

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)	Marnie Kikken	
2. Australian Business Number (ABN):	86 408 856 411	
3. Organisation name and position of applicant ^: (if applicable)	Ku-ring-gai Council	
4. Postal address ^:	Locked Bag 1056, Pymble NSW 2073	Telephone ^: B.H. 02 9424 0000 A.H. 02 9424 0000
5. Location of the action (including grid reference and local government area and delineated on a map).	<p>The Ku-ring-gai Flying-fox Reserve (KFFR) is an area of 15.3 hectares of bushland located in Gordon (-33.750499, 151.160331) within the Ku-ring-gai Local Government Area. The KFFR is a vegetated gully encompassing the downstream section of Stoney Creek and adjoining extensive bushland (see figure 1 - KFFR boundary and landscape context, attached to this application).</p> <p>East of the KFFR are large bushland areas managed by Ku-ring-gai Council which are contiguous with Garigal National Park in the Middle Harbour Catchment.</p> <p>The KFFR is zoned E2 - Environmental Conservation and is managed under a Conservation Agreement entered into between Ku-ring-gai Council and the NSW Government in February 1991.</p>	

* 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.

	In compliance with clause 3.7 of the Conservation Agreement and under section 72 (1) (e) of the NPWS Act 1974, Council manage the KFFR in accordance with the Ku-ring-gai Flying-fox Reserve Management Plan 2013 ('the Management Plan').
6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)	<p>Historical records indicate that Grey-headed Flying Fox (GHFF) have roosted within different areas of the KFFR since the 1960's. In recent years the GHFF have changed the location of their roost from the gully along Stoney Creek to a narrow band of vegetation adjacent to residential houses in Taylor and Waugoola Streets, Gordon. The presence of roosting GHFF in this area of the camp has caused significant concern to a number of residents along the KFFR boundary.</p> <p>At the Ordinary Meeting of Council on 9 December 2014, Council resolved to endorse and / or fund the following management actions, aimed at nudging flying-foxes from properties adjacent to the Ku-ring-gai Flying-fox Reserve (KFFR) and reducing the most direct impacts of the GHFF on residents living adjacent to the KFFR in Taylor and Waugoola Streets:</p> <ul style="list-style-type: none"> A. Continuing to improve roost habitat in the Ku-ring-gai Flying-Fox Reserve (KFFR) core, away from residential properties; B. Private property tree removal; and C. Selective roost tree removal / pruning within 10 metres from the KFFR boundary in the most affected areas (in Taylor and Waugoola Streets). <p>This s91 application relates to point 'C' above.</p> <p>Figure 2 indicates the estimated GHFF roosting area during 2015, and outlines the area where tree removal/pruning is being proposed.</p> <p>The proposed removal/pruning is covered by Section 3.2, Objective 2, (Points 2 and 3) of the <i>Ku-ring-gai Flying-fox Management Plan 2013</i>, which states:</p> <p>Objective 2: <i>Investigate and implement strategies to reduce the impacts of the Flying-foxes on residents and their properties, especially those adjacent to the KFFR</i></p> <ul style="list-style-type: none"> • <i>Prepare and submit licence and referral applications to initiate strategic tree removal and vegetation modification works in the KFFR close to residential housing on Taylor Street and Waugoola Street</i> • <i>Conduct approved strategic tree removal and vegetation modification works in the KFFR close to residential housing on Taylor Street and Waugoola Street</i> <p>Council consulted with residents, OEH, staff, and engaged GHFF expert Dr Peggy Eby to help form the proposal of tree removal and pruning which is the subject of this s91 application. The final proposal has been formed in consideration of numerous factors, including:</p> <ul style="list-style-type: none"> • Impacts to residents

	<ul style="list-style-type: none"> • GHFF behaviour and ecology • history and patterns of flying-fox occupation within the KFFR • the environmental constraints and physical features of the KFFR • surrounding landscape and land uses • recent experiences in managing the impacts on residents at other flying-fox roosting sites, • risk management (social, environmental and economic) and, • A report commissioned by Council (Eby 2015 - Appendix A). <p>The action proposed is the removal of 10 trees and pruning of an additional 8 trees. All impacted vegetation is located within 10 metres of the KFFR boundary, adjacent to the most effected residents' properties in Taylor and Waugoola Street, as indicated in figure 2.</p> <p>The activity will be conducted in accordance with ecological best practice in an effort to reduce the impacts on GHFF as much as possible.</p> <p>The activity, including tree removal, pruning, chipping or any other significant or loud component of the works, will be conducted at a time when no GHFF are within the KFFR. This will mean conducting the work either at night or while there are no roosting GHFF during the day time (as has been the case in the KFFR since the 9th of April 2015).</p> <p>The action will be completed in the presence of a qualified ecologist, outside of the breeding/weaning season (i.e before the 15th of August). Care groups will be notified of the clearing dates and any injured flying fox or other fauna will be cared for appropriately. Only people with the appropriate vaccinations will handle GHFF, with all other staff advised of the risks and procedures should any GHFF be encountered.</p> <p>Pending approval from OEH, any additional conditions will be adhered to by all Council staff and any contractor working within the KFFR on behalf of Council.</p> <p>The proposed tree removal will be complimented by a suite of management actions, which include regeneration of habitat in the core of the KFFR and Environmental Trust Grant (ref: 2013/SL/0036), which relates to an ecological burn to be implemented in the future (pending relevant approvals and monitoring of recent activities).</p> <p>The removal of the selected trees will reduce the roosting habitat available in the section of the KFFR adjoining the impacted properties, whilst the rehabilitation works on the northern bank of Stony Creek, and within the core of the KFFR, is aimed at increasing the roosting habitat, or quality of habitat, within this area of the KFFR.</p> <p>Ku-ring-gai Council are aiming to reduce the level of conflict between the residents and flying-fox for the benefit of both.</p>
<p>7. Details of the area to be affected by the action <i>(in hectares)</i>.</p>	<p>The area affected by the proposed action is within the northern section of the KFFR along Taylor and Waugoola Streets, where 10 trees will be removed and an additional 8 pruned (see figure 2 and 3).</p> <p>Informing the selection of the trees to be removed or pruned was an extensive process of investigation and consultation. Council completed a number of site inspections with council staff, residents, arborists and</p>

GHFF experts, held numerous meetings and investigated alternative options. The final proposal has been developed in consideration of the unique ecology of GHFF and their conservation status, and attempts to balance a genuine desire to alleviate the most direct impacts felt by residents adjoining the KFFR, with the risk of causing a dispersion or significant impact to the GHFF camp or individuals of the population.

The process has been guided by the best information available, and includes a report (Eby 2015) which was commissioned by council and is attached as appendix A to this application.

The area of habitat loss associated with this proposal has been calculated by 'canopy area estimates' for the trees to be removed, and by 'percentage of canopy removal' for the trees to be pruned. The calculation assumes the canopy of each tree to be circular.

The estimated habitat to be removed is provided in Table 1 below:

TREE REMOVAL

Tree	Species	Status	Height (m)	Diameter of canopy (m)	Canopy area (m2)	Canopy area (ha)
56	<i>A. costata</i>	Remove	16	10	78.5	0.00785
8	<i>S. glomulifera</i> (dead)	Remove	16	10	78.5	0.00785
23	<i>E. reticulatus</i>	Remove	9	3	7.07	0.000707
18	<i>P. undulatum</i>	Remove	9	8	50.24	0.005024
3	<i>S. glomulifera</i> (dead)	Remove	16	7	38.47	0.003847
10	<i>S. glomulifera</i> (dead)	Remove	16	9	63.59	0.006359
11	<i>Melaleuca</i> spp	Remove	13	4	12.56	0.001256
65	<i>E. pilularis</i>	Remove	15	6	28.26	0.002826
51	<i>E. punctata</i>	Remove	14	7	38.47	0.003847
44	<i>E. piperita</i>	Remove	16	6	28.26	0.002826
Area of tree removal					423.9 m2	0.04239 ha

TREE PRUNING

Tree	Species	Status	Height	Canopy diameter	Approx area pruned	Canopy area (ha)
12	<i>Callitris</i> spp	Prune 10%	9	5	1.96	0.000196
78	<i>P. undulatum</i>	Prune 5%	5	4	0.63	0.000063
79	<i>E. reticulatus</i>	Prune 15%	5	4	1.88	0.000188
906	<i>A. costata</i>	Prune 10%	25	15	17.66	0.001766
118	<i>A. costata</i>	Prune 15%	15	10	11.78	0.001178

	80	<i>A. costata</i>	Prune 10%	18	14	15.39	0.001539
	43	<i>S. glomulifera</i>	Prune 40%	10	10	31.4	0.00314
	901	<i>A. costata</i>	Prune 5%	15	10	3.93	0.000393
	Area to be pruned					84.6 m ²	0.00846 ha
	TOTAL CANOPY AREA TO BE REMOVED (pruning+removal) =					509 m ²	0.0509 ha
	<p>In 2015, GHFF within the KFFR roosted across an area of approximately 0.88 ha (8800m²). This is the total area of occupation, not the amount of canopy space within that area. The actual canopy space would be substantially less.</p> <p>The affected area is indicated in figure 2 and 3 attached to this application and further described in Appendix A (Eby 2015).</p>						
8. Duration and timing of the action (including staging, if any).	It is expected that the proposed vegetation works will be undertaken over a maximum of 4 days or nights, depending whether there are GHFF within the KFFR at the time. Works will be scheduled to take place between June-July outside of the critical life cycle stages of birthing, lactating and mating.						
9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)	<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>	<u>Common name</u> (if known)	<u>Conservation status</u> (i.e. critically endangered, endangered or vulnerable)	<u>Details of no. of individual animals, or proportion and type of plant material</u> (e.g. fertile branchlets for herbarium)			
<p>* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i>.</p>							

	<i>Pteropus poliocephalus</i>	Grey-headed flying-fox	Vulnerable under the TSC and EPBC Act.	specimens or whole plants or plant parts) Roosting GHFF can vary from zero upto 80,000 in the general KFFR vicinity. Over the last 3 years, the mean has been ~16000 GHFF.
<p>11. Species impact: (please tick appropriate box)</p> <p>a) For action proposed on land declared as critical habtat;</p> <p>or</p> <p>b) For action proposed on land <u>not</u> declared as critical habitat.</p>	<p>an 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>			
<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.	<p>The KFFR is an important maternal colony for GHFF, and contains several plant communities and associations which vary with topography, aspect and soil type. The majority of the site is dominated by sandstone flora associations within Sydney Sandstone Gully communities, whilst riparian vegetation dominates along the banks of Stony Creek in sheltered areas. The upper and more exposed slopes contain more sclerophyll dominated vegetation and where the soils are clay influenced on the upper</p>			

	<p>southwest slopes, Sydney Turpentine Ironbark Forest occurs.</p> <p>The site in question is categorised as Sydney Sandstone Gully with edge disturbance.</p> <p>Ongoing regeneration work in the core areas of the KFFR, including work completed by Bushcare volunteers, the Kuringai Bat Conservation Society and Council staff are attempting to restore the habitat in the historically roosted areas of the KFFR further in the core of the reserve.</p> <p>In early May 2015, 2 pile burns were completed, with the results being closely monitored to help guide future management of the KFFR for the benefit of GHFF.</p> <p>Council has received an Environmental Trust Grant (ref: 2013/SL/0036), which relates to an ecological burn which may be implemented in the future (pending relevant approvals and monitoring of recent activities).</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>The KFFR provides habitat for species and ecological communities listed in the schedules of the Threatened Species Conservation Act, 1995 (NSW). These include the Powerful Owl (<i>Ninox strenua</i>) which uses the Reserve as part of its habitat range and the Sydney Turpentine Ironbark Forest found in part of the Reserve. Also known to exist in the vicinity is the Red-crowned Toadlet (<i>Pseudophryne australis</i>), and Giant Burrowing Frog (<i>Heleioporus australiacus</i>).</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><u>Fauna</u></p> <ul style="list-style-type: none"> • Powerful Owl Recorded in the Reserve in 1993 and again in 1998, and known from the local area with numerous observations. Powerful Owl are listed in the schedules of the <i>Threatened Species Conservation Act 1995 (NSW)</i>. It inhabits moist closed forest, tall open forest and open forest within protected gullies occupying a home range of 800-1000 ha. Breeding is in winter with nesting in tall open forest, typically in emergent trees that are often among the largest and oldest in the area. Eggs are laid between late autumn and mid-winter. Flying-fox can make up a significant portion of the Powerful Owls diet. • Red-crowned Toadlet The Red-crowned Toadlet was observed in the Stoney Creek valley in the vicinity of the Reserve in 1970. There have been no recent observations recorded. The Red-crowned Toadlet distribution is restricted to Hawkesbury sandstone areas and much of its habitat coincides with the Greater Sydney Metropolitan Region. It is estimated that approximately 20 % of the species former habitat is no longer suitable. Red-crowned Toadlets rely on small ephemeral

	<p>drainage lines that feed the water from the top of the ridge to the perennial creeks below. The species breeds at most times through the year and lays eggs under leaf litter in these ephemeral drainage lines.</p> <ul style="list-style-type: none"> • Giant Burrowing Frog <p>The Giant Burrowing Frog, like the Red-crowned Toadlet was observed in the vicinity of the Reserve in 1970 and has not been observed recently. The Giant Burrowing Frog is distributed in south eastern NSW and Victoria, and appears to exist as two distinct populations: a northern population largely confined to the sandstone geology of the Sydney Basin and extending as far south as Ulladulla, and a southern population occurring from north of Narooma through to Walhalla, Victoria. This species is distributed across relatively large areas and is subject to threatening processes that generally act at the landscape scale (e.g. habitat loss or degradation) rather than at distinct, defineable locations.</p> <p>Flora</p> <p>Sydney Turpentine Ironbark Forest (STIF), an Endangered Ecological Community (EEC) located on the other side of the KFFR, near Edward Street.</p> <p>Subject to the mitigation measures that will be in place, it is not expected that flora or fauna listed above will 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>The KFFR is an important maternal colony of GHFF and one of a number of camps found in New South Wales, Southern Queensland and Victoria. Permanent camps are generally confined to the coastal areas where there is a reliable food resource and are seldom more than 150 km inland (Eby, 1995).</p> <p>The CSIRO National Flying-fox Monitoring Program report of May 2014, identified the Ku-ring-gai colony as one of only three camps with >30,000 individuals, and the only such camp within NSW.</p> <p>The importance of the KFFR to the GHFF lays in it being a large maternal colony which forms part a network of camps, allowing nomadic movements in response to the unpredictable flowering of eucalypts, in space and time, throughout the range of the species.</p> <p>Their range of the species extends from south-eastern Queensland to southern Victoria and as far as the western slopes of New South Wales. During the maternity period when the young are unable to fly the colony provides a safe roost.</p> <p>Within the NSW, GHFF colonies which are considered Nationally important are located at:</p> <ul style="list-style-type: none"> • Gordon (KFFR) • Murwillumbah, Brays Park • Bundgeam, Moore Park • Casino • Dalwood 2 • Maclean • Copmanhurst

	<ul style="list-style-type: none"> • Woolgoolga Lake • Bellingen Island • Bellingen, Community garden • Macksville • Tamworth, King George Avenue • Port Macquarie, Kooloonbung Creek • Kendall • Lansdowne State Forest (Pipeclay Creek) • Wingham Brush • Raymond Terrace • East Cessnock • Parramatta Park 1 • Centennial Pk • Cabramatta • Wolli Creek • Macquarie Fields • Kareela • Camden, Brownlow Hill • Bomaderry Creek • Yatteyattah • Bateman's Bay, Water Gardens • Bega, Glebe Park <p>Within the KFFR, a total of 10 trees will be removed with a further 8 pruned. The trees to be removed are considered some of the primary roosting trees within the KFFR, however there is significant habitat across the reserve which will be undisturbed.</p> <p>Within the Kuringai local government area there exists large areas of potential habitat; however most of this is considered undesirable locations as it would potentially cause conflict with the community. The core of the KFFR is considered the most suitable location for GHFF, and ongoing regeneration work seeks to improve the quality of habitat in this location.</p> <p>The proposed tree removal/pruning is complimented by a suite of management actions, which include regeneration of habitat in the core of the KFFR and Environmental Trust Grant (ref: 2013/SL/0036), which relates to an ecological burn to be implemented in the future (pending relevant approvals and monitoring of recent activities).</p> <p>Reference: Eby, P. (1995). The biology and management of flying-foxes in NSW, National Parks and Wildlife Service, Hurstville.</p> <p>Eby 2015 – Assessment of vegetation modification works for Kuringai Flying Fox Reserve</p>
16. Provide an assessment of the likely nature and intensity of the effect of the action on the lifecycle and habitat of	<p>KFFR is used by large numbers of GHFF during reproductive periods. It is typically used from October to March – an important time for the reproductive biology of flying-foxes because it includes the final weeks of gestation, birthing and lactation.</p>

the species.	<p>Measures to ameliorate any effects of the proposed action on the lifecycle of the GHFF have been described below (Point 17) and include works scheduled outside the core reproductive time.</p> <p>The proposal was finalised in consideration of the ecology and habitat requirements of GHFF, and in a way that seeks to limit the impacts and likelihood of a camp dispersal or splitting as a result of the proposed action. In particular, the report has considered the advice provided by Dr Peggy Eby in a Council commissioned report (Eby 2015) which is attached as appendix A to this application.</p>
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	<p>Measures to avoid or ameliorate the effect of the action include:</p> <ul style="list-style-type: none"> • All works will be scheduled to take place outside of the breeding season and other sensitive periods. • All works will be scheduled to take place at night or when there are no GHFF roosting within the KFFR (as is the case since the 9th of April 2015). • Disturbance, wherever possible will be minimized. • All works will be completed in the presence of an ecologist or experienced wildlife carer, with the authority to cease or modify works if it is determined necessary. • Works will not occur during periods of adverse environmental and weather conditions, including food shortages, strong winds, periods of several hours of sustained rain or temperatures exceeding 38 degrees during the day prior to or on the day of any vegetation removal. • Vegetation removal will be undertaken by a suitably qualified AQF level IV arborist AS 4373-2007 <i>Pruning of Amenity Trees</i> Standard • Council will brief all contractors regarding their responsibilities with particular regard to habitat and biology of the flying-foxes. • As a contingency, any suspended works due to adverse conditions will be rescheduled to June/July when GHFF numbers are low. • Continuation of regeneration programs and supplementary planting of suitable endemic trees to extend and improve roost habitat quality in suitable areas away from the residential interface. (KFFR Bushcare group operates under a NPWS Section 132C licence and has been undertaking restoration activities in the reserve since 1985). • Ku-ring-gai Council will continue to participate in the implementation of the KFFR flying-fox colony management plan, which includes improving existing habitat and securing additional alternative habitat nearby.
<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	<p>Whilst the proposed works are in an area that is used during the maternity period of GHFF, and will result in the removal of 509m² of canopy area, the works will be scheduled outside of the sensitive life cycle stages of the GHFF, such as breeding and weaning and</p>

<p>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>measures to avoid or ameliorate the effect of the action will be implemented.</p> <p>In consideration of the timing and scale of the proposal along with the proposed ameliorative measures, it is considered unlikely that the proposed action will 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 proposal was finalised in consideration of the ecology and habitat requirements of GHFF, and in a way that seeks to limit the impacts and likelihood of a camp dispersal or splitting by selectively removing or pruning trees whilst managing to leave primary areas of habitat available.</p> <p>In particular, the report has considered the advice provided by Dr Peggy Eby in a Council commissioned report which is attached as appendix A to this application. Based on the advice provided, Council believes the action is unlikely to result in GHFF leaving the KFFR which could be considered a local 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>Not applicable - the grey-headed flying-fox population is not listed as an 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</p>	<p>Not applicable – the vegetation to be affected is not listed as an endangered ecological community.</p>

occurrence is likely to be placed at risk of extinction.	
<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>	<ul style="list-style-type: none"> The area where removal/pruning is proposed is shown in Figure 2. The proposed action constitutes a fairly significant habitat modification, with a total of 10 trees proposed to be removed and a further 8 trees proposed to be pruned. The proposed action will remove or modify 528m² of canopy including some of the primary roosting trees along the periphery of the KFFR, whilst large areas of known and potential habitat will remain undisturbed. The GHFF within the KFFR utilise different areas across the 15 ha of available habitat within the KFFR boundary. The modification associated with the proposed action is all within the periphery of the reserve, and this coupled with GHFF high mobility mean the action is unlikely to significantly fragment or isolate areas of habitat. Based on the extent estimates of roosting area for 2015, the vegetation to be affected by the proposed works is considered important habitat. The trees to be removed are utilised by GHFF when the numbers are moderate to high. However, whilst the vegetation proposed to be modified is considered important habitat, the majority of the vegetation to be modified is outside what is considered to be the core area of the camp. Further, great care has been taken to select trees which can be removed without compromising the overall integrity of the camp, and large areas of existing and potential habitat are being maintained within the KFFR (Eby 2015, Appendix A). <p>The area to be affected by this proposal already experiences extensive disturbance from neighbouring properties and residents. The proposed modification will hopefully reduce conflict with the community and reduce disturbances to the entire flying-fox colony.</p>
22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	The proposed works will not occur on, nor effect vegetation declared as critical habitat. There is no declared critical habitat for grey-headed flying-fox.
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat	<p>The principle objective of the GHFF Draft National Recovery Plan relevant to this application is <i>Objective 6</i>:</p> <p><i>To reduce negative public attitudes toward Grey-headed Flying-foxes and reduce conflict with humans.</i></p>

<p>abatement plan.</p>	<p>Whilst the proposed action will remove 509m² of roosting habitat, great care has been taken to select trees which can be removed without compromising the overall integrity of the camp. Further, large areas of existing and potential habitat are being maintained within the KFFR.</p> <p>In response to the conflict with GHFF at KFFR, Council, through the Draft Ku-ring-gai Local Environment Plan 2013, has rezoned some parcels of land adjacent to the Reserve as E4 – <i>Environmental Living</i>. The rezoning has been applied due to environmental factors including the presence of threatened species and ecological communities. The rezoning proposes to restrict subdivision to a higher minimum lot size, effectively reducing the potential for further subdivision. This will contribute towards Objective 6 by assisting to reduce the conflict between humans and the colony and avoiding significant losses to ecological values.</p> <p>Council are proposing this action after extensive consultation with stakeholders, including but not limited to: community residents, industry experts, OEH and other regulatory bodies, the former Minister for the environment (Mr Rob Stokes) and the environmental trust. Council has been directed in its' approach by the GHFF Draft National Recovery Plan, and The Flying-fox Camp Management Policy 2015 (FFCMP), which has shifted the primary focus of the FFCMP towards minimising the impacts of camps on communities and residents.</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>Clearing of native vegetation is one of the key threatening processes listed in the <i>Threatened Species Conservation Act</i>. As such, the proposed action is clearly contributing to the key threatening process with the removal of 10 trees and the modification via pruning of a further 8.</p> <p>The extent and specific location of the habitat modification proposed, was finalised in consideration of the ecology and habitat requirements of GHFF, and in a way that seeks to limit the impacts and likelihood of a camp dispersal or splitting as a result of the proposed action.</p> <p>Further, this action is intended to reduce conflict between residents and GHFF and is proposed as the only tree removal to be conducted in the KFFR.</p> <p>Finally, the proposed tree removal is complimented by a suite of management actions, which include regeneration of habitat in the core of the KFFR and an Environmental Trust Grant (ref: 2013/SL/0036), which relates to an ecological burn which may be implemented in the future (pending relevant approvals and monitoring of recent activities).</p> <p>The removal and pruning of the selected trees will reduce the roosting habitat available in the section of the KFFR adjoining the impacted properties, whilst the rehabilitation works on the northern bank of Stony Creek, and within the core of the KFFR, will increase the roosting habitat within this area of the KFFR.</p>

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

* Protected fauna means fauna of a species not named in Schedule 11 of the *National Parks and Wildlife Act 1974*.

Protected native plant means a native plant of a species named in Schedule 13 of the *National Parks and Wildlife Service 1974*.

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

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) Marnie Kikken

Applicant's Position &
Organisation (if relevant)
(Please print) Manager, Environment and Sustainability
Ku-ring-gai Council

Applicant's signature



Date

27.5.15

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: KFFR Boundary and Landscape Context



Figure 2: GHFF Extent and Clearing



Figure 3: Proposed Treatments



