

Section 95(2) Certificate

Threatened Species Conservation Act 1995



Environment,
Climate Change
& Water

Your reference :
Our reference : DOC10/53163; LIC10/1050
Contact : Emma Coombs (02) 4908 6831

GREEN TEAM ALLIANCE

Unit 5-3 Coffs Harbour Innovation Centre, 363 Hogbin Drive
COFFS HARBOUR NSW 2450

ATTENTION: Mr Ben Smith

Dear Mr Smith

RE: Section 95 Certificate to Collect Native Seed

I refer to your Section 91 licence application received by the Department of Environment, Climate Change and Water (DECCW) on 24-Nov-2010 to undertake seed collection on Lot 1 DP1129191 for the purposes of revegetation and landscaping following proposed development works.

The DECCW understands that a Project Approval application (MP 09_0233) is currently being assessed by the Department of Planning under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*. If approved, the clearing of native vegetation on the site will be undertaken as a component of Stage 1 works of that project. The Green Team Alliance therefore proposes to undertake the collection of native seed on the site prior to the proposed clearing being undertaken. The native seed will then be reused on the site for landscaping purposes.

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 if undertaken in accordance with the conditions attached to this Section 95 Certificate.

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 Emma Coombs on (02) 4908 6831.

Yours sincerely

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Mr Grahame Clarke
Regional Manager
North East - Hunter

Section 95(2) Certificate

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Issued To:

GREEN TEAM ALLIANCE,
ABN 73 678 437 534,
Unit 5-3 Coffs Harbour Innovation Centre, 363 Hogbin Drive,
COFFS HARBOUR NSW 2450

Certificate no. : 1122216
Issue Date: 02-Dec-2010
Expiry date: 31 November 2012

I certify that picking/harming of the species identified in Table 1 of your Section 91 application for the purposes of revegetation and landscaping following proposed development works as described in your Section 91 application received by the Department of Environment, Climate Change and Water (DECCW) on 24-Nov-2010, is unlikely to significantly affect threatened species, populations, ecological communities or their habitats if undertaken in accordance with the relevant conditions provided below. 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:

- Unless otherwise stipulated in the conditions below, the works must be carried out in accordance with the information provided in the application provided to the Department of Environment, Climate Change and Water (DECCW) dated 24 November 2010.
- The collection of seed across the entire site (including the area proposed to be cleared) must be undertaken in accordance with best practice measures, specifications and principles outlined in the following Nationally accepted guidelines:
 - *Flora Bank Guidelines* (1998-2000, located at http://www.florabank.org.au/default.asp?V_DOC_ID=755;) and
 - *Plant Germplasm Conservation in Australia: Strategies and Guidelines for developing, managing and utilising ex situ collections* (ANPC, 2009).
- No more than 20% of the seed from any one plant within the collection area can be removed.
- Collected seed must be stored in accordance with the above guidelines and is not to be utilised for any purpose until such time as the determination of Project Approval application (the application) MP09_0233.
- Should the application (MP 09_0233) be approved, collected seed must only be utilised in landscaping and bushland regeneration activities within the areas to be cleared in accordance with the Project Approval. Any further rehabilitation using the collected material in areas outside of the Project Approval area must not occur unless the written approval of DECCW is obtained.
- Should the application (MP09_0233) not be approved prior to the expiry date of this notice, the collected material must be re-spread across the collection area and not used for any other purpose.

- The applicant must provide the following details to DECCW upon request.
 - Location (including specific grid references) of all threatened species and EEC which were targeted for seed collection,
 - Date material was collected and date it was propagated.
 - Details of how the collected material was stored and where.
 - Location (including specific grid references) of all planted seedlings that were propagated from the sourced material.
 - Date plantings took place.

This information will be used to assess the success of the current proposal and ensure that no indirect impacts occurred, such as loss of genetic integrity or pollution.

REFERENCES

- 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>.
- Offord, C.A. and Meagher, P.F. (2009) *Plant Germplasm Conservation in Australia: strategies and guidelines for developing, managing and utilising ex situ collections*. Australian Network for Plant Conservation Inc., Canberra.

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Mr Grahame Clarke

Regional Manager

North East - Hunter