



Department of
Environment and
Conservation (NSW)

Application for a

Section 91 Licence

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

1. Applicant's Name: <i>(if additional persons require authorisation by this licence, please attach details of names and addresses)</i>	Gary Dempsey	
2. Organisation name and position of Applicant: <i>(if applicable)</i>	New South Wales Co. Ltd Course Superintendent	
3. Postal address:	PO Box 28 Matraville NSW 2036	4. Telephone: B.H.9661 5484
5. Location of the action <i>(including grid reference and local government area and delineated on a map).</i>	NSW Golf Club La Perouse Randwick LGA See map attachment	
6. Full description of the action and its purpose <i>(eg. scientific research, environmental assessment, regeneration activities, development etc.).</i>	The proposed action includes the following works as described below, and at the indicative locations shown on the attached map. Each action is described by hole location and Bushland Remnant number as per the Environment Plan for the Club <u>Hole 3 Remnant 11</u> Removal of dead limbs and fallen trees to the right (south) of the green. Material will be chopped up and stored on site for use in a future	

^{*} 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*.

ecological burn within this remnant.

Hole 4 Remnants 11 and 9

Trimming of ESBS (mainly *Acacia sophorae*) on the RHS (south) of the 4th tee. Selective removal of around five (5) *Lomandra* species clumps from the LH (northern edge) of the fairway to assist spectator movement.

Hole 7 Remnant 3

Widening of existing crushed sandstone pathway between 7th and 13th fairways by two metres on the LH (south-western) degraded edge. Crushed sandstone will be used for path widening, existing erosion will be repaired and stormwater management works will be undertaken to direct drainage off the path but avoid ESBS downslope of the path.

Hole 8 Remnants 11 and 13a

Removal of one large *Leptospermum laevigatum* and trimming of *Acacia sophorae* bushes in ESBS on the hill north of the fairway in remnant 11. This area will be roped off from spectators. Trimming of *Leptospermum laevigatum* trees and removal of *Lomandra* species up to the tree line at the rear of the putting green in remnant 13a.

Hole 9 Remnant 13b

Trimming of ESBS around the 9th tee.

Hole 10 Remnant 14

Removal of two (2) *Monotoca elliptica* and one (1) *Leptospermum laevigatum* trees to accommodate spectators and a television tower.

Hole 12 Remnant 13a

Trimming vegetation at the rear of the back tee for spectator access.

Hole 14 Remnant 6

Clearing of ESBS for a pathway from the 14th tee to the 15th green. The pathway will be 2 metres wide, and will be constructed along the alignment of an existing subsurface pipeline.

Hole 15 Remnant 7

Extending existing line-of-sight trimming on the LH (west) side of the fairway along to the left edge of the rough to widen the fairway.

Hole 16 Remnant 7

Line-of sight-trimming (to 1 metre) along the western edge of the cart path in the northern eastern section of remnant 7 to improve the visibility of the green for spectators.

The above scope of works has been negotiated previously between the

	NSW Department of Environment and Climate Change, Golf Australia, the NSW State Government (Events NSW) and the NSW Golf Club, and they are required as part of the NSW Golf Club staging of the 2009 Men's Australian Open golf tournament. Works will improve spectator safety and movement, 'line-of-sight' visibility and provide media access and accommodate television towers.							
7. Details of the area to be affected by the action (<i>in hectares</i>).	The indicative areas to be affected by the action are as indicated on the attached map.							
8. Duration and timing of the action (<i>including staging, if any</i>).	The works will commence as soon as the application is determined, and will be staged over approximately a two month period.							
9. Is the action to occur on land declared as critical habitat*? (<i>please tick appropriate box</i>)	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"><u>Yes</u></td> <td style="text-align: center;"><u>No</u></td> </tr> <tr> <td></td> <td style="text-align: center; font-size: 2em;">X</td> </tr> </table>				<u>Yes</u>	<u>No</u>		X
<u>Yes</u>	<u>No</u>							
	X							
10. Threatened species, populations or ecological communities to be harmed or picked.	<u>Scientific Name</u> Eastern Suburbs Banksias Scrub of the Sydney Basin Bioregion	<u>Common Name</u> (<i>if known</i>) Eastern Suburbs Banksias Scrub	<u>Conservation Status</u> (<i>ie. endangered or vulnerable</i>) Endangered Ecological Community	<u>Details of no. of individual animals, or proportion and type of plant material</u> (<i>eg. fertile branchlets for herbarium specimens or whole plants or plant parts</i>) Refer to description of action above and attached maps				
11. Species impact: (<i>please tick appropriate box</i>) a) For action proposed on land declared as critical habitat; or	An SIS is attached							

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

b) For action proposed on land <u>not</u> declared as critical habitat.	X Items 12 to 25 have been addressed
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N.B: Provision of a species impact statement is a statutory requirement of a licence application, if the action is proposed on critical habitat.

The provision of information addressing items 12 to 17 is a statutory requirement of a licence application if the action proposed is not on land that is critical habitat. Information addressing any of the questions below must be attached to the application.

12. Describe the type and condition of habitats in and adjacent to the land to be affected by the action.	<p>The NSW Golf Course is located in La Perouse in Randwick Local Government Area (LGA) and occupies an area of approximately 44 hectares (ha). The Course is bounded by Botany Bay National Park on its southern, eastern and western sides, and by Telstra land, another section of Botany Bay National Park, St Michael's Golf Course and Sydney Military Reserve to the north. Aeolian dune sands overlay sandstone geology over much of the course. The NSWGC has approximately 12.64 hectares (ha) of bushland throughout the course in 16 separate remnants. The vegetation community map from the Environment Plan is attached, which classifies the vegetation into seven groups. The action will take place within areas of ESBS within 9 of the remnants, and these range in condition from healthy intact areas to relatively disturbed and fragmented. Fauna habitats are consistent with the vegetation type of scrubland/heathland, which has a dense canopy, extending to a height of 3-4m, and is dominated by Acacias and Banksias. The understorey is around 1-2m in height and is dominated by sclerophyllous shrub species. The groundcover is less than 1m high and is dominated by ferns, herbs and grasses.</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>The following threatened species are known from the same or similar known habitats in the locality.</p> <p><u>Endangered Ecological Communities.</u></p> <p>Eastern Suburbs Banksia Scrub Sydney Freshwater Wetland is present on the northern boundary of the golf course adjacent to Lake Perrie.</p> <p><u>Fauna Species</u></p> <p><i>Miniopterus shreibersii oceanensis</i> Common Bent Wing Bat. Colony overwinter (May to October) in Henry Head Powder Magazine and may forage over areas of the course.</p> <p>Powerful Owl <i>Ninox strenua</i> preferred habitat of dense forest and drainage lines (and large tree-hollows) is not present on the site, individual recorded within Botany Bay NP and could occur on site occasionally during foraging activities within the scrub/heath vegetation.</p> <p>Grey-headed Flying-fox <i>Pteropus poliocephalus</i> has been recorded in Botany Bay National Park. Several winter-blossoming feed tree</p>

	<p>species (eg Coast Banksia) exist on site, within the Eastern Suburbs Banksia Scrub community.</p> <p>There are also records for the Green and Golden Bell Frog and the Wallum Froglet in the vicinity of the golf course.</p> <p><u>Flora Species</u></p> <p><i>Rulingia hermanniifolia</i> recorded regenerating above Cruwee Cove to the south of the course after fire of 10/98.</p> <p>Sunshine Wattle <i>Acacia terminalis</i> subsp. <i>terminalis</i>, has previously been recorded within the locality of the site on the NPWS Wildlife Atlas, and suitable habitat exists although no individuals have been recorded on site.</p> <p>References: NPWS Atlas of NSW Wildlife Environment Plan NSW Golf Club (Low 2001) Fire Management Plan Sydney Harbour and Botany Bay (La Perouse Precinct) National Parks Flora & Fauna Assessment Proposed Construction of Maintenance Sheds, (Total Earth Care 2004)</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).	As described above, areas of known habitat of Eastern Suburbs Banksia Scrub will be affected by the action
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 .	The Recovery Plan for ESBS states that 146 hectares of ESBS currently remains within Botany, Randwick, Waverley and Manly LGAs. There are 36.48Ha of ESBS in the locality with approximately 12.64 hectares of ESBS occurring on the NSW Golf Course (ESBS Recovery Plan). The area to be affected by the action comprises approximately 0.03 hectares, as shown on the attached map.
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>The action will result in a slight reduction in the area of habitat of ESBS as a result of clearing of vegetation. The small areas of ESBS to be removed will not have a major impact on the lifecycle of the endangered community within the golf course or the locality but will result in the fragmentation of one of the largest ESBS remnants at the site.</p> <p>Trimming of areas for line-of-sight will not significantly impact on the lifecycle of the ESBS endangered community, but will alter its habitat by changing the structure of the community.</p>

17. Provide details of possible measures to avoid or ameliorate the effect of the action.	An agreement has been reached with the Department of Education and Training to establish appropriate offsets at Banksmeadow Public School in order to 'maintain or improve' the extent of ESBS within the local area. An area of 0.257Ha of ESBS at Banksmeadow Public School will be regenerated and actively managed to offset the losses at NSW Golf Course.
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N.B: The Director-General must determine whether the action proposed is likely to significantly affect threatened species, populations or ecological communities, or their habitats. To enable this assessment the Applicant is required to address items 18 to 25. Information addressing any of the questions below must be attached to the application.

18. In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	N/A because no threatened species will be impacted.
19. In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.	N/A because no endangered populations will be impacted.
20. In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:	

<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) The action will reduce the extent of ESBS at the NSW Golf Course but this loss will be offset by restoration works at Banksmeadow Public School. Consequently the action is unlikely to have a significant effect on the extent of ESBS such that the local occurrence of the community will be placed at risk of extinction.</p> <p>(ii) The action will modify the structure and, as a result, the composition of the trimmed ESBS remnants but this is unlikely to have a significant effect on the composition of ESBS such that its local occurrence will be placed at risk of extinction.</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) The action proposed will involve the removal of a several small areas of ESBS and additional line-of-sight trimming as described in question 6 above. The ESBS on the NSW golf course consists of several remnant patches in healthy to fair condition, and nine of these remnants will be affected to varying degrees. In total an area of 0.03Ha of ESBS will be removed.</p> <p>(ii) The action will result in the fragmentation of the ESBS in remnant 6 between the 14th and 15th hole due to the clearing of a pathway for spectators which will be approximately 2 metres wide.</p> <p>(iii)_ The action will fragment one of the largest ESBS remnants at the NSW Golf Course. This remnant is currently in good condition and creating a pathway through it will introduce edge effects which may degrade the remnant. While the habitat to be removed by clearing and modified by line-of-sight trimming is important, mitigation measures to be applied during the staging of the Australian Men's Golf Tournament such as fencing of ESBS remnants that are sensitive to disturbance (e.g. areas recently burnt), course marshalling and educational material provided to spectators should reduce any impacts on the ESBS. In addition, active management of all areas of ESBS on the course will continue, including existing bush regeneration works and ecological burns. which will serve to mitigate these impacts and improve the condition of the remaining ESBS on the site.</p>

22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	Critical habitat has been identified for ESBS but it has not been yet been declared. A Draft Recommendation for the Identification of Critical Habitat was released for public comment in 2006 and is currently being reviewed for re-release at the end of 2008.
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	The clearing of EBS and line-of-sight trimming is not consistent with the objectives or actions contained in the ESBS Recovery Plan. However, the staging of the Australian Golf Open at the NSW Golf Course will attract many members of the community who are unaware of the presence of ESBS at the course, and the conservation status of the community. This presents an opportunity for NSW Golf Course to raise public awareness about this endangered ecological community and to educate the community about the need to protect it. At the time of writing it is proposed that every person that purchases a ticket to the event will receive information regarding ESBS. Interpretive signage will also be included in areas of the course. These actions are consistent with developing public awareness and education (Objective 9.4).
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.	Clearing of native vegetation is listed as a key threatening process. The clearing of ESBS at NSW Golf Course will increase the impact of this Key Threatening Process on this endangered ecological community, hence the need to offset it with restoration and regeneration works at another ESBS remnant in the locality (Banksmeadow Public School).

Important information for the Applicant

Processing times and fees

The *Threatened Species Conservation Act 1995* provides that the Director-General must make a decision on the licence application within 120 days where a species impact statement (SIS) has been received. No timeframes have been set for those applications which do not require a SIS. The Director-General will assess your application as soon as possible. You can assist this process by providing clear and concise information in your application.

Applicants may be charged a processing fee. The Director-General is required to advise prospective applicants of the maximum fee payable before the licence application is lodged. Therefore, prospective applicants should contact the DEC prior to submitting a licence application .

A \$30 licence application fee must accompany a licence application.

Protected fauna and protected native plants*

Licensing provisions for protected fauna and protected native plants are contained within the *National Parks and Wildlife Act 1974*. However, a Section 91 Licence may be extended to include protected fauna and protected native plants when these will be affected by the action.

If you are applying for a licence to cover both threatened and protected species please provide the information requested in Item 10 and a list of protected species and details of the number of individuals animals or proportion and type of plant material which are likely to be harmed or picked.

Request for additional information

The Director-General may, after receiving the application, request additional information necessary for the determination of the licence application.

Species impact statement

Where the application is not accompanied by a SIS, the Director-General may decide, following an initial assessment of your application, that the action proposed is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. In such cases, the *Threatened Species Conservation Act 1995* requires that the applicant submit a SIS. Following initial review of the application, the Director-General will advise the applicant of the need to prepare a SIS.

Director-General's requirements for a SIS

Prior to the preparation of a SIS, a request for Director-General's requirements must be forwarded to the relevant DEC Office. The SIS must be prepared in accordance with section 109 and 110 of the TSC Act and must comply with any requirements notified by the Director-General of the Department of Environment and Conservation (NSW).

Certificates

If the Director-General decides, following an assessment of your application, that the proposed action is not likely to significantly affect threatened species, populations or ecological communities, or their habitats, a Section 91 Licence is not required and the Director-General must, as soon as practicable after making the determination, issue the applicant with a certificate to that effect.

N.B: An action that is not required to be licensed under the Threatened Species Conservation Act 1995, may require licensing under the National Parks and Wildlife Act 1974, if it is likely to affect protected fauna or protected native plants.

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

Applicant's name,
organisation and position

Applicant's signature

Date

* 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*.

(Please print)

October 15th, 2008

Gary Dempsey
Course Superintendent
New South Wales Golf Club



For more information or to lodge this form, contact the Environment Protection and
Regulation Division in your nearest office:

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Figure 1: s91 Licence Application Men's Australian Open
(Source DECC Map: ESBS NSW Golf Club)



KEY



Clearance, removal and trimming of ESBS and of future ESBS critical habitat.



Removal of dead limbs and fallen trees from within area of ESBS.



Recent ecological burn areas (conducted as part of current s91 Licence).