

Section 91 Licence

Threatened Species Conservation Act 1995



Office of
Environment
& Heritage

Licence to harm or pick a threatened species, population or ecological community or damage habitat

Licence No.: 1131826
Date Issued: 13-Jul-2012
Date of Expiry: 31 July 2012

Issued To:

PITTWATER COUNCIL,
ABN 61 340 837 871,
PO BOX 882,
MONA VALE NSW 2103
REGISTERED POST

I hereby authorise the removal or pruning of four Cheese Trees (*Glochidion ferdinandi*), two Cabbage Palms (*Livistona australis*), two Jacarandas (*Jacaranda mimosifolia*) and other exotic species from within a seven metre buffer of Cannes and Gunyah Reserve, Cannes Drive, Avalon.

This licence is subject to the attached conditions.

This licence is a defence against prosecution under sections 118A-D of the *National Parks and Wildlife Act 1974* provided the above vegetation works are carried out in accordance with your licence application and the attached conditions.

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Ms Lou Ewins
Manager Planning & Aboriginal Heritage Section
Metropolitan
(by Delegation)

Licence conditions:

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In order to minimise harm and mitigate impacts to Littoral Rainforest, the Grey-headed Flying Fox (*Pteropus poliocephalus*), and any other threatened species at the reserve, this licence is granted subject to the following conditions:

Carrying out of works

- the works will be undertaken in accordance with the licence application, and will be ameliorated by the measures as described in section 7 of the SIS, except where varied by any of the conditions listed below.
- The trees to be removed or lopped will be flagged by an OEH officer prior to the commencement of works.
- Works must take place only during July 2012 when camp numbers should be lowest and the GHFFs are not within a critical life cycle stage such as birthing, lactating or mating.
- Camp numbers will be verified by ongoing monitoring by appropriately trained Council staff or volunteers, as agreed by OEH.
- Camp assessment and local population counts of Cannes Reserve must continue on at least a fortnightly basis until immediately prior to the proposed disturbance when a count will be done the day before the works, on the day, on the day after, one week later, and then monthly thereafter until at least June 2013.
- To accompany this data and enable effective management of GHFF in the Pittwater LGA, counts must be conducted at the Warriewood Wetland GHFF camp before the works, on the day after, one week later, and then monthly thereafter until January 2013.
- An observer with knowledge and experience in the behaviour of GHFF must be present throughout the duration of works at Cannes Reserve to assist in monitoring the behavioural response of the bats to the disturbance. Council staff must also be present on site to supervise the works for their duration.
- A licensed wildlife carer (Sydney Wildlife Rescue Service or WIRES) must be in attendance on the days of tree removal in the event of any injury to the Flying-foxes.
- On each day of works, once the works begin, monitoring must take place to observe the behavioural reactions of the GHFFs. Works should commence just after the exodus of GHFF at night. Noise generated by the works should create a first stage disturbance, with any remaining GHFF taking flight. Works should be paused briefly at this stage to monitor the presence of any remaining GHFF and ensure they will not be impacted. The tree removal or lopping/pruning works may then continue, with the intention of completing the work as soon as possible, to minimise the noise disturbance and associated stresses to GHFF.
- If any of the GHFF population is killed or injured, then works must stop immediately and the proposal be reassessed in consultation with OEH.
- Trimming or removal works must not take place should GHFF be roosting in affected trees. Works may continue in trees immediately adjacent to roosting trees only where the contractor and the wildlife carer are certain the tree can be removed without physically harming the GHFF.
- Works must not take place in periods of adverse weather including strong winds, sustained heavy rains or on days of very hot or cold temperatures.
- All tree removal and pruning works must be carried out by an arborist with a minimum qualification of Certificate III in Horticulture (Arboriculture) who is a member of an appropriate professional body such as the National Arborists Association. They should be carried out according to Australian Standard AS4373 (Pruning of Amenity Trees). Best

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practice techniques must be used to fell trees in a way that avoids impacts on GHFF (as outlined in the application).

- Chipping of branches/trees must not be carried out on site. The wood should be collected and transported to another place for chipping in order to minimise the impacts of noise on the GHFF.
- Works on both private land and Council land must be coordinated by Council.
- Residents immediately adjacent to where the works are taking place must be notified by phone call where possible or by letter/email at least 48 hours prior to the works taking place and informed that the noise may lead to unexpected behaviour or movement of the GHFF either temporarily or permanently. Information about the works must also be placed on Council's website 48 hours prior to the commencement of works.
- Council must notify OEH at least 48 hours before works commence. Please contact Sarah Burke on phone 9995 6848.

Bush regeneration

- Bush regeneration works must be undertaken in Cannes Reserve to ameliorate the impacts of vegetation removal on the Littoral Rainforest EEC (by Council in accordance with the PoM/vegetation management plan for the Reserve). It is vital to seek and use best practice methods for regenerating GHFF habitat to maintain a suitable microclimate for the GHFF. Under and mid-storey weed species need to be replaced by local native equivalents suitable for that endangered ecological community composition in an attempt to maintain suitable microclimate for GHFF. Data loggers must be used to record the changes in microclimate (humidity and temperature) before, during and after works to identify changes and impacts.
- OEH also requires the ongoing enhancement of habitat at the Warriewood Wetland to provide viable alternative habitat for the GHFF. This must include weed removal and/or planting preferred feed trees to entice GHFF from Cannes Reserve to Warriewood Wetland. The chosen species of trees must be in line with the endangered ecological community composition and structure. The management of Warriewood Wetlands for GHFF habitat must be incorporated into the Warriewood Wetland Plan of Management upon renewal.
- Bush regeneration at both sites must be implemented by qualified bush regenerators, undertaken in such a way to not impact on GHFF and in line with any s132C bush regeneration licences.

Reporting

- A report must be submitted to OEH detailing the response of the GHFF and the outcomes of the works by the 31st October 2012. This report needs to include:
 - The numbers of GHFF at both Cannes Reserve and Warriewood Wetland camps leading up to and after the works and the gender ratio within each camp. If additional information can be sought as to whether there are juveniles in each roost, this information should be included in the report.
 - An assessment of how the GHFFs reacted to the works, outlining any recommendations for what aspects of the works went well and what aspects did not work well.
 - Data analysis on the changes in microclimate (humidity and temperature) in the reserve prior to, during and post works (as recorded by the data loggers described in condition 17).

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- A timetable for future bush regeneration that will take place in Cannes Reserve to enhance the quality of the Littoral Rainforest EEC.
- A timetable for future bush regeneration of Warriewood Wetland habitat to increase and enhance viable habitat for GHFF whilst also promoting health of the EECs on site.
- An assessment of how the residents adjoining Cannes Reserve responded to the works, including detail on the number and nature of complaints before and after the works.