



Department of
Environment and
Conservation (NSW)

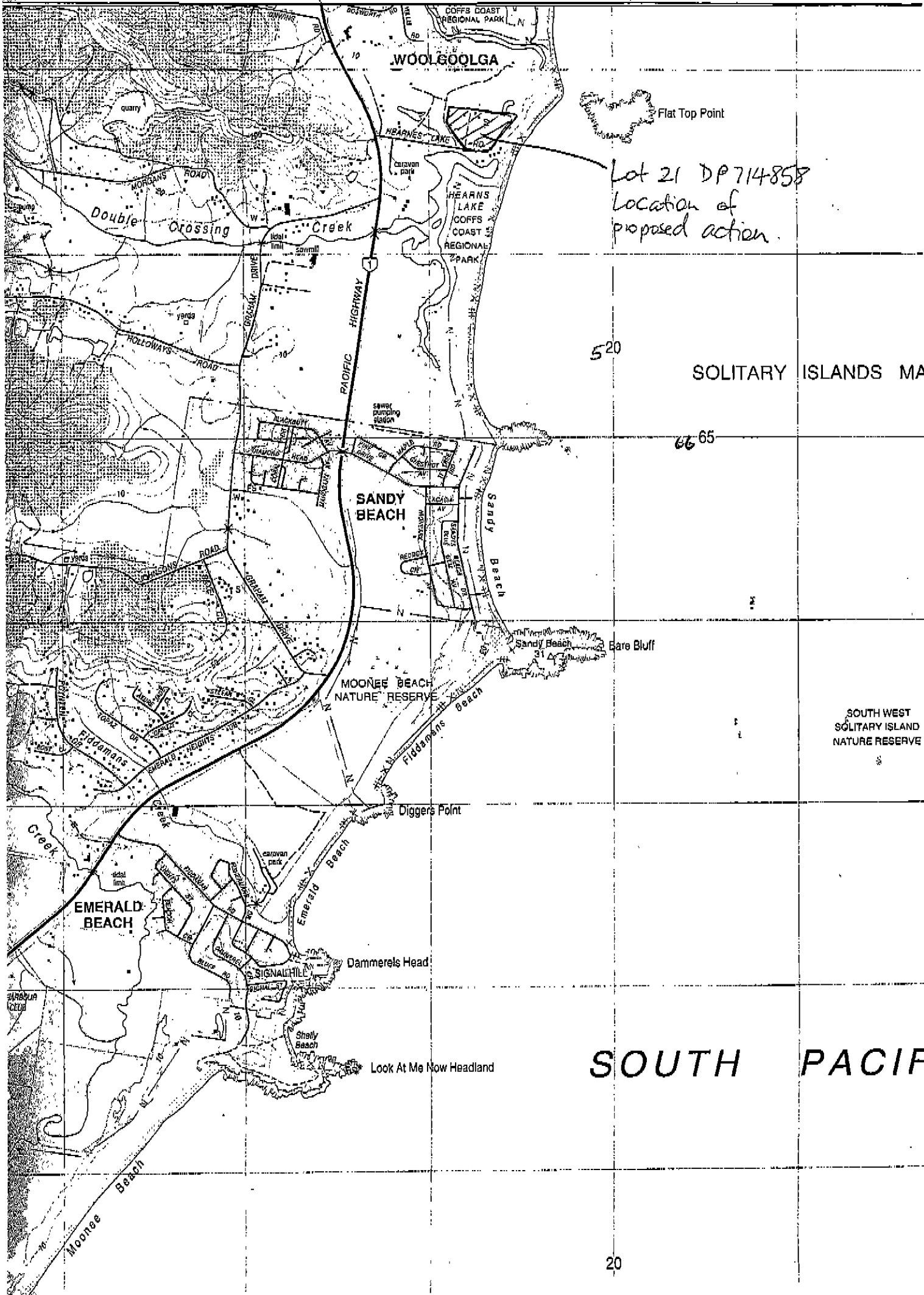
Application for a

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>[REDACTED]</p>	
<p>2. Organisation name and position of Applicant: (if applicable)</p>	<p>[REDACTED]</p>	
<p>3. Postal address:</p>	<p>[REDACTED]</p>	<p>4. Telephone: B.H. [REDACTED] A.H. [REDACTED]</p>
<p>5. Location of the action (including grid reference and local government area and delineated on a map).</p>	<p>LOT 21, DP 714858, 45 Heavens Lake Rd, WOOLGOLGA, COFFS HARBOUR LGA. GRID REF: E519300 N6666600 MOONEE BEACH 1:25K (refer to attached map).</p>	
<p>6. Full description of the action and its purpose (eg., environmental assessment, development etc.).</p>	<p>An experimental trial to determine the feasibility of translocating the threatened Austral Toadflax, <u>Thesium australe</u>. The results will determine proposed ameliorative measures to protect this species on the site which is proposed for residential subdivision.</p>	

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



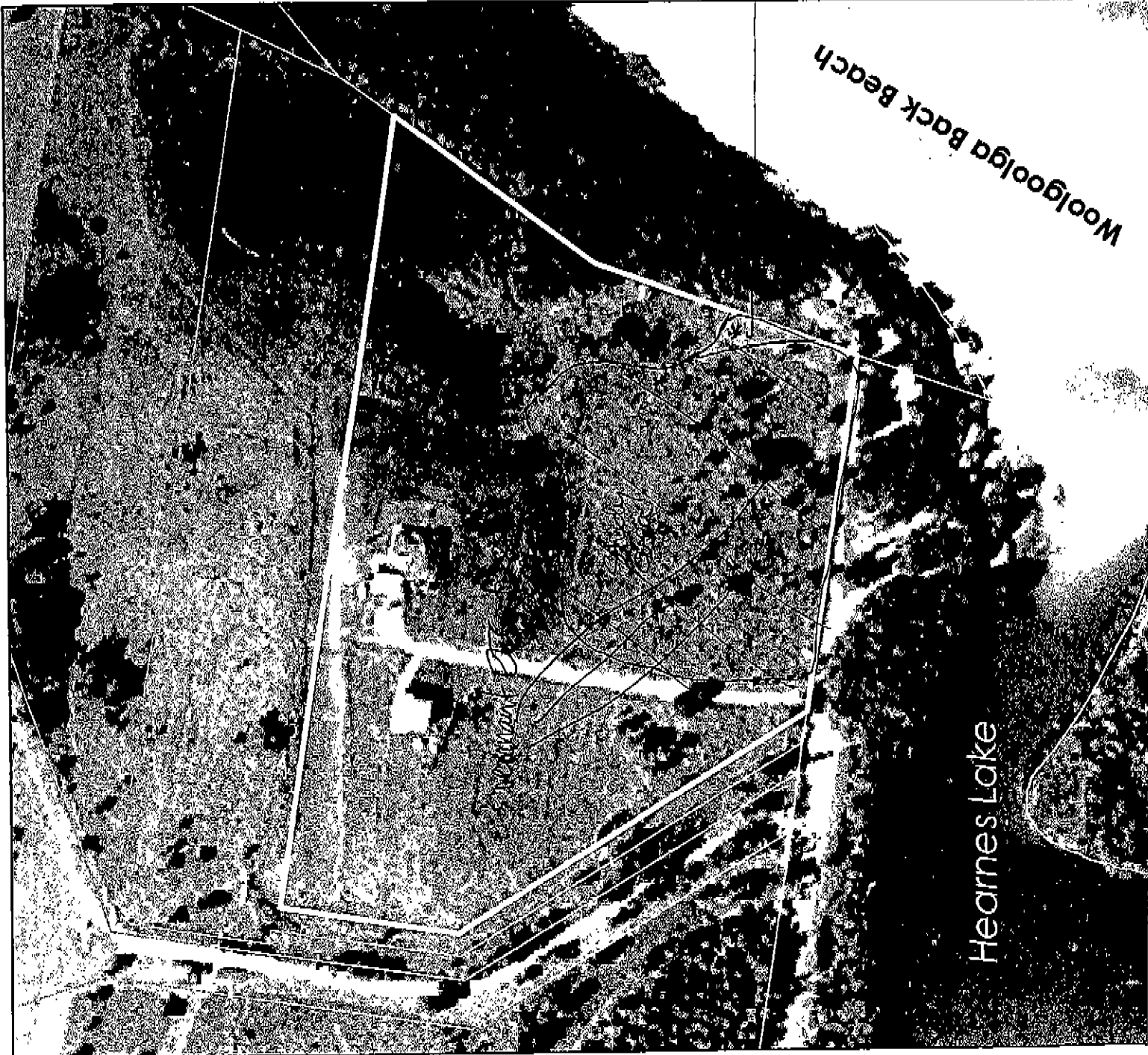
Lot 21 DP 714858
 Location of
 proposed action.

SOLITARY ISLANDS MARINE RESERVE

SOUTH WEST
 SOLITARY ISLAND
 NATURE RESERVE

SOUTH PACIFIC

site of proposed transect plots
* = known occurrences of Thesium
on site.



Woolgoolga Back Beach

Hearnes Lake

7. Details of the area to be affected by the action (in hectares).	Subject site = 5.5 ha. Total area estimated to be affected by translocation trial = c. 8 metres ² .			
8. Duration and timing of the action (including staging, if any).	<input type="checkbox"/> Trial proposed to run for 8-12 weeks, commencing January 2007. <input type="checkbox"/>			
9. Is the action to occur on land declared as critical habitat? (please tick appropriate box)	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
10. Threatened species, populations or ecological communities to be harmed or picked.	<u>Scientific Name</u> Thesium australe	<u>Common Name (if known)</u> Austral Toadflax	<u>Conservation Status</u> (ie. critically endangered, endangered or vulnerable) Vulnerable	<u>Details of no. of individual animals, or proportion and type of plant material</u> (eg. fertile branchlets for herbarium specimens or whole plants or plant parts) 8 whole plants

* 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

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

An SIS is attached

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 site is mainly Kangaroo Grass, Themeda australis grassland with small remnants of Red Gum / Swamp Oak forest. The site has historically been cleared of vegetation and used for grazing, hence the Themeda grassland is a desired community, albeit with a high diversity of native grasses, forbs and herbs present, including Thesium australe.

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

The remnant native vegetation on the site represents ~~an~~ Endangered Ecological Community - Swamp Oak Forest on Floodplain, and Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion. (Ecological Australia, in prep, Flora + Fauna Assessment, Lot 21 DP 714858, 45 Heanes Lake Rd Woolgoolga).

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).

The only potential threatened species on the land to be affected is Austral Toadflax, Thesium australe. A detailed search of the site has not located any other threatened species in similar habitat.

<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 .</p>	<p>To date, approximately 50 plants of <i>Thesium australe</i> have been located on the site. It is highly likely that further individuals occur on the site. These plants are scattered over about 2 hectares, with approximately 8 square metres of habitat proposed to be affected by the action .</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>Individual plants will be selected across the site. and 8 0.5 m² plots will be excised and transferred to 1/4 suitably prepared sites in a proposed protected area of <i>Themeda grassland</i> on-site. 2/4 containers housed at Coffs Council nursery, for control purposes. It is envisaged that 8 plants only will be affected.</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>The translocated replicate plots will be actively monitored for the duration of the trial. If the plants show signs of deterioration in health, they will be re-located to their original location. Methods utilized will follow Vallee et. al (2004) Guidelines for the Translocation of Threatened Plants in Australia - 2nd ed. ANPC. Canberra.</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 action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.</p>	<p>It is proposed to directly affect eight (8) individual plants. There are at least 50 plants present on the subject site. Therefore, the action is unlikely to have an adverse effect on the life cycle of the species in the local population.</p>
<p>19. In the case of an</p>	

endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

This population is not listed as an endangered population.

20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

The subject species is not listed as part of an endangered ecological community. However, it does occur with a remnant that is an EEC. The action is unlikely to

- i) place the EEC's local extent at risk of extinction, nor
- ii) substantially and adversely modify the composition of the EEC.

21. In relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

(ii) whether an area of habitat is likely to become

Approximately 8 square metres of a total potential habitat of at least 2 hectares is likely to be modified.

<p>fragmented or isolated from other areas of habitat as a result of the proposed action, and</p>	<p>No habitat is likely to become fragmented or isolated.</p>
<p>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.</p>	<p>The habitat to be removed is not is not essential to the long-term survival of the species in the locality. Should the translocation trial prove successful, the parts of the population potentially affected by development of the site will be re-located and protected in an environmental protection zone.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>There is no critical habitat in or near the subject site.</p>
<p>23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.</p>	<p>Translocation as a management tool is not mentioned in the Thesium australe Recovery Plan (Griffith 1992). However, the recovery plan states that plants have been grown successfully in controlled conditions for research purposes.</p>
<p>24. Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.</p>	<p>The proposed action does not constitute nor is part of a key threatening process.</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 DEC 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

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 DEC 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 the Department of Environment and Conservation (NSW).

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,

* 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*.

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.

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*.

[Redacted]

[Redacted]

21-12-06

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

Applicant's signature

Date

For more information or to lodge this form, contact the Environment Protection and Regulation Division in your nearest office:

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P: 02 9895 7440
F: 02 9895 7727
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NSW 2620

North East Branch
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