



Your reference :
Our reference : DOC17/24906
Contact : Liz Mazzer, [REDACTED]

Jacques Le Roux
Mine Manager
Clarence Colliery
PO Box 92
Lithgow, NSW 2790
Australia

Dear Mr Le Roux

**APPLICATION FOR LICENCE TO HARM THREATENED SPECIES, POPULATIONS,
ECOLOGICAL COMMUNITIES OR TO DAMAGE THEIR HABITATS**

I refer to your application for a licence to harm threatened species, populations or ecological communities, and/or damage their habitats under section 91 of the *Threatened Species Conservation Act 1995* (TSC Act) by installation of a total of two shallow piezometers in the Newnes Plateau Shrub Swamp Paddy's Swamp East, received by the Office of Environment and Heritage (OEH) on 16 December 2016.

I have considered the application and supporting information provided and I have determined that the proposed action is not likely to significantly affect threatened species, populations or ecological communities, or their habitats. Therefore, a licence is not required under the TSC Act for the proposed action.

A certificate to this effect has been issued (enclosed) under section 95 of the TSC Act subject to the conditions prescribed in the certificate.

You should note that it is an offence under section 133(4) of the National Parks and Wildlife Act 1974 to contravene or fail to comply with any condition or restriction attached to the certificate.

If you have any further questions in relation to this matter, please contact Liz Mazzer, Conservation Planning Officer on [REDACTED] or email [REDACTED].

Yours sincerely

STEVEN COX
Senior Team Leader, Planning
North West Branch

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

Issued To:

Mr Jacques Le Roux
Mine Manager
Clarence Colliery
PO Box 92
Lithgow, NSW 2790
Australia

Certificate no. : C0002449
Issue Date: 2 February 2017
Expiry date: 2 February 2022

I certify that the Proposed Action as described below is not likely to significantly affect threatened species, populations, ecological communities or their habitats and consequently the Proposed Action does not require a licence under the Threatened Species Conservation Act 1995.

An act that is the subject of this certificate is a defence against prosecution under sections 118A-118D of the National Parks and Wildlife Act 1974.

DESCRIPTION OF PROPOSED ACTION

The proposed action:

- A. The installation and operation of a total of two hand augered shallow piezometers within Newnes Plateau Shrub Swamp in the Sydney Basin Bioregion Endangered Ecological Community (NPSS EEC) for monitoring of groundwater. The piezometers will be installed in Paddy's Swamp East at the following locations:

Site	Zone	Easting	Northing
PSE1	56	241840	6299288
PSE2	56	241379	6298614

Section 95(2) Certificate

Threatened Species Conservation Act 1995



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RELEVANT CONDITIONS

The holder of the certificate must ensure that:

1. All raw data from the piezometers will be emailed to OEH's North West Planning Senior Team Leader on a quarterly basis (three-monthly) in Excel spreadsheet format.
2. Access to the piezometers during installation and ongoing monitoring should be restricted to established tracks wherever possible. Access must avoid impacts on identified sensitive ecological and cultural features.
3. Piezometers are to be placed away from permanently pooled, flowing, and or open water within the NPSS EEC to avoid direct impacts on the habitat of the Blue Mountains Water Skink.
4. If vegetation is required to be removed to establish a piezometer site, only the absolute minimum should be removed using hand tools, and plants should be trimmed only (not entire plants removed). If removal of entire plants is required, consideration should be given to moving the site. Even if individual plants are not listed as threatened, they still form part of the listed EEC.
5. Piezometers sites are to be inspected by a botanist prior to installation. No threatened flora species are to be removed and if any new individuals are detected they should be clearly flagged and avoided. Piezometers are to be placed greater than three meters from threatened plant species, within the Newnes Plateau Shrub Swamp Endangered Ecological Community to avoid direct impacts on these species.
6. Disturbance to potential fauna habitat should be avoided, and removal of ground and shrub species minimised. Fallen timber is not to be removed from the sites. Piezometers must be located to avoid disturbance of such habitat.
7. Do not remove fallen timber from the Endangered Ecological Community to make access to the site easier, or assist establishment of access tracks. In order to prevent trails from forming and damage occurring to the Endangered Ecological Community, no more than two persons are to walk into the Endangered Ecological Community to collect data from the monitoring piezometers.
8. All workers are to avoid excessive trampling of the Endangered Ecological Community by traversing around this community where possible and by laying-down equipment outside the swamp margins where possible.
9. Implement appropriate environmental hygiene protocols to avoid exotic seed, and or pathogens from contaminating the Endangered Ecological Community. For example, clean footwear with tough bristled brush to remove foreign seeds; spray footwear with water/metho mix to kill pathogens (e.g. *Phytophthora cinnamomi*); ensure clothing is free of burrs and other seed before approaching the Endangered Ecological Community.

A handwritten signature in black ink, appearing to read 'S. Cox'.

STEVEN COX
Senior Team Leader, Planning
North West Branch

Certificate No.: C0002449

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Section 95(2) Certificate

Threatened Species Conservation Act 1995



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INFORMATION AND WARNINGS

- This certificate is issued under section 95(2) of the Threatened Species Conservation Act 1995.
- It is an offence against section 133(4) of the National Parks and Wildlife Act 1974, for the holder of this certificate to contravene or fail to comply with any condition or restriction of this certificate.
- The maximum penalty for a corporation is 200 penalty units and, in the case of a continuing offence, a further penalty of 20 penalty units for each day that the offence continues.
- The maximum penalty for an individual is 100 penalty units and, in the case of a continuing offence, a further penalty of 10 penalty units for each day that the offence continues.