

Section 95(2) Certificate

Threatened Species Conservation Act 1995

Department of Environment & Climate Change NSW



Issued To:

LANDMARK ECOLOGICAL SERVICES PTY LTD,
ABN 29 064 548 876,
PO Box 100,
SUFFOLK PARK NSW 2481

Certificate no. : 1100796
Issue Date: 10-Jul-2009
Expiry date: 30 June 2014

I certify that picking/harming of the Endangered Ecological Communities 'Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions', 'Swamp Oak Floodplain Forest of the NSW North Coast, South East Corner and Sydney Basin Bioregions' and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, South East Corner and Sydney Basin Bioregions' (the EECs) and that picking/harming of the Wallum Froglet (*Crinia tinnula*), Eastern Grass Owl (*Tyto capensis*), Eastern Chestnut Mouse (*Pseudomys gracilicaudatus*), Koala (*Phascolarctos cinereus*), Grey-headed Flying-fox (*Pteropus poliocephalus*), Black-necked Stork (*Ephippiorhynchus asiaticus*), Square-tailed Kite (*Lophoictinia isura*), *Phaius australis*, *Lindernia alsinoides*, and *Maundia triglochoides* or their habitats for the purposes of the rehabilitation works on the illegally constructed road in the Partridge Creek Wetlands, Port Macquarie, 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*.

RELEVANT CONDITIONS:

1. The works must be carried out in accordance with the information provided in the application and the Partridge Creek Road Rehabilitation Work Plan (Landmark Ecological Services Pty Ltd, dated September 2008) received by the Department of Environment and Climate Change (DECC) on 9 March 2009 and 13 March 2009 respectively, unless otherwise stated in the following conditions.
2. All proposed reshaping, rehabilitation and if required revegetation works must be supervised by an appropriately qualified and experienced freshwater wetland ecologist (an 'ecologist'), in accordance with DEC (2004) guidelines (*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*, available at: http://www3.environment.nsw.gov.au/pdfs/tbsa_guidelines_draft.pdf).
3. Site workers must complete a threatened species induction before working on site. The induction must be conducted by the ecologist and include information to assist workers to identify the EECs and their associated species.

4. Control of all weed species along the road footprint and adjacent wetland areas must be undertaken in an environmentally sensitive manner with respect to the wetland environment of the site and impact on threatened species (e.g. Wallum Froglet).
5. Weed control and any associated bush regeneration / revegetation must utilise methods that will not harm threatened and non-target plant species (including EEC taxa), such as the Bradley method (as per Bradley 1988), cut and paint (with herbicide) and hand removal. DECC recognises that the 'Bradley Method of Bush Regeneration' focuses on hand weeding, without herbicides, but may also include the following principles which are permissible providing they do not adversely impact on the EECs. They include:
 - a. the judicious and minimal use of herbicides, to facilitate where appropriate, less soil disturbance where hand removal of roots may cause significant habitat damage;
 - b. less dependence on mulching, which may discourage native plant regeneration (e.g. many natives species require bare soil and sufficient light conditions to germinate); and
 - c. replanting of native species in situations where natural regeneration is not achieved. This should be in accordance with best practice measures, specifications and principles as outlined Nationally accepted guidelines - *Flora Bank Guidelines* (1998-2000), *Germplasm conservation guidelines for Australia* (Germplasm Working Group 1997), *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee *et al.* 2004) and revegetation manuals (e.g. Corr & Whyte 2003), using suitably qualified and experienced bush regenerators.
6. The majority of the rehabilitation works as detailed in Landmark Ecological Services Pty Ltd (2008) and these conditions must be undertaken by 31 May 2010.
7. The ecologist must submit to DECC on 30 June 2010 a progress report detailing and assessing the performance of the proposed works, notably the reshaping, rehabilitation, weeding and revegetation / replanting measures. This report must describe any departures from the above conditions and any recommendations for further work. Further progress reports must be submitted to DECC on 30 June 2011 and 30 June 2012 for review, which assess the success of the rehabilitation / revegetation / weed eradication on site. All of the above reports must contain a copy of this Certificate. DECC will use these reports to determine the success of the rehabilitation, natural regeneration and weed eradication, and as such may be used to further request other actions, for example, the implementation of a revegetation program if natural regeneration is poor.

References

- Bradley, J. (1988) *Bringing Back The Bush – The Bradley Method of Bush Regeneration*. Lansdowne Press, Sydney.
- Corr, K. and Whyte, S (ed.), (2003) *Revegetation Techniques – A guide for establishing native vegetation in Victoria*, Greening Australia Victoria.
- DEC (2004) *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*. Draft, Department of Environment and Conservation, Hurstville; available at: http://www3.environment.nsw.gov.au/pdfs/tbsa_guidelines_draft.pdf.
- Germplasm Working Group (1997) *Germplasm conservation guidelines for Australia*. Australian Network for Plant Conservation, Canberra.
- Landmark Ecological Services Pty Ltd 2008 *Partridge Creek Road Rehabilitation Work Plan*. Unpublished report for Port Macquarie-Hastings Council. Landmark, Suffolk Park.
- Vallee L, Hogbin T, Monks L, Makinson B, Matthes M, and Rossetto M (2004) *Guidelines for the Translocation of Threatened Plants in Australia*. Second Edition, Australian Network for Plant Conservation, Canberra.

FloraBank Guidelines

Australian Tree Seed Centre (1999) *FloraBank Guidelines 2. Basic Methods for Drying, Extraction and Cleaning of Native Plant Seed*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Australian Tree Seed Centre and W. Mortlock (1999) *FloraBank Guidelines 6. Native Seed Collection Methods*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Australian Tree Seed Centre and W. Mortlock (1999) *FloraBank Guidelines 8. Basic Germination and Viability Tests for Native Plant Seed*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Cole, I., Dawson, I., Mortlock, W. and Winder, S. (1998) *FloraBank Guidelines 9. Using Native Grass Seed in Revegetation*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. (1998) *FloraBank: Model Code Of Practice for Community-based Collectors and Suppliers of Native Plant Seed*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. (1998) *FloraBank Guidelines 1. Native Seed Storage for Revegetation*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. (1999) *FloraBank Guidelines 3. Improving on Basic Native Seed Storage*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. and the Australian Tree Seed Centre (1999) *FloraBank Guidelines 4. Keeping Records on Native Seed*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. and the Australian Tree Seed Centre (1999) *FloraBank Guidelines 5. Seed Collection from Woody Plants for Local Revegetation*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. and the Australian Tree Seed Centre (1999) *FloraBank Guidelines 7. Seed Production Areas for Woody Native Plants*. FloraBank, Greening Australia ACT, web address <http://www.florabank.org.au>.

Mortlock, W. and the Hawkesbury - Nepean Catchment Management Trust (1999) *FloraBank Guidelines 10. Seed Collection Ranges for Revegetation*. FloraBank, Greening Australia ACT and Hawkesbury – Nepean Catchment Management Trust, web address <http://www.florabank.org.au>.

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