

Threatened Species Licence

Biodiversity Conservation Act 2016



Threatened species licence, a class of biodiversity conservation licence under Part 2 of the *Biodiversity Conservation Act 2016*, to:

- **harm or pick a threatened species, threatened ecological community or protected plant or animal**
- **and/or damage habitat of a threatened species or threatened ecological community**

Licence No.: C0004845

Date Granted: 11 June 2019

Date of Expiry: 31 December 2024

Granted To:

Wollondilly Shire Council

ABN: 93 723 245 808

62-64 Menangle Street

Picton NSW 2571

DESCRIPTION OF PROPOSED ACT

Implement buffers by removing weeds, and possibly crown lifting native vegetation, between the Stonequarry Creek flying-fox camp and the houses along Lumsdaine Street and Campbell Street, north of Victoria Bridge in Picton. The location and extent of the buffers are shown in Map 4 'Potential management areas' of the *Stonequarry Creek, Picton, Grey-headed Flying-fox Camp Management Plan* (Wollondilly Shire Council, 2018).

RELEVANT CONDITIONS

Prior to works commencing

1. Prior to works commencing, the flying-fox camp must be mapped showing key features, camp boundary, area of occupation by flying-foxes and any other relevant information. This mapping must include the composition and structure of the vegetation (including the spatial extent of weeds) in and around the camp.
2. Prior to works commencing, a flying-fox expert must be engaged. They must demonstrate all of the essential skills and experience listed in 'Appendix 1: Expert assessment requirements' of the *Flying-fox Camp Management Plan Template* (OEH 2016). They must also be ABLV-vaccinated and be trained in flying-fox rescue.
3. Prior to works commencing each year, the flying-fox expert (refer to condition 2) must carry out a population assessment of the camp to determine: the number of each species present; the ratio of females in the final trimester; the approximate age of any pups present, and whether they are attached or likely to be crèched; a visual health assessment; and mortalities. This must be provided to OEH within six weeks of being completed.

Threatened Species Licence

Biodiversity Conservation Act 2016



4. Prior to works commencing, Council must develop a procedure for flying-fox rescue, in accordance with the *NSW Code of Practice for Injured, Sick and Orphaned Flying Foxes* (OEH 2012). It must be made available before works begin to all relevant staff, contractors, volunteers and local residents.
5. Residents adjacent to the work site must be notified one week prior to the works commencing for the year. This must include: relevant Council contact details; information on what to do if an injured or orphaned flying-fox is observed; a reminder not to participate in or interfere with the program; and details on how to report unusual flying-fox behaviour/daytime sightings. This information must also be placed on Council's website.

Carrying out of works

6. Works are to be carried out from May to July, when Grey-headed Flying-fox numbers are at their lowest and in the absence of critical phases of their reproductive cycle. Works may also be carried out during August to October if the camp is empty, or if the works are located at least 30 m away from flying-foxes; works must not occur in August, September or October if any female is in their final trimester or if birthing is occurring within the camp.
7. The flying-fox expert (refer to condition 2) must be present at all times during the works, except when the camp is empty.
8. The flying-fox expert (refer to condition 2) must monitor and record the welfare triggers and signs listed in Table 1 below and works must be directed in accordance with the actions listed in Table 1 below.
9. If a flying-fox is killed or injured as a result of the works, then works must stop immediately and be reassessed in consultation with OEH.
10. Anyone carrying out fauna rescue for the works must be appropriately vaccinated to handle flying-foxes. Everyone else involved with the works must be informed that any sick, injured or dead flying-foxes must not be handled, and to alert the flying-fox expert (refer to condition 2) immediately.
11. The minimum workplace health and safety requirements, as identified by the *Flying-fox Camp Management Plan Template* (OEH 2016), must be met.
12. Works must not take place when there is a severe weather warning or severe thunderstorm warning issued by the Bureau of Meteorology for the Illawarra forecast district, or when the temperature is predicted to reach or exceed 35°C at Camden. Works must be postponed for one day following a day that reaches or exceeds 35°C at Camden.
13. Works must not occur during or within 21 days of the end of a heat stress event, which is a day or period of days where the maximum temperature at Camden is, or is predicted to exceed, 38°C. A heat stress event ends when the maximum temperature remains below 38°C for 48 consecutive hours.
14. Weed removal must be carried out by qualified bush regenerators that have, as a minimum, a Certificate IV in Conservation and Land Management. The crown lifting of native vegetation must be carried out by an arborist with a minimum qualification of Certificate III in Horticulture (Arboriculture), with the works being carried out according to Australian Standard AS 4373-2007 (Pruning of Amenity Trees). Best practice techniques must be used for all works to avoid impacting flying-foxes and their remaining habitat.

Threatened Species Licence

Biodiversity Conservation Act 2016



15. No works will occur within 30 m of roosting flying-foxes. Vegetation with roosting flying-foxes will not be removed or modified.
16. Power tools may be used for weed removal if the camp is empty, otherwise manual techniques must be used.
17. Chain saws may be used for the crown lifting of native vegetation. Chain saws are to be started away from roosts and run for a short time to allow the flying-foxes to adjust. Works must be directed in accordance with condition 8 at all times.
18. No branches can be removed from native vegetation if they have hollows.
19. Vegetation chipping must be carried out at least 100 m away from roosting flying-foxes.
20. A map showing where weed removal and crown lifting have occurred must be made and updated as works progress. A copy of this map must be provided to OEH at the end of each year's work.
21. The proposed works may impact the microclimate of the site and may increase the risk of heat stress for the flying-foxes. If the flying-fox expert (refer to condition 2) believes this has occurred, then Council will need to ameliorate this e.g. by planting appropriate understorey species.
22. The Environment Line (131 555 or info@environment.nsw.gov.au) must be notified at least 24 hours before works are scheduled to occur.

Reporting requirements

23. In conjunction with the quarterly monitoring that already takes place by Council staff (to count the number of flying-foxes occurring within the camp throughout the year) the flying-fox expert (refer to condition 2) must carry out a population assessment of the camp to determine changes in: the number of each species present; the ratio of females in the final trimester; the approximate age of any pups present, and whether they are attached or likely to be crèched; a visual health assessment; and mortalities. This will occur over the period the works are carried out, and during the 12 months following completion of the works. These population assessment reports must be provided quarterly to OEH within six weeks of each assessment.
24. The population assessment reports (refer to condition 23) must be accompanied by: any information on new camps that Council is aware of, that have established after the works have occurred; a summary of any responses to, or complaints about the works, by local residents; and details of any revegetation that is carried out.

Threatened Species Licence

Biodiversity Conservation Act 2016



Table 1: Planned action for potential impacts during management. The flying-fox expert (refer to condition 2) will monitor the welfare triggers and signs listed below, with works being directed in accordance with the actions listed below (adapted from Table 5 of the *Flying-fox Camp Management Plan Template* (OEH 2016)).

Welfare trigger	Signs	Action
Unacceptable levels of stress	If any individual is observed: <ul style="list-style-type: none"> • panting • saliva spreading • located on or within 2 m of the ground 	Works to cease for the day.
Fatigue	<ul style="list-style-type: none"> • more than 30% of the camp takes flight • individuals are in flight for more than 5 minutes • flying-foxes appear to be leaving the camp 	Works to cease and recommence only when flying-foxes have settled / move to alternative locations at least 30 m from roosting animals.
Injury/death	<ul style="list-style-type: none"> • a flying-fox appears to have been injured/killed on site (including aborted fetuses) • females in final trimester • dependent/crèching young present • loss of condition evident 	Works to cease immediately and OEH notified AND rescheduled OR In consultation with OEH, be adapted sufficiently so that significant impacts (e.g. death/injury) are highly unlikely to occur, as confirmed by the flying-fox expert (refer to condition 2)

Note it is an offence under s2.14(4) of the *Biodiversity Conservation Act 2016* to breach a condition of a licence.

S. Burke 11/6/19

SARAH BURKE

A/Senior Team Leader, Compliance and Regulation

Greater Sydney Branch

(by Delegation)