


Application for a



Office of
Environment
& Heritage

Section 91 Licence

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 ^: <i>(if additional persons require authorisation by this licence, please attach details of names and addresses)</i>	Michael McIntosh	
2. Australian Business Number (ABN):	16 744 377 876	
3. Organisation name and position of applicant ^: <i>(if applicable)</i>	Port Stephens Council Group Manager Development Services	
4. Postal address ^:	PO Box 42 RAYMOND TERRACE NSW 2324	
5. Location of the action <i>(including grid reference and local government area and delineated on a map).</i>	<p>The location is Newbury Park in Raymond Terrace, NSW in the LGA of Port Stephens. 32°45'34.59"S, 151°47'07.43"E See attached map (Figure 1)</p> <p>The park is triangular and runs parallel to a Hunter Water trunk line opposite residences in Hillside Close along the eastern side, surrounded by Adelaide Street to the north and residents along Thomas Street to the south.</p> <p>The park is zoned RE1 (public recreation) under the Draft Port Stephens Council LEP 2013 and is adjacent to R2 (low density residential). Existing Zoning is 6a (General Recreation) under the Port Stephens Council LEP 2000.</p>	

The proposed activity is to enhance the current highly modified weed

* 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.

<p>6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)</p>	<p>infested retention pond park area that is a degraded example of Swamp Oak on Floodplain EEC that is used intermittently as a Grey-headed Flying-fox (GHFF) camp by:</p> <ol style="list-style-type: none"> 1. Removing several invasive tree species along the boundary line of the Thomas Street residences in the south to create a 10mX100m wide buffer zone between the camp and residences 2. Planting shrubby short (<2m) and groundcover EEC species (such as but not limited to <i>Lomandra longifolia</i>, <i>Callistemon salignus</i>, <i>Centella asiatica</i>, <i>Commelina cyanea</i> and <i>Crinum pedunculatum</i> along the buffer zone to deter Flying-foxes from roosting close to residences 3. Planting EEC shrub and tree species (such as but not limited to <i>Acmena smithii</i>, <i>Glochidion ferdinandi</i> and <i>Callistemon salignus</i>) that Flying-foxes do not prefer to roost in, adjacent to the trunk line and around the perimeter to buffer the Flying-fox camp from constant interruptions from people walking by and vehicle traffic (making the camp quieter for nearby residences) 4. Providing enhancement plantings of Flying-fox preferred EEC species (such as but not limited to <i>Casuarina glauca</i>, <i>Alphitonia excelsa</i> and <i>Melaleuca quinquenervia</i>) towards the middle of the camp to entice the Flying-foxes to take up roosting away from residences. 5. Reducing the weed species and replanting with appropriate EEC species, both Flying-fox friendly and unfriendly where appropriate in a staged manner. <p>See attached map showing works (Figure 2)</p>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>The proposed work area is approx 1.04ha and is highly modified and weed-infested, mainly non-native vegetation. The native vegetation consists of planted and natural <i>Casuarina spp</i>, <i>Eucalyptus saligna</i> and <i>robusta</i>, <i>Melaleuca quinipenervia</i>, <i>Grevillea robusta</i>, <i>Ficus rubiginosa</i> and <i>Pittosporum</i>.</p> <p>The invasive vegetation consist mainly of; willows, <i>Camphor laurel</i>, Japanese Honeysuckle, Madera vine, Cats comb coral trees, Privet, lantana, tobacco, papyrus, green cestrum, sienna, caster oil, Banana, palm grass, black taro, blackberry and slash pines.</p> <p>The work is being done as part of a Draft Vegetation Management Plan for the ongoing maintenance of Newbury Park. This DVMP has been produced in the interim to manage the Grey-headed Flying-fox camp to reduce the current conflict with nearby residences.</p> <p>Council is committed to protecting and enhancing the current camp inline with the recommendations in the outdated NSW Flying-fox Camp Management Policy (DECC 2009) and the newer more up to date Grey-headed Flying-fox Management Strategy for the Lower Hunter (GeoLink 2013).</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>The urgent work is expected to start once the last GHFF fly out of Newbury Park. This is likely to occur in March/April 2014.</p> <p>Once the park is no longer being used, contracted professional arborists will fell 5-6 mature non native and invasive tree species (Jacaranda, slash pines, flame tree, willow, and camphor laurel). All</p>

waste will be taken from the site and the stumps chemically treated to arrest coppicing. Any established natives will be assessed and removed if necessary for the buffer. This will take approx 1 to 2 weeks dependent on weather.

Weeding of vine, shrub and other invasive species around the perimeter will be done chemically and mechanically this will be done after the felling of the trees, this will take approx 1 week and will require regular future treatments.

Replanting of shrubby natives will begin within the residential and perimeter buffer zones after all the weed species have been removed. Replanting will take approx 3-4 weeks.

All works will cease once any GHFF return to the camp, this is predicted in August/September 2014.

If the camp remains occupied then there will be no tree removal although small scale vine and shrub weeding will be done towards the outer areas of the camp – the core camp will not be touched. The buffer zone is within the outer camp.

The second phase of works will start in 2015 and that will include enhancement of the core camp and the added buffer zone adjacent to the trunk line. – again this is all dependent on camp occupation.

9. Is the action to occur on land declared as critical habitat?
(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 (i.e. critically endangered, endangered or vulnerable)	Details of no. of individual animals, or proportion and type of plant material (e.g. fertile branchlets for herbarium specimens or whole plants or plant parts)
	<u><i>Pteropus poliocephalus</i></u>	Grey-headed Flying-fox	Vulnerable under the TSC and EPBC Acts	Data for the National Flying Fox Count showed that the camp in Feb 2013 1500 GHFF May 4000 GHFF August 6500

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

				<p>GHFF</p> <p>Additional counts due to complaints there was over 8000 GHFF in September and in October back down to 800</p> <p>NB there were also Black Flying-fox (BFF) from August 1000 September 2000 October 0</p>
<p>11. Species impact: (please tick appropriate box)</p> <p>a) For action proposed on land declared as critical habitat;</p> <p>or</p> <p>b) For action proposed on land <u>not</u> declared as critical habitat.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>an SIS is attached <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Items 12 to 25 have been addressed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p><i>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 <u>not</u> on land that is critical habitat. Information addressing any of the questions below must be attached to the application.</i></p>				
<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<p>The area is a 2.2ha drainage reserve and is highly modified due to the building of a trunk line and earthworks making the retention pond. The area was subdivided in 1979 and a small area was dedicated to public open space. The whole area (park, truck line and drainage reserve) overtime, has been declared public open space. Weed species have taken hold and limited maintenance has been applied in recent times. The trunk line and a section of parkland to the north east of the reserve is mown regularly.</p> <p>The area would have been originally mapped as EEC - Lower Hunter Spotted Gum-Ironbark Forest in the Sydney Basin Bioregion.</p> <p>There is low density residential adjacent along the two longest boundaries (south-west and east) with a main road to the north. There is another park across the main road (old Pacific Hwy) containing ponds and two mapped EEC – Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions and Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions. The GHFF do not appear to roost in this park although they do forage. Indicative remnant vegetation in the drainage reserve is Swamp Oak on Floodplain Forest.</p>			

<p>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>	<p>EEC in adjacent parklands (Council EEC mapping)</p> <p>From NSW Wildlife Atlas: Grey-headed Flying Fox in 2012 Green and Gold Bell Frog in 1973 in adjacent park Koala found in 1986 in Newbury Park (no koala food trees or preferred exist in the park now) Koalas found in adjacent sites 300m radius from 1980 through to 2004 Swift Parrot in 2002 in a park 300mts away</p>
<p>14. Provide details of any known or potential habitat for a threatened species on the land to be affected by the action (<i>include reference sources</i>).</p>	<p>The proposed actions should not affect the GHFF as Council is making the area more bat friendly by enhancing and embellishing their environment. All work halts when the GHFF are present in the camp.</p>
<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>a. There is expected to be a 0.12ha area cleared for the residential buffer. GHFF will no longer be able to roost next to residences by removing exotic roost trees b. There will be 0.91ha of hand weeding of vine and shrub weeds c. There will be 0.2ha of added enhancement planting for the outer perimeter and inner core camp. Enhancement planting around the perimeter will allow for a visual buffer for the camp and hopefully GHFF will not roost in this buffer. Enhancement plantings for the core camp will attract roosting GHFF towards the middle of the camp. d. There will be a 0.12ha area of planted residential buffer vegetation (low growing shrubs incl. lomandra to deter roosting)</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>There will be negligible effect on the GHFF lifecycle or habitat with the removal of 0.12ha of weed species and the gain of 0.2ha of prime GHFF habitat. Numbers have shown the camp fluctuates seasonally and therefore will not impact on their breeding. The camp has been recorded at its fullest during September 2013 where the GHFF and BFF roosted in trees close to residents. At this stage the camp was approx 10 000 flying-foxes. Less than three weeks later the camp reduced to approx 800 flying-foxes, and does not appear to support birthing females.</p> <p>At the most, the short term loss of 5-6 roosting trees will impact on returning GHFF and competition for roost space in the remaining trees. There are many other camps in the close vicinity (<20Km away see Figure 3) and camps are dependent on close-by food sources. Once the enhancement trees are planted (including more mature sized ones) and matured then there will be extra roost space available in the coming years.</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>The timing of the proposed works is from April/May through to August/Sept 2014 and corresponds with the existing camp being vacated.</p> <p>Disturbance during the end of August/September 2014 through to March/April 2015 is to be avoided as this would disturb the colony,</p>

	<p>and if any females are present, may cause them to spontaneously abort. If GHFF return early or remain in the camp then all works will be abated and will be completed in the following years camp vacation 2016.</p> <p>Likewise if the GHFF do not vacate the camp in April/May 2014 then no works will be completed except for basic weeding of the edges and current maintenance of mowing the grassed areas.</p> <p>Due to the current roosting configuration (October 2013) the proposed residential buffer zone is 50mts from the nearest occupied roost tree and therefore if numbers stay low there maybe an avenue to do tree removal after they fly out in April/May.</p> <p>Any species of threatened flora that is found onsite, will be properly identified, logged and reported to the appropriate authority. The species will be protected either by brightly coloured tape, or a barrier placed around it to protect it during works.</p>
<p><i>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 24. Any additional information referred to in addressing these items must be attached to the application.</i></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>There is no risk of adverse effect or extinction on the GHFF's as the established camp will not be removed, only weeded and enhanced. The camp is currently occupied with 800 +/- 150 at the northern end of the camp and any weeding works will not have any impact on them. Once the Flying-foxes do vacate then works will not impact on any GHFF.</p> <p>Although the works planned have the potential to further degrade the site, such as open the canopy and let light through and promote the soil seed bank flourishing (mainly weed species), there is a plan of maintenance that will ensure that weeding and nurturing of the vegetated site is maintained for the next few years until the area has recovered.</p> <p>The revegetation with local EEC and other native species will help re-establish the canopy and promote a healthy understory free of weed species. The native species will eventually provide local habitat.</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>N/A</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>N/A as Council will be rehabilitating the reserve to Swamp Oak on Floodplain Forest</p>
<p>21. In relation to the habitat of a threatened species, 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>	<p>(i) There will be limited habitat modification - less than 0.12 ha (tree removal) in the GHFF camp overflow area and 0.91 ha (weeding) over the whole park. It is only the weed species being removed from an already highly disturbed and modified site.</p> <p>(ii) There will be no habitat fragmentation or isolation as the native species will be retained. There will be 0.2ha enhancement planting south of the core camp.</p> <p>(iii) There is Nil effect as the native flora species will not be touched. The current core camp is being strangled by vine weeds and other fast growing species, causing the GHFF to roost further south in exotic species within the gardens of residents.</p> <p>The important issue is that there will be an additional 0.2ha of roost area EEC created to ensure the long-term survival of the GHFF.</p>

22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	N/A
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	In the Draft National Recovery Plan for the Grey Headed Flying-Fox <i>Pteropus poliocephalus</i> (DECCW 2009), Councils works proposal falls under objective 4 'to protect and enhance roosting habitat critical to the survival of the Grey-headed Flying Foxes'. By way of protecting the existing camp by removing weed species within the surrounding area to enhance the riparian zone vegetation.
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 as Council is removing weed species and enhancing with additional flying-fox roost space.

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 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

* 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*.

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 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 Director-General of OEH.

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

www.environment.nsw.gov.au/threatenedspecies/S91TscRegisterByDate.htm

or in hardcopy form from The Librarian, OEH, 59 Goulburn St, Sydney.

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
(Please print)

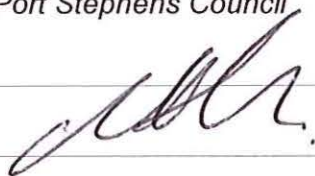
Michael McIntosh

per *Matthew Brown*

Applicant's Position &
Organisation (if relevant)
(Please print)

Group Manager Development Services
Port Stephens Council

Applicant's signature



Date

16/12/13

For more information or to lodge this form, contact the nearest branch of OEH's Conservation and Regulation Division:

Metropolitan Branch

P: 02 9995 6802
F: 02 9995 6900
PO Box 668
Parramatta
NSW 2124

North East Branch

P: 02 6640 2500
F: 02 6642 7743
PO Box 498
Grafton
NSW 2460

North East Branch

P: 02 4908 6800
F: 02 4908 6810
PO Box 488G,
Newcastle
NSW 2300

North West Branch

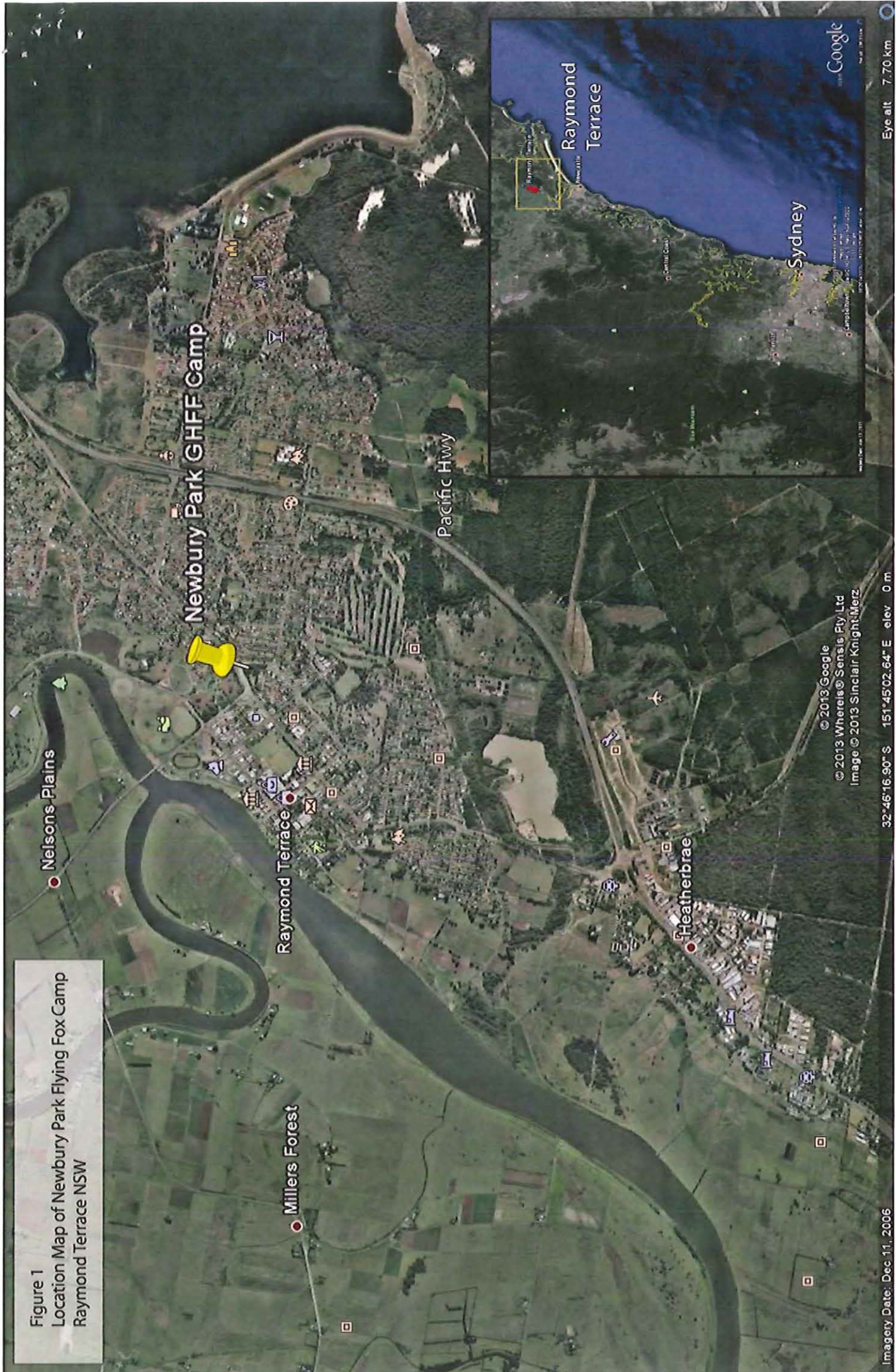
P: 02 6883 5330
F: 02 6884 8675
PO Box 2111
Dubbo
NSW 2830

South Branch

Biodiversity Conservation Section
P: 02 6122 3100
F: 02 6299 3525
PO Box 622 Queanbeyan
NSW 2620

Office of Environment and Heritage (NSW)
PO Box A290, Sydney South NSW 1232
Phone: 131 555 (Environment Line) Fax: 9995 5999
Email: info@environment.nsw.gov.au

Figure 1
Location Map of Newbury Park Flying Fox Camp
Raymond Terrace NSW



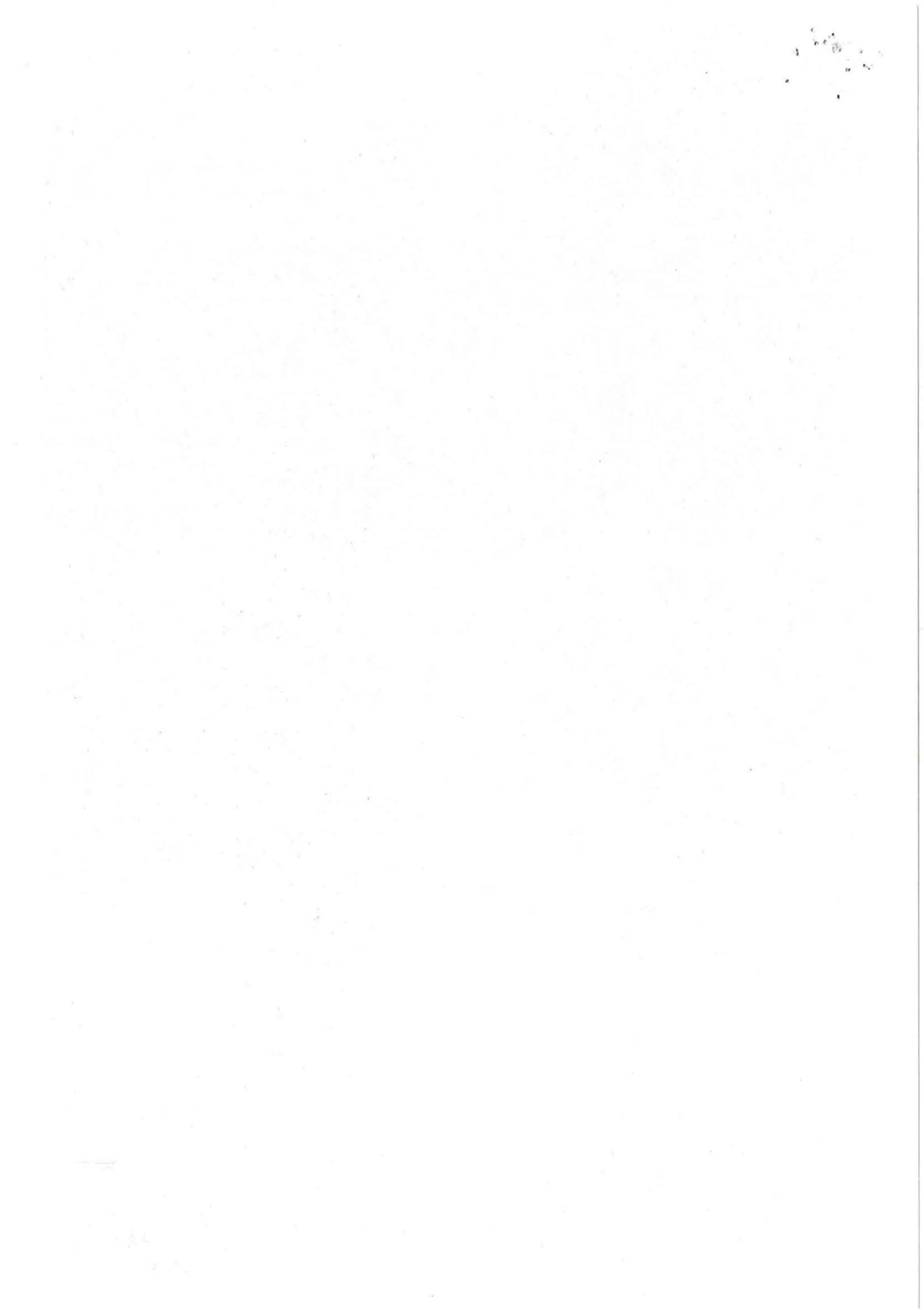


Figure 2
Close up of GHFF camp and works to be done



- Camp extent August 2013
- Camp extent September 2013
- Camp extent October 2013
- Proposed habitat enhancement
- Proposed residential buffer
- Proposed perimeter buffer

Image © 2013 Sinclair Knight Merz

© 2013 Whereis Sensis Pty Ltd
32°45'35.83"S 151°45'06.67"E elev 0 m

2009 Google
Eye alt 211 m

Imagery Date: Dec 11, 2006

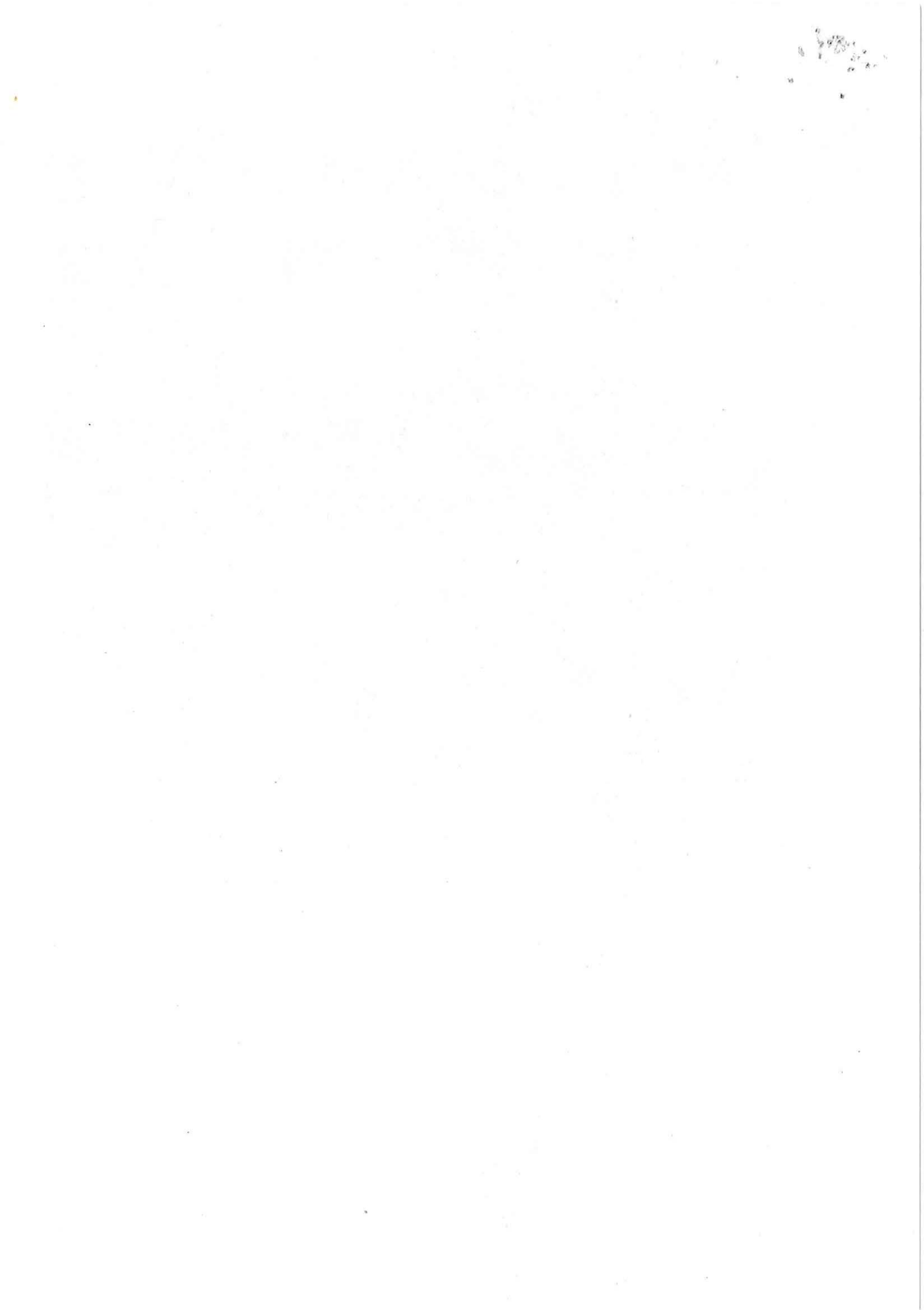
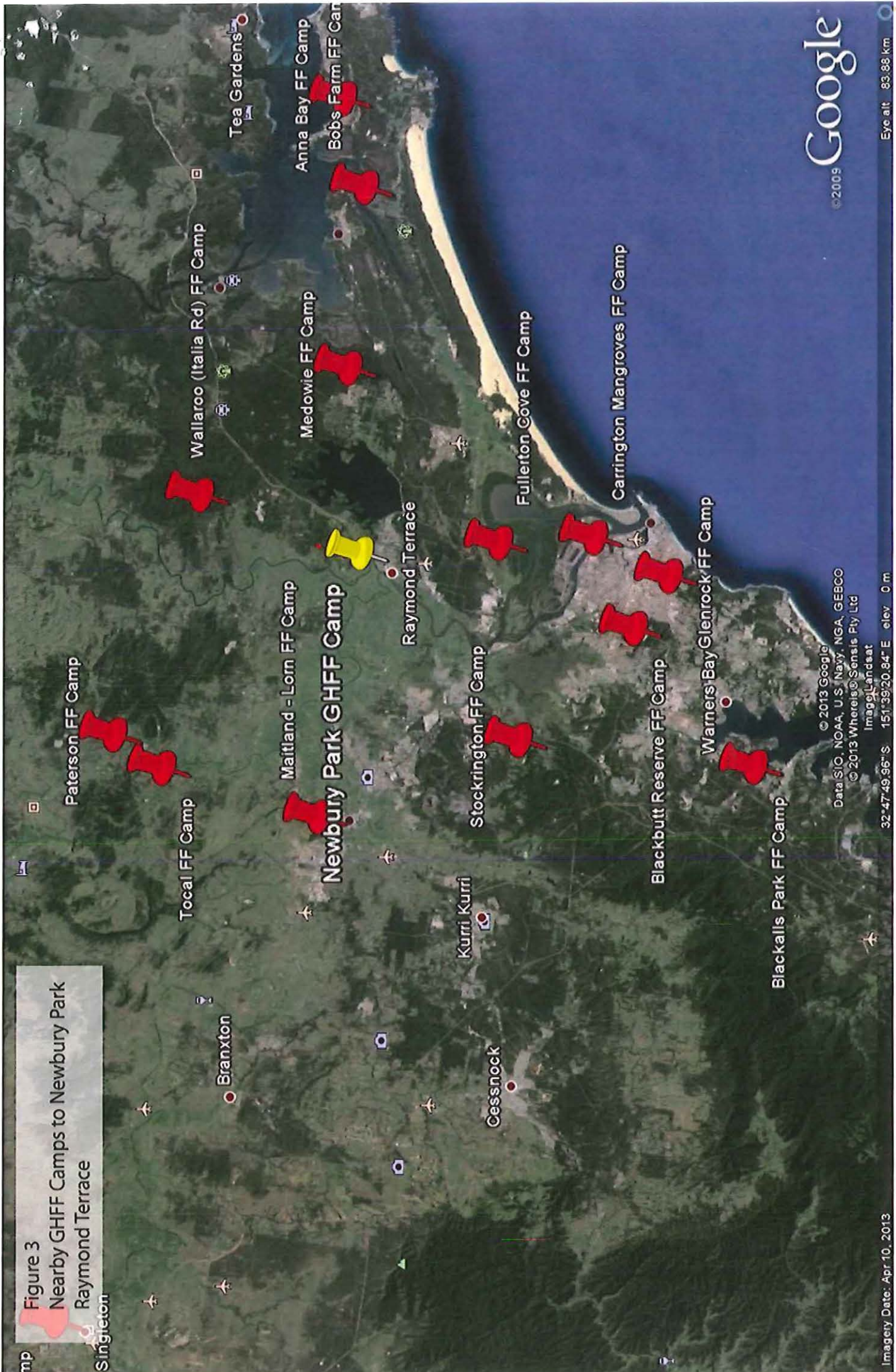


Figure 3
Nearby GHFF Camps to Newbury Park
Raymond Terrace



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