

Section 91 Licence

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

1. Applicant's name ^: (if additional persons require authorisation by this licence, please attach details of names and addresses)	Kurt Laboyrie																			
2. Australian Business Number (ABN):	42 860 678 701																			
3. Organisation name and position of applicant ^: (if applicable)	Soil Conservation Service- Department of Industry Senior Environmental Officer (consult)																			
4. Postal address ^:	Level 12, 10 Valentine Avenue Parramatta NSW	Telephone : <div style="background-color: black; width: 100px; height: 15px;"></div>																		
5. Location of the action (including grid reference and local government area and delineated on a map).	<p>The proposed action is in Kurnell, within the Sutherland Shire LGA. It is a collective of Crown Land parcels located west of Sir Joseph Banks Drive, Kurnell. The site is bounded by the Sydney Desalination Plant to the north-west and Caltex Refineries Pty Ltd to the north-east.</p> <p>Grid reference points for the activity is are :</p> <table border="0"> <tr><td>334331</td><td>6234161</td></tr> <tr><td>334057</td><td>6234041</td></tr> <tr><td>333981</td><td>6233951</td></tr> <tr><td>333994</td><td>6233811</td></tr> <tr><td>333733</td><td>6233499</td></tr> <tr><td>333896</td><td>6233317</td></tr> <tr><td>334118</td><td>6233664</td></tr> <tr><td>334200</td><td>6233869</td></tr> <tr><td>334391</td><td>6234066</td></tr> </table>		334331	6234161	334057	6234041	333981	6233951	333994	6233811	333733	6233499	333896	6233317	334118	6233664	334200	6233869	334391	6234066
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* 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.

The subject site covers Crown Land Lots 1153, 1178, 1179, 1180, part of Lot 1118 and Lot 7018 DP93574

The adjacent Grey Headed Flying Fox (GHFF) camp is located within Sydney Desalination Plant Conservation area. Grid reference points for the camp location are :

334574	6233794
334181	6233143
334769	6232844
334895	6233065

The GHFF camp habitat covers the Lot 1 DP 1088703 and Lot 2 DP1077972.

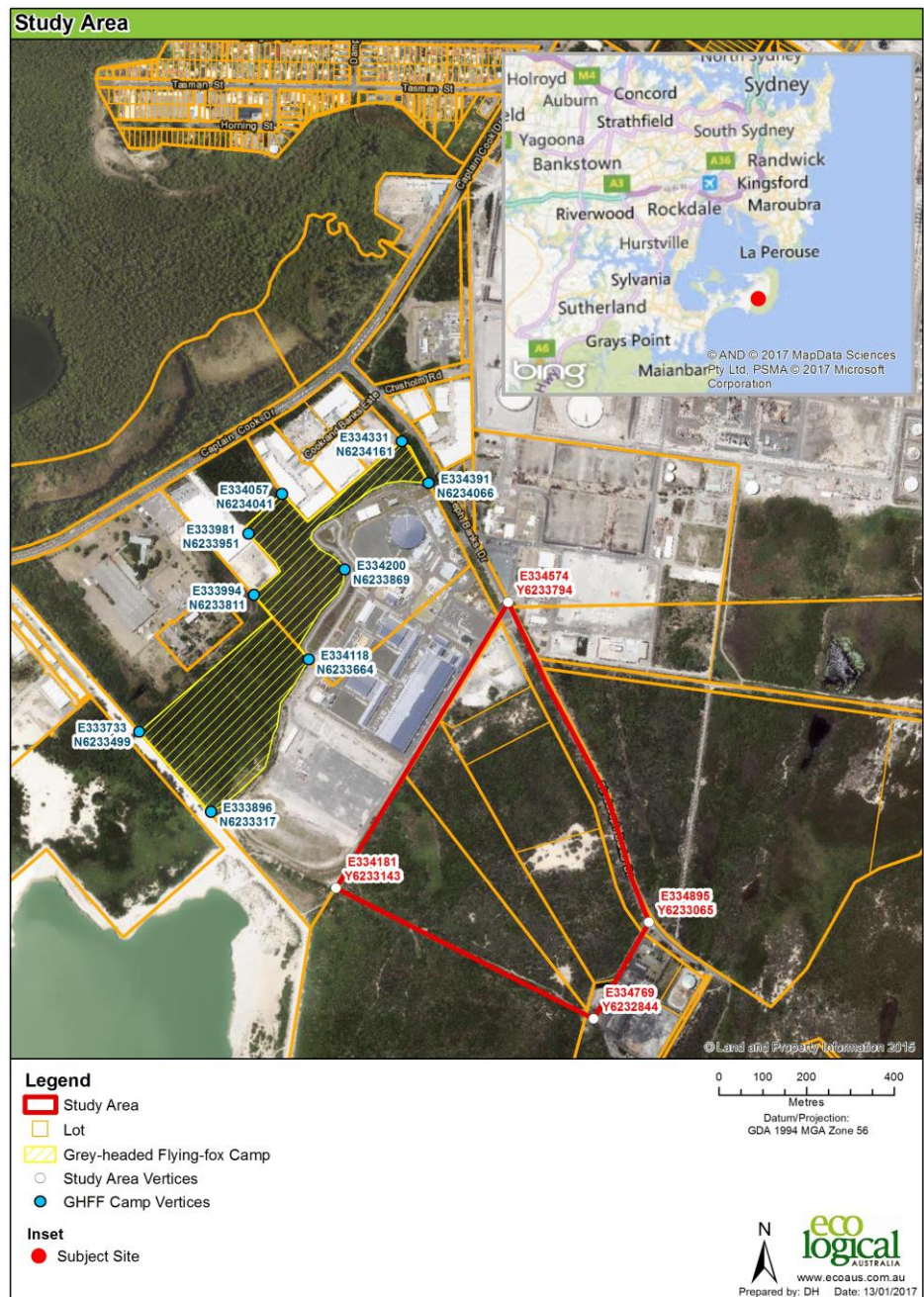


Figure 1

6. Full description of the action and its purpose (e.g. <i>environmental assessment, development, etc.</i>)	<p>The action will involve removal of building refuse from the study area (shown in Figure 1). The damaged building material resulted from an extreme weather event (the Kurnell tornado) on 16 December 2015.</p> <p>To minimise the impacts to the vegetation, a helicopter will lift the building material to cleared areas within the subject site where it can be taken by truck to a licensed waste disposal facility.</p> <p>The AS350 Squirrel Helicopter will be contracted and operated by National Parks and Wildlife Service (NWPS) for the work and will operate below 300ft using a grappling hook to conduct multiple, external sling loads. The operation will be over three consecutive Sundays in February / March (pending weather conditions and runway/airspace availability) between the hours of 8 am to 12.30 pm for a total of 8 to 10 hours helicopter time.</p> <p>Building material extracted by the helicopter will be collected by truck from collections points along a 2 m wide track to be cleared (refer to blue line on Figure 2) within the subject site. Vegetation to be cleared comprises Coastal Sand Apple Bloodwood Forest (0.08 ha), Coastal Sand Swamp Mahogany Forest (0.05 ha) and Coastal Sandplain Heath (0.11 ha) (as shown on Figure 2). These are not endangered ecological communities (EECs). No EECs or threatened species will be cleared as part of the proposed works.</p>

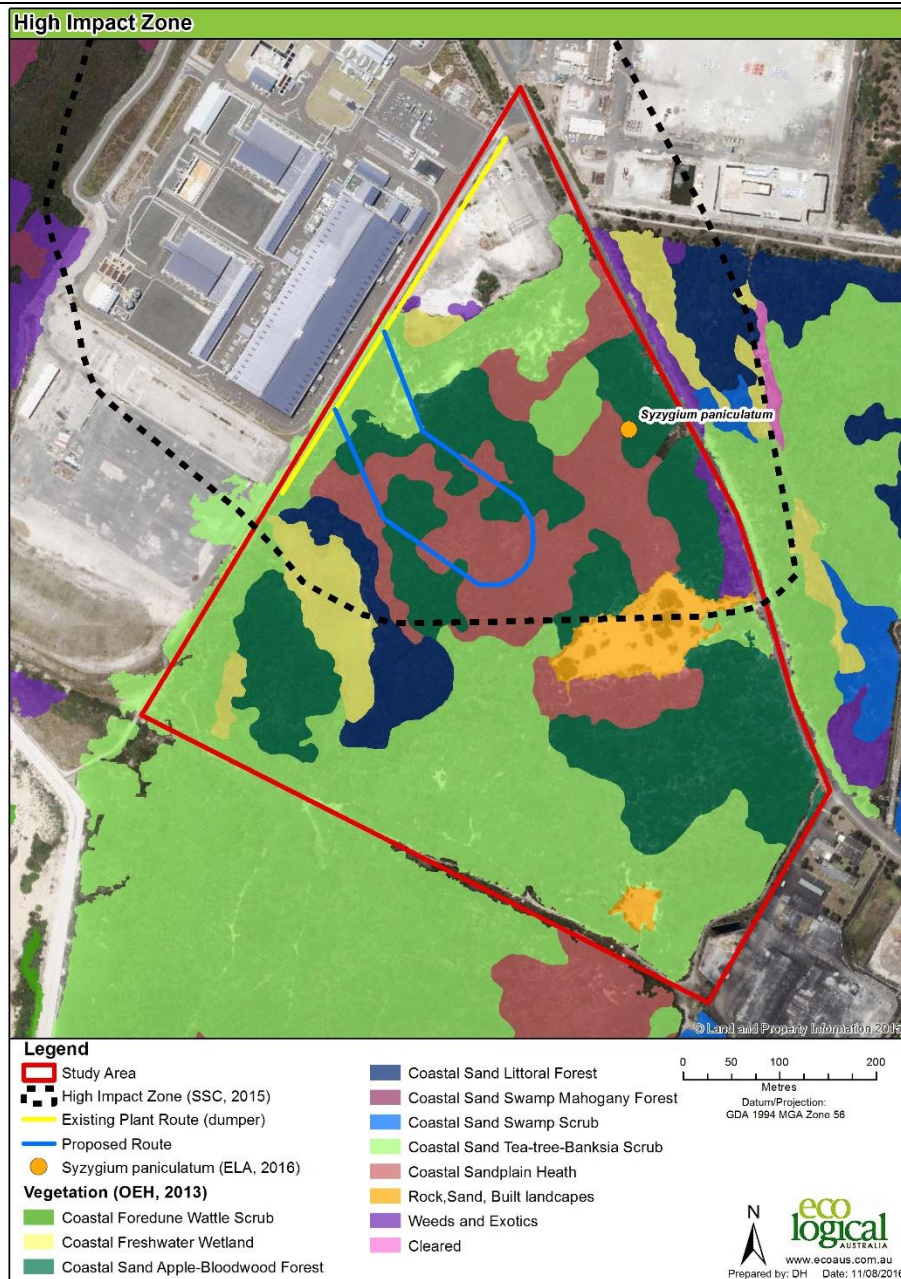


Figure 2

7. Details of the area to be affected by the action (*in hectares*).

The GHFF camp habitat is located within Sydney's Desalination Plant Conservation area, approximately 300-400 m from where the helicopter operation is to take place. Recent surveys indicate that the camp currently comprises less than 100 GHFF individuals. The size and extent of the camp fluctuates over time with seasonal conditions / food availability.

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

☐ Yes ☒ No

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

10. Threatened species, populations or ecological communities to be harmed or picked.	<u>Scientific name</u> <i>Pteropus poliocephalus</i>	<u>Common name (if known)</u> Grey-headed Flying-fox	<u>Conservation status</u> <i>(i.e. critically endangered, endangered or vulnerable)</i> Vulnerable	<u>Details of number of individual animals, or proportion and type of plant material</u> Nearby GHFF camp comprising less than 100 GHFF may be temporarily disturbed by the operation of the helicopter.
11. Species impact: <i>(please tick appropriate box)</i> a) For action proposed on land declared as critical habitat or b) For action proposed on land <u>not</u> declared as critical habitat.	a species impact statement (SIS) is attached <input type="checkbox"/> Yes <input type="checkbox"/> No Items 12 to 25 have been addressed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<p>N.B: Provision of a species impact statement is a statutory requirement of a licence application if the action is proposed on critical habitat.</p> <p>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.	The study area comprises bushland in good condition. Figure 2 shows the vegetation communities in the study area. Figure 1 shows the location of the camp to the north-west of the study area. The Desalination Plant is situated between the study area and camp.			
13. Provide details of any known records of a threatened species in the same or similar known habitats in the locality <i>(include reference sources)</i> .	<p>The desktop search was carried out using the following databases and vegetation mapping:</p> <ul style="list-style-type: none"> • Atlas of NSW Wildlife • EPBC Protected Matters Online Search Tool • Vegetation mapping of Sydney Metro CMA (OEH 2013). <p>Threatened species and communities recorded within the area are as follows:</p> <ul style="list-style-type: none"> • <i>Syzygium paniculatum</i> (Magenta Lilly Pilly) • <i>Litoria aurea</i> (Green and Golden Bell Frog) • <i>Miniopterus australis</i> (Little Bentwing-bat) • <i>Myotis macropus</i> (Southern Myotis) 			

	<ul style="list-style-type: none"> • <i>Pteropus poliocephalus</i> (Grey-headed Flying-fox) • Sydney Freshwater Wetlands in the Sydney Basin Bioregion • Kurnell Dune Forest in the Sutherland Shire and City of Rockdale.
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>In addition to the nearby camp, the GHFF may forage in this area. It is anticipated that there will be no direct impact to the GHFF foraging habitat as a result of the planned works.</p> <p>Removing the building material will assist with regeneration of the vegetation.</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>GHFFs occur from between Mackay, Qld to Melbourne, Vic. Within their range there are approximately 250 known regularly used roost sites. There will be no direct impact to the GHFF habitat as a result of the planned works.</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>Noise and vibration from the airborne helicopter may disturb the roosting GHFF in the camp, which is approximately 300-400 m from the worksite. However, the number of GHFFs in the camp is low (<100) and there is sufficient habitat for them to temporarily move further away from the helicopter noise if they are disturbed.</p> <p>The works are scheduled for Feb/March when there is reduced likelihood of the presence of dependent GHFF young in the camp.</p> <p>The likely impacts of the proposed work on the lifecycle and habitat of the GHFFs is therefore considered low.</p>
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	<p>Management strategies during the helicopter's operation include:</p> <ul style="list-style-type: none"> • The helicopter is to operate after 8 am to minimise disturbance GHFF whilst they are returning to the camp to roost. • Helicopter operations should cease no later than 5 pm (noting that they are planning to cease by 12.30 pm), prior to GHFF fly-out from the camp to forage. • Schedule the operation to commence late February 2017 to minimise the risk of impacting dependent young. • If there is risk of a heat stress event on the day of work (ie. temperatures >38°C), an ecologist should monitor the roosting GHFFs to ensure that there is no additional stress experienced from the helicopter activities.
<p>N.B: The Chief Executive 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 24. Any additional information referred to in addressing these items must be attached to the application.</p>	

<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>The action will not have an adverse impact on the life cycle of GHFFs such that a viable local population is likely to be placed at risk of extinction. No GHFFs will be harmed by the works.</p>
<p>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.</p>	<p>Not applicable – GHFF population is not listed as endangered population.</p>
<p>20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</p> <p>(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</p> <p>(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.</p>	<p>The proposed action is not likely to have any adverse effects on the extent of the ecological communities.</p>
<p>21. In relation to the habitat of a threatened species,</p>	<p>The proposal will not remove or fragment GHFF roosting habitat. Foraging habitat is unlikely to be affected.</p>

<p>population or ecological community:</p> <p>(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</p> <p>(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</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>	
22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	Not applicable – no critical habitat has been identified in NSW for GHFF
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	<p>The proposed actions are consistent with the objectives of the <i>Draft National Recovery Plan for the Grey-headed Flying-fox</i> (DECCW 2009). Specifically, to:</p> <ul style="list-style-type: none"> • Protect and enhance roost habitat
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>Threatening processes active in the study area relevant to the GHFF camp under the proposal are:</p> <ul style="list-style-type: none"> • electrocution on powerlines, entanglement in netting and on barbed wire • heat stress • conflict with humans <p>The proposal has the potential to contribute to these key threatening processes if appropriate measures outlined in this application are not implemented. However, the risk is considered low.</p>

Important information for the applicant

Processing times and fees

The *Threatened Species Conservation Act 1995* provides that the Chief Executive 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 Chief Executive 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 Chief Executive is required to advise prospective applicants of the maximum fee payable before the licence application is lodged. Therefore, prospective applicants should contact the Office of Environment and Heritage (OEH) 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 *as well as* 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 Chief Executive 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 species impact statement (SIS), the Chief Executive 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 Chief Executive will advise the applicant of the need to prepare a SIS.

Chief Executive's requirements for a species impact statement

Prior to the preparation of a SIS, a request for Chief Executive's requirements must be forwarded to the relevant OEH 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 Chief Executive of Office of Environment and Heritage (OEH).

* 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*.

Disclosure of Personal Information in the Public Register of s91 Licences

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.

Copies of all applications and licences issued under section 91 and certificates issued under section 95 of the Act are available on the OEH website at [Public register of section 91 applications, licences and certificates](#) or in hardcopy form from The Librarian, Office of Environment and Heritage, 59 Goulburn St, Sydney.

Certificates

If the Chief Executive 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 Chief Executive 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
(Please print)

Kurt Laboyrie

Applicant's position and
organisation (if relevant)
(Please print)

Senior Environmental Officer- Soil Conservation Service

Applicant's signature



Date

15/02/2017

For more information or to lodge this form, contact the nearest branch of OEH's Regional Operations Group:

Greater Sydney

PO Box 644
Parramatta NSW 2124
Phone: 02 9995 5000

Hunter and Central Coast

PO Box 1002
Dangar NSW 2309
Phone: 02 6651 5946

Illawarra

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Wollongong NSW 2500
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24 Moonee Street
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Dubbo NSW 2830
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South west

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Albury NSW 2640
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Email: info@environment.nsw.gov.au

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