



Your reference : Letter:Cassy Baxter:9/6/09
Our reference : DOC09/27829
Contact : Chris Page, (02) 4224 4100

LAKE ILLAWARRA AUTHORITY

PO BOX 867, WOLLONGONG, NSW

Dear Mr Dooley

RE: Section 95 Certificate to Proposed Works to Outlet Canal Spit at Tallawarra Power Station

I refer to your Section 91 licence application received by the Department of Environment and Climate Change (DECC) on 09-Jun-2009 to construct a track to enable safe public access, as well as vehicle access for maintenance and bush regeneration. I understand the proposed works will involve the pruning of 70 Swamp Oak trees (*Casuarina glauca*) and removal of 100 Swamp Oak trees and that the Swamp Oaks were previously planted in the 1950s along a constructed Outlet Canal Spit (the Spit) to stabilise the crest and allow bank retention.

The DECC understands *Casuarina glauca* is an indicator species of a listed Endangered Ecological Community, *Swamp Oak Floodplain Forest* of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. As the Lake Illawarra Authority's (LIA's) Review of Environmental Factors (REF) states that the Swamp Oaks were planted along the constructed Spit for stability purposes, the subject trees, therefore, are not considered part of any remnant community but contribute to the native vegetation and habitat value of the Lake Illawarra foreshore.

It is understood from the REF that the track will be 3 metres wide and extend for over 500 metres along the length of the Spit and will be shaped to avoid larger trees. The proposed maintenance and bush regeneration for the Spit associated with the replanting of Swamp Oak trees (to compensate for tree removal) will improve the stability and vegetative condition of the Outer Canal Spit into the longer term. A recent discussion with Mr Garry Clarke also clarified that the bush regeneration and replanting work will include appropriate understorey species to improve native vegetation diversity along the Spit.

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.

If you have any further questions in relation to this matter, please contact Chris Page on (02) 4224 4100.

Yours sincerely

Peter Bloem
Acting Manager Illawarra
Environment Protection and Regulation
Ms Debbie Maddison

Section 95(2) Certificate

Threatened Species Conservation Act 1995

Department of Environment & Climate Change NSW



Issued To:

LAKE ILLAWARRA AUTHORITY,
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Certificate no. : 1103056
Issue Date: 30-Jun-2009
Expiry date: 31 December 2009

I certify that picking/harming of *Casuarina glauca* for the purposes of constructing a three metre wide track along the length of the Outlet Canal Spit at Tallawarra Power Station, Yallah Bay to ensure safe public access, maintenance and bush regeneration works as described in 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*.

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Acting Head Regional Operations Unit
Metropolitan - Illawarra