

# 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 <sup>^</sup> : (if additional persons require authorisation by this licence, please attach details of names and addresses)	Megan Crowhurst	
2. Australian Business Number (ABN):	ABN 33 051 775 556	
3. Organisation name and position of applicant <sup>^</sup> : (if applicable)	Telstra Corporation Limited Megan Crowhurst – Land Access Coordinator	
4. Postal address <sup>^</sup> :	104 Lawson Street Hamilton NSW 2303	Telephone <sup>^</sup> : [REDACTED]
5. Location of the action (including grid reference and local government area and delineated on a map).	<p>The proposed installation works for project 2CES-21 include:</p> <ul style="list-style-type: none"> <li>• a 3.5 kilometre stretch along Sanctuary Road in Ellalong (near Truro Street) towards Paxton (and between 338767 E, 6358634 N and 341564 E, 6356931 N) (<b>Figure 1.1</b>),</li> <li>• a 4.2 kilometre stretch along Wollombi Road in Bellbird (near Kendall Street) towards Ellalong (between 342149 E, 6359082 N and 342856 E, 6363021 N) (<b>Figure 1.2</b> and <b>Figure 1.3</b>), and</li> <li>• a 250 metre stretch along Wollombi Road in Ellalong (near Hunter Street) towards Bellbird (between 342106 E, 6357330 N and 342145 E, 6357602 N) (<b>Figure 1.4</b>).</li> </ul> <p>All three sites are within Cessnock Local Government Area (LGA). Herein these sites will collectively be referred to as the 'Study Area'.</p>	
6. Full description of the action and its purpose	Telstra Corporation Ltd (Telstra) is proposing to undertake installation works for the National Broadband Network (NBN) as part of project	

\* 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*.

<sup>^</sup>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>(e.g. environmental assessment, development, etc.)</p>	<p>2CES-21 in Cessnock LGA. This will require the creation and installation of 27 pits (each pit being 580 mm by 330 mm and 575 mm depth). Directional boring up to 1 metre is required for all sections with the exception of Millfield Road in Ellalong which employ cable hauling.</p> <p>The 'Study Area' associated with project 2CES-21 was assessed at being at least 30 metres in width for the entirety of the three stretches of road within the Study Area (<b>Figure 1.1,1.2,1.3 and 1.4</b>). The Study Area assessed was larger than the actual proposed disturbance to accommodate for flexibility where disturbances occurred.</p> <p>This Section 91 application was deemed as necessary due to potential clearing impacts to suitable habitat for:</p> <ul style="list-style-type: none"> <li>• heath wrinklewort (<i>Rutidosis heterogama</i>) listed as Vulnerable (TSC Act),</li> <li>• Lower Hunter Spotted Gum - Ironbark Forest endangered ecological community (EEC),</li> <li>• River-Flat Eucalypt Forest EEC,</li> <li>• Swamp Oak Floodplain Forest EEC and</li> <li>• Hunter Lowland Redgum Forest EEC.</li> </ul> <p>Potential impacts to heath wrinklewort and these EECs will arise from clearing associated with pit creation and installation and potential root zone damage to diagnostic EEC canopy species from directional boring and cable hauling.</p>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>The proposed installation works will require the creation and installation of 27 new pits which in total will disturb an area of 5.1678 m<sup>2</sup> (or 0.00051678 ha). Directional boring is anticipated for a 4.2 kilometre stretch along Wollombi Road in Bellbird (near Kendall Street) towards Ellalong, a 250 metre stretch along Wollombi Road in Ellalong (near Hunter Street) towards Bellbird and approximately 1.25 of Sanctuary Road in Ellalong (near Truro Street) towards Paxton. Cable hauling is anticipated for approximately 1.25 kilometres along Millfield Road in Ellalong towards Paxton.</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>The proposed works will take approximately 3-6 months to complete (depending on how much rock is encountered) and will occur sometime within the next 24 months.</p>
<p>9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i>.</p>	

10. Threatened species, populations or ecological communities to be harmed or picked.

<u>Scientific name</u>	<u>Common name</u> (if known)	<u>Conservation status</u> (i.e. critically endangered, endangered or vulnerable)	<u>Details of number of individual animals, or proportion and type of plant material</u> (e.g. fertile branchlets for herbarium specimens or whole plants or plant parts)
<i>Rutidosia heterogama</i>	Heath wrinklewort	Vulnerable	No heath wrinklewort were recorded within the Study Area during the site inspection however database searches revealed recent records on Millfield Road near Paxton ( <b>Appendix 1</b> ). Suitable habitat for this species was determined to be present within the Study Area in the form of heathland, open forest, shrubby open forest and disturbed roadside vegetation (Threatened Species Scientific Committee 2008). This suitable habitat is likely to be impacted by the proposed works. In the worst case scenario, the proposed action will remove approximately 4.5936 m <sup>2</sup> (or 0.00045936 ha) of suitable groundcover habitat for this species.
<i>Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion</i>	Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion	EEC	The creation and installation of at least 12 pits will directly or indirectly impact this EEC ( <b>Figure 1.2 and 1.3</b> ). In the worst case scenario, the 12 pits will remove approximately 2.2968 m <sup>2</sup> (or 0.0022968 ha) of diagnostic groundcover vegetation and may impact the root zones of canopy species associated with this community. However not all pits are expected to occur within the community and many will actually fall within disturbed grasslands, so the actual disturbance footprint is likely to be a lot less.
<i>River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>	River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	EEC	Pit creation and installation is not anticipated to occur within the community ( <b>Figure 1.1 and 1.4</b> ). This community may be indirectly impacted by directional boring and/or cable hauling activities.

Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions	Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions	EEC	The creation and installation of at least 1 pit will directly or indirectly impact this EEC ( <b>Figure 1.1</b> ). This is likely to remove approximately 0.1914 m <sup>2</sup> (or 0.00001914 ha) of diagnostic groundcover vegetation and may impact the root zones of canopy species associated with this community.
Hunter Lowland Redgum Forest in the Sydney Basin and NSW North Coast Bioregions	Hunter Lowland Redgum Forest in the Sydney Basin and NSW North Coast Bioregions	EEC	The creation and installation of at least 5 pits will directly or indirectly impact this EEC ( <b>Figure 1.1</b> ). This is likely to remove approximately 0.957 m <sup>2</sup> (or 0.0000957 ha) of diagnostic groundcover vegetation and may impact the root zones of canopy species associated with this community.

<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>a species impact statement (SIS) is attached    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>Items 12 to 25 have been addressed                    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</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>Degraded Spotted Gum – Grey Box Woodland mapped within the Study Area (<b>Figure 1.2</b> and <b>1.3</b>) aligns with Lower Hunter Spotted Gum – Ironbark Forest EEC based on the presence of diagnostic species in the upper and lower strata. The community is considered to be degraded due to disturbances from the road, exotic species and infrastructure such as powerlines and an underground sewer pipeline. The main canopy species include spotted gum (<i>Corymbia maculata</i>), grey box (<i>Eucalyptus moluccana</i>) and forest red gum (<i>Eucalyptus tereticornis/blakelyi</i>). The mid-storey includes coffee bush (<i>Breynia oblongifolia</i>), narrow-leaved bottlebrush (<i>Callistemon linearis</i>), blackthorn (<i>Bursaria spinosa</i>), prickly-leaved paperbark (<i>Melaleuca nodosa</i>), gorse bitter pea (<i>Daviesia ulicifolia</i>), narrow-leaved geebung (<i>Persoonia linearis</i>) and swamp wattle (<i>Acacia elongata</i>). The ground layer includes blue flax-lily (<i>Dianella revoluta</i>), kangaroo grass (<i>Themeda triandra</i>) and blady grass (<i>Imperata cylindrica</i>). Weeds</p>
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included purpletop (*Verbena bonariensis*), broad-leaved paspalum (*Paspalum dilatatum*) and *Setaria parviflora*.

Degraded Spotted Gum – Red Ironbark Woodland mapped within the Study Area (**Figure 1.1, 1.2 and 1.3**) aligns with Lower Hunter Spotted Gum – Ironbark Forest EEC based on the presence of diagnostic species in the upper and lower strata. The community is considered to be degraded due to disturbances from the road, exotic species and infrastructure such as powerlines and an underground sewer pipeline. The community is dominated by spotted gum (*Corymbia maculata*) and red ironbark (*Eucalyptus fibrosa*). The mid-storey is dominated by silver-stemmed wattle (*Acacia parvipinnula*), blackthorn (*Bursaria spinosa*), coffee bush (*Breynia oblongifolia*) and small-leaved privet (*Ligustrum sinense*), a widely naturalized exotic shrub. The ground layer is dominated by couch (*Cynodon dactylon*), a common invasive native grass. Other natives include spiny-headed mat-rush (*Lomandra longifolia*), common everlasting (*Chrysocephalum apiculatum*), poison rock fern (*Cheilanthes sieberi* subsp. *sieberi*), yellow burr daisy (*Calotis lappulacea*), kangaroo grass (*Themeda triandra*), *Phyllanthus virgatus* and barbed wire grass (*Cymbopogon refractus*). Exotic species include panic veldt grass (*Ehrharta erecta*), purpletop (*Verbena bonariensis*), cobbler's pegs (*Bidens pilosa*) and *Sida rhombifolia*. This community is also considered to provide suitable habitat for heath wrinklewort.

Degraded Red Gum – Tea Tree Open Forest mapped within the Study Area (**Figure 1.4**) aligns with River-Flat Eucalypt Forest EEC based on the presence of diagnostic species in the upper and lower strata. The community is considered to be degraded due to disturbances from the road, exotic species and infrastructure such as powerlines and an underground sewer pipeline. The main canopy species are red gums (either *Eucalyptus tereticornis*, *Eucalyptus amplifolia* or both) and thin-leaved stringybark (*Eucalyptus eugenioides*). However, grey gum (*Eucalyptus punctata*) and grey box (*Eucalyptus moluccana*) are also common in some patches. The mid-storey is dominated by sclerophyllous shrubs such as tantoon (*Leptospermum polygalifolium*), *Leptospermum trinervium*, prickly-leaved paperbark (*Melaleuca nodosa*) and blackthorn (*Bursaria spinosa*). Other shrubs include narrow-leaved geebung (*Persoonia linearis*), *Acacia* spp., *Hakea bakeriana*, *Hakea salicifolia*, coffee bush (*Breynia oblongifolia*) and prickly beard-heath (*Leucopogon juniperinus*). Headache vine (*Clematis glycinoides*) was often seen climbing on many mid-storey species. The ground layer comprises *Lissanthe strigosa*, spiny-headed mat-rush (*Lomandra longifolia*), native geranium (*Geranium solanderi*), *Commelina cyanea*, weeping grass (*Microlaena stipoides*), blady grass (*Imperata cylindrica* var. *major*), rough saw-sedge (*Gahnia aspera*) and in some patches, common bracken (*Pteridium esculentum*). Exotic species include lantana (*Lantana camara*), broad-leaf paspalum (*Paspalum dilatatum*), Guinea grass (*Megathrysus maximus*), South African pigeon grass (*Setaria sphacelata*) and Coolatai grass (*Hyparrhenia hirta*). This community is also considered to provide suitable habitat for heath wrinklewort.

Degraded Swamp Oak Forest mapped within the Study Area (**Figure 1.1**) aligns with Swamp Oak Floodplain Forest EEC based on the presence of diagnostic species in the upper and lower strata. The community is considered to be degraded due to disturbances from the

	<p>road, exotic species and infrastructure such as powerlines and an underground sewer pipeline. It is dominated solely by swamp oak (<i>Casuarina glauca</i>). The ground layer is depauperate due to extensive litter from the canopy. Native species include kangaroo grass (<i>Themeda triandra</i>), kidney weed (<i>Dichondra repens</i>), wallaby grass (<i>Rytidosperma</i> sp.), <i>Phyllanthus virgatus</i>, poison rock fern (<i>Cheilanthes sieberi</i> subsp. <i>sieberi</i>), couch (<i>Cynodon dactylon</i>), spiny-headed mat-rush (<i>Lomandra longifolia</i>) and whiteroot (<i>Pratia purpurascens</i>). Exotic species include <i>Sida rhombifolia</i>, panic veldt grass (<i>Ehrharta erecta</i>), <i>Passiflora monifolia</i>, slender celery (<i>Cyclospermum leptophyllum</i>) and shivery grass (<i>Briza minor</i>). This community is also considered to provide suitable habitat for heath wrinklewort.</p> <p>Degraded Forest Red Gum Woodland mapped within the Study Area (<b>Figure 1.1</b>) aligns with Hunter Lowland Redgum Forest EEC based on the presence of diagnostic species in the upper and lower strata. The mid-storey is very sparse to absent, limited to coffee bush (<i>Breynia oblongifolia</i>). The ground layer is mostly mown and maintained as private property dominated by couch (<i>Cynodon dactylon</i>) and weeping grass (<i>Microlaena stipoides</i>). Native herbs include whiteroot (<i>Pratia purparscens</i>), kidney weed (<i>Dichondra repens</i>) and slender tick-trefoil (<i>Desmodium varians</i>). Exotic species include panic veldt grass (<i>Ehrharta erecta</i>), catsear (<i>Hypochaeris radicata</i>) and lamb's tongue (<i>Plantago lanceolata</i>). This community is also considered to provide suitable habitat for heath wrinklewort.</p> <p>Disturbed Grasslands (<b>Figure 1.1, 1.2, 1.3 and 1.4</b>) mapped within the Study Area does not align with any threatened ecological community (TEC). Disturbed grasslands occur within the road reserve where they are subjected to frequent disturbance from mowing/slashing. The grasslands have historically been cleared for the purposes of installing a sewer pipeline and aerial powerlines. They are dominated primarily by exotic grasses and herbs however natives do occur sporadically. Dominant grasses include native couch (<i>Cynodon dactylon</i>), broad-leaved paspalum (<i>Paspalum dilatatum</i>), carpet grass (<i>Axonopus fissifolius</i>), Rhodes grass (<i>Chloris gayana</i>) and Coolatai grass (<i>Hyparrhenia hirta</i>). Exotic herbs include catsear (<i>Hypochaeris radicata</i>), lamb's tongues (<i>Plantago lanceolata</i>), <i>Richardia Humistrata</i>, <i>Gomphrena celosioides</i> and <i>Verbena rigida</i>. This community is also considered to provide suitable habitat for heath wrinklewort.</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>See <b>Attachment 1</b> for threatened species, endangered populations and TECs listed under the TSC Act identified within 10 km of the Study Area from BioNet (2017).</p> <p>See <b>Attachment 2</b> for threatened species, endangered populations and TECs (listed under the EPBC Act) with potential or known to occur within 10 km of the Study Area from the Department of the Environment and Energy Protected Matters Search Tool (DoEE 2017).</p> <p>Database searches identified 35 threatened flora species, 75 threatened fauna species, 33 migratory species, 0 endangered</p>

	<p>populations and 25 TECs listed under the TSC Act and/or EPBC Act with potential or known to occur within 10 km of the Study Area.</p> <p>The only threatened flora species to have a recent record within the Study Area was heath wrinklewort (<i>Rutidosia heterogama</i>) (Vulnerable, TSC Act) however, neither this individual nor any other individuals of this species were recorded during the site inspection. The habitats in the Study Area are considered to be suitable for heath wrinklewort. One threatened fauna species, a small flock of grey-crowned babbler (<i>Pomatostomus temporalis temporalis</i>) (Vulnerable, TSC Act) were recorded in a spotted gum (<i>Corymbia maculata</i>) within the Study Area during the site inspection. However, grey-crowned babbler forage over a wide range within the Hunter Valley and since no canopy species are required removal for the project, any impacts are highly unlikely.</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>Up to 2.2968 m<sup>2</sup> or (0.0022968 ha) of diagnostic groundcover vegetation associated with Lower Hunter Spotted Gum – Ironbark Forest EEC may be removed by the proposed action.</p> <p>Pit creation and installation is not anticipated to occur within River-Flat Eucalypt Forest EEC however this community may be indirectly impacted by directional boring and/or cable hauling activities.</p> <p>Up to 0.1914 m<sup>2</sup> (or 0.00001914 ha) of diagnostic groundcover vegetation associated with Swamp Oak Floodplain Forest EEC may be removed by the proposed action.</p> <p>Up to 0.957 m<sup>2</sup> (or 0.0000957 ha) of diagnostic groundcover vegetation associated with Hunter Lowland Redgum Forest EEC may be removed by the proposed action.</p> <p>No hollow-bearing trees, nests or aquatic habitats were identified in the Study Area. If these were to occur they would not be impacted as none of this vegetation will be subject to clearing.</p> <p>The only threatened flora species to have a recent record within the Study Area was heath wrinklewort (<i>Rutidosia heterogama</i>) (Vulnerable, TSC Act) however, individuals of this species were not recorded during the site inspection. The Study Area is considered to provide suitable habitat heath wrinklewort, for which up to 4.5936 m<sup>2</sup> (or 0.00045936 ha) may be removed by the proposed action. One threatened fauna species, a small flock of Grey-crowned babbler (<i>Pomatostomus temporalis temporalis</i>) (Vulnerable, TSC Act) were recorded in a spotted gum (<i>Corymbia maculata</i>) within the Study Area during the site inspection (refer to <b>Figure 1.1</b>). However, grey-crowned babbler forage over a wide range within the Hunter Valley and since no canopy species are requiring removal for the project, any impacts are highly unlikely.</p> <p>No other threatened flora or fauna species, endangered populations or TECs were considered to have potential to occur or be impacted by the proposed works.</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>Up to 2.2968 m<sup>2</sup> or (0.0022968 ha) of diagnostic groundcover vegetation associated with Lower Hunter Spotted Gum – Ironbark Forest EEC may be removed by the proposed action.</p> <p>Pit creation and installation is not anticipated to occur within River-Flat Eucalypt Forest EEC however this community may be indirectly impacted by directional boring and/or cable hauling activities.</p> <p>Up to 0.1914 m<sup>2</sup> (or 0.00001914 ha) of diagnostic groundcover vegetation associated with Swamp Oak Floodplain Forest EEC may be removed by the proposed action.</p> <p>Up to 0.957 m<sup>2</sup> (or 0.0000957 ha) of diagnostic groundcover vegetation associated with Hunter Lowland Redgum Forest EEC may be removed by the proposed action.</p> <p>Up to 4.5936 m<sup>2</sup> (or 0.00045936 ha) of suitable habitat for heath wrinklewort (<i>Rutidosia heterogama</i>) may be removed by the proposed action.</p> <p>Due to the small scale nature and extent of the proposed actions, the amount of habitat clearing is negligible compared to the extent of suitable habitat in surrounding areas such as Werakata State Conservation Area.</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>Due to the small-scale extent of the proposed action, groundcover clearance for pit creation is unlikely to have an adverse effect on the life cycle of any occurring or potentially occurring heath wrinklewort (<i>Rutidosia heterogama</i>) such that a viable local population of the species is likely to be placed at risk of extinction.</p> <p>Disturbance to EECs occurring within the Study Area will be limited to marginal quality fringing vegetation that occurs adjacent to a major road. The proposed action may potentially cause some root damage to established native trees however these impacts are minor and are not anticipated to cause tree death.</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>The following recommendations are provided to assist with the progress of the proposed works:</p> <ul style="list-style-type: none"> <li>• disturbance will be kept within the areas that were subject to inspection and to the Study Area identified in <b>Figure 1.1, 1.2, 1.3 and 1.4</b></li> <li>• ensure that machinery is free of weed material before entering and exiting the Study Area to avoid the introduction or spread of weed species</li> <li>• backfilling of any excavation works and directional boring should utilise soil excavated onsite</li> <li>• where possible, boring within the drip line of trees should be avoided</li> </ul>



	<ul style="list-style-type: none"> <li>erosion and sediment controls to be implemented around the works area to avoid impacts to waterways via stormwater runoff.</li> </ul>
<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>No threatened species are expected to be adversely impacted as a result of the proposed 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>No endangered populations are expected to be adversely impacted as a result of the proposed works.</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</p>	<p>The habitats provided for Lower hunter Spotted Gum – Ironbark EEC, River-Flat Eucalypt Forest EEC, Swamp Oak Floodplain Forest EEC and Hunter Lowland Redgum EEC within the Study Area are of a low quality due to historical and ongoing disturbance.</p> <p>These EECs (as they occur within the Study Area) are of a low quality as they occur within a road reserve, are disturbed due to mowing regimes, powerlines, an underground sewer pipeline, presence of exotic species and proximity to main roads. The small scale nature and extent of the proposed actions are not expected to have an adverse effect on this extent of any of the abovementioned EECs to the extent that their local occurrence is likely to be placed at risk of extinction.</p> <p>However, it is acknowledged that the proposed actions are likely to have very minor impacts such as removing diagnostic groundcover of the TECs and/or introducing or spreading weeds. However, these impacts are considered to be minor and are unlikely to substantially and adversely modify the composition of any of the abovementioned EECs such that their local occurrence is placed at risk of extinction.</p>

<p>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 proposed actions are likely to remove 2.2968 m<sup>2</sup> or (0.0022968 ha) of groundcover associated with Lower Hunter Spotted Gum – Ironbark Forest EEC, impact root zones of River-Flat Eucalypt Forest EEC, remove 0.1914 m<sup>2</sup> (or 0.00001914 ha) of groundcover associated with Swamp Oak Floodplain Forest EEC and remove 0.957 m<sup>2</sup> (or 0.0000957 ha) of groundcover associated with Hunter Lowland Redgum Forest EEC. It is predicted that the proposed actions will result in negligible changes to the floristic composition or extent of these EECs.</p> <p>Fragmentation or isolation from other areas of habitat is not anticipated for any of the abovementioned EECs given the small-scale nature of the proposed works.</p> <p>The proposed actions are expected to be low-impact and confined to highly degraded patches of EEC. Vegetation this close to the road is already heavily degraded and disturbed and small-scale groundcover clearance and potential impact to the root zone of a small amount of habitat is not considered to be important to the long-term survival of any of the abovementioned EECs.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>The Study Area does not support any critical habitat for any of the EECs or any other threatened species or populations.</p>
<p>23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.</p>	<p>There is not currently a recovery plan or threat abatement plan which relates to any of the abovementioned EECs. The proposed actions are not in contravention of the Saving Our Species program for these EEC.</p>
<p>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>	<p>The proposed works will have a minor contribution to the following key threatening processes (KTPs):</p> <ul style="list-style-type: none"> <li>• Clearing of Native Vegetation.</li> </ul>

## 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).

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\* 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*.

Megan Crowhurst

Applicant's name  
(Please print)

Land Access Coordinator (Telstra)

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



Applicant's signature

24<sup>th</sup> March 2017

Date

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**

PO Box 513  
Wollongong NSW 2500  
Phone: 02 4224 4150

**North east**

24 Moonee Street  
Coffs Harbour NSW 2450  
Phone: 02 6651 5946

**North west**

PO Box 2111  
Dubbo NSW 2830  
Phone: 02 6883 5300

**South east**

PO Box 733  
Queanbeyan NSW 2620  
Phone: 02 6229 7188

**South west**

PO Box 544  
Albury NSW 2640  
Phone: 02 6022 0600

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)

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