

FLYING FOX ROOST MANAGEMENT

STATEMENT OF MANAGEMENT INTENT

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PURPOSE

This Statement of Management Intent defines the responsibilities and obligations of Isaac Regional Council and other landholders regarding the management of flying foxes in the Isaac Urban Flying Fox Management Areas.

This Statement will be reviewed annually as per Council's Corporate Policy Framework and Guidelines.

BACKGROUND

In Queensland, the *Nature Conservation Act 1992* (NC Act) is the primary legislation that regulates flying-fox roost management. The Department of Environment and Science administers the NC Act and is responsible for the management and conservation of flying foxes in Queensland.

Two species of colonial flying foxes are known to occur within the Isaac Regional Council area; the little red flying foxes (*P. scapulatus*) and black flying foxes (*Pteropus alecto*). The grey-headed (*P. poliocephalus*) and spectacled flying foxes (*P. conspicillatus*) also have the potential to occur. All are native species protected under the State's *Nature Conservation Act 1992* with the grey-headed and spectacled flying fox also listed as Vulnerable species under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* affording them additional protection.

Actions involving flying fox roosts are controlled under Section 88C of the NC Act and the destruction of a roost is prohibited unless permitted under the NC Act. A flying fox roost is defined under the NC Act as a tree or other place where flying-foxes congregate from time to time for breeding or rearing their young. It is important to note that not all trees that contain flying foxes are roosts.

In 2020, the Department of Environment and Science released its *Interim policy for determining when a flying-fox congregation is regarded as flying-fox roost* under section 88C of the NC Act. This Interim Policy was released as a measure to assist in determining when a flying fox colony meets the definition in the NC Act. Flying Foxes themselves remain protected under Section 88 the NC Act from any threatening processes that may harm, kill or impair the wellbeing of an individual or colony regardless of roost status.

On 29 November 2013, the Queensland Government revised its approach to managing flying foxes. This included the introduction of an 'as-of-right' authority for local governments to manage and/or disperse flying fox roosts in Urban Flying Fox Management Areas in accordance with the *Code of Practice – Ecologically sustainable management of flying fox roosts*. It is important to note that this 'as-of-right' does not obligate local government to implement any approaches, however it does allow local government to manage and/or disperse flying fox roosts in certain circumstances without the need for a permit under the *Nature Conservation Act 1992*.

The Department of Environment and Science has also released Code of Practices to assist local government and private landowners to understand their statutory obligations under the NC Act:

- The *Code of Practice – Ecologically sustainable management of flying fox roosts* sets out how Local Government may manage roosts within the Urban Flying Fox Management Areas. Specifically, the *Code of Practice* prescribes how Councils may:
 - destroy a flying fox roost
 - drive away, or attempt to drive away, a flying fox from a flying fox roost, and
 - disturb a flying fox in a flying fox roost.

- The *Code of Practice – low impact activities affecting flying fox roosts* sets out how a private landowner may undertake low impact activities at a flying fox roost in accordance with section 61 of the *Nature Conservation (Animal) Regulation 2020*. Under this code, low impact activities are mulching, mowing or weeding under or near roost trees and/or minor trimming of roost trees, where the activities are not directed at destroying a flying fox roost, driving away, or attempting to drive away, a flying fox from a flying fox roost, or disturbing a flying fox in a flying fox roost.

It is important to note that neither code provides exemptions to other legislation and provisions that are likely to be relevant to flying fox management activities, such as the *Queensland Vegetation Management Act 1999*, *Fisheries Act 1994*, the *Federal Environment Protection and Biodiversity Conservation Act 1999* and various planning provisions.

As defined in the NC Act, significant penalties may apply for the unauthorised disturbance of a flying fox roost, attempting to destroy a flying fox roost and/or driving flying foxes away from a roost. It is important that before undertaking any activities that may impact a flying fox roost that land owners consult with the Department of Environment and Science to determine whether the impacted vegetation meets the definition of a roost and is subject to any further legislative requirements.

Typically, the approach that a local government adopts to the management of flying foxes in Urban Flying-fox Management Areas is set out in a Statement of Management Intent as a public record of the Council’s intentions. It is usual for a Statement of Management Intent to be adopted following a community engagement process.

URBAN FLYING FOX MANAGEMENT AREAS

The below map depicts the Urban Flying Fox Management Areas within the Isaac Regional Council local government area (indicated in blue) where Council’s ‘As of Right-Authority Notification’ applies.

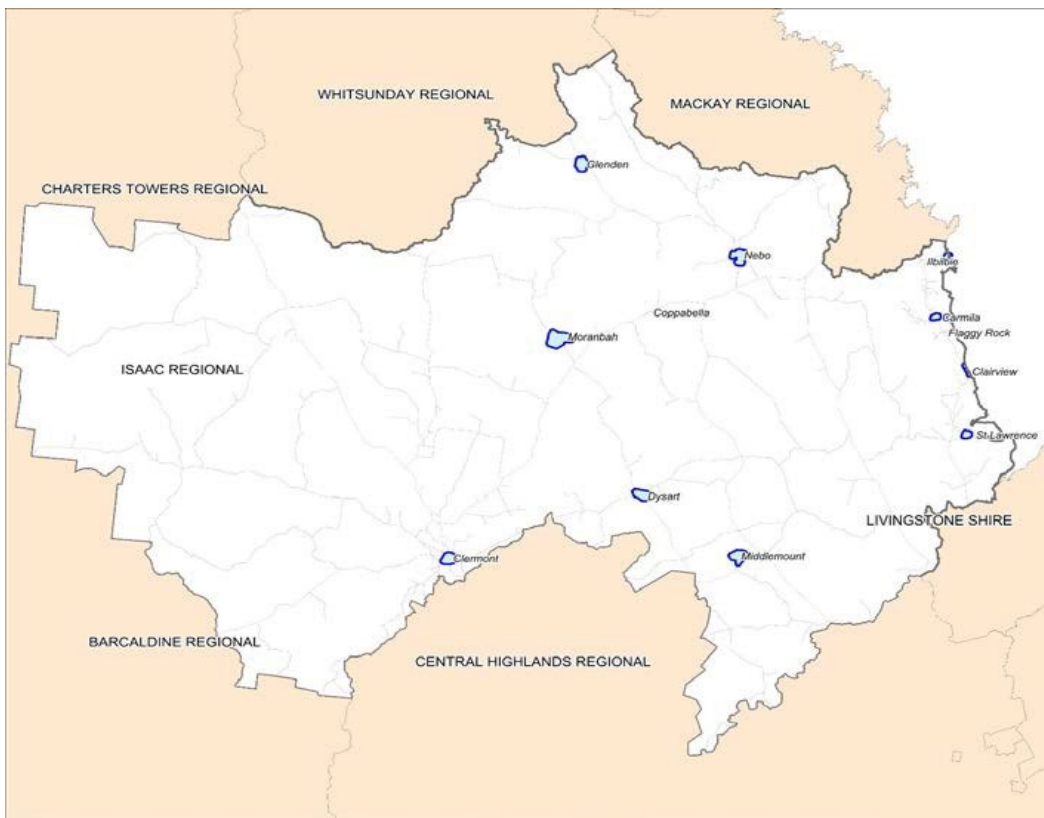


Figure 1: Isaac Regional Urban Flying Fox Management Area Map

MANAGEMENT APPROACH

Council recognizes the impacts that flying fox roosts can have on the community and is committed to a management approach which achieves a balance between reducing community impacts and the conservation and protection of these important native species.

A. State-controlled and Privately owned land

In keeping with the general principles of land ownership the management of flying foxes on non-Council controlled land is regarded as the responsibility of the landowner. This means that Council does not have any involvement in the direct management of flying fox populations that are located solely on private land or state land or a combination of the two. Anyone making an enquiry relating to flying foxes on non-Council land would be advised of Council's *Statement of Management Intent in relation to flying fox management* and will be directed to the Department of Environment and Science as a first point-of-call if they wish to act.

Council will still provide basic advice and information to the public regarding the appropriate management of flying foxes on non-council land and the impacts of actions on their neighborhood and broader community.

If it is determined by the Department of Environment and Science that landowners/residents have a 'roost' declared under the *Interim policy for determining when a flying-fox congregation is regarded as flying-fox roost* under section 88C of the *Nature Conservation Act 1992*, they can apply for a Flying Fox Roost Management Permit to undertake management actions on privately owned and State land. The landholders could also undertake low impact activities as stipulated under the *Code of Practice – Low impact activities affecting flying fox roosts*.

Principle of special circumstances

Isaac Regional Council may consider providing assistance to landholders to manage flying foxes on privately owned land under the following special circumstances.

- Flying foxes have only been located at the site for a short time, **and**
- The affected property is on land owned by a community organisation and is highly sensitive (kindergarten or childcare centre), or involves several intensively affected neighbouring private residences, **and**
- Early intervention is needed before a Flying Fox Roost Management Permit application is made by the landowner and approved, due to health and wellbeing concerns or significant damage to private property.

If all the above special circumstances apply, then Isaac Regional Council may choose to use its "As-Of-Right-Authority Notification", subject to the following conditions:

- Any and all costs associated with managing flying foxes must be agreed in advance between Isaac regional Council and the landowners and paid by the landowners.
- The landowners will undertake intervention options under the coordination and direction of Isaac Regional Council and in accordance with the *Code of Practice – Ecologically Sustainable Management of Flying Fox Roosts*.

If none of the above special circumstances apply, then the landowner is responsible for managing the flying foxes and their roosts and:

- Isaac Regional Council will direct the landowners to the Department of Environment and Science for advice on what actions they can legally undertake.
- Isaac Regional Council will offer advice on methods landowners and residents can undertake to make their properties less attractive to flying foxes and provide history and current trends of flying fox management in the Isaac Region to inform our residents and property owners.

- All land landowners can undertake low impact activities at flying fox roosts, in accordance with the *Code of Practice – Low Impact Activities Affecting Flying Fox Roosts* and within the legislative framework of the *Nature Conservation Act 1992*.
- Landowners determined to have a roost by the Queensland Government's Department of Environment and Science may apply to undertake higher impact activities through a Flying Fox Roost Management Permit.

B. Council owned and/or controlled land

Isaac Regional Council is responsible for the management of Flying Foxes and Flying Fox roosts only on the land owned and managed by Isaac Regional Council.

Council acknowledges the Queensland Government as a primary partner in managing Flying Fox populations and would work with guidance from the Queensland Government when undertaking any management actions. All management actions undertaken at Flying Fox roosts would comply with the prescribed methods outlined in the *Code of Practice – Ecologically Sustainable Management of Flying fox Roosts* and within the legislative framework of the *Nature Conservation Act 1992*.

Due to the complex nature of Flying Fox management, Isaac Regional Council will consider the following factors to determine if the management of Flying Foxes in any specific situation is viable for interventions on Council owned land.

- Proximity of the flying Fox Roosts to residential dwellings or sensitive areas (including schools, kindergarten, childcare centres, parks, and aged care centres)
- The number and species in the roosts.
- Whether the Flying Foxes are breeding or rearing young.
- The health status of the Flying Foxes.
- The number of years the flying foxes have used the roost site.
- The capability of Council to comply with legislative requirements.
- The level of risk to human health, safety or wellbeing.
- The cost to Council from management actions.
- If the roosts are not solely on Council land, consent to manage flying foxes must be provided by all landowners and cost recovery agreed.
- Likelihood of success of management options.
- Whether the flying foxes could be dispersed to another council owned site, without adversely impacting that site.
- Whether good outcomes can be achieved with low or medium intervention options.
- The likelihood of flying foxes relocating to another site which causes further community concern.
- Whether Council can provide alternate methods of assistance to affected properties.

Any decision on the management of Flying Foxes will only be made based on a business case that addresses all the above factors.

Intervention options

Isaac Regional Council may utilise any combination of the intervention options in managing Flying Foxes. Isaac Regional Council is committed to “Best Practice” in the management of Flying Foxes and will consider all new science and technologies.

1. Low intervention options
 - a. Education and information sharing to residents.
 - b. Monitoring of the roost and animals.
 - c. Isolation of roosts to minimise disruption to flying fox roosts.
2. Medium intervention options
 - a. Creating buffers and nudging flying foxes away from part of the roost in accordance with the Code of Practice – Ecologically Sustainable Management of Flying Fox Roosts.
 - b. Creation of Roost Management Plans
3. Medium-high intervention options
 - a. Dispersal by removing vegetation concern in accordance with the Code of Practice – Ecologically Sustainable Management of Flying Fox Roosts.
4. High intervention options
 - a. Dispersal by creating disturbance in accordance with the Code of Practice – Ecologically Sustainable Management of Flying Fox Roosts.

Note: Isaac Regional Council has previously undertaken large scale dispersals on behalf of residents and landowners within our Urban Flying Fox Management Areas. These dispersals were largely ineffective, came at a significant financial cost and could not be delivered equitably across all the region’s Urban Flying Fox Management Areas. These historic dispersals also often resulted in the shifting of flying foxes from their original camps to other properties which were previously unimpacted by flying foxes. Council ceased undertaking dispersals in 2017 due to these unsuccessful outcomes and does not currently support high intervention dispersals (subject to special circumstance as detailed under Section B).

High intervention dispersals have been attempted across multiple Local Governments in Australia with limited success. Council continues to follow current scientific research and remains in contact with other Local Governments in Queensland to understand best-practice management practices and opportunities to replicate these in the Isaac Region’s Urban Flying Fox Management Areas.

To date, pro-active vegetation management by residents and landowners has proven the most effective tool in the Isaac Region in deterring flying foxes from congregating in private yards and is encouraged as best-practice.

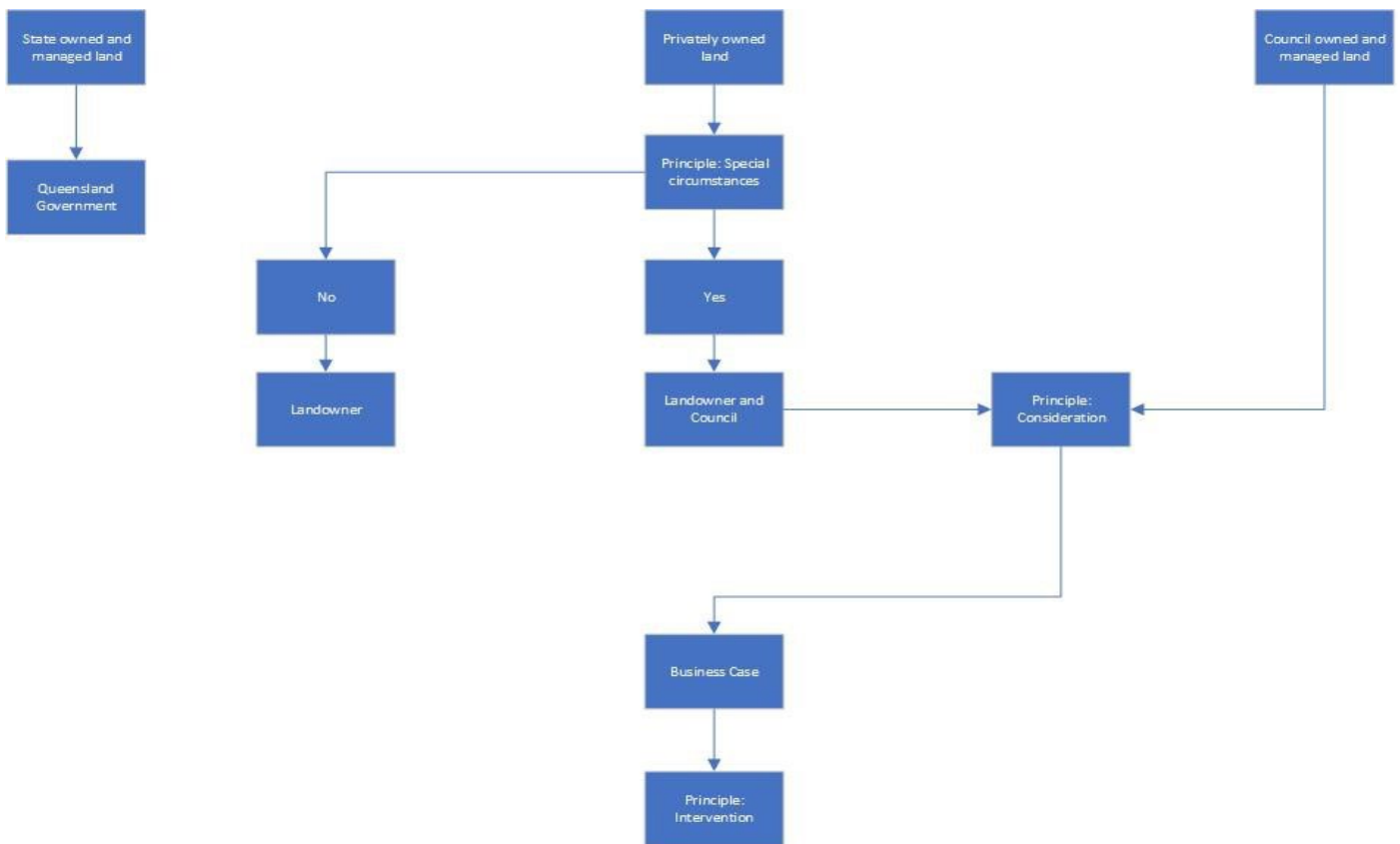



Figure 2: Flow chart for decision making of council intervention

FURTHER INFORMATION FOR RESIDENTS

Residents are invited to note that their activities that result in the disturbance of flying fox camps or roosts may contravene the *Nature Conservation Act 1992*, *Environmental Protection and Biodiversity Conservation Act 1999* and/or *Animal Care and Protection Act 2001* and result in possible prosecution by the Queensland Government. Low impact activities (such as mulching, mowing or weeding) can be undertaken near flying fox roosts where the activities are not directed at destroying the roost or disturbing the animals. These activities must be undertaken in accordance with the 'Code of Practice – Low impact activities affecting flying fox roosts' under the *Nature Conservation Act 1992*. For further information on the Code of Practice see https://www.qld.gov.au/data/assets/pdf_file/0008/221021/cp-wl-ff-roost-management.pdf

Management of roosts on privately owned land remains the responsibility of the landowner. Whilst there are legal considerations in managing flying foxes, residents and landowners still have avenues of management they can explore. Contacting the Department of Environment and Science who administer the *Nature Conservation Act 1992* to discuss their management alternatives will reduce their risk in undertaking an illegal action.

If a resident is concerned about flying foxes on private land or the property falls outside of Isaac Regional Council Urban Flying Fox Management Areas, residents can apply for a roost management permit. Anyone approved by the Department of Environment and Science *Code of Practice – Ecologically sustainable management of flying fox* ^[OBJ], which is available at the following ^[OBJ] <https://www.qld.gov.au/environment/plants-animals/animals/living-with/bats/flying-foxes/managing-impacts-of-flying-foxes/authorised-flying-fox-roost-management>.



You can learn more about Hendra virus and Lyssavirus by visiting and searching the following websites:
Queensland Health – <https://www.health.qld.gov.au/> or Biosecurity Queensland -
<https://www.business.qld.gov.au/>

Should residents wish to find out more, they can browse the Department of Environment and Science website – <https://www.des.qld.gov.au/> or contact Council directly with any questions or concerns in relation to the above information.