



EPBC Compliance Report 2019

East Gippsland Shire Council Poplar Removal Program – Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria
EPBC 2009/5017

Published: October 2020

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1.1 Document Control

This document will be subject to periodical review and revision.

Revision Number	Status	Author	Approver	Date
0	Initial Draft	KA	WR	26/10/2020
1	Final	KA	WR	26/10/2020

1.2 Table of Abbreviations

ABN	Australian Business Number
Department	Department of Environment and Energy
DELWP	Department of Environment, Land, Water and Planning
EGSC	East Gippsland Shire Council
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GHFF	Grey-headed Flying-fox
Plan	East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017)

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2. Introduction

This report has been prepared by East Gippsland Shire Council (EGSC) in relation to meeting Condition 9 of EPBC Approval 2009/5017 relating to the East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria.

Condition 9 states:

“Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of these conditions of the approval must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department within 48 hours of the non-compliance occurring.”

This report addresses compliance with the EPBC Act approval conditions for this project. A condition of the approvals was an approved Management Plan. This report also provides an update on deliverables within the Plan.

The project is based around removal of a number of White Poplar trees along the Mitchell River which are a campsite for the Grey-headed Flying-fox which is listed under the EPBC Act. The action was referred to the Federal Government in 2009 and approval received in 2014.

Table 1 - Description of Activities Summary

Description of Activities	
Organisation	East Gippsland Shire Council
EPBC Number	2009/5017
Project Name	East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) Summer Camp, Bairnsdale, Victoria (EPBC 2009/2017)

Approval Holder	East Gippsland Shire Council
ABN	81 957 967 765
Approved Action	To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provide a 'summer camp' roost site for Grey-headed Flying-foxes (<i>Pteropus poliocephalus</i>) in Bairnsdale, Victoria
Location of Project	Bairnsdale, Victoria, Australia
Reporting Period	22 July 2019 to 21 July 2020
Date of Report	26 October 2020

3. Compliance with Approval

Condition Reference	Condition attached to Approval	Is the project compliant with this condition?	Evidence/Comments
1	The person undertaking the action must not remove or adversely impact more than 0.5 hectares of Grey-headed Flying-fox habitat at the Mitchell River Roost Site.	Compliant.	This is an ongoing project, and the 0.5 hectares relates to area at completion of Stage 3. EGSC has not adversely impacted more than 0.5 hectares of GHFF habitat.
2	Prior to the removal of habitat the person taking the action must submit the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan to the Department for approval. The person taking the action must implement and comply with the approved Bairnsdale Grey-headed Flying-fox Site Strategic Management Action Plan.	Compliant.	The Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan was approved by the Department on the 14th of July 2015.
3a	The person undertaking the action must ensure that: Prior to the removal of habitat at the Mitchel River Roost Site a hotline with a dedicated contact phone number and email address is set up to respond to public enquires.	Compliant.	An EGSC number is available for contact 24 hours a day on (03) 51539500 with emergency contact available outside standard office hours for reports of injured Grey-headed Flying-fox, establishment of new camps or general concerns regarding Grey-headed Flying-fox. The email address feedback@egipps.vic.gov.au is monitored by staff Monday to Friday, between 8am and 5pm. Staff that operate this line have the contact details of Project Managers

			in an emergency situation, other queries will be responded to as per Council policy during working hours.
3b	Prior to the removal of habitat at the Mitchell River Roost Site the Wellington Shire Council is notified of the proposal and provided with contact details to respond to enquiries.	Compliant.	EGSC notified Wellington Shire Council through correspondence on the 10 th of September 2014.
3c	Undertake revegetation of long-term Grey-headed Flying-fox habitat within the Bairnsdale region, in accordance with expert advice on Grey-headed Flying-fox ecology, subject to negotiation with and approval by, the Department. If a long-term Grey-headed Flying-fox camp is not established within the Bairnsdale region, then revegetation or improvement of Grey-headed Flying-fox habitat within the Bairnsdale region must be undertaken.	Not Applicable.	EGSC has not undertaken revegetation as GHFF have not shown an inclination towards a possible area elsewhere in the Bairnsdale region. Further investigation will be ongoing over the project lifetime into appropriate areas for revegetation for GHFF, with expert advice and negotiation and approval by the Department.
3d	At least \$5,000 is spent on community education resources relating to Grey-headed Flying-fox, including, but not limited to, educational signage at a site of Grey-headed Flying-fox habitat within twelve months of the completion of Stage Three (as detailed in the Bairnsdale Grey-headed Flying-fox Site Strategic Management Action Plan).	Not Applicable.	This condition is not deliverable until 12 months after completion of Stage Three. However, interpretive signage has been placed at 2 of 3 planned locations currently.
4.	If the person proposes to undertake a dispersal then a management plan must be approved by the Minister's approval. The management plan must be approved by the Minister prior to the commencement of dispersal activities. At a minimum the plan must address:	Compliant.	EGSC have not undertaken a dispersal within the reporting period.

	<ul style="list-style-type: none"> a) Proposed methodology for dispersal; b) Potential direct, indirect, cumulative and facilitative impacts to Grey-headed Flying-fox from the proposed dispersal activity; c) The presence of pregnant Grey-headed Flying-fox; d) The presence of dependant young; e) A commitment that the dispersal will not be undertaken on a Hot Day or on or within two days of a Heat Stress Event; f) Proposed avoidance and mitigation measures addressing potential impacts to Grey-headed Flying-fox, which at a minimum must include, stop work triggers; and g) Monitoring and reporting protocols <p>Condition 4 does not apply to an emergency dispersal.</p>		<p>Actions undertaken during the period have not required any dispersal actions.</p>
5.	<p>The person undertaking the action may undertake an emergency dispersal. Unless otherwise negotiated with the Minister and approved, an emergency dispersal must be undertaken in accordance with the following requirements:</p> <ul style="list-style-type: none"> • A suitably qualified ecologist must be engaged to advise of best practice dispersal methodology; • During emergency dispersal a suitable qualified ecologist must be present to oversee best practice dispersal methodology, 	Compliant.	<p>East Gippsland Shire Council did not undertake an emergency dispersal within the reporting period.</p>

	<p>undertake behavioural monitoring and document the outcomes of the process;</p> <ul style="list-style-type: none"> • During emergency dispersal the person undertaking the action must comply with all the recommendations from a suitably qualified ecologist; • Emergency dispersal must not be undertaken between 1 August and 30 September; • For the period 1 October to 31 March in any given year, emergency dispersal activities must not be undertaken if flightless dependant young are present (as determined by a suitably qualified ecologist); • Emergency dispersal must be undertaken 1.5 hours pre-dawn and finish one hour post-dawn to ensure that Grey-headed Flying-fox have time to settle elsewhere before the heat of the day; • Emergency dispersal must not be undertaken on a Hot Day or on or within two days of a Heat Stress Event; • Once Grey-headed Flying-fox have not returned to the site of an emergency dispersal for 5 consecutive days and while absent from the site of an emergency dispersal, the person undertaking the action must implement passive measures; and • Within 5 days of the completion of the emergency dispersal, the person undertaking the action must submit a report to the Minister 		
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	detailing the dispersal methodology implemented and the outcome achieved.		
6.	<p>One month prior to the commencement of Stage Two (as detailed in the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan) and on the same date every subsequent year in which the removal of habitat or emergency dispersal occurs, the person taking the action must submit to the Minister a report that addresses the following:</p> <ul style="list-style-type: none"> a) Details of the activities undertaken that year relating to removal of habitat or emergency dispersal b) Details of the associated outcomes of these activities; c) The data collected (in accordance with these conditions of approval and the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan); d) Information about the health, condition and location of Grey-headed Flying-fox colonies in the Bairnsdale region; e) Details of how information gained has been incorporated into the future management of Grey-headed Flying-fox (adaptive management), including but not limited to, the future removal of habitat or dispersal activities associated with the action; f) Details of any activities planned to occur in the following year; 	Compliant.	East Gippsland Shire Council submitted this report to the Department on the 20 th September 2017. However, Stage Two works have not commenced.

	<p>g) Written and signed confirmation by a suitably qualified ecologist verifying the accuracy of the data, information, analysis and conclusions contained within the report; and</p> <p>h) Raw data must be made available to the Department on request.</p>		
7.	Five days prior to the commencement of the action, the person taking the action must advise the Department verbally and in writing of the actual date of commencement.	Compliant.	
8.	The person undertaking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department. Such records may be subject to an audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of the approval. Summaries of audits will be posted on the Department's website. The results of audit may also be publicised through the general media.	Compliant.	
9.	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of these	Compliant.	A Report on Conditions relating to EPBC Permit 2009/5017 – Grey-headed Flying-fox Roost Strategic Management Action Plan was sent via email to the Department on the 21 st of October 2019. Supporting evidence of publication was provided to the Department.

	conditions of the approval must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department within 48 hours of the non-compliance occurring.		
10.	Upon the direction of the Minister, the person taking the action must ensure that an independent audit if compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the report audit must address the criteria to the satisfaction of the Minister.	Not Applicable.	No direction has been received from the Minister in relation to Condition 10.
11.	If the person undertaking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified within the conditions, the person must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	Compliant.	

12.	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species or communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plans for the Ministers written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.	Not Applicable.	No direction has been received from the Minister in relation to Condition 12.
13.	If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person undertaking the action must not substantially commence the action without the written agreement of the Minister.	Not Applicable.	
14.	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one month of being approved.	Compliant.	The management plan is published on the EGSC website.

4. Implementation of Management Plan

This section provides information relating to the implementation of the Management Plan over the period of the report.

Completion of Stage One of the project has commenced with the delivery of a renewed walking path commenced within the 2018/2019 financial year. Construction of this pathway was completed end of August 2019, with surrounding revegetation actions commenced September 2019.

4.1 Monitoring

The Plan (Section 10.6,12.1) highlighted monitoring to occur for the following:

- Monthly counts;
- Post action monitoring;
- Any dispersal actions and associated risks;
- Assessment of welfare of GHFF in the region to determine a significant impact;
- Collation of information as to newly located and reported locations of GHFF occurrences and follow up consultation with Land Managers
- Levels of conflict with humans for newly reported sites through number of contacts received
- Any recorded monitoring undertaken to measure Key Performance Indicators

Monitoring has occurred during the reporting period by DELWP to record the number of GHFF onsite each month and identify any issues with the colony during occupation.

The colony returned to site in October 2019 in low numbers. EGSC or DELWP did not receive any reports of additional sites of ongoing occupation in new areas.

East Gippsland experienced hot weather in late December, and subsequent bushfire events across its municipality during this period. There were high temperatures impacting GHFF onsite which DELWP managed in relation to these impacts on GHFF and health of the colony.

Post bushfire, high numbers of GHFF remained onsite through Winter with numbers recorded of approximately 26,000 prior to end of June.

The monitoring regimes are based on a pattern of seasonal occupation when the Plan was completed and will need to be revised when the Plan is reviewed in the future.

4.2 Key Performance Indicators

Key performance indicators were monitored where applicable over the reporting period. These include

- Fragmentation of colony;
- Overcrowding;
- Disruption to the breeding cycle;
- Loss of roosting habitat;
- Behavioural changes;
- Unexpected responses from GHFF;
- Increased community intolerance;
- Inappropriate site occupation.

The colony at the Mitchell River occupied the typical roosting site and numbers remaining higher than previous years caused some extension into the wider typical area occupied. No isolated occurrences of GHFF were identified or reported to EGSC during the reporting period. Low numbers of heat-related deaths were notified to Council by DELWP following heat events end of December and January 2020. Given the bushfire situation at that time and response effort, Council were reliant on DELWP to provide response services for GHFF management.

Council is continuing to participate in an ARC-Linkage project where local residents have had opportunity for independent survey in relation to Flying-foxes which will give further information in relation to their relationships with Flying-foxes longer term.

4.3 Update on Stage One

With the departure of GHFF at the end of May 2019, EGSC moved toward delivery of the pathway within the Stage One area and works were completed whilst GHFF were absent from site. Some revegetation works were implemented adjacent to the pathway and completed before GHFF return to site, with the scheduled to be

completed in 2020 to take advantage of more appropriate revegetation weather conditions. Given high numbers of GHFF onsite during the 2019/2020 season these have been scheduled to be completed in 2021 to limit undue disturbance to the population whilst revegetation recovers in their broader feeding areas which have been burnt.

Stage Two works have not commenced. EGSC intended to act on identified hazard trees along the walkway with works halted before any action occurred. Council closed the pathway underneath hazard trees with the delivery of the alternative pathway in December 2019 to manage public risk to pedestrians.

5. Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both, I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:



Full Name:	Wayne Richards
Position:	Manager Community Facilities and Open Space
Organisation:	East Gippsland Shire Council
Date:	26 October 2020

Contact us

Telephone

Residents' Information Line: 1300 555 886 (business hours)

Citizen Service Centre: (03) 5153 9500 (business hours)

National Relay Service: 133 677

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Web www.eastgippsland.vic.gov.au

Email feedback@egipps.vic.gov.au

In person

Bairnsdale: 273 Main Street

Lakes Entrance: 18 Mechanics Street

Mallacoota: 70 Maurice Avenue

Omeo: 179 Day Avenue

Orbost: 1 Ruskin Street

Paynesville: 55 The Esplanade

Outreach Centres

Bendoc Outreach Centre -

18 Dowling Street

Buchan Resource Centre -

6 Centre Road

Cann River Community Centre -

Princes Highway

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