

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>	Jim Stefan – Manager City Assets and Environment James Smallson – Supervisor Open Space & Natural Resources	
2. Australian Business Number (ABN):	49 907 174 773	
3. Organisation name and position of applicant ^: <i>(if applicable)</i>	Parramatta City Council	
4. Postal address ^:	PO Box 32 Parramatta NSW 2124	Telephone ^: [REDACTED] B.H. A.H.
5. Location of the action <i>(including grid reference and local government area and delineated on a map).</i>	<ul style="list-style-type: none"><li>- Backhousia Reserve, 74 Centenary Ave, Constitution Hill, NSW.</li><li>- Parramatta LGA</li><li>- Grid reference; x 313063.481; y 6259656.939</li><li>- Please see attached map.</li></ul>	

\* 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>The establishment and on-going clearing of native vegetation from 5m to 15m from the back of private property boundaries to create an asset protection zone (APZ), including:</p> <ul style="list-style-type: none"> <li>i. 15m off the northern and western rear boundary of No. 24 Greygum Terrace and 15m off the northern rear boundary of No. 22 and 20 Greygum Terrace;</li> <li>ii. 10m off the eastern boundary of No.26 Blackwattle Circuit; and</li> <li>iii. 5m off the northern boundary of No.18, 16 and 14 Greygum Terrace.</li> </ul> <p>The 5m to 15m APZ will be managed as per the NSW Rural Fire Service Asset Protection Zones Guidelines as follows:</p> <ol style="list-style-type: none"> <li>1. Removal of noxious and environmental weeds will be undertaken as a first priority.</li> <li>2. Removal or pruning of trees, shrubs and understory. Removal or pruning of trees to prevent a continuous tree canopy within 5m of a residential building.</li> <li>3. Raking or manual removal of fine fuels.</li> <li>4. Removal of only flammable species such as those with rough, flaky or stingy bark.</li> <li>5. Removal or thinning of understory plants less than three meters in height.</li> <li>6. The removal of significant native species will be avoided within the APZ zone.</li> </ol> <p>There is no formal Bushfire Prone Lands Map for Parramatta LGA. The NSW Rural Fire Service has undertaken an assessment of this reserve following recent arson attacks that resulted in bushfires. This assessment has identified a bush fire hazard that is a threat to identified adjoining residential properties.</p>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>Total area for on-going clearing will be 0.314 ha. Please see attached map that details the square metre to be kept clear of each native vegetation type.</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>The action will be on-going to retain a 5m to 15m APZ to the rear of the identified residential properties.</p>
<p>9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)</p>	<p style="text-align: center;"><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> <i>(if known)</i>	<u>Conservation status</u> <i>(i.e. critically endangered, endangered or vulnerable)</i>	<u>Details of no. of individual animals, or proportion and type of plant material</u>
	<u>Cumberland Shale – Plains Woodland</u>		<i>Critically Endangered</i>	<u>1042 sqm</u>
	<u>Cumberland Riverflat Forest</u>		<i>Endangered</i>	<u>254 sqm</u>
	<u>Sydney Turpentine Ironbark Forest</u>		<i>Critically Endangered</i>	<u>988 sqm</u>
<p>11. Species impact: <i>(please tick appropriate box)</i></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>				

<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<ul style="list-style-type: none"> <li>• Remnant EEC's present in the reserve with Moderate weed levels.</li> <li>• Reserve includes a natural creek line system</li> <li>• Reserve has connectivity corridors in a number of directions, including upstream and downstream.</li> <li>• Additional habitat provided by weeds especially along the creek banks</li> <li>• Permanent water provides additional habitat resources</li> <li>• Has old growth canopy trees with small and large hollows</li> <li>• Includes areas of well-structured native bushland with diverse flora</li> <li>• Includes a range of habitat elements such as rocks, fallen logs, mosses, cryptogams, leaf litter.</li> <li>• Please see attached weed density plan.</li> </ul>
<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>Southern Myotis, (<i>Myotis macropus</i>) were identified in Backhousia Reserve by ecological consultants Applied Ecology who were engaged by Parramatta Council to undertake the <i>Parramatta Snapshot Fauna Surveys, September 2011 to February 2012</i>.</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>Mature canopy trees are present within the proposed APZ zone; however if any hollow bearing trees are found to be present, they will only be removed if deemed structurally unsound by an arborist. If removal is required hollows will be checked and any microbats re-located by a licenced wildlife carer.</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>No reduction of roosting habitat.</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>As the Southern Myotis are highly mobile and also identified within the 5 surrounding reserves this action is unlikely to effect the lifecycle and habitat of this species.</p> <p>Hollow bearing trees have not been identified, and if found to be present will only be removed if deemed structurally unsound by an arborist. If removal is required hollows will be checked and any microbats re-located by a licenced wildlife carer.</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>Old growth trees with hollows will only be removed within the APZ if they are determined to be structurally unsound by an arborist and pose a safety risk to the residential properties.</p> <p>If old growth trees with hollows are removed the hollows will first be checked for wildlife, which if found will be relocated back into the reserve. Fauna nest boxes will then be installed to replace the tree hollow.</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>No likely effect on the life cycle of the species.</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 population present.</p>
<p>20. In the case of an</p>	<p>(i)The proposed action will not remove a quantity of bushland that</p>

<p>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>will place the three listed native vegetation communities at risk of extinction.</p> <p>(ii) The proposed action will not modify the composition of the three ecological communities such that their 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>i) Habitat will not be allowed to regenerate naturally within the APZ. This equates to 3094 sqm.</p> <p>ii) No habitat will become isolated from other areas of habitat as a result of the action. This is due to the fact that all vegetation removal will be within a 5m to 15m wide strip along the edge of the reserve.</p> <p>iii) The proposed action will only modify the habitat and it will not impact on the long-term survival of the species, population or ecological community in the locality.</p>
<p>22. Whether the action proposed is likely to</p>	<p>No critical habitat present</p>

<p>have an adverse effect on critical habitat (either directly or indirectly).</p>	
<p>23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.</p>	<p>Not consistent with the actions of a recovery plan or threat abatement plan.</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>Yes –"Clearing of native vegetation" as a KEY THREATENING PROCESS as per Schedule 3 of the Act.</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**

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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*.

### Request for additional information

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

### Species impact statement

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

### Director-General's requirements for a SIS

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

### Disclosure of Personal Information in the Public Register of s91 Licences

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

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

[www.environment.nsw.gov.au/threatenedspecies/S91TSCaRegisterByDate.htm](http://www.environment.nsw.gov.au/threatenedspecies/S91TSCaRegisterByDate.htm)

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

### Certificates

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

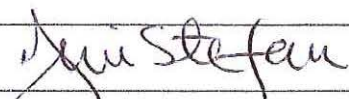
*N.B: An action that is not required to be licensed under the Threatened Species Conservation Act 1995, may require licensing under the National Parks and Wildlife Act 1974, if it is likely to affect protected fauna or protected native plants.*

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                      Jim Stefan  
(Please print)

Applicant's Position &              Manager – City Assets and Environment  
Organisation (if relevant)          Parramatta City Council  
(Please print)

Applicant's signature

  
9/9/2014

Date



All communications to be addressed to:

The Hills District  
NSW Rural Fire Service  
1A Angus Road  
Kenthurst NSW 2156

The Hills District  
NSW Rural Fire Service  
PO BOX 35  
Kenthurst NSW 2156

Telephone: (02) 9654 1244  
e-mail: baulkhamhills.fcc@rfs.nsw.gov.au

Facsimile: (02) 9654 1244



Parramatta City Council  
The Natural Resource Officer  
PO Box 32  
Parramatta NSW 2124



Your Ref:  
Our Ref: HC14080624926

25 August 2014

## BUSH FIRE HAZARD ADVICE

Dear David Kuhle,

**Re: Backhousia Reserve, Northmead**

The Service has received a bush fire hazard complaint pertaining to land believed to be under your care and control, namely Backhousia Reserve.

In response to the concerns raised, an officer from the Service has undertaken an inspection of the area in question and found that a bush fire hazard does exist. This bush fire hazard has created a threat to neighbouring properties.

In order to minimise the threat to both life and property from bush fire it is recommended that your organisation undertake the following works:

1. Establish and maintain an Asset Protection Zone as per the NSW Rural Fire Service Document "Standards for Asset Protection Zones" for a width of:
  - 15m off the northern and western rear boundary of No. 24 Greygum Terrace and 15m off the northern rear boundary of No. 22 and 20 Greygum Terrace;
  - 10m off the eastern boundary of No.26 Blackwattle Circuit; and
2. Maintain the existing Asset Protection Zone located to the immediate rear of No.18, 16 and 14 Greygum Terrace.

Please see the attached map for clarification.

As the landowner, your organisation is responsible for undertaking any necessary environmental assessments.



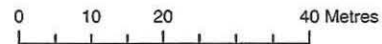


**Legend**

	Cumberland Riverflat Forest	254 sm
	Cumberland Shale Plains Woodland	1042 sm
	Sydney Turpentine-Ironbark Forest	988 sm
	Urban Exotic/Native	854 sm

Backhousia Reserve 5-15 m wide Proposed Asset Protection Zone

Total Area of Backhousia Proposed Asset Protection area = 3138 sm



Date : September 2014



If you require any further information relating to this matter, please do not hesitate to contact our office on the above number.

Your response to this letter within 21 days would be appreciated

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Liston'.

**Lynette Liston**  
**District Technical Coordinator (Community Safety)**  
**NSW Rural Fire Service**  
**The Hills District**

