



Office of the Director General

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Dr Wendy Craik
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Dear Dr Craik

**Submission: Exploring ways to improve farmers' interaction with the
*Environmental Protection and Biodiversity Conservation (EPBC) Act 1999***

Thank you for the opportunity to make a submission to the independent review of the EPBC Act. As you would be aware, the NSW Department of Primary Industries (DPI) works to increase the value of primary industries and drive economic growth across NSW.

The primary focus of this submission relates to flying foxes and associated impacts on local communities.

Flying foxes pose a significant management challenge for local communities

While flying foxes pose a significant problem in urban areas, DPI is particularly concerned about the adverse impact that flying foxes can have on crops.

For example, in March 2017 cherry growers in Orange NSW suffered losses of up to 10 per cent of their crops due to damage from flying foxes. In northern parts of the state, orchards cannot be established without the construction of netting due to the high number of flying foxes in the region.

While installing netting around crops has proven effective in protecting crops against flying fox damage, the cost of installing netting is significant and in some cases, can double the cost of establishing new orchards. Permanent structures can cost up to \$60,000 per hectare, in addition to ongoing maintenance and replacement costs.

This represents a significant cost burden on farmers and local communities, and acts as a barrier to new investment in these important agricultural industries. These costs also mean consumers can face higher prices for fresh fruit, and our horticulture industry is less competitive in the world market.

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Flying foxes also pose a risk to human health and biosecurity, with the Australian bat lyssavirus and Hendra virus associated with flying foxes.

The grey-headed flying fox is listed as 'vulnerable' under the EPBC Act

The grey-headed flying fox is listed as 'vulnerable' under the EPBC Act and is also protected under the NSW *Biodiversity Conservation (BC) Act 2016*. Two other species of flying fox are protected species under the BC Act, but are not listed under the EPBC Act.

At the time the grey-headed flying fox was listed under the EPBC Act in 2001, the species was considered vulnerable as counts of the species over the previous decade suggested that the national population had declined by at least 20 per cent.

However, CSIRO's National Flying Fox Monitoring Program indicates that the population trend is relatively stable. It is understood CSIRO requires at least seven more years of surveys to have confidence in that trend, and has therefore recommended that the species status should remain as vulnerable.

DPI suggests that the Commonwealth Government and CSIRO continue work to inform the ongoing assessment of the species status under the EPBC Act.

The need for such work is supported by the Commonwealth Standing Committee on Environment and Energy, whose 2017 inquiry into flying foxes recommended that research be progressed at the earliest opportunity to enable the timely evaluation of flying foxes under the EPBC Act. The Standing Committee also noted such an evaluation should be informed by rigorous data.

I note that at the Meeting of Environment Ministers on 27 April 2018, it was agreed that Ministers will approve a response to this inquiry before the end of the year. I support the ongoing work between jurisdictions to finalise a response.

Approvals under state and federal environment laws should be streamlined

For some flying fox related management actions, approval may be required under both state and commonwealth law. Consideration should be given to allowing property owners to use non-lethal management actions without having to seek separate approval under the EPBC Act, as long as approval under state law has been granted.

Streamlining approvals under the EPBC Act for flying fox management actions would allow local camp managers and property owners to undertake more responsive and effective management actions, reduce regulatory duplication between state and federal law, and remove unnecessary red tape.

DPI would strongly support the Commonwealth Department of Environment and Energy working with relevant NSW Government agencies to streamline approvals.

The NSW Government is working to mitigate adverse impacts on communities

As noted at the Meeting of Environment Ministers on 27 April 2018, the NSW Government has committed to a range of measures to reduce the impact of flying foxes on local communities and farmers.

For example, the Government's previous netting program delivered \$6.8 million in assistance, with 686 hectares of fruit crops netted between 2011 and 2017. Netting assistance is now provided under the NSW Government's Farm Innovation Fund, which provides low-interest loans to growers to install exclusion netting.

The NSW Government has also allocated \$1 million to a Flying Fox Grants Program for eligible local councils across NSW to develop and implement camp management plans and associated community engagement. The NSW Government also provided \$2.5 million to Eurobodalla Council to manage the unprecedented influx of flying foxes into the area.

Importantly, the NSW Government is continuing to investigate effective management approaches to enable better outcomes for local communities. This includes:

- \$200,000 for a project to map potential flying-fox roost sites across NSW within 300 metres of sensitive sites such as schools, hospitals and residential areas that may result in conflict.
- \$5 million for a flying-fox habitat creation and restoration project.
- The development of a draft code of practice to reduce the regulatory burden for licence applications for flying-fox camp management.
- Hosting of the NSW Flying-fox Consultative Committee, which includes representatives from state and local government, environmental groups and industry associations.
- Publication of the NSW Flying-fox Camp Management Policy 2015, the Camp management plan template and supporting fact and monitoring data sheets.
- Establishment of a NSW Flying-fox land managers' network.

Further action is required at the national level

Environment ministers agreed on 27 April 2018 that as a matter of national environmental significance, the conservation and management of flying-foxes requires national collaboration.

While the NSW Government's efforts are helping local communities better mitigate the impact of flying foxes, greater assistance from the Commonwealth Government is required to ensure communities have access to ongoing support. Such support could involve a partial subsidy for netting costs, or financial assistance for affected councils to implement camp management plans.

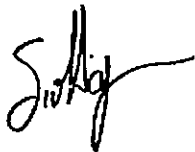
The Commonwealth Government should also consider funding research into new and innovative management measures i.e. low cost alternatives to netting, or piloting re-vegetation to induce colonies away from urban areas. Research should also be

prioritised on better understanding flying fox ecology and roosting behaviour. Such research would have benefits for other states and territories affected by flying foxes.

Allocating Commonwealth funding for research would also address recommendations made by the Standing Committee on Environment and Energy, which specifically recommended that the Commonwealth allocate funding and resources for flying fox research and conservation actions.

Thank you for the opportunity to make a submission on these important issues. Should you wish to discuss any of the matters raised in this submission, please contact my office on 02 9338 6939.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Hansen', with a stylized flourish extending from the end.

SCOTT HANSEN
DIRECTOR GENERAL