

Application for a



Office of Environment & Heritage

Section 91 Licence

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

1. Applicant's Name [^] : <i>(if additional persons require authorisation by this licence, please attach details of names and addresses)</i>	Ian Bowie, Toolijooa Nursery Lot 7 Twentyfifth Ave West Hoxton NSW 2171	
2. Australian Business Number (ABN):	64 095 536 388	
3. Organisation name and position of applicant [^] : <i>(if applicable)</i>	Toolijooa Pty Ltd Ian Bowie Nursery manager	
4. Postal address [^] :	PO Box 406 Mona Vale N1660	
5. Location of the action <i>(including grid reference and local government area and delineated on a map).</i>	34 Orana Rd Kellyville NSW Hills Shire Council	

^{*} A threatened species, population or ecological community means a species, population or ecological community identified in Schedule 1, 1A or Schedule 2 of the *Threatened Species Conservation Act 1995*.

[^]The personal details of all Section 91 licences will be displayed in the register of Section 91 licences required under Section 104 of the *Threatened Species Conservation Act 1995*. See notes.

<p>6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)</p>	<p>Seed Collection and propagation of the threatened species Eucalyptus sp Cattai for the purpose of revegetation at 34 Orana Rd Kellyville</p> <p>As directed by the Hills Shire council order "no fewer than 15 plants shall be reinstated"</p> <p>Seed is proposed to be collected from up to 14 known Eucalyptus sp cattail occurring on site at 34 Orana Rd Kenthurst. Method of collection will be Pole pruner or secateurs. Eucalyptus sp cattail being a small growing mallee form Eucalypt it will be possible to accurately target and remove small amounts of seed without the need for climbing or damage to the tree or surrounding habitat. Seed will be cleaned and propagated at Toolijooa Nursery in West Hoxton.</p>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>Seed is proposed to be collected from up to 14 trees depending on how many are bearing fruit area to be affected will be 0.002 of a hectare</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>6 – 8 months from date of issue of licence/certificate</p>
<p>9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)</p>	<p>No</p>
<p>* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i>.</p>	

<p>10. Threatened species, populations or ecological communities to be harmed or picked.</p>	<p><u>Scientific name</u> Eucalyptus sp Cattai</p>	<p><u>Common name</u> (if known)</p>	<p><u>Conservation status</u> endangered</p>	<p><u>Details of no. of individual animals, or proportion and type of plant material</u> Seed to be collected from closest possible remnant to 34 Orana Rd Kellyville</p>
<p>11. Species impact: (please tick appropriate box)</p> <p>a) For action proposed on land declared as critical habitat;</p> <p>or</p> <p>b) For action proposed on land <u>not</u> declared as critical habitat.</p>	<p>an SIS is attached <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Items 12 to 25 have been addressed <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p><i>N.B: Provision of a species impact statement is a statutory requirement of a licence application if the action is proposed on critical habitat. The provision of information addressing items 12 to 17 is a statutory requirement of a licence application if the action proposed is <u>not</u> on land that is critical habitat. Information addressing any of the questions below must be attached to the application.</i></p>				

<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<p>Seed collection will occur on private land at 34 Orana Rd where large remnants adjoin the property to the South and South West of native vegetation in good condition, with limited connectivity to fragmented vegetation in other directions</p>
<p>13. Provide details of any known records of a threatened species in the same or similar known habitats in the locality (<i>include reference sources</i>).</p>	<p>Bionet lists many records of endangered fauna occurring in the area being the Hills Shire LGA including ; Litoria aurea Litoria boorolongensis Caretta caretta Esacus magnirostris</p> <p>No endangered fauna specifically known to occur at 34 Orana Rd</p>
<p>14. Provide details of any known or potential habitat for a threatened species on the land to be affected by the action (<i>include reference sources</i>).</p>	<p>No threatened fauna habitats at 34 Orana, listed on Bionet</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>Enough seed will be collected to produce 18 plants. Seed is proposed to be collected from up to 14 trees trees at 1 location. There are 49 known locations of the species, so collection represents 2% of total known sites.</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>The species is to be reinstated at 34 Orana Rd Kellyville, which will have a positive effect on the lifecycle and habitat of Eucalyptus sp. catta. In addition, the collection of seed from 1 site will have minimal impact on the lifecycle and habitat of the species, given the proposed ameliorative measures (see Q17).</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>Seed will be collected according to FloraBank guidelines (ie only taking small proportion of seed from any particular tree, taking smallest amount of seed required, not over collecting from ensuring collection doesn't damage trees or their habitats, locations, ensuring seed collection adequately samples genetic diversity).</p> <p>In conjunction with reinstatement of Eucalyptus sp Cattai areas of good bush and revegetation area will be sediment fenced to manage spread of weeds and erosional effects unused seed will be returned to the site</p>
<p><i>N.B: The Director-General must determine whether the action proposed is likely to significantly affect threatened species, populations or ecological communities, or their habitats. To enable this assessment the Applicant is required to address items 18 to 24. Any additional information referred to in addressing these items must be attached to the application.</i></p>	
<p>18. In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.</p>	<p>The species is to be reinstated at 34 Orana Rd Kellyville, which will have a positive effect on the lifecycle and habitat of Eucalyptus sp. catta. In addition, the collection of seed from up to 14 individuals on the site will have minimal impact on the lifecycle and habitat of the species, while offering a broad range of diversity compared to taking seed from one parent plant</p>

<p>19. In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.</p>	<p>n/a</p>
<p>20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</p> <p>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</p> <p>(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.</p>	<p>n/a</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>Seed is proposed to be collected from up to 14 trees at 1 location and there are a total of 49 known locations of the species.</p> <p>Therefore, the seed to be removed represents a very small area of habitat, and small proportion (2%) of the total number of sites of the species. The action will also increase the habitat of the species through its reinstatement at 34 Orana Rd.</p> <p>Seed collection will not lead to removal of trees or vegetation, so it will not fragment or isolate areas of habitat. Reinstatement of the species will have some positive affect on the current connectivity of the site and adjoining bushland.</p> <p>Seed collection will have a very minimal impact, the total biomass to be removed will be around 1 gram. All fruits and seed surplus to requirement will be returned to the site.</p> <p>There are few records of the species, therefore every site is likely to be considered to be important for the species. However, the seed collection will have minimal impact to the site, given the proposed ameliorative measures. Furthermore, the action will reinstate the species at a site, which will improve the species' long term survival.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>n/a</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 no recovery plan for Eucalyptus sp. catta. However, threats listed on the OEH website include Loss of habitat through urban and rural residential development, Loss of habitat through construction of fire trails and easements. Poor recruitment and a restricted population size. Risk of too frequent or too intense fires inhibiting growth or reproduction. Urban and rural residential development, infrastructure maintenance, bushfire hazard control.</p> <p>The site is in one of the management areas targeted by The SOS program. The action taken contributes to the objectives of the program by introducing individuals of a different age class in to the</p>

	<p>population helping secure the species presence in the area.</p> <p>This action aids survival of the species where poor recruitment and habitat fragmentation are threats</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>Seed collection is not recognised as a key threatening process.</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.

* 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 Director-General may, after receiving the application, request additional information necessary for the determination of the licence application.

Species impact statement

Where the application is not accompanied by a SIS, the Director-General may decide, following an initial assessment of your application, that the action proposed is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. In such cases, the *Threatened Species Conservation Act 1995* requires that the applicant submit a SIS. Following initial review of the application, the Director-General will advise the applicant of the need to prepare a SIS.

Director-General's requirements for a SIS

Prior to the preparation of a SIS, a request for Director-General's requirements must be forwarded to the relevant OEH Office. The SIS must be prepared in accordance with section 109 and 110 of the TSC Act and must comply with any requirements notified by the Director-General of OEH.

Disclosure of Personal Information in the Public Register of s91 Licences

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

Copies of all applications and licences issued under section 91 and certificates issued under section 95 of the Act are available on the OEH website at

www.environment.nsw.gov.au/threatenedspecies/S91TSCaRegisterByDate.htm

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

Certificates

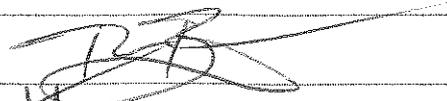
If the Director-General decides, following an assessment of your application, that the proposed action is not likely to significantly affect threatened species, populations or ecological communities, or their habitats, a Section 91 Licence is not required and the Director-General must, as soon as practicable 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 *Ian Bowie*
(Please print)

Applicant's Position & Organisation (if relevant) *Nursery Manager Toolijooa Nursery*
(Please print)

Applicant's signature 

Date *19th May 2014*

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

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F: 02 9995 6900
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North East Branch
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