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Flying-fox Camp Management Policy Review
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Draft Flying-fox Camp Management Policy 2014

As a community legal centre specialising in public interest environmental law, EDO NSW welcomes the opportunity to comment on the *Draft Flying-fox Camp Management Policy 2014 (draft policy)*.

The EDO NSW has been contacted by community members, local councils, and wildlife groups concerned about the management and protection of flying foxes in NSW over recent years. A common theme, in addition to concerns about the management of impacts on individual camps, is the management of cumulative impacts on populations from projects such as the Pacific Highway upgrade.

We therefore welcome a review of the policy, and reiterate our support for non-lethal methods of management for all three species of flying fox, as species protected by NSW and Commonwealth legislation.

At the outset, we note that the text of the draft policy, the diagram outlining the process in Appendix A of the draft policy, and the template document all have differing levels of detailed information on how the process is expected to work. As a result, it is difficult to know exactly how the policy is intended to apply. This should be clarified in the final policy.

We provide comment on the following five issues:

- Objectives
- Management outside urban areas
- Five year licensing and flexible management
- Standard conditions, and the
- Camp Management Plan Template

1. Objectives

The *Flying Fox Camp Management Policy 2007 (2007 policy)* regularly states that DECC does not generally support camp relocation. The key policy objective of the 2007 policy is:

“To assist DECC and others in managing flying-foxes and their camps in a manner that will ensure the maintenance of a network of flying-fox camps throughout their range, and the conservation of the flying-fox population.”

In comparison, the draft policy now promotes “camp dispersal” as a management method:

“Camp management plans will outline a set of camp management actions from low-impact activities - such as tree lopping to the creation and maintenance of buffers. Camp dispersal can be a successful way to remove impacts on local communities. Camp dispersal will be allowed in accordance with this policy and as part of an approved camp management plan.”

The draft policy therefore indicates a significant shift in priorities from maintaining a network of camps to minimising health impacts:

“The overriding purpose of this policy is to minimise health impacts of flying-fox camps on people. The policy will empower land managers, primarily local councils, to work with their communities to manage flying-fox camps effectively.”

However, the new focus on health impacts is inconsistent with best available science about the health impacts of flying foxes and the information currently provided on the OEH website that states:

“Flying-foxes pose no health risks unless you are bitten or scratched, so it is very important that you never handle them. Australian bat lyssavirus and Hendra virus are two diseases associated with flying-foxes. The risk of flying-foxes transmitting disease to humans is extremely low. Provided basic hygiene measures are taken there is no reason for the public to be concerned.”¹

Given the extremely health low risk posed by flying-foxes, EDO NSW submits it is appropriate for the Government to retain the primary objective of the 2007 policy, namely to maintain a network of flying-fox camps throughout their range, and the conservation of the flying-fox population.

EDO NSW also supports the retention of recommendations to consider existing camp locations in planning decisions. The draft policy states (p 11):

“The long term vision of the policy is to help ensure the conservation of flying-foxes by enabling land managers to establish and protect sufficient and appropriately located food supplies and roosting habitat while avoiding undesirable interactions with the community.”

However, there is nothing in the draft policy designed to proactively encourage conservation. The only information offered is:

¹ See: <http://www.environment.nsw.gov.au/animals/GreyheadedFlyingfox.htm>

“Research into appropriate site and species selection to establish alternative habitat for flying-foxes will commence in early 2015 and will include a map to identify priority areas for habitat creation.”

Given how little is currently known about what makes ‘good’ flying-fox habitat, this research is unlikely to yield significant benefits in the short-term.

Recommendation – We recommend that the policy must retain an objective to ensure the maintenance of a network of camps throughout their range, and to actively ensure the conservation of the flying fox population.

2. Management outside urban areas

The wording of the draft policy suggests that outside urban areas management of populations, including camp management or dispersal, may not be required and shooting will remain an acceptable management measure for at least three years from 1 July 2015:

“Outside of urban camp management, shooting to scare or kill animals may be authorised for orchardists in rural and peri-urban NSW.”

This is despite the fact that the Government has a significant netting policy that has been extended throughout NSW.²

The Government has stated.

“From July 2015, shooting licenses will only be issued in special circumstances. Regulation of shooting in such circumstances is guided by the NSW Government’s Policy and Procedural Guidelines for the Mitigation of Commercial Crop Damage by Flying-Foxes (2014).”

The draft policy reiterates the date but does not specify what constitutes a special circumstance. Special circumstances are also not defined in the *Policy and Procedural Guidelines for the Mitigation of Commercial Crop Damage by Flying-Foxes* (2014) which state:

“The installation of full-exclusion netting may not always be feasible. Feasibility considerations for landholders include economic factors and practical limitations due to topography, orchard lay out, tree size, or where the installation of netting represents an unwarranted response to the level of risk. In these circumstances the Office of Environment and Heritage (OEH) may issue licences to harm (by shooting) a limited number of adult flying-foxes.”³

EDO NSW is particularly concerned that the shooting of a protected species is to be considered acceptable where “the installation of netting represents an unwarranted response to the level of risk”. A clearer definition is “special circumstances” must be provided. There appears to be no requirement with the *Policy and Procedural Guidelines*

² See: <http://www.environment.nsw.gov.au/animals/EndToShooting.htm>

³ Available at: <http://www.environment.nsw.gov.au/resources/wildlifelicences/140480FlyfoxPol.pdf>

for the *Mitigation of Commercial Crop Damage by Flying-Foxes* (2014) to attempt other control measures before applying for a licence to shoot flying-foxes.

Recommendation – The policy must define what constitutes a ‘special circumstance’. The use of lethal measures is not supported by EDO NSW, and we recommend the policy reiterate the phase out of shooting licenses and only allow shooting as a measure of last resort.

3. *Five year licensing and flexible management*

A new aspect of the draft policy is that it “provide(s) options for land managers to obtain upfront five year licensing to improve flexibility in the management of flying-foxes”. The proposal is to allow camp management plans to integrate licencing and management. Licence decisions to allow harm will be based on the management plans and accompanying licence applications.

There is a clear hierarchy of actions established – routine camp management actions (level 1 actions), creation of buffers (level 2 actions), and camp disturbance or dispersal (level 3 actions).

Routine camp management actions (Level 1 actions)

Under the draft policy, routine management actions do not require education which was a key focus on the previous policy. The draft policy just ‘encourages’ community engagement and education (p 10).

Recommendation – Education on routine management should be a compulsory first step before any higher level activities are considered or permitted.

Creation of buffers (Level 2 actions)

The creation of buffers allows for two key activities – clearing and trimming of canopy trees and disturbance of animals. The scale of impacts from clearing will be determined by the definition of camp boundaries and if inappropriately managed, activities permitted under this category could clearly have a significant impact on the habitat. Further, there is no information on how disturbance impacts will be limited only to animals on the edge. Edge disturbance could potentially impact a significant number of animals in a camp.

Recommendation: The area that may be considered for clearing for buffers on a camp boundary should be clearly defined and disturbance of animals should be recognised as a level 3 activity.

Camp disturbance or dispersal (Level 3 actions)

The risks and challenges of attempting camp disturbance or dispersal are noted in the draft policy (p7), and dispersal is not recommended in certain circumstances. Camp management plans may include other triggers for suspending or terminating dispersal activities – such as “effectiveness or animal welfare” (p7).

Notwithstanding these limitations, as noted above in relation to ‘objectives’, camp dispersal is promoted in the draft policy.

The most significant flaw in the draft policy seems to be that there is no explicit requirement for 5 year management plans to attempt level 1 or level 2 activities before moving on to level 3 activities. While there is information on further consultation required before moving to level 3 activities in the template (noted below), there are no reporting or external review requirements to ensure that different stages are appropriately applied before more harmful activities are considered within the draft policy itself.

The only guidance provided on this is:

“OEH supports local government, public authority land managers and individual land holders to select the appropriate level of intervention for their situation.”

The higher levels of the diagram in Appendix A suggest that 5 year camp management plans will only be issued for level 1 and level 2 actions but this is not reflected in the text of the draft policy. However, lower in the diagram it is suggested that it is possible to move to level 3 actions within resubmitting a camp management plan.

Of greater concern is that it would appear that level 3 activities may be allowed under a camp management plan without the completion of a full species impact statement (SIS). This is inappropriate.

Recommendation - Attempting level 1 or 2 camp management activities before allowing level 3 activities should be mandatory for all camps where level 1 or 2 activities have not previously been attempted. Dispersal must be a last resort option.

Recommendation - Any dispersal attempts for at least the grey-headed flying fox must be considered a likely significant impact and require a SIS before a camp management plan is approved.

The draft policy states:

“OEH will provide support for land managers to expedite the development of plans at priority sites” without any information on what constitutes a priority site.

Recommendation - The policy must provide criteria on what will be considered as a priority site.

As noted, EDO NSW is concerned about the cumulative impacts of a series of individual management actions on camps. Adequate assessment is needed in relation to both potential impacts on individual camps, and in relation to cumulative impacts across flying fox populations.

Recommendation: EDO NSW recommends that the policy should provide further information on how cumulative impacts will be assessed.

4. Camp Management Plan Template

The template states:

“Applicants may choose to submit a Species Impact Statement under the Threatened Species Conservation Act with their Camp Management Plan if they wish. However, unless proposed camp management actions outlined in the Camp Management Plan are likely to have a significant effect on threatened species, populations or ecological communities, or the camp has been declared as critical habitat, this is not expected and is not necessary. If actions are likely to have a significant effect on threatened species, a Species Impact Statement will be required.”

Recommendation: EDO NSW recommends that any application for level 3 activities should be accompanied by an SIS.

The template also states:

“Further consultation with OEH regional staff will be required when the trigger for Level 3 camp management actions is reached. It is likely that the land manager will require a variation to their existing licence or a new licence.”

Recommendation: EDO NSW recommends that this should be mandatory and included in the policy.

The template states:

“**planning for Camp Management Actions:** include triggers that necessitate stopping the camp management actions and establishing animal welfare and environmental safeguards where applicable. Work with other councils and other residents if there may be impacts. Further guidance can be found in the Flying-fox Camp Management Policy 2014 and supporting resources.”

However, there is no further guidance in the policy and no supporting resources are yet available. These triggers are the key information required to understand the likely impacts of the policy.

Recommendation: EDO NSW recommends that further guidance and supporting resources are needed to define the triggers for actions and suspension of actions.

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Yours sincerely,
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