

Licence application 8070



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*.

<p>1. Applicant's Name: (if additional persons require authorisation by this licence, please attach details of names and addresses)</p>	
<p>2. Organisation name and position of Applicant: (if applicable)</p>	
<p>3. Postal address:</p>	
<p>5. Location of the action (including grid reference and local government area and delineated on a map).</p>	<p>Whitten Stock Route Roadside Reserve Grid References: (146.24E, -34.23S) Locality: Yenda LGA: Griffith</p>
<p>6. Full description of the action and its purpose (eg. scientific research, environmental assessment, regeneration activities, development etc.).</p>	<p>The action requires the clearing of native vegetation. A section 475m x 11m in size along the fence line on the western side of the Stock Route. The purpose of the action is to allow for the extension of an existing powerline to supply power to our recently purchased property</p>
<p>7. Details of the area to</p>	

\* 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*.

be affected by the action (in hectares). *The total area to be affected will be 0.5 hectares*

8. Duration and timing of the action (including staging, if any).

1-2 days

9. Is the action to occur on land declared as critical habitat? (please tick appropriate box)

Yes  No

10. Threatened species, populations or ecological communities to be harmed or picked.

Scientific Name	Common Name (if known)	Conservation Status (ie. endangered or vulnerable)	Details of no. of individual animals, or proportion and type of plant material (eg. fertile branchlets for herbarium specimens or whole plants or plant parts)
<i>Pyrhulacomus sagittatus</i>	<i>Speckled Warbler</i>	<i>vulnerable</i>	
<i>Caecilia leuebrockeri</i>	<i>Major Mitchell's Cockatoo</i>	<i>vulnerable</i>	
<i>Pachycephala inornata</i>	<i>Gilbert's Warbler</i>	<i>vulnerable</i>	
<i>Polytelis savinoides</i>	<i>Sugarb Parrot</i>	<i>vulnerable</i>	
<i>Neophema pulchella</i>	<i>Turquoise Parrot</i>	<i>vulnerable</i>	
<i>Pomastururus temperata</i>	<i>Grey-crowned Babbler</i>	<i>vulnerable</i>	
<i>Graculiza picta</i>	<i>Red-tailed Honeyeater</i>	<i>vulnerable</i>	

11. Species impact: (please tick appropriate box)

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

a) For action proposed on land declared as critical habitat; or	An SIS is attached
b) For action proposed on land <u>not</u> 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.	<p>The area to be affected is predominantly made up of White Cypress pine woodland with scattered Bumble Box trees and some native shrubs and grasses in good condition.</p> <p>The land surrounding the site to the north and East contains similar vegetation and is known as Bungee State Forest.</p> <p>To the west of land to be affected is disturbed farmland made up mainly of dryland cropping and pasture.</p>
13. Provide details of any known records of a threatened species in the same or similar known habitats in the locality (include reference sources).	<p>Six threatened bird species, all listed as vulnerable have been sighted and recorded in the same or similar known habitats in the locality. (see attached map)</p> <p>The species include:</p> <ul style="list-style-type: none"> <li>- <i>Graculus piper</i> (Painted Honeyeater)</li> <li>- <i>Pyrrhuloxia sagittata</i> (Spotted Warbler)</li> <li>- <i>Polioptila minor</i> (Superb Fairywren)</li> <li>- <i>Caecula ludlowi</i> (Major Mitchell's Warbler)</li> <li>- <i>Neophema pulchella</i> (Partridge Finch)</li> <li>- <i>Pachyzanhus binnondi</i> (Gilbert's Warbler)</li> <li>- <i>Pomatostomus temporalis</i> (Long-billed Whistler)</li> </ul> <p>References: NSW National Parks and Wildlife Service - Wildlife Atlas</p>
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).	<p>The area to be affected is made up of mostly White Cypress pine (mostly very small) and scattered Bumble Box (mostly young trees)</p> <p>The species of birds identified are all known to either occupy Cypress pine woodlands and adjacent woodlands containing Bumble Box trees. One species is known to forage from Cypress pine.</p> <p>None of the threatened species are restricted to these tree species for habitat. References: Threatened species - species, populations and Ecological Communities of NSW. www.environment.nsw.gov.au</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	<p>Approximately 63 White Cypress pines (trunk diameter &gt; 100mm), 13 Bumble Box (A with trunk diameter &gt; 150mm), 11 large shrubs and a number of smaller trees will be affected by the action proposed.</p> <p>In relation to the known distribution of these species and their habitat</p>

<p>species and its habitat in the locality and the region.</p>	<p><i>in the locality and the region, the habitat to be affected is quite low when compared to the area surrounding the site. Including Binyu State Forest to the north and east and Casapara National Park further to the north and north-west.</i></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><i>The likely nature and intensity of the effect of the action on the lifecycle and habitat of these species will be quite low, due to the size of the area to be affected compared to the surrounding areas and because of the abundance of similar vegetation in those areas. Also none of the threatened species depends solely on the tree species present in the affected area for their life cycle or habitat, they all utilize various other tree species for habitat.</i></p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p><i>An alternative route was initially looked at which was to take out an easement on the adjacent property. The owners would not allow for this without purchasing the whole property which is not feasible. To ameliorate the effect of the action we will be planting out a 10m wide corridor with native trees &amp; shrubs. This will extend along the entire southern border of our property, from the top end and continue around to the western side, almost joining up to the existing western treeline. We will also widen existing treelines and areas off the far north eastern corner to allow for natural revegetation.</i></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><i>The lifecycle of each of the six threatened species identified are not likely to be disrupted and that a viable local population of the species is likely to be placed at risk of extinction. This can be supported due to the fact that none of these species depends on the tree species affected for their life cycle, although they are known to utilize these particular species for habitat, because of the size of the area to be affected and the abundance of the same or similar habitat in the surrounding area, no local population of a species is likely to be placed at risk of extinction.</i></p>
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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.

*There are no known records of an endangered population in the area to be affected and its surrounds*

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.

*The area to be affected is only a small portion of known habitat (0.5 hectares) for these species. In relation to the regional distribution of the habitat of these threatened species, this is not a significant area of known habitat*

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.

*The area to be affected is a narrow 11metre wide corridor along the western edge of the state road reserve, adjacent to disturbed farmland.  
Therefore no area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for these threatened species.*

22. Whether critical habitat will be affected.

*The area to be affected is not critical habitat.  
Critical habitats as defined by NSW NPWS, are areas of land that are crucial to the survival of particular threatened species, populations and ecological communities.*

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.

*The threatened species and their habitats are adequately represented in conservation reserves, including Congo State Forest to the north and east of the area, and Cocoparra National Park which is located further to the north and northwest.*

*not on a statewide basis*

<p>24. Whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process.</p>	<p><i>The activity proposed - clearing of native vegetation is of a class of development or activity that is recognised as a threatening process, as stated in the Threatened Species Conservation Act 1995, on Schedule 3 of the Act.</i></p> <p><i>Land clearance is also listed as a key threatening process under the Commonwealth Environment Protection and Biodiversity Act, 1999.</i></p>
<p>25. Whether any threatened species, population or ecological community is at the limit of its known distribution.</p>	<p><i>None of the six threatened species which may be affected are at the limit of their known distribution, as found in the NSW NPWS Wildlife Atlas and maps of recorded sightings.</i></p>

## 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.

### Request for additional information

\* 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*.

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