

Application for a



## Section 91 Licence

to harm or pick a threatened species, population or ecological community,  
or damage habitat under the *Threatened Species Conservation Act 1995*.

1. Applicant's Name: (if additional persons require authorisation by this licence, please attach details of names and addresses)	[REDACTED]	
2. Organisation name and position of Applicant: (if applicable)	[REDACTED]	
3. Postal address:	[REDACTED] [REDACTED] [REDACTED]	4. Telephone:  B.H. [REDACTED]
5. Location of the action (including grid reference and local government area and delineated on a map).	Dallis Park area Known as area between Bakers Road and Dallis Park	
6. Full description of the action and its purpose (eg. scientific research, environmental assessment, regeneration activities, development etc.).	To modify or damage habitat for the purposes of community, safety, enjoyment and liberty	

A threatened species, population or ecological community means a species, population or ecological community identified in either Schedule 1 or Schedule 2 of the *Threatened Species Conservation Act 1995*.

7. Details of the area to be affected by the action <i>(in hectares)</i> .	Approx. 2 hectares will be affected			
8. Duration and timing of the action <i>(including staging, if any)</i> .	The trees will be cut over a period of two weeks			
9. Is the action to occur on land declared as critical habitat? <i>(please tick appropriate box)</i>	Yes <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>		
10. Threatened species, populations or ecological communities to be harmed or picked.	<u>Scientific Name</u>	<u>Common Name</u> <i>(if known)</i>	<u>Conservation Status</u> <i>(ie, endangered or vulnerable)</i>	<u>Details of no. of individual animals, or proportion and type of plant material</u> <i>(eg, fertile branchlets for herbarium specimens or whole plants or plant parts)</i>
		Grey headed Black flying fox	Vulnerable	Trees to be cut 10-15 (estimation) trees. The trees will be cut approx. 1/3rd from the top

\* Critical habitat means habitat declared as critical habitat under Part 3 of the *Threatened Species Conservation Act 1995*.

11. Species impact:  
(please tick appropriate  
box)

a) For action proposed  
on land declared as  
critical habitat; or

☐

An SIS is attached

b) For action proposed  
on land not declared  
as critical habitat.

☐

Items 12 to 25 have been addressed.

*N.B: Provision of a species impact statement is a statutory requirement of a licence application, if the action is proposed on critical habitat.*

*The provision of information addressing items 12 to 17 is a statutory requirement of a licence application if the action proposed is not on land that is critical habitat. Information addressing any of the questions below must be attached to the application.*

12. Describe the type and  
condition of habitats in  
and adjacent to the land  
to be affected by the  
action.

The trees suffer significant damage from the bat colony

13. Provide details of any  
known records of a  
threatened species in  
the same or similar  
known habitats in the  
locality (include reference  
sources).

Lismore. Rotary Park MacLean

14. Provide details of any  
known or potential  
habitat for a threatened  
species on the land to  
be affected by the  
action (include reference  
sources).

Black bat  
Grey headed bat

<p>15. Provide details of the amount of such habitat to be affected by the action proposed in relation to the known distribution of the species and its habitat in the locality and the region.</p>	<p>The site is minor in relation to the distribution of the species within the locality and the region. The area represents a small area of the total habitat in the locality or habitat</p>
<p>16. Provide an assessment of the likely nature and intensity of the effect of the action on the lifecycle and habitat of the species.</p>	<p>After assessing the nature of the pattern of the life cycle of the bats it is clear that they, during other parts of the year, travel to other areas and clearly there is other habitat available and the lopping of the trees will simply have them settle somewhere else</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>Translocation strategy for the bats devised and agreed and managed by Tweed Shire Council and now National Parks &amp; Wildlife Service</p>

*N.B: The Director-General must determine whether the action proposed is likely to significantly affect threatened species, populations or ecological communities, or their habitats. To enable this assessment the Applicant is required to address items 18 to 25. Information addressing any of the questions below must be attached to the application.*

<p>18. In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.</p>	<p>The trees provide a "roost" but do not provide an area that is used in the "nursery phase" of the species life. The other options available to the species are plentiful within the area and district. Therefore the species is unlikely to be placed at risk of extinction</p>
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<p>19. In the case of an endangered population, whether the lifecycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised.</p>	<p>The life cycle of the species to the extent that the population is likely to be significantly compromised. The species move to another area in their life cycle and therefore there are no special circumstances in the present case to suggest any significant disruption or affect on the viability of the bat population</p>
<p>20. In relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed.</p>	<p>The species have an abundant variety of location within the regional area and this modification is only a small area in the life cycle of the species</p>
<p>21. Whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community.</p>	<p>The regional area is such that it is unlikely that the area modification will isolate or disturb the proximate areas of the habitat to affect the species</p>
<p>22. Whether critical habitat will be affected.</p>	<p>No artificial habitat will be affected as the area is a part of the habitat but not central to breeding</p>
<p>23. Whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the region.</p>	<p>The species here are represented in a vast area throughout the north coast and will continue to be adequately represented in the region</p>

24. Whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process.	No
25. Whether any threatened species, population or ecological community is at the limit of its known distribution.	No. The bats involved area nowhere near their limit

## Important information for the Applicant

### Processing times and fees

The *Threatened Species Conservation Act 1995* provides that the Director-General must make a decision on the licence application within 120 days where a species impact statement (SIS) has been received. No timeframes have been set for those applications which do not require a SIS. The Director-General will assess your application as soon as possible. You can assist this process by providing clear and concise information in your application.

Applicants may be charged a processing fee. The Director-General is required to advise prospective applicants of the maximum fee payable before the licence application is lodged. Therefore, prospective applicants should contact the NPWS prior to submitting a licence application.

A \$30 licence application fee must accompany a licence application.

### Protected fauna and protected native plants

Licensing provisions for protected fauna and protected native plants are contained within the *National Parks and Wildlife Act 1974*. However, a Section 91 Licence may be extended to include protected fauna and protected native plants when these will be affected by the action.

If you are applying for a licence to cover both threatened and protected species please provide the information requested in Item 10 and a list of protected species and details of the number of individuals animals or proportion and type of plant material which are likely to be harmed or picked.

Protected fauna means fauna of a species not named in Schedule 11 of the *National Parks and Wildlife Act 1974*.

Protected native plant means a native plant of a species named in Schedule 13 of the *National Parks and Wildlife Service 1974*.

### Request for additional information

The Director-General may, after receiving the application, request additional information necessary for the determination of the licence application.

### Species impact statement

Where the application is not accompanied by a SIS, the Director-General may decide, following an initial assessment of your application, that the action proposed is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. In such cases, the *Threatened Species Conservation Act 1995* requires that the applicant submit a SIS. Following initial review of the application, the Director-General will advise the applicant of the need to prepare a SIS.

### Director-General's requirements for a SIS

Prior to the preparation of a SIS, a request for Director-General's requirements must be forwarded to the relevant NPWS Zone Office. The SIS must be prepared in accordance with section 109 and 110 of the TSC Act and must comply with any requirements notified by the Director-General of National Parks and Wildlife.

### Certificates


If the Director-General decides, following an assessment of your application, that the proposed action is not likely to significantly affect threatened species, populations or ecological communities, or their habitats, a Section 91 Licence is not required and the Director-General must, as soon as practicable after making the determination, issue the applicant with a certificate to that effect.

*N.B: An action that is not required to be licensed under the Threatened Species Conservation Act 1995, may require licensing under the National Parks and Wildlife Act 1974, if it is likely to affect protected fauna or protected native plants.*

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I confirm that the information contained in this application is correct. I hereby apply for a licence under the provisions of Section 91 of the *Threatened Species Conservation Act 1995*.

Applicant's name,  
organisation and position  
(Please print)

  
\_\_\_\_\_

Applicant's signature

  
\_\_\_\_\_

Date

27/8/06