



Threatened Species Licence  
Application No. A02253-2018  
Licence No. C0003444

Your reference :  
Our reference : DOC18/311067  
Licence no. : C0003444  
Contact : Damon Oliver, 6229 7112

Deb Lenson  
Divisional Manager, Environmental Services  
Eurobodalla Shire Council  
PO Box 99  
MORUYA NSW 2537

Dear Ms Lenson

**RE: Threatened Species Licence to disperse Grey-headed Flying-fox camps at Batemans Bay**


I refer to your application to the Office of Environment and Heritage (OEH) dated 14 March 2018 for a Threatened Species Licence, a class of biodiversity conservation licence under Part 2 of the *Biodiversity Conservation Act 2016 (BC Act)*, to undertake dispersal of Grey-headed Flying-fox camps at Batemans Bay. This application is to extend the approval under the current Section 95 Certificate (C001958), which expires on 30 June 2018.

OEH understands that this activity, if required, will be undertaken at appropriate times between 1 July 2018 and 30 June 2023. The main dispersal locations within Batemans Bay are the Water Gardens Reserve, Catalina Lake and the Catalina Country Club. Dispersal of Grey-headed Flying-foxes may also be required at other locations within the Batemans Bay area, including splinter camps that form as part of dispersing flying-foxes from the three main localities. These activities are to reduce the impacts of Grey-headed Flying-foxes on the urban residents in proximity to these camps.

I have assessed your licence application in accordance with the provisions of the BC Act and the *Biodiversity Conservation Regulation 2017* and determined that a Threatened Species Licence should be granted for the proposed action. A copy of your new biodiversity conservation licence is enclosed. Please note that your licence is subject to conditions. These conditions are outlined in the licence. It is an offence under s2.14(4) of the BC Act to breach a condition of a licence.

If you have any further questions regarding this matter, please contact Damon Oliver on (02) 6229 7112.

Yours sincerely

 18/05/2018

MICHAEL SAXON

Director, South East Branch

OEH Regional Operations Division

# 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 or ecological community**

**Licence No.:**

**Date Granted:** 18 May 2018

**Date of Expiry:** 30 June 2023

**Granted To:**

Deb Lenson

Divisional Manager

Environmental Services

Eurobodalla Shire Council

PO Box 99

MORUYA NSW 2537

## **Relevant Conditions**

This Threatened Species Licence is issued subject to the conditions below.

Note: These conditions are consistent with the intent of the guidelines, stop work triggers and rest requirements in the *NSW Flying-fox Camp Management Plan Template 2016*.

1. The dispersal must be carried out in accordance with the report 'Eco Logical Australia 2016. *Batemans Bay Flying-fox Camp Dispersal Plan 2016-2019*. Prepared for Eurobodalla Shire Council', dated 7 June 2015 (the **Dispersal Plan**) and the Threatened Species Licence application to carry out the dispersal activities, received on 14 March 2018. Unless specified otherwise, all terms used in this certificate have the same meaning as in the Dispersal Plan. Where there is an inconsistency between the Dispersal Plan and these conditions, these conditions prevail.

2. Dispersal activities must not occur:

- a) where there are females in the last trimester of pregnancy or they are visibly pregnant, birthing or lactating females, or dependent (including crèched) young, present.
- b) during or immediately after extreme weather events, severe weather events (being weather events for which a Severe Weather Warning is issued by the Bureau of Meteorology) or climatic extremes (for example, temperatures above 38 degrees Celsius),
- c) during any period of food stress or when flying-foxes are malnourished,

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- d) if any animal welfare trigger occurs on more than two days during a period of primary dispersal activity, being the following triggers:
    - (i) unacceptable levels of stress (any individual flying-fox panting, saliva spreading, located on or within 2 m of the ground),
    - (ii) fatigue (low flying, laboured flight, settling despite dispersal efforts),
  - e) if injury or death of flying-foxes occur (that is, a flying-fox appears to have been injured or killed on site (including aborted fetuses) during dispersal, or a flying-fox death is reported within a kilometre of the dispersal sites that appears to be related to the dispersal, when loss of body condition is evident),
  - f) if multiple aborted fetuses are observed at or within a kilometre of the dispersal sites,
  - g) if there is ongoing proliferation of splinter camps in inappropriate locations,
3. If dispersal is suspended for any of the reasons listed above, it may only resume upon obtaining agreement from OEHS:
  4. A flying-fox rest day, that is, a continuous 24 hour period when no dispersal activities occur, must take place at least once each week.
  5. Dispersal activities may continue for up to a total of 2.5 hours in a 12 hour period. Activities may take place over two or more periods but such periods must not total more than 2.5 hours in a 12 hour period.
  6. Dispersal is not to continue past sunrise, except for secondary activities which are carried out for the purposes of preventing flying-foxes from returning to inappropriate locations. Inappropriate locations do not include existing camps.
  7. Secondary dispersal past sunrise from highly problematic locations (defined as within 5 metres of dwellings) within existing camps may occur with the permission of OEHS.
  8. The duration of both primary and secondary dispersal activities each day must be minimised.
  9. An area within the camp must be designated as a rest area for flying-foxes during dispersal activities, before any such activities commence. No dispersal activities may take place within the rest area.

Note: the rest area may be progressively reduced in size over time, unless the nominated flying-fox expert justifies a reason not to do so.
  10. If the number of flying-foxes being taken into care increases or showing signs of stress increases, dispersal activities must be suspended and the holder must obtain OEHS's agreement before dispersal activities continue.
  11. At least one person experienced in dispersal, vaccinated against Australian Bat Lyssavirus, and able to rescue flying-foxes, is to be present at all locations where dispersal activities are being carried out, at all times while those activities are being carried out.

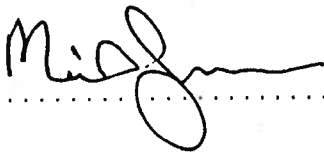
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12. A flying-fox expert, being an expert nominated by the holder and approved by OEH prior to any dispersal activities commencing, must attend daily at the site where dispersal activities are being carried out.
13. Primary dispersal activities are only to be undertaken between 1 May and 31 July each year.
14. Following agreement with OEH, maintenance dispersal at existing camps or dispersal of any splinter camps may occur after the 31 July 2016 if:
  - a) the initial dispersal at the location where the maintenance dispersal is proposed has been successful,
  - b) appropriate mitigation measures are in place, and
  - c) malnourished individuals or dependent or crèched young are not present.
15. Monitoring records are to be completed consistent with the templates in the *OEH Flying-fox Monitoring Data Sheet* and provided to OEH weekly as part of the reporting requirements described below.
16. Brief reports of dispersal activities and their outcomes, key issues encountered, and maps of the camp extent including splinter camps are to be provided to OEH each week during the dispersal activities.

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

 18/05/2018

**MICHAEL SAXON**  
**Director, South East Branch**  
**OEH Regional Operations Division**  
(by Delegation)