

Section 91 Licence

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

1. Applicant's name ^: (if additional persons require authorisation by this licence, please attach details of names and addresses)	Ross Briggs	
2. Australian Business Number (ABN):	52 631 074 450	
3. Organisation name and position of applicant ^: (if applicable)	Tamworth Regional Council Manager – Regulatory Services Directorate - Planning & Compliance	
4. Postal address ^:	PO Box 555, Tamworth NSW 2340	Telephone ^: B.H. [REDACTED] A.H. [REDACTED]
5. Location of the action (including grid reference and local government area and delineated on a map).	<p>The camp is located in Tamworth and is divided into two along a stretch of riparian vegetation alongside the Peel River from the junction of the Goonoo Goonoo Creek and extends south-east along the River for a distance of up to 3 kilometres. The larger of the camp areas is located in an area bordered by the Armidale Road (New England Highway) and King George V Avenue and is referred to as the King George V Avenue camp (-31.101751, 150.940139). The other camp area is slightly smaller and lies along the Peel River between the George Fielder Bridge on Scott Road and the Footbridge leading from Bicentennial Park to the Gipps Street playing fields. This camp area is referred to as the Bicentennial Park camp (-31.095361, 150.928544).</p> <p>Management actions under this application pertain to the King George V Ave camp only.</p> <p>Refer to Attachment 1 Map 1.</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.

	Management areas proposed under this licence application are shown in Attachment 1 Map 5.
6. Full description of the action and its purpose (e.g. <i>environmental assessment, development, etc.</i>)	<p>For the purpose of reducing long-term conflict with adjacent residents, the proposed action under this licence application are to:</p> <ol style="list-style-type: none"> create a 50 m buffer from two affected dwellings immediately adjacent to core camp habitat at King George V Ave (as shown on Map 5 Attachment 1) create a 15 m buffer from potential conflict areas in the caravan park opposite the core roost site (as shown on Map 5 Attachment 1). <p>Buffers will be created through the removal of exotic vegetation, and trimming of native trees. The only native trees scheduled to be removed are five lemon scented gums (<i>Corymbia citriodora</i>), which are not native to the Tamworth area. Any tree assessed by an arborist as a hazard will be managed as per arborist discretion (i.e. trimmed/removed).</p> <p>Measures to avoid impacts are detailed in Attachment 1 Sections 8 and 9 will be complied with at all times.</p>
7. Details of the area to be affected by the action (in hectares).	<p>The total buffer areas, as shown in Attachment 1 Map 5, are as follows:</p> <ul style="list-style-type: none"> 50m buffer area (yellow polygons) = 12,132 m² (1.213 ha) 15m buffer area (red polygon) = 2,970 m² (0.297 ha) <p>These calculations are shown in Attachment 2. Note that the treed portion of the 50m buffer area is approximately 2/3 of the total 12,132m² (with 1/3 built and/or cleared). As such the potential <i>roost habitat</i> to be affected is approximately:</p> <ul style="list-style-type: none"> 50m buffer area = 8,088 m² (0.809 ha) 15m buffer area = 2,970 m² (0.297 ha) <p>Trees proposed to be removed (exotic species and lemon scented gums) or trimmed (other native species) are shown in Attachment 3 and 4.</p>
8. Duration and timing of the action (including staging, if any).	<p>Proposed buffer works (yellow and red polygons, Map 5 Attachment 1) will occur over a two week period, commencing immediately following OEH approval (e.g. ideally commencing the last week of May/first week June). This timing will ensure works in the core camp area are completed before female GHFF are in final stages of pregnancy or potentially birthing/rearing.</p> <p>It is anticipated that all works will be done during the day provided that a suitable buffer can be maintained from roosting flying-foxes. Measures detailed in Attachment 1 Sections 8 and 9 will be complied with at all times during works.</p>
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> <i>Pteropus poliocephalus</i>	<u>Common name (if known)</u> Grey-headed flying-fox (GHFF)	<u>Conservation status</u> <i>(i.e. critically endangered, endangered or vulnerable)</i> Vulnerable	<u>Details of number of individual animals, or proportion and type of plant material</u> <i>(e.g. fertile branchlets for herbarium specimens or whole plants or plant parts)</i> Approximately 300 GHFF regularly use the buffer area and will be affected by this action. However as evidenced by the peak of approximately 60,000-70,000 GHFF during one unusual influx, there is extensive alternative roost habitat between the King George V Ave camp and adjacent Bicentennial Park camp (see Attachment 1 Maps 1 and 2). As such it is not anticipated that any GHFF will be significantly affected by these works.
11. Species impact: <i>(please tick appropriate box)</i> a) For action proposed on land declared as critical habitat or b) For action proposed on land <u>not</u> declared as critical habitat.	a species impact statement (SIS) is attached <input type="checkbox"/> Yes <input type="checkbox"/> No Items 12 to 25 have been addressed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i> .				

<p>N.B: Provision of a species impact statement is a statutory requirement of a licence application if the action is proposed on critical habitat.</p> <p>The provision of information addressing items 12 to 17 is a statutory requirement of a licence application if the action proposed is not on land that is critical habitat. Information addressing any of the questions below must be attached to the application.</p>	
<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<p>The land tenure of the King George V Avenue camp is mostly privately owned (residential/small rural lots) for approximately 90% of its extent, consisting of residential/small rural lots and a caravan park. There is a Council-managed park to within the eastern extent of the proposed buffer area, and a caravan park on the right bank (red polygon Attachment 1 Map 5). Oak trees along King George V Avenue within the buffer are State Heritage listed and while flying-foxes have been observed occasionally in these trees, a conservation management plan is in the process of being implemented for these trees and they will not be trimmed/removed.</p> <p>The camp area is not mapped in any critical habitat, nor is it located within the NSW key habitat climate change corridors for threatened species. The Peel River is mapped as a potential subregional corridor in the Nandewar bioregion.</p> <p>Tamworth is located in the Nandewar Bioregion and Peel subregion (NAN04). Both Peel River and Goonoo Goonoo Creek lie in the Namoi Catchment. No wetlands mapped under the State Environmental Planning Policy 14 (SEPP 14) wetland mapping occur in the vicinity of the camp.</p> <p>The entire maximum camp extent (Attachment 1 Map 4) occurs on habitat mapped by the Namoi CMA as Eastern Riverine Forests- River Oaks- Rough-barked Apple- Red Gum- Box riparian tall woodland (wetland) of the Brigalow Belt South and Nandewar Bioregions. The community is typically dominated by river oaks (<i>Casuarina cunninghamiana</i>) usually 10 – 40 m tall. Other species which may occur include <i>Acacia floribunda</i>, <i>Acacia mearnsii</i>, <i>Glocidion ferdinandi</i> and sedges and forbes. These communities occur along riparian corridors in open terrain up to 800 m above sea level. The soils are generally sandy with boulders and cobbles. The area lies in the Nandewar Peel Channels and Floodplain Mitchell Landscape. These landscapes are defined by having channel, floodplain, swamps, lagoon and terrace remnant on Quaternary alluvium. The vegetation in these landscapes is dominated by river oak, river red gum (<i>Eucalyptus tereticornis</i>), rough-barked apple (<i>Angophora floribunda</i>) and yellow box (<i>Eucalyptus melliodora</i>).</p> <p>These vegetation communities are correct, with the entire camp footprint being dominated by river oak and river red gum. Other non-endemic species are used as roost trees (e.g. willows, ironbark, lemon-scented gum). Approximately 50% of the roost vegetation (including mid-storey used by LRFF) is dominated by weeds, especially osage orange (<i>Maclura pomifera</i>), multiple stands of locust (<i>Robina pseudoacacia</i>), privet (<i>Ligustrum spp.</i>), Chinese empress trees (<i>Paulownia tomentosa</i>), giant reed (<i>Arundo donax</i>) and feral fruit trees. There are also stands of ornamental deciduous</p>

	<p>trees including white cedar (<i>Melia azedarach</i>), box elder (<i>Acer negundo</i>) and poplar (<i>Populus spp.</i>).</p> <p>Given that scheduled works under this application consist entirely of weed removal (with the exception of some minor trimming of native trees; and removal of five lemon scented gums not native to the region), overall biodiversity values of the area will be improved. The lemon scented gums are less than 300mm diameter, approximately 10-15 m tall with no seedlings present. A fauna spotter catcher will be present when they are removed. Care will be taken to ensure bank stability during weed removal (e.g. retaining root systems of mature trees) and re-planting ground cover species if necessary.</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>).	Please refer to Attachment 1 Section 4 (data collated from OEH Bionet Atlas 2016 and Council records).
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>There are no records of a threatened species, other than <i>Pteropus poliocephalus</i>, occurring in the proposed works area or immediate surrounds.</p> <p>As detailed in Attachment 1 (Table 2), the area provides very occasional foraging habitat to highly mobile species only (e.g. Little Eagle). Habitat is not suitable for more sedentary or ground-dwelling threatened species that occur in the Tamworth area (e.g. Booroolong Frog). It will be a requirement of the vegetation management contractor to ensure minimal sediment enters the Peel River, and vegetation will be retained along the bank to ensure bank stability. Both these measures will protect riparian and downstream habitat.</p> <p>The area that will be impacted is very small, and therefore impacts to threatened species which may forage in the area will be negligible. Furthermore, given that works primarily entail weed removal, with native vegetation to be retained, it is likely to improve the area's biodiversity values.</p> <p>As such the remainder of the application relates to <i>P. poliocephalus</i> only. Note that the Little Red Flying-fox (<i>P. scapulatus</i>) also occurs seasonally at the camp, and measures outlined in Attachment 1 and below will also apply to ensure animal welfare and that suitable habitat is retained for both species.</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>The total historic roost extent, as shown on Maps 1 and 2 Attachment 1, is 18.565 ha.</p> <p>The total proposed buffer areas is 1.51 ha.</p> <p>As such, the proposed buffers comprise approximately 8.13% of the historic roost habitat along the Peel River.</p>
16. Provide an assessment of the likely nature and intensity of the effect of the action on the	<p>Measures in Sections 8 and 9 of Attachment 1 will be complied with at all times, and as such the proposed actions are not expected to have any impact on the lifecycle of the species.</p> <p>Impacts to the habitat of the species are discussed above.</p>

lifecycle and habitat of the species.	
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	<p>Mitigation measures detailed in Sections 8 and 9 of Attachment 1 detail how negative impacts will be avoided during works.</p> <p>The proposed buffer area comprises 8.13% of the total roost extent (as per point 15 above). Given there was at least 60,000 GHFF during the peak, as a conservative estimate this leaves sufficient habitat for 55,122 GHFF, which is well in excess of the historical average of 7,666 GHFF and the next highest count of 21,920 (August 2014).</p> <p>There is also similar suitable roost habitat adjacent to the previous roost extent, which would accommodate roosting flying-foxes if required.</p> <p>Furthermore, Council is investigating measures to offset this through increasing/enhancing Bicentennial Park camp site or planting additional habitat between the camps (as detailed in Attachment 1).</p>
<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>	
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.	As discussed above, the proposed action will not have an adverse effect on the life cycle of the species and will not risk the population.
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.	N/A
20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	N/A

<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>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>In relation to the GHFF:</p> <p>(i) Habitat in the 1.51 ha buffer area (of the 18.57 ha camp habitat) will be modified with the aim of making it undesirable for flying-foxes to use it for roosting. This will be done primarily through the removal of exotic vegetation and trimming of native trees, as detailed in Attachment 1 and shown in Attachment 3. The only native species scheduled to be removed are five lemon scented gums, which are not native to the region (Attachment 4).</p> <p>(ii) Although fragmentation is not highly relevant to the mobile GHFF, minimal buffer works will not isolate or fragment the camp.</p> <p>(iii) The area is not identified as critical habitat, however the camp site as a whole is recognised as nationally important to the GHFF given large and consistent seasonal influxes. It is likely important to allow GHFF to access winter foraging resources, particularly in years when coastal forage is limited. The small amount of vegetation in the buffer zone to be modified will not affect the camp as a whole, and sufficient vegetation will be retained for the maximum historic number of flying-foxes to camp in the area.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>There is no critical habitat being affected.</p>
<p>23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.</p>	<p>The overall objectives of the GHFF draft recovery plan 2017 (DoEE) are:</p> <ul style="list-style-type: none"> to improve the GHFF national population trend by reducing the impact of threatening processes on Grey-headed Flying-foxes through habitat identification, protection, restoration and monitoring, and

	<ul style="list-style-type: none"> to assist communities and GHFF to coexist through better education, stakeholder engagement, research, policy and continued support to fruit growers. Following are specific objectives intended to be achieved over ten years, actions to achieve them and performance criteria against which achievement can be assessed. <p>The overall objectives of the Peel River Camp Management Plan (Attachment 1) (and the initial implementation stage proposed in this application) are to reduce community impacts to assist the community to coexist with the GHFF, and ensure GHFF have sufficient roost habitat retained at the location. As such actions are consistent with the GHFF draft recovery plan.</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.	Habitat loss is a key threatening process for the GHFF. However as detailed above, sufficient habitat will be retained to support the camp, and Council is investigating offset options for the 8.1% camp habitat that will be removed. By mitigating community concern and allowing flying-foxes to camp in lower conflict locations, GHFF will have access to winter foraging habitat (which attracts them to the area), which is currently considered their most critical resource.

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.

* 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*.

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).

Disclosure of Personal Information in the Public Register of s91 Licences

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

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

Certificates

If the Chief Executive decides, following an assessment of your application, that the proposed action is not likely to significantly affect threatened species, populations or ecological communities, or their habitats, a Section 91 Licence is not required and the Chief Executive must, as soon as practicable after making the determination, issue the applicant with a certificate to that effect.

N.B: An action that is not required to be licensed under the *Threatened Species Conservation Act 1995*, may require licensing under the *National Parks and Wildlife Act 1974*, if it is likely to affect protected fauna or protected native plants.

I confirm that the information contained in this application is correct. I hereby apply for a licence under the provisions of Section 91 of the *Threatened Species Conservation Act 1995*.

Applicant's name
(Please print) Ross Briggs

Applicant's position and
organisation (if relevant)
(Please print) Manager – Regulatory Services
Tamworth Regional Council

Applicant's signature



Date 22/05/17

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

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