

Section 95(2) Certificate

Threatened Species Conservation Act 1995

Department of Environment & Climate Change NSW



Metropolitan Projects & Support Section1083463

Certificate No.: MEPA023

Date Issued: 07-Mar-2008

Date of Expiry: 31/12/08

Issued To:

MURLAN CONSULTING PTY LTD,

ABN 99 104 107 468,

SUITE 110 LOWER DECK JONES BAY WHARF 26 - 32 PIRRAMA ROAD,

PYRMONT NSW 2009

STANDARD POST

I certify that the 'picking' of the critically endangered ecological community Blue Gum High Forest and damage to its habitat through direct herbicide application or hand picking of weed species by suitably qualified and experienced bushland regenerators, in the 'restricted' areas as marked on the attached map, for the purposes of weed control at 35 Water St Wahroonga, 64 Billyard Ave Wahroonga and lot 2 DP 375262, 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 supply Ms Sarah Burke with a brief report of maintenance works including photographic evidence to demonstrate that the actions stated in the Section 91 application have been adhered with. The report should be supplied each three months from the date of this certificate.

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

P. Finlay 7/3/08

PENNY FINLAY

A/ Manager Metropolitan Projects and Support

Environment Protection and Regulation

(by Delegation)

Acting ManagerMs Penny FinlayActing Manager

Certificate No.: MEPA023

Printed: 9:42:34 AM 7/03/2008

Our reference : DOC08/9320
Contact : Sarah Burke, 9995 6848

Mr Ben MacGibbon
Murlan Consulting Pty Ltd
Suite 110 Jones Bay Wharf
26 Pirrama Rd
PYRMONT NSW 2009

Dear Mr MacGibbon

Re: application for section 91 licence for 35 Water St Wahroonga

I refer to your application, under section 91 of the *NSW Threatened Species Conservation Act 1995*, dated 28 February 2008, to remove debris, noxious weeds and exotic species at the site known as the Waterbrook site (which includes 35 Water St, 4 Billyard Ave and Lot 2 DP 375262).

The Department of Environment and Climate Change (DECC) understands that you have made the licence application as the proposed works may impact on remnants of Blue Gum High Forest (BGHF), which has been mapped by Dr Peter Smith as occurring on site. The DECC understands that you are proposing to undertake selective weed removal in areas identified by Dr Smith as BGHF, and undertake mowing, slashing and mulching in areas outside these identified BGHF areas.

The DECC notes that in the interval since Dr Smith mapped the site, the growing conditions will have been favourable for native species as well as exotics. Therefore, some natural regeneration of BGHF in areas previously identified as not containing BGHF may have occurred. To ensure that the weed control works will not impact on any existing or regenerating BGHF, the DECC has determined that the following actions may occur:

- **restricted areas:** in the area of mapped BGHF and all adjacent areas (ie areas marked on your map as 883 SQM, 690SQM, 633 SQM and 306 SQM and the 286 SQM area along the south-western boundary of the site) you may use the following weed control methods for exotic species: hand removal (taking care to minimise soil disturbance) or direct herbicide application (eg cut and paint, scrape and paint, tree injection, frilling or chipping, stem swiping). No spraying, mulching, slashing or mowing is to occur in these areas. Works in the restricted areas must be undertaken by a suitably qualified and experienced bushland regeneration contractor.
- **unrestricted areas:** in the areas that are not adjacent to BGHF areas (ie areas marked on your map as 209SQM, 534 SQM, 332 SQM, 473 SQM, 113 SQM and 300 SQM) you may undertake any actions required for weed control, ie mowing, slashing, mulching or cut and paint methods, provided these works have no impact on the identified restricted areas.

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 668, Parramatta NSW 2124
Level 7, 79 George St, Parramatta NSW
Tel: (02) 9995 5000 Fax: (02) 9995 6900
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of Environment and Conservation NSW

A map is attached to confirm the location of these restricted and unrestricted areas.

The DECC considers that the modified proposal, as described above, is unlikely to have a significant impact on threatened species, populations or 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 (attached).

Given that any works undertaken on site are likely to generate a great deal of local interest, the DECC requests that the bush regeneration contractor contact the DECC prior to commencing weed control works on site. A brief report must also be sent to the DECC every quarter after commencement of works, describing the nature and extent of the weed control works. In addition, the DECC recommends that you also hire an additional independent, suitably qualified and experienced bushland regenerator who would observe the works in progress and liaise with the community if any issues arise.

If you require any further information on this issue, please contact Sarah Burke, Regional Biodiversity Conservation Officer on 9995 6848 or email sarah.burke@environment.nsw.gov.au.

Yours sincerely

P. Finlay 7/3/08

PENNY FINLAY

**A/Manager, Metropolitan Projects and Support
Environment Protection and Regulation**

cc. Penny Colyer, Ku-ring-gai Council

