CONVENTION ON WETLANDS
CONVENTION SUR LES ZONES HUMIDES
CONVENCIÓN SOBRE LOS HUMEDALES
(Ramsar, Iran, 1971)

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

Gland, 24 May 2017

Dear Sir/Madam,

Re: Reference Number: 2017/7939

I am writing concerning the public referral exercise for the proposed Toondah Harbour development adjacent to the Moreton Bay Ramsar Site (WALKER GROUP HOLDINGS PTY LIMITED/Residential Development/L58 on SP115554, L1 on RP145396, L33-35 on C618, L20 on SP153278, L79 on SL7088, L119 on SL9713/Queensland/Toondah Harbour Development).

The Ramsar Secretariat has reviewed the project document available on the http://epbnotices.environment.au website relating to the proposed development and have a number of general comments:

- The impacts from increased disturbance to the area from greater boat traffic due to the proposed harbour, marina and developments has not been evaluated;
- The impact from increased pollution from the operation of the proposed harbour, marina and developments have not been mentioned;
- The proposed development extends into the Moreton Bay Ramsar Site but the documents does not indicate the area (or percentage) of the Ramsar Site that will be affected (Referral document, page 2, para. 5, line 1);
- Loss of wetland habitat for development will set a precedent for other developments in future
- The proposed development will include 40 hectare of reclamation. If this is of tidalflat habitat within the Ramsar Site, then apart from the adverse impacts that this will have on the ecological character of the Site, it will also set a precedent for developments around other Ramsar Sites in Australia and also elsewhere in the world.

Our specific comments are included in Appendix 1 (attached). Overall, these indicate that the proposed project will have an adverse impact on the ecological character of the Moreton Bay Ramsar Site and the criteria under which the wetland was designated. This would be due to the direct loss of wetland habitats within the site through reclamation and the knock-on impacts that this will have on the species dependent on the Site (Appendix 1). In fact, the Referral document itself states that the proposed development will likely impact on the ecological character of the Ramsar Site (Section 2.3) and that this impact will be significant (Section 2.3.2).

If areas of the Ramsar Site were to be lost to the proposed development, e.g. through reclamation, then the areas lost would have to be excised from the boundary of the Ramsar Site which would have to be redrawn.

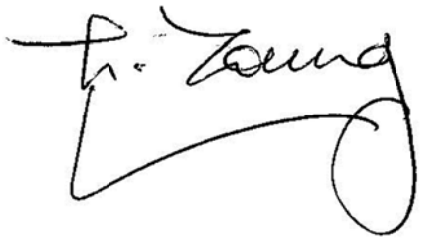
With reference to the Articles of the Ramsar Convention on Wetlands which are relevant to this case, it states that:

- Contracting Parties shall "…formulate and implement their planning so as to promote the conservation…" of their Ramsar Sites (Article 3.1);
- "Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl…" (Article 2.6);
- "Each Contracting Party shall arrange to inform the Ramsar Secretariat "…at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference." (Article 3.2);
- Contracting Parties have the right to restrict the boundary of their Ramsar Site because of "…urgent national interests…" and to inform the Ramsar Secretariat "…at the earliest time…" if this were to happen (Article 2.5);
- "Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat." (Article 4.2
- "If Contracting Parties make alterations to their list of Ramsar Sites or changes in the character of the Ramsar Sites, then the Secretariat will "…arrange for these matters to be discussed at the next Conference." (Article 8.2d).

Therefore, the Government of the Commonwealth of Australia has an obligation to promote the conservation of the Moreton Bay Ramsar Site and to consider its international responsibilities for the conservation, management and wise use of the migratory shorebirds at the site. As the ecological character of the Site is now likely to change due to the proposed development, the Site will be placed under Article 3.2 notification. If the proposed development is approved and involves reclamation or development into the boundary of the Ramsar Site such that the boundary has to be restricted, then the Government is required to show that this need was due to 'urgent national interest' and to inform the Ramsar Secretariat as soon as possible. The Government should then, as far as possible, compensate for any loss of wetland resources, and in particular create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat. At the same time, the Ramsar Secretariat would then make arrangements for this matter to be discussed at the next Conference of Parties to the Convention.

I would be grateful if you can keep the Ramsar Secretariat updated about the decision of the Government concerning the proposed development.

Yours sincerely,



Lew Young
Senior Regional Advisor for Asia-Oceania

cc s47F (Wetlands Section, Department of the Environment and Energy)

Appendix 1: Impact of the proposed developed on the criteria for which Moreton Bay was designated as a Ramsar Site

Ramsar designation criteria	Impact
1b. Moreton Bay is one of the largest estuarine bays in Australia which are enclosed by a barrier island of vegetated sand dunes.	• According to the present Ramsar Information Sheet (RIS) for the Moreton Bay Ramsar Site, "*Image analysis of all intertidal areas in Moreton Bay, including Pumicestone Passage estimated that a total of 23,000 ha of tidal flats are exposed at low water datum characterised by marked differences in substrate type and species of waders present*". If the proposed development will reclaim 40 hectares of tidalflats (Referral document, page 2, para.3, line 8), this will represent a loss of some 0.17% of the total area of tidal flats from the Ramsar Site. This compares with the reported loss of 0.007% of the area of intertidal mudflat in Morton Bay (Toondah Harbour Ramsar Wetland Assessment, Table 3, page 10). • The statement above from the RIS indicates that the tidalflats within the Ramsar Site is not homogenous and it cannot be expected that if important tidalflats for biodiversity is lost from the Ramsar Site due to the proposed project then those species will be able to easily find tidal flats of the same quality elsewhere.
1c Moreton Bay plays a substantial role in the natural functioning of a major coastal system through its protection from oceanic swells providing habitat for wetland development, receiving and channelling the flow of all rivers and creeks east of the Great Dividing Range from the McPherson Range in the south to the north of the D'Aguilar Range.	
2a Moreton Bay supports appreciable numbers of the ~~vulnerable~~ [endangered] green and [critically endangered] hawksbill turtles, the ~~endangered~~ [vulnerable] loggerhead turtle and is ranked among the top ten [vulnerable] dugong habitats in Queensland. (* the status of some of these species have changed since when the present Ramsar Information Sheet was drafted in 1999)	**2017-7939 Referral document.pdf** Section 2.3.1: • Loggerhead turtles, green turtles, Indo-Pacific humpback dolphins and dugongs are highly likely and hawksbill turtles are moderately likely to occur in the potential area of impact. Section 2.4.1: • *Loggerhead turtles*: Moreton Bay supports a significant feeding population of this species and they are moderately likely to occur in marine habitats within and adjacent to the Toondah Harbour project, particularly in the seagrass beds. • *Green Turtle*: They are often observed in the seagrass beds adjacent to the proposed project. Green turtles are highly likely to occur in marine habitats within and adjacent to the Toondah Harbour, particularly in the seagrass beds. • *Hawksbill Turtle*: Despite not providing critical habitat, there is a small resident population in Moreton Bay, and they may feed in, or traverse, the proposed project area. There is a

	moderate likelihood that they occur in marine habitats within and adjacent to the PDA.
2b Moreton Bay 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.	The documents provided shows that there will be loss of wetland habitat from the Ramsar Site with subsequent impact on the biodiversity.
2c It is a significant feeding ground for [endangered] green turtles and is a feeding and breeding ground for [vulnerable] dugong. The Bay also has the most significant concentration of young and mature [vulnerable] loggerhead turtles in Australia.	(see above following the criterion 2a)
3a Moreton Bay supports more than 50,000 wintering and staging shorebirds during the non-breeding season.	**2017-7939 Referral document.pdf** • PDA area contains intertidal feeding habitat for a number of migratory shorebirds including the critically endangered Eastern Curlew, the critically endangered Great Knot and the vulnerable Bar-tailed Godwit (Western Alaskan) (Table 2.3.1). • Two high tide roost sites are located adjacent to the PDA (Nandeebie Claypan and Cassim Island). These areas have high importance to shorebirds in the region (Table 2.3.1). • The loss of intertidal feeding habitat for migratory shorebirds, including for threatened species, has the potential to lead to a corresponding decrease in the number of migratory shorebirds using the Moreton Bay wetlands (Table 2.4.1) **2017-7939 Referral-Attached-8444_att_3_-toondah_harbour_ramsar_wetland_assessment.pdf** • Project will directly impact shorebird feeding habitat, including an area that is of 'high value' (page 14, Fig.2); • Construction and operation impacts to the Cassim Island Shorebird Roost (page 14, Fig. 2); • "The project is likely to result in permanent impacts to a small area of shorebird feeding habitat as a result of dredging and reclamation works" (page 16, para. 5, line 1).
3b At least 43 species of shorebirds use intertidal habitats in the Bay, including 30 migratory species listed by JAMBA and CAMBA.	(see above following the criterion 3a)
3c The Bay is particularly significant for the population of wintering [endangered] Eastern curlews (3,000 to 5,000) and the Grey-tailed tattler (more than 10,000), both substantially more than 1% of the known Flyway population.	• During the summer months October 2014 to February 2015, an average of 4.8 and maximum of 7 Eastern Curlew were recorded feeding on mudflats within the study area. Eastern Curlews were recorded roosting at the Nandeebie Claypan roost site. • No mention is made in the documents about the presence of Grey-tailed tattler even though they are recorded by local birdwatching groups.