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Standing Committee on the Environment and Energy
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Inquiry into flying-fox management in the eastern states

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general-purpose councils, associate members including special-purpose county councils, and the NSW Aboriginal Land Council. In essence, LGNSW is the organisation for all things local government in NSW. LGNSW facilitates the development of an effective community based system of local government in the State.

LGNSW works with the NSW State and Federal Governments to offer councils capacity building, development support and other resources across important local government functions. Among these resources are the important grant programs we manage under agreements with government agencies. These grants programs bring resources into the reach of councils that otherwise may not be available.

LGNSW welcomes the opportunity to contribute to the House of Representatives Standing Committee on the Environment and Energy inquiry into the impact of nationally protected flying-foxes on communities in the eastern states of Australia with regards to the following terms of reference:

- the circumstances and process by which flying-foxes are listed and delisted as threatened species at both the state and Commonwealth levels;
- the interaction between the state and Commonwealth regulatory frameworks;
- strategic approaches to managing species at a regional scale;
- opportunities to streamline the regulation of flying-fox management; and
- the success or otherwise of management actions, such as dispersal of problematic flying-fox camps.

At the LGNSW 2015 Annual Conference two motions in respect to flying-foxes were carried and subsequently raised in a letter to Hon Greg Hunt MP, Commonwealth Minister for the Environment. These actions were:

1. That the NSW and Australian Governments be requested to undertake an urgent review of the status of the Grey-headed flying-fox, with a view to its removal as a vulnerable species under the *Federal Environment Protection (Biodiversity Conservation) Act 1999* and the *NSW State Threatened Species Conservation Act 1995*.

2. That LGNSW lobbies the NSW and Australian Governments to develop and implement research into the management of flying-fox colonies with a view to:
 - developing a clear set of guidelines as to when camps are problematic based on available management options, flying-fox welfare, resident amenity and agricultural producing lands;
 - undertaking research into camp management and potentially camp creation in suitable locations;
 - providing a focus on ensuring that flying-fox habitat is retained in non-nuisance areas and reestablishment where practical;
 - establishing the State and Federal Government funding for the development of camp management action plans with clear and concise guidelines on positive solutions and outcomes to the relocation of problematic colonies in urban areas, and
 - seeking State and Federal Government financial assistance for managing amenity impacts where in-situ management is recommended.

Accordingly LGNSW welcomes the Inquiry into flying-fox management in the eastern states.

In May 2016, the NSW Minister for the Environment, Mark Speakman, announced \$1M to support councils manage flying-foxes under the Flying-fox Grants Program. The grant allocation process is being administered by LGNSW in accordance with terms agreed with the NSW Office of Environment and Heritage.

The Flying-fox Grants Program has been established to help councils manage flying-fox camps in their areas, consistent with the NSW Flying-fox Camp Management Policy 2015. The grant streams provide assistance for emergency measures, preparation of camp management plans, and implementation of actions in approved camp management plans. Funding has been made available since 16 June 2016 with projects to be completed by 30 June 2017.

LGNSW response to Terms of Reference

- a) *the circumstances and process by which flying-foxes are listed and delisted as threatened species at both the state and Commonwealth levels*

The Grey-headed flying-fox (*Pteropus poliocephalus*), the main species of threatened flying-fox encountered within NSW, was listed as threatened in NSW under the *Threatened Species Conservation Act (1995)* and the *Environmental Protection and Biodiversity Conservation Act (1999)* in 2001. Population decline and habitat loss were cited as factors for the listing. Such factors probably continue to be of concern.

At the time of the listing, there was a dramatic drop in flying-fox numbers, now thought to be caused by extreme temperature events. Such events are likely to increase in the future as the frequency and duration of extreme heat events are predicted to become more common. In 2012 the Office of Environment and Heritage initiated census work on Grey-headed flying-fox with the CSIRO, which is undertaken four times per year across Australia using a singular methodology. This work was due to report in 2016 and will provide an opportunity – and greater evidence - to review the status of the GHFF.

Caution is required in interpreting community perception that numbers have increased because as habitat availability declines, remnant vegetation within urban areas is an attractant, which results in increasing interactions with people. It may incorrectly be perceived that there has been an increase in bat populations as opposed to populations becoming more concentrated.

b) the interaction between the state and Commonwealth regulatory frameworks

As major land planners, land owners and land managers, councils are at the forefront of conservation management. Local government is often responsible for significant threatened populations, communities and their habitats, as identified in State and Commonwealth legislation. Any move to align State and Commonwealth regulatory frameworks and lists would be welcomed, so as to reduce duplication and clarify responsibilities.

To minimise disturbance and harm to flying-foxes, management activities are timed to avoid breeding cycles and episodic extreme weather events such as heat waves or occur when camps have no roosting animals. This approach means that an unpredictable, narrow window of opportunity exists to implement approved actions. Any works which may impact on this species requires approval from both state and federal governments. This creates a significant impediment to councils who wish to undertake management actions in order to provide relief to adjoining urban areas.

c) strategic approaches to managing species at a regional scale

LGNSW is supportive of strategic approaches to managing species at a regional scale, and we encourage the sharing of data and information, particularly for mobile species such as flying-foxes.

Through the NSW Flying-fox Grant Program, one regional project to date has been approved with the objectives of (i) creation of a regional Flying-fox Management Group to guide the project and ensure regional consideration of management actions (ii) development of a regional Flying-fox Camp Management Plan (CMP) Community Engagement Strategy framework encompassing a suite of engagement tools and training for Council staff to enable consistent and effective engagement to inform CMPs (iii) collation and validation of available data, updating flying-fox habitat and mapping of 11 Camps providing a regional context for alternative roosting and foraging sites and (iv) development of several camp management plans. The regional approach is intended to (a) facilitate a broad network of Flying-fox Managers (b) provide economies of scale on project activities and (c) ensure consistency during product development and significant cost effectiveness in development of Camp Management Plans. This project, due to be completed by June 2017, may be of future interest.

d) opportunities to streamline the regulation of flying-fox management

There remains a degree of uncertainty as to when licences are required for works adjacent to and within flying-fox camps. Many councils take considerable time and expense in preparing licence applications to state and federal jurisdictions only to be told licences are not required. Consideration should be given to placing a greater emphasis on flying-fox camp management plans, prepared in accordance with the existing OEH guidelines or a new national guideline with each plan approved by both OEH and Environment Australia. Legislation could consider allowing activities proposed in approved camp management plans to proceed without the need for certificates or referral under NSW legislation or the EPBC Act.

e) *the success or otherwise of management actions, such as dispersal of problematic flying-fox camps.*

LGNSW is aware of a number of historical and on-going studies and reports into flying-fox management, and we trust that relevant agencies and organisations are across this research. We understand that individual councils with particular experience, such as Eurobodalla Shire Council, will put forward a synopsis of current knowledge.

LGNSW member councils have indicated a range of challenges with flying-foxes of all species. There is often mixed community appreciation of the bats, and examples of inappropriate behaviour such as vandalism of important camps. Protecting high quality foraging habitat and roost sites against vandalism, habitat degradation caused by weeds, managing tree damage that may be a risk to life in high visitor localities, and exclusion of the public through temporary fencing for example, can be prohibitively expensive for councils. Financial support to assist in undertaking such activities is welcomed.

Certain flying-fox camps within urban settings, due to their locality in bushland or low numbers, have minimal human disturbance. Concern has been raised that activities to contain or disperse other camps across the state may lead to relatively harmless camps expanding and encroaching upon residents or the creation of tensions at localities as new camps are established. Dispersal activities are extremely expensive exercises – both to achieve dispersal and then maintain it - that appear to have uncertain outcomes. The creation of buffers between camps and concerned residents is seen as preferable to camp dispersal, with the use of dispersal only as a last resort after other options have been attempted.

The Flying-fox Grant Program is assisting NSW councils prepare camp management plans. At least 13 new flying-fox camp management plans for problematic camps will be prepared by June 2017. The Program is also assisting councils implement actions in approved camp management plans with activities including dispersal, the creation of buffers between camps and residents, trimming and removal of hazardous trees, weed management, revegetation, erosion control, community engagement and education and the provision of subsidies for a range of actions and materials such as cleaning, cleaning equipment, free access to high pressure cleaners, the provision of clothesline, car and boat covers, etc. that help reduce the impact of flying-foxes on adjacent communities.

A common element within these projects is community engagement and education. Community participation in developing and implementing management actions is important, as engaged communities educated on the important role the bats play in respect to ecosystem health tending to be much more tolerant of any inconvenience. Successful flying-fox management may come down to effective and timely community engagement, education and incentives prior to committing to on-ground activities.

An evaluation of the NSW Flying-fox Grant Program and its achievements is expected to be prepared by LGNSW and provided to the NSW Office of Environment and Heritage late 2017.

Yours sincerely

Donna Rygate
Chief Executive