



LATE ITEMS ORDINARY MEETING

AGENDA

11 FEBRUARY 2014

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 11 February 2014 commencing at 10:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
10 February 2014

Next Meeting Date: 11.03.14

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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10 COUNCILLOR/DELEGATE REPORTS**10.5 LEAVE OF ABSENCE - COUNCILLOR GREG BELZ - 26 FEBRUARY 2014**

File No: 10072
Attachments: Nil
Responsible Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Greg Belz seeking Leave of Absence for 26 February 2014.

OFFICER'S RECOMMENDATION

THAT leave of absence be granted for Councillor Greg Belz for 26 February 2014

BACKGROUND

Councillor Greg Belz has advised the Chief Executive Officer that he requires Leave of Absence for Wednesday 26 February 2014.

11 OFFICERS' REPORTS

11.3 FLYING-FOX ROOST MANAGEMENT - KABRA ROOST

File No:	3247
Attachments:	1. Flying-Fox Roost Map as at 5 February 2014 2. Urban Flying-Fox Management Area
Responsible Officer:	Evan Pardon - Chief Executive Officer
Author:	Michael Rowe - General Manager Community Services

SUMMARY

General Manager Community Services seeking Council direction regarding lodgement of Flying-Fox Roost Management Permit in the Kabra locality.

OFFICER'S RECOMMENDATION

THAT Council facilitate the administrative co-ordination of a Flying-Fox Roost Management Permit (FFRMP) in the Kabra locality only if the following conditions are agreed prior to the lodgement of that permit:

- (1) Full cost recovery for all aspects other than administrative co-ordination of the FFRMP
- (2) State government contribution towards the application for and implementation of the FFRMP commensurate with the density of the roost population and area of the roost on the unallocated state government.
- (3) Consensus between impacted private landholders to contribute towards the application for and implementation of the FFRMP commensurate with the density of the roost population and area of the roost on private land.
- (4) Acceptance by the impacted parties that post-dispersal migration may result in further costs should the roost re-locate within UFFMA or non-UFFMA whereby complaint arises.

COMMENTARY

In November 2013, the Queensland Government introduced a new approach to Flying-Fox roost management that empowers local governments to make decisions about how to best manage individual flying-fox roosts in urban areas and authorizes them to act on these decisions without the need for a permit under the Nature Conservation Act 1992.

Essentially Local Governments are now authorized as-of-right to manage, including disperse, flying-fox roosts in defined urban areas – referred to as urban flying-fox management areas (UFFMA) – with the as-of-right management activities limited to non-lethal methods taken in accordance with a Code of Practice – Ecologically Sustainable Management of Flying-Fox Roosts.

Local Governments wishing to conduct non-code compliant activities within a UFFMA or manage a roost outside of the UFFMA are required to obtain a Flying-Fox Roost Management Permit (FFRMP) from the Department of Environment and Heritage Protection.

Individual property owners outside a UFFMA must apply for a permit (FFRMP).

Further, it has been foreshadowed that legislation requiring a Local Government to prepare a Statement of Management Intent for roost management in its UFFMA in regards to existing and new roosts and encourage the State Government desired outcome of a Flying-Fox Management Plan to cover the entire Local Government area thereby facilitating Local Government management of flying-fox roosts outside of UFFMA. These foreshadowed legislative actions have not occurred as at the time of this report

BACKGROUND

Residents of Kabra contacted Department of Environment and Heritage (EHP) and the EHP contacted Rockhampton Regional Council in relation to concerns about a flying fox roost on 20 private properties and unallocated state land within the Kabra township.

Two species of flying-foxes have been identified in Kabra, the black flying-fox (*Pteropus alecto*) and the little red flying-fox (*Pteropus scapulatus*). A black flying-fox roost has been located in Kabra for several years and is currently predominately located on unallocated state land. The little red flying-foxes have previously joined the black Flying-fox roost for several months but most recently have migrated to the area in November 2013. In the last few weeks the numbers of little red flying-foxes have increased to over 40,000 and are located on 20 private properties and unallocated state land. (Attachment 1). Both species are protected under state legislation.

While Kabra does not currently fall within a UFFMA (Attachment 2); the presence of flying-foxes is a concern to the residents because of their close proximity to houses, the impacts on drinking water in rain water tanks, the risk of disease, the noise and offensive odour and the reduced ability to undertake usual yard and property maintenance leading to overgrown allotments and associated risks.

The only option to disperse the flying-fox roost is make application to the Department of Environment and Heritage Protection for a Flying Fox Roost Management Permit.

An application can be made by the landholders or by Council on behalf of the landholders with their consent but the management approach is tempered by:

- breeding and rearing seasons insomuch as black flying-foxes conceive in April-May and give birth in October-November while little red flying-foxes conceive October-November and give birth in April-May. This effectively means a current "Window of Opportunity" for a FFRMP exists for the period February–March.
- The prescription of the Code of Practice insomuch as management actions may only commence after advice from a person knowledgeable about flying-fox behaviour, or with such a person present. A knowledgeable person being defined as a person able to demonstrate experience of or a methodology for
 - (a) classifying flying-fox species
 - (b) assessing flying-fox population numbers in particular roosts
 - (c) identifying flying-fox breeding cycles including evidence of breeding and rearing in particular roosts
 - (d) recognizing signs of distress in, or harm to, flying-foxes.

This effectively means engagement of a consultant as neither individual landowners nor the majority of Local Governments would possess such expertise.

In this situation the following options prevail for Council

A. Do Nothing

This ubiquitous option exists due to the fact that the flying-fox roost exists outside the recognized UFFMA i.e. Kabra is not on the map (see Attachment 2), the impacted land is either privately owned or unallocated State Government land (land under direct State government control not Council) and Rockhampton Regional Council does not have an approved FFRMP.

B. Facilitate a FFRMP.

Option emerges in the event Council wishes to provide the co-ordination assistance to the private land owners in the lodgement and management of the FFRMP. Key elements being assistance provided under conditions of:

- (1) Full cost recovery for all aspects other than administrative co-ordination of the FFRMP

- (2) State government contribution towards the application for and implementation of the FFRMP commensurate with the density of the roost population and area of the roost on the unallocated state government.
- (3) Consensus between impacted private landholders to contribute towards the application for and implementation of the FFRMP commensurate with the density of the roost population and area of the roost on private land.
- (4) Acceptance by the impacted parties that post-dispersal migration may result in further costs should the roost re-locate within UFFMA or non-UFFMA whereby complaint arises.

C. Apply for FFRMP

This option envisages Council assuming responsibility for the dispersion of the roost and all associated costs and inherent post-dispersal implications. It is not recommended to Council.

PREVIOUS DECISIONS

In August 2013 Council submitted an application for a Damage Mitigation Permit (now known as a Flying-Fox Roost Management Permit) associated with a flying-fox roost in proximity of the Westwood Community Hall, Westwood.

BUDGET IMPLICATIONS

Dependent on the option adopted, application and implementation costs for the permit preliminary cost estimates range from \$0 to \$20000.

LEGISLATIVE CONTEXT

Nature Conservation Act 1992

Code of Practice – Ecologically sustainable management of flying-fox roosts

Code of Practice – Low Impact activities affecting flying-fox roosts.

Flying-Fox Roost Management Guideline – Queensland

LEGAL IMPLICATIONS

Post-dispersal measures may result in additional expense being incurred by Council should Council enter into the initial activity.

The Minister may require Council to develop a Statement of Management Intent (SoMI) in relation to its plans for roost management. The SoMI enables Council to declare to its community how it intends to discharge its as-of-right authority to manage flying fox roosts across its urban areas (UFFMA) but it sets a precedence for all non-urban management areas

STAFFING IMPLICATIONS

Range from no staff to 1 EHO project manager and On ground staff required for dispersal actions.

RISK ASSESSMENT

Risk ranges from No Risk to High Risk dependent on which option adopted.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Outcome – A healthy and liveable environment for everyone to enjoy

Operation Plan - Provide regulatory and compliance services in line with statutory requirements and best practice.

CONCLUSION

This report has been generated in response to resident requests for assistance in alleviating a native fauna impact, flying-foxes, on their properties in the context of recently enacted State Government legislation; a high degree of uncertainty regarding the implementation of

that legislation and a time constrained limited opportunity due to the breeding and rearing cycles of that native fauna to implement mitigation measures.

The roost site does not fall within the ambit of Council's current jurisdictional responsibility or capacity, however, the circumstances surrounding the roost site are anomalous in that the roost site not only impacts the applicant resident private property; it measurably and demonstrably emanates from land whose responsibility and control falls within the ambit of the State Government and its administrative and legislative enforcement hence a facilitative role for Council exists should Council resolve to undertake that role.

Given this background, the inherent costs and legal implications it is recommended that Council assume this facilitative role only if:

- (1) Full cost recovery for all aspects other than administrative co-ordination of the FFRMP
- (2) State government contribution towards the application for and implementation of the FFRMP commensurate with the density of the roost population and area of the roost on the unallocated state government.
- (3) Consensus between impacted private landholders to contribute towards the application for and implementation of the FFRMP commensurate with the density of the roost population and area of the roost on private land.
- (4) Acceptance by the impacted parties that post-dispersal migration may result in further costs should the roost re-locate within UFFMA or non-UFFMA whereby complaint arises.

FLYING-FOX ROOST MANAGEMENT - KABRA ROOST

Flying-Fox Roost Map as at 5 February 2014

Meeting Date: 11 February 2014

Attachment No: 1



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Kabra Flying Fox Roost 5 February 2014

0 0.02 0.04 0.08 Km
 1,769 at A3.



FLYING-FOX ROOST MANAGEMENT - KABRA ROOST

Urban Flying-Fox Management Area

Meeting Date: 11 February 2014

Attachment No: 2

