



Your reference : DC-02-2015
Our reference : A08510-2015
Contact : Krister Waern 6640 2503

David Charley
Wildsearch Environmental Services
421 Coolgardie Road
via Ballina NSW 2478d Charley

Dear Mr Charley

**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 conducting ecological burns across three properties at Cougal, NSW, received by the Office of Environment and Heritage (OEH) on 2 June 2015. The purpose of the burns is to improve habitat for the threatened Eastern Bristlebird adjacent to the Border Ranges National Park.

This application has been resubmitted as the previously issued section 95 certificate had expired. OEH notes that the same application has been resubmitted seeking a longer timeframe to undertake the ecological burns.

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 Senior Operations Officer, Mr Krister Waern on 6640 2503.

Yours sincerely

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Dimitri Young

Senior Team Leader, Planning North East

Regional Operations Group

Enclosure: s95(2) Certificate No: C0000337

Certificate No.: C0001178

Application Ref No. A08510-2015

Printed: 4:44:39 PM 24/07/2015

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
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& Heritage

Issued To:

David Charley
Wildsearch Environmental Services
421 Coolgardie Road
via Ballina NSW 2478d Charley

Certificate no. : C0001178
Issue Date: 1 July 2015
Expiry date: 31 December 2016

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 ecological burns will be undertaken on three properties, two of which are adjoining and the third being approximately 2.5km away within the same valley. On the Starkeys' property, it is proposed to burn within an area of 27ha bounded by shrubby wet sclerophyll forest and sub-tropical rainforest communities, and by fire trails. At the Rowe/Murray properties, it is intended to burn within an area of 19ha bounded by shrubby wet sclerophyll forest and sub-tropical rainforest communities, and by fire trails. The burn areas on all three properties are generally located on moderately steep grassy slopes with a north to north-easterly aspect and comprise approximately 30% of the total potential Eastern Bristlebird (*Dasyornis brachypterus*) (EBB) habitat on the properties.

The proposal aims to implement low to moderate intensity prescribed burns within a grassy wet sclerophyll forest community where the nationally endangered EBB has been recorded previously, or has been recorded in the adjacent Border Ranges National Park.

The primary objective of the prescribed burning is to restore degraded EBB habitats and to halt the further decline of these habitats, thereby recovering the local population of this species, as recommended in the EBB Recovery Program Northern Working Group Business Plan (Wildsearch 2010) and associated property-based management plans for the species. A secondary objective is to support continued research into the post-fire recovery of both the EBB and Hastings River Mouse (*Pseudomys oralis*) (HRM) habitat and populations.

The proposal comprises the following actions to be implemented in an area of 19ha bounded by shrubby wet sclerophyll forest and sub-tropical rainforest communities and by fire trails at Lots 12 and 13 DP264312 The Lion's Road Cougal, and in an area of 27ha bounded by shrubby wet sclerophyll forest and sub-tropical rainforest communities and by fire trails at Lot 16 DP881873 The Lion's Road Cougal:

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- Pre-burn property preparation including fire trail maintenance and weed control (some upgrading of existing fire trails will be needed, but no new trails will be constructed).
- Pre-burn flora and fauna survey to develop a baseline assessment for the Eastern Bristlebird at the prescribed burn sites.
- Pre-burn development of site specific burn plans including operation logistics.
- Undertaking prescribed burns under the direction of the Northern Rivers Fire Control Centre, with implementation by local Rural Fire Service brigades according to the site specific burn plans and the following prescriptions:
 - Burning will be limited to low to moderate intensity fires with an average flame height of 1 -2 m.
 - Burning will be targeted to remove much of the ground cover fuel and to significantly impact the shrub layer of lantana and/or regrowth acacia.
 - Burning will be targeted to minimise canopy scorch to less than 10m in height and to maximise impacts on Lantana, Crofton Weed and the dense regrowth of Acacia thickets within identified control lines, whilst reducing impact on adjacent vegetation communities.
 - Burning will be conducted in autumn or winter to achieve the desired intensity levels and to avoid the EBB breeding season.
 - Each burn will be lit from major ridges or existing roads and tracks to facilitate downslope burning, and would be further contained by existing natural advantages including gullies, and wet sclerophyll forest and rainforest vegetation, as well as existing roads and tracks.
 - Burning will be conducted using a mosaic pattern to ensure some habitat remains intact on the site at all times, which would particularly benefit species that may use the vegetation as cover or foraging habitat.
 - Fires will be spaced in time appropriately to avoid removal of large tracts of habitat at any one time.
 - Burning will be implementing to achieve a fire regime (frequency, intensity and seasonal timing) that will stimulate regeneration of flora species that will provide suitable habitat for the Eastern Bristlebird and mammals with similar habitat requirements
- Post-burn works to remove and control exotic species throughout the site as needed.
- Post-burn flora and fauna surveys for the Eastern Bristlebird at the prescribed burn sites.

RELEVANT CONDITIONS

The holder of the certificate must ensure that:

1. The proposed action must only be undertaken within an area of 19ha bounded by shrubby wet sclerophyll forest and sub-tropical rainforest communities and by fire trails at Lots 12 and 13 DP264312 The Lion's Road Cougal (Grid References: 497064E 6863942N; 497234E 6864137N), and within an area of 27ha bounded by shrubby wet sclerophyll forest and sub-tropical rainforest communities and by fire trails at Lot 16 DP881873 The Lion's Road Cougal (Grid Reference: 495321E 6861358N).
2. Pre-burn property preparation must be undertaken including maintenance and/or upgrading of existing fire trails (it is noted that new fire trails are not proposed to be constructed), and weed control as required.

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3. Pre-burn flora and fauna survey must be undertaken to develop a baseline assessment for the Eastern Bristlebird and its habitat at the prescribed burn sites.
4. Burning must be undertaken in accordance with the following prescriptions:
 - a. Burning must be limited to low to moderate intensity fires with an average flame height of 1 -2 m.
 - b. Burning must be targeted to remove much of the ground cover fuel and to significantly impact the shrub layer of lantana and/or regrowth acacia.
 - c. Burning must be targeted to minimise canopy scorch to less than 10m in height and to maximise impacts on Lantana, Crofton Weed and the dense regrowth of Acacia thickets within identified control lines, whilst reducing impact on adjacent vegetation communities.
 - d. Burning must be conducted in autumn or winter to achieve the desired intensity levels and to avoid the Eastern Bristlebird breeding season.
 - e. Each burn must be lit from major ridges or existing roads and tracks to facilitate downslope burning, and must be contained by existing natural advantages including gullies, and wet sclerophyll forest and rainforest vegetation, as well as existing roads and tracks, wherever possible.
 - f. Burning must be conducted using a mosaic pattern to ensure some habitat remains intact on the site at all times to benefit species that may use the vegetation as cover or foraging habitat.
 - g. Fires must be spaced in time appropriately to avoid removal of large tracts of habitat at any one time.
 - h. Burning must be implementing to achieve a fire regime (frequency, intensity and seasonal timing) that will stimulate regeneration of flora species that will provide suitable habitat for the Eastern Bristlebird and mammals with similar habitat requirements.
 - i. Fires must avoid burning wet sclerophyll forest, rainforest and, where possible, gully vegetation.
5. Site specific burn plans must be prepared for each burn site prior to the commencement of burning.
6. Prescribed burns must be undertaken in accordance with site specific burn plans and the prescriptions in Condition 4.
7. Prescribed burns must be undertaken under the direction of the Northern Rivers Fire Control Centre, with implementation by local Rural Fire Service brigades.
8. Works to remove and control exotic species are to be undertaken throughout the site as needed following the completion of burning.

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9. Flora and fauna surveys must be undertaken for the Eastern Bristlebird and its habitat at the prescribed burn sites following the completion of burning for at least 12 months at appropriate intervals.
10. The results of pre-burn and post-burn flora and fauna surveys (electronic and hard copy) must be provided to the OEH Senior Team Leader Ecosystems and Threatened Species, North East Region, Locked Bag 914 Coffs Harbour NSW 2450, within three months of the completion of each survey.

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DIMITRI YOUNG

Senior Team Leader Planning, North East Region

Regional Operations Group

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.