast of Australia. Any disruption in or near this site is going to have a massive impact on the migratory birds. It is not simply curlews that migrate, “The Channel-billed Cuckoos migrate from New Guinea and Indonesia to eastern and northern Australia at the start of summer to breed and return to New Guinea and Indonesia in late summer. For those with eyes to see and ears to hear, the area is quite significant for bird and other life.” (Douglas Jones, Bird Watcher)

I understand that the habitats of the juvenile tiger prawns are rare so these sea grass areas need to be protected. I have also read that Moreton Bay is a critical habitat for the endangered Indo-pacific dolphin and I am concerned that any disruption and development in the Bay could cause its extinction.

Having read Walker’s Referral I note that no mitigation strategies are going to improve Moreton Bay. In fact, the opposite is true. The Bay will be considerably more polluted. Both the removal of mudflats to dredge for a marina and the continual dredging in

perpetuity to maintain the marina, I believe based on what the Walker Group have admitted in their referral, will cause the seagrasses, wetlands and other areas in the Bay to deteriorate markedly. There will be a point where, as Kerry Higgs, author of the book, Collision Course, says the only thing future generations will be able to get from the sea is jellyfish!

There is also a misleading statement in the referral document when it states that "There is no fishing in the area". This statement implies that it is not useful for anything when, in fact, the whole area of mudflats, sea grasses and mangroves is a breeding ground for marine life. Trawlers are not allowed in the area but I understand recreational fishing is permitted. I believe that little fishing is done because of the shallow nature of the bay, marine life hatcheries and the prevailing winds making it difficult for boats to navigate. In fact, it was suggested in November 1988 that the whole area of Moreton Bay should be made a marine park.

Since most of the land in the area (except for some riparian rights) is owned by either the Redland City Council or the Queensland State Government, both of whom are Walker's development partners, I believe it would be a conflict of interest for the State to assess the proposal by Walker. I think it would be more appropriate for assessment by the Federal Government – especially since the project bears no resemblance to the original proposal that was supposedly prepared after community consultation.

We really have no need for a new suburb to be built in the bay. We have plenty of land on the mainland for developers to go mad over – and they are. Leave the sensitive eco-communities of the Bay alone. A construction zone over 15 – 20 years will cause much disruption and irreparable damage to an already fragile ecosystem. (This information obtained from a Marine Biologist who has worked on the Moreton Bay ecology for very many years and he affirms that the Bay cannot stand any more stress particularly by way of development. A Quandamooka engineer, who deals with water quality, with whom I spoke also confirmed this.) The Bay is "owned" by all Australians. It is Australian waters. How can a Council and State Government give it to developers to destroy!

S. 11C(1)(a)



My Research Material:

Coastal Management in Australia, Harvey and Caton 2010 (electronic version free)

Coastal Management in Australia, N. Lazaro et al. Oct. 2006

The Urban Research Program Byrne and Sype Griffith University Qld 2010

Protecting Critical Marine Habitats Gibson (WWF – Australia) and Wellbelove (HIS) 2010



# **Eprapah Creek Catchment Landcare Association Inc.**



EPRAPAH ~ LINK

**ECCLA Inc.**

ABN: 92 274 623 600

*Incorporating The Eprapah~Link Creek Revegetation Project, The WaterWatch Program and The CoastCare Program*

s47F

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

Wednesday 8 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.

## **Background:**

Over twenty years ago, there was a proposal in the same area (Toondah Harbour) to build a canal development out into Moreton Bay. This proposal was defeated for environmental reasons as it would have caused destruction to seagrass and marine habitat. The latest proposal is just as damaging if not more so as the impacts of building 10 storey buildings in Moreton Bay are perhaps even greater.

## **Grounds:**

1. Assessment has not been thorough and has excluded expertise within groups with local environmental knowledge. The information from the proponent is biased. Independent, credible information must be sought. The *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.



**Communities Caring for Catchments**



2. The fauna and flora surveys are inadequate. 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 – 8th 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.
3. 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 sighted 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.
4. The subject site possibly 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.
5. Koalas will be seriously impacted by this development. There is a significant local population of koalas that use trees along the foreshore which links other areas of habitat. This corridor will be destroyed by the proposed roads which will go through GJ Walter Park. Connectivity between the two most populous areas of koalas according to the most recent data available, Oyster Point and Ormiston will be broken by this proposal (<https://www.ehp.qld.gov.au/wildlife/koalas/pdf/koala-survey-data2010-2015.pdf>).

## Conclusion:

Our group strongly recommends that the Referral to the EPBC Act be soundly rejected by the Federal Government as the impact of the proposed development is too great on the matters of National Environmental Significance.

Yours sincerely,

s47F



Communities Caring for Catchments

**From:** s47F  
**To:** [Hunt, Greg](#); [EPBC Referrals](#)  
**Subject:** Toondah Harbour Referral - 2015/7612  
**Date:** Tuesday, 8 December 2015 10:37:52 AM  
**Attachments:** [FOSI submission 8 December 2015 on Toondah referral .-2.pdf](#)

---

Please find attached FOSI's submission dated today.

Regards,

s47F



[fosi.org.au](http://fosi.org.au)

PO Box 167 Point Lookout Q 4183





The Hon. Greg Hunt  
Minister for the Environment

8 December, 2015

By Email only - [EPBC.Referrals@environment.gov.au](mailto:EPBC.Referrals@environment.gov.au) cc. [greg.hunt@environment.gov.au](mailto:greg.hunt@environment.gov.au)

Reference Number 2015/7612 – Walker Group Holding Pty Limited

FOSI is responding to the invitation to make public comment on this referral because of its relevance and connection to North Stradbroke Island. Approximately half of North Stradbroke is included in the Moreton Bay Ramsar site.

The [Moreton Bay Ramsar](#) site was listed on 22 October, 1993. The EPBC Act and [Regulations](#) (schedule 6) require that management plans consistent with the [Australian Ramsar Management Principles](#), be formulated and implemented. Relevant extracts from the EPBC Act (Sections 333 and 335) are also attached.

Astonishingly, twenty two years after its listing, no management plan exists for the Moreton Bay site, apart from for Moreton Island. Your department concedes this – see attached screen print of your department's online information about the Moreton Bay Ramsar site under the 'more information' tab. The screen print information also highlights the practical importance of management plans:-

**"Management Plans - used to formulate and implement planning so as to promote the wise use and conservation of wetlands".**

How can members of the public properly assess this proposal and make submissions in the absence of a management plan? Perhaps more importantly, how can you or your department's officers properly and fully assess the proposal's likely impact on matters of national environmental significance when there is no completed Ecological Character Description and no management plan for the whole site, despite it being a requirement of the EPBC Act and the Ramsar convention?

It is apparent, including from the Walker Group's own expert reports forming part of the referral, that the Toondah Harbour and Weinham Creek proposal is likely to have a prolonged, significant impact upon four "matters of national environmental significance" under the EPBC Act:-

1. The Moreton Bay Ramsar site, a wetland of international importance;
2. A Listed Threatened Ecological Community;
3. Listed Threatened species, some endangered;
4. Listed Migratory species.

We submit that you should have no difficulty in deciding that this proposal is a controlled action and therefore requires your approval before it can lawfully proceed.

The proposal is a very radical one. It involves areas of publicly owned land being effectively converted into private ownership and being used to generate private profits. It also involves the reclamation and conversion of approximately fifty hectares of marine and tidal environments to private ownership and private profits.

The marine area to be reclaimed is supposedly protected by the Ramsar convention, to which Australia is a signatory. The referral documents indicate that the proposed dredging and other associated activities will impact a significantly larger area of the Ramsar protected waters of Moreton Bay, for at least several years.

Once you have decided that the proposal requires your approval, we trust that in considering the next issue, that is whether to approve the current proposal, that you will allow further public participation, including via a public inquiry as empowered under the EPBC Act. Many individuals and organisations concerned about protecting Moreton Bay and the Cleveland foreshore in particular, are likely to want to be heard.

In submitting on the issue of whether you should approve or not approve the proposed development, FOSI intends to ask you to also consider the cumulative impacts on the Moreton Bay Ramsar site from this proposal and other current activities. One such activity is the so-called Enterprise sand mine on North Stradbroke Island. As you know from our previous correspondence with you, despite your department's three year long investigation, no decision has been made on whether the mine has been operating unlawfully for over a decade. It commenced in 2004 without being referred for approval under the EPBC Act. The attached image shows the mine's proximity to Moreton Bay Ramsar areas. We note that we have provided you previously with a detailed September, 2012 report of Dr Errol Stock, a geologist and expert on the hydrology of North Stradbroke, that the mine has had and continues to have significant impacts upon Ramsar protected areas to the east of the mine, the 18 mile swamp section. We also provided you with a report from Dr Stock in February, 2015 detailing serious impacts which the Enterprise mine has caused to the Ramsar area to the west of the mine, in an area known as the Ibis Lagoon system.

In passing we note that Attachment A to the referral inaccurately indicates that a sand mine near Point Lookout is within the Moreton Bay Ramsar site. This is incorrect, as can be seen from the map of the Moreton Bay site on your department's website.

In conclusion, a **twenty two year delay** in creating a management plan "*to promote the wise use and conservation of*" the Moreton Bay site should be considered a national disgrace. The Ramsar Treaty and the EPBC Act and regulations clearly intend that proposed actions impacting the site be assessed by the public, and by you and your department's officers, against the provisions of a management plan. This is also the only logical and rational approach. Completing an assessment of the current proposal in the absence of a management plan would be irresponsible, particularly given its nature and extent. As the Minister responsible for the protection of our environment, isn't it time for you to make a stand on the astonishing absence of a management plan, by refusing to complete your assessment of the proposal until a management plan is implemented?

We look forward to hearing from you.

Yours sincerely,

s47F

Friends of Stradbroke Island Inc.  
PO Box 167  
Point Lookout Q 4183





# Commonwealth Consolidated Acts

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## ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 - SECT 333

### Co-operating to prepare and implement plans

(1) This section applies in relation to a wetland that is included in the List of Wetlands of International Importance kept under the Ramsar Convention.

(2) The Commonwealth must use its best endeavours to ensure a plan for managing the wetland in a way that is not inconsistent with Australia's obligations under the Ramsar Convention or the Australian Ramsar management principles is prepared and implemented in co-operation with the State or Territory.

Note: The Commonwealth and the State or Territory could make a bilateral agreement adopting the plan and providing for its implementation.

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# Commonwealth Consolidated Acts

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## ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 - SECT 335

### Australian Ramsar management principles

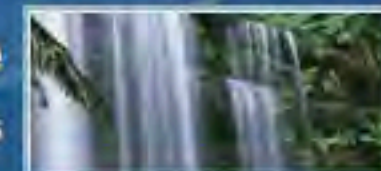
(1) The regulations must prescribe principles for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention. The principles prescribed are the Australian Ramsar management principles .

(2) Before the Governor-General makes regulations prescribing principles, the Minister must be satisfied that the principles to be prescribed are consistent with Australia's obligations under the Ramsar Convention.

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Search for Australian Ramsar site by name :   or go to [Advanced search](#) or [A-Z Ramsar site list](#)

## Moreton Bay

[Overview](#)
[Location and Maps](#)
[More Information](#)
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### More information

The Ramsar Convention encourages the development of three key documents for each Ramsar site:

- **Ramsar Information Sheets** - required at the time of nomination of a site to the List of Wetlands of International Importance, are to be updated every six years, or when there are significant changes in the site's ecological character.
- **Ecological Character Descriptions** - describe the ecological character of the site at the time of its listing as a wetland of international importance.
- **Management Plans** - used to formulate and implement planning so as to promote the wise use and conservation of wetlands.

For more information about these documents see the [Ramsar documents page](#).

Along with the available site documents, additional information and resources on this Ramsar site are listed below. Please note that apart from the Ramsar Information Sheets, not all documents are currently available for every Australian Ramsar site.

#### Ramsar Information Sheet (RIS):

[Moreton Bay RIS - PDF](#) | [RTF](#)

#### Ecological Character Description (ECD):

An Ecological Character Description is currently being developed. Further information is available from [wetlandsmail@environment.gov.au](mailto:wetlandsmail@environment.gov.au)

#### Management Plan (MP):

[Moreton Island National Park Cape Moreton Conservation Park and Moreton Island Recreation Area Management Plan 2007](#)

#### [Water Quality Improvement Plan](#) of the region (WQIP):

[Moreton Bay Water Quality Improvement Plan](#)

#### Additional information provided to the Ramsar Secretariat:

[Effect of the March 2009 oil spill on the Moreton Bay Ramsar site - PDF](#) | [RTF](#)

#### Other information:

[WetlandInfo](#)   
[Queensland Wetlands](#)   
[Moreton Bay Marine Park](#)   
[National Reserve System](#)  
[Species Profiles and Threats database](#)  
[Protected Matters search tool](#)  
[Migratory Species in Australia](#)  
[National Landcare Programme](#)   
[Weeds in Australia and weed management](#)   
[South-east Queensland Healthy Waterways](#)

### Additional resources:

Arthington, A.H. (1984); Bensink, A.H.A. & Burton, H. (1975); Benussi, G. (1975); Bucher, D. & Saenger, P. (1989); Davie, J.D.S. (1984); Dowling, R.M. (1979); Durbidge, E. (1975); Durrington, L.R. (1977); Flood, P.G. (1984); Flood, P.G. & Grant, B.P. (19984); Harding, P. (1979); Hekel, H. et al. (1979); James, P.M. (1984); Kelley, R.A. & Baker, J. (1984); Kirkman, H. (1975); Lane, B.A. & Parish, D. (1991); Laycock, J.W. (1975); McDonald, W.J.F. & Elsol, J.A. (1979); Pointer, I.R. (1984); Queensland Department of Lands (1995); Queensland Department of Primary Industries (1993); Smyth, A.K. & Corben, C. (1984); Stockton, J. (1979); Thompson, J.J. (1990b); Thompson, C.H. & Ward, W.T. (1975); Thompson, J. & Amos, P. (1991); Timms, B.V. (1986).  
 Collins, P., and Jeasop, R., and Weston, M.A., and Taylor, S. (2000) Review of Impacts to Waterbirds and their habitat from Jet-skis and Hovercraft. Department of natural Resources & Environment, Canberra. Driscoll, P.V. et al (1993). Monitoring of Migratory Waders in the Moreton Bay Region. Queensland Department of Environment and Heritage. Brisbane. Queensland Parks and Wildlife Service (draft). (2004) Draft Shorebird Management Strategy - Moreton Bay. QPWS, Brisbane.

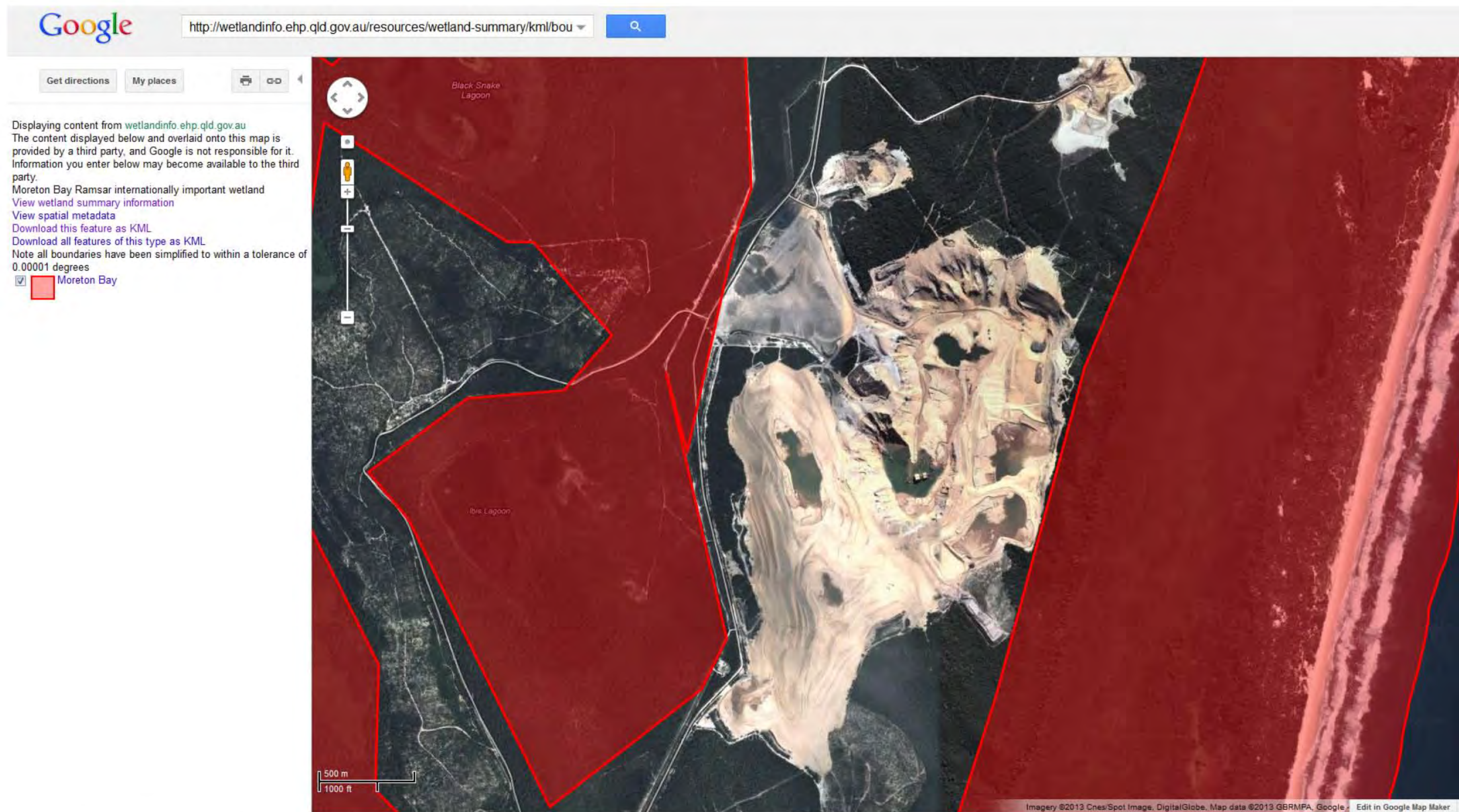
Department of the Environment

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Last updated: Monday, 24-Jan-2011 15:21:43 AEDT





**Figure A2 - Satellite image of Enterprise Mine on North Stradbroke Island overlaid with Moreton Bay Ramsar Wetland boundaries (in red)**

Source: Queensland Government Department of Environment and Heritage Protection website at <http://wetlandinfo.ehp.qld.gov.au/wetlands/facts-maps/ramsar-wetland-moreton-bay/> viewed 27/5/2013



**From:** s47F  
**To:** [EPBC Referrals](#)  
**Cc:** s47F  
**Subject:** Submission to the EPBC Act Referral - 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.  
**Date:** Wednesday, 9 December 2015 3:52:31 PM  
**Attachments:** [EPBC Act Referral -2015 7612 Walker Group Holdings Pty Ltd-1-2.docx](#)

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Referrals

Environment Assessment Branch

Department of the Environment

GPO Box 787

Canberra ACT 2601

Dear Sir/ Madam

Please find submission re above.

Receipt required please.

Thank you

s47F



Referrals  
Environment Assessment Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601  
Email:epbc.referrals@deh.gov.au

8 December 2015

Dear Sir/ Madam

I 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.

The amount of development proposed by Walker Corporation significantly exceeds that envisaged in the Development Scheme's Structure Plan and ignores a number of provisions set out in the Development Scheme relating to the environment.

If such a complex and challenging project were to proceed into a detailed investigation phase, the work should be undertaken by an entity with an impeccable record of environmental management and a well-established environmental policy and planning framework. The information provided by Walker Corporation in its referral indicates that it does not meet this requirement.

**1.The proposed site is a Wetland of International Importance (declared Ramsar wetlands)**

The referral area includes approximately 138.9 hectares contained within the Moreton Bay Ramsar site, which is listed under the Convention of Wetlands of International Importance 1971 (Ramsar Convention). The Moreton Bay Ramsar wetlands are nationally and internationally significant as one of the largest estuarine bays in Australia enclosed by barrier islands of vegetated dunes, which together with the permanent lakes of the sand island components provide a diverse and rich suite of wetland habitats.

The wetlands are significant as habitat for dugong and migratory shorebirds. The subject areas supports **Critical Shore Bird Habitat** .

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.

The proposed action will have a direct impact on the ecological character of the Moreton Bay Ramsar wetland. It will impact on habitat values (seagrass, mangroves and intertidal mudflats), on the lifecycle of native species such as migratory shorebirds who forage and roost in or near the referral area.

The change in the hydrological regime of the wetland will consequently change water quality, sedimentation and aquatic habitats.

Threatened species, such as migratory shorebirds, marine turtles, dugongs and ecological communities will be impacted.

The proposed action will result in loss of intertidal foraging habitat important for migratory birds. Habitat degradation will occur due to impacts on surface water quality.

Direct impacts from the proposed action on these species include habitat removal, such as seagrass meadow and intertidal mudflats

The development has clearly shown to have an unacceptable, significant and long term detrimental impact upon Matters of National Environmental Significance.

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.

I strongly **recommend** that the Commonwealth reject the urbanisation of a RAMSAR site as it would set a very dangerous precedent.

## **2. The proposal falls under various Acts. Due consideration needs to be given to all Acts.**

### **The Environmental Protection and Biodiversity Conservation Act 1999**

Surveys identified seven threatened species, listed under the EPBC Act, as potentially occurring within the referral area

### **The Marine Parks Act 2004**

Reclamation within the Moreton Bay Marine Park requires permission under section 15 of the



MP Act and requires an EIS to be undertaken. The EIS needs be done by an independent consultant.

#### **The Environmental Protection Act 1994**

The Moreton Bay Ramsar site wetlands are nationally and internationally significant as one of the largest estuarine bays in Australia.

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

Many studies and media articles highlight the varied important ecological services that salt marsh provide [Laegdsgaard \(2006\)](#) is a point in case. This is an endangered ecological community subject to potential widespread loss due to sea level rise. The proponent's studies fail to highlight this

#### **The Coastal Protection and Management Act 1995**

Redland City Planning Scheme COASTAL PROTECTION (EROSION PRONE AREAS) Overlay Map - OM-005

#### **The Nature Conservation Act 1992**

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 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.

#### **The Fisheries Act 1994**

There are areas of marine plants at Toondah Harbour, particularly mangroves, saltmarsh and seagrass, which have moderate to high fisheries value

#### **The Vegetation Management Act 1999**

Potential clearing of remnant native vegetation outside the boundary of the PDA (but within the referral area) if proposed.

#### **The Queensland Heritage Act 1992**

**While State matters apply to this area the history of the site in indigenous history and archaeological matters is undetermined.**

Fernleigh (SHR# 601374), an early residence with an external kitchen is located within the PDA. There is potential for archaeological remains of state significance in this area. Cleveland was an important wool trade port during the first half of the 19th century, with customs house, wool stores and stone

jetty. There is the potential for remains of this early port activity, as well as of the daily lives of Cleveland's inhabitants

The PDA encompasses a local heritage place, GJ Walter Park, and part of the Cleveland Point Character Precinct

### **3. Redland City Planning Scheme Overlays affecting the proposed area**

While the following local planning schemes are the responsibility of Redland City Council these need oversight for the part these play in the overall effect on the Ramsar site.

FLOOD AND STORM TIDE HAZARD OVERLAY Overlay Map - OM-011

ENVIRONMENTAL SIGNIFICANCE Overlay Map - OM-007

WATERWAY CORRIDORS AND WETLANDS Overlay Map - OM-023

COASTAL PROTECTION (EROSION PRONE AREAS) Overlay Map - OM-005

### **4. The referral area is located in an area of known high risk of ASS presence**

**Dredging and spoil disposal from excavation to depth of thirty metres will have enormous impact on water quality of a relatively pristine area.**

**Measurements and volumes are not available until planning proceeds further.**

### **5. Community values**

**Scenic amenity and historical horizon line of the area will be altered by this development.**

**Economic benefits in the new innovative economy will need to be protected in an area of land and bay that still contains a relatively intact biosphere.**

### **6. 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

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

I urge that the CSIRO be engaged in the research necessary to find ways to “preserve and protect” so that new ways and value adding might flow from this national asset of land touching Bay.

Yours faithfully

s47F



**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** EPBC ACT REFERRAL 2015/7612 - TOONDAH HARBOUR PROJECT - MORETON BAY QUEENSLAND - WALKER GROUP HOLDINGS REFERRAL DOCUMENTS  
**Date:** Tuesday, 8 December 2015 4:05:07 PM  
**Attachments:** [EPBC ACT REFERRAL - EIS submission.docx](#)

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Please find attached submission for EPBC Act referral 2015/7612

s47F



TOONDAH HARBOUR PROJECT – MORETON BAY, QUEENSLAND

WALKER GROUP HOLDINGS LTD REFERRAL DOCUMENTS

WRITTEN COMMENTS

Commonwealth Minister for the Environment

The Toondah Harbour Priority Development Scheme was declared by regulation on 21 June, 2013 pursuant to the Economic Development Act 2012. The declaration of the Toondah Harbour PDA to construct a huge high density urban development on re-claimed land in a Marine National park and Ramsar site of international significance, on the pretext of solving a transport terminal problem, which should be resolved by normal planning requirements, is in our view, a misuse of the relevant legislation and should be challenged in Court by your department, prior to giving any further consideration to this proposal.

A very poor public consultation process undertaken by Redland City Council (RCC) and the Minister Economic development Queensland (MEDQ) was undertaken in January 2014. Following the consultation, submissions were reviewed by MEDQ and RCC. Only a few changes were included in the Toondah Harbour PDA development scheme (May 2014). These included the protection of the G J Walter park, the reduction of the development area in Precinct 2 and reducing the maximum height of buildings to 10 storeys.

There is an urgent need for your Department to review the Vision Statement of the Toondah Harbour PDA Development Scheme and its relationship to Map 2 (structure plan), Map 3 (Precinct Plan) and Map 4 (height plan). The Vision describes the overall outcomes to be achieved in the PDA, and is articulated in Map 2 (structure plan), the PDA wide criteria, precinct provisions etc.

The Vision states that the Development respects and values marine and land based ecology and seeks to protect matters of ecological significance. It is supposed to complement existing, local character and conserve local site characteristics, settings, places of heritage significance, landmarks, breezes and views.

Map 2 identifies preferred locations for four (4) key land reclamation and marina opportunities. Development in precinct 4 will support an extension of G J Walter park which provides for a beach, club & public enjoyment of the waterfront. (With the reduction in size of the marina from 800 to 400 berths. We believe this beach extension should be located, generally on the southern side of G J Walter park).

Map 2 identifies a mixed use pier/land reclamation area which extends east of Precinct 1 and is linked to Precinct 1, through an extension of Middle street and supports high density mixed use development with a focus on marine associated business, tourist and residential development.

Map 2 identifies a marine services pier/land reclamation area which is located in the south of the PDA adjoining the ferry and boat parking areas in precinct 3.

The Toondah Harbour PDA Development scheme (May 2014) does not provide for ANY development in the northern section of the PDA or in the eastern section of the PDA near Cassim Island. The PDA does not allow for the waterway and mud flats between Cassim Island and the mainland to be closed to natural tidal flow.

It is also noted that a large section of the development extends beyond the PDA boundary to the north east of the PDA.

It is considered that the Department should reject the proposal as non-compliant with the Toondah Harbour PDA Development Scheme.

In our submission to you, we include some of the comments we made on the Toondah Harbour PDA Proposed Development Scheme.

"I write this submission in the hope that common sense will prevail in the reduction of the PDA boundary and the size and scope of the development.

I have lived in the Redlands since 1974 and for the past 15 years have been a neighbour of Toondah Harbour. The peace and solitude of Moreton Bay was what brought me to my present home in this area.

The size, scope, scale and arrangement of the PDA now proposed, along with the use of the PDA mechanism itself denies me the normal right of appeal.

The purpose of this submission is to –

1. See a significant reduction in the scale and arrangement of the PDA as proposed i.e. a reduced PDA boundary, especially in the northern and eastern sides.
2. Extend the consultation period so a formal public forum (not information sessions) can take place.
3. See a Toondah Harbour development which is appropriate to the amenity of the area.
4. See that the development of Moreton Bay which is a RAMSAR site of international significance DOES NOT interfere with the bird life, sea grasses, dugong, mangroves and other wildlife in the area.
5. The extent of the PDA appears to be an arbitrary line and it appears it is not underpinned by robust technical studies (EIS, siltation, sedimentation studies) which will prove that a PDA extending as far as it does into Moreton Bay is not viable in economic, social and environmental terms.
6. The scale of the PDA is inappropriate and flawed as the scale of the PDA may give unrealistic expectations to the ultimate developers which can never be realised, and may unnecessarily aggravate concerned community members.
7. More research and analysis needs to be undertaken to ensure the extent of the PDA is viable. To simply oversize the PDA on the assumption that its scale will be "pulled back" when environmental constraints become known in the future is irresponsible and misleading.
8. Over many years development of Toondah Harbour have been mooted but this PDA offends even the reasonable expectations of the Community as over and above the previous expectations as displayed in previous Reports to the Redland City Council by GHD. Contrast



the development now proposed with that which could have resulted under these previous proposals. To now elevate the development outcomes for Toondah Harbour so significantly, and propose the PDA mechanism be used in order that development can proceed faster and without normal “complicating factors” such as third party appeals is offensive.

9. The proposed 800 berth marina and the associated noise and water pollution offends me. A much smaller marina could be considered.
10. The noise and silt pollution which will occur will adversely impact adjacent residents for many years of the development.
11. The extension of the PDA boundary over Moreton Bay in front of private residential dwellings north of G J Walter park should be removed. There should be no residential or mixed use development on the off leash dog area or parkland north of it.”

The Current proposed master plan from the Walker Group does not support Middle street as the key road within the PDA linking this development to the external road network. A large part of the development now connects to Shore St East, separating existing residents from GJ Walter park.

A large section of the proposal now just fills up the northern area of the PDA with high density residential without contributing to the original criteria of upgrading Toondah Harbour. The proposal now also extends considerably beyond the eastern and northern boundaries of the PDA. This will have a huge human impact on the roosting area of birds, including migratory birds on Cassim Island. The new north eastern area of development will destroy a large area of sea grass in the Marine Park and RAMSAR area.

The proposal cuts off the tidal flow between Cassim Island and the mainland, without any model studies being undertaken to assess the impact of siltation, erosion and tidal flows both within and external to the PDA.

The proposed project has a high social, community, visual and economic impact on the adjacent existing foreshore residential areas along Cleveland Point. Future siltation caused by the proposed development could have a detrimental impact on adjacent residents and their lifestyle.

Our visual outlook now changes from one of natural beauty and enjoyment of the birdlife to an over developed urban city high rise city in Moreton Bay. Two thirds of our bay and island views will disappear. Also, the construction programme in this area will last for a 20 year period of noise, smell, dust and restriction of the current public access to the site.

There is no shortage of potential urban land available for development on mainland Redland City. There is just no need to reclaim this Marine National Park and RAMSAR site to house up to 10,000 people in a new suburb. The approval of such a project in Moreton Bay will set a precedent for other Marine Parks to be compromised throughout Australia.

Comprehensive Analysis of Impacts on Marine Plants and Animals is required, including –

- Loss of marine plants
- Loss and change of benthic habitat
- Modelling of increased turbidity, sediment disposition and erosion
- Damage of marine mammals
- Disturbance of acid sulphate and potential acid sulphate soils
- Hydrocarbon contamination
- Increase in human activity and noise
- Modelling of altered tidal flows in the PDA and external to it
- Contamination by heavy metals
- Increased human impact on PDA, Cassim Island and adjacent mudflats and mangrove areas.
- Introduction of pest species and domestic animals

It is considered that the development will adversely impact on all marine turtles, especially the loggerhead, green and hawksbill turtles.

Dolphins have been observed feeding in the PDA north of the ferry terminal and will be impacted by the development.

The loss of sea grass in the PDA and surrounding area is likely to have adverse impact on the dugongs in Moreton Bay.

Large numbers of migrating seabirds use the intertidal habitats within the PDA and in adjacent areas to the north and east of the PDA. Species such as the Eastern Curlew, Whimbrel, Oyster Catchers, and Bar Tailed Godwits are likely to be severely impacted.

Comprehensive studies of all foraging birds are required.

The current referral (EPBC Reference No. 2015/7612 ) should be refused as an inappropriate development due to the significant impacts on Moreton Bay National park and RAMSAR, MNES at the Toondah Harbour near shoe and the wider Moreton Bay region.

We feel that the Federal Department of the Environment should assess any application for the Toondah Harbour development, due to the State Government's conflict of interest and potential bias.

Hoping you give this submission your full consideration

s47F





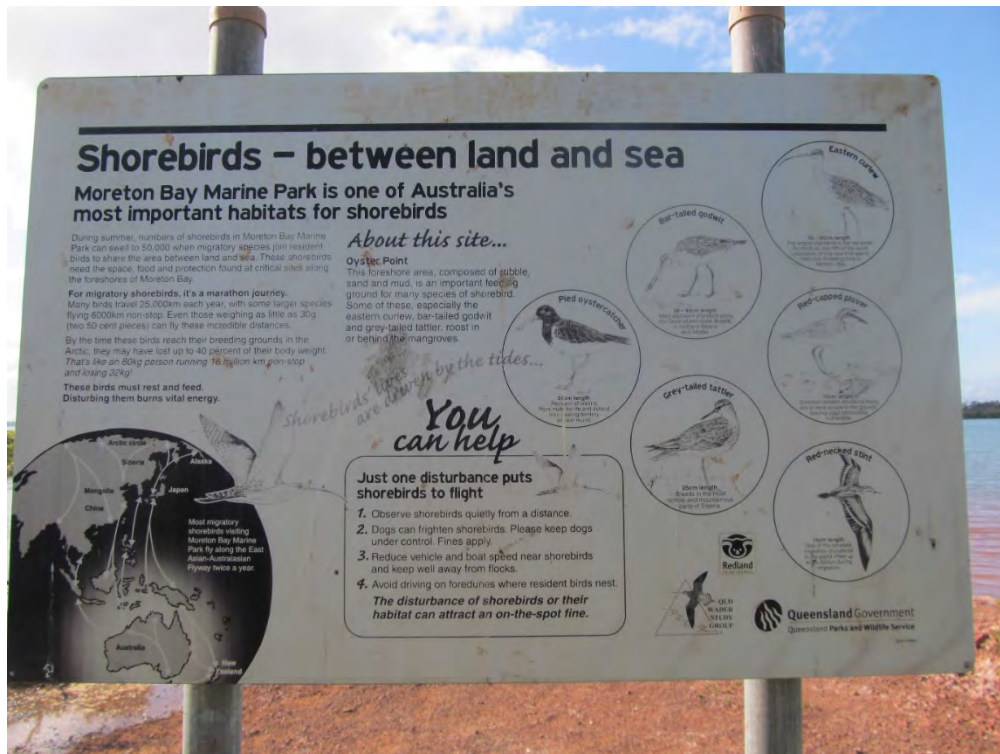
**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** Submission on the Proposed Toondah Harbour Development  
**Date:** Tuesday, 8 December 2015 2:22:08 PM  
**Attachments:** [151208 Submission on the Proposed Toondah Harbour Development - s47F.docx](#)

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Please find attached my submission on the Proposed Toondah Harbour Development.

s47F

# Submission on the Proposed Development of Toondah Harbour and the Surrounding Foreshore



**Sign at Oyster Point emphasizing the importance of Moreton Bay Marine Park.**

The foreshore between Oyster Point and Toondah Harbour is significant for many reasons, not least because it provides part of the summer habitat for migratory shorebirds.



**Eastern Curlews, Grey-tailed Tattlers and a Seagull at Oyster Point on 8<sup>th</sup> December, 2015.**



**Eastern Curlews:** “As much as one fifth of the world population of this rare bird spend their non-breeding time in Moreton Bay.”<sup>1</sup>



**Grey-tailed Tattlers at Oyster Point on 8<sup>th</sup> December, 2015.**

**Grey-tailed Tattlers:** These small birds migrate each year from Siberia to spend the southern summer in Moreton Bay. They make a round trip of approx. 20,000kms. each year and Redland City is privileged that many of them choose to make the shoreline between Toondah Harbour and Oyster Point part of the habitat for the summer.

Shore birds such as the Eastern Curlew and the Grey-tailed Tattler “need the space, food and protection found at critical points along the foreshores of Moreton Bay.”<sup>2</sup> The foreshore from Toondah Harbour to Oyster Point is one of those critical points.

**Why should such a significant and rare part of the summer habitat of migratory shorebirds such as these be put at risk?**

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<sup>1</sup> Information displayed on the sign erected at Oyster Point by the Redland Shire Council (now Redland City Council), Queensland Government Parks and Wildlife Service and the Queensland Wader Study Group.

<sup>2</sup> Information displayed on the sign erected at Oyster Point by the Redland Shire Council (now Redland City Council), Queensland Government Parks and Wildlife Service and the Queensland Wader Study Group.





**Signs along the Eddie Santagiuliana Way between Oyster Point and Toondah Habrour.**

The Queensland Government Parks and Wildlife Service have signs along the Eddie Santagiuliana Way pointing out that “(E)ven minor disturbances can use up critical energy reserves” that migratory shorebirds need “for the long flight to their breeding grounds.” Ironically the signs also state that “unduly disturbing shorebirds is an offence.”

**Why should such a massive and ongoing disturbance as the proposed Toondah Harbour development be allowed to proceed give the risk it poses to migratory shorebird health and habitat.**





### **Australian Brush Turkey nest beside the Eddie Santagiuliana Way.**

Although the Brush Turkey is listed by the Queensland Government Department of Environment and Heritage Protection as “Least Concern”, and is thus ranked as a low priority for conservation, Brush Turkeys do comprise one of the many species that contribute to the rich ecosystem of Toondah Harbour and Oyster Point.<sup>3</sup>



### **Rare coastal swamp grasslands bordering on the proposed development site.**

This is one of only a few examples in Redland City of this type of ecosystem. Other examples occur on North Stradbroke behind Flinders Beach and along the Eighteen Mile Swamp. This rare part of the ecosystem provides habitat for a range of bird, insect and marine species. The proposed development may well impact upon ground water levels through both the proposed dredging and fill using the dredging spoils and may result in the loss of this rare habitat. Loss of similar habitat in other parts of Australia have resulted from development and mining.<sup>4</sup>

**Why should such a significant and rare part of the ecosystem of Redland City be put at risk?**

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<sup>3</sup> <https://www.ehp.qld.gov.au/wildlife/livingwith/brushturkey.html>. “Conservation status: The Australian brush-turkey is listed as Least Concern in Queensland (*Nature Conservation Act 1992*) and is ranked as a low priority for conservation action under the Department of Environment and Heritage Protection (EHP).”

<sup>4</sup> Examples of the loss of such habitat can be found at [http://www.aqob.com.au/details.php?p\\_id=965](http://www.aqob.com.au/details.php?p_id=965).



**Koala droppings on the Eddie Santaguilana Way not far from the proposed Toondah Harbour Development.**

The foreshore between Toondah Harbour and Oyster Point are a significant koala habitat with regular sightings of koalas in the good supply of suitable eucalyptus trees along the foreshore and neighbouring Nandeebie Park. Koalas are a symbol used by the Redland City and rightly so as the Redlands still comprising a significant habitat for koalas. However, both developments and the accompanying increases in vehicular traffic on Redland City roads are increasing the risks that koalas face through loss of habitat and risk of road accident injuries.

**What impact will the proposed Toondah Harbour Development have upon the resident koala population and how will the increased traffic and resulting increased risks to koala safety be mitigated?**

**Other Observations**

The area between Toondah Harbour and Oyster Point is home to a wide array of animals, birds, reptiles and marine life.

In addition to the birds referred to earlier in this submission, the following list includes birds that I have observed in this habitat:

Little Black Cormorants

Pelicans

Little Egrets

White-headed Osprey (the mangroves between Toondah Harbour and Oyster Point have been the home of a pair of Osprey for several years)

Channel-billed Cuckoos (which migrate from New Guinea and Indonesia)

Crows

Magpies

Butcher Birds

Hooded Plovers

Laughing Kookaburras

Galahs

Eastern Rosellas

Corellas

Sulphur-crested Cockatoos

Pale-headed Rosellas

Rainbow Lorikeets  
Scaly-breasted Lorikeets  
Noisy Miners

I have lived in Cleveland long enough to remember Raby Bay before it was dug up for a canal estate. A massive loss of rich habitat and ecosystem resulted from that estate and those can never be recovered. Instead, there is the sterile environment of man-made canals, concrete and stone walls and bare sandy beaches. Now, because of the Queensland Government's decision to declare Toondah Harbour a Priority Development Area, a similar loss of habitat and ecosystem is now threatening as a result of the proposed Toondah Harbour Development.

**I would implore those responsible for protecting our ecosystems and environment to do a thorough study of the environment between Toondah Harbour and Oyster Point, and of the impacts of the proposed Toondah Harbour on that environment, some of which I have alluded to in this submission.**

s47F



8<sup>th</sup> December, 2015

**From:** [Koala Action Group](#)  
**To:** [EPBC Referrals](#)  
**Subject:** Submission to the EPBC Act Referral – 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.  
**Date:** Tuesday, 8 December 2015 4:57:03 PM  
**Attachments:** [Submission Toondah EPBC 2015.docx](#)

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Please see attached a submission to the EPBC Act Referral – 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.

**Koala Action Group Qld Inc**  
**PO Box 660**  
**Capalaba Qld 4157**  
**ABN 85 618 891 610**  
**www.koalagroup.asn.au**

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December 8, 2015

Referrals

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

Dear Sir/Madam,

We, Koala Action Group Qld Inc (KAG) 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.

- G.J. Walter Park has many trees planted by the KAG over 20 years ago in cooperation with the Redland Council which, when added to the existing trees forms well-used koala habitat. Many of these trees will be lost in the building of a road through the park which will also make it more dangerous for koalas to use the remaining trees. This area is used by a local population of at least five koalas. It is unacceptable to build a new road to inevitably take its toll on this well-loved locally endangered iconic Australian animal. The koala is listed as 'vulnerable' in South East Queensland and the population has declined by approximately 75% in the Koala Coast region.
- G. J. Walter Park is the scene of a historically significant event. In 1842 Governor George Gipps came ashore and became famously stuck in the waist-high mud. This part of Queensland's history would be lost under a marina if the plan is enacted. (Although this same mud would make the marina almost impossible to keep dredged at huge expense to ratepayers.)
- G. J. Walter Park is an important backdrop to the historically significant "Fernleigh" precinct. Fernleigh is one of the first houses built in Cleveland and encompasses a slab-built construction originally used as the first school-house in Cleveland. The Proposed Development Scheme shows the construction of an access road along its boundaries which would seriously diminish its value as an historical site. Its aspect, looking on to high-rise buildings as proposed would replace the original views out to the bay. This is not acceptable!
- A 400 berth marina is proposed in front of the park necessitating massive dredging. The dredging spoil will be used to reclaim land out in the bay for high and medium rise. This is additional to the dredging needed to allow the ferries to operate increasing the impacts on water quality. A marina would totally destroy the ambience of the park and turn it into a semi-industrial service area with the accompanying noise and pollution.

- G. J. Walter Park is valued for its open space and is well-used by Redland people who will not accept any part of it used for high rise (or low-rise) buildings or “boutique hotels”. There is scope for cafes and similar built features within the ferry precinct providing views of the bay without compromising our few unencumbered foreshore areas.
- Natural, sandy beaches are a rarity in the mainland Redlands. The community does not want their sandy beach in G. J. Walter Park to be covered in fill and hard surfaces as shown in the publicity material.

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 unsuited to be engaged in the assessment of this proposed development. Our group strongly recommends that this is a controlled action and should be subject solely to the assessment of the Commonwealth Government.

Despite our disappointment with the proponent’s studies, we, in fact, believe they form the basis of a strong case as to why the Commonwealth should reject this proposal. There is a wide and diverse range of items of State and National Matters of National Significance that will be destroyed and or put under threat by the proposed development.

We also have concerns that the proponent or a related company was found guilty of clearing native vegetation without consent on a number of occasions. If these concerns prove to be factual then it questions the proponent’s ability to protect ecological values.

A very dangerous precedent will be set if approval is given to an application which is inconsistent with the ‘Wise Use’ principles of RAMSAR, and therefore we strongly recommend that the Commonwealth reject the urbanisation of this RAMSAR site.

Yours sincerely,

s47F

Koala Action Group Qld Inc.

s47F



**From:** S. 11C(1)(a)  
**To:** [EPBC Referrals](#)  
**Cc:** S. 11C(1)(a)  
**Subject:** EPBC Act Referral - 2015/7612  
**Date:** Tuesday, 8 December 2015 3:02:33 PM  
**Attachments:** [Our Reference 061215.pdf](#)

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Referrals

Environment Assessment Branch  
Department of the Environment  
Commonwealth Government of Australia

**EPBC Act Referral - 2015/7612**

The attached letter is self explanatory. However I would also sub, it that the time frame for like issues is near impossible for properly constituted community organisations to respond to in accordance with due governance arrangements and in the face of the plethora of consultation processes being imposed on the community by Federal, State and local governments.

A paper review of time frames is a requisite for a “fair” process.

Your acknowledgement of this submission would be appreciated.

Regards

S. 11C(1)(a)



**Our Reference 061215**

Referrals  
Environment Assessment Branch  
Department of the Environment  
Commonwealth Government of Australia

To whom it may concern

**Re: EPBC Act Referral - 2015/7612; Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld.**

Significance of environmental impacts on the Matters of National Environmental Significance (MNES)

- Wetlands of International Significance (declared RAMSAR wetlands),
- Listed Threatened Species and Ecological Communities &
- Listed Migratory Species

### **1. Appropriateness of Urban Development in RAMSAR Wetlands and Moreton Bay Marine Park**

Redland City Council's consultants (Urbis, 2014) have identified a significant oversupply of residential land in the Southern Moreton Bay Islands and the mainland within the planning horizon of 25 years. In addition, RCC have recently approved an additional 10,000 residential population within the Shoreline development proposal in Redland Bay (Nov 2015). There is no demonstrable demand for urban land supply within Redlands, or the Cleveland urban area.

The original Toondah Harbour development proposal which was enclosed within the Toondah Harbour PDA covered 68.4 hectares which included 17.9 has of existing land and 50.5 hectares of marine and tidal environment. The PDA was subsequently approved by the State Government under the provisions of the *Economic Development (ED) Act 2012*. The ED Act is not included in the Queensland / Federal Government Bilateral Agreement and subsequently the Walker Group, the successful tenderers for this development proposal, expanded the development footprint to the referral area of 167.5 hectares - approximately two and a half times the area of the initial PDA. Of this area, 62.2 hectares is to be developed for urban purposes with 43.5 ha of the area being land reclaimed from Moreton Bay, principally for a canal development including a marina and residential development.

Canal developments like this have been banned elsewhere in Australia.

It should be noted that the ecological studies undertaken to date, as limited in scope and quality as they were, only considered the impact of the initial PDA development proposal and area, and are manifestly

inadequate to describe the direct and indirect impacts of the current proposal on MNES. Indeed, the possible off – site impacts of dredge material deposition or reclamation have been glibly glossed over. No details of the assumptions for this major project are provided in this referral and appear conceptual at best, giving the assumption of a likely net material balance no credibility. Given the likely significant volumes of reclamation, treatment and fill of the dredge material, more substantial technical credibility is required.

It should be noted that the unaccredited assumptions are for approximately 1.2 - 1.45 Million cubic metres of spoil / reclamation to be undertaken in Moreton Bay over an extended period of years, potentially up to 15 – 20 years. This development project has a history of unsubstantiated assumptions rapidly increasing when subject to scrutiny. Without accreditation and rigorous analysis, these figures may be inaccurate. The likely environmental impacts from inaccurate assumptions may be significant.

Such a significant earthworks and construction program undertaken within noted environmentally sensitive near shore areas will have long term and structurally significant impacts on the viability of the threatened ecological communities and species of MNES within the wider Moreton Bay.

It is not appropriate for this development project to proceed with the express purpose of reclaiming land for residential use within internationally significant environmental areas. Such an approval would set a precedent with possible Australia wide implications, for example the Great Barrier Reef.

It should not be overlooked that the current proposal provides for other parts of the already fragile Moreton Bay to be potentially impacted, firstly, by the dredging of additional fill from Middle Banks and, also, by the dumping of any excess or unsuitable (perhaps toxic) dredge material at Mud Island.

## **2. Misleading or inaccurate information in the referral**

**Comparisons of ecological communities.** The referral notes misleading statistics to infer that the areas of affected ecological communities will be insignificant (for example, direct impacts on 0.13% of the total area). A more statistically accurate comparison would be to compare the areas and conditions of near shore sea grass, mangrove and intertidal mudflat communities. The vast majority of the Moreton Bay RAMSAR site is open water without foraging, habitat or roosting sites for terrestrial or marine species, and it is disingenuous to infer that the effected communities are insignificant. Due to the increasing effects of urban development along the coastline these communities have a higher importance than ever as remnants of the extensive ecological communities previously extant. If anything, these areas should be more highly prized, and preserved due to the dwindling areas of Protected Areas. In addition, these statistics do not consider additional direct impacts on un – named sites or indirect impacts.

The suggested management strategies for addressing the environmental impacts identified are glib and misleading pronouncements which may, as an example, reduce the threat posed by reclamation to migratory species of internationally protected shorebirds from high to medium. On what basis are these pronouncements made ? Without technical documentation to support these statements, they are either inaccurate or misleading.

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. 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. It is misleading not to include a consideration of this important management issue.

**Community Consultation.** The so-called extensive public consultation undertaken during the initial Toondah Harbour PDA development was little more than a sham. No consideration was given to the submissions to the PDA and by the RCC or the Minister for Economic Development. It should be noted that the ED Act provides the Minister of Economic Development with unfettered rights to decision making without appeal rights to a court. Accordingly, the ED Act has not been previously considered as appropriate for inclusion in the Queensland / Federal Government EPBC Bilateral Agreements.

The Toondah Harbour PDA Scheme developed and released by the RCC / State Government partnership bears little resemblance to the current project, and the public have had no opportunity to fully consider in detail the current proposal. The Scheme's technical documentation was previously acknowledged as substantively incorrect but was never amended or redrafted

It should be noted that the Walker Group's original letter to Redland residents advised that any comments were to be with the Department by 9 December rather than 8 December 2015. At this time of the year many people are already on holidays and unable to respond to this period of consultation.

### **Adequacy of information**

The technical documentation provided for the current proposal is laughably inadequate and demonstrates that the proponent has not undertaken the necessary detailed investigations to understand the potential significant impacts to MNES.

The Walker Group's proposal provides only perfunctory assessment of the likely impact of the project on the wetlands declared under the RAMSAR international agreement. This is significant as over 80% of the referral area falls within the Moreton Bay RAMSAR area. In addition to the potential impact on fill / reclamation areas outside the PDA area, and within Moreton Bay.

The findings of the preliminary assessment of potential risks to MNES are based on very limited information based on desktop studies or limited baseline studies, and have little credibility as a planning tool.

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, and Green Turtles are commonly noted feeding on seagrass within the subject area. The seagrass and mangrove habitat provide critical habitats for ecological communities and species of MNES, which includes Dugongs, Green Turtle and migratory wader birds. The subject area is also noted as supporting critical shorebird habitat and coral communities. A critical migratory roost site is directly adjacent to the subject site

It should be noted that previous government studies into the resource allocations from Middle Banks, as an example, were the result of a number of years of extensive oceanographic and bathymetric studies undertaken by WBM Oceanics and the Delft Laboratories. No such studies have been undertaken to understand the likely significant impacts on the near shore ecological communities at Toondah Harbour or the potential sites at Middle Banks or Mud Island. No assessment has been undertaken of the potential off –

site impacts of land treatment or disposal of dredge material, presumably in areas adjacent to the RAMSAR wetlands and Moreton Bay Marine Park.

Given the significant size of the latest proposal and the potential for wider direct and indirect impacts on the Bay the isolated and limited studies to date provide only cursory understanding of the potential significant impacts of this proposal.

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. The proponent's studies fail to highlight the significance of the important ecological service function that salt marshes provide.

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

A seagrass monitoring program, which has been in progress since 2001 shows the area supports a healthy and dynamic near shore seagrass community that provide vital foraging and habitat for dugong, turtles, and other important marine fauna. The proponent's studies do not provide any understanding of the importance, function or condition of these areas.

### **Koala "Friendly" Design**

The Redland City Council (RCC) and the Queensland Government have an abysmal record of protecting the koala population of the Redlands. The Council once took pride in the fact that the Redlands has the largest (but declining) urban population of these iconic animals in the world.

The current proposal reverses a decision within the PDA Scheme to re – introduce fencing and roads within a known koala habitat and feeding area. These design elements and the introduction of more traffic on existing roads will completely eradicate the existing koala population within this area.

### **3. The Walker Group is not a "fit and proper person" due to previous history of EPBC refusal and approval breaches.**

The history of recent Walker Group (and their associated companies') developments include a refusal for the Lauderdale residential and marina development at Ralph's Bay Tasmania in 2010 (EPBC 2006/3193), and prosecutions for two (2) incidences of clearing native vegetation in NSW without development consent in 2010 and 2011.

The Lauderdale development proposal is disturbingly similar to Toondah Harbour with concerns by that community for the following issues comparable to those at Toondah Harbour:

- the sale of a significant Conservation Area for private development
- an assault on the sense of place experienced by residents
- the development proposal was widely seen as inappropriate and 'un-Tasmanian'
- loss of beautiful natural vistas
- loss of critical feeding, roosting and nesting habitat for resident and migratory shorebirds, including listed threatened species
- noise, dust, visual and traffic impacts over a period of years
- concerns regarding the ongoing cost burden on ratepayers for maintenance of the canals and the development in general

- impacts of sea level rise and severe weather events on the long-term viability and insurability of the development
- disturbance of polluted sediments, including risks of remobilised heavy metals entering the food chain and prejudicing water quality
- increased pollution by urban and marina runoff
- risk of habitat loss and pollution impacts
- disturbance of coastal acid sulphate soils, and
- loss of ecosystem services provided by the sandflats, including denitrification

The Walker Group and associated companies have a history of proposing inappropriate developments in environmentally sensitive areas, and breaching environmental legislation relevant to their development approval conditions.

#### **4. State Government is not the appropriate Decision Maker**

The State Government has partnered with the Redland City Council to promote and develop the Toondah Harbour PDA. In addition, the State Government is a significant land owner within the PDA, owning seven (7) of the twelve (12) parcels of land within the PDA including a Reserve for Park. The other parcels are owned by RCC and include parklands including the G.J Walter Park. All of these areas are to be included in the proposed development. Neither RCC nor the State Government have confirmed whether these public lands are to be given or sold to the developer.

There is a clear conflict of interest or bias with State the Government as landowner, “owner” of state reserves for public purposes, and assessing authority.

#### **5. Recommendations**

The current referral (EPBC Reference No. 2105/7612) be refused as an inappropriate development due to the potential significant impacts on MNES at the Toondah Harbour near shore and within the wider Moreton Bay environment.

The federal Department of the Environment assess any application for the Toondah harbour development, due to the State Government’s conflict of interest and potential for bias.

Yours sincerely

S. 11C(1)(a)

[Redacted]

[Redacted]

[Redacted]

[Redacted]



**From:** s47F  
**To:** [EPBC Referrals](#)  
**Subject:** EPBC ACT REFERRAL  
**Date:** Tuesday, 8 December 2015 5:23:39 PM

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REFERENCE NUMBER 2015/7612

Walker Group Holdings Pty Limited/Commercial Development/Moreton Bay/Queensland/Toondah Harbour Project, Moreton Bay, Qld

Dear Sir/Madam,

Viewing the master plan proposed by the Walker Group, it can be seen that they intend for the development to extend right out to Cassim Island, or the first part of the mangroves that form part of the island. Very cleverly, they have used in their presentation aerial photographs at high tide, with water surrounding all the mangroves. What they fail to show is what happens at low tide. All the mangroves and Cassim Island will be connected to the eastern part of the residential development, and spaces accessible by the public. What is going to happen is that children from the residential development, and from the visiting public, are going to swarm all over Cassim Island before and after low tide and use it as an adventure playground. Roosting birds are certainly going to be disturbed. The microsystem on the island will certainly be disrupted and never be the same again!

Regards

s47F

