

8 REPORTS BY DEPUTY GENERAL MANAGER OPERATIONS

8.1 FLYING FOX CAMP MANAGEMENT POLICY 2014- CONSULTATION DRAFT

File/Index: Environmental Management / Native Animals

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REPORT SUMMARY:

The Office of Environment & Heritage (OEH) has released a draft policy for the management of flying fox camps. It requires preparation of Camp Management Plans by land managers (such as Council), with the option of camp dispersal / relocation permitted as a strategy to minimise the impacts of camps on local communities.

Bellingen Shire has a number of flying fox camps. Management actions adopted by Council are discussed, noting that camp dispersal has not been considered necessary to date. It is recommended that Council make a submission to the NSW Office Environment & Heritage in response to the public exhibition of the *Flying-fox Camp Management Policy 2014: Consultation draft* as outlined in the officer's recommendation.

REPORT DETAIL:

The *Flying-fox Camp Management Policy 2014: Consultation draft* (the Draft policy) is currently on public exhibition and a copy is included as Attachment 8.1.A to this report.

The objectives of the Draft policy are reprinted below.

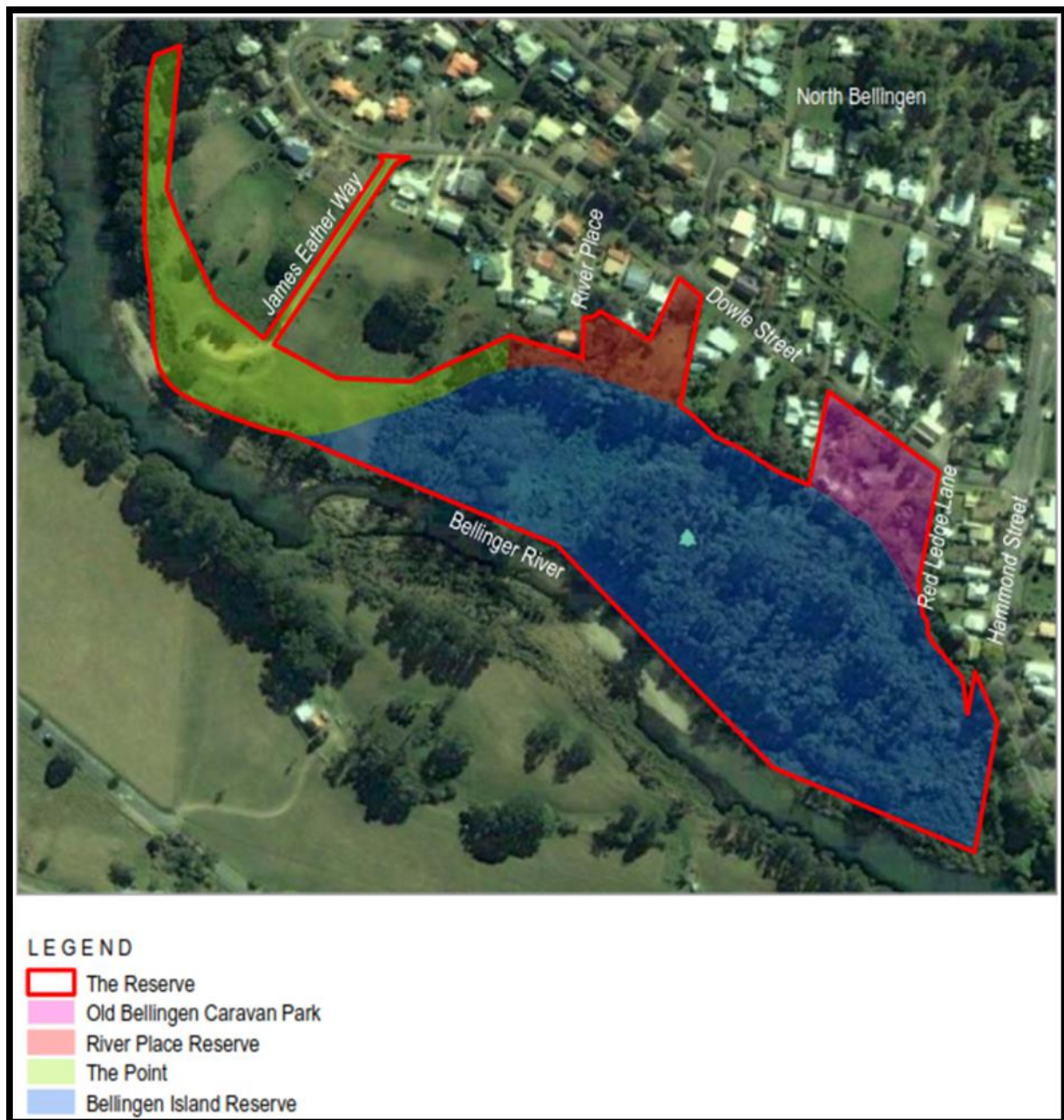
- Address the potential impacts of flying fox camps on human health.
- Minimise the impact of camps on local communities.
- Provide a balance between conservation of flying-foxes and their impacts on human settlements.
- Clarify roles and responsibilities for OEH, local councils and other land managers such as managers of Crown Lands.
 - Provide options for land managers to obtain upfront 5 year licensing to improve flexibility in the management of flying-foxes.
 - Enable land managers and other stakeholders to use a range of suitable management responses to sustainably manage flying-foxes.
 - Require land managers to consider the behaviours, habitat and food requirements of flying-foxes when developing and implementing camp management plans.
 - Enable long term conservation of flying-foxes in appropriate locations by encouraging land managers to establish and protect sufficient food supplies and roosting habitat.

A template for the preparation of Camp Management Plan's (CMP) has also been exhibited with the draft Policy, and this is included as Attachment 8.1.B to this report.

Urban Flying-fox camps in Bellingen Shire

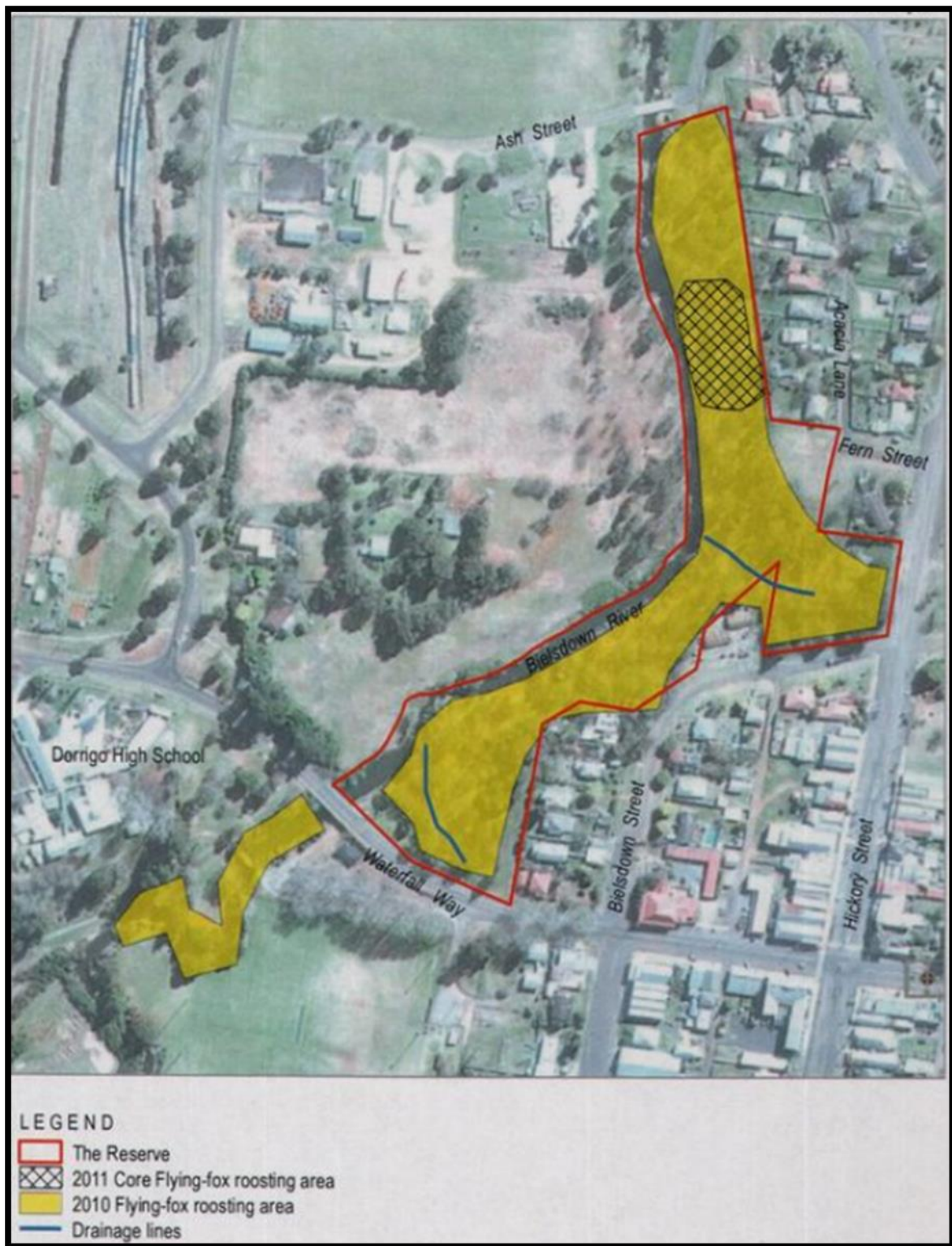
There are 3 localities within the urban areas of Bellingen, Dorrigo & Urunga where flying fox camps exist, or have been known to establish in recent years.

The principle camp exists within the Bellingen Island Reserve and this camp has been established in this locality since the 1960's. The camp has a permanent population of resident bats. The general location of this camp is shown below.



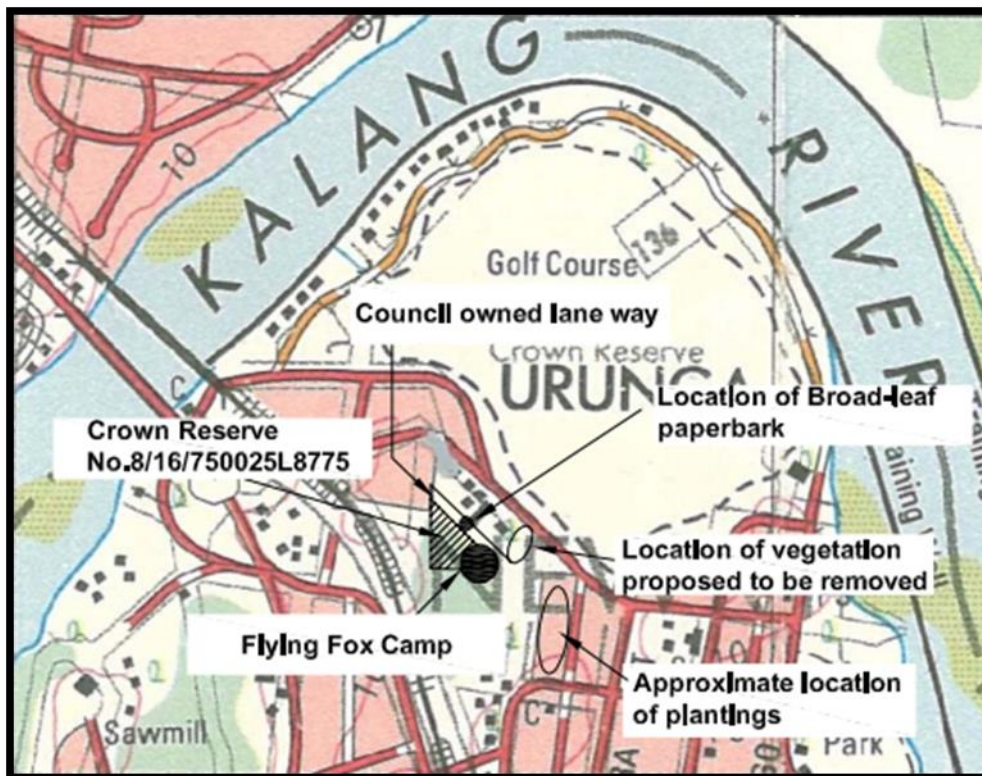
Source: Draft Bellinger Island Integrated Reserve Plan of Management, 2012

In 2010 & 2011 a flying-fox camp established in the Bielsdown Reserve within Dorrigo. The general location of this camp is shown below.



Source: Adopted Plan of Management – Bielsdown Native Park Reserve

In 2004, a sizeable flying-fox camp established itself on Crown and Council land in Urunga. The general location of this camp is shown below.



Source: Geolink 8 Part Test Assessment of proposed tree pruning & removal works – Bellingen St, Urunga

Previous management responses of Council to Flying-fox camps

General

Management responses to date have steered away from some of the more extreme invasive strategies such as destruction and / or dispersal of flying-fox camps. This is partly due to the threatened species status of the Grey Headed Flying-fox, the uncertainty of such actions being successful, the prohibitive costs and the existing OEH Policy to generally not support dispersal as a management action.

The following examples illustrate the alternative approaches that have been adopted by Council.

Bellingen

The Bellingen Island camp is the most enduring population within the LGA and its permanent occupation corresponds with the destruction of former camps in lowland rainforest areas along the Bellingen River in the 1960's. Numbers within the camp are typically in the order of 20-30,000, however it was estimated that numbers reached over 100,000 in March 2006 during a heavy flowering period of Pink Bloodwood. Whilst the central core of the camp is usually within the northern & eastern portions of the remnant lowland rainforest, this can expand outwards to impinge upon adjoining residential areas and forests in times of high occupancy. (*Draft Bellingen Island Integrated Reserve Plan of Management, 2012 [the Draft POM]*).

Historic complaints regarding expansion of the central camp have been addressed through minor occasional limb or tree removal to limit impact upon the residential amenity of residents. Council has also attempted to provide a strategy for ongoing management of the colony as part of the Draft POM. This involves the improvement of habitat value at locations away from the residential interface (to draw flying-foxes away), monitoring of usage,

improved awareness and education regarding flying foxes and liaison with adjoining landholders regarding vegetation management actions to limit human / flying-fox conflicts.

The draft POM has not yet been formally adopted (due to Crown Land issues that require resolution), however it is important to note that the ongoing protection of the population, rather than its dispersal, is the hallmark of the recommended approach.

Dorrigo

The occupation of areas of the Bielsdown Reserve by flying-foxes during 2010 & 2011 was linked to food shortages throughout the flying foxes normal range. This saw an estimated 4000 animals using the reserve in the 2010 event. The intense and unexpected nature of this event prompted the formation of a Residents Liaison Group, and culminated in the adoption of the Bielsdown Native Park Reserve Plan of Management by Council at its meeting of 23 May 2012.

The resolution of Council was:

"10.016/12

RESOLVED (Cr Scott/Cr Braithwaite)

- (1) That Council adopt the exhibited draft Plan of Management for Bielsdown Native Park Reserve as the Plan of Management for the Bielsdown Native Park Reserve.*
- (2) That Council identify funding sources to implement the recommendations contained within the Plan.*
- (3) That Council receives a further report after the Arborists review, including the cost implications.*

UNANIMOUS"

The POM adopts a similar management approach to that advocated by the Draft Bellinger Island POM. The POM also remarks upon the uncertainty of camp dispersal as a management option, and the possibility that this could result in relocation of the camp to the Dorrigo High School grounds, where flying-foxes were also recorded to have roosted during these seasons.

The bat population has not returned since the 2011 event.

Urunga

The high density occupation of the Urunga camp in 2004 resulted in a request for pruning of Paperbark vegetation that was located within Council's road reserve and was overhanging an adjoining residence. This request was approved by Council and represents a management approach of habitat modification, to limit impacts at the interface between the camp and adjoining residential areas.

Management responses to flying-fox camps included in the Draft policy

The Draft policy acts to redress a perceived imbalance between the need to protect flying-fox camps and the reported impacts of those camps on human health and amenity.

The draft Policy proposes a management regime that would revolve around land managers (eg: Council) preparing "Camp Management Plans" for flying fox camps that become a source of concern. These Plans would then be submitted to OEH with the necessary licensing applications and 5 year approvals would be issued that allowed for management actions to take place when required.

The CMP proposes 3 levels of possible intervention that could be considered by land managers. These levels have been extracted from the Draft Policy and reprinted below.

“Routine camp management actions (Level 1 actions)”

Routine camp management actions should be clearly identified as Level camp management actions in the camp management plan.

These include:

- removal of tree limbs or whole trees that pose a genuine health and safety risk, as determined by a qualified arborist*
- weed removal, including removal of noxious weeds under the Noxious Weeds Act 1993 or species listed as undesirable in any relevant Tree Preservation Order*
- trimming of understorey vegetation or the planting of vegetation*
- minor habitat augmentation for the benefit of the roosting animals*
- mowing of grass and similar grounds-keeping actions*
- application of mulch or removal of leaf litter or other material on the ground.*

Creation of buffers (Level 2 actions)”

Creation of buffers can be effective as management actions to nudge flying-fox populations away from urban settlements. The intention is to create a physical or visual separation from the camp and actively manage vegetation structure and composition to discourage flying-foxes from roosting close to built areas.

Actions include:

- clearing or trimming canopy trees at the camp boundary to create a buffer*
- disturbing animals at the boundary of the camp to encourage roosting away from human settlement*

Camp disturbance or dispersal (Level 3 actions)”

Camp dispersal is an action that aims to intentionally move entire camps from one location to another by clearing vegetation or dispersing animals through disturbance by noise, water, smoke or light.

Camp dispersal can be a successful way to remove impacts on local communities and is supported by this policy. However, camp dispersal is challenging for a number of reasons:

- it can be expensive and can have uncertain outcomes.*
- dispersal may result in relocating the animals rather than resolving the issue. Past disturbances in Australia have sometimes failed to remove flying-foxes from the area or have resulted in flying-foxes relocating to other nearby areas where similar community impacts have occurred.*
- attempts to disperse camps are often contentious.*
- disturbing flying-foxes may have an adverse impact on animal health.*
- the cumulative impacts of flying-fox camp dispersals may negatively impact on the conservation of the species and the ecosystem services flying-foxes provide.*

Dispersal actions need to be carefully planned and consider climatic and seasonal conditions. Land managers should consider appointing a coordinator and working with other flying-fox experts. Dispersal is not recommended:

- from the time when the resident female flying-foxes are heavily pregnant until the young can fly independently (generally between August and May)*
- when uncharacteristic seasonal climatic conditions have resulted in a large proportion of the NSW flying-fox population temporarily occurring in one or a few local camps*
- when daytime temperatures are extremely high or expected to be extremely high (over 38 degrees Celsius)*

- *when it is likely that, due to proximity, flying-foxes disturbed from a camp will join camps in nearby towns or form ‘satellite’ camps.*

Camp management plans will generally also include other camp-specific triggers for when dispersal activities must be suspended or terminated. These triggers will relate to effectiveness and animal welfare”.

Level 1 & 2 Actions are generally encouraged as the first line of defence in the management of flying fox camp issues, and a relatively streamlined licensing procedure will be used by the OEH for approval of these actions.

Level 3 actions however may require the preparation of a Species Impact Statement to provide sufficient certainty that the actions will not have a significant adverse impact on flying foxes and this is a potentially lengthy, costly and complex process.

Commentary on Draft Policy

Hierarchical approach to actions

The policy adopts a hierarchy of options which is based on a principle of using the lowest form of intervention required. This is consistent with Council’s actions to date and the policy intent of the POM documents discussed previously in this report.

It is recommended that Council advise the OEH that:

- It supports the policy intent to require Level 1 & 2 Actions to be firstly attempted as a strategy to manage flying-fox impacts and that this should be a mandatory, rather than optional progression.
- Level 3 Actions have not been required in Bellingen Shire despite the long term existence of a major flying-fox camp within the centre of Bellingen since the 1960’s and recent instances of temporary camps within the Dorrigo & Urunga urban areas.

Long term objective for habitat creation

The policy rightly identifies the key underlying reason for the intrusion of flying-foxes into urban areas when it notes as follows.

“Longer-term strategies are needed to reduce the dependency of flying-foxes on resources in urban areas and orchards by conserving and establishing flying-fox habitat elsewhere.”

It is recommended that Council advise the OEH that:

- It supports further research into appropriate site and species selection to establish alternative habitat for flying-foxes and would be willing to assist OEH in the undertaking of such research.

Camp disturbance / dispersal actions

Although not discounting the possibility of isolated circumstances where there is no viable alternative, there are a range of concerns with this as a management option. As previously discussed, the occupation of the Bellingen Island camp was associated with the destruction of other camps in the locality and there was a legitimate concern that dispersal of the Dorrigo camp would result in its relocation to the high school. The policy recognises the inherent uncertainty associated with such actions.

It is of concern that dispersal of a camp in one location within the LGA could result in the establishment of the camp in a new location. This then creates potential for a cascading series of events focused upon alleviating impacts in one locality, at the potential expense of another. It is also noted that as flying-foxes do not recognize local government boundaries, a

situation could arise where dispersal of a camp in an adjoining LGA may result in the establishment or increased occupation of a camp in an adjoining LGA.

It is recommended that Council advise the OEH that:

- Council is concerned at the level of uncertainty that exists with Level 3 actions and the potential for the creation of new management issues in alternative locations.
- There is evidence within the LGA that camp destruction in one area has been linked to the establishment of a new urban camp in another area.
- Any Level 3 actions proposed within a CMP must require consultation with adjoining LGA's and detailed consideration of the extent to which this may result in the relocation of camps to adjoining LGA's.

Practical & resourcing issues

The advocacy of Level 3 Actions as a viable management approach appears to be at odds with the plethora of challenges that are documented within the policy. For example, camp dispersal is not recommended when a large proportion of flying foxes occur temporarily in one or a few local camps (despite the obvious likelihood that this is when impacts and community concern will peak) and dispersal is not recommended any time outside June-July (despite peak impacts possibly occurring within the other 10 months of the year) as the remainder of the year is associated with female pregnancy and the inability of young to fly independently.

It is also noted that Level 3 Actions may require the preparation of a Species Impact Statement (SIS) to support the actions and that this is a technical, costly and time consuming process that would not normally be viewed as routine by developers or regulatory authorities in any other instance.

It is also recommended that land managers consider appointing a coordinator and working with other flying fox experts in order to pursue this option. In the case of Bellingen Shire there is considered to be inadequate in-house expertise to manage such a process and this would therefore require the allocation of additional resources towards this end.

In summary, the concern is that the well publicised policy reversal from the NSW Government on camp dispersal / disturbance is, upon further examination, fraught with risk, uncertainty and impracticalities to the extent that it will not be a viable option in the majority of circumstances. Council, as a land manager, will however bear the brunt of community expectations that have been raised to view dispersal as a valid management option, despite the numerous issues that the OEH have identified within the same policy document.

It is recommended that Council advise the OEH that:

- Council is concerned that community expectations regarding the viability of Level 3 Actions will not align with the reality or practicalities of implementing these actions, particularly by land managers with limited technical expertise or resources.

It is also noted that Council has invested significant time and resources into the production of Plans of Management for the Bielsdown Reserve in Dorrigo (that has been adopted) and Bellingen Island in Bellingen (Draft adopted). These POM's have both considered locally realistic and practical opportunities for flying-fox management and have been informed by ecological advice from the consultants responsible for their preparation. In such instances, Council should not have to bear the additional administrative burden of preparing bespoke CMPs in order to receive the threatened species licences that may be necessary to undertake the habitat modification works that have been discussed in these POM's.

It is recommended that Council advise the OEH that:

- Council recommends that the policy provide an exemption from the need to prepare a CMP when land managers have adopted an existing POM for the camp that advocates Level 1 & 2 Actions only, has had input from suitably qualified professionals in the field of flying-fox management and has been the subject of detailed community consultation. Furthermore, that the certification of actions by OEH under the relevant provisions of the Threatened Species Conservation Act 1995 should not be prevented in such instances.

Other regulatory / tenure issues

In the case of the Bellingen Island & Urunga camps, the land is also affected by a range of other legal or ownership constraints that would need resolution.

For example, the habitat on Bellingen Island is largely comprised of the *Lowland Rainforest on floodplain in the NSW North Coast Bioregion* endangered ecological community, has other threatened flora species on the island that are individually listed (eg: Rusty plum & Milky Silkpod) and has threatened fauna species that have been recorded (eg: Giant Barred Frog). It has a heritage listing over the remnant vegetation and is Crown land that has been reserved for '*Public Recreation and Preservation of Native Flora*'.

The policy makes no mention of the relationship between the CMP and the Environmental Planning & Assessment (EP&A) Act 1979, that would confirm what additional approvals, if any, would be required to implement a CMP and what the triggers would be. For example, is it intended to make development for the purpose of implementing a CMP as "development permissible without consent" or "exempt development" within State Environmental Planning Policy (Infrastructure) 2007?

The reality is that flying fox camps often establish in areas with complex land use planning constraints and it is important to consider how these will be addressed as part of any process.

It is recommended that Council advise the OEH that:

- The failure to nominate the relevant approval pathways (if any) having regard to the EP&A Act 1979 limits a full appreciation of the policies implications.

BUDGETARY IMPLICATIONS:

There are no immediate budgetary implications for Council.

The preparation of CMP's to manage flying-fox camps is however likely to require the engagement of external consultants, given the lack of suitably qualified persons within Council to prepare the documents to the level of detail necessary to meet OEH requirements.

The cost of implementing any adopted CMP will depend upon the level of actions that were considered necessary to adequately manage the impacts of the camp.

SUSTAINABILITY ASSESSMENT:

It is accepted that residents who find themselves next to new or expanded flying-fox camps may experience a range of impacts that affect the normal amenity of their neighbourhood. The CMP process and template will provide an opportunity for the engagement of affected residents in the development of strategies to mitigate those impacts to the best extent possible. This process will necessarily involve consideration of other aspects of sustainability such as the environmental impacts of those actions on flying-foxes and the economic impacts of different management strategies in terms of Council's financial ability to fund them. It is noted that these matters have already been addressed to some extent in the existing POMs.

ENGAGEMENT:

The Bellingen Shire Council Community Engagement Strategy was adopted by Council at its Meeting 22 February 2012. This strategy is designed to outline the approach Bellingen Shire takes towards engaging with our community.

The policy document is not a Council publication and does not require an engagement strategy. In the event that CMP's are prepared by Council in the future, these would be subject to a rigorous process of community engagement that will be specified at that time.

As the ongoing management of Council assets and reserves is a function of the Manager Asset Management & Design, his comments have been sought with respect to the proposed policy and the recommendations contained within this report. His comments are provided below.

Manager Asset Management & Design

Council's land management responsibilities include the care and control of significant areas of public land and reserves, including Crown land. Many of these areas contain significant vegetation supporting diverse ecological communities. Much of this land also adjoins existing and possible future residential land.

Council has significant resource and budget challenges in the management of these community assets, including, responding to customer requests and service delivery. If the policy is implemented community expectations may be raised that Council must act upon requests relating to the actions outlined in this policy. For example, if Level 1 & 2 actions are deemed appropriate the work associated may exceed the resources available.

As a consequence, Council will need to consider the impacts on its long-term financial strategy and operational plans as part of future budgetary processes. Funding from relevant maintenance programs contained within Council's annual operating budget may potentially be supplemented by grants if applicable.

The recommendations contained in this report can be supported from an overall asset management approach, providing it is understood that resource capabilities and service levels may need review.

SHIRE OF BELLINGEN 2030 COMMUNITY VISION ALIGNMENT:

The recommended comments on the Draft Policy align with the following direction within the Shire of Bellingen 2030 Community Vision:

"LE.5.2.1 Planning controls to improve our biodiversity and protect threatened species are developed and/or refined and adopted by Council as required."

OFFICERS RECOMMENDATION:

- 1 That Council makes a submission to the NSW Office of Environment and Heritage in response to the public exhibition of the *Flying-fox Camp Management Policy 2014: Consultation draft*.
- 2 That Council's submission to NSW Office of Environment & Heritage reflect the following. That:
 - Council supports the policy intent to require Level 1 & 2 Actions to be firstly attempted as a strategy to manage flying-fox impacts and that this should be a mandatory, rather than optional progression.
 - Level 3 Actions have not been required in Bellingen Shire despite the long term existence of a major flying-fox camp within the centre of Bellingen since the

1960's and recent instances of temporary camps within the Dorrigo & Urunga urban areas.

- Council supports further research into appropriate site and species selection to establish alternative habitat for flying-foxes and would be willing to assist OEH in the undertaking of such research.
- Council is concerned at the level of uncertainty that exists with Level 3 Actions and the potential for the creation of new management issues in alternative locations.
- There is evidence within the LGA that camp destruction in one area has been linked to the establishment of a new urban camp in another area.
- Any Level 3 Actions proposed within a CMP must require consultation with adjoining LGA's and detailed consideration of the extent to which this may result in the relocation of camps to adjoining LGA's.
- Council is concerned that community expectations regarding the viability of Level 3 Actions will not align with the reality or practicalities of implementing these actions, particularly by land managers with limited technical expertise or resources.
- Council recommends that the policy provide an exemption from the need to prepare a CMP when land managers have adopted an existing Plan of Management for the camp that advocates Level 1 & 2 Actions only, has had input from suitably qualified professionals in the field of flying-fox management and has been the subject of detailed community consultation. Furthermore, that the certification of actions by OEH under the relevant provisions of the Threatened Species Conservation Act 1995 should not be prevented in such instances.
- The failure to nominate the relevant approval pathways (if any) having regard to the Environmental Planning and Assessment Act 1979 limits a full appreciation of the policies implications.

ATTACHMENTS:

8.1A Flying-fox Camp Management Policy 2014: Consultation draft
(DWS 482137)

8.1B Camp management plan template
(DWS 482138)

Report: (DWS 483883)

RESOLVED (Cr Klipin/Cr Scott)

- 2 That Council makes a submission to the NSW Office of Environment and Heritage in response to the public exhibition of the *Flying-fox Camp Management Policy 2014: Consultation draft*.

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