



Your reference : EM/01/768540
Our reference : DOC10/39265
Contact : Ray Giddins 99956811

SUTHERLAND SHIRE COUNCIL
LOCKED BAG 17
SUTHERLAND NSW 1499

Dear Mr Graham

RE: Section 95 Certificate to remove trees from within a Grey-headed Flying-fox colony at Kareela

I refer to your Section 91 licence application received by the Department of Environment, Climate Change and Water (DECCW) on 14-Oct-2010 to remove trees from within a Grey-headed Flying-fox colony at Bates Drive Kareela (Lot 7013 DP1059414). DECCW understands the tree removal is to be conducted to create a 15m buffer between the colony and the adjacent land uses, including a special needs school.

I have assessed your licence application 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, subject to the attached conditions.

If you have any further questions in relation to this matter, please contact Ray Giddins on 99956811 or ray.giddins@environment.nsw.gov.au.

Yours sincerely

.....
Mr Gregory Abood
Acting Unit Head
Metropolitan Projects & Support Section

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Environment,
Climate Change
& Water

Issued To:

SUTHERLAND SHIRE COUNCIL,
Trading as SUTHERLAND SHIRE COUNCIL,
ABN 52 018 204 808,
LOCKED BAG 17,
SUTHERLAND NSW 1499
Fax: (02)97100265

Certificate no. : 1118944
Issue Date: 14-Oct-2010
Expiry date: 30 September 2012

I certify that picking/harming of Grey-headed Flying-fox for the purposes of creating a buffer between a colony and adjacent land uses, 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, subject to the attached conditions, is a defence against prosecution under sections 118A-D of the *National Parks and Wildlife Act 1974*.

.....
Mr Gregory Abood
Acting Unit Head

Section 95(2) Certificate

Threatened Species Conservation Act 1995

Department of
Environment, Climate Change and Water NSW



Metropolitan Projects & Support Section Conditions

1. The action is to be carried out as described in the licence application dated 14 October 2010, as modified by these conditions.
 2. The DECCW Environment Line (131555) is to be notified before any vegetation removal takes place, on each night that works are to proceed.
 3. Works must not take place in periods of adverse weather including strong winds, sustained heavy rains or on days of hot or very hot temperatures.
 4. An experienced Grey-headed Flying-foxes (GHFF) expert must conduct a survey of the colony prior to works being undertaken, on each night that works are to proceed.
 5. Works must take place during the night, after all GHFF have left the colony for feeding. No works may occur if any GHFF remain within the colony.
 6. A report must be submitted to DECCW detailing the outcomes of the works.
 7. All tree removal and pruning works must be carried out by an arborist with a minimum qualification of Certificate III in Horticulture (Arboriculture) and carried out according to Australian Standard AS4373 (Pruning of Amenity Trees).
 8. A detailed proposal for the ongoing management and rehabilitation of the compensatory planting area is to be developed and submitted to DECCW for approval by 28 February 2011. The proposal must, as a minimum, identify timeframes for planting, types of species to be planted, ongoing monitoring and maintenance schedules, confirm access to the site and a commitment for long term rehabilitation of the site.
 9. Noise impacts from the activity on sensitive receivers must be minimised at all times.
 10. Hand saws and electric saws, or other similar equipment, must be used to the greatest extent practicable, with petrol chainsaws only to be used on larger trees as necessary.
- Note: DECCW acknowledges the safety problems of using electric and hydraulic equipment at night, due to poor visibility.*
11. Any changes to the requirements of this certificate are to be authorised by DECCW before being implemented.