

Your reference : F2009/02442
Our reference : DOC10/12021
Contact : Sarah Burke 9995 6848

Mr Troy Holbrook
Open Space & Recreation Planner
PARRAMATTA CITY COUNCIL
PO BOX 32, PARRAMATTA, NSW 2124

Dear Mr Holbrook

RE: Section 95 Certificate to impact on Coastal Saltmarsh

I refer to your Section 91 licence application received by the Department of Environment, Climate Change and Water (DECCW) on 17-Mar-2010 to impact on Coastal Saltmarsh through the construction of the Ermington Bay Nature Trail.

The DECCW understands the construction of the nature trail may lead to the removal or indirect impact on 0.0103 ha of Coastal Saltmarsh, as well as the loss or degradation of habitat of the vulnerable plant *Wilsonia backhousei* and threatened fauna species, including the Black-tailed Godwit and a number of bat species, such as the Grey-headed Flying Fox, the Little Bentwing Bat, the Eastern Bentwing Bat, the Yellow-bellied Sheath-tail Bat, the Eastern Freetail-bat, the Eastern False Pipistrelle, the Large-footed Myotis and the Greater Broad-nosed Bat.

However, the DECCW also understands from your licence application that a number of mitigation measures will be employed to reduce impacts on the saltmarsh, *W. backhousei* and fauna habitats. These include that:

- construction will be undertaken in a progressive manner to minimise trampling of saltmarsh habitat ;
- all staff operating at the site will be educated about the sensitivities of the site;
- patches of *Wilsonia backhousei* will be marked and fenced during construction;
- gross pollutant traps will be installed to prevent litter entering the site;
- a maintenance plan will be prepared which considers mangrove trimming, board-walk maintenance and litter removal;
- interpretive signage will be erected to highlight the sensitivity of the site;
- the handrail will be of a sufficient height to deter trail users from leaving the trail and trampling on the saltmarsh or mangrove areas;
- best practice bush regeneration techniques will be employed to improve and expand the existing saltmarsh and other native vegetation areas in the Ermington Bay area.

DECCW also understands that some of the specifications for the project have not been finalised, in particular the exact location of the support pylons of the boardwalk, or the construction material of the boardwalk. As such, DECCW assumes the following:

- all attempts will be made to locate the pylons in areas that are currently bare of vegetation;
- all attempts will be made to construct the platform with a grated, perforated or slatted deck to allow the growth of saltmarsh vegetation beneath the structure and to minimise shading impacts.

Section 95(2) Certificate

Threatened Species Conservation Act 1995

Department of
Environment, Climate Change and Water NSW



DECCW requests a copy of the final specifications once prepared and prior to construction, which show the exact location of the pylons in relation to native vegetation on site and which includes details of the construction material that will be used for the boardwalk.

I have assessed your licence application (with the assumption that the above mitigation measures are employed) 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 Sarah Burke on phone 9995 6848.

Yours sincerely

Ms Deb Stevenson

Acting Manager

Metropolitan Projects & Support Section

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Environment,
Climate Change
& Water

Issued To:

PARRAMATTA CITY COUNCIL,
ABN 49 907 174 773,
PO BOX 32,
PARRAMATTA NSW 2124
Fax: (02)98065917

Certificate no. : 1112566
Issue Date: 25-Mar-2010
Expiry date: 31 December 2012

I certify that picking/harming of Coastal Saltmarsh, the habitat of the vulnerable species *Wilsonia backhousei* and the habitat of threatened fauna species, for the purposes of construction of the Ermington Bay Nature Trail, as described your Section 91 application, is unlikely to significantly affect threatened species, populations, ecological communities or their habitats and consequently the proposal does not require a licence under the *Threatened Species Conservation Act, 1995* pursuant to Section 95(2).

This certificate is a defence against prosecution under sections 118A-D of the *National Parks and Wildlife Act 1974*.

Ms Deb Stevenson

Acting Manager

Metropolitan Projects & Support Section