



Your reference :  
Our reference :  
Contact : Marc Irvin 02 6883 5300

SPRINGVALE COAL PTY LIMITED  
LEVEL 18, BT TOWER, 1 MARKET STREET  
SYDNEY NSW 2000

Dear Mr Railey

**RE: Section 95 Certificate to conduct geotechnical and geophysical investigations**

I refer to your Section 91 licence application received by the Department of Environment, Climate Change and Water (DECCW) on 22-Jun-2010 to conduct a range of geotechnical and geophysical investigations in an Endangered Ecological Community (EEC) on the Newnes Plateau. This followed a previous unsuccessful s91 application. DECCW used the previous and current applications, available literature, DECCW specialist knowledge and other information to assess the s91 application. The applicant, in consultation with DECCW, has developed recommendations to further reduce impacts from the on-ground activities. These are to be implemented as conditions of this certificate and are listed in Attachment 1 below.

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 Marc Irvin on 02 6883 5300.

Yours sincerely

.....

Dr Robert Taylor  
Manager Environment & Conservation Programs  
North West

# Section 95(2) Certificate

Threatened Species Conservation Act 1995



Environment,  
Climate Change  
& Water

## Issued To:

SPRINGVALE COAL PTY LIMITED,  
ABN 39 052 096 769,  
LEVEL 18, BT TOWER, 1 MARKET STREET,  
SYDNEY NSW 2000  
Fax: (02)63551052

**Certificate no. :** 1117191  
**Issue Date:** 02-Aug-2010  
**Expiry date:** 30<sup>th</sup> September 2010

I certify that picking/harming of Newnes Plateau Shrub Swamp in the Sydney Bioregion Endangered Ecological Community, or of threatened species listed in Appendix 1 for the purposes of conducting a range of geotechnical and geophysical investigations, as described in your Section 91 application dated 17<sup>th</sup> June 2010, 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).

Please note the recommendations on page 58 of the Flora and Fauna Assessment Report, provided as part of the application, that have been developed in consultation with DECCW are to be implemented as conditions of this certificate (see Attachment 1 below).

This certificate is a defence against prosecution under sections 118A-D of the *National Parks and Wildlife Act 1974*.

.....  
**Dr Robert Taylor**  
**Manager Environment & Conservation Programs**  
**North West**

# Section 95(2) Certificate

Threatened Species Conservation Act 1995

Department of  
Environment, Climate Change and Water NSW



## Attachment 1 - Conditions

Pursuant to Section 95(2) and Section 95(3) of the *Threatened Species Conservation Act, 1995*, the following measures are to be implemented as conditions of this certificate.

- Ecologist to be present to identify threatened species such as *Derwentia blakelyi*. These threatened species are to be avoided and the ecologist is to document on-ground supervision activities and report to Centennial and DECCW;
- The number of personnel in the swamp at any one time should be limited to the minimum number necessary at any one time;
- Equipment and storage areas must be placed outside of the swamp and threatened species known areas of occurrence;
- All activities to be undertaken away from permanently pooled, flowing and / or open water;
- Preferably wait until at least 10 days after regular rain to avoid disturbing the substrate in its most susceptible state;
- Only an absolute minimal vegetation necessary to complete the project should be trimmed;
- Trimmed vegetation should be placed in existing cleared areas within the swamp to assist natural regeneration;
- Where fallen timber is require to be moved the ecologist should undertake an inspection for fauna before it is moved in order to protect and temporarily relocate any observed fauna. Wherever possible, timber shall be relocated back to its original position;
- To avoid establishing tracks, access to the swamp should be varied as required;
- Appropriate environmental hygiene protocols should be implemented to avoid exotic seed and / or pathogens from contaminating the EEC. Hygiene protocols should be applicable to personnel and equipment alike. A brief protocol should be prepared for issue to personnel prior to the GGI activities being undertaken.

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## Appendix 1

### Flora

#### Endangered Species

- *Persoonia hindii*

#### Vulnerable Species

- *Boronia deanei* subsp. *deanei*
- *Derwentia blakelyi*

### Fauna

#### Endangered Species

- Stuttering Frog
- Bathurst Copper Butterfly
- Blue Mountains Water Skink

- Giant Dragonfly
- Regent Honeyeater

#### Vulnerable Species

- Gang-gang Cockatoo
- Grey-crowned Babbler
- Brown Treecreeper
- Speckled Warbler
- Glossy Black-Cockatoo
- Yellow-bellied Glider
- Little Lorikeet
- Swift Parrot
- Squirrel Glider
- Barking Owl
- Grey-headed Flying-fox
- Powerful Owl
- Large-eared Pied Bat
- Masked Owl
- Eastern False Pipistrelle

- Black-chinned Honeyeater (eastern subspecies)
- Eastern Bentwing-bat
- Scarlet Robin
- Greater Broad-nosed Bat
- Flame Robin
- Little Bentwing-bat
- Varied Sittella
- Eastern Freetail-bat
- Spotted-tailed Quoll
- Yellow-bellied Sheath-tail-bat
- Koala • Southern Myotis
- Eastern Pygmy-possum
- Long-nosed Potoroo
- Eastern Cave Bat