

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 ^: (if additional persons require authorisation by this licence, please attach details of names and addresses)	City of Sydney Council Contact: Fred Tilden – Contract Coordinator 456 Kent Street Sydney NSW 2000 [REDACTED] phn. 02 9246 7570 ftilden@cityofsydney.nsw.gov.au	
2. Australian Business Number (ABN):	29 143 862 138	
3. Organisation name and position of applicant ^: (if applicable)	City of Sydney Council	
4. Postal address ^:	City of Sydney PO Box 1591 Sydney 2001	Telephone ^: B.H. 02 9265 9333 A.H. 02 9265 9333
5. Location of the action (including grid reference and local government area and delineated on a map).	Bank of Johnstons Canal, a concrete-lined stormwater channel adjacent to Jubilee Oval, Glebe in the City of Sydney Council area. Location of work site is indicated in Map 1 (attached). 1. 2 Federal Road GLEBE NSW 2037 Lot 1 DP 120209, Lot 4 DP 120209, Lot 5 DP 120209, Lot 6 DP 120209, Lot 2 DP 120209, Lot 3 DP 120209, Lot 688 DP 729291 (Crown Lease R43133) 2. 363G Nelson Street ANNANDALE NSW 2038 Lot 7039 DP 1059866 (Crown Reserve D1000413) 3. 9B Minogue Crescent FOREST LODGE NSW 2037 Johnstons Creek Stormwater Channel Ms3560Sy	

* A threatened species, population or ecological community means a species, population or ecological community identified in Schedule 1, 1A or Schedule 2 of the *Threatened Species Conservation Act 1995*.

^The personal details of all Section 91 licences will be displayed in the register of Section 91 licences required under Section 104 of the *Threatened Species Conservation Act 1995*. See notes.

<p>6. Full description of the action and its purpose (e.g. environmental assessment, development, etc.)</p>	<p>Existing 300mm storm water drainage line which runs from Jubilee Oval to Johnstons Canal requires upgrade to improve drainage of stormwater from the area, which is regularly flooded after heavy rainfall. Installation of 2 x 375mm drainage pipes is proposed as indicated in Map 2 (attached). Under-boring methods are being explored to prevent disturbance to Coastal Saltmarsh habitat, but may not be an option given the engineering requirements. The works are therefore likely to include excavation within Coastal Saltmarsh habitat on the banks of Johnstons Canal, with direct disturbance to a small number of saltmarsh plants. It is proposed to salvage these plants by digging them out by hand, ensuring root systems are kept intact, and replanting them immediately in an adjoining area of suitable habitat. Care would be taken to keep the works area to the minimum required, and all excavations would be backfilled to existing levels upon completion of works. Small amounts of mulch will then be incorporated into the topsoil to encourage saltmarsh regeneration.</p> <p>Separate to these works, the City of Sydney intends to conduct further Coastal Saltmarsh habitat enhancement along Johnstons Canal in the near future to improve its condition and extent.</p> <div data-bbox="536 831 927 1155"> </div> <div data-bbox="927 831 1342 1155"> </div> <div data-bbox="536 1155 927 1263"> <p>Image 1 Proposed location of excavation (view from east side of canal) Saltmarsh indicated by red arrow</p> </div> <div data-bbox="927 1155 1342 1263"> <p>Image 2 Proposed location of excavation (view from west side of canal) Arrow indicates existing drainage line.</p> </div>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>The total width of the proposed 2 x drainage pipes + footings is approx 1.6 meters. It is envisaged that the works footprint would not exceed 5 linear meters along the canal. The garden area extends approx 3 meters to the parkland pathway. Approx garden area impacted by works = 15 square meters</p> <p>Therefore area in ha = 0.0015</p> <p>Note that reports indicate the actual area of saltmarsh habitat in this zone may be as little as 1 meter to 25 centimetres. Thus reducing the actual area affect to a range of 5 square meters – 1.25 square meters</p> <p>0.00025 - 0.0005ha</p> <p>* Note that the total area inhabited by plants may be as little as 1m2</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>The City of Sydney is currently developing specifications for the proposed works. It is anticipated that this specification will be released for tender in August 2012. Works are forecast between December 2012 and April 2013.</p> <p>The works within Coastal Saltmarsh habitat would form a small component of the works, and would likely be limited to around 1 week.</p>

9. Is the action to occur on land declared as critical habitat*? (tick appropriate box)					<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10. Threatened species, populations or ecological communities to be harmed or picked.	<u>Scientific name</u> <i>Sarcocornia quinqueflora</i> <i>Suaeda australis</i>	<u>Common name</u> (if known) Samphire Austral Seablite	<u>Conservation status</u> (i.e. critically endangered, endangered or vulnerable) Part of Coastal Saltmarsh endangered ecological community	<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) Whole plants	
11. Species impact: (please tick appropriate box) a) For action proposed on land declared as critical habitat; or b) For action proposed on land <u>not</u> declared as critical habitat.	an SIS is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Items 12 to 25 have been addressed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
<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>In and around the proposed works area, Coastal Saltmarsh habitat is limited to a linear strip of 0.25-1m width along the wall of Johnstons Canal. The occurrence of saltmarsh within this habitat is limited to small patches – in a recent survey undertaken for Sydney Water (Dragonfly Environmental 2012 – refer attached), recorded no patches of saltmarsh greater than 50cm² in this area.</p> <p>Johnstons Canal, at the western extremity of the proposed works area, is a concrete-lined stormwater canal that is subject to tidal exchange from Rozelle Bay. Immediately to the east of the Coastal Saltmarsh habitat along the canal wall is a linear, raised, landscaped terrestrial garden bed. A bitumen walking path runs along the edge of the garden bed parallel to the canal. Jubilee Oval, a regularly-used sports field, lies to the east of the path.</p>				
13. Provide details of any known records of a	N/A – no threatened species recorded from Coastal Saltmarsh or its habitat in the locality				
* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i> .					

threatened species in the same or similar known habitats in the locality (include reference sources).	
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).	N/A – no threatened species affected
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 .	Maximum of 5m ² (0.0005ha) of Coastal Saltmarsh habitat affected.
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>We propose to excavate to a depth of approx 1.5m below surface of the raised terrestrial garden bed that adjoins the Coastal Saltmarsh habitat. The total width of the 2 x storm water drainage lines + footings is approx 1.6 meters. It is envisaged that the works footprint would not exceed 5 linear meters along the canal. It will be stipulated that works must be conducted in a manner that limits impact on existing saltmarsh with measures such as stockpiling of removed spoil out of the garden bed, installation of sediment fencing upslope of the Coastal Saltmarsh habitat, and hand digging only to excavate within the 1m from the canal wall, although powered equipment will be required to penetrate the concrete edge of the canal. Temporary barrier tape and protective fencing will be installed to limit the movement of people and machinery along the canal.</p> <p>Assessment of the site would be conducted by an appropriately qualified and experienced bush regeneration contractor prior to works to identify saltmarsh plants that require salvaging and replanting in an adjacent area of suitable habitat. These plants would be dug out by hand by the bush regeneration contractor, ensuring root systems are kept intact, and replanted immediately in an adjoining area of suitable habitat. After drainage works are completed and excavations are backfilled to existing levels, small amounts of mulch will be incorporated into the topsoil to encourage saltmarsh regeneration, in accordance with the best practice management guidelines for Coastal Saltmarsh (Department of Environment & Climate Change 2008).</p> <p>Given the above, while there will be short-term disturbance, the works overall are likely to result in enhanced habitat for Coastal Saltmarsh, such that there is likely to be an overall positive impact on the Coastal Saltmarsh community.</p>
17. Provide details of possible measures to avoid or ameliorate the	Amelioration measures are outlined in Section 16, above.

effect of the action.	
<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>Not Applicable</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>The works proposed are not likely to have an adverse effect on the extent of the Coastal Saltmarsh community such that it is substantially or adversely modified or likely to be placed at risk of local extinction.</p> <p>The impacted area will be minimal and steps will be implemented prior to, during, and after works to minimise risk and assist in remediating the area, as outlined in Section 16 above, such that there is likely to be an overall positive impact on the Coastal Saltmarsh community. .</p>
<p>21. In relation to the habitat of a threatened species,</p>	<p>The works proposed will affect only a small area of Coastal Saltmarsh habitat, and will not result in habitat fragmentation. Given only a small area of habitat will be impacted, the works will not have</p>

<p>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>any potential to adversely impact the long-term survival of the community in the locality. Steps will be implemented prior to, during, and after works to minimise risk and assist in remediating the area, as outlined in Section 16 above, such that there is likely to be an overall positive impact on the Coastal Saltmarsh community.</p>
<p>22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).</p>	<p>Not Applicable</p>
<p>23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.</p>	<p>Not Applicable</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>Not Applicable</p>
<p>Important information for the applicant</p> <p>Processing times and fees</p> <p>The <i>Threatened Species Conservation Act 1995</i> 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.</p>	

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)

Joel Johnson

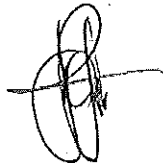
Applicant's Position &

Organisation (if relevant)

(Please print)

Manager Parks, Trees & Aquatic Facilities

Applicant's signature



Date

25 June 2012

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 6804

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 8675

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

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.

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/S91TscaRegisterByDate.htm or in hardcopy form from The Librarian, DECC, 59 Goulburn St, Sydney.

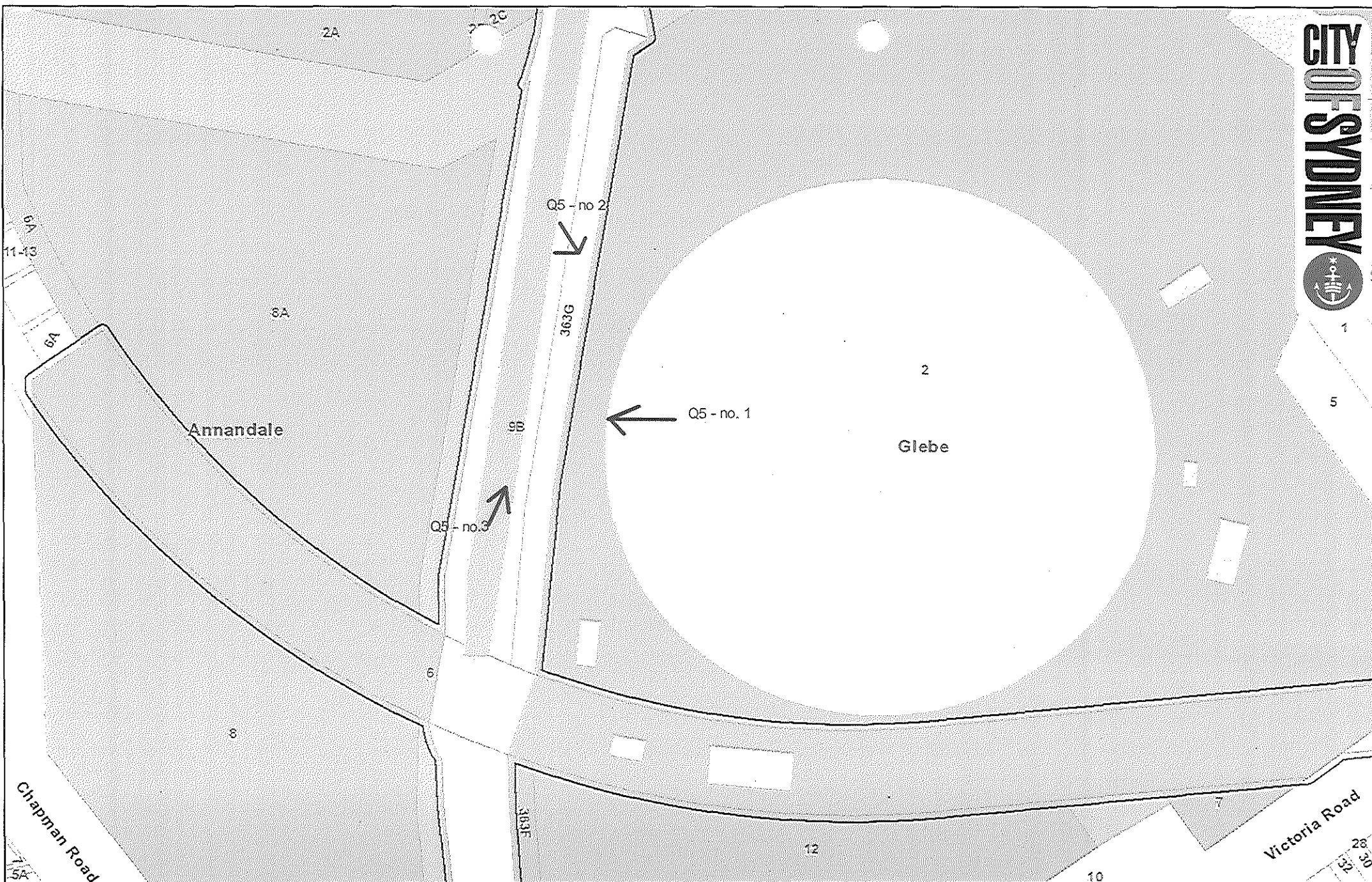
Certificates

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,

* 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*.





Amrindale

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Glebe

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