



Your reference :
Our reference : LIC13/146; DOC13/93567
Contact : Krister Waern (02) 66402503

Mr J F Kelleher & Ms K M Kelleher
37 Blair Athol Road
Inverell NSW 2360

Dear Mr & Ms Kelleher

**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 removing dead and fallen wood, received by the Office of Environment and Heritage (OEH) on 9 December 2013.

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 Krister Waern on (02) 66402503.

Yours sincerely

19/12/13

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ROSALIE NEVE

A/Senior Team Leader Planning - North East

Regional Operations

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

Issued To:

Mr J F Kelleher & Ms K M Kelleher
37 Blair Athol Road
Inverell NSW 2360

Certificate no. : C0000143
Issue Date: 19-Dec-2013
Expiry date: 19-Jun-2013

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. consists of removing dangerous hanging branches, fallen branches and fallen trees and shrubs within the area identified in attachment 5 of the application, being, approximately 3.5 hectares of the Blair Athol garden.
- B. Will collect smaller branches and sticks by hand and bobcat and heaped prior to removal. The heaps will be formed at the far corner of the garden as depicted in attachment 2 of the application.
- C. Will cut hanging branches by chainsaw and elevated platform.
- D. Will remove fallen trees and branches by front end loader and truck and taken to a cleared area of the property away from the flying-fox area identified in attachment 2 of the application. This will allow burning or chipping at a later date when flying-foxes are not present on the property.
- E. Will level the top soil by bobcat to fill in holes created by falling trees. This will allow natural regeneration to occur of grasses and trees.
- F. Will include monitoring of any flying-foxes in relation to the proposed action and if it appears that the proposed action is causing the flying-foxes disturbance all activity will cease immediately.
- G. Will work away from any flying-foxes present on the site to minimise disturbance.

Section 95(2) Certificate

Threatened Species Conservation Act 1995



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- H. Removal of fallen branches, hanging branches and fallen trees between December 2013 and February 2014

RELEVANT CONDITIONS

The holder of the certificate must ensure that:

1. All works are to be undertaken in accordance with the application and this certificate.
2. Any lopping, trimming or removal of trees is undertaken under the supervision of an arborist suitably qualified to undertake trimming, lopping and tree removal.
3. Trees are not to be removed or modified to any extent greater than that described in the proposed action in this certificate.
4. An inspection is undertaken daily prior to works commencing to ascertain the location and numbers of flying-foxes on the property. Written records of the inspections are to be kept by the landholder.
5. If flying-foxes are present, works must not occur during periods of adverse environmental and weather conditions, including, strong winds, periods of several hours of sustained rain or temperatures exceeding 38 degrees during the day prior to or on the day of any proposed works.
6. Ensure that if any of the proposed works cause disturbance to the flying-foxes, all works must cease immediately. Signs of disturbance include animals taking to the air, increased vocalising, unwrapping and swaying body/head or shifting roost location.
7. No works are to be undertaken within 20m of any flying-fox and no heavy or noisy machinery is to be within 50m of any flying-fox.
8. Ensure that all persons on the property involved in the proposed action are aware of the conditions of this certificate.
9. Ensure that individual flying-foxes subject to inadvertent incidental harm are assessed by a suitably qualified veterinarian or wildlife carer as soon as practicable after the harm has occurred and are instructed to treat them as necessary in accordance with appropriate animal welfare protocols and procedures.


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ROSALIE NEVE

A/Senior Team Leader Planning - North East

Regional Operations

Certificate No.: C0000143

Application Ref No. A19824-2013

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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.