Information Sheet

This information sheet is issued by the Department of Environment and Science to advise of a statutory decision on a permit application under the *Nature Conservation Act 1992* (the Act).

When assessing an application for a license, permit or other authority, the chief executive must have regard to the following matters under the following laws:

Section 26(1) of the Nature Conservation (Administration) Regulation 2017[1]

a) the impact the activities that may be carried out under the authority may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
b) the effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
c) any contribution the applicant proposes to make to the conservation of nature;
d) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
e) the precautionary principle;
f) public health and safety;
g) the public interest;
h) for an application for a relevant authority other than a camping permit—whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2;
i) for an application for a relevant authority for a national park (Cape York Peninsula Aboriginal land)—the indigenous management agreement for the protected area;
j) any recovery plan for wildlife to which the authority applies;
k) any other matter stated in a management instrument as a matter the chief executive must have regard to when considering an application for the authority.

Section 26(2) of the Nature Conservation (Administration) Regulation 2017[1]

Without limiting subsection (1), the chief executive may have regard to anything else the chief executive considers appropriate to achieve the object of the Act.

Section 33 of the Nature Conservation (Administration) Regulation 2017[1]

The chief executive cannot –

a) grant a protected area authority to a person if the Protected Areas Management Regulation states the chief executive cannot grant the authority to the person or to any person; or
b) grant a wildlife authority to a person if the Wildlife Management Regulation or a conservation plan states the chief executive cannot grant the authority to the person or to any person

Note – See also section 137 of the Act.

Section 137 of the *Nature Conservation Act 1992*

(2) A licence, permit or other authority issued or given under a regulation to—

(a) take, use or keep protected wildlife; or
(b) abandon, release, keep, use or introduce international or prohibited wildlife;
must be consistent with—
(c) the management principles for the wildlife; and
(d) the declared management intent, or conservation plan, applicable to the wildlife.

[1] Matters relating to Protected Areas (excluding Nature Refuges) under the Nature Conservation Act 1992 are the responsibility of the Queensland Parks and Wildlife Service.

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Queensland Government

In assessing your application, consideration has been given to each of the relevant matters listed above, and consequently some conditions have been imposed on your permit. Please take the time to familiarise yourself with these requirements. Should you have any questions regarding any of these conditions please contact the Department of Environment and Science using the contact details provided under the Enquiries heading on your licence, permit or other authority.

Part 4 of the Nature Conservation (Administration) Regulation 2017 provides for internal and external reviews, should you be dissatisfied with any reviewable decision. In summary these include:

- If you wish to apply for an internal review of the decision an application must be made in writing within 20 business days after being given this notice.
- The application must be supported by sufficient information to decide the application.
- The application for internal review does not stay the decision made. However you may apply to the Queensland Civil and Administrative Tribunal (QCAT) for a stay of the decision.
- The Department of Environment and Science must review the decision within 28 days of receiving the application and provide you with a decision within 14 days of making the review decision.
- If you are dissatisfied with the internal review decision then you are able to file an application for an external review in the registry of the QCAT within 28 days of receiving the internal review notice.
- For further information you are directed to Part 4: Internal and External Reviews, of the Nature Conservation (Administration) Regulation 2017 and the *Queensland Civil and Administrative Tribunal Act 2009* which can both be found at www.legislation.qld.gov.au/OQPChome.htm

Also please note:

Should it be determined at some future date by any Court or Tribunal that Native Title exists over the subject land or waters, this permit may be terminated and the holder (or any subsequent holder) may be required to remove any works established under this permit at the permit holder's (or any subsequent permit holder's) own cost, expense and risk. In that event, no compensation for works, development costs or loss of income shall be payable to the permit holder (or any subsequent permit holder) by the State of Queensland.

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Notice of Decision

Section 15 of Nature Conservation (Administration) Regulation 2006

This notice is issued by the administering authority to advise of a statutory decision on a permit application

To: ERGON ENERGY CORPORATION LIMITED
PO Box 1090
TOWNSVILLE
QLD 4810
Australia

Our reference: APP0055242

Dear Sir/Madam

Re: Decision made in relation to your application

Your application received on 12 June 2020 has been assessed and the decision in regards to your application is specified below:

Permit applied for	Permit number	Decision
Protected Plant Clearing Permit, Clearing endangered, vulnerable or near threatened plants	WA0025494	GRANTED

Your application for a permit has been granted, the conditions of approval are attached.

Your permit reference is WA0025494.

Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

Should you have any queries in relation to this notice, please refer to the contact details below.

Adam Northam
Department of Environment and Science
Delegate of the administering authority
Nature Conservation Act 1992

Enquiries:
Wildlife Assessment Team
Email: wildlife@des.qld.gov.au
Postal Address: PO Box 102, Toowoomba, QLD, 4350

Date granted: 24 July 2020

Attachments:

Permit:

Information notice: Statutory decision on a permit application under the Nature Conservation (Administration) Regulation 2017

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Permit

Section 15 of Nature Conservation (Administration) Regulation 2006

Protected Plant Clearing Permit

This wildlife authority is issued under the following legislation: Nature Conservation (Administration) Regulation 2017 Part 2 Division 1.

Permit number: WA0025494 **Valid from:** 24 July 2020 to 23 July 2022

Activity: Clearing endangered, vulnerable or near threatened plants

Role	Name	Registered address
Principal Holder:	ERGON ENERGY CORPORATION LIMITED	420 Flinders St TOWNSVILLE CITY QLD 4810 Australia
Person In Charge:	sch4p4(6) Personal info	
Business name:		**ABN/ACN** 087646062
Activity location/licensed premises	78B(2)	

Schedule

Family or Species or Schedule	Details	Category	Quantity	Unit
Species	quassia, Samadera bidwillii	Live	1.7	Hectares

Adam Northam
Department of Environment and Science
Delegate of the administering authority
Nature Conservation Act 1992

Date issued: 24 July 2020

Enquiries:
Wildlife Assessment Team
Email: wildlife@des.qld.gov.au
Postal Address: PO Box 102, Toowoomba, QLD, 4350

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Legislative Requirements and Conditions

Legislative Requirements

PPCLR06 Where monitoring by the permit holder of impact management actions with respect to endangered, vulnerable or near threatened species in the clearing area identifies that those actions appear to be unsuccessful or failing, the permittee must notify DES immediately in order to discuss the significant residual impact of the clearing and furthermore discuss any potential implementation of an offset action in accordance with the Queensland Environmental Offset Policy.
This requirement may be found in Section 284(1) 0f the Nature Conservation (Wildlife Management) Regulation 2006.

PPCLR01 This permit does not exempt the permit holder from obtaining other approvals relevant to the harvest of whole protected plants at the site.

PPCLR02 Activities carried out under this authority, unless otherwise authorised, apply to non-protected areas only.
This requirement may be found in section 15 of the Nature Conservation (Administration) Regulation 2017.

PPCLR03 This permit includes the clearing of least concern protected plants within the clearing area.

Conditions

PPCC01 Activities relating to the impact of EVNT species under this permit must be in accordance with the procedures and actions outlined in the following documents, except where conditions below indicate otherwise:
Flora Survey Report 78B(2)
Impact Management Plan 78B(2)

PPCC03 This permit approves the clearing of 1.7 ha with zero (0) individuals of the Vulnerable plant Samadera bidwillii to be cleared.

PPCM02 The permit holder is to notify DES in writing at least 48 hours in advance of clearing commencing, for example, via an email to wildlife.management@des.qld.gov.au.

PPCC02 ADVISORY INFORMATION NOTICE
Clearing is to be conducted in a sequential manner and must be conducted in a way that directs escaping wildlife away from the area and into adjacent natural areas. A licensed spotter/catcher must be employed where there is a risk to native fauna present within the clearing site. The permit holder must ensure any injured animals are referred to an appropriate wildlife carer group or veterinarian.

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