

Assessment report

Wildlife management

Protected plant clearing permit

Application Details

Date received	Project reference	Permit reference	Permit type	Purpose	Applicant	Person in Charge
10/12/2018	APP0028483	TBD	Clearing Permit	Re-configuration of a Lot	Bernothe Holdings P/L	p4(6) Personal inform

Approvals

	Officer	Position/Location	Recommendation	Comments	Signature	Date
Assessment	Kerry Walsh	Wildlife Officer	Approve with conditions	Gossia inophloia; considered by Qld Herbarium staff as not to natural occur in the proposed clearing area; was considered to be 'in the wild' by DES officers and as such an application was required; No EVNT to be taken. Plants within impact area to be appropriately managed to ensure survival in the wild		14/01/2019
Endorsed	Bradley Cooper	Snr Wildlife Officer				
Approved	Jenny Keys	Program Coordinator				

PART A

Factors considered when assessing clearing permit

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
1.	Landholder consent				
	1.1 Landholder consent	Landholder consent received	The applicant is the landholder or has the written approval of the landholder where the plants are to be taken.	Yes	The applicant stated in Question 20 of the application that Bernoth Holdings is the 'landholder of the land' - 229 & 233 Jesmond Road FIG TREE POCKET 4069
2.	Purpose of clearing				
	2.1 Rationale for clearing activity	Purpose of clearing is stated	Adequate detail has been provided in the application form.	Yes	Bernoth Holdings is planning to undertake a reconfiguration of a lot - Lot 7 on RP806355 (See Attachment 1) - the development involves reconfiguring one lot into 5; works on Lot 16 on SP179666 (See Attachment 2) relates to proposed sewer line works only (Brisbane City Council DA Approval - A004856724)
3.	Flora survey requirements				
	3.1 Flora survey trigger map	Flora survey trigger map has been checked	The applicant has submitted a copy of the flora survey trigger map to demonstrate the date the map was checked.	Yes	Copy of the Flora Survey Trigger map is part of the application documentation.
4.	Clearing within a high risk area				
	4.1 Flora survey requirements	Flora survey has been undertaken of the clearing	The applicant has undertaken a flora survey for the clearing impact area in accordance with the flora survey guidelines.	Yes	Flora survey report is attached to the application. Methodology used during the survey is consistent with approved asurvey methodology under the department

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		impact area	<p>Note: If the applicant has undertaken a flora survey using an alternative survey method, the chief executive has agreed to the alternative methodology in accordance with section 257 of the Nature Conservation (Wildlife Management) Regulation 2006.</p> <p>Note: If the applicant has undertaken a flora survey with a reduced buffer zone, the chief executive has agreed to the reduced buffer zone in accordance with section 249 of the Nature Conservation (Wildlife Management) Regulation 2006.</p> <p>If the applicant has undertaken a flora survey subject to the transitional provision listed in section 4.5 of the flora survey guidelines, the flora survey report must provide evidence that the survey was undertaken during the period 31 March 2013 - 31 March 2014.</p>		guideline and includes a reduction of the buffer as per the guideline and available under s249 (2) of the Wildlife Management Regulations - Refer Attachment 3
		Survey conducted by suitably qualified person	<p>The flora survey was undertaken by a person with professional qualifications or formal training in plant identification and the taxonomy of Australian flora, and was undertaken by a person with a minimum of five years' experience in undertaking surveys for EVNT species, particularly in the climatic region being surveyed.</p> <p>Note: If the person conducting the flora survey does not meet the specified criteria for a suitably qualified person, the person has provided a justification of how they believe they are otherwise suitably qualified to conduct the flora survey.</p>	Yes	<p>The flora survey was undertaken by p4(6) Personal inform JFP Urban Consultants.</p> <p>4(6) Personal inform was approved by DES (formerly EHP) as a suitably qualified person on 30/03/2017</p> <p>Copy of the letter signed by Director Michael Joyce approving 4(6) Personal inform as a suitably qualified person is attached to the Flora Survey Report - Refer Appendix E</p>

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		Timing of survey	The flora survey was undertaken at an appropriate time where there was the highest possible chance of detecting EVNT species or if this has not been possible, the flora survey report provides a justification of timing of the survey and how EVNT plants were detected.	Yes	The survey was undertaken on 24/09/2018. One survey was carried out traversing the entire length of the CIA. 4(6) Personal information states - "The survey effort is considered adequate as only the southern portion of development lot, the steepest section in the SW corner has a stand of dry vine forest vegetation not dominated by weed species in all vegetation layers (apart from <i>Ochna serrulata</i> in the understorey), evidence of extensive past clearing, and, alteration of natural surface levels from earthworks, resulting from decades of residential use".
		Presence and absence of EVNT species identified	Presence and absence of EVNT species have been identified. Where there is a record for a species in WildNet, if this species was not identified in the flora survey, the applicant has provided evidence to justify the absence of this species, through for example, appropriate timing of surveys and evidence of absence of appropriate habitat for the species in the survey area.	Yes	<p>The EVNT species <i>Gossia gonoclada</i>, <i>Eucalyptus curtisii</i>, <i>Macadamia integrifolia</i>. and <i>Symplocos harroldii</i> were targeted during the survey as they have been recorded in the local area and associated with the small patches of existing habitat.</p> <p>No targeted EVNT species were recorded at the site.</p> <p>However the EVNT species <i>Gossia inophloia</i> was recorded in the CIA a patch of this species was located in the buffer - Refer Attachment 4</p> <p>Advice has been provided to the client that a clearing permit is required in relation to this Near Threatened species - information relating to this aspect of the application is detailed in Attachment 5a&b.</p>
		Timed meander	The flora survey has provided identification of the	Yes	The suitable qualified person that conducted the flora

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		survey	<p>different habitat types in the area.</p> <p>The flora survey has identified the appropriate number of timed meander surveys to be conducted within each of the different habitat types or vegetation communities identified.</p> <p>Multiple timed meander surveys per habitat type have been undertaken where certain habitat types may be extensively represented within a site. Where an EVNT population was found to be too dense for this to be practical, the density of the overall population has been estimated by a quadrat survey.</p>		<p>survey maintain that the Regional Ecosystem listed for this area are incorrect and provided the option of</p> <p>Habitat 1 – dominated by <i>Lophostemon confertus</i>, <i>Corymbia citriodora</i> and <i>Corymbia intermedia</i>. Where there is a mid-storey, it is dominated by <i>Jagera pseudorhus</i>, <i>Alphitonia excels</i>, <i>Alectryon tomentosus</i>. The understory is dominated by weed species shrubs including <i>Ochna serrulata</i>, Brazilian Cherry, and vines Cats Claw and Climbing Asparagus sp., reaching into the canopy in places.</p> <p>Habitat 2 – ‘This second area is not a mapped remnant vegetation’ and is dominated by Camphor Laurels and Chinses Elms and largely clear of native mid-storey and understory layers. Native species observed in this area include scattered occurrences of <i>Aphananthe philoppinensis</i>, <i>Mallotus discolor</i>, <i>Streblus brunonianus</i> and <i>Cryptocarya triplinervis</i>. This area is being actively rehabilitated by a local community bushcare group.</p> <p>The timed meander survey method followed was as per the process outlined in the Flora Survey Guidelines (EHP 2016) within the clearing impact area for the site.</p>
		EVNT population survey	Where EVNT species were recorded from a meander search, the flora survey included an EVNT population survey to determine the extent and density of the	Yes	A group of 10 individuals of <i>Gossia inophloia</i> were located within an area 5mx5m; 4 individuals fo this species were trees with trunks of between 80-100 mm

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
			population, and the total number of individuals comprising the EVNT population was recorded.		and approx. 5m high. The remaining 6 specimens were less than 2m tall and were either whipstick saplings or suckers of the larger specimens. –Refer Attachment 4
		Quadrat survey	The preferred standard quadrat size (measuring 50m by 10m) for determining vegetation structure and plant community composition was used. If an alternative quadrat size was used, the report provides justification that it was appropriate for a particular species or habitat, in accordance with the flora survey guidelines.	No	N/A
		Other methods	In circumstances where a method has been modified or adapted from methods listed in the flora survey guidelines for a particular target species and habitat, a statement has been included to justify that the methodology undertaken was appropriate for the species and habitat.	No	N/A
	4.2 Flora survey report	Flora survey report requirements	<p>The applicant submitted a flora survey report including all items listed under the reporting requirements of the flora survey guidelines. This includes:</p> <p>a) A list of all EVNT species identified within the clearing impact area.</p> <p>b) A statement to justify the suitability and qualifications of the person undertaking the flora survey.</p> <p>c) Curricula vitae for the survey team undertaking the</p>	Yes	<p>a) Gossia inophloia was the only EVNT species recorded in the clearing impact area;</p> <p>b) sh4p4(6) Personal information conducted the flora survey and has been approved by EHP as a 'suitably qualified person' under Section 3.2.2 of the Flora Survey Guidelines (Protected Plants);</p> <p>d) Survey was conducted over one day on 24 September 2018 with additional survey effort to locate all Gossia inophloia;</p> <p>e) Map provided in the flora survey report showing area</p>

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
			<p>flora survey.</p> <p>d) A justification of the timing of the flora survey and detail of any limitations and assumptions associated with the timing of the survey.</p> <p>e) A GIS shapefile of the area to be cleared.</p> <p>f) A map or plan of the clearing impact area.</p> <p>g) A map or plan of the proposed land use requiring the area to be cleared. (e.g. development plans).</p> <p>h) A description of the location.</p> <p>i) The date or dates the clearing is expected to occur.</p>		<p>to be cleared, and location of EVNT plant;</p> <p>f) Flora Survey Report includes a map showing the clearing impact area; confirmed that the size of the clearing impact area = 1.46ha;</p> <p>g) Flora Survey Report includes a map showing existing land use and infrastructure and location of proposed clearing relevant to permit application;</p> <p>h) Application documentation includes adequate description of the location on freehold and council reserve;</p> <p>i) Request start date ASAP</p>
4b.	Clearing within an area other than high risk				
	4.1 EVNT species presence	Presence of EVNT plants identified	<p>The applicant has provided a report or list of all EVNT plants known to exist within the area to be cleared.</p> <p>Note: In accordance with section 259 of the Nature Conservation (Wildlife Management) Regulation 2006, a clearing permit is only required for EVNT plants known to exist within the area to be cleared.</p>	N/A	
5.	Impact management plan				
	5.1 Plan	Impact management plan has been submitted	The applicant has submitted an impact management plan with the permit application that includes the following required sections:	Yes	There are no EVNT protected plant species that are subject to clearing as part of this project.

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
			a) avoid and minimise clearing b) the nature of the impact c) the proposed management of impacts d) the justification for proposed management of impacts e) evidence of the plant's survival in the wild.		<p>A group of 10 individuals of <i>Gossia inophloia</i> were located within an area 5mx5m; 4 individuals of this species were trees with trunks of between 80-100 mm and approx. 5m high. The remaining 6 specimens were less than 2m tall and were either whipstick saplings or suckers of the larger specimens. –Refer Attachment 4</p> <p>Impact Management Plan summary:</p> <p>A discrete group of <i>Gossia inophloia</i> was located in the extreme SW corner of 229 Jesmond Road and Brisbane City Council Reserve/Open Space. No clearing of these plants is proposed. The group of NT plants are located within the future Environmental Protection Zone, associated with the development, which is proposed to be protected and rehabilitated. The proposed development Vegetation Management Plan, Erosion and Sediment Control Plan and Rehabilitation Plan form part of the supporting documentation for this application. The actions outlined in these plans form the basis for the actions to avoid and manage and potential threats to the group of EVNT plants.</p>
	5.2 Impact management strategies	Avoid and minimise clearing	The applicant has provided evidence that alternative options were thoroughly considered.	Yes	No alternative options to the planned reconfiguration of the freehold property - 229 Jesmond Road
		Nature of the impact	a) The applicant has identified the amount of clearing (in area), number of particular species to be taken, and the conservation status of the species.	Yes	There are unlikely to be any significant impacts on the specimen of <i>Gossia inophloia</i> as there are no trees requiring trimming or removal within its immediate

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			<p>b) Information has been provided on the population dynamics of the species.</p> <p>c) Information has been provided about the ecology of the species.</p> <p>d) The importance of the cleared plants and the habitat they provide has been evaluated, including an assessment of the impact the activity will have on the populations of threatened species.</p> <p>e) The applicant has accounted for all impacts on EVNT plants, where the EVNT plant is cleared, or where there is clearing within 100m of the plant.</p>		vicinity and it is protected to some degree by the steep slope.

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
		Management of impact	<p>a) The applicant has listed appropriate impact management solutions to account for all EVNT species identified in a flora survey report (for clearing within a high risk area) or all EVNT species known to be present (for clearing within an area other than high risk).</p> <p>b) The applicant has provided a list of all plants to be used in impact management.</p> <p>c) The proposed impact management plan is consistent with section 284 of the Nature Conservation (Wildlife Management) Regulation 2006.</p> <p>d) If an applicant has demonstrated that clearing can occur within 100m of an EVNT plant without causing an impact - sufficient evidence is to be provided to demonstrate that no impact to the EVNT plant will occur by clearing its supporting habitat.</p>	Yes	<p>a) Applicant has listed potential impacts and provided management measures to ensure minimal impact on the EVNT species in question</p> <p>b) Yes - EVNT species - Gossia inophloia;</p> <p>c) Yes - The clearing will not adversely affect the viability of this plant species to survive in the wild. The impact management plan and other information provided in the application documentation adequately address requirements of Section 284 of the regulations;</p> <p>d) It is suggested that the species response to habitat disturbance will be minimal as advice from the Qld Herbarium maintain that it is not a locally occurring species</p> <p>Proposed clearing during these works is not expected to affect the viability of Gossia inophloia to survive in the wild.</p> <p>Indirect impact on the individual/s from clearing any supporting habitat should not affect the survival or viability of the plant as this habitat is understood not to be the species preferred habitat</p>
		Justification	<p>a) Advice was obtained from a suitably qualified person on the species for any impact management strategy.</p> <p>b) The applicant has listed the expected success rate of the proposed impact management and identified any serious limitations or potential threats associated with</p>	Yes	<p>a) supplied and sufficient.</p> <p>b) Proposed impact management is expected to ensure no take or loss of EVNT species.</p> <p>c) Given no individuals of Gossia inophloia are to be</p>

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
			<p>the impact management.</p> <p>c) The applicant has identified how limitations or threats to the success of impact management will be overcome.</p>		<p>directly impacted, and that indirect impacts have been identified and managed, it is considered that the impact management measures described are sufficient in preventing any significant impacts on the identified protected plants.</p>
		Survival of plant in the wild	<p>The applicant has demonstrated how the proposed impact management will ensure the plant's survival in the wild.</p> <p>Note: A proposal must not be accepted if the taking will adversely affect the survival of a protected plant species in the wild. In particular, a clearing permit for the taking of endangered and vulnerable plants may be granted only if the taking will not reduce the ability of populations of the plant to expand.</p> <p>Clients should make all efforts to investigate the impacts of the proposed clearing on a local level and also the impact of the taking at a landscape level. The decision regarding the impact to plant species in the wild must be made without consideration of any proposed mitigation including revegetation and translocation.</p>	Yes	<p>Avoidance of direct impacts on <i>Gossia inophloia</i> and implementation of measures proposes for managing potential indirect impacts are expected to ensure there will be no net loss of protected plants from the clearing impact area as a consequence of project activities.</p>

PART B

Factors considered when determining residual impact and delivery of offset

Summary of offset details (Complete if offset is required)

Clearing impact area	Species	Total significant residual impact area	Local government area	Lot on plan
1.46 ha	Gossia inophloia	Application supporting documentation confirms plants only located in the buffer zone of the clearing impact area	Bernoth Holdings	Lot 7 on RP806355 and Lot 16 on SP179666 (Freehold)

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
1.	Impact management plan or offset management plan NOTE: Impact management refers to the range of actions that reduce the level of impacts of clearing on the natural environment				
1.1	Plan	A report that identifies that the clearing impact will have an unavoidable impact on EVNT plants.	<p>The applicant has submitted an impact management plan or an offset management plan that identifies that the clearing activity has an unavoidable impact on EVNT plants.</p> <p>a) The applicant has listed all EVNT species identified in a flora survey report (for clearing within a high risk area) or all EVNT species known to be present (for clearing within an area other than high risk).</p> <p>b) Advice was obtained from a suitably qualified person on the species for any impact management strategy and/or offset management plan.</p> <p>c) The applicant has listed the expected success rate of the proposed impact management and identified any serious</p>		EVNT in the buffer zone of the clearing impact area - no offset considered.

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
			<p>limitations or potential threats associated with the impact management.</p> <p>d) The applicant has identified how limitations or threats to the success of impact management will be overcome.</p>		
1.2	Chances of survival in the wild	<p>A proposal must not be accepted if the taking will adversely affect the survival of a protected plant species in the wild. In particular, a clearing permit for the taking of endangered and vulnerable plants may be granted only if the taking will not reduce the ability of populations of the plant to expand.</p>	<p>a) The applicant has indicated that there is a high chance of success for the particular species for the survival of EVNT plants in the wild using such techniques as translocation, propagation and rehabilitation of habitat.</p> <p>Note: The assessment officer should consider the chances of success of impact management strategies and if appropriate condition to regularly monitor the translocated plants. If the translocation fails, an offset may be required.</p> <p>b) Officers should make all efforts to investigate the impacts of the proposed clearing at a local and landscape level. The decision regarding the impact to plant species in the wild must be made without consideration of any proposed mitigations including revegetation and translocation.</p>		
2.	<p>Impact management plan or offset management plan</p> <p>NOTE: An offset compensates for the residual impacts, after the impact management requirements of the protected plants assessment guidelines have been met.</p>				

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
2.1	Rehabilitation that mitigates an impact instead of an offset	The assessment officer can determine that the rehabilitation works can mitigate an impact to the extent that the impact upon the protected plant species would not be considered significant. (<i>Significant residual impact guideline</i>)	<p>Can the applicant demonstrate that rehabilitation works (and/or translocation) proposed in a plan is a well-structured document committing to the identified actions that can ensure minimal disruption to the healthy functioning of the protected plant.</p> <p>Considering factors include:</p> <ul style="list-style-type: none"> a) extent and duration of the impact and its sensitivity to disturbance b) timeframe for rehabilitation relative to the impact occurring and the ability of the protected plant to maintain its viability during this timeframe c) likely success of rehabilitation works to return the impacted protected plants to their original condition d) time-lag effect – between the impact and rehabilitation successfully delivering the original condition for the protected plants – on the protected plants viability. <p>Note: The applicant must provide sufficient documentation to demonstrate this in accordance with the <i>Significant residual impact guideline</i> Section 1.2</p>		

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
2.2	Determining residual impact	The assessing officer may decide an offset is necessary or desirable for ensuring the viability of one or more species of protected plant	<p>Note: Section 288 <i>Nature Conservation Act (Wildlife Management) Regulation 2006</i> may consider a clearing activity will have significant residual impact on plants that are endangered or vulnerable wildlife, and may impose a condition to provide an environmental offset for the clearing activity.</p> <p>As per Section 8 of the <i>Environmental Offsets Act 2014</i>, a significant residual impact is an adverse impact, whether direct or indirect, on all or part of the clearing activity:</p> <p>a) a prescribed environmental matter* that remains, or will or is likely to remain, (whether temporarily or permanently) despite on-site mitigation measures for the prescribed activity; and</p> <p>b) a prescribed environmental matter* that is, or will, or is likely, to be significant.</p> <p>*Note: Endangered, or Vulnerable protected plants, identified either within or outside high risk area on the flora survey trigger map, is EHP's prescribed environmental matter under the Nature Conservation Act and Environmental Offsets Act.</p> <p>Note: Guiding offset obligations: Under Offsets legislation, assessment should adhere to the principles to avoid, mitigate, and then offset. This means in the first instance, avoiding impacts on the prescribed matter, and if avoidance cannot be achieved, demonstrating that impacts have been carefully managed and minimised (mitigated). If, after avoidance and mitigation, there is still an impact on the prescribed matter, an offset may be required where the impact is, or likely, to be significant.</p>		

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
2.3	Determining if Residual impact is significant	Residual impact criteria (<i>Significant Residual Impact Guideline</i>)	<p>Has the applicant submitted documentation that indicates the impact upon protected plants is significant?</p> <p>The clearing activity is likely to have a significant impact if the impact:</p> <p>a) leads to a longer-term decrease in the size of the local population (for example when population size is reduced, genetic integrity and population viability may be compromised)</p> <p>b) reduces the extent of occurrence of the species</p> <p>c) fragments an existing population (for example fragmentation and isolation of vegetation communities make it increasingly difficult to maintain ecological processes and diversity)</p> <p>d) results in genetically distinct population form as a result of habitat isolation (for example, continued fragmentation and isolation of vegetation communities makes it increasingly difficult to maintain ecological processes and diversity in areas that remain. Isolated populations may have lower reproductive potential)</p> <p>e) results in invasive species that are harmful to an endangered or vulnerable species becoming established in the habitat (for example, habitat modification by weeds, as weeds can cause changes in ecosystem function and the way species interact, influencing patterns of pollination, competition and the dispersal of seeds)</p>		

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
			<p>f) introduces disease that may cause the population to decline (Not as relevant to protected plants)</p> <p>g) interferes with the recovery of the species</p> <p>h) causes disruption to ecologically significant locations (breeding, feeding, nesting, migration or resting sites) of a species (generally not applicable to protected plants).</p> <p>Note: The applicant must provide sufficient documentation to demonstrate this in accordance with the <i>Significant residual impact guideline</i> Section 1.3 and Section 5</p>		
2.4	Offset Delivery Plan	The offsets must be delivered in accordance with the Environmental Offsets Act 2014.	<p>Has the applicant submitted documentation that meets the requirements of an Offsets Delivery Plan?</p> <p>Note: The applicant may submit the offset delivery plan during the clearing permit assessment phase or after the clearing permit has been issued.</p> <p>(Refer to Options to agree on an offset (in accordance with the Environmental Offsets legislation –page 10 of the Environmental Offsets Policy, General Guide)</p>		

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
2.5	Offset obligation to achieve a no net loss in conservation outcome	<p>Upon determination that an offset is required, a condition is required to be placed on the clearing permit referencing the clearing impact area and a reference to the Environmental Offsets Act 2014 and notification to the department at the commencement of clearing.</p> <p>The permit condition must state that the activity, to which the offset condition relates, cannot commence until the applicant and DES have entered into an agreed delivery arrangement.</p>	<p>Has the applicant clearly identified the clearing impact area (see Note)?</p> <p>a) The assessment officer needs to identify the residual impact area (ha).</p> <p>b) The area of significant residual impact may be the clearing activity, or may include (based on the details of the impact upon the protected plants) the clearing impact area.</p> <p>Note: The clearing permit is an authority to clear EVNT and its supporting habitat.</p> <p>Note: The clearing impact area is the area to be cleared and for high risk areas, include the buffer zone of an additional 100 metre (or approved reduced buffer area) around the development area. Outside a high risk area, the clearing impact area is the area to be cleared. (Refer to s249 NC (Wildlife Management) Regulation).</p> <p>Note: The clearing activity is the total area (footprint) to be cleared and or developed. The clearing impact and significant residual impact may be two different areas.</p>		

Item no.	Item	Requirement	Assessment consideration	Yes/No	Comments
2.6	Has the activity being previously offset under another Act?	Issues to be considered to condition an environmental offset. Section 16 Environmental Offsets Act 2014	Has the applicant provided details regarding an authority and environmental offset under another Act? The delegate must be satisfied that the clearing permit and the activity is likely to have a significant residual impact upon protected plants and must be satisfied that: a) the impact has not been assessed under a relevant Commonwealth Act b) the prescribed environmental matter has not been assessed under a relevant Commonwealth Act c) an offset condition has been imposed under another Act for the same prescribed activity on a prescribed environmental matter. The said condition is considered a deemed condition and must be referenced in the condition.		
Other considerations					

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to other legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions of actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisers before embarking on any proposed course of action.

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: Bernoth Holdings Pty. Ltd.
PO BOX 1697
TOOWOOMBA CITY
QLD 4350

Our reference: APP0028483

Dear Sir/Madam

Re: Decision made in relation to your application

Your application received on 10 December 2018 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	WA0012973	GRANTED

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

Your permit reference is WA0012973.

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.

Frank Mills
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: 15 January 2019

Attachments:

Permit:

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



Legislative Requirements and Conditions of Wildlife Authority

Nature Conservation

- 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.
- PPCP003 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.

Condition

Nature Conservation

- PPCP001 This permit approves the clearing within an area of 1.46 ha of the Schedule 5 (Near threatened) protected plant habitat with zero (0) individuals of *Gossia inophloia* to be directly impacted for the purpose of reconfiguration of a lot at 229 Jesmond Rd FIG TREE POCKET QLD 4069.
- PPCM02 The permit holder is to notify Department of Environment and Science in writing at least 48 hours in advance of clearing commencing, for example, via an email to wildlife@des.qld.gov.au.
- PPCP002 This permit holder is to mitigate and minimise any indirect or cumulative impacts, to the habitat and/or local populations of *Gossia inophloia*, associated with the proposed reconfiguration of the lot at 229 Jesmond Rd FIG TREE POCKET QLD 4069. This is to be achieved by the implementation of the proposed management impacts set out and detailed in the "JFP Urban Consultants; B3470L Protected Flora Report; Proposed Clearing At 229 Jesmond Rd, Fig Tree Pocket" contained in and attached to the Application for a Protected Plant Clearing Permit APP0028483 lodged electronically on 10 December 2018.

This permit approves the clearing within an area of 1.46 ha of the Schedule 5 (Near threatened) protected plant habitat with zero (0) individuals of *Gossia inophloia* to be directly impacted from land which the landholder has agreed to allow the permit holder to utilise for the purpose of reconfiguration of a lot at 229 Jesmond Rd FIG TREE POCKET QLD 4069.

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RTI Act 2009

This permit holder is to mitigate and minimise any indirect or cumulative impacts, to the habitat and/or local populations of *Gossia inophloia*, associated with the proposed reconfiguration of the lot at 229 Jesmond Rd FIG TREE POCKET QLD 4069. This is to be achieved by the implementation of the proposed management impacts set out and detailed in the "JFP Urban Consultants; B3470L Protected Flora Report; Proposed Clearing At 229 Jesmond Rd, Fig Tree Pocket" contained in and attached to the Application for a Protected Plant Clearing Permit APP0028483 lodged electronically on 10 December 2018.

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RTI Act 2009

Subject Updated dot points concerning Jesmond Road, Fig Tree Pocket, Brisbane

Points of relevance

- The land described as 229-233 Jesmond Road, Fig tree Pocket in Brisbane was zoned by Brisbane City Council (BCC) as an emerging community area in City Plan 2014, signalling the intent to intensify the use of the land for urban purposes.
- On 26 November 2018, BCC issued development approval A004078868 to Bernoth Holdings Pty Ltd (the developer) to allow five dwellings to be developed, subject to a number of conditions.
- Any vegetation clearing must be in accordance with the conditions of the BCC approval.
- In addition to the planning approvals, the development requires separate approvals under the *Nature Conservation Act 1992* (the NCA) related to any proposed take or management of protected plants or wildlife that may arise in conjunction with the approved development.
- There has been considerable community opposition to this development due to its potential impact on bushland and its wildlife.
- In the last quarter of 2018, Department of Environment and Science (the department) officers were liaising with the developer in relation to its obligations under the NCA with respect to any potential impacts on protected plants and native animal breeding places.
- In October 2018, the fauna spotter engaged by the developer informed the department that fauna breeding places may be present on site.
- The department subsequently advised the developer that it may need to apply for an appropriate authority to tamper with a breeding place.
- Animal breeding places include obvious structures such as bird nests and tree hollows, as well as more obscure places such as amphibian or frog habitat where breeding takes place. This can be managed in two ways, either through a Species Management Program (SMP) or the use of an authorised Damage Mitigation Permit (DMP) holder, when a separate authority allows for the destruction of the breeding place.
- On 15 January 2019, the department approved the developer's application for a protected plant clearing permit.
- Wildlife Officers inspected the site on 18 January 2019, and were informed that the developer was using an authorised DMP holder to undertake pre-clearance and to deal with breeding places in accordance with conditions included under the protected plant clearing permit.
- On 15 January 2019, Mr Michael Berkman MP, Member for Maiwar, wrote to the department stating that 'a number of distressed nearby residents [have stated] that several large old-growth trees were removed from the site' and that 'retaining work commenced on Monday 7 January 2019'.
- The clearing is alleged to have occurred prior to the clearing permit being approved on 15 January 2019.
- The developer had applied for and had received an exemption from high risk area of the protected plant framework, for part of the site in December 2018. This allowed some clearing to occur legally before the clearing permit was issued.
- The department is satisfied that there have been no breaches of the NCA and that all authority applications were assessed in line with the provisions of the Act.
- The department has visited the site and is satisfied that a relevant suitably qualified person was present prior to and during the works to monitor animal breeding places and associated fauna.
- For privacy reasons, it is not departmental practice to release copies of permits to other parties.
- The department will investigate all new alleged breaches of the Act and any further evidence that is submitted.