



Your reference :
Our reference : DOC10/22889
Contact : Nick Corkish 9995 6832

Mr Kevin Weston,
Director
AMLIV DEVELOPMENTS PTY. LIMITED
PO BOX 1124
NEWPORT NSW 2106

Dear Kevin

**RE: Section 95 certificate to remove a single tree in the Pittwater Spotted Gum Forest
endangered ecological community at 59 Herbert Ave Newport**

Thank you for contacting the Department of Environment, Climate Change and Water (DECCW) with your application, pursuant to Section 91 of the *Threatened Species Conservation Act 1995* (TSC Act), for a licence to remove a Spotted Gum *Corymbia maculata* tree at 59 Herbert Ave Newport which was received by the Department on 26-May-2010. The tree is part of the Pittwater Spotted Gum Forest endangered ecological community and may constitute habitat for the Powerful Owl *Ninox strenua*, which is a threatened species protected under the *National Parks and Wildlife Act 1974*.

DECCW understands that Pittwater Council has issued a permit for removal of the tree, subject to conditions, and that this permit is also subject to the measures described at item 17 of your licence application for minimisation or compensation for harm or damage to the endangered ecological community.

I am satisfied that the impact of the action as described above and carried out in accordance with those conditions is unlikely to have a significant impact on any threatened species, endangered populations or endangered ecological communities or their habitat. The TSC Act makes provision for the issue of a certificate under section 95(2) for actions which technically constitute pick or harm to a threatened species or damage to its habitat, but which are unlikely to have a significant impact. Accordingly, I have decided to authorise your activities and issue you with such a certificate.

Please find enclosed a certificate which will cover the action described above. If you have any questions please do not hesitate to contact Nick Corkish on 9995 6832.

Yours sincerely

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Ms Deb Stevenson
Acting Manager
Metropolitan Projects & Support Section

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Environment,
Climate Change
& Water

Issued To:

AMLIV DEVELOPMENTS PTY. LIMITED,
ABN 30 060 787 608,
PO BOX 1124,
NEWPORT NSW 2106
Fax: (02) 9997 6062

Certificate no. : 1114464
Issue Date: 27-May-2010
Expiry date: 30-Sept-2010

I certify that the removal of a single Spotted Gum at 59 Herbert Ave Newport, as described your Section 91 application, has been determined under Section 94(2) of the *Threatened Species Conservation Act 1995* as unlikely to significantly affect the Pittwater Spotted Gum Forest endangered ecological community or the Powerful Owl and their habitats. Consequently the proposal does not require a licence under the *Threatened Species Conservation Act, 1995* pursuant to Section 95(2).

If the activities are carried out as described in your licence application and in accordance with any conditions, this certificate provides a defence against prosecution under sections 118A-D of the *National Parks and Wildlife Act 1974*.

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Ms Deb Stevenson
Acting Manager
Metropolitan Projects & Support Section