

Application for a



Office of
Environment
& Heritage

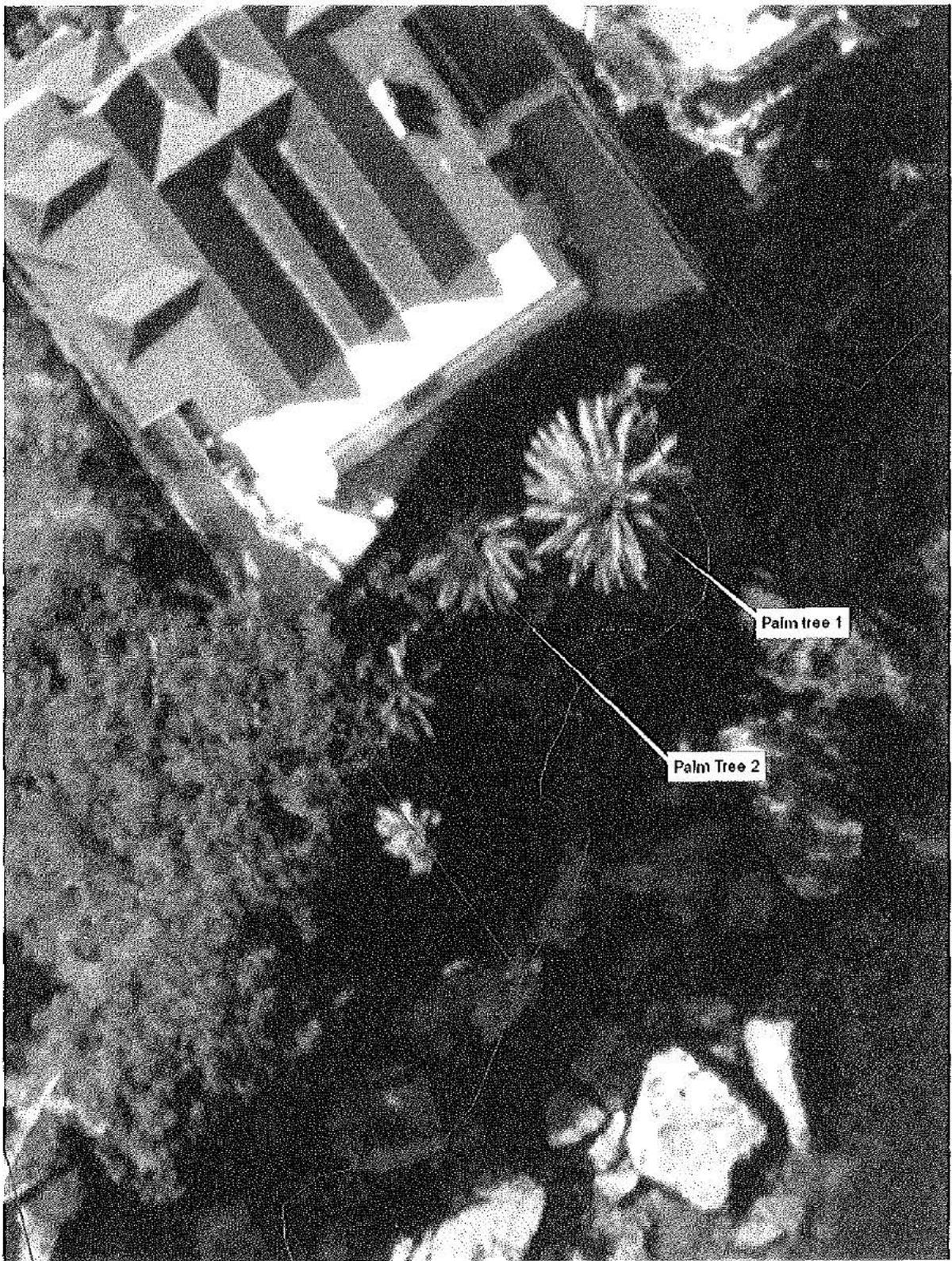
Section 91 Licence

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>	Glen Watts	
2. Australian Business Number (ABN):		
3. Organisation name and position of applicant ^: <i>(if applicable)</i>	Executive Committee of the Owners Corporation of [REDACTED] Manly. Strata Plan No. [REDACTED] Mr Glen M Watts - Chairman	
4. Postal address ^:	c/- Body Corporate [REDACTED] Manly 2095	Telephone ^: [REDACTED] [REDACTED]
5. Location of the action <i>(including grid reference and local government area and delineated on a map).</i>	On the cliffs at the rear of [REDACTED] Strata Plan [REDACTED]	

* 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.



(C) 2011 [unreadable]

[redacted], Manly



<p>6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)</p>	<p>Removal of dead and dying fronds from two large palm trees as defined in the aerial photograph: -Palm Tree 1 - very tall tree rooted at lower of 2 cliffs -Palm Tree 2 – shorter but wider tree rooted in garden on upper cliff.</p> <p>A professional arborist will cut the fronds using a small chain saw. The property owners will supply the labour to carry fronds up to the street via the upper cliff only and Peace Park (permission from Manly Council to transit Peace Park received)</p>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>The area of the canopy of Palm Tree 1 is approximately 65 sq.m. The area of the canopy of Palm Tree 2 is approximately 30 sq. m. However, only the dead and dying portion, not the whole of the crowns are to be removed.</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>We anticipate the work will be completed within 4 hours</p>
<p>9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Previous advice from OEH was that at least Palm Tree 1 rooted in the lower cliff and possibly Palm Tree 2 , rooted on the upper cliff, is within critical habitat of the endangered population of the Little Penguin at Manly</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></p>	<p><u>Common name</u> (if known)</p> <p>Critical habitat of the endangered population of Little Penguin <i>Eudyptula Minor</i> at Manly</p>	<p><u>Conservation status</u> (i.e. critically endangered, endangered or vulnerable)</p>	<p><u>Details of no. of individual animals, or proportion and type of plant material</u> (e.g. fertile branchlets for herbarium specimens or whole plants or plant parts)</p>
<p>11. Species impact: (please tick appropriate box)</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>				

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>Two large palm trees on the foreshore cliffs of the east side of Manly Point</p>
<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>We have been advised by OEH (Jess Relton on 10 Dec 2013) that there were two active plus several used but not active nests. This is consistent with the previous submission and a recent survey commissioned by the building owners and conducted by GIS Environmental Consultants. Signs of activity are more than 4 meters from the closest tree.</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>See item 13</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 amount of habitat to be affected is very minor in terms of area, especially compared with the total area of critical habitat for the Little Penguin population, Section B of which extends from [REDACTED]. Additionally only some of the fronds from the canopy of the trees are to be removed, so this is unlikely to affect use of the site by penguins.</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 following aspects of the action reflect the identified risks to the lifecycle of the Little Penguin:</p> <ul style="list-style-type: none"> - Chainsaw noise and movement of workers could discourage birds from returning to the nest or cause birds to abandon the nest and eggs if eggs are already being incubated. - Palm fronds could fall and injure or kill birds
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>Chainsaw noise will be of short (up to approx. 4 hours) duration only</p> <p>Palm fronds from Palm Tree 1 and any that fall to the lower cliff from Palm Tree 2 will be carried directly up to the upper cliff and out to Peace Park along the top cliff beside the balustrade of the rear balcony, avoiding pedestrian traffic past known nest sites.</p> <p>Neither of the trees is above or adjacent to known nest sites.</p> <p>Furthermore, works will be carried out only in daytime when penguins, if present, are likely to be in burrows.</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>Not Applicable</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>For the reasons set out above the action proposed is unlikely to have an adverse effect on the life cycle of <i>Eudypula Minor</i> such that a viable local population of the species is likely to be placed at risk of extinction.</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>Not Applicable</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) See item 15 (ii) No fragmentation of habitat will occur (iii) See item 15. The vegetation to be removed is not important to the species</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>No expected adverse effect on critical habitat</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 works are not inconsistent with the objectives or actions of the recovery plan for the endangered population of <i>Eudryptula Minor</i> at Manly.</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>The action is not a key threatening process or likely to result in the operation of, or increase the impact of, 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.

Request for additional information

* 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*.

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

(Please print)

Glen Watts

Applicant's Position &
Organisation *(if relevant)*

(Please print)

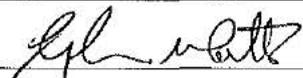
Chairperson

Owners Corporation of

██████████ Manly.

Strata Plan No. ██████████

Applicant's signature



10 Dec 2013.

Date

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

Metropolitan Branch

P: 02 9995 6802

F: 02 9995 6900

PO Box 668

Parramatta

NSW 2124

North East Branch

P: 02 6640 2500

F: 02 6642 7743

PO Box 498

Grafton

NSW 2460

North East Branch

P: 02 4908 6800

F: 02 4908 6810

PO Box 488G,

Newcastle

NSW 2300

North West Branch

P: 02 6883 5330

F: 02 6884 8675

PO Box 2111

Dubbo

NSW 2830

South Branch

Biodiversity Conservation Section

P: 02 6122 3100

F: 02 6299 3525

PO Box 622 Queanbeyan

NSW 2620

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