Application for a

Department of
Environment and Conservation (NSW)

Section 91 Licence

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

1. Applicant's Name: *(if additional persons require authorisation by this licence, please attach details of names and addresses)*	Gary Dempsey	
2. Organisation name and position of Applicant: *(if applicable)*	New South Wales Golf Club Co. Ltd Course Superintendent	
3. Postal address:	PO Box 28 Matraville 2036 NSW	[redacted]
5. Location of the action *(including grid reference and local government area and delineated on a map).*	NSW Golf Club La Perouse See locality and site maps (Attachment 1a and b and attached Environment Plan)	
6. Full description of the action and its purpose *(eg. scientific research, environmental assessment, regeneration activities, development etc.).*	1. Ecological restoration activities including bush regeneration and ecological burns to improve the health of the Eastern Suburbs Banksia Scrub (ESBS) remnants which include: • ongoing bush regeneration work in remnants 13a, 11, 8, 7, 6, 5, 3, 2, 1 • new bush regeneration work to prepare for ecological burns in remnants 13a, 11, 8, 7, 6, 5, 3, 2 • ongoing maintenance works at all previous burn sites in	

* 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.*

	remnants 15, 14, 13b, 3 north, 7 south (ecological burns carried out in 2006 and 2007) • undertaking ecological burns in remnants 13a, 11, 8, 7, 6, 5, 3, 2 and southern perimeter of the golf course boundary adjacent to Botany Bay National Park (see Attachments 1 and 2) . 2. Trimming of ESBS species to maintain sight lines which involves: • trees to be trimmed to restrict vertical encroachment of line of sight to the golf holes. Trees will have only those branches impairing view trimmed. Trimming to be supervised by qualified bush regenerators (see Attachments 1 and 2) 3. Selectively remove Lomandra longifolia clumps where: • they have colonised areas on the edges of remnants that are in play, and • they are having a severe impact on playability
7. Details of the area to be affected by the action *(in hectares)*.	Refer to areas marked on site map (Attachment 1) • ecological burns 4.5 Ha (approximately) • line of sight trimming 0.35 Ha (approximately) • line of sight trimming and ecological burns 0.2 Ha (approximately)
8. Duration and timing of the action *(including staging, if any).*	1. Bush regeneration work to be carried out over the next 5 years on a regular basis. Approximately 30 hours per week 2. Ecological burns to be carried out over a period of 5 years as per the attached table (Attachment 2). 3. Trimming of ESBS remnants will be carried out on an annual basis.
9. Is the action to occur on land declared as critical habitat*? *(please tick appropriate box)*	☐ Yes ☑ No

10. Threatened species, populations or ecological communities to be harmed or picked.	Scientific Name	Common Name *(if known)*	Conservation Status *(ie. endangered or vulnerable)*	Details of no. of individual animals, or proportion and type of plant material *(eg. fertile branchlets for herbarium specimens or whole plants or plant parts)*
	Eastern Suburbs Banksia Scrub		Endangered Ecological Community	

* Critical habitat means habitat declared as critical habitat under Part 3 of the *Threatened Species Conservation Act 1995.*

				Areas to be affected are indicated on the attached site map (Attachment 2)

11. Species impact: *(please tick appropriate box)* a) For action proposed on land declared as critical habtat; or b) For action proposed on land <u>not</u> declared as critical habitat.	☐ An SIS is attached ☑ Items 12 to 25 have been addressed

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.

12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.	The site is a golf course. The bushland on the golf course is confined to a number of remnants of variable size and condition The type and condition of the bushland on the golf course is covered in more detail in sections 2.5 and 3.2 of the attached Environment Plan for the NSW Golf Course (Total Earth Care 2008). Section 5.2 of the Environment Plan describes the condition of each vegetation remnant and provides recommendations for management actions.
13. Provide details of any	Both ESBS and Sydney Freshwater Wetlands (SFW) EECs are

known records of a threatened species in the same or similar known habitats in the locality *(include reference sources).*	present in the locality. There are 6 patches of ESBS in Botany Bay NP, La Perouse and Little Bay as well as other patches at Jennifer St, Prince Henry Hospital and St Michael's Golf Course. For more detail see Table 1 in the ESBS Recovery Plan. SFW is present to the north of Lake Perrie. There are records for other threatened species in the locality including the Green and Golden Bell Frog, Eastern Bent-wing Bat, *Acacia terminalis subsp terminalis*, Wallum Froglet and Powerful Owl. However it is unlikely that ESBS provides habitat for these threatened species.
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).*	The vegetation remnants at NSW Golf Course represent habitat for ESBS as shown on the map in Attachment 1.
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 .	5.050 Ha of ESBS will be affected out of a total distribution of 149 Ha and 36.48 Ha in the locality.
16. Provide an assessment of the likely nature and intensity of the effect of the action on the lifecycle and habitat of the species.	1. Bush regeneration work will have a beneficial effect on the ESBS endangered ecological community. Invasion by *Chrysanthemoides monilifera*, Bitou Bush is one of the key threatening processes on this EEC and this is being removed together with many other weeds. Conducting ecological burns should also have a beneficial effect by stimulating germination of seed in the soil seed bank as has occurred as result of other recent burns at the NSW Golf Course. 2. Line of sight trimming will not reduce the extent of ESBS at NSW Golf Course but it will change the structure of the ESBS vegetation that is to be trimmed.
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	Bush regeneration has been consistently carried out over the last 5 years by the National Trust and will continue to be carried out over the next 5 years using standard bush regeneration methods. These works are undertaken using fully qualified and experienced bush regenerators overseen by a bush regeneration supervisor who has successfully completed a TAFE certificate in Bush Regeneration

	and has at least two years experience working in this field and will be carried out in line with Appendix 6 and Sections 4 and 5.2 of the attached Environment Plan. The ecological burns will be undertaken as per sections 4.2.5 and 5.2 (particularly 5.2.5) of the attached Environment Plan. Weeds will be removed from all areas to be burnt prior to any ecological burn. Extensive bush regeneration following the burns will ensure that weeds are effectively controlled and the results of the burns appropriately monitored as per section 4.11 of the attached Environment Plan. All burnt areas will be roped off for protection. Burnt areas in remnants 7 and 11 will be protected from grazing by rabbits through the installation of rabbit-proof fencing. Line-of-sight trimming will be managed to minimise impacts on ESBS by undertaking it in a sensitive manner and avoiding any impacts on smaller native shrubs and groundcovers.

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 25. Information addressing any of the questions below must be attached to the application.

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.	Not applicable because no threatened species will be impacted.
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.	Not applicable because no endangered populations will be impacted.

20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	
(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	(i) Bush regeneration and ecological burns will have a positive effect by increasing the extent and quality of the ESBS within the remnants over the longer term. For more detail see sections 3.3, 4.2.5 and 5 as well as Appendix 6 of the Environmental Plan. Line of sight trimming will not affect the extent of ESBS in the remnants on the golf course
(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.	(ii) Bush regeneration and ecological burns will increase the species diversity within the ESBS remnants and as a result will have a beneficial effect on the composition of these remnants. Line of sight trimming will change the structure of the vegetation and over time this may result a reduction in the number of species present.
21. In relation to the habitat of a threatened species, population or ecological community:	
(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and	(i) Bush regeneration activities and ecological burns may modify ESBS habitat in the short term due to reduction in above ground vegetation but will improve the habitat for ESBS in the longer term by removing weeds and increasing species diversity within the remnants on the golf course. Line of sight trimming will not remove vegetation but it will modify the structure of the ESBS and potentially change the species composition over time in those areas that are trimmed (see questions 16 and 20 above).
(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	(ii) None of the proposed activities will alter the extent of ESBS habitat that currently exists at the golf course which is already fragmented (refer to Attachment 1a and b).
(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.	(iii) All ESBS habitat is important given the restricted nature of this endangered ecological community and the degree of clearing that it has undergone. Bush regeneration and ecological burns may modify ESBS habitat in the short term as discussed above but in the longer term, once the vegetation has recovered from fire and disturbance associated with weed removal, the habitat for this endangered community should improve. Line of sight trimming is likely to modify the structure and in the longer possibly the

	composition of the habitat but this will be restricted to a small area (see question 7).
22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	A draft report recommending the identification of Critical Habitat for ESBS has been prepared. Bush regeneration and ecological burns are unlikely to have an adverse effect on Critical Habitat if it is declared for the reasons discussed below (question 24). Line of sight trimming will not reduce the extent of Critical Habitat once if it is declared but it will modify the structure of the ESBS which is trimmed and potentially the species composition of those areas.
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The bush regeneration and ecological burn actions are consistent with the following objectives and actions in the Recovery Plan for the ESBS EEC: • 9.3 Threat management and ecological restoration To restore and where practical connect and enlarge remnants of ESBS through appropriate management. Line of sight trimming is not consistent with any objectives and actions in the Recovery Plan for the ESBS EEC.
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.	Bush regeneration and ecological burns address 3 of the Key Threatening Processes for ESBS. These are: invasion of native plant community by *Chrysanthemoides monilifera,* high frequency fire, invasion of the native plant community by exotic perennial grass eg. *Eragrostis curvula*. Bush regeneration will remove Bitou Bush and African Lovegrass together with many other exotic species. Both high fire frequency and fire exclusion reduce species diversity therefore reinstatement of an appropriate fire regime is recommended in the Environment Plan. Line of sight trimming could be considered part of the Key Threatening Process clearing of native vegetation. While no vegetation is proposed to be cleared, trimming will result in modification to the structure of the vegetation.

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 DEC 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 and 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 DEC 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 the Department of Environment and Conservation (NSW).

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.

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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.*

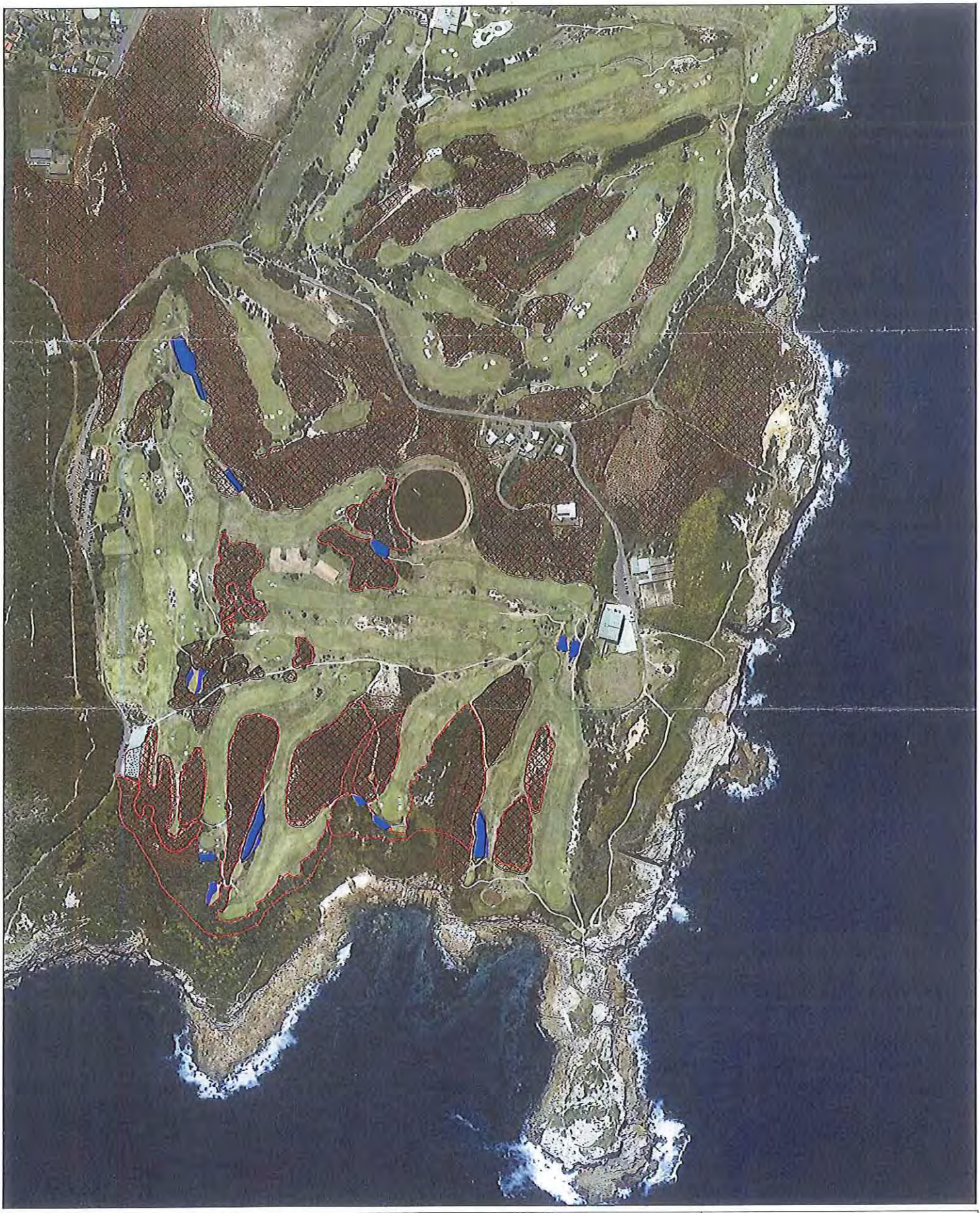
I confirm that the information contained in this application is correct. I hereby apply for a licence under the provisions of Section 91 of the *Threatened Species Conservation Act 1995.*

Applicant's name, organisation and position	Applicant's signature	Date
Gary Dempsey Golf Course Superintendent		10th December 2013

For more information or to lodge this form, contact the OEH Regional Operations Group in your nearest office:

Sydney Metro Branch	Southern Branch	Northern Branch	Western Branch
P: 02 88 376 000	P: 02 6122 3100	P: 02 6640 2500	P: 02 6841 9800
F: 02 9895 6548	F: 02 6299 3525	F: 02 6642 7743	F: 02 6882 9217
PO Box 644	PO Box 622	PO Box 498	PO Box 1020
Parramatta	Queanbeyan	Grafton	Dubbo
NSW 2124	NSW 2620	NSW 2460	NSW 2830

Department of Environment and Conservation
Head Office, PO Box A290, Sydney South NSW 1232
Phone: 2 9995 5000 (switch) Fax: 9995 5999 Email: info@environment.nsw.gov.au



Attachment 1: NSW Golf Course licensed works in ESBS

Legend

- NSWGCpastburn
- NSWGCtrim
- NSWGC_ecologicalburn_
- Eastern Suburbs Banksia Scrub

N

0 0.06 0.12 0.18 0.24 km

Datum/Projection: GDA 1994 MGA Zone 56

28 May 2012

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NSW GOVERNMENT Office of Environment & Heritage

Attachment 2: Schedule of works at NSW Golf Course December 2013 to December 2018

Remnant no.	Bush regeneration works	Ecological burn	Line of sight trimming
1 Northern section	Ongoing • Bitou Bush removal • grass edge treatments	Nil	Trim vegetation to height of 1-2 m (see Attachment 1)
2	Commence 2014 • Prepare for burn as per s.5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	April/May 2014/15	Nil
3 Southern Section	Commence 2014 • Prepare for burn as per s.5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	August/ September 2014	Trim vegetation to height of 0.5-2 m (see Attachment 1)
Northern Section	Ongoing • follow up weeding in burnt areas	Nil	Nil
5 Southern Section	Commence 2014 • walk through removal of Bitou Bush • Prepare for burn as per s.5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	April/May 2014	Trim vegetation to height of 0.5-2 m (see Attachment 1)
6 Old Tip	Ongoing • weed control as per s. 5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	Nil	Nil
Southern Section	Commence 2014 • prepare areas for burn as per s. 5.2 of the Environment Plan • follow up weeding in burnt areas	August/September 2014	Nil

7 Southern section	Ongoing • follow up weeding in burnt areas	Nil	Trim regrowth following fire to a height of 1-2 m (see Attachment 1)
Northern Section	Commence 2014 • prepare areas for burn as per s. 5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	April/May 2014	Nil
8	Commence 2014 • prepare areas for burn as per s. 5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	April/May 2014	Nil
11	Ongoing • walk through removal of Bitou Bush • control annual weeds • remove invading grasses Commence 2014 • prepare areas for burn as per s. 5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008) • follow up weeding in burnt areas	August/September 2015	Trim vegetation to height of 0.5-2 m (see Attachment 1)
12 Northern section	Commence 2013 • follow up weeding in burnt areas	Nil	Trim regrowth following fire to a height of 1-2 m (see Attachment 1)
Southern section	Ongoing • Bitou Bush removal • grass edge treatment	Nil	Trim vegetation to height of 1-2 m (see Attachment 1)
13a	Commence 2014 • prepare areas for burn as per s. 5.2 of the Environment Plan for the NSW Golf Course (Total Earth Care 2008 Ongoing • follow up weeding in burnt areas	August/September 2016	Nil

13b Northern section	Ongoing • follow up weeding in burnt areas	Nil	Nil
Middle section	Ongoing • follow up weeding in burnt areas	Nil	Trim regrowth following fire to a height of 1-2 m (see Attachment 1)
Southern section	Ongoing • follow up weeding in burnt areas	Nil	Nil
14	Ongoing • follow up weeding in burnt areas	Nil	Nil
15	Ongoing • follow up weeding in burnt areas	Nil	Nil