

Department of Environment & Climate Change 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*.

1. Applicant's Name ^: (if additional persons require authorisation by this licence, please attach details of names and addresses)		
2. ABN Number:		
3. Organisation name and position of Applicant ^: (if applicable)		
4. Postal address ^:	4. Telephone ^: B.H. A.H.	
5. Location of the action (including grid reference and local government area and delineated on a map).	Brennans Rd from corner of Frost Rd extending 300m south, within Goomoo SCA - see map (GR 684290 6453874 - Dubbo LGA).	
6. Full description of the action and its purpose (eg., environmental assessment, development etc.).	Some of the intake drains along this section of Brennans Rd are filled with sediment and not operating, thus causing water to run into Frost Rd and create severe erosion issues. The proposed action is to clean out these intake drains to enable them to operate properly and prevent further erosion.	

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*.

^The personal details of all Section 91 licences will be displayed in the register of Section 91 licences required under Section 104 of the *Threatened Species Conservation Act 1995*. See notes.

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

<p>11. Species impact: (please tick appropriate box)</p> <p>a) For action proposed on land declared as critical habitat; or</p> <p>b) For action proposed on land <u>not</u> declared as critical habitat.</p>	<p>An SIS is attached</p> <p>✓ Items 12 to 25 have been addressed</p>
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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.

<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<p>The site where the plants will be affected is "in & of the existing nitre drains. These drains are on sandy soils and are currently filled with sandy sediment. There is a sparse cover of herb + forb species" in the drains, including <u>R. procumbens</u> and <u>Z. ingramii</u>. The surrounding habitat is similar and contains numerous individuals of both <u>Rulingia</u> and <u>Zieria</u> which will not be affected.</p>
<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>	<p>The only known records of TS on the site are the recent findings of <u>R. procumbens</u> and <u>Z. ingramii</u> found during a targeted survey on 20/12/2007. No other TS occur on this site. There are potentially tens of thousands of <u>R. procumbens</u> plants in Gooree and a few 1000 <u>Z. ingramii</u> plants, as observed in 2007 by both BCU and PNG staff.</p>
<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>	<p>The site (0.184 ha) and the entire Gooree SCA (54,000 ha) contains known and potential habitat for <u>R. procumbens</u> and <u>Z. ingramii</u>.</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.	The proposed activity will modify approximately 0.004 ha (nitre drains only) of known habitat and 0.18 ha (road corridor) of potential habitat within Goanoo SCA. This habitat is located on an existing road and drains within the reserve and is already highly disturbed and degraded. The total area to be affected represents 0.00033% of the known + potential habitat.
16. Provide an assessment of the likely nature and intensity of the effect of the action on the lifecycle and habitat of the species.	It is considered that the action will not significantly affect the lifecycle or habitat of either <u>R. procumbens</u> or <u>Z. ingramii</u> given the small number of plants and scale of the activity compared with the entire area of Goanoo SCA and the fact that these species may even prefer some disturbance to encourage growth.
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	A large area of known <u>R. procumbens</u> habitat, containing approx. 80-100 plants was also located in the table drain along a section of Frost Rd. This area will be protected during the roadworks on Frost + Brennans Rds and will not be disturbed. It may be possible to attempt to re-locate the <u>Rp</u> + <u>Zi</u> plants out of the nitre drains if required.

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.

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.	The action is unlikely to have an adverse effect on the lifecycle of <u>R. procumbens</u> or <u>Z. ingramii</u> such that the local populations will be placed at risk of extinction, due to the small scale and number of plants to be affected in comparison to the size and extent of the local populations (is 6 <u>R. procumbens</u> plants out of potentially 10,000's and up to 24 <u>Z. ingramii</u> seedlings out of potentially 3,000 or more).
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19. In the case of an 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.

N/A - not 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.

N/A - not an 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

(i) Approx. 0.184 ha out of a total of 54,000 ha of known or potential R. procumbens + Z. ingramii habitat within Geomco SCA will be affected. This represents approximately 0.00033% of known or potential habitat.

(ii) No area of R. procumbens or Z. ingramii habitat will become fragmented or isolated as a result, due to the fact that only a very small proportion of known habitat is to be modified, which will not fragment or isolate

fragmented or isolated from other areas of habitat as a result of the proposed action, and

(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.

the remaining habitat in Gannon.

(iii) The habitat to be modified exists within the road and drainage corridor and is currently highly modified and disturbed, as a result of traffic movement and previous road maintenance works. Therefore the area of habitat to be disturbed is not considered to be significant to the long term survival of either species, compared with the surrounding landscape.

22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

N/A - no critical habitat has been declared in Gannon SCA or NP.

23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

There is currently no Recovery Plan for *R. procumbens* and the activity is not inconsistent with any PAS actions. There is currently an Approved Rec. Plan for *Z. ingramii* which does identify road maintenance as a potential threat. However, the number of plants + area of habitat to be affected by this proposal is not considered significant.

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.

N/A - this action is not a KTP.

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 DECC 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 DECC 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 Climate Change (NSW).

Disclosure of Personal Information in the Public Register of s91 Licences

* 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 Public Register provides a list of licence applications and licences granted. A person about whom personal information is contained in a public register may request that the information is removed or not placed on the register as publicly available.

A full copy of licences granted is included on the DECC website at http://www3.environment.nsw.gov.au/npws.nsf/content/s91_tsca_register_bydate or in a hardcopy available from The Librarian, DECC, 59 Goulburn St, Sydney.

Please contact the relevant Environment Protection and Regulation Division for more details (Contact details are below)

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.

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

21/12/2007











