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27 September 2018

Mr Charles Schroeder
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Dear Mr Schroeder

Freedom of Information Request Clarified 22 August 2018 Grey Headed Flying Fox Habitat

I am writing to advise you of my decision about access to documents you requested under the *Freedom of Information Act 1982* (FOI Act).

SUMMARY

I am an officer authorised under section 26 of the FOI Act to make decisions in relation to FOI requests.

On 9 August 2018 you sought documents relating to the Mitchell River Grey Headed Flying Fox Maternal Roost. You clarified your request on 22 August 2018 and the fee required was paid on 14 August 2018.

Specifically, you sought access to any expert advice provided to Council, copies of documents in relation to conditions 6, 7, and 8 of the approval titled *East Gippsland Shire Council Poplar Removal Program – Grey-headed Flying-fox Summer Camp* issued on 11 April 2014, copies of planning documents for the “walkway” and copies of vegetation and revegetation documents.

I confirm that third party consultation was required and that your request has been completed with the statutory times determined by the FOI Act.

Five documents that fell within the scope of your request were identified. The search included a review of Council's Electronic Document and Records Management System and Customer Response Module (CRM), together with consultation with relevant Council officers. Consultation was also undertaken with third parties whose documents formed part of your request.

A schedule of documents is provided below that sets out a brief description of each document that falls within the scope of your request and the access decision for each. Of the five documents identified, I have decided to grant access to one document in full, and to four documents that have been edited (redacted).

More information, including the reasons for my decision, is set out below.

DECISION AND REASONS FOR DECISION

In relation to the documents in the attached schedule, I have decided to grant access in part to four documents, with exempt matter deleted under section 33 of the FOI Act. I have taken the following into account when making my decision:

- the content and nature of the documents that fall within the scope of your request;

- the objectives and requirements of the Fol Act, including section 33;
- the views of third parties consulted by Council officers;
- the spirit of the Fol Act, which encourages openness as far as practicable;
- the need to maintain the efficacy of the organisation's information management protocols; and
- the need to maintain the privacy of third parties and Council staff.

The schedule provided indicates each document, including those to which part access has been granted. My reasons for refusing access are given below.

1 Exemption - personal privacy

The requested documents include notes and emails by Council officers. I believe that the privacy of non-executive staff-members should be protected and their names and identifying information redacted to ensure their privacy. Similarly, the privacy of non-executive staff of ETHOS NRM (which provided a report to Council) should also have their names and identifying information redacted to ensure their privacy. This is consistent with a recent Victorian Civil and Administrative Tribunal decision that sets out the correct and preferable approach for agencies in determining whether names of agency officers are exempt from access under section 33(1) of the *Freedom of Information Act 1982* [*Coulson v Department of Premier and Cabinet* [2018] VCAT 229]. The personal information of non-Senior Executive Service Victorian Government officers has also been redacted based on advice from the Department.

Therefore, I claim that personal information such as the internal email addresses of East Gippsland Shire non-executive staff should be exempt; both to protect their privacy and to maintain the efficacy of the organisation's information management protocols. The exemptions claimed have regard to sections 33(1) and (9) of the Fol Act as detailed below.

Section 33 *Freedom of Information Act 1982* (FOI Act).

Document affecting personal privacy

(1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

9) In this section -

information relating to the personal affairs of any person includes information—

- (a) that identifies any person or discloses their address or location; or
- (b) from which any person's identity, address or location can reasonably be determined.

I am satisfied that the sections of the documents that have been redacted are exempt under section 33.

In relation to point 1 of your request, I have been advised that no specific expert advice was obtained. In relation to point 5(a) of your clarification of 22 August 2018, I advise that no quotes were received other than Crossco and therefore, there are no other plans to view. In relation to point 5(b) of your clarification of 22 August, I have been advised that the Crossco walkway is the current desired result but no company has been engaged to date to undertake construction.

Please note the compliance report for the year ending 22 July 2018 is currently being prepared and will be available in late October 2018. I would be happy to arrange for the report to be sent to you after it has been submitted to the Department.

Your review rights

If you are dissatisfied with my decision, you may apply for review by the Information Commissioner.

To do that, you must apply in writing within 28 days after you receive this letter, identifying Council and the decision to be reviewed. You should also provide an explanation of why you disagree with the decision. You may lodge your application by:

email: enquiries@foicommissioner.vic.gov.au
post: Information Commissioner
PO Box 24274
MELBOURNE VIC 3001
fax: (03) 8684 7588

More information about review by the Information Commissioner, including a review application form to assist you in making your application, is available at www.foicommissioner.vic.gov.au.

Questions about this decision

If you wish to discuss this decision with Council officers in the first instance, please contact Graeme Hill or myself on 5153 9500.

Yours sincerely



MARYANNE BENNETT
Freedom of Information Officer / Director Corporate

Attachments

1. Schedule of documents

SCHEDULE OF DOCUMENTS – FREEDOM OF INFORMATION REQUEST NO.312 – Charles Schroeder

Reference	Date	Pages	Details	Access decision	Your Reference
7776497	September 2017	55	ETHOS NRM Mitchell River Revegetation Program Report on Stage 1	Part Release Personal Information Section 33	Point 2 Original email 09/08/18
6383058	07/07/2015	1	Letter to Department Environment Canberra	Part Release Personal Information Section 33	Point 3 Original email 09/08/18
6959144	24/10/2016	16	Compliance report sent to Minister 24/10/2016	Part Release Personal Information Section 33	Point 4 Original email 09/08/18
7736765	20/10/2017	21	Compliance report sent to Minister 20/10/2017	Part Release Personal Information Section 33	Point 4 Original email 09/08/18
7775285	2015	1	Extract from Management Action Plan (page 77) Revegetation Species selection	Release in Full	Point 5(c) of your clarification 22/08/18



Mitchell River Revegetation Program: Report on Stage 1 Bairnsdale Grey-headed Flying-fox Roost Site

**Report prepared for: East Gippsland Shire Council
September 2017
Final Report**

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	Ethos NRM to EGSC	Final Report v2	PDF	20-9-2017

1 Introduction and Methodology

Ethos NRM were engaged by East Gippsland Shire Council (EGSC) to assist with the collation of information into a report addressing **Condition 6 of Approval 2009-5017 under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999** from the Australian Government Department of the Environment and Energy (DEE) (formerly Department of the Environment (DE)) to remove poplar trees (*Populus alba*) which provide a 'summer camp' roost site for Grey-headed Flying-foxes (GHFF) (*Pteropus poliocephalus*) in Bairnsdale, Victoria. Each chapter in this document relates to a sub-heading under Condition 6 of EPBC approval 2009-5017.

This document has been prepared based on information provided by EGSC (in writing and verbally) to Ethos NRM, with reference to the **Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan (2015)**, hereafter referred to as the 'Plan'.

In preparing this document, Ethos NRM reviewed the Plan, identified content relevant to EPBC Approval condition 6 and the type of information required to address each of the condition components. EGSC staff then provided raw data and notes against each of the condition components.

Ethos NRM developed a report structure, and populated the report with information provided by EGSC. Clarification was then sought, in writing and verbally from EGSC, and any additional information was identified that would assist EGSC to demonstrate how they had implemented the Plan. Several iterations and reviews were undertaken, with Ethos NRM analysing logic and completeness of information provided by EGSC. Ethos NRM has summarised raw data into tables, edited text and verbal information provided by EGSC to provide a logical structure and succinct summary of EGSC's actions. EGSC has reviewed all text prepared by Ethos NRM, and confirmed that it accurately reflects their activities in implementing the Plan.

2 Details of the activities undertaken that year in relation to removal of habitat or emergency dispersal (Condition 6a)

Activities undertaken during Stage One (refer to **Figure 1** at end) associated with removal of habitat are detailed in **Section 2.1** below, and included:

- Removal of mature White Poplar (*Populus alba*) and Peppercorn (*Schinus molle*) trees from the Stage One area.
- Understorey management in the Stage One area, comprising predominantly of removal of the weed species; Privet (*Ligustrum lucidum*), English Ivy (*Hedera helix*) and Wandering Trad (*Tradescantia fluminensis*).
- Flood remediation works to mitigate hazards to the public along the walking track adjacent to Stages 1 to 3 areas, including; track repairs (Stage 1 area only), pruning of tree limbs and removal of flood debris. Refer to **Figure 1**.

No emergency dispersal activities were undertaken during Stage One. Wildlife Disturbance Permits from DELWP were in place prior to commencement of all works, in the case that GHFF needed to be managed whilst Stage One works were being undertaken.

2.1 Vegetation Works

Details of Stage One works are described below, and in **Table 1** each activity is summarised along with associated monitoring, approvals and adaptive management undertaken in response to GHFF monitoring results.

2.1.1 Timing

Habitat removal was originally planned to commence in July 2014, however due to over-wintering of a large population of GHFF (35,000 in June and 12,000 in July), works were delayed in accordance with the Management Action Plan.

Monitoring of the GHFF population by DELWP estimated 4,600 GHFF to occupy the site in June 2015. Leading up to June 2015, the population had also shifted east within the site to a new area at the boundary of Stage Three works area, at least 70m away from the Stage One works area. EGSC discussed the planned works with DELWP and DE, and then received a permit from DELWP and notified DE of commencement of works.

2.1.2 Habitat removal works

Removal of *P.alba* trees and initial understorey management within the Stage One area was completed in July 2015. Follow-up weed control was undertaken in December 2016 to January 2017.

Removal of *P.alba* trees was undertaken by EGSC crew and contractors over four consecutive days, 21st to 24th July, 2015. The works comprised:

- Removal of approximately 38 *P.alba* stems and 2 Peppercorn trees using an excavator with a grab or chainsaw. The excavator loaded a small dump truck with removed vegetation, and all *P.alba* material was removed off-site.

Initial understorey management was undertaken by EGSC crew and contractors from 21st to 24th July, 2015, with follow-up works by EGSC and contractor in December 2016/January 2017 (14/12/2016, 20/12/2016 – 21/12/2016, 12/1/2017). The works comprised:

- Initial removal of immature Privet, English Ivy and Wandering Trad using an excavator.
- Follow-up treatment of weed regrowth with herbicide; using a combination of cut and paint and spraying to treat predominantly English Ivy, Wandering Trad and Poplars.

2.1.3 Flood remediation works

Flooding of the Mitchell River in July 2016 resulted in some soil movement and caused damage to the walking track, including scouring, lowering of tree limbs and debris deposited along the lowest section of track adjacent to Stages 1 and 2.

Remediation works were required for public safety to manage hazards to users of the walking track such as; scouring of the walking track, trip hazards, and damaged limbs with potential to fall.

EGSC contacted DELWP and DE regarding the need to undertake remediation works for public safety, and discussed the approach. Prior to undertaking any works, EGSC received DELWP authorisation to disturb GHFF, and DE acknowledgement that proposed works were consistent with existing approvals.

Flood remediation works were undertaken by EGSC on August 22nd, 23rd and 25th 2016, and comprised:

- Walking track repair works – replacement of gravel on damaged sections adjacent to Stage One works area, 45-50m away from GHFF. A low noise truck was used to transport gravel to the site, gravel was then distributed and rolled by the truck. The truck was present for a duration of 15 minutes and then left the site. The track was shut during the works, with spotters at either end in radio contact. The track was not reopened until approximately 50 minutes after the

truck left, and 20 minutes after subsequent disturbance by a speedboat, after GHFF were observed by EGSC to have settled.

- Pruning of limbs was undertaken to remove branch hazards along the walking track (all stages), and was completed at night when GHFF were absent from the camp. Only the lowest limbs were removed, where there was immediate hazard to public safety (potential for impact at head level), and roosting stems identified to be occupied by GHFF during the day were not removed.
- Removal of debris was undertaken at night when GHFF were absent from the camp.

Works were completed as quickly as possible, and vehicle and staff minimised time in close proximity of colony.

2.1.4 Site inductions and daily checklists

Two weeks prior to Stage One works commencing, a meeting was held with the contractor and key EGSC staff, with ongoing discussions which covered; the project, the staging, info about the camp and GHFF including its status, the safety of the GHFF and staff and contractors working in the area and stop-work triggers.

A daily toolbox meeting (21-24 July 2015) was also held onsite prior to machinery working in the area to inform all staff/contractors/observers present involved about; the project, identification and ecology of GHFF, safety on-site and stop-work triggers applicable.

A site inspection was held with the contractor undertaking the weed control on 21st November 2016, and this involved appropriate management methods such as cut and paint to limit noise, the project background, information about GHFF and its status and appropriate stop-work triggers.

Remediation works were undertaken after an on-site meeting including staff involved in initial works for Stage 1. A site induction was held prior to any works being undertaken on each day which covered the works required, the project, safety, permits in place, GHFF ecology and Stop Work Triggers.

Daily Checklist assessment was undertaken by EGSC prior to commencement of clearance activities, and copies are included in **Appendix 1**, as described in Section 10.5 of the Plan.

Table 1. Activities associated with habitat removal undertaken during Stage One

Timing	Actions	GHFF monitoring and response	Other comments (e.g. approvals, adaptive management implemented)
Winter 2014	<ul style="list-style-type: none"> Vegetation removal delayed due to unexpected over-wintering of GHFF. 	High numbers of GHFF – 35,000 in June, 12,000 in July.	Discussion with DELWP/DEE determined population size too large to undertake works, as per 10.1 of the Management Action Plan.
June/July 2015	<ul style="list-style-type: none"> Preparation for vegetation removal. Confirm with DELWP and DE that works can go ahead. Disturbance Permit obtained from DELWP. Toolbox meeting was held with the contractor and key staff 2 weeks prior to works. 	<ul style="list-style-type: none"> GHFF count 4600. Entire colony shifted into 'Stage 3' area, >70 m from Stage 1 works area. 	<p>DELWP/DEE agreement that population size acceptable to undertake works, below the threshold of 5000 as per 10.1 of the Management Action Plan.</p> <p>Given the distance between where the GHFF were located and where the works were planned in Stage 1, EGSC applied to DELWP to be able to commence tree removal and consultation with DE that works could commence whilst GHFF were further down in the vegetation.</p> <p>No dispersals occurred as part of works to shift any GHFF.</p>
July 2015	<ul style="list-style-type: none"> A toolbox was held onsite prior to machinery working in the area. Vegetation removal undertaken 21st – 24th July: <ul style="list-style-type: none"> ~38 Poplar and 2 Peppercorn trees felled, -weedy understorey species including Privet, English Ivy 	<ul style="list-style-type: none"> DELWP and EGSC staff on-site during work. DELWP Biodiversity Officer monitored reaction of colony during works, and while machinery in use, over a 4 day period (21-24 July, 2015). EGSC monitored reaction of colony during and following works, daily during and 1 week after, twice weekly for 4 weeks after that. No negative response observed. DELWP monitored occupancy of GHFF prior to, during and after works (16th, 19th, 21st, 22nd, 	No management/dispersal of GHFF was required during works, as GHFF remained outside the buffer (70m).

Timing	Actions	GHFF monitoring and response	Other comments (e.g. approvals, adaptive management implemented)
	<p>and Wandering Trad,</p> <ul style="list-style-type: none"> - all debris removed from site, - Full closure of site to all but authorised personnel, with all fall zones blocked off to ensure safety of public observers from falling trees. 	<p>23rd and 30th July, 2015).</p> <ul style="list-style-type: none"> • DELWP observed no significant impacts on behaviour or welfare of GHFF during or following works (DELWP, 2017). • No change in the location or area of occupancy during and following works (DELWP, 2017). • Population size observed by DELWP to be relatively stable from April to September 2015 (DELWP, 2017) 	
July/August 2016	<ul style="list-style-type: none"> • Preparation for flood remediation works. • Discussion and consultation with DE and DELWP about methods and GHFF. • Disturbance Permit obtained from DELWP • On-site meeting with EGSC staff regarding proposed remediation works 	<ul style="list-style-type: none"> • 7000 GHFF onsite last count in July 2016, located around the boundary of Stage 2 and 3. 	<ul style="list-style-type: none"> • DELWP and DE consulted prior to undertaking works, agreed method and constraints on works. • Methods employed to reduce noise levels, and time on site in consideration to increased disturbance to GHFF. Track closed. • Adaptive management included undertaking works at night to limit disturbance to GHFF.
August 2016	<ul style="list-style-type: none"> • Walking track repair works comprising replacement of gravel on damaged sections of path adjacent to Stage 1 works area up to 45-50m away from GHFF (10 minutes on 	<ul style="list-style-type: none"> • Gravel truck approach within 45-50 m of GHFF resulted in approx. 200 GHFF lifting and circling for 16 minutes, settling as works completed after approx. 10 minutes from initial lifting. • Location of GHFF roosting stems of trees were observed during the day prior to 	<p>Following departure of the gravel truck, a few minutes after GHFF had settled, EGSC staff observed a speedboat approaching at high speed, and did repeat 360 turns very close to colony. This caused approx. 300 GHFF to lift and circle for approx. 10 minutes, with several taking an</p>

Timing	Actions	GHFF monitoring and response	Other comments (e.g. approvals, adaptive management implemented)
	<p>22/08/2016)</p> <ul style="list-style-type: none"> Removal of woody debris undertaken at night on 25/08/2016 Lopping/pruning of lowered tree limbs undertaken at night on 25/08/2016 	<p>lopping/pruning works being undertaken, and occupied stems were not removed.</p> <ul style="list-style-type: none"> The colony was monitored immediately after works were completed, on the afternoon of the 25th and morning of the 26th. No significant disturbances occurred and typical settling patterns observed. 	<p>extended time to settle after the boat departed.</p> <p>Following these disturbances, during track repairs adjacent to Stage 1 area, pruning and debris removal were undertaken at night, after fly-out to limit further disruption to GHFF.</p> <p>GHFF roosting stems were not removed so as to retain roosting habitat, and only low limbs (possible head impact) were removed</p>
December 2016 to January 2017	<ul style="list-style-type: none"> Herbicide treatment of understorey weed regrowth including; Poplars, Ivy and Wandering Trad was undertaken on 14/12/2016, 20-21/12/2016. 	<p>GHFF located in stage 2 & 3 areas during works.</p> <p>Works were restricted to Stage 1 area, approx. 30 m (minimum) from the GHFF colony.</p> <p>No reaction of GHFF was observed during presence of weed control contractors.</p>	

3 The associated outcomes of the work (Condition 6b)

The outcomes of habitat removal works are described below with regard to the Management Actions and Objectives outlined for Stage One in Section 12.1 of the *Plan* (refer to **Tables 2 and 3**), and Key Performance Indicators described in Section 10.7 of the *Plan* (refer to **Table 4**).

Table 2. Completion of Stage One management actions and objectives from the Plan (EGSC, 2015)

Action No., goals and objectives	Actions (Responsibility)	Description of actions completed.	Outcome related to goals and objectives
1 GOAL: To continue revegetation actions along the Mitchell River riparian corridor OBJECTIVE: Implement Stage 1 revegetation actions in line with Revegetation Plan	Stage 1 tree removal to create approx. 50m buffer (no roosting opportunity) SSE of residential properties on Riverine Street (EGSC)	Stage 1 tree removal completed July 2015. Removal of roosting opportunities within a buffer of 50m from residential properties on Riverine Street achieved. Refer to Table 3 for detail of Revegetation Plan actions.	Stage 1 vegetation removal completed. Stage 1 Revegetation actions 1-3 have been completed, action 5 has been partially completed. The site is prepared for revegetation actions 4 & 6-9 which are proposed to commence in the 2017-18 works season.
	Stage 1 will be clear felled by EGSC Tree Crew or qualified contractors under supervision of Project Manager and Arborist. (EGSC)	Stage 1 trees were removed by EGSC crew and qualified contractors using an excavator and chainsaw. Works were supervised by the EGSC Project Manager and Arborist as needed.	
	All trees in the designated Stage 1 area will be removed and taken off site (EGSC)	90% of Stage 1 Poplar trees were clearfelled by EGSC crew and contractors in July 2015, and all material was removed from the site.	
2 GOAL: Determine response of GHFF colony to the first stage of tree removal OBJECTIVE: Determine any	Confirm presence/absence of GHFF on site (DELWP)	DELWP confirmed presence of 4,600 GHFF in June 2015 prior to Stage One works commencing. EGSC confirmed proposed works acceptable with DE prior to commencing.	The response of the GHFF colony to the first stage of tree removal was monitored during and following works. No negative responses were observed by DELWP or EGSC during or within a month after works were completed.
	Assessment of colony response through site visit 2 x week and document response (DELWP)	DELWP monitored GHFF behaviour, welfare and site occupancy daily during Stage One works and one week following works. No negative colony response	

Action No., goals and objectives	Actions (Responsibility)	Description of actions completed.	Outcome related to goals and objectives
behavioural, social and reproductive impacts on the GHFF colony	and EGSC)	observed. EGSC monitored behaviour and welfare of GHFF at the site daily during Stage One works, daily for 1 week following works, and twice a week for the 4 weeks after that. No negative colony response observed.	DELWP assessed impacts on the GHFF colony during and following the Stage 1 works, and determined a negligible impact to the long-term well-being of GHFF at the site (See Section 5.1 and Appendix 2).
	Population counts to be recorded every month whilst site occupied (DELWP)	DELWP have recorded monthly counts every month whilst the site is occupied. DELWP assessed that there was no significant change in population prior to, during and following works, based on counts from April to September, 2015 (DELWP, 2017). Large population size (30,000) in January 2017 suggests Stage One vegetation removal has not had a long-term impact on the availability of suitable roosting habitat at the site (DELWP, 2017).	
	Provide measures to limit further disturbance on site if negative response from GHFF is observed (ie. Signage, temp closure of path etc) (EGSC)	The following measures were put in place to minimise disturbance to GHFF during Stage One and flood remediation works including: temporary closure of path during works; avoidance of wearing hi-vis clothing in close vicinity to the population; undertaking works at night after fly-out where possible.	Negligible response of GHFF to management activities was observed following implementation of mitigation measures. The identified and implemented mitigation measures are detailed in Table 8 .
3 GOAL: Improve site amenity and access OBJECTIVE: Reduction	Channel all recreation users to northern or southern walks (EGSC)	Closure of section of track that dissected the site has channelled all recreation users to northern or southern walks.	Planned construction of connection track in 2017-18 will improve site amenity and access.
	Creation of footpath in cleared area to divert human traffic away from revegetation areas if	Not yet completed, proposed 2017-18 (refer to Section 7). The new track section will provide alternative route to existing path, so people do not have to walk	Closure of track that dissected the site, and creation of new connection between north and south tracks will

Action No., goals and objectives	Actions (Responsibility)	Description of actions completed.	Outcome related to goals and objectives
in human interaction through reducing opportunities for conflict	possible (EGSC)	alongside colony. Also maintains an option to close lower path along colony e.g. in extreme heat and reduce potential conflict, whilst maintaining some access along the river.	reduce opportunities for conflict between GHFF and humans.
4 GOAL: Increase community knowledge of GHFF OBJECTIVE: Increase knowledge within community about GHFF biology, ecology and promote 'Living with wildlife' theme	Commence implementation of EGSC Community Engagement Plan (EGSC and DELWP)	The preparation of information to increase community knowledge and understand of GHFF has commenced, including fact sheets and website content in progress. Promoting 'Living with wildlife' by directing community enquiries to existing information from other sources, until EGSC information available.	The EGSC Community Engagement Plan implementation has been commenced. Information being prepared for community release aims to increase knowledge within the community about GHFF biology, ecology and promote 'Living with Wildlife'.
	Provision of cohesive information from all departments. (EGSC and DELWP)	Material currently being prepared by EGSC mirrors content available currently through DELWP. Prior to completion and public release, EGSC will contact DELWP to ensure it is cohesive with information being distributed by DELWP.	

Table 3. Revegetation Plan Stage One Status

Actions from Section 8.1 of the Revegetation Plan	Description of actions completed
1. Identify and tag established native canopy species on site to remain	Completed by EGSC (KA), less than one week prior to commencement of works. Native canopy trees (Pittosporums) were not removed.
2. Removal of numbered invasive trees (approx. 40) from Stage One area. Poison stumps Stockpile removed from site.	Estimated 38 stems of Poplar, 2 Peppercorn and immature Privet removed from Stage One area. Only 2 stumps poisoned as most trees too decayed. All material removed from the site.
3. Treat understorey weeds through removal of larger woody weeds and herbicide application to the ground level biomass.	Understorey weeds removed through: Privet, English Ivy and Wandering Trad were removed initially with an excavator. Follow up weed treatment with herbicide was completed Dec 16/Jan17
4. Install paths and structure required for new linking footpath from Riverine Street to Mitchell River Walking Path if required	Not yet completed. Planned for 2017-18. Funding for path construction delayed to 2017-18 financial year.
5. Closure of current footpath farther down the rough the site. Removal of infrastructure relating to this path.	Closed current footpath which dissected GHFF site. Infrastructure not currently removed, may occur at a later date due to need for machinery.
6. Apply herbicide to areas requiring installation of geotextile matting.	Will be undertaken in preparation for reveg works commencing 2017-18
7. Install geotextile matting and commence revegetation surrounding footpath.	Will be undertaken in preparation for reveg works commencing 2017-18
8. Continue revegetation efforts to include entire area.	Will be undertaken in preparation for reveg works commencing 2017-18
9. Enhance surrounding vegetation by supplementing previous revegetation areas to increase the diversity and structure of the vegetation	Will be undertaken in association with stage 1 reveg. commencing 2017-18

Table 4. Key Performance Indicators

Key Performance Indicator (Section 10.7 of the Plan)	Monitoring Undertaken	Outcomes and comments
<p>10.7.1 GHFF Continue Reproductive Cycle</p> <p>Monitoring for observed increase in stress levels resulting in abandonment of pups; assessment of presence of pups attached to mothers, and abandonment through ground level searches, using binoculars and around perimeter of colony.</p> <p>Monitoring for observed increase in stress levels and mating activity during key breeding period, March-April</p>	<p>The site was monitored by EGSC after works in 2015 and 2016, in accordance with 10.6.1, in recognition of the risk of increased stress and abandonment of pups occurring. No evidence of increase in stress levels or abandonment of pups was observed.</p> <p>In addition, there were no reports from the community or DELWP as to any welfare issues at the site such as dropped pups, injured or deceased GHFF or abortions onsite.</p> <p>Routine monitoring of the colony by DELWP has not identified any significant changes in the behaviour of the population.</p>	<p>Monitoring in accordance with 10.6.1 did not detect an observed increase in stress levels of GHFF during or following Stage 1 works.</p> <p>Population levels remained high over the remainder of 2015, following vegetation removal, with the usual population increase observed in 2016. March and April have had very high numbers in previous years (2014: approx. 40,000).</p> <p>February, March and April for 2016 had significant numbers still for the Bairnsdale site. Numbers at the camp dropped over August and September and October, with weather being the likely cause. It has been noted that other high rainfall periods have resulted in reduction of numbers with rainfall reducing availability of nectar and pollen on flowering plants, although this is anecdotal at the Bairnsdale camp.</p>
<p>10.7.2 GHFF Maintained as One Population</p> <p>Collation of reports of isolated populations during the period of occupation of the Mitchell River roost site, from community/DELWP/other agencies.</p>	<p>Reports of sightings/ new populations of GHFF from the community/government staff to DELWP and EGSC are kept on file and collated.</p> <p>EGSC did not receive any reports from the community of new populations in 2015 or 2016. One report of a new camp in Buchan was received via DELWP in 2017.</p>	<p>A single population of GHFF was maintained in the Bairnsdale region, and numbers at the site have been reasonably stable, with a substantial increase in summer 2017.</p>

Key Performance Indicator (Section 10.7 of the Plan)	Monitoring Undertaken	Outcomes and comments
<p>10.7.3 Foraging Distance Maintained or Reduced</p> <p>Collation of information received from the community regarding location of GHFF foraging resources.</p>	<p>Given that GHFF remained onsite at Bairnsdale, with no records of population dispersal and colonisation of other sites following Stage One works, there is little evidence of a substantial change to the distance to feed on typical resources.</p> <p>Natural resource shortages occurred in late 2016 and early 2017 with private gardens becoming a food source for GHFF. These were reported to DELWP and this information can possibly be used towards research into local feeding behaviour by GHFF as more information becomes available.</p>	<p>No records of utilisation of new foraging resources were received in the year following Stage 1 works. Records of increased foraging in private gardens are expected to be related to natural food shortages, rather than dispersal of GHFF resulting from Stage 1 works.</p>
<p>10.7.4 Limited Behavioural Changes</p> <p>Monitoring of GHFF to detect increase in stress levels when arrive back on site following habitat removal works, which may indicate direct impact of works on the species.</p>	<p><u>Over-Wintering:</u> GHFF did not depart the site (over-wintered) in 2014, 2015 and 2016. This could be attributed to the mild winters in 2014 and 2015 and availability of feeding resources over this period.</p> <p><u>Shift in the Camp:</u> The GHFF moved themselves further east in the vegetation in 2015, prior to commencement of any works. The exact reason for this shift is unknown, but there was no influence from EGSC or DELWP for this change as no works had taken place.</p> <p><u>Monitoring:</u> There were little observed changes to the behaviour of GHFF during and after Stage 1 works. Monitoring by EGSC identified little changes to their typical daytime behaviour.</p> <p>They had little response to cars, trucks and people passing and one instance of minimal disturbance</p>	<p>Monitoring did not detect an increase in stress levels following Stage 1 works. There was no major shift or dispersal of the colony during or following Stage 1 works.</p>

Key Performance Indicator (Section 10.7 of the Plan)	Monitoring Undertaken	Outcomes and comments
	<p>from a cyclist at high speed directly adjacent to the core group of GHFF.</p> <p>Works in 2016 saw some reaction from truck noise along the walking path near to the colony and presence of hi-visibility clothing.</p> <p>There has been observation of reaction from boats passing by on the Mitchell River from both the noise of the boat and the wake hitting the riverbank immediately adjacent to the colony.</p>	

4 The data collected in accordance with these conditions of approval and management plan (Condition 6c)

The following data have been collected in accordance with the *Plan*, and are summarised in the section below:

- EGSC monitoring following Stage One tree removal (Table 5),
- EGSC monitoring following flood remediation works (Table 6),
- DELWP monthly population counts (Appendix 2),
- EGSC reports from the Community,
- Other anecdotal information from DELWP or the Community,
- Daily Checklist Assessments (Appendix 1).

4.1 EGSC Monitoring following Stage One works

EGSC monitoring was completed by a single observer, [REDACTED] who has a [REDACTED] and has gained knowledge and experience in observing GHFF behaviour during her involvement in management of the site since 2012. General understanding of GHFF behaviour, ecology and management has been gained from ongoing extensive research into published papers, plans, documentation, verbal conversations, and reports from other sites where dispersals and GHFF management actions have been undertaken.

Experience and knowledge of typical behaviour of the Bairnsdale GHFF colony has developed from regular observation of the colony over several years, including years prior to any of the Stage One works commencing. This has led to an understanding of the responses of GHFF to different types of regular and unexpected potential disturbances in the area, and ability to recognise unusual behavioural responses and likely indicators of stress. Observations have been supplemented by discussions with DELWP staff involved in long-term monitoring of the colony regarding GHFF behaviour at the site, and potential reactions to the works. Contact with DELWP is planned following observation of any unusual behaviour and welfare concern by EGSC.

The majority of observations by EGSC following Stage One works have occurred along the opposite (northern) bank of the Mitchell River unless otherwise stated (also see map **Figure 2**). The *Plan* states that this method would occur on the arrival of GHFF back to the area assuming that they had departed the site. As GHFF did not depart the site, this methodology was applied immediately after the removal of vegetation by EGSC, in order to monitor reaction of GHFF to the works.

Refer to **Tables 5 and 6** for monitoring undertaken by EGSC.

Appendix 1 includes additional monitoring records and daily checklists.

Appendix 2 provides a long-term record of occupation counts recorded by DELWP, including colony counts before and after Stage One works.

Table 5. EGSC Monitoring Following Tree Removal Works, July-August 2015

Date & Time	Location	Notes
Saturday 25 th July 2015–pre-dawn	Northern side of river	can hear and see GHFF overhead returning to site, direction unsure. GHFF exhibiting usual behaviour of squabbling and small degree of movement through the site. Walked along walking track, no significant reaction from the colony to presence. No injured or deceased GHFF observed.
Sunday 26 th July 2015 – immediately post dawn	Walking track	GHFF have already commenced settling. Walk track, no reaction from the colony. Closely observed understorey to identify if any visible deceased or distressed GHFF. No visible deceased or distressed GHFF in understorey or along track.
Monday 27 th July 2015 – Arrive at 4.35pm	north bank	observed walkers passing underneath with dogs, colony no reaction. Drove to Port of Bairnsdale, walked from Port to colony and back, some movement of wings but no lifting, No deceased or distressed GHFF observed.
Tuesday 28 th July 2015–8am	northern bank	site settled, normal morning vocalisations.
Wednesday 29 th July 2015 – 7.30am	Riverine Street	Colony appeared to have settled for the morning, some vocalisations occurred during observation but no significant movement.
Thursday 30 th July 2015 – between 8.00-8:30am	Riverine Street	Colony settled, minimal movement as they moved closer together but limited lifting observed.
Thursday 30 th July 2015 – 5pm	Riverine Street	more active than in the morning but possibly preparing for fly-out.
Friday 31 st July 2015 – 10am	Dog Hole, Riverine Street	Observed from Dog Hole for indication of disturbance but not observed. Stopped on Riverine Street and observed at top of colony. No disturbance indicated, GHFF settled
Tues 4th August 2015 – 5.00pm	Dog Hole, Riverine Street	observed through binoculars from Dog Hole. Some noise audible from the site but no significant movements observed. Moved to Riverine St at 5.10pm closer to colony. Some movement as light levels dropped.
Wed 5 th August 2015 – 7-7.15am	Mitchell River walking path	Walked along Mitchell River walking path and approached colony from eastern end. Limited reaction, some vocalisation occurring.
Tues 11 th August 2015 –		10am at Botanic Gardens and heard increased vocalisation at site.

Date & Time	Location	Notes
Approx. 10am		Drove to observation point, could not identify cause of increased noise. Noise levels returned to normal and the site settled. Continued observations from riverbank for additional 10 mins and no more vocalisations heard above expected levels. Departed site
Wed 12 th August 2015 – 7.45am	Riverine Street	GHFF appear settled. No circling with some noise from GHFF as per usual settling patterns observed over past visits
Thursday August 20 2015 1.15pm – 1.30pm	Northern Bank	GHFF had settled, no lifting occurred and no increased noise occurred. Observed for 15 minutes, no change in behaviour observed.
Friday 21 st August 2015 – 12.30pm to 1.30pm	northern bank	GHFF settled, wings wrapped around body, no lifting. Approx. 8 walkers underneath, some with dogs. No significant reaction, some wing movement but quickly resettled.
Wednesday 26 th August 2015 – 8am	Pathway walked	Observed bicycle moving through at speed when leaving, approximately 50 GHFF lifted but quickly resettled.
Friday 28th August 2015 – post dawn ~ 6.45am		typical movement as they settled and came together on site. Vocalisations 'squabbling' occurring at high levels which decreased over time as movement decreased.

Table 6. EGSC Monitoring Following Flood Repair Works, August 2016

Date & Time	Location	Notes
22 August 2016 4.50 – 5.30pm	Mitchell River Walking Track	Inspected site under colony adjacent to walking path, no GHFF observed injured or deceased
22 August 2016 6.10pm – 7.00pm	Mitchell River Dog Hole, Mitchell River Walk Track	Watched fly-out of GHFF from site, last GHFF detected 6.34pm. Walked along path to listen for GHFF present, none detected. Headlamp scan of canopy, no GHFF remained onsite. Checked under occupation area for injured or deceased GHFF, none identified.
23 August 2016 8.30am	Mitchell River Walking Track,	Inspected area under colony, no GHFF detected injured or deceased. GHFF had settled into site, no signs of unusual behaviour.
23 August 2016 11.10am – 11.20am	Mitchell River Walking Track	Walked track immediately under the colony, no injured or deceased GHFF identified. No GHFF had significantly moved during works prior that morning and visuals maintained on GHFF from 8.30am to 11.20am to identify reaction to works outside of Stage 3 on eastern end of site
23 August 2016 5.00pm – 5.15pm	Mitchell River Dog Hole, Mitchell River Walk Track	Walked track, no injured or deceased GHFF identified. Increased noise levels from typical settled levels, as GHFF preparing for fly-out.
25 August 2016 5.00pm – 6.45pm, 9.00pm	Mitchell River Dog Hole, Mitchell River Walking Track	Watched fly-out, 6.24pm last GHFF observed leaving site. Inspected site, no GHFF heard or observed in vegetation across site. Site re-inspected post works, no GHFF detected onsite, no GHFF observed deceased or injured in vegetation.
26 August 2016 5.30am – 6.50am	Northern bank, Mitchell River, Mitchell River Walking Track	Observed GHFF pre-dawn/dawn return, usual settling behaviour of squabbling over roost site and condensing on-site. No unusual behaviour observed.
26 August 2016 12.00 pm	Mitchell River Walking Track	Walked track, no GHFF identified deceased or injured under or nearby to colony.
27 August 2016 7.00 am – 7.10am	Northern bank	GHFF settled into usual area, some walkers and runners underneath colony, no reaction to path users. Usual settling behaviour, quietening down over time.

4.2 Community reports

The following information has been collated by EGSC from direct reports from the community (these are logged in the EGSC document management system), and anecdotally from DELWP.

Table 7. Anecdotal GHFF reports collated by EGSC

Type of report	Date/Month/Year	Notes
GHFF welfare / Human conflict	Post-works 2015 and 2016	No reports received by EGSC from the community regarding injured or dead GHFF at the Mitchell River site, or elsewhere in the Bairnsdale area.
GHFF welfare / Human conflict	January 2017	EGSC advised that 8 GHFF had been shot and killed at the Mitchell River Site. DELWP reported in local paper seeking information about deaths.
GHFF welfare	June 2017	Report received by EGSC of a deceased GHFF in powerline at Bairnsdale.
Feeding resources / Human conflict	Late 2016 – early 2017	DELWP received increased reports of GHFF feeding in backyards in East Gippsland. Reported food shortages along east coast which impacted GHFF nationally.
New populations / locations	2015 – 2017	No new roosting locations reported to EGSC by the community.
New populations / locations	2017	DELWP received report of a new roosting site at Buchan, no conflicts reported.
Other populations in Gippsland	2016/17	Newly established camps in Woodside and Traralgon. Re-occupation of Sale and Maffra camps.

5 Information about the health, condition and location of GHFF colonies in the Bairnsdale region (Condition 6d)

The Mitchell River camp is the only GHFF colony in the Bairnsdale region, hence there is only health, condition and location information available for this population.

There were reported food shortages at the end of 2016 and early 2017 along the eastern coast of Australia which impacted on GHFF nationally. Increased reports of GHFF feeding in backyards in East Gippsland may be attributable to this.

However the Bairnsdale camp recorded relatively high population counts during this period, with a peak of 30,000 GHFFs in January 2017, the highest recorded since June 2014. EGSC did not receive any reports from DELWP or the community that would indicate the colony was in poor health during this period.

The site has been unoccupied since June 2017.

There were reported food shortages at the end of 2016 and early 2017 along the eastern coast of Australia which impacted on GHFF with media reports of increased mortality and abandoned pups in NSW and Queensland. The Mitchell River camp recorded its second highest population count during this period. Increased reports were received in East Gippsland by DELWP officers relating to GHFF feeding in backyards.

5.1 DELWP Evaluation of the impact of Stage One on GHFF

DELWP undertook an evaluation of potential impacts on the long-term welfare of GHFF in Bairnsdale following Stage One vegetation removal by EGSC. A summary of key findings is provided below, refer to **Appendix 3** for the complete report.

DELWP completed the evaluation based on Section 10.6.2 of the *Plan*, by using three criteria:

- The welfare of GHFF at the Mitchell River site
- The spatial occupancy of GHFF camp at the Mitchell River site
- The population size of GHFF at the Mitchell River site

Key findings included:

- **Welfare:** no significant impacts were recorded on the GHFF population during on-site monitoring conducted by DELWP during works; there were no recorded bat mortalities at the site during or following the works; conclusion that no bats were impacted physically by the works.
- **Occupancy:** there was no significant change in occupation of the site, in area or location, during or immediately following the works.
- **Population:** No significant change in population size of the camp prior to, during or after Stage 1 works was observed, based on DELWP monthly counts at the site. Population size recorded in January 2017 suggested that vegetation removal did not have any long-term impact on population size of the colony or capacity to provide suitable roosting habitat.

Evaluation outcome: 'DELWP has concluded that the response of Grey-headed Flying-foxes to stage 1 revegetation work was negligible to the long term well-being of GHFFs at the Mitchell River roosting site.'

6 Details of how information gained has been incorporated into the future management of GHFF (adaptive management) (Condition 6e)

EGSC are aware of taking a sensitive approach to the management of the site and working towards mitigation of impacts on the welfare of GHFF. Several operational changes were made during Stage One works, flood remediation works the following year, and also in response to observed disturbances during other routine activities carried out by EGSC staff or contractors, or from the community in the vicinity of the colony. These are summarised in **Table 8** below.

EGSC will implement additional mitigation as a result of any new observations relating to reaction of the colony over time.

Table 8. Details of adaptive management of GHFF implemented by EGSC

Observed disturbance trigger & GHFF behaviour	EGSC response	Mitigation Outcomes
GHFF observed to lift / become agitated when staff wearing hi-vis clothing came within close vicinity of colony.	Whilst working near to the colony, and when it does not pose a risk to staff, staff do not wear high visibility clothing. Where hi-vis clothing is required, additional monitoring of GHFF behaviour is undertaken.	GHFF do not lift/ become agitated when staff walk through site who are not wearing hi-vis clothing. EGSC will develop a Guidance Sheet for any staff or contractors working in the vicinity of the colony, outlining procedures required to be followed when working in the area.
GHFF observed to lift when mowing activities adjacent in the afternoon.	Work activities nearby are scheduled in the morning when GHFF are settling into the site and have energy to move around the site if they feel disturbed. This is in recognition of requirements for rest periods prior to fly-out.	Reduced level of disturbance to GHFF during mowing activities. Timing of mowing activities in the morning will be incorporated into the Guidance Sheet.
Observations and awareness that GHFF can respond to sudden or loud noises, such as mowing nearby, or vegetation management of street trees/path works on opposite side of river.	Staff working near to the colony, outside of the roost site are asked to keep noise levels to a minimum where possible.	Reduced level of disturbance to GHFF during management activities.
Varied response observed in GHFF to	No mitigation measures have been implemented,	

Observed disturbance trigger & GHFF behaviour	EGSC response	Mitigation Outcomes
<p>different vehicle types in close proximity to the colony. For example, no or only minor disturbances have been observed due to passing cars and trucks on the road, even when population levels are high.</p> <p>However, on several occasions staff have observed significant disturbance to GHFF in response to passing high speed boats on the river.</p>	<p>as boat traffic is not within the control of EGSC. However, staff will continue to record disturbances, and pass this information on to DELWP.</p> <p>EGSC have discussed with DELWP what actions may be appropriate in engagement of boating community.</p> <p>Increased frequency of disturbances will trigger continuing consultation with DELWP, Gippsland Ports and Police regarding potential appropriate mitigation measures.</p>	
<p>During flood damage repair works in 2016, GHFF were disturbed by the truck whilst the track repairs were being undertaken approx. 50m from the colony.</p>	<p>EGSC decided towards undertaking pruning and debris removal at night, when GHFF were absent, to limit any further disturbance to GHFF.</p>	<p>Emergency management works and protocols will be included when the Management Plan is revised.</p>

7 Details of any proposed activities proposed within the following year (Condition 6f)

EGSC propose to undertake the following activities in 2017-18 including continuation of Stage One and commencement of Stage Two works, which are detailed in **Table 9**. Proposed works areas are indicated in **Figure 1**. EGSC currently propose to commence the works in October 2017, hoping to take advantage of the absence of GHFF from the site. Comments regarding Stage Two actions outlined in the *Plan* are provided in **Table 10**.

Table 9. Activities proposed for 2017-18

Timing	Actions	Description of proposed works	Proposed GHFF mitigation measures
Oct 2017 – June 2018	<p>Walking track construction within Stage 1, track connection between Mitchell River walking track and Riverine Street.</p> <p>Resurfacing of recreational pathway outside of the Stage areas.</p>	<p>A cultural heritage assessment will be undertaken across the Stage 1 area for delivery of the walking track.</p> <p>Walking track works will be predominantly machinery driven with cut and fill required to create the surface required for the walking track which will require an excavator on-site.</p> <p>Concrete will be delivered pre-mixed via truck and piped on-site from the top or the bottom of the slope.</p> <p>Gravel will be shifted on-site with a bobcat or excavator and gravel compacted with a compactor.</p> <p>Installation of timber structures such as retaining walls and handrails with use of chainsaws or generator powered tools.</p> <p>Path works are proposed to commence in October.</p>	<p>Site will be monitored prior to works commencing to confirm if GHFF are absent or present from the site.</p> <p>If GHFF are present, works may be delayed beyond initial timeframe whilst development of appropriate mitigation measures to limit disturbance to GHFF onsite. If GHFF are in the surrounding vegetation on private property or in vegetation to the north or south.</p>
October 2017, April - August 2018	Revegetation within and adjacent to Stage 1 area, and Sections of Stage 2 along the edges where	Follow up weed treatment as required, including areas requiring installation of geotextile matting.	

Timing	Actions	Description of proposed works	Proposed GHFF mitigation measures
	revegetation will not be damaged by any tree management works if possible.	Installation of geotextile matting. Revegetation planting with species listed in the Revegetation Plan.	
October 2017, March –August 2018	Management of trees that pose a safety risk to the public along the Mitchell River walking track and along the Riverine St footpath	Management of high risk trees along the edges of Stage 2 boundary, some limb removal of trees overhanging pathways where the tree will not be removed at this time and removal of hangers suspended in trees within Stage 2. Some removal of already fallen limbs within the Stage 2 area where understorey will suffer minimal damage as a result of doing so.	Site will be monitored prior to works commencing to confirm if GHFF are absent or present from the site. If GHFF are absent and arrive onsite during this anticipated timeframe, works will cease until mitigation strategies are in place. No disturbance of GHFF is required to undertake these works and if GHFF are present, low noise tools will be used to limit noise generated onsite.
October 2017, March – August 2018	Vegetation removal along the bottom edge of Stage 2 area	Includes removal of small regrowth Poplars, grass, English Ivy, Privet and Wandering Trad management adjacent to the path, as well as some Privet and English Ivy along the riverside edge. Other weed species as required.	<ul style="list-style-type: none"> The track will be closed whilst this is undertaken

Table 10. Management Actions Stage Two (Section 12.2 from the Plan)

Action No.	Proposed timing	Goal & Objective	Actions & (Responsibility)	Comments or planned variations to actions proposed in the Plan.
1	July - June	GOAL: To determine any negative impacts on GHFF and develop alternative actions as required	Utilise results from monitoring to interpret if negative effects have been observed on GHFF. (EGSC & DELWP)	Completed by DELWP, July 2017 (refer to Section 5.1 and Appendix 1)
		OBJECTIVE: To ensure that no negative impacts on site as a result of Stage One actions	Develop an alternative management strategy to limit exposure of GHFF to negative impacts associated with revegetation works (EGSC)	Learning of disturbances which have potential to cause negative impacts GHFF have been considered when planning the works. Stage 2 is not proposed to be undertaken completely, but focus on higher risk trees and areas where paths are impacted by poplars.
2	October - July	GOAL: To continue revegetation actions along the Mitchell River riparian corridor.	Stage 2 will be clear felled by EGSC Tree Crew or qualified contractors under supervision of Project Manager and Arborist. (EGSC)	Only part of Stage 2 will be managed for tree removal.
		OBJECTIVE: Implement Stage Two revegetation actions in line with Revegetation Plan	All trees in the designated Stage 2 area will be removed and taken off site (EGSC)	Only part of Stage 2 will be managed for tree removal
			Undertake invasive plant control in Stage 1 revegetation area (EGSC)	Follow-up weed control will be undertaken as required within Stage 1 area.
3	November - June	GOAL: Determine response of GHFF colony to the second stage of tree removal.	Confirm presence of GHFF on site (DELWP)	
			Assessment of colony response through site visit 2 x week and document response (DELWP and EGSC).	
		OBJECTIVE: Determine any behavioural, social and	Population counts to be recorded every	

		reproductive impacts on the GHFF colony.	month whilst site is occupied. (DELWP)	
4	July – June	GOAL: Increase community knowledge of GHFF	Continue implementation of EGSC Community Engagement Plan (EGSC and DELWP)	
		OBJECTIVE: Increase knowledge within community about GHFF biology, ecology and promote 'Living with wildlife' theme	Provision of cohesive information from all departments. (EGSC and DELWP)	

8 Author's statement

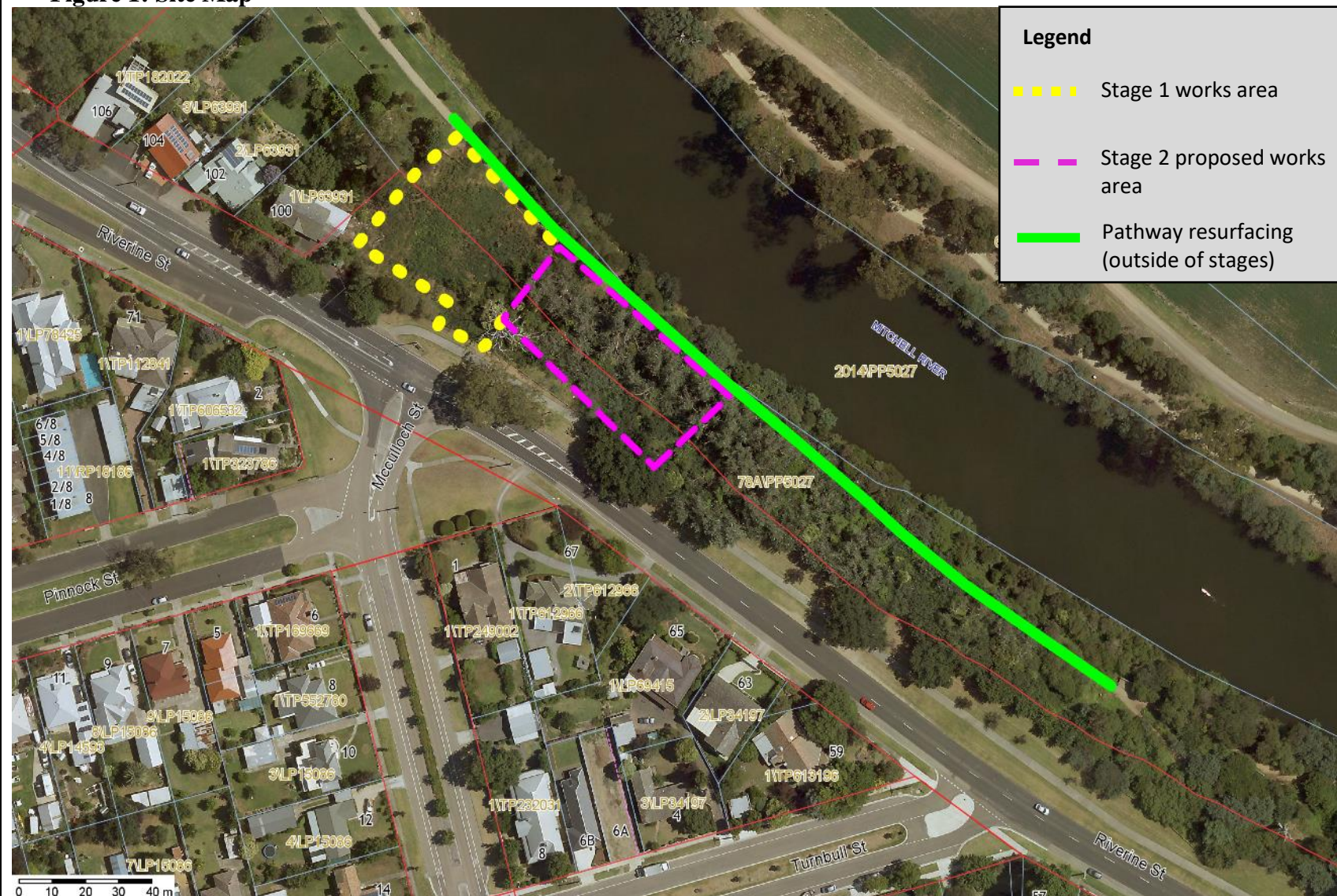
The information compiled by Ethos NRM Pty Ltd and presented in the previous sections of this report, was provided by EGSC staff in writing or verbally. Ethos NRM has not had any involvement in the program development or implementation, or collection of any data or information presented in this report.

Ethos NRM has experience in the preparation and review of scientific reports, environmental impact assessments, and environmental and land management plans. This report was primarily compiled by [REDACTED] Ethos NRM, and overseen by Eric Sjerp, Principal Consultant/Managing Director. A brief summary of the author's qualifications and experience is provided in **Appendix 4**.

The information provided by EGSC for Stage One works appears to Ethos NRM to be consistent with the information requirements specified in the Plan. Analysis and conclusions made by EGSC and DELWP with regard to impacts of Stage One of the program on GHFF seem reasonable, based on the evidence provided to Ethos NRM, with regard to monitoring measures outlined in the Plan.

9 Figures

Figure 1: Site Map



This map contains Vicmap information The State of Victoria, Department of Sustainability and Environment, 2015.

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10 Appendices

10.1 Appendix 1: Daily checklists

OPERATING PROCEDURES - MITCHELL RIVER REVEGETATION PROGRAM

GHFF stage 1.
ORIGINAL

[illegible]

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 21/7/15 TIME: 6.15 AM

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

Commence Stage 1 Poplar Removal Program

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

YES GHFF PRESENT, RESIDING LOW NO + IN STAGE 3

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

YES, HAVE ISSUED PERMIT FOR DISTURBANCE IF REQUIRED

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF ARE OUTSIDE OF WORK ZONE + BUFFER ZONE

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

NO

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

NOT IN WORKS AREA

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 21/7/15..... TIME: 12.30pm.....

NAME: [REDACTED].....

POSITION: [REDACTED].....

WORKS REQUIRED:

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

YES, GHFF present, but in stage 3 vegetation.....

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Yes, permit issued for disturbance.....

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF.....

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No.....

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Not in works area.....

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 22/7/2015..... TIME: 7:00 AM.....

NAME: [REDACTED].....

POSITION: [REDACTED].....

WORKS REQUIRED:

Continue works on the Poplar Removal Program, Riverside St.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Yes, GHFF Present, ~~has~~ is Stage 3 area.....

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Yes, Lane issued permit for disturbance if required.....

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF are not in work zone + outside Buffer zone.....

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No.....

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Not in works area.....

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 24/7/2015..... TIME: 1:10pm.....

NAME: [REDACTED].....

POSITION: [REDACTED].....

WORKS REQUIRED:

Continued work on Poplar removal project.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Yes, GHFF Present, residing along path in Stage 3.

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 23/7/15 TIME: 6:45 am
NAME: [REDACTED]
POSITION: [REDACTED]
WORKS REQUIRED:

Continue works as required for Poplar Removal project.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

yes GHFF present, lower numbers in Stage 3 area

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

yes, issued disturbance permit if required

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF outside of work zone, + outside of 1km exclusion zone

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

NO

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

no in work area

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 23/7/2015 TIME: 12:40pm

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

Continue works on stage 1 Poplar Removal Program.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Yes GHFF present, residing in low numbers in Stage 3.

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Yes, have issued disturbance permit if required

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF out of worksite, outside of buffer zone.

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Not in works area.

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 24/7/15 TIME: 7:00 am

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

Continue works on removal program
- clean up

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Yes GHFF present, residing in Stage 3

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Yes, have issued disturbance permit

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF outside of work zone, + buffer zone

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

No scat in work zone

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 24/7/2015 TIME: 12:15pm

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

*Continue clean-up works relatively
completed at this time.*

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Yes GHFF present, residing in the Stage 3 ref.

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Ass. Permit issued if disturbance avoided

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

NO

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

no GHFF outside of Exclusion Zone

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

not in work Area

Appendix 2

OPERATING PROCEDURES - MITCHELL RIVER REVEGETATION PROGRAM

REPORT – IMPLEMENTATION OF DAILY CHECKLIST on Mitchell River Roost Site

[illegible]

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 2/5/16 TIME: 9 AM.

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

Repair of walking track, adjacent to Stage 1 area, post flood.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Confirmed on-site, permit in place if required for disturbance. 40m to colony from works.

2) Has DELWP confirmed works can go ahead prior to commencement of the project?

Permit + communication issued, will notify one notes whenever

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

No GHFF in canopy above, colony 40-45m from worksite; repairs

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No, GHFF > 40m from repairs required.

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

YES GHFF in vegetation > 40m away, and evidence of scats etc below the colony.

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 22/8/16 TIME: 11:10 AM

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

Repair to walking track, works complete

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Confirmed on-site, permit issued if required for disturbance - no disturbance undertaken

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Permit & DEWLP notified

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

GHFF are still 24m away from area

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No - works completed, Stalks machinery off-site

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Yes, colony in usual area, settled

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 23-8-16 TIME: 8-30 am

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

- veg trimming on Mitchell to Riverine walktrack
- working outside of roost-site

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Confirmed arrival at roost-site, advised we were not working near colony

2) Has DELWP confirmed works can go ahead prior to commencement of the project?

Working outside of the colony area - no visuals, or within normal roost site - 60m minimum to edge of colony.

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? STOP WORK TRIGGER

No, GHFF are to the west - no visuals to GHFF

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? STOP WORK TRIGGER

No, no GHFF in any vegetation within 60m of worksite. Spotted on-site at edge of worksite.

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

None in worksite, scent from roost site.

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 23-8-16 TIME: 11 AM

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Confirmed on-site, advised not working under/near colony this morning

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Yes, today's work is outside of the roost site, with 60m between works + GHFF edge of occupation.

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? STOP WORK TRIGGER

No GHFF are not above in canopy, 60m to edge of first GHFF sighted.

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? STOP WORK TRIGGER

No GHFF within 60m

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Not at worksite

* GHFF did not react to presence of workers, no visual between GHFF + workers, low-noise tools used.

* Re-inspect under colony, -87- no hi-vis, no reaction
No GHFF observed injured or deceased.

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 25/8/16 TIME: 6.35 pm

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

- Post flood - pruning works to remove low sticks / branches that are hazard to pedestrians.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Confirmed on-site, advised of night works which GHFF off-site

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Consulted & agreed with works at night.

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? STOP WORK TRIGGER

No, GHFF have departed for nightly forage

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? STOP WORK TRIGGER

No, no GHFF present in the canopy or around the site.

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Yes. Scent, scats present on log.

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE: 25-8-17 TIME: 9.00 pm

NAME: [REDACTED]

POSITION: [REDACTED]

WORKS REQUIRED:

- Post flood pruning for pedestrian hazard.

ASSESSMENT STEPS:

1) Has DELWP confirmed arrival/departure of GHFF?

Yes, GHFF are present at this time, advised of works to occur @ night.

2) Has DEWLP confirmed works can go ahead prior to commencement of the project?

Consulted, agreed works at night is appropriate.

3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**

No, GHFF are offsite or forage.

4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**

No, no GHFF observed on-site or surrounding site.

5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?

Scent, scats in tree underneath.

10.2 Appendix 2: DELWP long-term monitoring records

Grey-headed Flying-fox Occupation and Counts at Bairnsdale Camp 1995-2017 (ongoing)

	1995	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
january			3500	>1000			(v)	2800	4510	14700	6500	10000	>8000	8100	20310	15000	30000	jan
february			(nc)	1600		(v)	200	3340	3730	20000	9000	5200	9000	7200	8880	5000	10000	feb
march			(nc)	>2000		1250	>500	2070	280	5500	6500	4500	5500	12600	6680	6600	5000	mar
april	1870		738	(nc)		11330	(v)	3270	(v)	3200	20000	7000	163	39800	5650	3080	4500	apr
may			>3000	>1000		34110		120		1000	26000	(v) (#1)	48	60000	6200	2730	2700	may
june			670	110		950		(v)		560	525		(v)	35000	4500	4200	(v)	jun
july			570	(v)		(v)				130	(v)			12000	6500	7100		jul
august			510							30				17000	5000	9300		aug
september			420							(v)			(v)	13500	5500	1400		sep
october		(v)	350									(v)	400	12000	3500	900		oct
november		<200	830					(v)	(v)	(v)	(v)	300	526	17000	1350	1700		nov
december		(nc)	750				(v)	1250	17000	400	3000	2200	1450	(nc)	5200	6000		dec

Source: Biodiversity DELWP Gippsland. (Not for unauthorised distribution or publication)

(v) camp area vacant.

(nc) no count

(#1) Bat numbers reduced to <200 on 4/5/12, camp definitely unoccupied 10/5/12

10.3 Appendix 3: DELWP evaluation of Stage One

DELWP Assessment of Grey Headed Flying Foxes at Bairnsdale following stage one vegetation removals by East Gippsland Shire Council – June 2017

The *Bairnsdale Grey-headed Flying Fox Roost Site Strategic Management Action Plan* (2015 Update) includes a commitment to evaluate the impact of vegetation removals on the wellbeing of Grey-headed Flying-fox.

Section 10.6.2 states:

Using the information gathered from the assessment of the response of GHFF to Stage 1 removal an assessment will be made on the continuation of the project to Stage 2. If DELWP consider that the response of GHFF to Stage 1 is negligible to the long term wellbeing of GHFF then Stage 2 will proceed. If DELWP considers that the effect of Stage 2 on GHFF will impact on their long term wellbeing, they can decide that Stage 2 cannot proceed as proposed. Monitoring of GHFF after Stage 2 removal will inform decisions relating to the commencement of Stage 3 removal. DEPI may also require additional time to assess the reaction of GHFF which may delay the progression of Stages 2 and 3.

This method of monitoring will allow DELWP to make an informed judgement as to the longer term wellbeing of GHFF in relation to the proposed vegetation removal and revegetation on site. Increased observations by both EGSC and DELWP to observe any movement further afield from the immediate site will occur and will include reports from the local community as to existence of new locations.

Newly reported locations will be assessed as to the suitability of longer term roosting and the wellbeing of GHFF longer term in the provision of appropriate resources. If DELWP identify an isolated negative effect (i.e. increased death and injury, abandoned pups) of initial vegetation removal, mitigation and adoption of an alternative strategy will be undertaken in consultation with DELWP and DE.

The evaluation establishes a key role for DELWP:

If DELWP consider that the response of GHFF to Stage 1 is negligible to the long term wellbeing of GHFF then Stage 2 will proceed. If DELWP considers that the effect of Stage 2 on GHFF will impact on their long term wellbeing, they can decide that Stage 2 cannot proceed as proposed.

DELWP has completed this evaluation by using three criteria to assess “long-term wellbeing” of GHFF:

- the welfare of GHFF at the Mitchell River site
- the spatial occupancy of GHFF camp at the Mitchell River site
- the population size of GHFF at the Mitchell River site

Welfare

Throughout stage one operations, the Mitchell River GHFF colony was monitored by DELWP staff, with fauna site reports conducted daily from 21/07/2015 to 23/07/2015. The aim of this monitoring was to observe and record Grey Headed Flying Fox behaviour during the vegetation removal. During the three days of monitoring, there were no significant impacts recorded on the GHFF population. Evaluation of the site prior to works conducting, and after works were conducted demonstrated that during the stage one operations, the disturbance was actually less than normal. This was likely due to

the area being closed to the general public, where regular disturbance from walkers, dogs and traffic was common. Furthermore, there were no recorded bat mortalities at the site in the period of time during or following the stage one works. We concluded that no bats had been impacted physically, and that they had all been outside of the 70m buffer zone that was in place.

Occupancy

As part of the monitoring during stage one, occupancy was recorded and mapped before, during and after the works were conducted. Occupancy surveys were undertaken on 16th, 19th, 21st, 22nd, 23rd and 30th of July, 2015. The occupancy surveys demonstrated that there was no significant change in GHFF occupation of the site. The total size of the area (m²) occupied did not significantly change and the spatial location of the occupied area did not significantly change (the GHFF continued to occupy roost trees within the stage three area).

Population

The Grey Headed Flying Fox population at the Mitchell River site has been monitored since the camp established in 1995. Monthly counts have been conducted, when the bats are present, since regular occupation of the site began in 2002. This data is highly variable, and reflects that Grey Headed Flying Foxes are a highly mobile species, and that numbers will fluctuate due to a range of factors, including weather conditions and the availability of food resources. Seasonal variances account for the largest shifts, with the colony historically reaching high numbers in Summer and early Autumn, and lower numbers or absence in Winter. There was no significant change in the population size of the camp prior, during or after the Stage 1 works, with April, May, June, July, August and September count estimates consistently ranging between 4500 to 6500 individuals. In January 2016, 15,000 GHFFs were recorded in the colony. This number rose to 30,000 in January 2017, suggesting that the stage one vegetation removal did not have any long term impact on the population size of the Mitchell River colony or the capacity of the site to provide suitable roosting habitat.

Evaluation Outcome

DELWP has concluded that the response of Grey Headed Flying Foxes to Stage 1 revegetation work was negligible to the long term well-being of GHFFs at the Mitchell River roosting site.

For the proposed Stage 2 vegetation removal, if no GHFF are on-site, it is unlikely there will be a long-term impact on the well-being of the GHFF. In the absence of GHFF, there is no risk to the immediate welfare of GHFF. The core roosting habitat for GHFF in the Mitchell River site is mostly located in the Stage 3 zone. It has therefore been assessed that works in the Stage 2 area will not significantly impact on high quality core habitat. The removal of vegetation in Stage 2 area will result in the loss of habitat that is occupied by GHFF in some periods. However, this reduction is not considered to be significant at a regional or state scale and unlikely to impact on the long-term wellbeing of the species..

Attached are the documents that were utilised for this assessment.

10.4 Appendix 4: Ethos NRM staff qualifications and experience

[REDACTED] at Ethos NRM completed a [REDACTED]
[REDACTED]
[REDACTED] strong background in ecology, with 14 years of experience working in natural resource management for both the public and private sectors. [REDACTED] broad range of experience in flora and fauna survey techniques, predominantly within the Gippsland region.

[REDACTED] has undertaken numerous vegetation condition and environmental impact assessments, and routinely provides environmental policy advice to a range of private and public sector clients. [REDACTED]
[REDACTED] excellent knowledge of local natural resource management, and understanding of State and Federal environmental policies and approval processes.

[REDACTED]
[REDACTED] undertaking or participating in monitoring activities for several threatened species conservation programs, including [REDACTED]
[REDACTED] and threatened flora population monitoring in [REDACTED]

[REDACTED]
[REDACTED] planned and conducted general and targeted fauna surveys in Gippsland and southern NSW, and assisted with threatened species monitoring programs conducted by [REDACTED]
[REDACTED]

[REDACTED] aware of the various GHFF colonies across Gippsland, their general biology, and of the proposed vegetation management program on the Mitchell River. [REDACTED]
[REDACTED] participated in fly-out counts of [REDACTED]
[REDACTED] understanding of GHFF behaviour and health. [REDACTED] not had any direct involvement in management of the GHFF populations, development of the Poplar removal program or its implementation.

Contact: [REDACTED]
Telephone No: (03) 5153 9500
Email: [REDACTED]

7 July 2015

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN: 81 957 967 765

[REDACTED]
Department of Environment
PO Box 787
CANBERRA ACT 2600

Sent by email to: [REDACTED]

Dear [REDACTED]

East Gippsland Shire Council, Permit EPBC 2009/5017

I am writing to you in relation to the Permit issued to East Gippsland Shire Council (EPBC 2009/5017).

Please note Council intends to commence clearance of vegetation in Stage One prior to July 31st 2015, but not before final approval of the variation to the Management Plan currently under consideration by the Department of Environment. This advice is provided in accordance with Condition 7 of the approved permit.

To fulfil part of Condition 3, I can advise that Wellington Shire Council were notified by letter in September 2014 of the permit approval and authorised action.

The Hotline will be our contact number 03 51539500 or 1300 555886. This is staffed 24 hours a day. Our email address for contact about Grey Headed Flying Foxes is feedback@egipps.vic.gov.au.

Please feel free to contact us for any further information.

Yours sincerely

[REDACTED]
[REDACTED]

Copy to: [REDACTED]

From: [REDACTED]
Sent: Monday, 24 October 2016 4:26 PM
To: Post Approval
Subject: (DWS Doc No 6959144) FW: East Gippsland Shire - Condition 9 Report 2009/5017
Attachments: report_on_conditions_epbc_permit_2009_5017
_greyheaded_flying_fox_roost_strategic_management_action_plan.pdf; img-X24163509-0001.pdf

Good Afternoon

Attached is the Report relating to Condition 9 of permit number 2009/5017 for the East Gippsland Shire.

Please be advised that this report has been published now on our website as per the link below.

http://www.eastgippsland.vic.gov.au/Community/Our_Environment/Biodiversity

☐ have also included a dated print of the page if required.

Please let me know if you require any further information.

Kind regards, [REDACTED]

[REDACTED]

 Please consider the environment before printing this e-mail.

From: [REDACTED]
Sent: Friday, 21 October 2016 8:58 PM
To: postapproval@environment.gov.au
Subject: East Gippsland Shire - Condition 9 Report 2009/5017

Please be advised that publication of our report on conditions has been delayed given that local government is in caretaker mode and requires strict approvals for all publications during this period.

☐ Our report relating to fulfilment of conditions as per conditions, is due to be published tomorrow as per commencement of our project, but will be delayed until next business day, Monday 24th October.

I will forward on evidence of publication on Monday. Any issues, please contact me on 0447585136.

Kind regards, [REDACTED]

Sent from my Windows Phone

Biodiversity

Biodiversity or 'biological diversity' is the collective term for genes, species and ecosystems. East Gippsland has high species and ecosystem biodiversity. Did you know? Ninety of Victoria's 300 Ecological Vegetation Classes (EVCs) occur in our Shire.



Although 80 per cent of East Gippsland's original native vegetation remains, there are many vulnerable, endangered and critically endangered species. Rarer EVCs (such as rainforests unique to East Gippsland) and threatened EVCs in agricultural areas need special protection, management and restoration.

Threats to biodiversity in the region include invasive plant and animal species, climate change, altered fire regimes, extreme natural events, urban development, recreation, habitat loss/fragmentation and pollution.

Biodiversity Links:

[Department of Environment, Land, Water and Planning \(DELWP\)](#)

[Parks Victoria](#)

[Trust for Nature](#) (for conservation covenants on private property)

[Land for Wildlife](#)

[East Gippsland Catchment Management Authority](#)

Grey-headed Flying-fox - *Pteropus poliocephalus*

Populations of grey-headed flying-fox are known within East Gippsland Shire. A strategic action plan has been developed to assist in the management of their roost site in Bairnsdale.

A [report](#) has been prepared by East Gippsland Shire Council in relation to satisfying Condition 8 of Permit 120095017 under the *Environmental Protection and Biodiversity Conservation Act 1999* received from the Department of Environment in relation to the approved Grey-headed Flying-fox Strategic Management and Action Plan.

Animals (Fauna)

East Gippsland fauna consists of unique native animals including mammals, amphibians, reptiles, fish, insects and other invertebrates. Many of our native animals are not found anywhere outside Australia due to our continent's long geographic isolation. The area is biogeographically important at the continental scale too. East Gippsland overlaps southern cool temperate with eastern warm temperate zones, resulting in many species of animals and plants absent from or rare in the rest of Victoria.



Did you know? Eleven mammal, 45 bird and 3 reptile species in East Gippsland are threatened. Some examples include:

Critically Endangered Species:

- Southern Banded Frog
- Smoky Mouse
- Brush-tailed Rock-wallaby
- Regent Honeyeater
- Intermediate Egret
- Grey-tailed Tattler
- Painted Snipe

Endangered Species:

- Golden Sun Moth
- Growing Grass Frog
- Diamond Python
- King Quail
- Long-footed Potoroo
- Long-nosed Potoroo
- Eastern Bristlebird
- Ground Parrot
- Masked Owl
- Barking Owl
- Fairy Tern
- Eastern Wallaroo
- Swift Parrot
- Spot-tailed Quoll

Vulnerable Species:

- Grey-headed Flying Fox
- Brush-tailed Phascogale
- Diamond Firetail

- Speckled Warbler
- Greater Sand Plover
- Lesser Sand Plover
- Hooded Plover
- Little Tern
- Gossy Black-Cockatoo
- Sooty Owl
- Powerful Owl
- Black Falcon
- Square-tailed Kite

Fauna Links

[Department of Environment, Land, Water and Planning \(DELWP\)](#)

[Earth Watch Australia](#)

[CSIRO Insect Collection](#)

[Museum Victoria - Field Guide to Victoria Fauna \(app for iPad & iPhone\)](#)

Plants and Vegetation (flora)

East Gippsland plants are very significant at the continental scale, due to the area overlapping between southern cool temperate and eastern warm temperate zones. There are many species of plants and animals which are absent from, or rare in, the rest of Victoria.

East Gippsland is highly valued because of its vast expanses of wilderness and virtually pristine ecosystems. The continuity of native vegetation over a very extensive area makes East Gippsland one of the great reservoirs of biodiversity in Australia; there are no other regions on mainland Australia where native vegetation is continuous from alpine environments to the coast (Victoria's Biodiversity Strategy 1997). The vegetation on our road reserves and on our farms and properties is also extremely valuable and forms important habitat links.

Nearly one third of Victoria's Ecological Vegetation Classes (EVCs) occur within East Gippsland, which also has unique [bioregions](#).

Flora Links

[Department of Environment, Land, Water and Planning \(DELWP\)](#)

The [Royal Botanic Gardens Cranbourne](#) website has more information on native plants.

Flora References

- 'Native trees and shrubs of south-eastern Australia' Leon Costermans. Publisher Rugby, 1983, revised edition 2011.
- 'Field guide to the eucalypts of South-eastern Australia. Volume 1.' M.H. Brooker, Bloomings Books. 1999.
- 'Orchids of East Gippsland: a field guide.' Barnsdale and District Field Naturalists Club Inc. 2014.
- 'Forest Trees of Australia.' D.J. Boland et al. CSIRO publishing, edition 5. 2006.
- 'Rainforest Restoration Manual for South Eastern Australia.' B. Peel. CSIRO publishing. 2010.
- 'Wildflowers of Victoria and adjoining areas.' Margaret G. Corrick. Bruce Alexander Fulmer. Publisher Bloomings Books. 2001.
- Manual 'East Gippsland Revegetation UTE Guide'. Landcare East Gippsland Region. Second edition 2010.
- Manual 'Indigenous Flora Species Selection Guide for Barnsdale and Surrounds'. Greening Australia. South East Victoria region.



Fungi

Australia is estimated to have between 160 000 to 250 000 fungal species, of which less than five per cent have been described.

Fungi are extremely important in ecosystem function and the maintenance of biodiversity at the global level. Fungi are everywhere: in and on plants, animals, soil, air, lakes, rivers and oceans. They are the most diverse group of organisms, apart from insects.



Fungi break down organic matter so that carbon, oxygen, nitrogen and phosphorus are released into the soil and atmosphere. Many plant roots have associations with fungi, which help them access nutrients, making them very important for agriculture, forestry and biodiversity. They also:

- Underpin much of our agriculture, horticulture and forestry
- Are responsible for the majority of plant diseases and several diseases of animals/humans
- Are used in industrial fermentation processes
- Are used in the commercial production of many biochemicals (such as citric acid)
- Are cultured commercially to provide food (such as bread, wine and cheese and as a direct food source e.g. mushrooms)
- Are used in bioremediation
- Fungi can also have detrimental impacts such as causing significant crop losses in agriculture, and large-scale die-back in our Eucalypts (*Phytophthora cinnamomi* or cinnamon fungus)

Fungi Links

[Australian National Botanic Gardens](#)

[Department of Environment](#)

[Department of Environment, Land Water and Planning \(DELWP\)](#) (search for fungi)

What can you do?

Council has developed a [Sustainable Gardening in Gippsland booklet](#) which contains information on how to encourage local biodiversity in your garden. If you are unable to download this booklet, [contact Council](#) for a printed copy.



Options for sustainable gardening include native plant selection (to increase local biodiversity), mulching (to reduce water use and spread of weeds), composting food scraps (to give your plants food and reduce your garbage), growing fruit and vegetables (to reduce food miles and carbon emissions from transporting food) and installing a rainwater tank. Or join your local Landcare or Friends of Group.

Garden Links

[Sustainable Gardening Australia](#) (answers questions about mulching, composting, worm farms, pests, what to plant, etc)

[Information about saving water](#)

[Build a rain garden](#) and help clean up stormwater before it reaches your local waterway.

Rain gardens can be adapted to suit most areas, and they look great too! Learn more about rain gardens and find out how to create your own.



- **Report on Conditions relating to
EPBC Permit 2009/5017 – Grey-headed
Flying-fox Roost Strategic Management
Action Plan**

Date published: October 2016

1. Reason for report

This report has been prepared by East Gippsland Shire Council in relation to satisfying Condition 9 of Permit 2009/5017 under the *Environmental Protection and Biodiversity Conservation Act 1999* received from the Department of Environment in relation to the approved Grey-headed Flying-fox Strategic Management and Action Plan.

2. Advice in relation to each condition

A response to each condition follows below. The Permit can be located in Appendix 1.

1. EGSC have not removed or adversely affected more than 0.5 hectares of Grey-headed Flying-fox habitat. Stage 1 clearing has occurred covering approximately 0.136 hectares and 5 dangerous trees/stems were removed at the time of clearing as they were confirmed dangerous. This was advised to the Department on the 22 July 2015 via email.
2. Bairnsdale Grey-headed Flying-fox Roost Strategic Management Action Plan was submitted and approved by the Department on 14 July 2015.
3.
 - a) An EGSC contact number (1300 555 886) is established as the contact for queries relating to GHFF and EGSC action as this line is staffed 24 hours a day, 7 days a week. Email address was also feedback@egipps.vic.gov.au, which is also monitored during work hours 9am to 5pm Monday to Friday. Staff who operate this line outside of hours have direct contact with Officers delivering the project during those times.
 - b) Wellington Shire Council were notified through correspondence prior to commencement of the Stage 1 works.
 - c) Revegetation is planned for Stages 1 to 3 of the area formed as part of the Plan. Stage 1 revegetation has been delayed due to planning for a walkway through the area. If revegetation commenced in this area prior to works for the walkway, the revegetation is destroyed as part of these works. Works are ongoing in areas along the Mitchell River corridor with weed control and planning commenced for supplementary revegetation once weed control has been successful. Recent floods impacted on the Mitchell River, which delayed the revegetation as works focused on repair post-flood.
 - d) Drafts have commenced for information flyers relating to urban wildlife and GHFF. Planning has not commenced for signage at this stage as this is not deliverable until completion of Stage 3.
4. East Gippsland Shire Council has not undertaken any dispersals of GHFF during the delivery of Stage 1, nor during supplementary works relating to path management and maintenance.

5. East Gippsland Shire Council has not undertaken any emergency dispersals of GHFF during the delivery of Stage 1, nor during supplementary works relating to path management and maintenance.
6. Stage 2 is still in a planning phase, thus no report has been submitted to date relating to Stage 1.
7. The Department was advised verbally and also in writing via email on the 7 July 2015, prior to commencement of Stage 1 activity on 20 July 2015.
8. No request for an audit has been made by the Department to East Gippsland Shire Council.
9. This report is considered sufficient to satisfy the criteria relating to Condition 9 of the approval.
10. No direction has yet been received to undertake Condition 10.
11. The Grey-headed Flying-fox Roost Site Strategic Direction and Management Plan has not been revised since the last approval given in July 2015.
12. No direction has yet been received to alter the approved Plan from July 2015.
13. Noted.
14. The approved Plan was published on the website in July 2015.

3. Appendix



Australian Government
Department of the Environment

Approval

East Gippsland Shire Council Poplar Removal Program – Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted East Gippsland Shire Council

proponent's ABN 81 957 967 765

proposed action To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provide a 'summer camp' roost site for Grey-headed Flying-foxes (*Pteropus poliocephalus*) in Bairnsdale, Victoria [see EPBC Act referral 2009/5017].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 July 2022.

Decision-maker

name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments Branch

signature

date of decision 11 APRIL 2014

Conditions attached to the approval

The following measures must be taken to ensure the protection of listed threatened species and communities (sections 18 & 18A), specifically the Grey-headed Flying-fox (Grey-headed Flying-fox):

1. The person taking the action must not remove or adversely impact more than 0.5 hectares of Grey-headed Flying-fox habitat at the Mitchell River Roost Site.
2. Prior to the removal of habitat the person taking the action must submit the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan to the Department for approval. The person taking the action must implement and comply with the approved Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan.
3. The person taking the action must ensure that:
 - a) Prior to the removal of habitat at the Mitchell River Roost Site a Hotline with a dedicated contact phone number and email address is set up to respond to public enquiries;
 - b) Prior to the removal of habitat at the Mitchell River Roost Site the Wellington Shire Council is notified of the proposal and provided with contact details to respond to enquiries;
 - c) Undertake revegetation of long-term Grey-headed Flying-fox habitat within the Bairnsdale region, in accordance with expert advice on Grey-headed Flying-fox ecology, subject to negotiation with and approval by, the Department. If a long-term Grey-headed Flying-fox camp is not established within the Bairnsdale region then revegetation or improvement of Grey-headed Flying-fox habitat within the Bairnsdale region must be undertaken, and
 - d) At least \$5,000 is spent on community education resources relating to Grey-headed Flying-fox, including, but not limited to, educational signage at a site of Grey-headed Flying-fox habitat within twelve months of the completion of Stage Three (as detailed in the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan).
4. If, following the removal of habitat at the Mitchell River Roost Site, the person taking the action proposes to undertake a separate dispersal then a management plan must be submitted for the Minister's approval. The management plan must be approved by the Minister prior to the commencement of dispersal activities. At a minimum, the plan must address:
 - a) Proposed methodology for dispersal;
 - b) Potential direct, indirect, cumulative and facilitative impacts to Grey-headed Flying-fox from the proposed dispersal activity;
 - c) The presence of pregnant Grey-headed Flying-fox;
 - d) The presence of dependant young;
 - e) A commitment that the dispersal will not be undertaken on a Hot Day or on or within two days of a Heat Stress Event;
 - f) Proposed avoidance and mitigation measures addressing potential impacts to Grey-headed Flying-fox, which must at a minimum include, stop work triggers, and
 - g) Monitoring and reporting protocols.

Condition 4 does not apply to an emergency dispersal.

5. The person taking the action may undertake an emergency dispersal. Unless otherwise negotiated with the Minister and approved, an emergency dispersal must be undertaken in accordance with the following requirements:
- A suitably qualified ecologist must be engaged to advise of best practice dispersal methodology;
 - During emergency dispersal a suitably qualified ecologist must be present to oversee best practice dispersal methodology, undertake behavioural monitoring and document the outcomes of the process;
 - During emergency dispersal the person taking the action must comply with all recommendations and guidance from a suitably qualified ecologist;
 - Emergency dispersal must not be undertaken between 1 August and 30 September;
 - For the period 1 October to 31 March in any given year, emergency dispersal activities must not be undertaken if flightless dependant young are present (as determined by a suitably qualified ecologist);
 - Emergency dispersal must be undertaken 1.5 hours pre-dawn and finish one hour post-dawn to ensure Grey-headed Flying-fox have time to settle elsewhere before the heat of the day;
 - Emergency dispersal must not be undertaken during a Hot Day or on or within two days of a Heat Stress Event;
 - Once Grey-headed Flying-fox have not returned to the site of emergency dispersal for more than five consecutive days and while absent from the site of emergency dispersal, the person taking the action must implement passive measures; and
 - Within five days of the completion of emergency dispersal, the person taking the action must submit a report to the Minister detailing the dispersal methodology implemented and the outcome achieved.
6. One month prior to the commencement of Stage Two (as detailed in the Balrnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan) and on the same date every subsequent year in which removal of habitat or emergency dispersal occurs, the person taking the action must submit a report to the Minister that addresses the following:
- a) Details of the activities undertaken that year relating to removal of habitat or emergency dispersal;
 - b) Details of the associated outcomes of these activities;
 - c) The data collected (in accordance with these conditions of approval and the Balrnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan);
 - d) Information about the health, condition and location of Grey-headed Flying-fox colonies in the Balrnsdale region;
 - e) Details of how information gained has been incorporated into the future management of Grey-headed Flying-fox (adaptive management), including, but not limited to, the future removal of habitat or dispersal activities associated with the action;
 - f) Details of any activities planned to occur in the following year;
 - g) Written and signed confirmation by a suitably qualified ecologist verifying the accuracy of the data, information, analysis and conclusions contained within the report; and
 - h) Raw data must be made available to the Department upon request.
7. Five days prior to the commencement of the action, the person taking the action must advise the Department verbally and in writing of the actual date of commencement.

8. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.
9. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department within 48 hours of the non-compliance occurring.
10. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
11. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.
12. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plans specified in the conditions and submit the revised management plans for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.
13. If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.
14. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one month of being approved.

Definitions

Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan means the document titled *Mitchell River Revegetation Program, Bairnsdale Grey-headed Flying Fox Roost Site, Strategic Management and Action Plan, East Gippsland Shire Council, 2014*.

Bairnsdale Region means the administrative district of the city of Bairnsdale.

Behavioural monitoring means the monitoring by a suitably qualified ecologist of Grey-headed Flying-fox behaviour to identify behaviour outside of normal patterns of behaviour and changes in those patterns. As a guide, behaviour outside of normal patterns may include Grey-headed Flying-fox exhibiting sickness, malnutrition, abnormal flight, disorientation, injury, aggression towards a person undertaking an activity evidence of abandoned young, evidence of aborted young or, at worst case, death.

Commencement means any preparatory works associated with the removal of habitat from the Mitchell River Roost Site, such as the lagging of trees, introduction of machinery or clearing of vegetation, excluding fences and signage.

Department means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Dependant young means:

- Newborn – totally dependent and carried by mother;
- Flightless dependant young – dependent on mother, but no longer carried large distances, unable to move easily around the camp; and
- Flying dependant young – dependent on mother, but able to move around the camp, can fly short distances.

Dispersal means any action, including, but not limited to, active physical harassment, taken to remove Grey-headed Flying-fox from a site of habitation.

Emergency dispersal means a dispersal response to be undertaken if Grey-headed Flying-fox relocate to an area where:

- a) Public health is at immediate risk (this includes, but is not limited to, within 100 metres of a hospital or educational institution);
- b) There is potential for the spread of disease through vectors (this includes, but is not be limited to, within 100 metres of a racecourse or horse stud property); and
- c) Anything else, as agreed with the Department

Grey-headed Flying-fox means the native flying-fox species *Pteropus poliocephalus* listed as vulnerable under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Grey-headed Flying-fox habitat means any patch of land, including non-native vegetation, which may be used by the native flying-fox species *Pteropus poliocephalus* listed as vulnerable under the *Environmental Protection and Biodiversity Conservation Act 1999*, to forage, breed, shelter or disperse, as determined by a suitably qualified ecologist.

Flightless dependant young means Grey-headed Flying-fox that are dependent on their mother, but no longer carried large distances and that are unable to move easily around the camp.

Heat Stress Event means a hot weather event lasting one day or more that is extremely stressful and harmful to animals, defined as when temperatures exceed 35°C before 31 December or 38°C over consecutive days from 1 January.

Hot Day means a day when the ambient temperature is predicted to reach 30°C before 10am AEST, or reach greater than 35°C over the day.

Hotline means a point of contact, where members of the public can contact the person taking the action to report any injured Grey-headed Flying-fox, the establishment of a new camp of Grey-headed Flying-fox and to discuss general concerns regarding Grey-headed Flying-fox.

Listed threatened species and communities means a matter listed under sections 18 and 18A of the *Environment Protection and Biodiversity Conservation Act 1999*, specifically the **Grey-headed Flying-fox**

Mitchell River Roost Site means the 0.5 hectare area defined at Appendix A as **Grey-headed Flying-fox habitat** along the Mitchell River, Balmssdale, within which removal of habitat is to occur.

Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Passive measure means actions that do not involve active physical harassment of **Grey-headed Flying-fox**, which allow for ongoing maintenance of a successful dispersal area and that act as a deterrent against the animals re-establishing at the site, including, but not limited to, the trimming of branches and removal of limbs. It does not include the permanent removal of habitat critical to the survival of **Grey-headed Flying-fox**.

Removal of habitat means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ring-barking, uprooting or burning of **Grey-headed Flying-fox habitat**.

Stop work triggers means site or animal conditions that indicate that the activity should cease.

Substantially commence means the removal of habitat at the **Mitchell River Roost Site**.

Suitably qualified ecologist means a practising ecologist with tertiary qualifications from a recognised institute and demonstrated expertise in scientific methodology, animal or conservation biology in relation to the **Grey-headed Flying-fox**.

Appendix A





VARIATION TO CONDITIONS ATTACHED TO APPROVAL

East Gippsland Shire Council Poplar Removal Program – Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017).

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Approved action

Person to whom the approval is granted	East Gippsland Shire Council ABN: 81 957 987 785
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Approved action	To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provide a 'summer camp' roost site for Grey-headed Flying-foxes (<i>Pteropus poliocephalus</i>) in Bairnsdale, Victoria [see EPBC Act referral 2009/5017].
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Variation

Variation of conditions of approval	The variation is: Delete condition 4 attached to the approval dated 11 April 2014 and substitute the condition specified below
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Date of effect	This variation has effect on the date the instrument is signed
----------------	--

Person authorised to make decision

Name and position	Shane Gaddes Assistant Secretary Compliance and Enforcement Branch
-------------------	--

Signature

S. Gaddes

Date of decision	10 April 2015
------------------	---------------

Condition attached to the approval

see over

Condition attached to the approval

4. If the person taking the action proposes to undertake a dispersal then a management plan must be submitted for the Minister's approval. The management plan must be approved by the Minister prior to the commencement of dispersal activities. At a minimum, the plan must address
- a) Proposed methodology for dispersal;
 - b) Potential direct, indirect, cumulative and facilitative impacts to Grey-headed Flying-fox from the proposed dispersal activity;
 - c) The presence of pregnant Grey-headed Flying-fox;
 - d) The presence of dependant young;
 - e) A commitment that the dispersal will not be undertaken on a Hot Day or on or within two days of a Heat Stress Event;
 - f) Proposed avoidance and mitigation measures addressing potential impacts to Grey-headed Flying-fox, which must at a minimum include, stop work triggers; and
 - g) Monitoring and reporting protocols

Condition 4 does not apply to an emergency dispersal.

Contact us

Telephone

Residents' Information Line: 1300 555 886 (business hours)

Citizen Service Centre: (03) 5153 9500 (business hours)

National Relay Service: 133 677

Post

East Gippsland Shire Council, PO Box 1618

Bairnsdale 3875 Australia

Fax (03) 5153 9576

Web www.eastgippsland.vic.gov.au

Email feedback@egipps.vic.gov.au

In person

Bairnsdale: 273 Main Street

Lakes Entrance: 18 Mechanics Street

Mallacoota: 70 Maurice Avenue

Omeo: 179 Day Avenue

Orbost: 1 Ruskin Street

Paynesville: 55 The Esplanade

Outreach Centres

Bendoc Outreach Centre -

18 Dowling Street

Buchan Resource Centre -

6 Centre Road

Cann River Community Centre -

Princes Highway

East Gippsland Shire Council

273 Main Street PO Box 1618

Bairnsdale VIC 3875

Website: www.eastgippsland.vic.gov.au

Email: feedback@egipps.vic.gov.au

Follow us on Twitter: @egsc

Telephone: (03) 5153 9500

Fax: (03) 5153 9576

National Relay Service: 133 677

Residents' Information Line: 1300 555 886

ABN: 81 957 967 765



From: [REDACTED]
Sent: Friday, 20 October 2017 4:16:52 PM
To: Post Approval
Subject: EPBC Compliance Report 2009/5017 - East Gippsland Shire Council Poplar Removal Program

Good afternoon, please find attached the Compliance Report 2016 for EPBC 2009/5017, East Gippsland Shire Council Poplar Removal Program.

Also attached is a screenshot of the website where it is published and the address link.

Please feel free to contact us for further information or queries.

Kind regards,

[REDACTED]



[REDACTED] East Gippsland Shire Council

■ P: 03 5153 9500 ■ F: 03 5153 9576 ■ PO Box 1618, Bairnsdale, Vic 3875

■ Please consider the environment before printing this e-mail.



East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidjarel people as the Traditional Custodians of the land that encompasses East Gippsland Shire.
We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

http://www.eastcoastisland.vic.gov.au/Community/Our_Environment/Biodiversity

Published 20 October 2017



EPBC Compliance Report 2016

**East Gippsland Shire Council Poplar Removal Program – Grey-headed
Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria
EPBC 2009/5017**

Date published: October 2017

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1.1 Document Control

This document will be subject to periodical review and revision. The Project Manager is to approve

Revision Number	Status	Author	Approver	Date
0	Initial Draft		CW	19/10/2017
1	Final		CW	20/10/2017

1.2 Table of Abbreviations

ABN	Australian Business Number
Department	Department of Environment and Energy
DELWP	Department of Environment, Land, Water and Planning
EGSC	East Gippsland Shire Council
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GHFF	Grey-headed Flying-fox
Plan	East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017)

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2. Introduction

This report has been prepared by East Gippsland Shire Council (EGSC) in relation to meeting Condition 9 of EPBC Approval 2009/5017 relating to the East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria.

Condition 9 states:

"Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of these conditions of the approval must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department within 48 hours of the non-compliance occurring."

This report addresses compliance with the EPBC Act approval conditions for this project. A condition of the approvals was an approved Management Plan. This report also provides an update on deliverables within the Plan.

The project is based around removal of a number of White Poplar trees along the Mitchell River which are a campsite for the Grey-headed Flying-fox which is listed under the EPBC Act. The action was referred to the Federal Government in 2009 and approval received in 2014.

Table 1 - Description of Activities Summary

Description of Activities	
Organisation	East Gippsland Shire Council
EPBC Number	2009/5017
Project Name	East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) Summer Camp, Bairnsdale, Victoria (EPBC 2009/2017)

Approval Holder	East Gippsland Shire Council
ABN	81 957 967 765
Approved Action	To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provide a 'summer camp' roost site for Grey-headed Flying-foxes (<i>Pteropus poliocephalus</i>) in Bairnsdale, Victoria
Location of Project	Bairnsdale, Victoria, Australia
Reporting Period	22 July 2016 to 21 July 2017
Date of Report	18 October 2017

3. Compliance with Approval

Condition Reference	Condition attached to Approval	Is the project compliant with this condition?	Evidence/Comments
1	The person undertaking the action must not remove or adversely impact more than 0.5 hectares of Grey-headed Flying-fox habitat at the Mitchell River Roost Site.	Compliant.	This is an ongoing project, and the 0.5 hectares relates to area at completion of Stage 3. EGSC has not adversely impacted more than 0.5 hectares of GHFF habitat.
2	Prior to the removal of habitat the person taking the action must submit the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan to the Department for approval. The person taking the action must implement and comply with the approved Bairnsdale Grey-headed Flying-fox Site Strategic Management Action Plan.	Compliant.	The Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan was approved by the Department on the 14th of July 2015.
3a	The person undertaking the action must ensure that: Prior to the removal of habitat at the Mitchell River Roost Site a hotline with a dedicated contact phone number and email address is set up to respond to public enquires.	Compliant.	An EGSC number is available for contact 24 hours a day on (03) 51539500 with emergency contact available outside standard office hours for reports of injured Grey-headed Flying-fox, establishment of new camps or general concerns regarding Grey-headed Flying-fox. The email address feedback@egipps.vic.gov.au is monitored by staff Monday to Friday, between 8am and 5pm. Staff that operate this line have the contact details of Project Managers

			in an emergency situation, other queries will be responded to as per Council policy during working hours.
3b	Prior to the removal of habitat at the Mitchell River Roost Site the Wellington Shire Council is notified of the proposal and provided with contact details to respond to enquiries.	Compliant.	EGSC notified Wellington Shire Council through correspondence on the 10 th of September 2014.
3c	Undertake revegetation of long-term Grey-headed Flying-fox habitat within the Bairnsdale region, in accordance with expert advice on Grey-headed Flying-fox ecology, subject to negotiation with and approval by, the Department. If a long-term Grey-headed Flying-fox camp is not established within the Bairnsdale region, then revegetation or improvement of Grey-headed Flying-fox habitat within the Bairnsdale region must be undertaken.	Not Applicable.	EGSC has not commenced revegetation as GHFF have not shown an inclination towards a possible area elsewhere in the Bairnsdale region. Further investigation will be ongoing over the project lifetime into appropriate areas for revegetation for GHFF.
3d	At least \$5,000 is spent on community education resources relating to Grey-headed Flying-fox, including, but not limited to, educational signage at a site of Grey-headed Flying-fox habitat within twelve months of the completion of Stage Three (as detailed in the Bairnsdale Grey-headed Flying-fox Site Strategic Management Action Plan).	Not Applicable.	Planning for signage has not commenced at this stage, given that the Condition is not deliverable until 12 months after completion of Stage Three.
4.	If the person proposes to undertake a dispersal then a management plan must be approved by the Minister's approval. The management plan must be approved by the Minister prior to the commencement of dispersal activities. At a minimum the plan must address: <ul style="list-style-type: none"> a) Proposed methodology for dispersal; 	Compliant.	EGSC have not undertaken a dispersal within the reporting period. Actions undertaken during the period have not required any dispersal actions.

	<p>b) Potential direct, indirect, cumulative and facilitative impacts to Grey-headed Flying-fox from the proposed dispersal activity;</p> <p>c) The presence of pregnant Grey-headed Flying-fox;</p> <p>d) The presence of dependant young;</p> <p>e) A commitment that the dispersal will not be undertaken on a Hot Day or on or within two days of a Heat Stress Event;</p> <p>f) Proposed avoidance and mitigation measures addressing potential impacts to Grey-headed Flying-fox, which at a minimum must include, stop work triggers; and</p> <p>g) Monitoring and reporting protocols</p>		<p>Movement of post-flood vegetation works at the site were undertaken at night to eliminate risks to flying-foxes as they are absent from the site in search of feeding resources.</p>
5.	<p>Condition 4 does not apply to an emergency dispersal.</p> <p>The person undertaking the action may undertake an emergency dispersal. Unless otherwise negotiated with the Minister and approved, an emergency dispersal must be undertaken in accordance with the following requirements:</p> <ul style="list-style-type: none"> • A suitably qualified ecologist must be engaged to advise of best practice dispersal methodology; • During emergency dispersal a suitable qualified ecologist must be present to oversee best practice dispersal methodology, undertake behavioural monitoring and document the outcomes of the process; 	Not Applicable.	<p>East Gippsland Shire Council did not undertake an emergency dispersal within the report period.</p>

	<ul style="list-style-type: none"> • During emergency dispersal the person undertaking the action must comply with all the recommendations from a suitably qualified ecologist; • Emergency dispersal must not be undertaken between 1 August and 30 September; • For the period 1 October to 31 March in any given year, emergency dispersal activities must not be undertaken if flightless dependant young are present (as determined by a suitably qualified ecologist); • Emergency dispersal must be undertaken 1.5 hours pre-dawn and finish one hour post-dawn to ensure that Grey-headed Flying-fox have time to settle elsewhere before the heat of the day; • Emergency dispersal must not be undertaken on a Hot Day or on or within two days of a Heat Stress Event; • Once Grey-headed Flying-fox have not returned to the site of an emergency dispersal for 5 consecutive days and while absent from the site of an emergency dispersal, the person undertaking the action must implement passive measures; and • Within 5 days of the completion of the emergency dispersal, the person undertaking the action must submit a report to the Minister detailing the dispersal methodology implemented and the outcome achieved. 	
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6.	<p>One month prior to the commencement of Stage Two (as detailed in the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan) and on the same date every subsequent year in which the removal of habitat or emergency dispersal occurs, the person taking the action must submit to the Minister a report that addresses the following:</p> <ul style="list-style-type: none"> a) Details of the activities undertaken that year relating to removal of habitat or emergency dispersal b) Details of the associated outcomes of these activities; c) The data collected (in accordance with these conditions of approval and the Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan); d) Information about the health, condition and location of Grey-headed Flying-fox colonies in the Bairnsdale region; e) Details of how information gained has been incorporated into the future management of Grey-headed Flying-fox (adaptive management), including but not limited to, the future removal of habitat or dispersal activities associated with the action; f) Details of any activities planned to occur in the following year; g) Written and signed confirmation by a suitably qualified ecologist verifying the accuracy of the data, information, analysis and conclusions contained within the report; and 	Not Applicable.	East Gippsland Shire Council commenced this report during the reporting period.
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	h) Raw data must be made available to the Department on request.			
7.	Five days prior to the commencement of the action, the person taking the action must advise the Department verbally and in writing of the actual date of commencement.	Compliant.		All actions relating to vegetation management relating to the Mitchell River Roost Site have been submitted to the Department for advice within this 5 day timeframe
8.	The person undertaking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department. Such records may be subject to an audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of the approval. Summaries of audits will be posted on the Department's website. The results of audit may also be publicised through the general media.	Compliant.		
9.	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of these conditions of the approval must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the	Compliant.		A Report on Conditions relating to EPBC Permit 2009/5017 – Grey-headed Flying-fox Roost Strategic Management Action Plan was sent via email to the Department on the 21 st of October 2016. There was a delay in publication of the report on Councils website with Local Government elections caretaker periods restricting publications now. Publication of the report was

	conditions of this approval must be reported to the Department within 48 hours of the non-compliance occurring.		completed on the 24 th of October 2016 and supporting documentation supplied to the department.
10.	Upon the direction of the Minister, the person taking the action must ensure that an independent audit if compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the report audit must address the criteria to the satisfaction of the Minister.	Not Applicable.	No direction has been received from the Minister in relation to Condition 10.
11.	If the person undertaking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified within the conditions, the person must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	Part-compliant. See Section 4.	Damage from emergency events (flood) were not included in the approved Plan and works were required to be undertaken in August 2016 post flood. Consultation and advice occurred with the Department prior to any works being undertaken.
12.	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species or communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan	Not Applicable.	No direction has been received from the Minister in relation to Condition 12.

	specified in the conditions and submit the revised management plans for the Ministers written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.		
13.	If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person undertaking the action must not substantially commence the action without the written agreement of the Minister.	Not Applicable.	
14.	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one month of being approved.	Compliant.	The management plan is published on the EGSC website.

4. Implementation of Management Plan

This section provides information relating to the implementation of the Management Plan over the period of the report.

Completion of Stage One of the project was delayed with delivery of infrastructure and revegetation actions to be commenced within the 2017/2018 financial year. With identification of hazard trees within the remaining area, submission of a Report to be able to undertake Stage Two commenced within the reporting period.

4.1 Monitoring

The Plan (Section 10.6, 12.1) highlighted monitoring to occur for the following:

- Monthly counts;
- Post action monitoring;
- Any dispersal actions and associated risks;
- Assessment of welfare of GHFF in the region to determine a significant impact
- Collation of information as to newly located and reported locations of GHFF occurrences and follow up consultation with Land Managers
- Levels of conflict with humans for newly reported sites through number of contacts received
- Any recorded monitoring undertaken to measure Key Performance Indicators

Monitoring occurred on a monthly basis during the reporting by DELWP to record the number of GHFF onsite each month and identify any issues with the colony.

EGSC has undertaken monitoring where activities were undertaken next to the colony to identify behaviour changes (such as shift in camp, non-settling and injured or deceased GHFF) related to the works undertaken during this period. The colony remained onsite during the reporting period. There was no opportunity to monitor their response on arrival at the site after the works for Stage 1. The monitoring regimes are based on a pattern of seasonal occupation when the Plan was completed and will need to be revised when the Plan is reviewed in the future.

4.2 Key Performance Indicators

Key performance indicators were monitored over the reporting period. These include

- Fragmentation of colony;
- Overcrowding;
- Disruption to the breeding cycle;
- Loss of roosting habitat;
- Behavioural changes;
- Unexpected responses from GHFF;
- Increased community intolerance;
- Inappropriate site occupation.

Key performance indicators have been relatively minimal, with one incident relating to community intolerance eventuating onsite. EGSC received a report from DELWP of 8 deceased GHFF onsite in January 2017 which had been shot in the days prior. DELWP investigated the offence and these investigations are ongoing.

4.3 Flood Repairs

EGSC had committed not to undertake any works in August and September to protect GHFF during sensitive breeding periods. However, an unanticipated flood of the Mitchell River in July 2016 created some damage to the walking path nearby to the colony, left debris within the vegetation and caused some possible soil movement resulting in lower limbs becoming a risk to path users.

Contact was made with DELWP reporting the damage and proposed rectification and contact with DoE to advise of possible options for management of issues. Delays pushed the opportunity for works into August. The path repairs required rectification to reduce the possibility of serious injury to pedestrians and this work was undertaken on that basis.

Mitigation actions to protect GHFF during these works were:

- Full closure of the pathway to limit additional disturbances from pedestrians;
- Selection of equipment to reduce time spent onsite and minimise noise levels;

- Stop-work triggers and observers at all entry points and on the opposite side of the river to monitor the colony and prevent additional disturbance where possible;

There was a distance of approximately 50m between the path works and GHFF onsite. A number of GHFF lifted from the site on placement of the path material but resettled over time. Works were completed quickly and effectively to limit time onsite.

Post works, a speedboat came alongside the colony and did repeated turns on water, causing significant wave action and causing a large number of GHFF to lift from the site. The boat then departed quickly from the site. The boat did not have any registration or identifiable material to be able to report the incident to the Police for further action. The site remained closed until all GHFF had resettled. Inspection along the walkway under the colony did not identify any GHFF in distress.

In recognition that disturbance from other parties could not be fully controlled during works, night works were proposed as an appropriate alternative to limit disturbance on GHFF so that dispersals would not be required. Vegetation works were successfully undertaken to remove the risk of facial injury to pedestrians. Pruning works eliminated the lowest limbs only where GHFF had not been observed roosting.

Provision for repair of flood damage has not been identified in the currently approved Management Plan. Future review of the Management Plan will need to have provision for emergency action in light of flood, fire or other emergency incidents.

4.4 Management of Regeneration in Stage One area

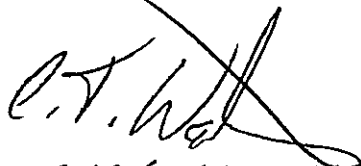
Works were commenced in December 2016 to manage regrowth on the Stage One area which was undertaken manually through cut and herbicide application for larger stems. No GHFF were within the vegetation during these works as it provided no roost opportunity due to their small size.

Works with a Bobcat and mulching head occurred in June 2017 to reduce the biomass from this location and to maintain the area whilst planning occurred for delivery of the linking footpath. GHFF were absent from the site during these works. The site was closed and spotters in place in the event GHFF did return during the operation of the Bobcat.

5. Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both, I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:



Full Name: CHRIS WRITTES

Position: ACTING CHIEF EXECUTIVE OFFICER

Organisation: EAST GIPPSLAND SHIRE COUNCIL

Date: 20/10/2017

Contact us

Telephone

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4.1 Revegetation Species Selection

Floral species that could form part of the revegetation could include the following species;

Canopy

- Gippsland Red Gum (*Eucalyptus tereticornus* subsp *mediana*);
- Coastal Grey Box (*E.bosistoana*)
- Blue Box (*E.baueriana*);
- Yellow Box (*E.melliodora*);

Sub-canopy

- Lilly Pilly (*Syzygium smithii*)
- Silver Wattle (*Acacia dealbata*)
- Blackwood (*A.melanoxylon*)
- Coastal Banksia (*Banksia integrifolia*)
- Kangaroo Apple (*Solanum aviculare*)
- Limestone Blue Wattle (*A.caerulescens*)
- River Bottlebrush (*Callistemon sieberi*)
- Sweet Pittosporum (*Pittosporum undulatum*)
- Swamp Paperbark (*Melaleuca ericifolia*)
- Sweet Bursaria (*Bursaria spinosa*)
- Woolly tea-tree (*Leptospermum laevigatum*)
- Tree Violet (*Hymenanthera dentata*)
- Common Boobialla (*Myoporum insulare*)
- White Elderberry (*Sambucus gaudichaudiana*)
- Mat Rush (*Lomandra longifolia*)
- Tall Sedge (*Carex appressa*)
- Tussock Grass (*Poa labillardieri*)
- Flax Lily (*Dianella spp*)
- Tussock Grass (*Poa labillardieri*)
- White Milk Vine (*Marsdenia rostrata*)
- Old Man's Beard (*Clematis aristata*)
- Wonga Vine (*Pandorea pandorana*)
- Purple Coral-pea (*Hardenbergia violacea*)

These species are suited for the riparian corridor and adjoining slope and have formed part of previous revegetation efforts along the Mitchell River corridor. The canopy species will provide structure for many species that could currently and potentially utilise the corridor into the future. The variety of species will provide extensive foraging resources for many urban species including GHFF, microbats, aboreal mammals and avifauna.

5. Summary of Staged Approach

A staged approach as highlighted in Figure 3 separates the proposed area into three sections allowing removal of invasive species and complementary revegetation actions to be expanded over three years. The benefits of this approach allow;

- Differing age classes of developing vegetation;
- Allows observation of a response from faunal species utilising the site;
- Decreases sedimentation into the Mitchell River in an unexpected rain event;
- Spreads funding requirements over a three year period.