

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 ^: (if additional persons require authorisation by this licence, please attach details of names and addresses)	Lee McElroy	
2. Australian Business Number (ABN):	16 744 377 876	
3. Organisation name and position of applicant ^: (if applicable)	Port Stephens Council,	
4. Postal address ^:	PO Box 42 Raymond Terrace NSW 2421	Telephone ^: [REDACTED] B.H. A.H.
5. Location of the action (including grid reference and local government area and delineated on a map).	The location of the <i>Syzyguim paniculatum</i> is shown in figure 1 (attached). It is located at [REDACTED] [REDACTED]	

\* 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.

6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)	<p>The resistograph reading concluded that there is a separation within the area of the included bark on the SW trunk. Failure of the SW section will lead to property damage and damage to overhead power lines (see figure 2) and the cavity with in the NW trunk consumes 10% -15% of the structural timber and constitutes a high hazard for the dwelling on the site Hazard assessment attached</p> <p>The only method to mitigate the possibility of trunk failure during an East Coast Low is the installation cabling and bracing</p>
7. Details of the area to be affected by the action (in hectares).	<p>The <i>Syzyguim paniculatum</i> is on residential land, the areas that may be affected include; the residents driveway and household garden.</p> <p>The <i>Syzygium paniculatum</i> is considered remnant due to its age being estimated at 130 years See figure 5) and the existing literal rainforests species located within 50m of [REDACTED] (see figure 4).</p>
8. Duration and timing of the action (including staging, if any).	<p>The Cabling and Bracing of the lone <i>Syzyguim paniculatum</i> will take one working day (~7 hours).</p>
9. Is the action to occur	

on land declared as critical habitat*? <i>(tick appropriate box)</i>	<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>  Syzyguim paniculatum	<u>Common name</u>  Magenta Lilly Pilly	<u>Conservation status</u>  Recently Listed as endangered (September 2013)	<u>Details of no. of individual animals, or proportion and type of plant material</u>  1 Syzyguim paniculatum
11. Species impact: <i>(please tick appropriate box)</i> a) For action proposed on land declared as critical habitat; or	an SIS is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i> .				

b) For action proposed on land <u>not</u> declared as critical habitat.	Items 12 to 25 have been addressed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<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.</i></p> <p><i>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>	
12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.	No surrounding habitats are expected to be affected throughout this process.
13. Provide details of any known records of a threatened species in the same or similar known habitats in the locality (include reference sources).	There are no other known threatened species that will be affected by this process. <div data-bbox="655 1010 1040 1149" style="border: 1px solid black; height: 60px; width: 240px; margin: 10px auto;"></div>
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).	There will be no damage to the surrounding habitat throughout this process.
15. Provide details of the amount of such habitat	N/A



to be affected by the action proposed in relation to the known distribution of the species and its habitat in the locality .	
16. Provide an assessment of the likely nature and intensity of the effect of the action on the lifecycle and habitat of the species.	The proposed action of cabling and bracing the __ branch of the <i>Syzyguim paniculatum</i> will prolonged the lifecycle and associated habitat.
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	N/A
<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>	
18. In the case of a threatened species, whether the action proposed is likely to have an adverse effect	The proposed action is to increase the life span of the <i>Syzyguim paniculatum</i> , thus the action is expected to have a favourable effect on local endangered species. The <i>Syzyguim paniculatum</i> in question provides a landscape habitat links for Koala's, Brush-Tail Phascogale's, Squirrel Glider's and Fishing Bat's.

<p>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>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>The proposed action will not pose any risks to the local population, thus will not increase the likelihood of extinction of endangered fauna and flora.</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</p>	<p>N/A</p>

<p>such that its local occurrence is likely to be placed at risk of extinction.</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>The <i>Syzyguim paniculatum</i> in question is on residential land. No habitat will be removed or modified.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>It is expected that cabling and bracing of the <i>Syzyguim paniculatum</i> will have a positive effect on the surrounding habitat. Cabling and bracing will significantly prolong the lifespan, providing habitat for numerous endangered fauna species.</p>

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

## 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 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/S91TscaRegisterByDate.htm](http://www.environment.nsw.gov.au/threatenedspecies/S91TscaRegisterByDate.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.

---

\* 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*.

*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*.

LEZ McTROY  
Applicant's name  
(Please print)

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

Applicant's signature

Date

VEGETATION MANAGEMENT OFFICER. PSC

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

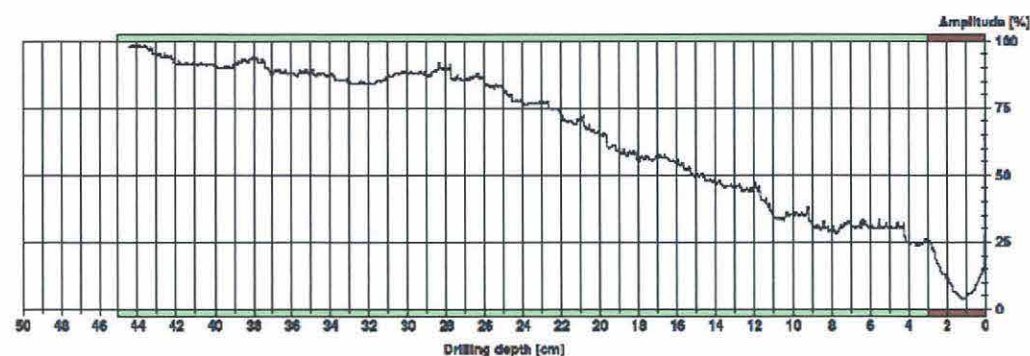
North West Branch

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](mailto:info@environment.nsw.gov.au)



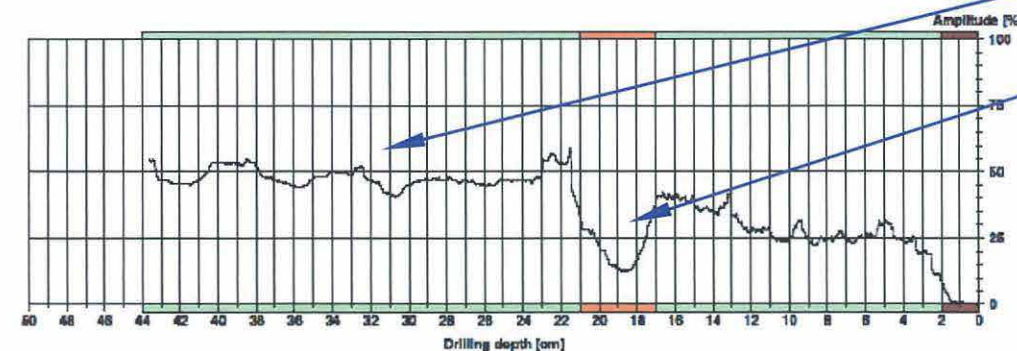


**Assessment**

From 0,0 cm to 3,0 cm : BARK
From 3,0 cm to 45,0 cm : SOUND TIMBER
From 0,0 cm to 0,0 cm :
From 0,0 cm to 0,0 cm :
From 0,0 cm to 0,0 cm :

**Comment**

Drill No 1
North to South main scaffold, Rear of wound

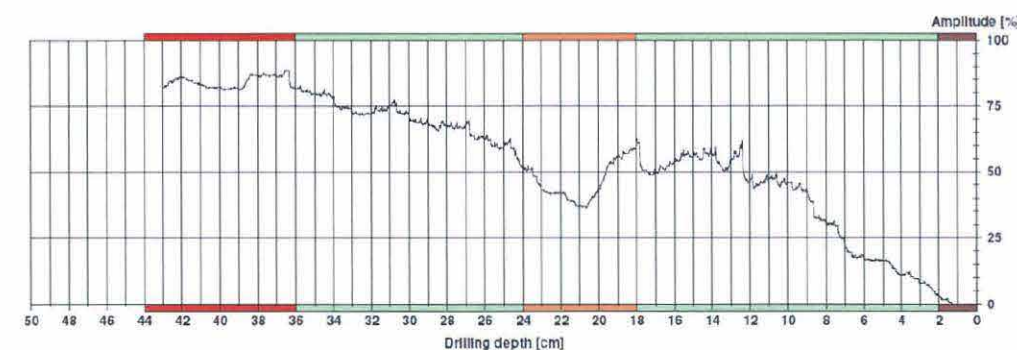


**Assessment**

From 0,0 cm to 2,0 cm : BARK
From 2,0 cm to 17,0 cm : SOUND TIMBER
From 17,0 cm to 21,0 cm : ALTERED TIMBER
From 21,0 cm to 44,0 cm : SOUND TIMBER
From 0,0 cm to 0,0 cm :
From 0,0 cm to 0,0 cm :

**Comment**

Drill No 2
West to East on main leader

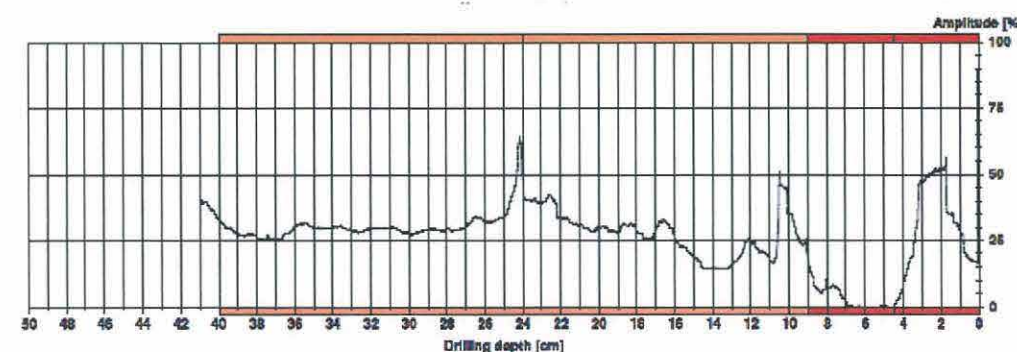


**Assessment**

From 0,0 cm to 2,0 cm : BARK
From 2,0 cm to 18,0 cm : SOUND TIMBER
From 18,0 cm to 24,0 cm : ALTERED TIMBER
From 24,0 cm to 36,0 cm : SOUND TIMBER
From 36,0 cm to 44,0 cm : CAVITY
From 0,0 cm to 0,0 cm :

**Comment**

DRILL 3
SEast to NWest



**Assessment**

From 0,0 cm to 4,5 cm : CAVITY
From 4,5 cm to 10,5 cm : CAVITY
From 10,5 cm to 24,0 cm : ALTERED TIMBER
From 24,0 cm to 40,0 cm : ALTERED TIMBER
From 0,0 cm to 0,0 cm :
From 0,0 cm to 0,0 cm :

**Comment**

DRILL No 4
Thru cavity opening



Tension Wood

Decay Pocket

Cavity under investigation

MAIN LEADER

Cambium

Drill No 1

Pocket of Altered Timber

Drill No 2

Drill No 4

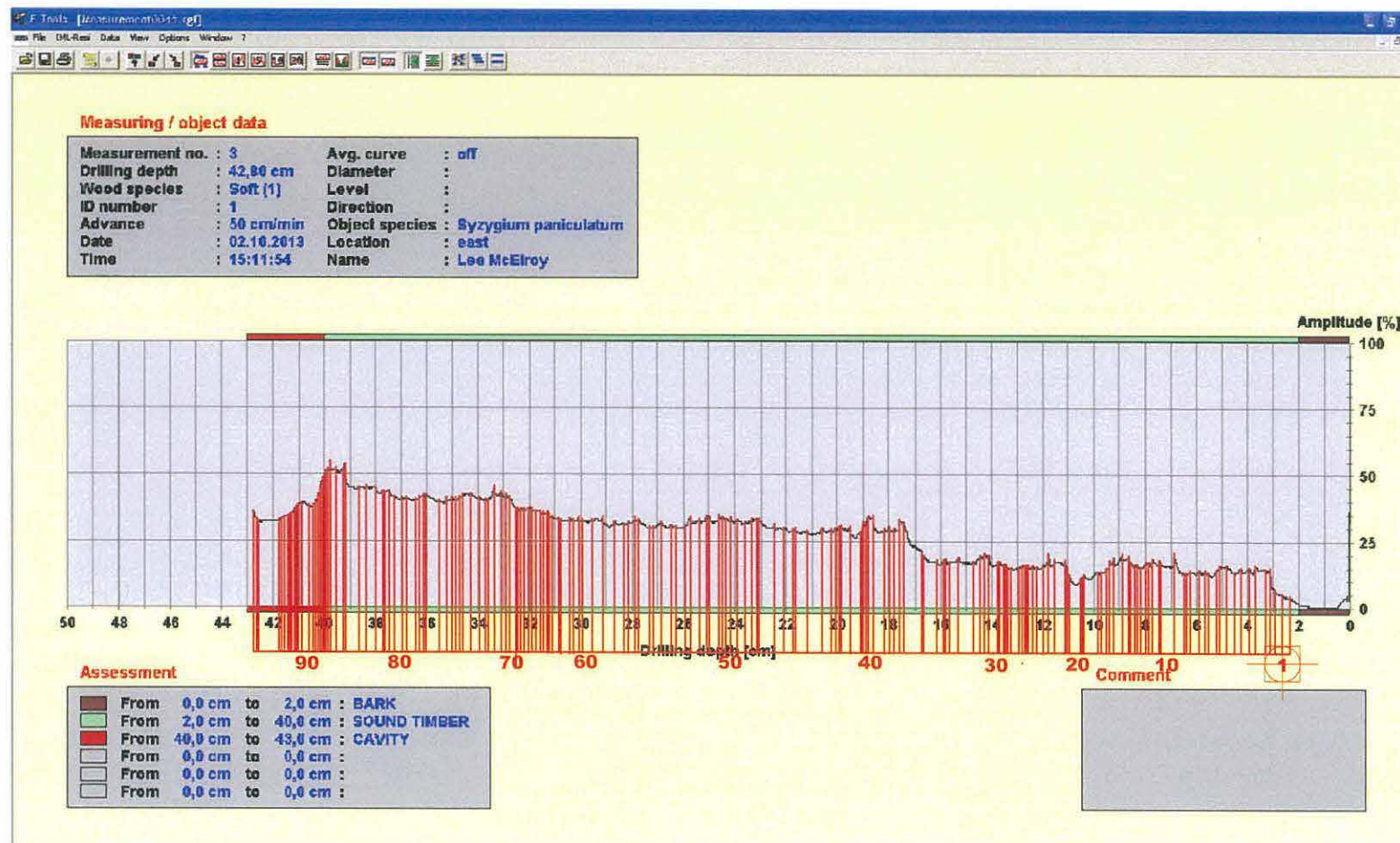
Decayed Area combination of altered timber and cavity

Drill No 3

ITEM	CODE	MEASURE
Stem Diameter	D	709.00 mm
Circumference	C	2227.68 mm
Width Cavity opening	W	150.00 mm
Wall thickness	R	450.00 mm
Wall thickness	R	400.00 mm
Wall Thickness	R	400.00 mm
Average wall thickness	AR	416.67 mm
% Cavity Opening	%CO	6.73 %
Minimum Wall thickness measured at 10% cavity		127.62 mm

Scientific Name: Syzygium paniculatum  
Common Name: Magenta LillyPilly  
Location: [REDACTED]  
Date: 25th Oct 2013





## AGE ESTIMATE

**Scientific Name: Syzygium paniculatum**

**Common Name: Magenta LillyPilly**

**Location:**

**Date: 25th Oct 2013**

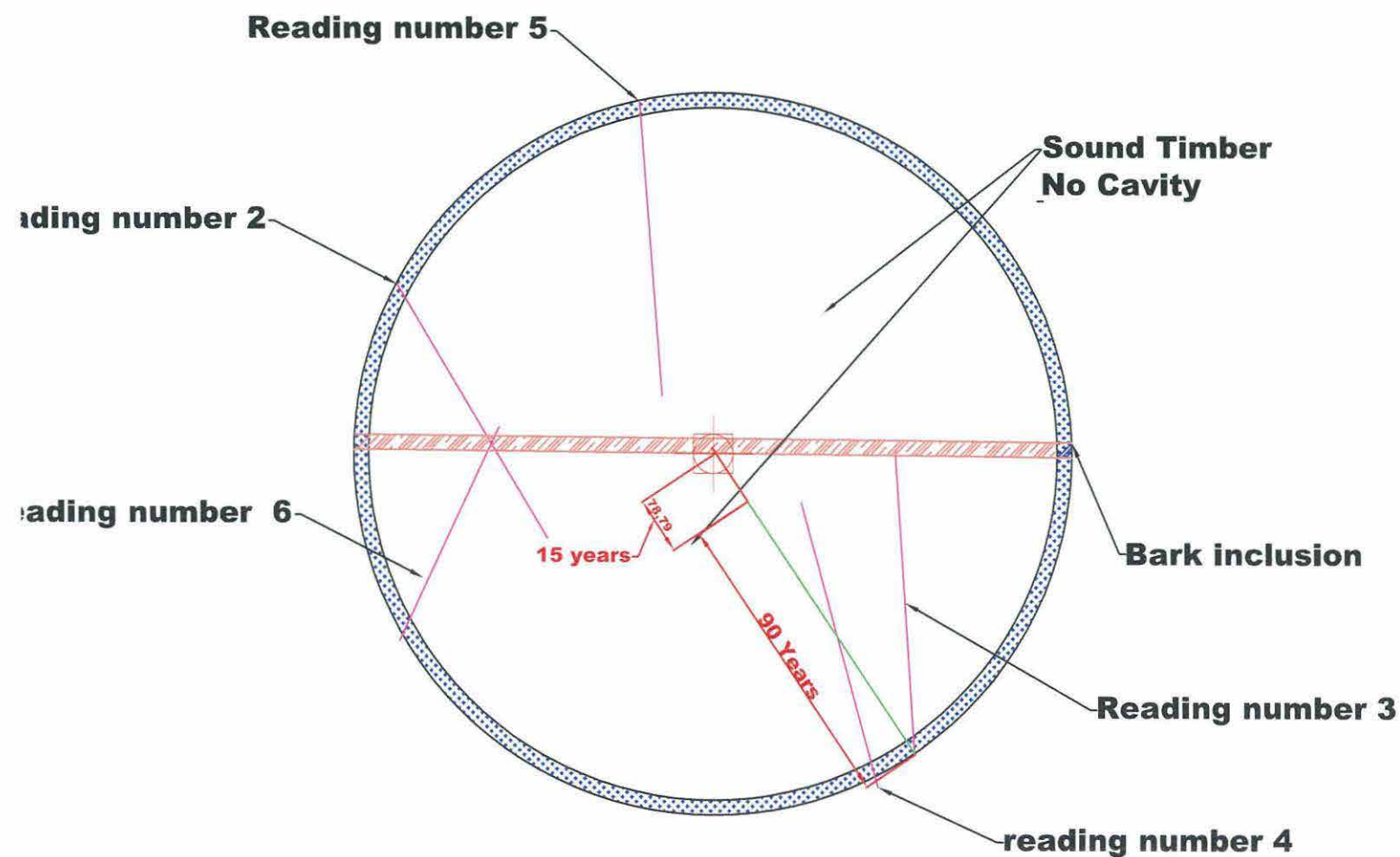
**Assessment made by: Lee McElroy**

**Assessment made on 2 lignified cycles per year as confirmed by control tree.**

**Drill 3 did not gain appropriate (trunk centre) depth & was made 2m up the trunk of the tree**

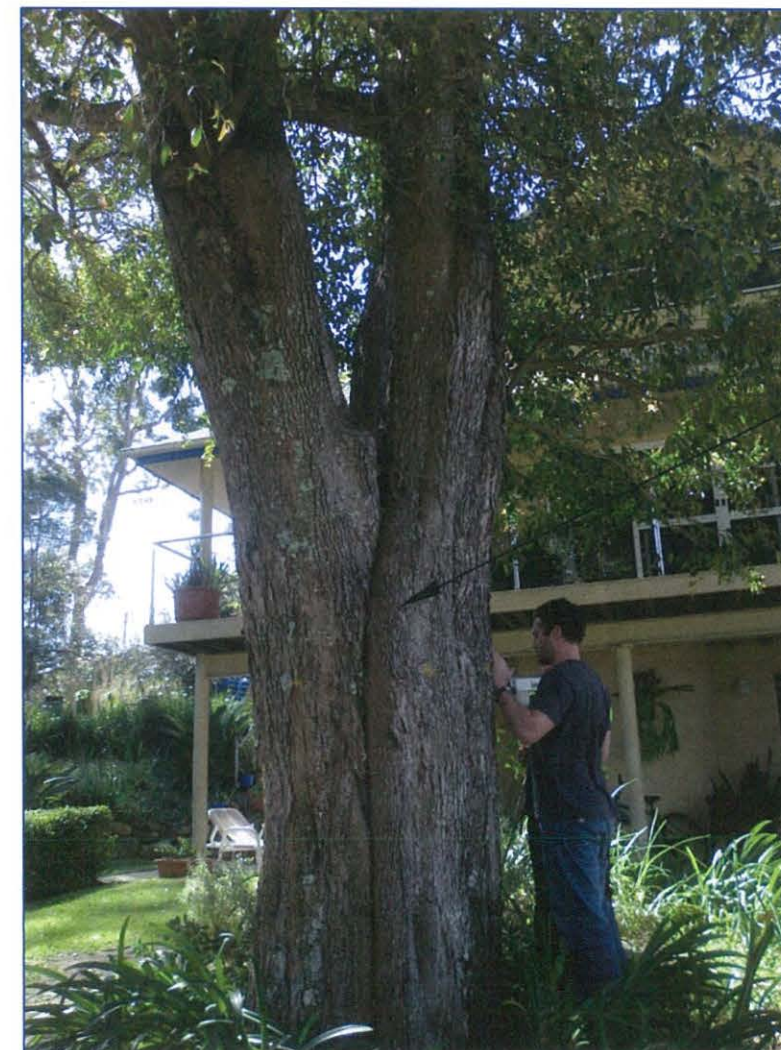
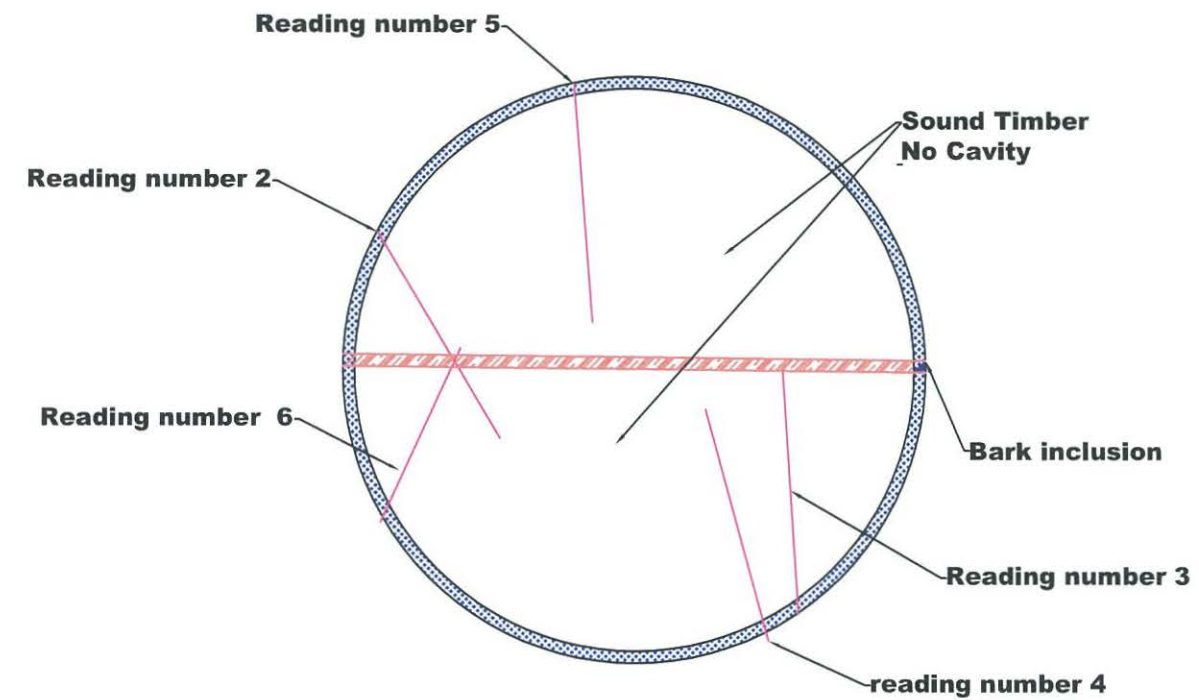
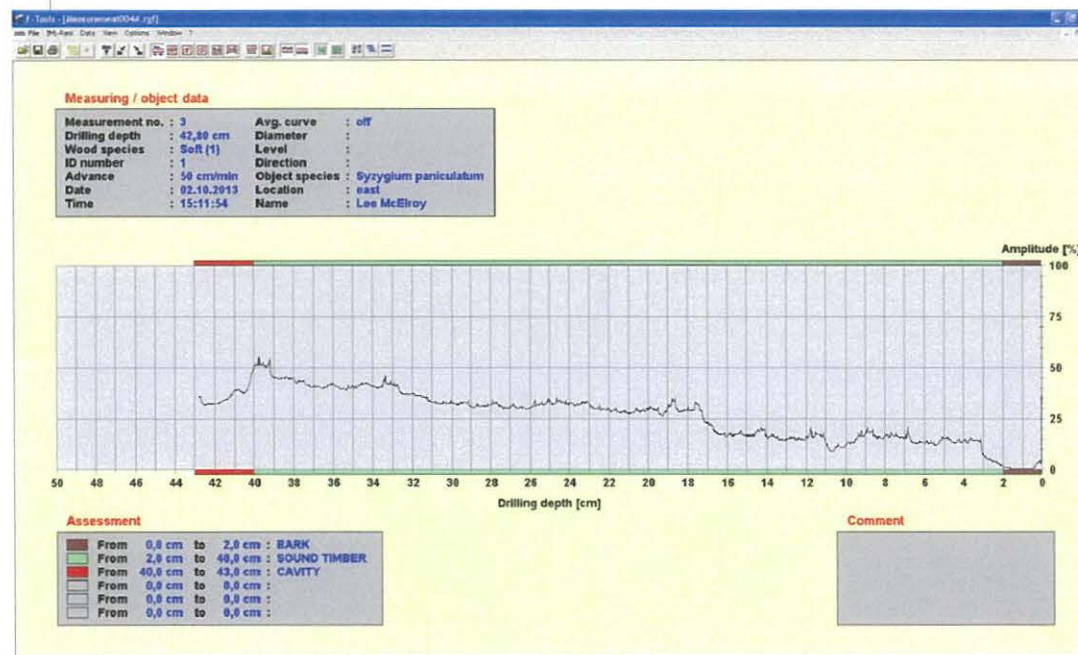
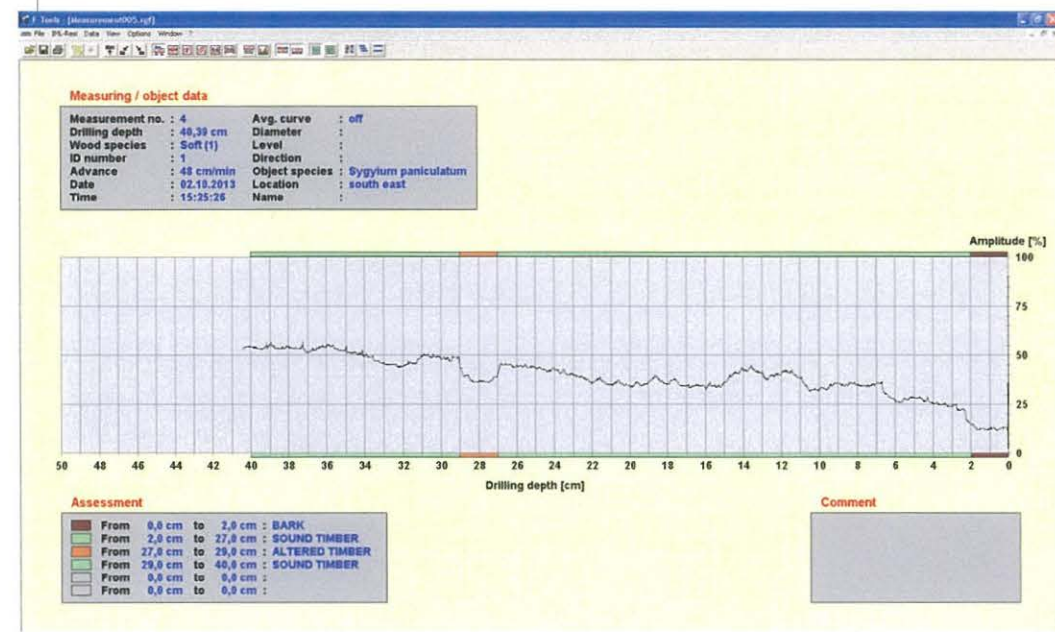
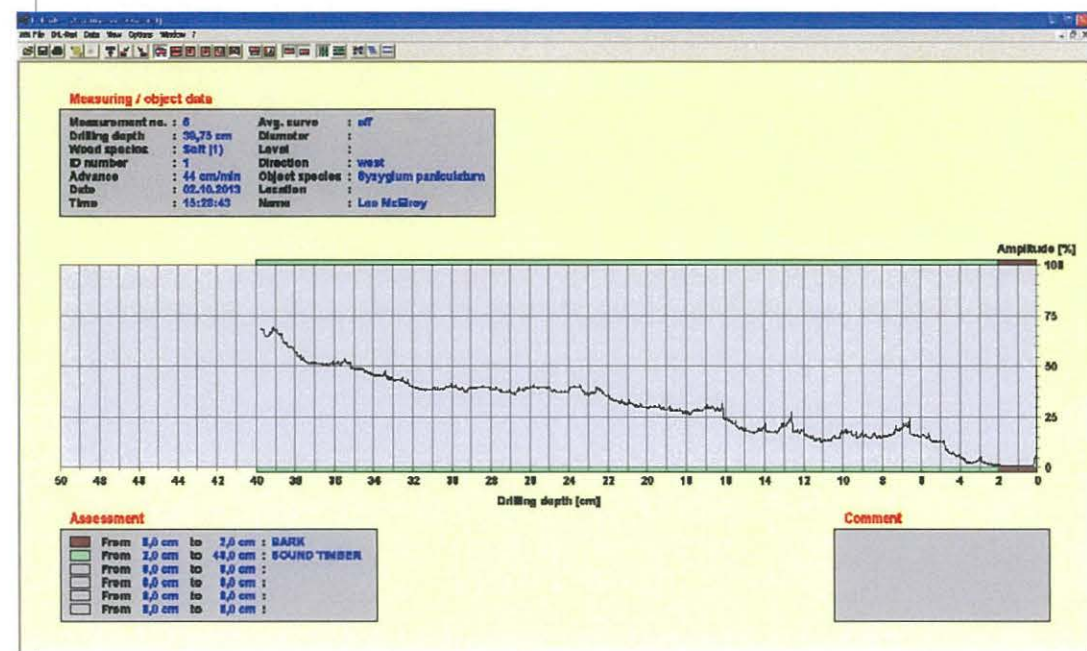
**Age estimate base on reading 3 and average length to centre of trunk combined with drill height**

**Actual Measurement - 90 years**  
**Adjustment to tree centre - 15 years**  
**Adjustment for drill height at 2m - 5 years**  
**Tree age estimate 110+ years**





# ASSESSMENT OF BARK INCLUSION IN SW CODOMINANT TRUNK



**Area of bark  
inclusion SW  
codominant trunk**



