

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 ^: <i>(if additional persons require authorisation by this licence, please attach details of names and addresses)</i>	Travis Lythall, Mark Davey, Paul Fisher	
2. Australian Business Number (ABN):	33 051 775 556	
3. Organisation name and position of applicant ^: <i>(if applicable)</i>	Organisation: Telstra Position: Mark Davey – Team Manager Position: Paul Fisher – Lead Land Access and Statutory Approvals Coordinator Position: Travis Lythall – Land Access and Statutory Approvals Coordinator	
4. Postal address ^:	231 Elizabeth Street, Sydney, NSW, 2000 <div style="background-color: black; width: 150px; height: 20px; margin-top: 10px;"></div>	Telephone ^: B.H. A.H.
5. Location of the action <i>(including grid reference and local government area and delineated on a map).</i>	Bullecourt Avenue, Milperra	

* 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.

6. Full description of the action and its purpose <i>(e.g. environmental assessment, development, etc.)</i>	The proposed works entail installation activities subjected to the rollout of the National broadband Network. The proposed works are confined to the road reserve of Bullecourt Avenue, Milperra; the works involve minor trenching and some boring (minor subsurface disturbance) and the installation of an FTTN Node Cabinet on the road reserve. See Niche (2016) for complete details.
7. Details of the area to be affected by the action <i>(in hectares)</i> .	Potential loss of two trees – Eucalyptus crebra and E. moluccana through potential impacts to the Structure Roots Zones (SRZ) of both trees. See Niche (2016) for complete details.
8. Duration and timing of the action <i>(including staging, if any)</i> .	27-DEC-2016 27-JUN-2017
9. Is the action to occur on land declared as critical habitat*? <i>(tick appropriate box)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i> .	

10. Threatened species, populations or ecological communities to be harmed or picked.	<u>Scientific name</u> Cumberland Plain Woodland	<u>Common name</u> <i>(if known)</i>	<u>Conservation status</u> Critically Endangered under the TSC Act and EPBC Act	<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> Possibly the die back of two eucalypts within the patch of Cumberland Plain Woodland. The exact impact is not know as only a portion of the Structure Root Zone of both trees may be harmed. See Niche (2016)
11. Species impact: <i>(please tick appropriate box)</i> a) For action proposed on land declared as critical habtat or b) For action proposed on land <u>not</u> declared as critical habitat.	<div> a species impact statement (SIS) is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <div> Items 12 to 25 have been addressed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div>			
N.B: Provision of a species impact statement is a statutory requirement of a licence application if the action is proposed on critical habitat.				

The provision of information addressing items 12 to 17 is a statutory requirement of a licence application if the action proposed is **not** on land that is critical habitat. Information addressing any of the questions below must be attached to the application.

<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<p>Details provided in impact assessment completed by Niche Environment and Heritage Pty Ltd (2016).</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>No threatened species would be impacted by the proposal.</p> <p>See details provided in impact assessment completed by Niche Environment and Heritage Pty Ltd (2016).</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 species would be impacted by the proposal.</p> <p>Full details provided in impact assessment completed by Niche Environment and Heritage Pty Ltd (2016).</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 proposal at worst may result in the die back of two eucalypts within Cumberland Plain Woodland through the impacts of a NBN installation trench on the Structural Root Zone of the two eucalypts. It is unclear if the proposal would result in the die back of both trees, however as a precaution, this has been assumed.</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>Assessments of Significance have been completed for the proposed action in Niche (2016). The results of the Assessments of Significance have concluded that a significant impact towards Cumberland Plain Woodland is unlikely.</p> <p>The proposal is unlikely to effect the lifecycle or habitat of Cumberland Plain Woodland as the resilience of the site would not be effected. Furthermore, it is unclear with any impacts to the Structure Root Zone of the two eucalypts would result in die back.</p>
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	<p>Recommendations provided in Niche (2016) to minimise impacts to biodiversity include:</p> <ol style="list-style-type: none"> 1. If possible, move the trench at the Bellecourt Avenue site to the roadside edge away from the SRZ of the two eucalypts. 2. If it is not possible to move the trench, then underbore or directional drill, hand dig in the area near the trees to minimise any potential damage to tree roots. 3. All rubbish to be removed from site. 4. Ensure all machinery is clean and free of weed seeds. 5. No vegetation disturbance other than that detailed in this assessment should be carried out without further assessment. 6. All areas disturbed will be actively regenerated to its prior condition following completed works.
<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.	N/A

<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>Extent and composition</p> <p>Over 10 hectares of Cumberland Plain Woodland exists within the locality (NPWS 2002). This is considered to be the local occurrence of Cumberland Plain Woodland in this instance. None of this local occurrence would be cleared by the proposal. The SRZ of two eucalypts however may be impacted as a result of the proposal. It is not possible to predict that damage to the SRZ would result in the death of the two eucalypts. Should the two trees die as a result of the impact to the SRZ, it is unlikely to result in a significant impact to the composition of the local occurrence of Cumberland Plain Woodland.</p> <p>Assessment</p> <p>The action proposed is considered unlikely to have an adverse effect on either the extent or composition of Cumberland Plain Woodland such that its local occurrence is placed at risk of extinction as:</p> <ul style="list-style-type: none"> • The extent of impacts would be limited to two trees; • It is uncertain whether the trees would die as a result of impact to the SRZ; and • The composition of the local occurrence will not be affected.

<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>Extent of impact on habitat</p> <p>Clearing of Cumberland Plain Woodland will not be required for the proposal, with impacts limited to impact upon potential SRZ of two trees within the community. It is uncertain whether the likely impact to the SRZ of each trees would cause death of trees. Regardless, should the proposal cause die back of the two trees, the extent of the impact on Cumberland Plain Woodland as a result of the proposal is considered to be minimal.</p> <p>Habitat fragmentation</p> <p>No habitat fragmentation would occur.</p> <p>Importance of habitat to be impacted</p> <p>The proposal is likely to have a negligible impact on the extent of Cumberland Plain Woodland within the locality as no clearing is being undertaken, and at worst, only two trees may be impacted by the proposal. It is only a precaution that this assessment has been carried out. The potential loss of two trees constitutes a negligible impact on Cumberland Plain Woodland. Both trees are not mature and do not contain hollows. Furthermore, the proposal will not fragment or isolate Cumberland Plain Woodland within the locality. Therefore, the habitat potentially affected by the proposal is of little or no importance to the long-term survival of Cumberland Plain Woodland within the locality.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>Critical habitat declarations in NSW include:</p> <ul style="list-style-type: none"> • Gould's Petrel - critical habitat declaration; • Little penguin population in Sydney's North Harbour; • Mitchell's Rainforest Snail in Stotts Island Nature Reserve; and Wollemi Pine. <p>None of these areas of critical habitat will be affected by the proposal.</p>
<p>23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.</p>	<p>A Recovery Plan exists for Cumberland Plain Woodland.</p> <p>The main recovery objectives of this recovery plan include:</p> <ul style="list-style-type: none"> • To build a protected area network, comprising public and private lands, focused on the priority conservation lands • To deliver best practice management for threatened biodiversity across the Cumberland Plain, with a specific focus on the priority conservation lands and public lands where the priority management objectives are compatible with biodiversity conservation

	<ul style="list-style-type: none"> • To develop and understanding and enhanced awareness in the community of the Cumberland Plain's threatened biodiversity, the best practice standards for its management and the recovery program • To increase knowledge of the threats to the survival of the Cumberland Plain's threatened biodiversity, and thereby improve capacity to manage these in a strategic and effective manner. <p>The proposal is unlikely to interfere with the recovery of Cumberland Plain Woodland as the proposal at worst would result in the loss of two eucalyptus. It would not impact upon the resilience of the bushland. Furthermore, there is a chance the impact upon the SRZ of the two trees may not result in die back.</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.	The proposed action does not constitute a KTP. It may result at worst, in the loss of two eucalypts which are part of the CEEC.

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.

* 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*.

If you are applying for a licence to cover both threatened and protected species please provide the information requested in Item 10 *as well as* a list of protected species and details of the number of individuals animals or proportion and type of plant material which are likely to be harmed or picked.

Request for additional information

The Chief Executive may, after receiving the application, request additional information necessary for the determination of the licence application.

Species impact statement

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

Chief Executive's requirements for a species impact statement

Prior to the preparation of a SIS, a request for Chief Executive's requirements must be forwarded to the relevant OEH Office. The SIS must be prepared in accordance with section 109 and 110 of the TSC Act and must comply with any requirements notified by the Chief Executive of Office of Environment and Heritage (OEH).

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*.

Travis Lythall

Applicant's name

(Please print)

Land Access and
Statutory Approvals
Coordinator - Telstra

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

T.Lythall

Applicant's signature

22/12/2016

Date

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

Greater Sydney

PO Box 644
Parramatta NSW 2124
Phone: 02 9995 5000

Hunter and Central Coast

PO Box 1002
Dangar NSW 2309
Phone: 02 6651 5946

Illawarra

PO Box 513
Wollongong NSW 2500
Phone: 02 4224 4150

North east

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

North west

PO Box 2111
Dubbo NSW 2830
Phone: 02 6883 5300

South east

PO Box 733
Queanbeyan NSW 2620
Phone: 02 6229 7188

South west

PO Box 544
Albury NSW 2640
Phone: 02 6022 0600

Office of Environment and Heritage (NSW)
PO Box A290, Sydney South NSW 1232
Phone: 131 555 (Environment Line) Fax: 9995 5999
Email: info@environment.nsw.gov.au

April 2016
OEH 2016/0239