



Application for a

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>	Mr Steven Lawler Acting Manager – Reserves and Recreation Pittwater Council Ms Jane Wyett & Mr Colin Smith Owners 31 Therry St, Avalon Mr Jamie King Owner 17 Net Rd. Avalon (contact address: 85 marine Pde. Avalon 2107) Pittwater Council staff members include: Mark Beharrel- Principal Officer Natural Environment & Education Sonja Elwood, Project Officer Natural Environment & Education Lavinia Schofield, Bushland Management Officer Karin Nippard, Bushland Management Officer Ben Coddington, Bushcare Officer	
2. Australian Business Number (ABN):	ABN: 61340837871	
3. Organisation name and position of applicant ^: <i>(if applicable)</i>	Pittwater Council Acting Manager – Reserves and Recreation	
4. Postal address ^:	PO Box 882 Mona Vale NSW 1660	4. Telephone ^: B.H. 9970 1368 A.H.
5. Location of the action	Cannes Reserve, Gunyah Reserves and Net (unmade road reserve)	

* 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>(including grid reference and local government area and delineated on a map).</p>	<p>are adjoining reserves in Avalon within Pittwater LGA (-33°62'58.93" S 151°32'44.60"E). See Map 1 attached in Appendix 1.</p>
<p>6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)</p>	<p>Pittwater Council proposes to remove a number of non-indigenous and Noxious Weed trees on the edges of Cannes, Net Rd. and Gunyah Reserves and on two private properties bordering the Reserves (Table 1 & Map 1 attached showing locations of proposed tree removal sites).</p> <p>Ropes and harnesses would be used to access limbs and control where they fall. Machinery used would consist of chainsaws to cut the trees down and to cut the trunks into manageable lengths that would then be taken out to the street by hand. All trees removed other than Palms, would be chipped by equipment located on the street (Gunyah Place and Therry St). Palms would not be chipped on site but loaded by hand into a truck for removal off site.</p> <p>Stump grinding of 1 Bangalow Palm on 31 Therry St property using a stump grinder is required as it is growing in lawn.</p> <p>It is proposed a professional tree contractor will be employed by Pittwater Council to undertake the works on Council land, 31 Therry St. and 17 Net Road. Works on private lands will occur subject to the execution of a deed of agreement with Pittwater Council and the property owners at 31 Therry St. and 17 Net Rd. Avalon. All works on private land would also be undertaken in accordance with the provisions of the section 91 licence granted by DECCW.</p> <p>The purpose of these works are two-fold:</p> <ul style="list-style-type: none"> (i) To distance the roosting Grey-headed Flying Fox (GHFF) colony from neighbouring residents. (ii) To reduce the impact of noxious and exotic weeds on the two Endangered Ecological Communities (EECs) present <p>The main reason for the proposed works are to make efforts to address residents concerns regarding the noise and smell from the GHFF colony. It is hoped that by removal of some non-native trees where adjacent to property boundaries the flying-foxes will occupy trees a little more towards the central zone of the Reserve. Removal of the trees would have the additional benefit of reducing the negative impact of invasive weeds on the EECs present, Littoral Rainforest and Pittwater Spotted Gum.</p> <p>The project will be judged a success if the GHFF remain within the reserve and are not disturbed to the extent that some or all of them resettle in other neighbouring private properties or Council reserves close to neighbours. It would also be judged successful if the unlikely outcome is that all the GHFF at Cannes Reserve move permanently to</p>

	an alternative location that is not within 50m of neighbouring properties & if the GHFF does not return to Cannes Reserve in the future.
7. Details of the area to be affected by the action (<i>in hectares</i>).	<p>Cannes Reserve, Gunyah Reserve and Net road reserve cover a total area of 0.75 hectares.</p> <p><u>Gunyah Reserve</u> is principally mown parkland with several mature Cheese trees (<i>Glochidion ferdinandii</i>) and a recreation area for children. It comprises a total area of 0.08 hectares. It is proposed that two of these trees are pruned that are overhanging a family day care centre and hanging low over play equipment. The affected area is estimated to be 15m².</p> <p><u>Net Road reserve</u> comprises an area of 0.14 hectare and contains one Broad-leaved Privet tree (<i>Ligustrum lucidum</i>) and one Cocos Palm (<i>Syagrus romanzoffiana</i>) for removal. Removal of the Cocos Palm would require removal of one Narrow-leaf Privet (<i>Ligustrum sinense</i>) shrub-small tree to gain access. The area affected by the Privets and Cocos Palm is estimated to be 12m². This application also covers one stand of Banana trees (<i>Musa sp.</i>) 10m² on the edge of Net and Cannes Reserves. Access to Gunyah and Net Road Reserve trees will be via Gunyah Place.</p> <p><u>Cannes Reserve</u> comprises an area of approximately 0.53 hectare. Access via 31 Therry St. is proposed to remove six mid-storey <i>Ligustrum sinense</i>, 2 mature <i>Erythrina X sykesii</i> (Coral Trees) and one stand of Bananas (<i>Musa sp.</i>) growing within Cannes Reserve. The approximate area of these trees is 20m².</p> <p>Adjacent to Therry St. and property number 29 Therry St. in Cannes Reserve, it is proposed that one stand of Bananas, 5 clumps of mid storey <i>Ligustrum sinense</i> and one Pointsettia (<i>Euphorbia pulcherrima</i>) be removed. The area affected encompasses some 15m².</p> <p><u>Private Properties bordering Cannes Reserve</u>. The owners of 31 Therry St. would like to remove a row of 5 mature Bangalow Palms (<i>Archontophoenix cunninghamiana</i>) on their property. The approximate area covered by these Palms is 30m².</p> <p>The owner of 17 Net Rd would like to remove two Jacaranda trees and one <i>Ligustrum sinense</i> (shrub) on the border of the property and the Reserve. They occupy approximately 20m². Access to these trees would be via Gunyah Place.</p> <p>The total area proposed for tree & shrub removal is approximately 72m² (0.0072ha) on Council Reserve boundary and 50m² (0.005ha) on private property or 122m² (0.0122ha) in total.</p> <p>Six of the trees proposed for removal or pruning are being used as roost trees (although the two palms on 31 Therry St have only been used for the first time in May, according to the owners).</p> <p>On a site visit 08/06/2010 there were approximately 38 trees in current use as roost trees within the Reserves and private properties immediately surrounding the Reserves. Therefore the proposed works</p>

	constitute approximately 15% of the trees currently used for roosting. There are other mature canopy trees within the Reserve that had previously been used as roost trees (mainly <i>Livistona australis</i>) when numbers were higher, that were not observed in use on the site visit 08/06/10.										
8. Duration and timing of the action (including staging, if any).	<p>Due to the biology of the GHFF, it would be preferable to undertake the works during July, when numbers are expected to be at their lowest and when females are in the early terms of pregnancy.</p> <p>It is estimated that tree works on public and private property will take approximately 1.5 days (quotation by Active Tree Services) and be conducted over two days with the first day being the shorter of the two.. Works on the first day would begin with trees in Gunyah Reserve that are the furthest from the Flying-foxes, then at 17 Net Road. The final stage will be at Therry St (Council reserve and private private property at 31 Therry St) and will be conducted after a minimum of two days break following the first day, so as to allow rest for the Flying-foxes after the first disturbance event.</p> <p>If a whole day is not required for the works, ie on the day that ½ day is required, works will be restricted to daylight hours, preferably after midday, to avoid the morning time when GHFFs achieve deepest rest (sleep).</p> <p>On each day of works, once the works begin, monitoring will take place to observe the reactional behaviour of the GHFFs. If 10% or more of the camp population (calculated from the previous day's estimated count) is still flying 10 minutes after commencing works, the works will cease for a period of no less than 10 minutes and until more than 90% of the camp population is resting in trees, before works be attempted again. No more than 2 such attempts in total (including the initial attempt) will be made before ceasing works altogether.</p> <p>The same monitoring will take place and the same restrictions will apply on the second day of works to ensure that the GHFF re-settles.</p> <p>If there are GHFF roosting and they do not move & resettle in alternative trees when the machinery commences, these trees will not be removed. Tree removal will be rescheduled, either later that day or another day, allowing for the suggested rest period.</p> <p>Replacement plantings of appropriate native species will be considered at a later date as part of a plan of management for the vegetation of the Reserve.</p>										
9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)	<div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>										
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Scientific name</th> <th style="width: 20%;">Common name</th> <th style="width: 20%;">Conservation</th> <th style="width: 10%;">Details of</th> </tr> </thead> <tbody> <tr> <td colspan="5"> <p>* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i>.</p> </td> </tr> </tbody> </table>		Scientific name	Common name	Conservation	Details of	<p>* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i>.</p>				
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10. Threatened species, populations or ecological communities to be harmed or picked.	<div> <i>Pteropus poliocephalus</i> </div> <div> Pittwater Spotted Gum </div> <div> <i>Livistona australis</i> (vegetation community) </div>	<div> <i>(if known)</i> </div> <div> Grey-headed Flying Fox </div> <div> Pittwater Spotted Gum </div> <div> Littoral Rainforest </div>	<div> <u>status</u> <i>(i.e. critically endangered, endangered or vulnerable)</i> </div> <div> Vulnerable </div> <div> EEC </div> <div> EEC </div>	<div> <u>no. 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> </div> <div> Fluctuates between 200-2000, currently >1000. </div>
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> an 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>			
<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>				
12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.	<p><u>Gunyah Reserve</u> is principally mown parkland with several mature Cheese trees (<i>Glochidion ferdinandii</i>) and a recreation area for children. It comprises a total area of 0.08 hectares. It is proposed that two of these trees are pruned as one is growing low over play equipment and the other is overhanging a family day care centre. Three private properties border this Reserve and it also adjoins Net Rd, an unmade road reserve to its south-west. Gunyah Place adjoins the Reserve to the north-east. The properties immediately adjacent have a mixture of native and exotic trees planted. The only time these properties reported GHFF roosting on their properties</p>			

	<p>was for a one to two week period during early June when noise disturbance was happening to the south of the reserve (29 Therry St tree removal). The GHFF soon returned to the usual roost sites once this disturbance ceased.</p> <p><u>Net Road</u> reserve comprises an area of 0.14 hectare and contains vegetation representative of Pittwater Spotted Gum which has been impacted by weeds and exotic plants. It consists of cleared and mown land in and around Gunyah Reserve, with a track through to Cannes Drive. The section that links to Therry St is overgrown with vegetation, largely comprising weeds at all levels and remnant Pittwater Spotted Gum EEC.</p> <p><u>Cannes Reserve</u> comprises an area of approximately 0.53 hectare and is representative of Pittwater Spotted Gum Forest on the upper slopes and Littoral Rainforest following the drainage line, particularly in the lower section of the Reserve.</p> <p>According to local residents the Reserve had, in previous years, been cleared in the understorey, particularly when drainage works were done. However, for many years there has been no weed control works undertaken by Council and it is heavily weed infested, particularly in the understorey and ground layer where <i>Ligustrum sinense</i> (Small-leaf Privet) dominates the understorey and <i>Tradescantia fluminensis</i> (Wandering Jew) the ground layer. Some non-native mature trees are evident including large <i>Grevillea robusta</i> (Silky Oak), <i>Erythrina X sykesii</i> (Coral Trees), and <i>Ligustrum lucidum</i> (Large leaf Privet).</p> <p>The southern third of the Reserve has not been investigated thoroughly, although it is heavily weed infested, particularly with vines such as <i>Cardiospermum grandiflorum</i> (Balloon vine). To our knowledge GHFF have not roosted in this part of the reserve.</p> <p>Some residents have conducted clearing and weed control in the Reserve without Council permission (e.g. adjacent to no. 9 Cannes Drive). At least one minor encroachment exists in the way of recent lawn laid in the Reserve behind 31 Therry St.</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>1. Squirrel Glider (<i>Petaurus Norfolcensis</i>) Pittwater Council has one noted record of an injured Squirrel Glider being found in the backyard in Cannes Drive (backing onto Stapleton Reserve) in 2002. The report came from a local resident, Colleen Russell. The animal was taken to a local veterinary hospital and then released by a wildlife carer where it was originally found. Stapleton Reserve contains similar habitat and is located very close to Cannes Reserve, being on the upper side of Cannes Drive. Anecdotal evidence (a couple who attended the public meeting May 5th 2010) suggests that some 17 years ago there were Squirrel Gliders in the area surrounding Cannes Reserve, including private property.</p> <p>A search of the Wildlife Atlas NSW revealed 2 recordings within the Pittwater area, one further south in Newport and the other unspecified</p> <p>2. Powerful Owl (<i>Ninox strenua</i>) Current sightings by Council staff</p>

	<p>close to Cannes Reserve at 29 Cannes Drive on private property. Also sighted within Cannes Reserve 15th January 2009 & one heard 20th February 2009.</p> <p>3. A new roost site in Pittwater local government area for the Grey-headed Flying Fox has been identified by Council staff since April 2010. Well over 500 have been seen roosting at Warriewood Wetlands, in <i>Casuarina glauca</i> Swamp Schlerophyl Forest.</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>Regular monitoring of the GHFF camp has only occurred since November 2008, so reports from residents living around the Reserve is the only other information Council has available. The central area occupied by the Grey-headed Flying Fox is thought to be a form of Littoral Rainforest (currently being mapped by vegetation consultants). This habitat extends onto at least one private property (no. 29 Cannes Reserve) which has a number of <i>Livistona australis</i>. This rainforest graduates into Pittwater Spotted Gum Forest of which only the lower slopes appear to be used by the GHFFs, when numbers increased greatly from 100-200 to over 1000 from March 2010. Cannes Reserve colony has thought to have been a predominantly male camp until the last couple of years. 2009-2010 was the first season females had been sighted with dependent young.</p> <p>The area to be affected by the action is on the edge of the main habitat area used by the Grey-headed Flying-fox in Cannes (including Gunyah and Net) Reserve. See maps 2, 3 and 4 on p 18 onwards for locations of roost trees on count days in May and June 2010.</p> <p>Cannes Reserve is known to be feeding habitat for a Powerful Owl that has been breeding less than 1km away.</p> <p>Although historical records show a Squirrel Glider has been sighted close to this reserve in Cannes Drive in 2002 there have been no further recorded sightings of this species since. Nevertheless, these Reserves constitutes potential habitat for this species.</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>Sydney contains several known roosting sites for Flying-foxes including the Royal Botanic Gardens, Gordon, Cabramatta, Sutherland, and Kareela.</p> <p>Within Pittwater LGA there are two known roosting sites; the first being Cannes Reserve and the second Warriewood Wetlands which has only been occupied since April 2010.</p> <p>Within the Cannes Reserve GHFF colony, the Council Reserve habitat to be affected comprises 1 % of the total Council Reserve area. Private property habitat/potential habitat constitutes an additional 0.005 ha.</p>
16. Provide an assessment of the likely nature and	

<p>intensity of the effect of the action on the lifecycle and habitat of the species.</p>	<p>It is proposed that works will take place during the June-July period when camp numbers should be lowest. This will be supported by data from ongoing monitoring of colony numbers by trained observers Kate Blount and Nick Boyle who have been monitoring this colony since 2008.</p> <p>As it is anticipated tree works will be completed over two separate days it is hoped impact upon the GHFF life cycle will be minimal.</p> <p>From recent observations following unauthorised tree removal and pruning at 29 Therry St & perhaps other disturbance measures, it is expected that the GHFF will be disturbed to the extent of flying to trees on neighbouring private properties for a short time, but will then return. One week following the tree removal at 29 Therry St the GHFF were no longer roosting in trees on those properties. Likewise, when the regular Council mowing crew carries out works in Gunyah Reserve, a resident reported that the GHFF fly up in the air and then resettle within the Reserve.</p> <p>The loss of several mature exotic trees on the outskirts of the Reserves, however, may diminish the roosting capacity of the reserve.</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>Measures to avoid or ameliorate the effect of the action are:</p> <ul style="list-style-type: none"> • Works will take place during the June-July period when camp numbers should be lowest and Flying-foxes are not within a critical life cycle stage such as birthing, lactating or mating . Camp numbers will be verified by ongoing monitoring by Kate Blount and Nick Boyle who have been monitoring this colony since 2008. Council will be attending these counts from the week commencing May 17 2010. • Camp assessment and local population counts will continue on a fortnightly basis until immediately prior to the proposed disturbance when a count will be done the day before the works, on the day after, one week later, and then monthly thereafter. It is also intended that monitoring would continue then on a monthly basis for at an indefinite period of time to provide information for longer-term management. • An observer with knowledge and experience of behaviour of GHFF (Sydney Wildlife Rescue Service staff) will be present throughout the duration of works to assist in monitoring the behavioural response of the bats to the disturbance. Council staff will be present on site to supervise the works for the duration. • A licensed wildlife carer (Sydney Wildlife Rescue Service) will be present on the days of tree removal to rescue in the event of any injury to the Flying-foxes. A WIRES carer has also agreed to be present within close contact range and on call if required. • On each day of works, once the works begin, monitoring will take place to observe the reactional behaviour of the GHFFs. If 10% or more of the camp population (calculated from the previous day's estimated count) is still flying 10 minutes after commencing works, the works will cease for a period of no less than 10 minutes and until more than 90% of the camp population is resting in trees, before works be attempted again. No more than

	<p>2 such attempts in total (including the initial attempt) will be made before ceasing works altogether. The proposal will then be reassessed in collaboration with DECCW</p> <ul style="list-style-type: none"> • If 1% of the counted population gets killed or injured, then works will stop and the proposal be reassessed in collaboration with DECCW. • A report will be submitted to DECCW detailing the response of the GHFF to the works. • Participating in the development of a long-term Plan of Management for Flying Foxes within the Pittwater LGA. • Works will not take place should Flying Foxes be roosting in affected trees. However works may continue in trees immediately adjacent to roosting trees where the contractor is certain the tree can be removed without physically damaging the GHFF. Ropes will be used to guide the fall of cut limbs. • Works will not take place in periods of adverse weather including strong winds, sustained heavy rains or periods of extreme heat. • All tree removal works on Council land, 31 Therry Street & 17 Net Rd. will be carried out by an arborist with a minimum qualification of Certificate III in Horticulture (Arboriculture) who is a member of an appropriate professional body such as the National Arborists Association and carried out according to Australian Standard AS4373 (Pruning of Amenity Trees). • Works on private land and Council land will be performed in a coordinated manner (i.e. same days) and be supervised and coordinated by Council. • Any ropes tied to trees previously by residents for the purpose of disturbing roosting GHFFs will be removed. • Residents immediately adjacent to where the works are taking place will be notified by phone call where possible or by letter/email one week prior to the works taking place. They will be informed that the noise may lead to unexpected behaviour or movement of the GHFF either temporarily or permanently. Information about the works will also be placed on Council's website that the Cannes Reserve residents have been made aware of in recent correspondence. •
<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 25. 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>It is considered very unlikely that the proposed actions will place the local population at the risk of extinction.</p> <p>The proposed works are minimal in scale and will take place on the edge of the Flying Fox roosting territory. Works will be undertaken with sensitivity to any disturbance that may constitute harm or prolonged adverse effects.</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>The Grey-headed Flying Fox is not listed as an endangered population.</p> <p>.</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>(i) (ii) & iii) The proposed works include only the removal of a relatively small number of exotic or noxious trees. It is therefore considered unlikely to adversely affect the extent or composition of the EEC present.</p> <p>The proposed action is likely to have a beneficial effect on the Endangered Ecological Communities, Pittwater Spotted Gum and Littoral Rainforest, particularly if followed-up with bush regeneration works, including replacement plantings of native species if no natural regeneration occurs within a year or more of the tree removal. Such works may be considered as part of the plan of management for the reserve that Council is developing.</p>
21. In relation to the habitat of a threatened species, population or ecological	<p>(i) The removal of exotic trees will affect approximately 1.6% of the total Reserve area. It is estimated that the GHFF uses 6 of the proposed trees for roosting. The GHFF has not been seen in all 6 at</p>

<p>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>the same time but has been seen in or presumed to use the six due to their size, location and proximity to observed roosts. The GHFF may use the smaller <i>Ligustrum</i> species, Cocos Palms and bananas as a food resource. However, the number of trees proposed for removal remains small overall.</p> <p>(ii) The proposed works are not likely to fragment the habitat or isolate this habitat from other areas of habitat. It may open small sections of Reserve edge to more light which would be expected to encourage establishment of annual weeds and extension of lawn areas. This may result in an increase in temperature in those specific areas of tree removal but it is unlikely to be significant due to the small areas being treated. It is also expected that works in the future will result in replacement of the removed vegetation, ameliorating the effect of the disturbance</p> <p>iii) Cannes Reserve is one of various GHFF camps in Sydney. The importance of this limited disturbance event is expected to be negligible on the long-term survival of the species. However, the effect of Pittwater Council's proposed action really needs to be seen in context with what is happening at other sites within the range of the GHFF, particularly at other sites in Sydney. The disturbance is not expected to reduce current numbers of GHFF using this reserve (approximately 500) but rather, distance them a little from the residents closest to the roost area.</p> <p>The removal of exotic and invasive trees is expected to assist the long term survival of the EECs present. Effect of the proposed works on the population of Powerful Owl or Squirrel Glider habitat is expected to be minimal</p>
22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	The proposed works will not occur on critical habitat.
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	<p>The action proposed is consistent with the objective of developing non-destructive methods of camp management in problem areas (Environment Australia 1999 Action Plan for Australian Bats).</p> <p>The proposed action is consistent with the recovery strategy for the Priority Action Statement (DECCW) Community and Land-holder liaison/awareness and/or education.</p>
24. Whether the action proposed constitutes or is part of a key	Loss of habitat is a key threatening process for the GHFF. Whilst the action will result in removal of habitat, all trees proposed for removal are exotic and total only 1.6% of the roosting area. The level of

<p>threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.</p>	<p>impact may depend on what other actions are occurring in other parts of the range of this species.</p> <p>This action is considered justified due to the level of distress expressed by residents surrounding the Reserve. This distress is due to the proximity of large numbers of Flying Foxes to the existing residences. While this year may be an unusual event in the numbers of Flying Fox using the Reserve, the action is proposed to reduce the likelihood of a similar event happening in future years.</p> <p>Failure to address the issues that residents have with noise and smell may result in illegal disturbance activities that would harm the GHFF in this location.</p>
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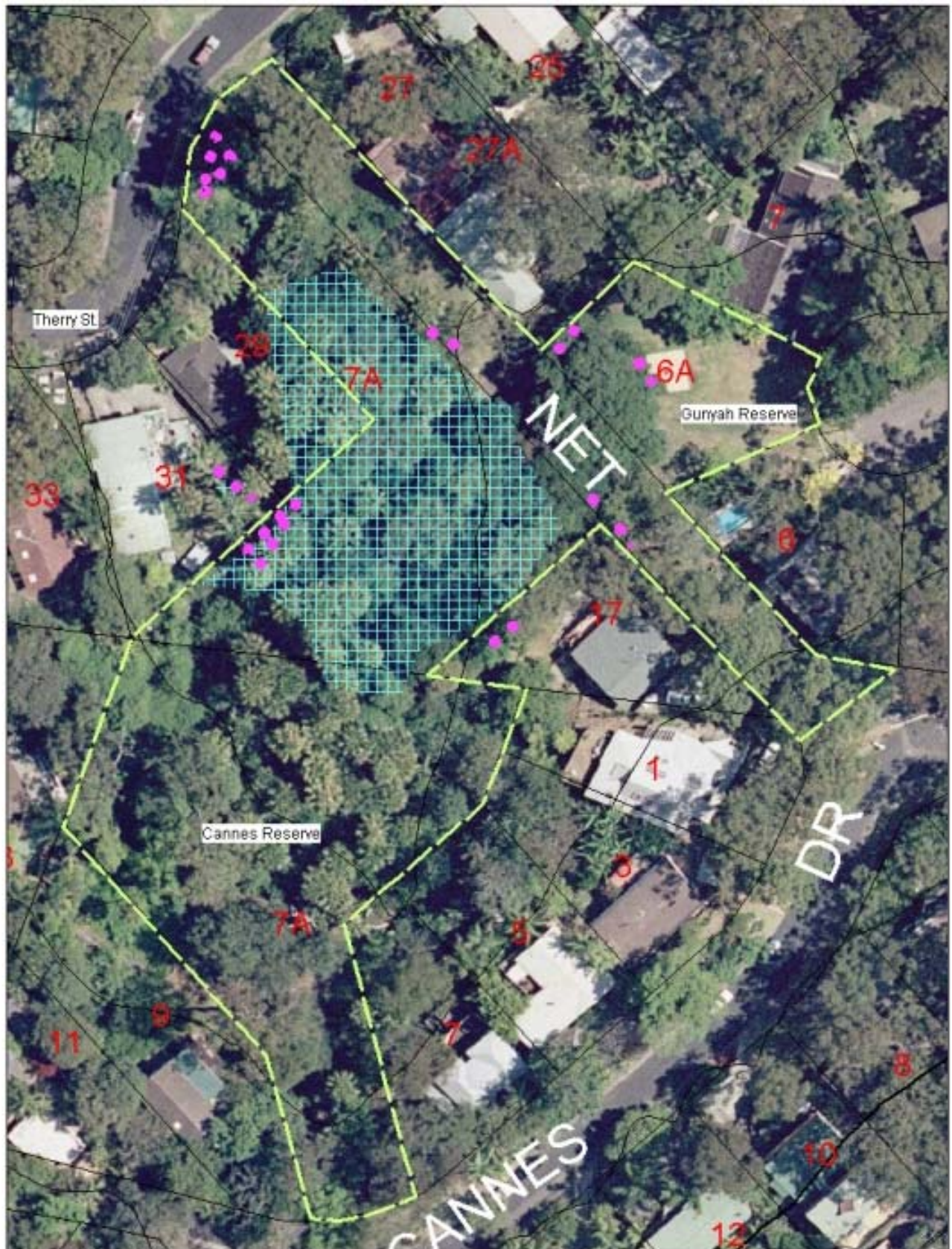
Table 1 – List of trees proposed for treatment, location and method proposed

Reserve and Location	Scientific Name	Common Name	Strata / Use by Bats	Latitude	Longitude	Treatment Proposed
Cannes Reserve/access via 31 Therry Street	<i>Erythrina X sykesii</i>	Coral Tree	Canopy roosting site	-33.41304°S	151.16810°E	Removal
Cannes Reserve /access via 31 Therry Street	<i>Erythrina X sykesii</i>	Coral Tree	Canopy Roosting site	-33.37552°S	151.19461°E	Removal
Cannes Reserve /access via 31 Therry Street	<i>Ligustrum sinense</i>	Narrow-leaf Privet	Sub-canopy Not observed in use	-33.37552°S	151.19460°E	Removal
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Cannes Reserve /access via 31 Therry Street	<i>Ligustrum sinense</i>	Narrow-leaf Privet	Sub-canopy Not observed in use	-33.37552°S	151.19463°E	Removal
Cannes Reserve /access via 31 Therry Street	<i>Musa acuminata</i>	Banana Tree	Sub-canopy Not observed in use	-33.41304°S	151.16810°E	Removal
31 Therry St	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Canopy Recent use as roost trees by up to 6 GHFF in 2 trees	-33.37552°S	151.19461°E	Removal
31 Therry St	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Canopy Recent use as roost trees by up to 6 GHFF in 2 trees	-33.37552°S	151.19461°E	Removal
31 Therry St	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Canopy Recent use as roost trees by up to 6 GHFF in 2 trees	-33.37552°S	151.19461°E	Removal
31 Therry St	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Canopy Recent use as roost trees by up to 6 GHFF in 2 trees	-33.37552°S	151.19461°E	Removal
31 Therry St	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Canopy Recent use as roost trees by up to 6 GHFF in 2 trees	-33.37552°S	151.19461°E	Removal
Cannes Reserve / 7A Cannes Drive	<i>Poinsettia sp.</i>		Sub-canopy Not observed in use	-33.37521°S	151.19463°E	Removal
Cannes Reserve / 7A Cannes	<i>Ligustrum sinense</i>	Narrow-leaf Privet	Sub-canopy Not observed in	-33.37521°S	151.19463°E	Removal of small

Reserve and Location	Scientific Name	Common Name	Strata / Use by Bats	Latitude	Longitude	Treatment Proposed
Drive Cannes Reserve / 7A Cannes	<i>Ligustrum sinense</i>	Narrow-leaf Privet	use Sub-canopy Not observed in use	-33.37521°S	151.19463°E	clump Removal of clump
Drive Cannes Reserve / 7A Cannes	<i>Ligustrum sinense</i>	Narrow-leaf Privet	use Sub-canopy Not observed in use	-33.37521°S	151.19463°E	Removal of clump
Drive Cannes Reserve / 7A Cannes	<i>Ligustrum sinense</i>	Narrow-leaf Privet	use Sub-canopy Not observed in use	-33.37521°S	151.19463°E	Removal of clump
Drive Cannes Reserve / 7A Cannes	<i>Ligustrum sinense</i>	Narrow-leaf Privet	use Sub-canopy Not observed in use	-33.37521°S	151.19463°E	Removal of clump
Drive Cannes Reserve / 7A Cannes	<i>Musa acuminata</i>	Banana Tree	use Sub-canopy Not observed in use	-33.37521°S	151.19463°E	Removal
Drive Cannes Reserve/access via Gunyah Close Reserve	<i>Ligustrum sinense</i>	Narrow-leaf Privet	use Shrub layer Not observed in use	-33.37546°S	151.19491°E	Removal
17 Net Rd. Access via Gunyah Place Reserve	<i>Jacaranda mimosifolia</i>	Jacaranda Tree	Canopy Roosting tree	-33.37546°S	151.19491°E	Removal
17 Net Rd./ access via Gunyah Close Reserve	<i>Ligustrum sinense</i>	Narrow-leaf Privet	Shrub layer Not observed in use	-33.37546°S	151.19491°E	Removal to allow access to Jacaranda trees
17 Net Rd./ access via Gunyah Close Reserve	<i>Jacaranda mimosifolia</i>	Jacaranda Tree	Canopy Roosting tree	-33.37546°S	151.19491°E	Removal
Net Rd./access via Gunyah Reserve	<i>Syagrus romanzoffiana</i>	Cocos Palm	Canopy Not observed in use	-33.37546°S	151.19491°E	Removal
Gunyah Close Reserve	<i>Ligustrum lucidum</i>	Broad-leaf Privet	Sub canopy Not observed in use	-33.37517°S	151.19461°E	Removal
Net Rd Reserve	<i>Ligustrum sinense</i>	Narrow-leaf Privet	Shrub Not observed in use	-33.37546°S	151.19491°E	Removal to allow access to Cocos Palm
Net Rd.Reserve	<i>Musa acuminata</i>	Banana Tree	Sub-canopy Not observed in use	-33.37532°S	151.19485°E	Remove
Gunyah Close Reserve	<i>Glochidion ferdinandi</i>	Cheese Tree	Canopy Not observed in use	-33.37542°S	151.19498°E	Prune branches
Gunyah Close Reserve	<i>Glochidion ferdinandi</i>	Cheese Tree	Canopy Not observed in use	-33.37548°S	151.19498°E	Prune branches



GHFF in Coral Tree Cannes Reserve behind 31 Therry St.



Aerial photography - January 2007.
This plan is not survey accurate.

Cannes Reserve Grey-headed Flying Fox Colony



Estimated area of Flying Fox roosting as of May 2010



Cannes, Net Rd. & Guryah Reserves



Proposed tree removal sites

NORTH
Scale 1:800

Map 1. Locations of proposed tree removal or pruning



Aerial photography - January 2007.
This plan is not survey accurate.

GHFF Roosting areas 21/05/10



Roosting areas at 4pm on a day when chainsaws had been used at 29 Therry St. and reports that deliberate noise disturbance has continued in the vicinity of Therry St &/or Cannes Drive

NORTH
Scale 1:1000

Map 2. Estimated zone of roosting GHFF on 21/05/10, up to one day post tree removal works at 29 Therry St.



Aerial photography - January 2007.
This plan is not survey accurate.

**Cannes Reserve Grey-Headed Flying Fox
Observed Roosting Areas 12/06/10**

NORTH
Scale 1:010

Map 3. Estimated roosting areas on 12/06/10. Map prepared by Nick Corkish (field observation), Lavinia Schofield (transfer to Map Info)



Aerial Photography - April 2010
Licensed from NearMap.
This plan is not survey accurate.

GHFF Roost locations 19/06/2010

 **NORTH**

A4 Scale 1:1000

Map 4. Estimated roosting areas on 19/06/2010. Map prepared by Sonja Elwood (field observation) & Lavinia Schofield (transfer to Map Info)

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 Department of Environment, Climate Change and Water NSW (DECCW) 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

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 DECCW 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 DECCW

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.

* 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*.

Copies of all applications and licences issued under section 91 and certificates issued under section 95 of the Act are available on the DECCW website at www.environment.nsw.gov.au/threatenedspecies/S91TscRegisterByDate.htm or in hardcopy form from The Librarian, DECC, 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) Steven Lawler

Applicant's Position &
Organisation (if relevant)
(Please print) Principal Officer,
Reserves and Recreation
Pittwater Council

Applicant's signature

Date 30/06/10

For more information or to lodge this form, contact the nearest branch of DECCW's Environment Protection and Regulation Group:

Metropolitan Branch
P: 02 9995 6851
F: 02 9995 6900
PO Box 668
Parramatta
NSW 2124

Metropolitan Branch
P: 02 4225 1455
F: 02 4225 3545
PO Box 5436
Wollongong
NSW 2515

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 9382
PO Box 2111
Dubbo
NSW 2830

South Branch
South East Region
P: 02 6122 3100
F: 02 6299 3525
PO Box 622
Queanbeyan
NSW 2620

South Branch
South West Region
P: 02 6022 0600
PO Box 544
Albury
NSW 2640

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