

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)	Mr J F Kelleher and Ms K M Kelleher	
2. Australian Business Number (ABN):	89 954 663 147	
3. Organisation name and position of applicant ^: (if applicable)	Blair Athol Estate	
4. Postal address ^:	37 Blair Athol Road Inverell NSW 2360	Telephone ^:  B.H.  A.H.
5. Location of the action (including grid reference and local government area and delineated on a map).	<b>LGA:</b> Inverell Shire <b>Location:</b> Lot 1 DP 380114 <b>Property Number:</b> 193006 <b>Grid Reference:</b> 151.050    -29.755  <b>(See Attachment 1.- Location of Blair Athol Estate in Relation to Inverell).</b>	
6. Full description of the action and its purpose (e.g. <i>environmental assessment, development, etc.</i> )	<b>Purpose for the Action:</b> To identify opportunities and provide on-ground measures for both the short and long-term management of the resident Flying-Fox population and to alleviate impacts on Blair Athol Estate and the Flying-Fox population.	

\* 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.

The Action for this application is seen by us as Stage 1 of a 2 stage process. The Stage 1 purpose for the action is to provide a clean-up of dangerous hanging branches, fallen branches and fallen trees and shrubs, to facilitate Work Health and Safety requirements and implement fire reduction risk management while mitigating activities that would harm the existing Flying-Fox population.

Our business is operating a country Bed and Breakfast and we have many visitors and guests who like to wander through the gardens during their stay. At present there are areas within the garden area at Blair Athol Estate where the Flying-Foxes are not present but could provide a relaxing walk and area for guests if the ground was cleared of sticks and branches that have fallen and by removing the hanging branches away from the existing camp. By removing these branches and fallen trees it will allow them to safely enjoy their time with us.

Smaller branches and sticks will be collected by hand and smaller machine (bobcat with three-way bucket to pick up the smaller trees and branches) and heaped prior to the removal from the site. The heaps will be formed at the far corner of the garden and will cause little disturbance to the Flying-Fox population. The fallen branches and trees will be removed from this location by front-end loader and truck and taken to a cleared area on the property, not occupied by the Flying Foxes (**See Attachment 2. – Map Of Blair Athol Estate Damaged Vegetation Storage Area**). This will allow burning or chipping at a later date (possibly June or July 2014) when the Flying-Foxes are not present on the property.

Due to the fallen trees, there has been significant damage to the topsoil which has affected the grass cover and the entire garden area is at risk of severe erosion due to the sloping landscape. It is our intention to level the soil to cover in the holes made by the large fallen trees. The levelling of the soil will be achieved through the use of a bobcat with a soil leveller. Initial filling of the holes will be achieved by bobcat and final raking and grass seeding (if required) will be done manually. We anticipate there will be a natural regeneration of grasses and other plants which may reduce our cost of seed purchase.

This work will provide little disturbance to the existing Flying-Foxes (approximately 50 Grey-headed [*Pteropus poliocephalus*] and approximately 300 Little Reds [*Pteropus scapulatus*] as at 03.12.13) as the removal will provide low noise levels with the loading of materials to be well away from the existing Flying-Fox populated area. (**See Attachment 2. – Map Of Blair Athol Estate Damaged Vegetation Storage Area**).

The timing for removal of the fallen branches, hanging branches and fallen trees will be undertaken over December 2013 to February 2014. We anticipate that by the end of February 2014 the hanging branches, fallen branches and fallen trees will be removed from the area within safe proximity to the remaining Flying-Foxes to the designated area on the property.

The considerable damage caused by the Flying-Foxes to the standing trees (mainly exotics) has resulted in the possible loss of many of these trees. Our intention is to remove the hanging branches from these

trees through Stage 1 and leave the trees standing for 6-12 months and for Stage 2 reapply through a Section 91 application process to remove the identified dead trees if Flying-Foxes are still present. The remaining Native Olive (*Olea paniculata*) understorey growth will be retained where it has not been damaged (broken off and fallen to the ground).

Remove the half-broken branches by chainsaw and elevated platform (cherry-picker) where they will be collected and heaped into an area away from the remaining Flying-Foxes. The chainsaw and cherry-picker activity will work away from the existing Flying-Fox occupation site and the Flying-Foxes will be visually monitored on their reaction to any noise from the works. The anticipated duration for the removal of the broken branches is ten (10) days with a total time of twelve (12) hours of chainsaw work. The duration for the collection of fallen branches and trees will take at least one month with twelve (12) seven (7) hour working days. Loading and removing damaged vegetation from the large heaps to the designated area for burning or chipping (at a later date) will take seven (7) hours over a two day period. Levelling and seeding (if required) is twenty (20) hours.

As part of Stage 1 a professional Contractor will be engaged to remove hanging branches (by chainsaw) using a 23mtr elevated platform. This Contractor will be working away from the current Flying-Fox population.

Still part of Stage 1 another professional Contractor will be engaged to collect and remove any fallen trees and branches (including those from the first Contractor) to the loading heaps. The equipment to be used to collect these materials will include a bobcat with three-way bucket, a front-end loader/excavator to load larger trees onto a 9 cubic metre truck. These smaller heaps will then be taken to a designated final site away from the Flying-Fox camp creating one large stockpile. (**See Attachment 2. – Map Of Blair Athol Estate Damaged Vegetation Storage Area**).

Stage 1 will also provide protection to the existing Flying-Fox population through the activities determined above. Having had the Flying-Foxes at Blair Athol Estate for some time we feel that the actions we intend to undertake and the contractors we will use will not cause harm to the remaining Flying-Fox population. The actions listed above will be working away from the location of the present population of Flying-Foxes and we are confident that there will not be a need for a Flying-Fox ecologist or wildlife carer to be on site.

(**See Attachment 3. – Blair Athol Estate Action Proposal Report**).

The trees currently being occupied by the population will become Stage 2 at a later date (6-12 months) when, and if, the Flying-Foxes have left the area.

**Purpose of the Action:**

The purpose of the action is to remove the fallen and hanging branches from non-native and native trees and shrubs which is the result of damage by Little Red Flying-Foxes (*Pteropus scapulatus*) in the Blair Athol Estate garden. The purpose is to not harm the Flying-Fox population and to repair the Blair Athol Estate garden through the removal of dead and damaged vegetation to a safe and aesthetically

	<p>acceptable condition.</p> <p><b>Anticipated Outcome:</b>  The removal of the fallen branches, hanging branches and fallen trees and restoring the well-renowned heritage listed garden to an acceptable presentation for our business and clients is a priority. Mitigating actions that will ensure no harm comes to the Flying Fox population at Blair Athol Estate is also a priority.</p> <p>The actions listed as Stage 1 for this Section 91 application will achieve both priorities listed above. The area will be clear of materials that may cause injury to the business's guests. The risk of fire will be reduced as the damaged vegetation will be relocated away from Blair Athol Estate garden and Flying-Fox population to a safe site for later treatment (burning or mulching). Knowing that the gardens have been returned to a fraction of their former beauty will accommodate the return of garden weddings and other activities that once occurred. We anticipate that Blair Athol Estate will return to taking bookings for weddings and activities that will generate income for the business. The remaining Flying Fox population will have their area undisturbed and free to come and go at will.</p>			
7. Details of the area to be affected by the action ( <i>in hectares</i> ).	Approximately 3.5 hectares of area within the Blair Athol Estate garden will be affected to various extents. <b>(See Attachment 4. – Map Blair Athol Estate Garden)</b>			
8. Duration and timing of the action ( <i>including staging, if any</i> ).	<p>We intend to work distantly from the remaining flying-foxes occupied site. The hanging and fallen branches and the fallen trees and shrubs away from the current population of Flying-Foxes will be targeted first.</p> <p>The anticipated duration for the removal of the broken branches is ten (10) days with at total time of twelve (12) hours of chainsaw work. The duration for the collection of fallen branches and trees will take at least one month with twelve (12) seven (7) hour working days. Loading and removing damaged vegetation from the large heaps to the designated area for burning or chipping (at a later date) will take seven (7) hours over a two day period. Levelling and seeding (if required) is twenty (20) hours.</p>			
9. Is the action to occur on land declared as critical habitat*? ( <i>tick appropriate box</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>10. Threatened species, populations or ecological communities to be harmed or picked.</b>	<u>Scientific name</u>	<u>Common name</u> ( <i>if known</i> )	<u>Conservation status</u> ( <i>i.e. critically endangered, endangered or vulnerable</i> )	<u>Details of no. of individual animals, or proportion and type of plant material</u> ( <i>e.g. fertile branchlets for</i>
<p>* Critical habitat means habitat declared as critical habitat under Part 3 of the <i>Threatened Species Conservation Act 1995</i>.</p>				

	<i>Pteropus poliocephalus</i>  <i>Pteropus scapulatus</i>	Grey-headed Flying-Foxes  Little Red Flying Fox	<u>Vulnerable</u>  <u>Protected</u>	<i>herbarium specimens or whole plants or plant parts)</i>  <b>50 Grey-headed Flying-Foxes and</b>  <b>300 Little Red Flying-Foxes</b> <i>(above figures as at 03.12.2013)</i> <b>The Flying-Foxes will not be harmed.</b>
<p>(See Attachment 5. – Blair Athol Estate Flying-Fox Movements)</p> <p>(See Attachment 6. - Events History at Blair Athol Estate)</p>				
11. Species impact: <i>(please tick appropriate box)</i> 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"/> No  Items 12 to 25 have been addressed      ✓ <input type="checkbox"/> Yes			
<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>The vegetation for the Grey-headed Flying-Fox and Little Red Flying-Fox within our Blair Athol Estate garden is primarily of non-native vegetation species with a minority of native vegetation species. Due to the large numbers of Flying-Foxes at this site there has been major destruction of both types of vegetation (native and non-native). The amount of fallen and part-fallen timber has brought about Work Health and Safety issues for the staff, owners and residents.</p> <p>Due to the unseasonably dry summer conditions and the build up of dead and drying timber, experienced from the destruction, there is potential fire risk.</p> <p>The native species within our Estate garden have been planted and are not endemic to the area or the soil type that exists on our site. The non-natives (exotics) comprise of both mid-storey and large trees. The mid-storey plants consist of Native Olive (<i>Olea paniculata</i>), Bamboo (<i>Poaceae</i>) family, and Privet (<i>Ligustrum</i>) species.</p> <p><b>(See Attachment 7. - Letter from Border Rivers-Gwydir CMA).</b></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 Grey-headed Flying-Fox (<i>Pteropus poliocephalus</i>) is the only known threatened species (listed a Vulnerable) in this area and habitat. Its presence is the first time for this habitat and locality.</p> <p>At this point in time we are unaware of what other threatened species with the same or similar known habitats are in our locality.</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>No known or potential habitat identified.</p> <p>The original habitat of mostly exotic tree and shrub species has provided a site for both the Grey-headed Flying-Fox and the Little Red Flying-Fox species. The majority of the vegetation is exotics and the vegetation within the 3.5 hectare area is identified as garden. The habitat currently consists of fallen branches, hanging branches and mid-storey plants of both native and exotic species. The mid-storey plants consist of damaged Native Olive (<i>Olea paniculata</i>), Bamboo (<i>Poaceae</i>) family, and Privet (<i>Ligustrum</i>) 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>In determining the affect of our actions for removing fallen branches, hanging branches and reducing the damage and loss to the mid-storey plants the area covers approximately three and a half (3.5) hectares. Our actions and our aim is to remove the fallen branches and hanging branches and to reduce any further damage to mid-storey. During the proposed works at Blair Athol Estate gardens, with the Flying-Fox numbers dwindling and targeting locations away from the Flying-Fox population the amount of habitat affected is that which has already been affected.</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>We see that by trying to achieve fire safety, Work Health and Safety compliance and aesthetic restoration it is the non-habitat components (fallen branches, fallen trees and hanging branches) that are being targeted in Stage 1.</p> <p>Over the past months we have gained experience in telling the difference between the two types of Flying-Foxes and we regularly check to determine if it is Little Reds or Grey-headed Flying-Foxes currently present. The numbers have been dwindling over the past month (as at 05.12.13).</p>
17. Provide details of possible measures to avoid or ameliorate the effect of the action.	<p>This staged approach taken when clearing fallen branches distant from the Flying-Foxes with attention to local temperature predictions, we see as the best ways to ameliorate the impact of heat stress to the Flying-Foxes. Avoiding clearing on days with predicted temperatures above 42 degrees will be considered. The intention is not to work close to where the population of Flying-Foxes are located.</p> <p>Timing of the damaged vegetation removal will be focussed away from the current population location. If the noise from the operation of machinery does create disturbance work will cease and other activities will be undertaken.</p> <p>Flying-Foxes that are scared from the roost can head to foraging sites. Any actions undertaken will ensure that if disturbance occurs,</p>

	<p>the actions will cease. It should be noted from recent research that the Little Red Flying-Foxes in Dubbo and Tamworth currently begin foraging in the afternoon.</p> <p>It is anticipated that through our actions there will not be any injured Flying-Foxes and the need for an ecologist or wildlife carer will be not be required. Any hired contractors will not be handling Flying-Foxes during these actions.</p> <p>We will be avoiding specific areas for rehabilitation where the Grey-headed Flying-Foxes and Little Red Flying-Foxes are still camping to ameliorate adverse impacts.</p> <p>By the above actions we will accomplish the objective of fire hazard reduction, Work Health and Safety concerns and the rehabilitation of the site without causing harm to the current resident population of Flying-Foxes because we will be working outside their vicinity.</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>We see the removal of fallen and damaged mid-storey is a component of the Grey-headed Flying-Fox habitat but not known to be critical in their selection of Blair Athol Estate as a site.</p> <p>We see that the de-branching of trees by the Little Red Flying-Fox has degraded the site such that its future use by Grey-headed Flying-Fox and the Little Red Flying-Fox is uncertain.</p> <p>We know there was a camp of 400,000 Little Red Flying Foxes at Inverell. The maximum figures for our Blair Athol Estate property were 25,000 grey-headed and 100,000 Little Reds.</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>Not Applicable</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 habitat which, is in the majority exotic, has already been modified by the Flying-Foxes and the removal of the hanging branches, fallen branches and fallen trees, as Stage 1 indicates, there are large amounts of vegetation to remove.</p> <p>(ii) We see that the flying-Fox habitat is already fragmented in this area and that our actions for removing fallen branches will not affect existing fragmentation.</p> <p>(iii) There is the uncertainty that the area designated for the clean-up will be used by Flying-Foxes again due to the tree destruction, modification and fragmentation of the Blair Athol Estate gardens.</p>



22. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).	Not Applicable
23. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.	We understand that the protection of the Flying-Fox areas is an objective in any recovery plan for Flying-Fox populations. We see that our ultimate goal in the Recovery Plan is to keep the trees healthy and allow the recovery to those that have been damaged, and returning habitat that is of uncertain value to the Flying-Foxes.
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.	Our actions are in removing fallen branches from our garden where the majority of vegetation is considered exotic and the minority native. We understand that our actions do not constitute a threat to the Flying-Fox population.  We refer to the letter from the Border Rivers-Gwydir CMA, Luc Farago ( <b>See Attachment 7. - Letter from Border Rivers-Gwydir CMA</b> ).

## 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

\* 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*.

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 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](http://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.*

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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)*

Kim Kelleher

Applicant's Position &

Organisation *(if relevant)*

*(Please print)*

Owner

Blair Athol Estate

Applicant's signature

Date

6<sup>th</sup> December 2013

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

Metropolitan Branch

P: 02 9995 6802

F: 02 9995 6900

PO Box 668

Parramatta

NSW 2124

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

Biodiversity Conservation Section

P: 02 6122 3100

F: 02 6299 3525

PO Box 622 Queanbeyan

NSW 2620

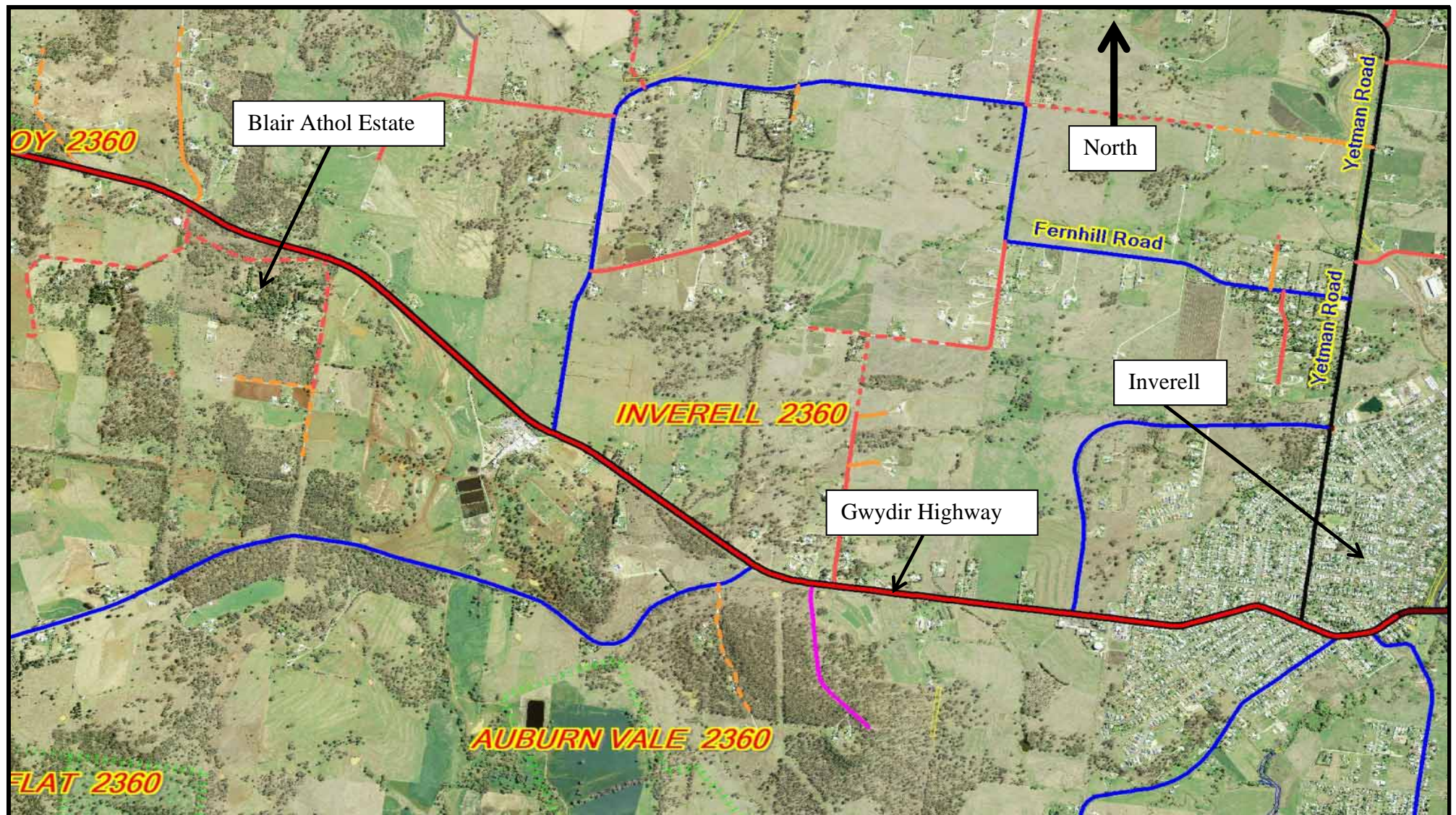
Office of Environment and Heritage (NSW)

PO Box A290, Sydney South NSW 1232

Phone: 131 555 (Environment Line) Fax: 9995 5999

Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)





Location of Blair Athol Estate in Relation to Inverell





Blair Athol Estate Showing Property Boundary Lot 1 DP 380114. Map 2011.



## Blair Athol Estate, Inverell – Flying-Fox Action Proposal Report.



**Figure 1:** Shows broken and hanging branches in the foreground to be removed from this site, heaped and later burned or chipped. The native mid-storey vegetation to be retained where not damaged.



**Figure 2:** Shows the typical damage to vegetation which will be trimmed, removed and taken off-site to be treated at a later date.





**Figure 3:** Standing trees to be retained and trimmed where necessary. Standing trees to be assessed in 6-12 months time to determine survival and growth.



**Figure 4:** Lower broken branches to be trimmed and removed





**Figure 5:** Shows fallen branches and fallen trees which will be removed.



**Figure 6:** Dangerous hanging tree limbs will be trimmed, and fallen trees and branches removed.





**Figure 7:** Trees where Flying-Foxes are camping will be avoided.



**Figure 8:** The Flying-Fox current camping area to be avoided by workers in activities.



**Figure 9:** Site of alternative Camp area. This area is relatively undamaged and previously used by the Flying-Foxes.



**Figure 10:** Alternative site for Flying-Fox Camp on South-west corner of Blair Athol.





Blair Athol Estate Garden – Aerial Photo 2011





**Blair Athol Estate (Aerial Photo 2011) Showing Approximate Flying-Fox Movements Over 6 Month Period (June – December) 2013.**



### Events in the History of the Blair Athol Flying-fox Colony

DATE	EVENT	SOURCE
25 <sup>th</sup> May 2013	Small number of Little Red or Grey Headed arrive at night to feed in the moreton bay fig trees	Kim Kelleher – Blair Athol
Mid June 2013	25,000 Grey Headed FF	Peter – Nat. Parks & Wildlife
11 <sup>th</sup> August 2013	50,000 Grey Headed FF	Adam - CSIRO
13 <sup>th</sup> August 2013	50,000 Grey Headed FF plus large fire on property	John & Luke – Nat. Parks
Late September 2013	Grey Headed FF start leaving	Kim Kelleher – Blair Athol
Early October 2013	Little Red FF start arriving	Kim Kelleher – Blair Athol
October 2013	Neighbour scratched by Little Red FF – has treatment	Beverly Roberts - Neighbour
30 <sup>th</sup> October 2013	99,000 Little Red FF 1,000 Grey Headed FF	Darren & Peter – Nat. Parks
6 <sup>th</sup> November 2013	22,000 Little Red FF counted	Todd Soderquist OEH
27 <sup>th</sup> November 2013	100 Grey Headed FF 2000 Little Red FF counted	Kelly Roche – OEH Krista Waern - OEH
3rd December 2013	50 Grey Headed FF 450 Little Red FF counted	Kim Kelleher – Blair Athol Brian Clancy – Inverell S.C.
6 <sup>th</sup> December 2013	30 Grey Headed FF 150 Little Red FF counted	Kim Kelleher – Blair Athol
9 <sup>th</sup> December 2013	0 Flying Foxes	Kim Kelleher – Blair Athol



6<sup>th</sup> November 2013

Ms Kim Kelleher  
Blair Athol Estate  
Blair Athol Rd  
Inverell NSW 2360

Dear Ms Kelleher

**Re: Vegetation management associated with Little Red Flying-Fox camp at Blair Athol**

Thank you for taking the time today at Blair Athol Estate to discuss the issues of vegetation management associated with the Little Red Flying-Fox (*Pteropus scapulatus*) camp located within Blair Athol Estate's gardens. The opportunity to discuss the issues in the presence of yourself and representatives from the NSW Office of Environment & Heritage (Todd Soderquist) and Inverell Shire Council (Brett McInnes and Brian Clancy) was very helpful in understanding the broader picture of native vegetation, threatened and protected species management, and the heritage listing of the site.

The Border Rivers-Gwydir CMA is responsible for helping our regions stakeholders understand their native vegetation management options under the *Native Vegetation Act 2003*, in addition to assessing whether certain native vegetation clearing can be authorised via Property Vegetation Plans.

From the information you provided, and my own observations from investigating the site, I can make the following statements with regard to your intention to manage vegetation associated with the gardens on the Blair Athol Estate:

- The vegetation that comprises the camp for the Little Red Flying-Fox within the Blair Athol Estate garden is primarily comprised of non-native vegetation species, with a minority of native vegetation species;
- You do not require authorisation to clear **non-native vegetation** via the *Native Vegetation Act 2003*;
- My observations lead me to form a conclusion that native vegetation found within the Blair Athol Estate garden has been planted, as the native species present are not endemic to the area or soil type that characterise the site; and
- Clearing of **native vegetation** within the Blair Athol Estate garden does not require consent via the *Native Vegetation Act 2003*. This type of clearing is considered a Routine Agricultural Management Activity, as native vegetation can be cleared without approval when it has been planted as part of a garden.

The above statements relate specifically to management of vegetation within the Blair Athol Estate garden in the context of the operation of the NSW *Native Vegetation Act 2003* only. As discussed in today's meeting, approvals under other legislative mechanisms will be required to manage the issue in the context of heritage listings and protected species habitat, via the Office of Environment & Heritage and Inverell Shire Council.

If you require further information, please don't hesitate to contact me on 6728 8051, or  
luc.farago@cma.nsw.gov.au.

Yours sincerely

Luc Farago  
Team Leader – Strategic Land Services