

Notice of Decision

Section 11(c) of Nature Conservation (Administration) Regulation 2017

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

To: Cedar Creek Management Pty. Ltd.
Lot 1 Cedar Creek Falls Rd
TAMBORINE MOUNTAIN
QLD 4272
Australia

Our reference: APP0032404

Dear Sir/Madam

Re: Decision made in relation to your application

Your application received on 14 February 2019 has been assessed and the decision in regards to your application is specified below:

| Permit applied for | Permit number | Decision |
|--|---------------|----------|
| Commercial Wildlife Licence (Wildlife Interaction), Interact with protected animal/s in the wild | WA0014505 | GRANTED |

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

Your permit reference is WA0014505.

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.

Jenny Keys
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: 18 March 2019

Attachments:

Permit:

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

Permit

Section 11(c) of Nature Conservation (Administration) Regulation 2017

Commercial Wildlife Licence (Wildlife Interaction)

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

Permit number: WA0014505

Valid from: 18 March 2019 to 17 March 2020

Activity: Interact with protected animal/s in the wild

| Role | Name | Registered address | |
|--|--|---|-----------|
| Principal Holder: | Cedar Creek Management Pty. Ltd. | Lot 1 Cedar Creek Falls Rd TAMBORINE MOUNTAIN QLD 4272 Australia | |
| Person In Charge: | Cassandra Spellacy | | |
| Business name: | | ABN/ACN | 011001513 |
| Activity location/licensed premises | Lot 1 Cedar Creek Falls Rd TAMBORINE MOUNTAIN QLD 4272 | | |

Schedule

| Family or Species or Schedule | Details | Category | Quantity | Unit |
|-------------------------------|---|----------|----------|--------------------------|
| Species | rainbow lorikeet, Trichoglossus haematodus moluccanus | Live | 150 | animals/ parts/ products |

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

Date issued: 18 March 2019

Legislative Requirements and Conditions

Condition

CWM01

All activities are to be carried out in accordance with the approved Wildlife Interaction Plan Thunderbird Park submitted to the Department of Environment and Heritage Protection on 14/2/19.

CWM02

Accurate records of wildlife encountered during licensed activities must be kept as outlined in section 8 of the approved Wildlife Interaction Plan. These must be made at the end of each day/night. These records must be made available for inspection by either a Department of Environment and Heritage Protection Officer or Conservation Officer on request.

CWM03

The permit holder must deliver any animal suffering from an injury or illness to a veterinarian or licenced wildlife carer within 72 hours for assessment and rehabilitation.

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 2017¹

- 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 2017¹

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 2017¹

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.

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.