

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 ^: (if additional persons require authorisation by this licence, please attach details of names and addresses)	Stephen Braun Linda Braun	
2. Australian Business Number (ABN):	N/A	
3. Organisation name and position of applicant ^: (if applicable)	N/A	
4. Postal address ^:	West Pennant Hills. NSW. 2125.	Telephone ^: B.H. } A.H. }
5. Location of the action (including grid reference and local government area and delineated on a map).	West Pennant Hills. NSW. 2125. Hornsby Shire. I am unable to provide a map, but satellite photographs are attached instead.	

* 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>Removal of ONE Sydney Blue Gum tree (<i>Eucalyptus saligna</i>), which is less than 3m from the foundation of a house, and which is causing structural damage to the house.</p>
<p>7. Details of the area to be affected by the action (in hectares).</p>	<p>Less than 1 square metre (i.e. the base of the tree).</p>
<p>8. Duration and timing of the action (including staging, if any).</p>	<p>1 or 2 days, to commence as soon as the Section 91 Licence is granted.</p>
<p>9. Is the action to occur on land declared as critical habitat? (tick appropriate box)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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>Sydney Blue Gum</p>	<p><u>Common name (if known)</u></p> <p>Eucalyptus saligna</p>	<p><u>Conservation status</u> (i.e. critically endangered, endangered or vulnerable)</p> <p>critically endangered: Blue Gum High Forest</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>1 tree</p>
<p>11. Species impact: (please tick appropriate box)</p> <p>a) For action proposed on land declared as critical habitat;</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> <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>				

<p>12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.</p>	<p>The tree is located on a residential block on which there are many other native and non-native trees, including several other Sydney Blue Gums. None of these other trees would be affected by the action.</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>The tree is located within the remnant of a Blue Gum High Forest (BGHF) Other remnants of BGFH are located within 1-3 km at Cumberland State Forest, Wallumedda Wetlands and Pennant Hills Park. These are visible on Satellite Map 3.</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>No threatened species is known to use the tree as a habitat.</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 remnant of BGFH will be reduced by <u>ONE</u> single tree only. The action will have <u>no</u> effect on other Sydney Blue Gums on the <u>same</u> property or in the area.</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 lifecycle and habitat of this species of tree will not be affected by the removal of <u>one</u> tree, since there are others on the property and on adjacent properties.</p>
<p>17. Provide details of possible measures to avoid or ameliorate the effect of the action.</p>	<p>At least 2 new trees will be planted on the property to replace the one to be removed. Positions well away from the house have already been selected for these replacement trees. They will be planted in accordance with the guidelines of the LGA, Hornsby Shire Council, as set out on the Council's website.</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>Existing conservation orders and the strict licensing criteria ensure that there is no risk of extinction to the species.</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>N/A.</p>
<p>20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</p> <p>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</p> <p>(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.</p>	<p>Within the existing safeguards, the removal of ONE tree will not place the local occurrence of Sydney Blue Gums at risk of extinction.</p> <p>No. There are other Sydney Blue Gums on the property and vast numbers of them in the area, including the Cumberland State Forest.</p>
<p>21. In relation to the habitat</p>	

<p>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>The effect of the removal of ONE tree would be negligible.</p> <p>The remnant on this property and surrounding residential blocks is already fragmented as a result of the Council's permitting residential development within the BGHF. However, present conservation requirements prevent further fragmentation.</p> <p>The single tree to be removed is a very mature tree probably approaching the end of its life. Its removal will not affect the long-term survival of the species, population or ecological community in the locality.</p>
22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	In the light of what has been explained in previous answer, there would be no adverse effect.
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	Existing conservation requirements and my proposal to replace one removed tree with two others should further the recovery of the species.
24. Whether the action	

proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The removal of one tree is not part of a "key threatening process", nor will it increase the impact of a "key threatening process".

However, if the tree is not removed it will continue to cause significant structural damage to the house.

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

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

* 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*.

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) STEPHEN BRAUN and LINDA BRAUN

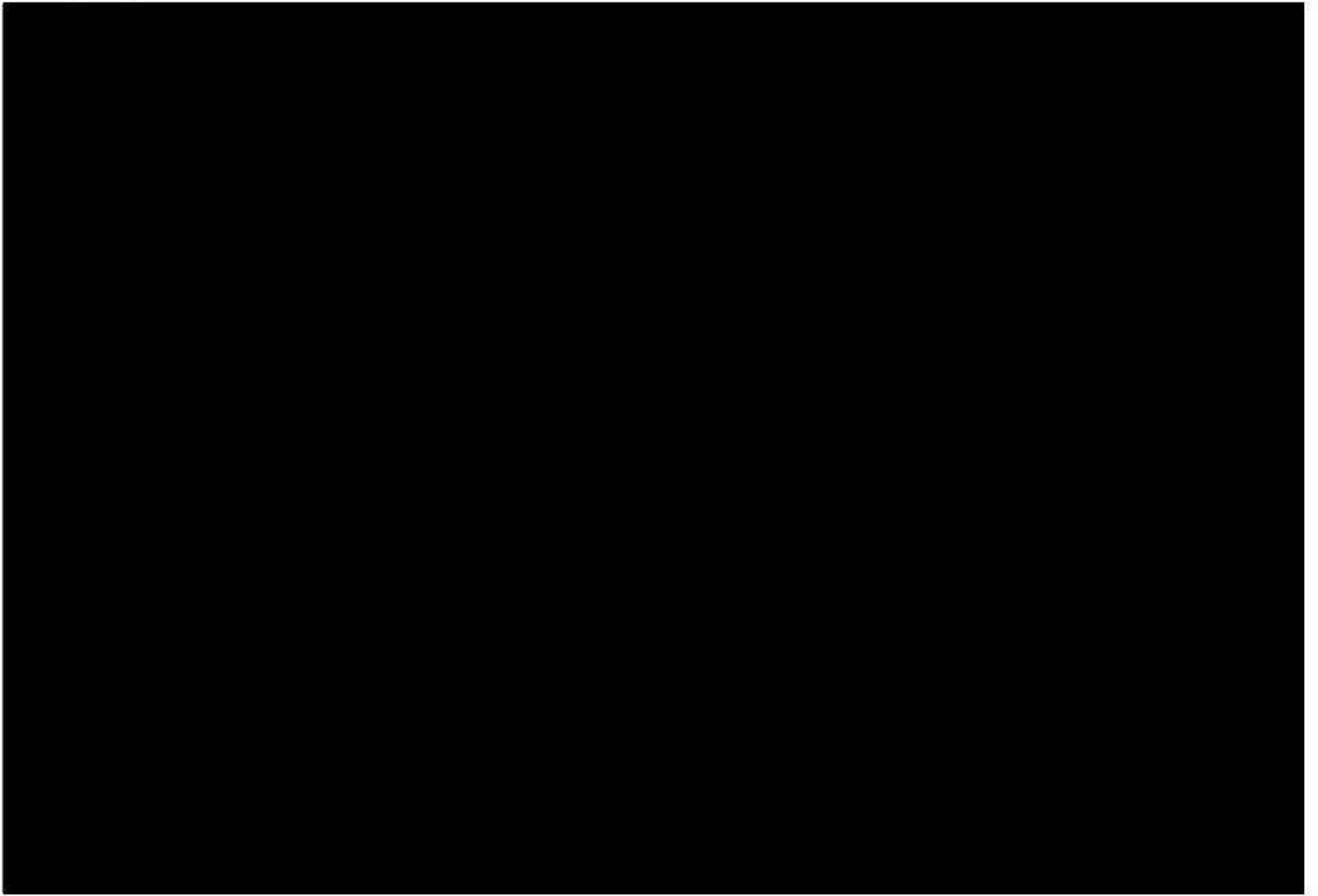
Applicant's Position &
Organisation (if relevant)
(Please print) N/A.

Applicant's signature SP Braun L Braun

Date 11th April 2013.

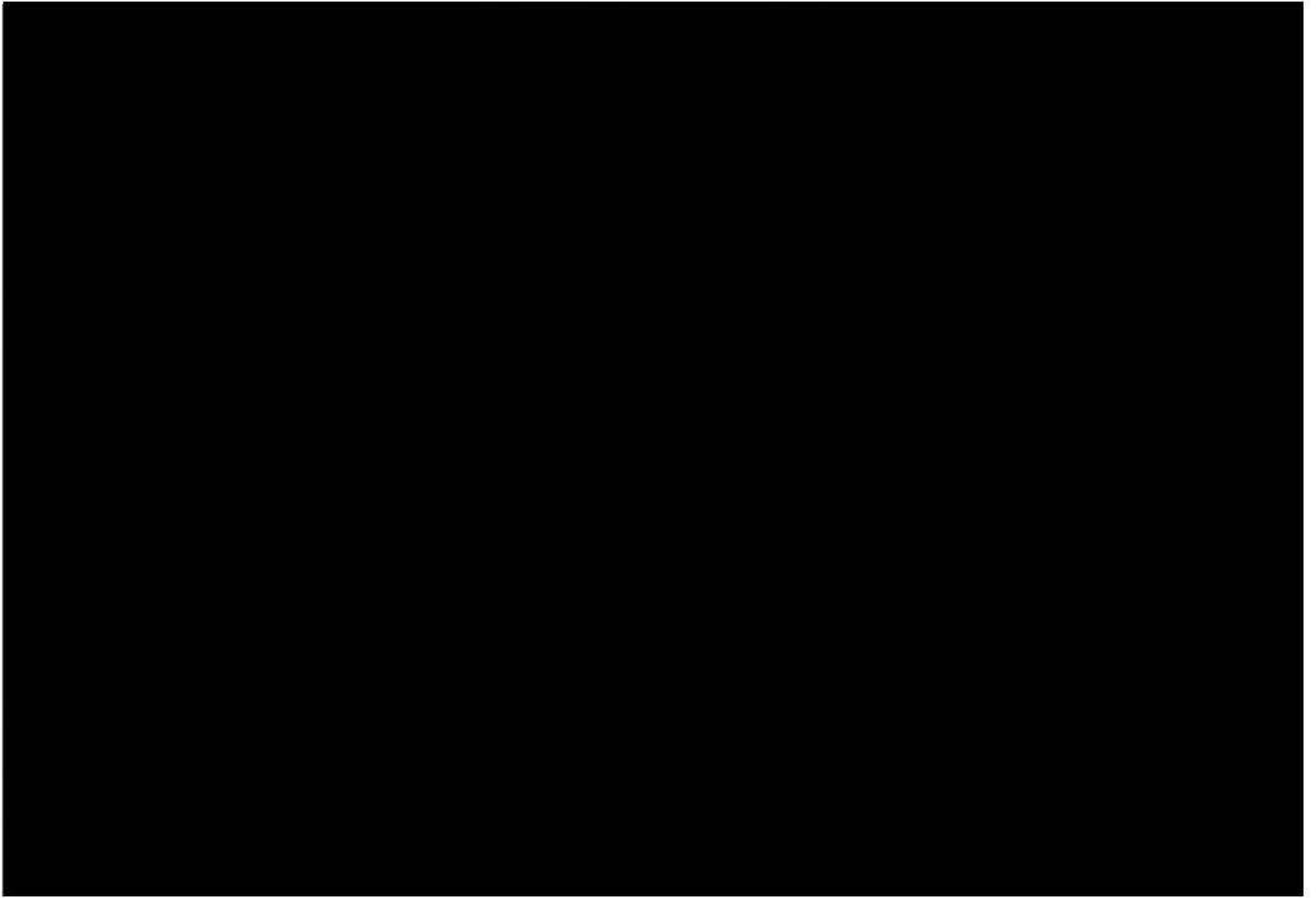
For more information or to lodge this form, contact the nearest branch of OEH's Conservation and Regulation Division:

MAP 1



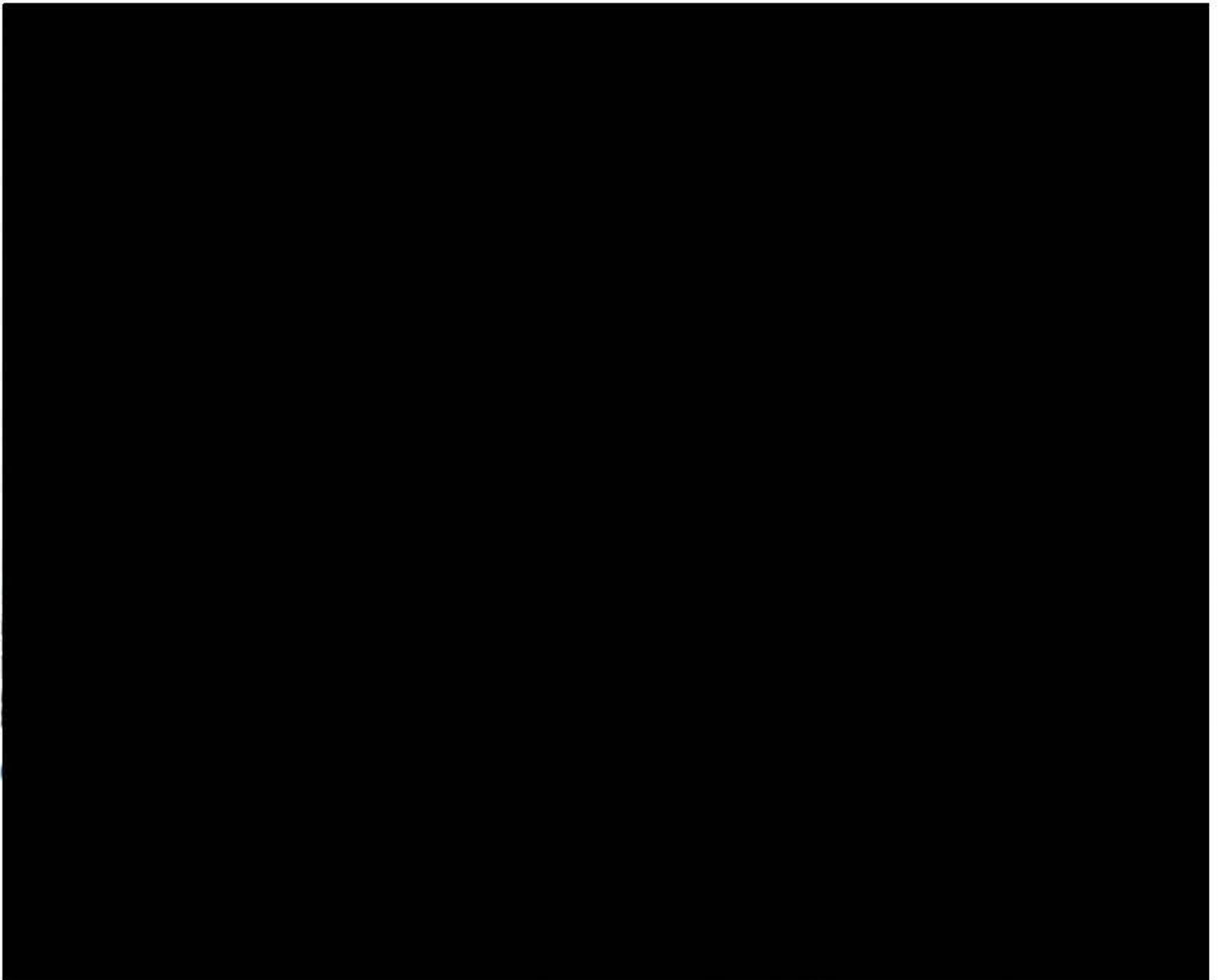
O = approximate location of the tree.

MAP 2



O = approximate location of the tree.

MAP 3



Large remnants of Blue Gum High Forest are clearly visible to the south-west, north-east and east of the property.

Photograph showing the proximity
of the tree to the house.



← less than →
3m

Photograph showing the position of the tree in relation to the house: less than 3m from the base of the trunk to the wall of the house.



Photograph showing the dislocation
of brick-work in proximity to the tree



Photograph showing some of the structural damage to the house in proximity to the tree.



Photograph showing some of the structural damage to the house in proximity to the tree.



Photograph showing the effect
on the alignment of a door in
relation to its frame caused by
the tree roots lifting the foundations
of the house



Photograph showing the dislocation
of a door-frame from its adjacent
brick-work — caused by the tree
roots lifting the foundations of
the house.

