



Our reference : DOC14/29843-01 (EF14/2292)
Contact : Steve Lewer: (02) 4908 6814

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2421

Attention: Ms Michelle Viola

RE: APPLICATION FOR LICENCE TO HARM THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR TO DAMAGE THEIR HABITATS – DRAIN MAINTENANCE OF CAMPVALE DRAIN, KIRRANG DRIVE, MEDOWIE - REMOVAL OF MAUNDIA TRIGLOCHINOIDES

I refer to your application for a licence to harm the threatened forb *Maundia triglochinoides* (Small Water Ribbons) under section 91 of the *Threatened Species Conservation Act 1995* (TSC Act) via desilting and removal of vegetation along Campvale Drain located at Kirrang Drive at Medowie; received by the Office of Environment and Heritage (OEH) on 10 March 2014.

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 Steve Lewer, Regional Biodiversity Conservation Officer, on 4908 6814.

Yours sincerely

.....
RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

Issued To:

Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2421

Attention: Michelle Viola

Certificate no. : C0000383

Issue Date: 21 May 2014

Expiry date: 21 May 2015

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.** To reduce the adverse flooding impacts it is proposed to remove the vegetation and silt. The works will remove silt and associated plants to improve water flow along the drain and remove impediments which are causing water to back up and flood adjoining properties. It is estimated that up to 10% (48 square metres) of the total local population of *Maundia triglochinos* within the Campvale Drain / Medowie area will be impacted upon.

B. RELEVANT CONDITIONS

The holder of the certificate must ensure that:

1. The works must be carried out in accordance with the information provided in the application (including the report titled 'Seven Part Test covering the impact of Drain Maintenance on *Maundia triglochinos* at Campvale' prepared by Gary Worth, Wildthing Enterprises Pty Ltd and dated March 2014) provided to Office of Environment and Heritage, unless otherwise stated in the following conditions.
2. All works are restricted to the locality shown on the map provided in the Section 91 application's 'Seven Part Test' report (prepared by Gary Worth and dated March 2014), titled 'Figure 1 – Locality map of the Medowie Site Positions of *Maundia triglochinos* in Campvale Drain'. The works are restricted to an area of up to 300 metres x 3 metres of

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

stormwater drain, which contains approximately 48 square metres of *Maundia triglochinos*, as specified in your section 91 application.

3. All proposed works that directly impact on *Maundia triglochinos* (e.g. removal and translocation of this species) must be supervised by an appropriately qualified and experienced ecologist (an 'ecologist'), in accordance with DEC (2004) guidelines (Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities, available at: www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf).
4. The excavation of silt must be undertaken with a 'reed bucket' which removes in-drain vegetation and sediment while permitting the escape of aquatic fauna, such as frogs. Removed spoil must be placed on the slope of the bank above the drain to facilitate the escape of frogs and other aquatic fauna.
5. Access to the drain is restricted to the existing track(s) / egress that runs along the edge of the drain. No additional disturbance to adjoining land, including vegetation and/or habitat is to occur.
6. Salvaged *Maundia triglochinos* is to be translocated to the previously constructed billabong which was subject to the section 91 Licence No. A17358-2013. This located along the southern part of Campvale Drain, south of Ferodale Road.
7. Prior to any activity that may adversely affect the local population of *Maundia triglochinos* rootstock shall be excavated and placed in the diversion drain.
8. No removal of sediment will be undertaken that will remove more than 50% of the local in situ extent of the *Maundia* in any one drainage system (i.e. drain).
9. The ecologist must submit to the Senior Team Leader Planning, by the 31 December 2015 a report detailing and assessing the performance of the works. This report is to include any breaches of the above conditions. Following the initial report, subsequent monitoring reports are to be submitted to OEH every six months for two years following the initial report, in other words: 30 June 2016, 31 December 2016, 30 June 2017 and 31 December 2017. These reports are to be submitted to:

Senior Team Leader Planning
Hunter Central Coast Region
Office of Environment and Heritage
PO Box 488G
NEWCASTLE NSW 2300

.....
RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

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.