Queensland Government

Department of
Environment and Science

Ref WA0010353

3 December 2018

Bernoth Holdings Pty. Ltd
21 Russell Street
Toowoomba City
Qld 4350

Via email: mitchell@bernothproperties.com

Dear Bernoth Holding Pty. Ltd,

We refer to your correspondence that the department received on 2 November 2018 and subsequent site inspection undertaken by the department on 30 November 2018.

Status of Non-immediate cancellation of WA0010353

The department has lifted the non-immediate cancellation of WA0010353. This exemption can be applied for areas outside the 100 metres buffer zone surrounding the community of Gossia Inophloia at the proposed site.

Requirement for a Protected Plant Clearing Permit

From the departments inspection, we are satisfied that the community of Gossia Inophloia is in the wild as they are in an independent state of natural liberty and will be disturbed by the proposed work(s). Section 249 of the Nature Conservation (Wildlife Management) Regulation 2006, stipulates a clearing impact area around a high risk area and an additional area of 100 metres in width around this area as a buffer zone. It is a requirement to have a 100 metre buffer zone surrounding the community of Gossia Inophloia as it has been deemed to be in the wild and is a near threatened species. Any prospective clearing within 100 metres of the community of Gossia Inophloia will be subject to a protected clearing permit. A clearing permit and associated impact management plan is required for assessment to determine the veracity of a "significant residual impact" and to determine the need for any protected plant offset for this site.

You can apply for a protected plant clearing permit through the department Connect system found at https://environment.des.qld.gov.au/connect/.

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Under RTI Act 2009

Level 31
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5503
Website www.des.qld.gov.au
ABN 46 640 294 485

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Should you have any further enquiries, please contact Mr Frank Mills, Manager (Southern Wildlife) of the department on telephone (07) 3330 5503.

Yours sincerely

sch4p4(6) Personal info

Frank Mills
Manager (Southern Wildlife)
Conservation and Biodiversity Operations Branch
Enc: Notice of Decision

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ORIGINAL DES-LAIS

Queensland Government ABN: 46 640 294 485
Department of Environment and Science

RECEIPT

Received from: BERNOTH HOLDINGS PTY LTD No.: 4253680
ABN/Address:

Description	Qty	Unit Val	Extended	Discount	Ext Value	GST	Total Price
PROTECTED PLANT CLEARING PERMIT (A) FEE	1	2966.00	2966.00	0.00	2966.00		2966.00

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Date: 10/12/18	Time: 12:49	CHEQUE	2966.00	Tot Value:	2966.00
				GST:	0.00
Brch: dnrbris	SPer: eaa			Tot Price:	2966.00
				Tendered:	2966.00
CYC: 185148	Reg: 92	Tendered	2966.00	Change:	0.00

Cheques or other negotiable instruments accepted subject to clearance.

RECEIVED
10 DEC 2018
PaLM

Application form

Section 15 – Nature Conservation (Administration) Regulation 2017

RECEIPTING DETAILS ONLY

DATE RECEIPTED
10 | 12 | 18

RECEIPT NUMBER
4253680

AMOUNT RECEIVED
$ 2966 –

RECEIPTED BY (NAME AND OFFICE)
EmmaA

RECEIVED
10 DEC 2018
PaLM

Clearing permit (protected plants)

Important information for applicants

Applications can be made using the Department's digital platform for online services and transactions. Visit www.DES.qld.gov.au/connect for more information.

This form is to be used to apply for a clearing permit. You need a clearing permit if your proposed activity involves the legitimate taking or destruction of protected plants in the wild, except where an exemption applies. Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act and regulations, available on the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Department of Environment and Science (DES) Customer Service Team on **1300 130 372 option 4**.

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Terms and Conditions

Permits, licences and authorities Queensland's native wildlife is protected by legislation that aims to conserve biodiversity by protecting native plants and animals and their habitat. All native birds, reptiles, mammals and amphibians are protected, along with some invertebrates (certain butterflies, spiders and scorpions), freshwater fish and the grey nurse shark.

Other aquatic species are protected by the Department of Agriculture and Fisheries, the Great Barrier Reef Marine Park Authority and the Australian Government. A licensing system helps us protect native wildlife species. By regulating the sustainable taking, keeping, using or moving of wildlife for commercial, recreational or other purposes we contribute to the maintenance of viable wild populations of plants and animals. The type of approval(s) you will need depends upon a number of things, including:

- The nature and purpose of your proposed activity
- The tenure of the area in which you intend to undertake your activity and
- The species of wildlife concerned

To apply for permits:

- within the protected area estate (except nature refuges and special wildlife reserves) as defined in the Nature Conservation Act 1992 (e.g. national park, national park [Aboriginal land], national park [Torres Strait Island land] etc); or

ABN 46 640 294 485

- within a marine park under the Marine Parks Act 2004; or
- within State forest estate under the Forestry Act 1959 (e.g. state forests and timber reserves) please contact the Queensland Parks and Wildlife Service.

Note: Corporations must have an office in Queensland to be eligible to apply for a wildlife authority. The Nature Conservation Act 1992 and the subordinate Nature Conservation Regulations may be found on-line on the Office of Queensland Parliamentary Counsel website.

Your Privacy

Information you provide assists the Department of Environment and Science (DES) to administer wildlife licences, permits and authorities granted under the Nature Conservation (Wildlife Management) Regulation 2006.

Some information may be provided to the Departments of Agriculture and Fisheries; Health; Queensland Police Service and the Australian Defence Force in order to investigate biosecurity or health issues or allegations of unlawful activity.

Some information, where relevant, may also be sent to non-government organisations such as the RSPCA Qld and the Queensland Wildlife Rehabilitation Council for the purpose of improving standards of native animal care.

Names of all permit holders are publically available on request. Any other personal information in relation to your permit will not be disclosed to any other parties without your consent unless authorised or required by law.

More information on our commitment to privacy is available on our website. For specific privacy information or enquiries please email privacy@des.qld.gov.au. For queries concerning wildlife activities please email: wildlife@des.qld.gov.au

1. You may only lodge this application if you have accepted the above terms and conditions

☒ I accept the above terms and conditions.

2. All questions must be answered and the application fees included (if required) for the application to be processed. If you do not complete all questions, sign and date the application form, your application will be returned to you as an invalid application.

3. Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☐ **AN INDIVIDUAL→** **Complete** Section 4 **applicant details — then complete sections 7 to 20.**

☒ **AN ORGANISATION→** **Complete** Section 5 **applicant details — then complete sections 7 to 20.**

4. Applicant details for an individual

TITLE	*FIRST NAME	MIDDLE NAME	*SURNAME	* DATE OF BIRTH

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☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Doctor ☐ Prof				

5. Applicant details for an organisation

Organisation type –

☒ Company ☐ Australian registered (foreign) body ☐ Incorporated association
☐ Co-operative ☐ Government ☐ Non for profit organisation

*AUSTRALIAN BUSINESS NUMBER	* BUSINESS NAME
54107158574	Bernoth Holdings Pty Ltd

CEO	ABN
BARRY ALLAN BERNOTH	54107158574

6. Applicant registered / residential address

* RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX)	* SUBURB	* STATE	* POST CODE
c/- Horizon Accounting Group, 21 Russell St	Toowoomba	QLD	4350

(WRITE 'AS ABOVE" IF SAME AS REGISTERED/RESIDENTIAL ADDRESS)

POSTAL ADDRESS	SUBURB	STATE	POST CODE
PO Box 1697,	Toowoomba	QLD	4350

7. Applicant contact details – email or phone contact is mandatory.

EMAIL ADDRESS	sch4p4(6) @bernothproperties.com
TICK THIS BOX IF YOU DO NOT CONSENT TO RECEIVING DEPARTMENTAL CORRESPONDENCE BY EMAIL	☒

PHONE TYPE	AREA CODE	PHONE NUMBER (NOTE: 10 DIGITS INCLUDING AREA CODE)
☐ Home phone ☐ Office phone ☒ Mobile phone ☐ Facsimile		sch4p4(6) Perso

8. Protected plant clearing permit – Clearing endangered, vulnerable or near threatened plants.

Use this application type if you wish to clear an area that is identified by the flora survey trigger map as a high risk of having endangered, vulnerable or near threatened protected plants present and verified by a flora survey identifying that they are present in the proposed clearing footprint.

9. Location of the activity

Provide the exact location where activities will take place. This permit can be granted for one place only.

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Provide supporting information if necessary to exactly identify the location.

PHYSICAL STREET ADDRESS (WRITE "AS ABOVE" IF SAME AS RESIDENTIAL /REGISTERED ADDRESS)	* SUBURB	* STATE	* POST CODE
229 and 233 Jesmond Rd	Fig tree Pocket	QLD*	4069

OR

LOT# AS	* PLAN#

OR

GPS LOCATIONS

10. Plant details

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	TOTAL AREA OF CLEARING FOOTPRINT
	Gossia inophloia	total area of works is less than 5000m2 (includes cleared area and driveway etc). No EVNT plants are to be cleared

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11. Identify if the area type is high risk

High risk areas are areas where endangered, vulnerable or near-threatened plants are known to exist or are likely to exist. To find out if your area is high-risk, go to the Protected Plants Flora Survey Trigger Map page at http://www.DES.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php. The trigger map must be supplied with your permit application.

☒ • High risk area Provide the below documents:

- ☒ • Flora survey trigger map attached
- ☒ • Site map showing boundaries of clearing attached

☐ • Not identified as high risk area. **Provide the below documents then proceed to Question 17**

- ☐ • Flora survey trigger map attached
- ☐ • Site map showing boundaries of clearing attached

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☐ • Report of known Endangered, Vulnerable or Near Threatened plants presence –

12. Has a flora survey been undertaken in accordance with the flora survey guideline?

☒ • Yes Provide the below documents:

☒ • Flora survey report attached

☐ • No. **Was the flora survey undertaken in accordance with an alternative flora survey methodology that has been agreed to by chief executive?**

☐ • Yes ☐ Alternative flora survey method and approval attached.

☐ • No. **You cannot apply for the Protected Plant Clearing Permit if your alternate flora survey method has not been approved by the Chief Executive.**

13. Are there any endangered, vulnerable or near threatened plants present within the clearing impact area?

☒ • Yes ☐ • No – STOP you need to apply for a Protected Plant Clearing Exemption

14. When was the flora survey undertaken?

Date 24/09/2018

15. Flora survey completion date

Date 25/09/2018

16. Attach the following documents

☐ Reduced buffer approval

☒ Suitably qualified person request

17. Is contingent salvage of whole protected plants intended?

☒ No – **Go to question 18**

☐ Yes - If contingent salvage of Endangered, Vulnerable or Near Threatened plants or special interest plants is intended, identify the plants to be taken

Will the salvage be undertaken by the applicant?

☐ • Yes

☐ No	PROVIDE DETAILS OF EXTERNAL PARTY UNDERTAKING CONTINGENT SALVAGE

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18. Proposed start and completion dates for the project?

START DATE	COMPLETION DATE
As soon as possible from approval given by DES	1 week after approval

19. Reason for clearing

FOR ENDANGERED, VULNERABLE OR NEAR THREATENED PLANTS LISTED IN THE PROTECTED PLANT DETAILS, PROVIDE IMPACTS ON THE PLANTS	
Provide details of the proposed Impact Management Plan, prepared in accordance with the protected plants assessment guidelines.	NO EVNT PLANTS WILL BE CLEARED, THEY ARE LOCATED PARTLY IN FUTURE EPZ, OUTSIDE AREA OF PROPOSED WORKS, AND PARTLY IN THE BCC OPEN SPACE. IMPACT MANAGEMENT PLAN HAS BEEN PREPARED, CONSISTING OF A VEGETATION MANAGEMENT PLAN OUTLINING FENCING AND CLEARING PROCEDURES, AND A REHABILITATION PLAN, INCLUDING WEED MANAGEMENT AND REPLANTING WITH LOCAL NATIVE SPECIES.
What will be the impact of the clearing activity?	THERE IS NOT ANTICIPATED TO BE ANY IMPACT FROM CLEARING
How are you reducing the adverse impacts of clearing on EVNT plants?	AS ABOVE, THROUGH VEGETATION MANAGEMENT PLAN, SUPERVISION OF WORKS BY LEVEL 5 ARBORIST, AND REHABILITATION AS REQUIRED BY COUNCIL DA
How will the proposed clearing affect the survival of the plant species in the wild?	PROPOSED WORKS, INCLUDING REHABILITATION IS ANTICIPATED TO AID IN THE PLANTS SURVIVAL IN THE WILD. AREA IS CURRENTLY HEAVILY IMPACTED BY WEEDS IN THE UNDERTSTOREY AND CLIMBING VINES.

☒ • Impact Management Plan attached.

20. Is the applicant the landholder of the land?

☒ • Yes. - Proceed to Question 22

☐ • No – Answer Question 21

21. Does the applicant have benefit of an easement over the land this application relates to?

If you are not the landholder and do not have the benefit of an easement, while operating under this authority on the land in question, you must carry a statement signed by the landholder that grants you access. This statement is available at: https://www.ehp.qld.gov.au/licences-permits/plants-animals/documents/fm-landholder-statement.doc

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☐ • Yes. –

☐ • No – I understand while operating under this authority on the land in question, I must carry a statement signed by the landholder that grants me assess.

☐ • Landholder statement attached.

22. Does the application relate to one of the following purposes?

In accordance with section 144 of the Nature Conservation (Administration) Regulation 2006, reduced fees are available for particular applications.

☐ • An education purpose

☐ • A scientific research purpose

☐ • An activity directed at conservation

☒ • Clearing to establish necessary property infrastructure

☐ • A traditional owner activity

23. Is the applicant one of the following?

In accordance with section 155 of the Nature Conservation (Administration) Regulation 2006, a fee exemption is available for particular applications.

☐ • A recreational plant society

☐ • A voluntary conservation organisation

☐ • A volunteer community organisation

24. Wildlife Suitability

During the past three (3) years, have you been convicted of: (a) an offence against the *Nature Conservation Act 1992,* or (b) an animal welfare offence under the *Animal Care and Protections Act 2001,* or (c) an offence relating to wildlife against another Act, or an offence, however described, equivalent to an offence mentioned under (a) or (b) in another state or country?

☒ No

☐ Yes – an assessment officer will contact you regarding this question

25. Effective Date

Select an effective date Decision Date ☒ or Nominated Date

26. Person in Charge

Details of the person nominated to be in charge of the place(s) where the authorised activity is to be undertaken.

Nominate Person in Charge*

☒ Same as applicant ☐ Alternate person in charge

Person in Charge Identity Details

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TITLE	*FIRST NAME	MIDDLE NAME	*SURNAME	* DATE OF BIRTH
MR	MITCHELL		BERNOTH	sch4p4(6) Pe

Registered / residential address

* RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX)	* SUBURB	* STATE	* POST CODE
sch4p4(6) Personal information			

(WRITE 'AS ABOVE" IF SAME AS REGISTEREDRESIDENTIAL ADDRESS)

POSTAL ADDRESS	SUBURB	STATE	POST CODE
PO BOX 1697	TOOMOOMBA	QLD	4350

Person in Charge contact details – email or phone contact is mandatory.

EMAIL ADDRESS	
TICK THIS BOX IF YOU DO NOT CONSENT TO RECEIVING DEPARTMENTAL CORRESPONDENCE BY EMAIL	☒

PHONE TYPE	AREA CODE	PHONE NUMBER: NOTE: 10 DIGITS (INCLULDING AREA CODE)
☐ Home phone ☐ Office phone ☒ Mobile phone ☐ Facsimile		sch4p4(6) Perso @BERNOTHPROPERTIES.COM

27. Application Contact Details

An alternative contact nominated by the legal entity which has submitted, or will in future submit, applications to be assessed by the department. All departmental correspondence relating to the assessment of applications will be directed to the application contact, however, if the application results in the issuing of a relevant authority, the relevant authority will be sent to the customer contact or if nominated, the primary contact.

*NAME OR POSITION	*PRIMARY PHONE. NOTE: 10 DIGITS (INCLULDING AREA CODE)	EMAIL ADDRESS	SECONDARY PHONE
sch4p4(6) Personal information		sch4p4(6) Per @JFP.COM.AU	

28. Applicant's signature

APPLICANT'S NAME BERNOTH HOLDINGS PTY LTD	
APPLICANT sch4p4(6) Personal information	DATE 5/12/18
IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION SOLE DIRECTOR	

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29. Applicant checklist

☒ All questions on application form completed, signed and dated.

☒ Fees enclosed – cheque or money order only

☒ Supporting information attached

Please make all cheques or money orders payable to Department of Environment and Science

Please return your completed application kit to:

Customer Service Team
Department of Environment and Science
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372 option 4**
Facsimile: (07) 3330 5875
Email: palm@DES.qld.gov.au

A Schedule of fees information sheet and Code of Practice may be obtained from the DES website http://www.DES.qld.gov.au or by contacting the DES Referral Centre on 1300 130 372.

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