



26 September, 2012

## Tablelands Regional Council

**Atherton Service Centre**  
PO Box 573, Atherton QLD 4883  
Telephone: 1300 362 242

**Planning and Development**  
**Kirsty Lamperd**  
Senior Advisor Environmental Planning, Corporate  
Planning Performance and Risk  
Telephone: [REDACTED]  
Facsimile: [REDACTED]  
Email: [REDACTED]

**File Ref:** env-ffp  
**Your Ref:**

Agriculture, Resources and Environment Committee  
Parliament House  
BRISBANE QLD 4000

Email: arec@parliament.qld.gov.au

Dear Sir/Madam

### **LAND PROTECTION LEGISLATION (FLYING-FOX CONTROL) AMENDMENT BILL 2012 SUBMISSION**

I refer to the above proposed Bill and hereby make the following submission.

Tablelands Regional Council has numerous flying fox roosts within its Region, two of which are located within residential areas. These roosts can have over 30,000 flying fox camping at the site at any one time which causes severe nuisance issues to the nearby residents. Council is continually inundated with requests for action to be taken to reduce the impact that the flying fox have upon the residents.

Council has made application to the State for a Damage Mitigation Permit to modify the vegetation within the roost area. This process took in excess of 6 months to finalise prior to gaining the permit with very strict conditions.

Council did not pursue the option to disperse the flying fox due to numerous reasons such as:

- the ongoing liability of managing the flying fox should they move to an equally or more inconvenient site,
- the unknown cost of dispersing a flying fox colony,
- the unsuccessful history of dispersal action,
- setting a precedent by taking dispersal action i.e. do it for one site - do it for all sites
- potential environmental and health impacts of taking dispersal action.

Recently, residents of the Yungaburra community whose lives are affected by living next to a flying fox roost have taken action into their own hands and have applied to the State and Commonwealth for the appropriate permits to disperse the flying fox. This action has been taken with the full knowledge and approval of the local Flying Fox Community Consultative Group which has members of the Tolga Bat Hospital, Council, CSIRO and Yungaburra community.

In regards to the Bill, the following comments are made:

Section	Comment
96C Control of flying-foxes Section (1)	<ul style="list-style-type: none"> <li>• What is the definition of 'reasonably believes' and how can this be proved?</li> <li>• How is this section to be regulated?</li> <li>• What health risk is the landowner being placed in by removing or destroying the flying fox? It would be considered that this action would immediately increase the risk of disease or harm to the person removing or destroying the flying fox which is the opposite to</li> </ul>

	the intent of the section.
96C Control of flying-foxes Section (2)	<ul style="list-style-type: none"> <li>• What health risk is the landowner being placed in by destroying, disturbing or driving away a flying fox? Again, It would be considered that this action would immediately increase the risk of disease or harm to the resident.</li> <li>• Can the resident engage another person to take this action?</li> </ul>
96C Control of flying-foxes Section (3)	In what context does Council need to consider the size of the population and how long the flying fox have been situated in the local government area. Should section (b) refer to the roost rather than the flying fox given the nomadic behaviour of flying fox.
96C Control of flying-foxes Section (4)	Council should not be placed in a position of being directed to take action to destroy, disturb or drive away a flying fox or roost. Refer to the previous dot points on why Council does not take action to disperse flying fox roosts. Should Council be directed to take action, it should be made with a full waiver of liability and with all dispersal expenses paid by the State.

After experiencing the onerous exercise of applying for a Damage Mitigation Permit, it is recognised that there is a real need to streamline the approval process however the proposed Bill seems to place residents at a higher risk of potential health affects than they are currently exposed to and also places more responsibility onto the resident and Local Government than currently exists. As such it is requested that the Committee reject this Bill and consider more sustainable and lower risk outcomes.

Yours faithfully



**KIRSTY LAMPERD**  
**SENIOR ADVISOR ENVIRONMENTAL PLANNING**