



Your reference : Application dated 20 July 2016
Our reference : DOC16/368536
Contact : Krister Waern

Mr Mark White
Yamba Public School
Angourie Rd
Yamba NSW 2464

Dear Mr White

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 upgrading an existing bike track, received by the Office of Environment and Heritage (OEH) on 20 July 2016.

I have considered the application 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 Krister Waern on

Yours sincerely

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DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations – Coffs Harbour



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Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

Issued To:

Yamba Public School
Angourie Rd
Yamba, NSW 2464
Australia

Certificate no. : C0002059
Issue Date: 4 August 2016
Expiry date: 3 August 2017

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. Formalise the existing track to reduce impacts to biodiversity.
- B. Lay gravel in some sections to encourage users to stay on track.
- C. Relocate some sections of the track to avoid the swamp orchid.
- D. Place logs or branches in areas to reduce users going off the track.
- E. Keep the width of the track to the minimum necessary, i.e. to a maximum of 1.2m.
- F. Undertake some bush regeneration to reduce weed impacts.
- G. Avoid clearing any native vegetation as part of the action.

RELEVANT CONDITIONS

The holder of the certificate must ensure that:

1. There must be no clearing of native vegetation.
2. The measures to mitigate the impacts of the action identified in the application must be implemented as indicated in the application.

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
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3. Workers undertaking the proposed action must be inducted by the holder of the certificate prior to commencing work to advise those workers of:
 - a. The importance of the native vegetation in and around the work area.
 - b. The requirement that no native vegetation is cleared.
 - c. The measures to avoid and mitigate impacts as set out in the application.
4. Bush regeneration works must only be undertaken by, or under the supervision of, a suitably qualified and experienced bush regenerator.
5. Any planting must only be undertaken outside areas of existing native vegetation.

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DIMITRI YOUNG

Senior Team Leader Planning, North East Region

Regional Operations - Coffs Harbour

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.