

Section 95(2) Certificate - Variation



Office of
Environment
& Heritage

Threatened Species Conservation Act 1995

Your reference :
Our reference : DOC17/266798
Document no. : C0002769
Contact : Liz Mazzer [REDACTED]

Mr Ross Briggs
Manager Regulatory Services
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Dear Mr Briggs

Variation of Section 95 Certificate for a buffer in the King George V Avenue grey-headed flying-fox camp, Tamworth

I refer to your email dated 6 June 2017 requesting a modification to section 95 certificate C0002769 to change the distance from roosting flying-foxes for vegetation chipping.

OEH understands that locating vegetation chipping machinery 100 metres from roosting flying-foxes is impractical, and that the noise from chipping machinery is unlikely cause any significant additional disturbance to the flying-foxes during works.

I have assessed your request in accordance with the provisions of the *Threatened Species Conservation Act* 1995 (TSC Act) and concluded that the proposal is unlikely to have a significant impact on threatened species, endangered populations or endangered ecological communities. The TSC Act makes provision for the issue of a certificate under section 95(2) for actions which technically constitute damage to the habitat of threatened species, but which are unlikely to have a significant impact. Accordingly, I have decided to authorise your activities and issue you with a Section 95(2) certificate.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "SC", written over a horizontal line.

Steven Cox

Senior Team Leader, Planning
North West Branch

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Issued To:

Mr Ross Briggs
Manager Regulatory Services
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Certificate no. : C0002769
Issue Date: 7 June 2017
Expiry Date: 30 June 2017

BACKGROUND

- A. The OEH issued Certificate No. C0002769 to Mr Ross Briggs on 30 May 2017
- B. The proposed action approved by the certificate was for creation of a buffer in the King George V Avenue grey-headed flying-fox camp.
- C. Tamworth Regional Council submitted a request for a variation to this certificate on 6 June 2017 to allow practical location of vegetation chipping machinery during works.

VARIATION OF SECTION 95(2) CERTIFICATE

1. By this notice the OEH varies Certificate No. C0002769 in the following manner:
Condition 30:
"Vegetation Chipping is to be undertaken as far away from roosting flying-foxes as possible (at least 100 metres)"
Is replaced by:
"Vegetation Chipping is to be undertaken as far away from roosting flying-foxes as possible."

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STEVEN COX

Senior Team Leader, Planning

North West Region