



Our Ref: DOC16/507915  
Your Ref: Mullumbimby Flying-fox Camp

General Manager  
Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2482

Attention: Greg Shanahan

Dear Mr Gainger

**Re: Request for OEH Comments - Mullumbimby Flying-fox Camp Management Actions**

Thank you for your e-mail dated 4 October 2016 about the Mullumbimby Flying-fox Camp Management Actions document (actions document) seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

We understand that our comments will inform amendments to the current actions document to transition to a Flying-fox Camp Management Plan (FFCMP) for this colony under the OEH guidelines, policies and FFCMP template. The OEH has reviewed the actions document provided and detailed comments are provided in **Attachment 1** to this letter.

In summary, although the actions document partially complies with the content and structure of a FFCMP, it is limited in some of the essential detail. These limitations relate in part to the transition from an operational document to a structured management plan. In order to accord with the FFCMP template, more information is required as set out in our attached comments.

If the limitations of the current actions document are addressed in accordance with our attached comments, then the document could transition to a FFCMP.

If you require any further information or assistance in the development of this FFCMP or support in the development of future plans for other identified camps please contact Ms Rachel Binskin, Regional Operations Officer, Regional Operations, OEH, on 6659 8247 or at [rachel.binskin@environment.nsw.gov.au](mailto:rachel.binskin@environment.nsw.gov.au).

Yours sincerely

*Dimitri Young* 16 November 2016

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Region**  
**Regional Operations**

Enclosure: Attachment 1 – Detailed OEH Comments – Mullumbimby Flying-fox Camp Management Actions

## **Attachment 1: Detailed OEH Comments - Mullumbimby Flying-fox Camp Management Actions**

The OEH has reviewed the actions document provided. We understand that these comments will inform amendments to the current actions document to deliver a Flying-fox Camp Management Plan (FFCMP) for this colony under the OEH guidelines, policies and FFCMP template.

Although the actions document partially complies with the content and structure of a FFCMP, further information is required as set out below (under the headings as referenced below in the FFCMP template) to allow the document to transition to a FFCMP.

### Objectives (Section 1.1 – Overview)

The document's operational timeframe is currently detailed in the objectives and linked to the three year implementation of actions. Under the FFCMP a suitable operational period should consider all relevant actions and possible approval timeframes.

As outlined in past OEH advice to the council the objectives should focus on site specific management issues, such as minimising impacts on the community, protecting the long-term viability of the flying-fox camp, improving community education and managing public health and safety concerns.

### Land tenure (Section 2.2 – Context)

The management arrangements within each of the land tenures and the role / application of the FFCMP should be clarified.

### Community Engagement (Section 3)

A Community Engagement Section should be included as per Part 3 of the FFCMP Template to assist in providing a more robust community engagement framework with stakeholder representation and wider community input. Community engagement would also include public consultation and exhibition processes of draft documents and plans, to ensure transparency as part of the FFCMP development.

### Legal operation of the plan (Section 4)

The intended delivery mechanisms for the FFCMP and the approval pathways selected should be detailed. In particular, the interactions between Parts 4 or 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and s91 of the *Threatened Species Conservation Act 1995*.

### Ecological Values of the Site (Section 5)

Part 5 Other Ecological Values of the Site (FFCMP template) provides for clear identification of the site's other values such as, ecological communities, threatened or significant species and their habitat. The action document identifies two threatened flora onsite and one endangered ecological community, however no details of flora and fauna surveys are noted. In transition to a FFCMP a more formal assessment and/or survey for threatened, rare or significant flora/fauna and endangered ecological communities is required. The FFCMP should also present a summary of methodologies and limitations of the assessment.

### Camp Management Options (Section 8.1 Level 1 /8.2 Level 2)

The actions document indicates that short term actions will be implemented before long-term planning for the camp is decided. In accordance with Part 8 Camp Management Options (FFCMP template) it is important to consider long-term management goals for the camp first before identifying the necessary actions to achieve those goals. The FFCMP should consider a more holistic view for in-situ management of the camp in perpetuity, which appears to be the stated intent of the actions document.

As part of an FFCMP it is imperative that all actions (current and considered) are documented. The OEH recommends that the council considers the Level 1 actions listed in the template for inclusion in the plan, if relevant to the site.

The Level 2 actions listed in the actions document do not currently specify direct impacts of the proposed works on identified biodiversity values. It is essential that the impacts of proposed Level 2 management actions be assessed as part of a FFCMP. This assessment would require information on the types of works, biodiversity values present, levels of impact, avoidance/mitigation strategies employed, and offsetting required, these should be clearly documented in the FFCMP.

Planned Management Approach (Section 9)

Table 4/Section 9 of the FFCMP Template should be included in regards to Level 1 and 2 actions.

Assessment of Impacts to Flying-foxes & other ecological values (Section 10/Section 11)

An assessment of the impacts of the proposed management actions on flying-foxes and other ecological values should be provided in the FFCMP. For threatened species, populations, ecological communities, or their habitats, this should include an assessment of significance under section 5A of the *Environmental Planning and Assessment Act 1979*.

Evaluation and Review (Section 12)

The FFCMP should include a schedule of review, including an evaluation of management actions and their performance criteria as part of the Planned Management Approach.

Plan Administration (Section 13)

The FFCMP administration requires set responsibilities in the plan's performance and implementation. An important element of this section is the adaptive management, which allows identification of contingencies and possible management pathways for site issues and emergency responses e.g. an influx of Little Red Flying-foxes at the site.