



The Royal
BOTANIC GARDEN
Sydney

**Grey-headed Flying-fox dispersal
from the Royal Botanic Garden, Sydney**

**Tenth Annual Compliance Report
2022**

**Commonwealth approval: 2008/4646
New South Wales approval: C0004672**

Document Control

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1 INTRODUCTION

The relocation of flying-foxes from the Royal Botanic Garden Sydney (RBGS) started in June 2012. The program was implemented because of damage to culturally significant trees and palms. The main relocation of the colony was completed within 10 days.

The following paragraph is paraphrased from the Public Environment Report (van der Ree and North 2009) submitted to the Commonwealth in 2009:

*The RBGS is a significant cultural and botanical icon for Australia and the world. Located on Sydney Harbour, the RBGS contains numerous historic and heritage listed specimens that are of enormous cultural, scientific, horticultural and educational value. In 1989 Grey-headed Flying-foxes (*Pteropus poliocephalus*, GHFF) established roosting in the Palm Grove, which is the oldest and most significant planted area of the RBGS.*

Within the RBG, the roosting behaviour of the GHFF colony has contributed to the death of 33 trees and 35 palms prior to the dispersal, primarily through sustained defoliation. Immediately prior to the commencement of the dispersal, an additional 60 trees and palms were assessed to be in a critical condition, due to the damage they sustained. To conserve the significant heritage site that is the RBG, the Royal Botanic Gardens and Domain Trust (the Trust) determined to seek approval to disperse the GHFF colony.

The Trust received a Section 95(2) certificate of conditional approval from the New South Wales Office of Environment and Heritage (OEH) for the relocation and ongoing disturbance of the GHFF from the RBG, effective from 6 February 2009 until 31 December 2014 (Certificate 1097285). Certificate 1097285 was closed by the OEH in 2015. Renewal of the licence was discussed with OEH at the time, and it was agreed that the action was covered by Commonwealth approval (John Martin 2019, pers. comm., 19 March). OEH were advised that passive measures were being implemented in March 2019, and a decision was made that a new Threatened Species licence application should be submitted. Following this, a Biodiversity Conservation Licence under Part 2 of the Biodiversity Conservation Act 2016 was issued by OEH (the Department of Planning, Industry and Environment [DPIE] as of July 2019) on 22 March 2019 (Licence No C0004672) until 2039.

The Trust received conditional approval from the Commonwealth Department of the Environment, under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, effective from 13 May 2010 until 2039 (Approval 2008/4646).

This document is designed to comply with the annual reporting requirements of the NSW and Commonwealth conditional approval. The information reported relates to the implementation of passive measures to prevent GHFF re-establishing roosting within the RBGS during the reporting period.

2 UPDATE FOR 2021-22

The 2021-22 reporting period (1st July 2021 to 30th June 2022) represents the tenth year following dispersal in June 2012. Monitoring takes place on weekdays throughout the gardens as horticulture staff complete their work. Observations of GHFF are recorded and data managed by David Laughlin. During this reporting period, GHFF have not been recorded at the RBGS. Therefore, no consultation or input was required from the Independent Observer Group (the Group) or the Independent Expert Panel (the Panel).

3 CONCLUSION

GHFF have not been observed roosting at the RBGS during this reporting period. Based on this information and reports received from the community:

1. no new colonies have been established
2. there are no welfare issues to report

The RBGS will continue to be monitored on week days and if required, ongoing maintenance deterrence will be deployed to prevent resettlement and re-establishment of a GHFF colony.

TABLE 1 INVENTORY OF THE EXPERT PANEL SIGN-OFF OF THE ANNUAL REPORT

Annual Report	Submitted to Panel	Endorsed by Panel
Tenth Report 2021-22	30 June 2022	18 July 2022

TABLE 2 INVENTORY OF THE INDEPENDENT OBSERVER GROUP SIGN-OFF OF THE ANNUAL REPORT

Annual Report	Submitted to Panel	Endorsed by Panel
Tenth Report 2021-22	30 June 2022	5 July 2022

4 PAST DISPERSAL ACTIONS RECORD – RBGS FLYING-FOX COLONY

Table 3 Record of grey-headed flying-fox dispersal actions at the Royal Botanic Garden, Sydney (2012 to 2021).

Report Year	Dispersal Activities
Ninth Annual Report (2020-21)	For the 2020-21 reporting period, the ninth year following the dispersal in June 2012, one occurrence of noise dispersal took place to disperse five GHFF on the 29th of March 2021. The GHFF had been recorded in the Tropical Horticultural Bends 41a and 41c during monitoring. The GHFF were not considered to be a resident colony by the expert panel. The recommended the noise disturbance was aimed to disperse the animals prior to them becoming established on site. Following dispersal, GHFF were not recorded on site for the remainder of the reporting period.
Eighth Annual Report (2019-20)	For the 2019-20 reporting period, the eighth year following the dispersal in June 2012, noise disturbance was not undertaken at any point. Low numbers of GHFF (< 10 individuals) were recorded roosting in Palm Grove in May 2020, though small numbers of individuals left of their own accord and disturbance was not required.
Seventh Annual Report (2018-19)	For the 2018-19 reporting period, the seventh year following the dispersal in June 2012, pre-dawn noise was undertaken on 39 days to deter GHFF from roosting at the RBGS between 7th Feb and 7th April 2019. Pre-dawn noise activities were undertaken daily when bats were observed roosting in the Garden, depending on availability of staff. The peak number of daytime roosting animals was 205 bats on 8 March 2019.
Sixth Annual Report (2017-18)	For the 2017-18 reporting period, the sixth year following the dispersal in June 2012, roosting of less than 10 individuals occurred on less than 10 days (generally one individual). No noise was made to prevent GHFF from re-establishing roosting within the RBG, and the small number of individuals roosting left of their own accord.
Fifth Annual Report (2016-17)	For the 2016-17 reporting period, the fifth year following the dispersal in June 2012, roosting occurred on three separate occasions totalling 88 days (24, 60 and 4 days, respectively) and passive measures (including noise and lights) were implemented on 29 days to deter Grey-headed Flying-foxes from re-establishing roosting within the RBGS.
Fourth Annual Report (2015-16)	For this reporting period, 2015-16, the fourth year following the dispersal in June 2012, no roosting occurred, and no passive measures (including noise and lights) were implemented to deter Grey-headed Flying-foxes roosting.

Report Year	Dispersal Activities
Third Annual Report (2014-15)	<p>Passive measures, in the form of pre-dawn noise deterrence, were used on 34 days during the period 18 June 2014 to 17 June 2015. The number of GHFF counted pre-dawn flying-over the RBG, possibly attempting to roost, has been highly variable. During this reporting period GHFF were observed to roost on 32 days, with a maximum of 60 and an average of 13 animals observed. A consistent period of roosting occurred from late August into September (2014). Following consultation with the Expert Panel the methods approved in 2013, the implementation of passive measures until sunrise, were again approved. In general, noise was stopped 10-minutes prior to sunrise. This occurrence highlights that GHFF may attempt to resume roosting within the RBGS at any point in the future.</p>
Second Annual Report (2013-14)	<p>Passive measures, in the form of pre-dawn noise deterrence, were used on 206 days during the period 13 June 2013 to 17 June 2014. The passive measures employed are consistent with the noise and lights used during the primary relocation. Over the course of the program the intensity has decreased, specifically the number of staff operating on-ground and the frequency that disturbance has been implemented. The number of GHFF counted pre-dawn flying-over the RBG, possibly attempting to roost, has been highly variable. GHFF were observed to roost within the RBGS on 33 occasions, 13 of which involved less than 10 GHFF. A consistent period of roosting occurred from late October through November (2013).</p>
First Annual Report (2012-13)	<p>The action commenced on 4-06-12 following compliance with condition 2. The predawn and sunset noise deterred the GHFF from roosting within the RBGS within 10-days. At this time the panel approved the use of passive measures to deter the re-establishment of GHFF roosting within the RBG, under condition 10. The passive measures included the existent relocations methods, including pre-dawn noise disturbance, within the scope of condition 4b.</p>

5 LEGAL CONSENTS

5.1 Commonwealth approval conditions

The Trust received conditional approval from the Commonwealth Department of the Environment, under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act* 1999, effective from 13 May 2010 until 2039 (Approval 2008/4646).

A consolidated approval notice with variations to conditions was approved in 2017; <http://epbcnotices.environment.gov.au/entity/annotation/974c80d5-d08f-e811-95dc-005056ba00a8/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1566525595379>

Excerpt of Conditions:

10. If greater than 90% of the Botanic Gardens GHFF colony has not returned to the Botanic Gardens for more than 5 consecutive days, the approval holder must implement passive measures to prevent the re-establishment of the colony at the Botanic Gardens. These measures must be approved by the Panel.

10A. The approval holder has prepared and committed funding for the implementation of a vegetation rehabilitation plan for the necessary sites (as determined by the Panel) of the new colony or colonies from the Botanic Gardens within the Sydney region. The vegetation management plan must detail commitments as to the provision of expert advice in seed collection, horticulture and ecology at the sites. The approval holder must provide for up to \$10,000 per year (including in kind contributions) for a period of 5 years to fund activities implemented under the vegetation rehabilitation plan.

16. By 31 August of each year, following commencement, the approval holder must publish a report on their website addressing compliance with the conditions of approval, including implementation of any plans as specified in the conditions. Attached to the report must be a written and signed confirmation by the Group and the Panel verifying the accuracy of the information provided. The approval holder must provide the Department with evidence of publication on the same day the report is published. The approval holder must continue to meet the requirements of this condition until such time as agreed to in writing by the Minister.

For a full list of conditions and compliance status, see Attachment A. EPBC approval conditions compliance table.

5.2 NSW approval conditions

The Trust received a Biodiversity Conservation Licence under Part 2 of the Biodiversity Conservation Act 2016 on 22 March 2019 (Licence No C0004672).

Relevant Conditions:

The licence holder must ensure that:

1. The action is carried out in accordance with the application dated 13 March 2019.
2. The action shall be overseen by an appropriately qualified flying-fox expert, approved by DPIE.
3. Deterrence actions shall not be undertaken during periods when there is a severe weather warning or severe thunderstorm warning issued by the Bureau of Meteorology for the Sydney local forecast area.
4. Deterrence actions shall not be undertaken on a day when the maximum temperature is predicted to exceed 38 degrees at Observatory Hill.
5. If at any time, the expert approved under Condition 2 considers that the flying-foxes are under unacceptable levels of stress, such that their welfare is jeopardized, then deterrence actions will cease. Deterrence actions will only recommence if the GHFF expert considers that it is prudent to do so.
6. Deterrence actions must cease immediately where any flying-foxes, as a result of the activity, have been or appear to have been killed or injured. Deterrence actions may not recommence without the approval of DPIE.
7. Deterrence actions shall cease if creching young stay in the camp during the day.
8. Incidents that require deterrence actions to cease shall be reported to DPIE within 24 hours.
9. Annual monitoring reports shall be submitted to DPIE. Matters to be reported include:
 - a. Number of days on which deterrence actions are required
 - b. Numbers of flying-foxes that succeed in roosting at the RBGS on each day
 - c. Numbers of days for which deterrence is unable to be undertaken for any reasons.
10. An annual monitoring report shall be submitted to DPIE by 31 August each year.
11. DPIE is to be notified whenever deterrence actions need to be recommenced after they have not been required for a period of four weeks or more.

References

- Royal Botanic Garden Sydney (RBGS). (2013). GHFF dispersal from the Royal Botanic Garden Sydney – first annual report 20112-13.
- Royal Botanic Garden Sydney (RBGS). (2014). GHFF dispersal from the Royal Botanic Garden Sydney – second annual report 2013-14.
- Royal Botanic Garden Sydney (RBGS). (2015). GHFF dispersal from the Royal Botanic Garden Sydney – third annual report 2014-15.
- Royal Botanic Garden Sydney (RBGS). (2016). GHFF dispersal from the Royal Botanic Garden Sydney – fourth annual report 2015-16.
- Royal Botanic Garden Sydney (RBGS). (2017). GHFF dispersal from the Royal Botanic Garden Sydney – fifth annual report 2016-17.
- Royal Botanic Garden Sydney (RBGS). (2018). GHFF dispersal from the Royal Botanic Garden Sydney – sixth annual report 2017-18.
- Royal Botanic Garden Sydney (RBGS). (2019). GHFF dispersal from the Royal Botanic Garden Sydney – seventh annual report 2018-19.
- Royal Botanic Garden Sydney (RBGS). (2020). GHFF dispersal from the Royal Botanic Garden Sydney – eighth annual report 2019-20.
- Royal Botanic Garden Sydney (RBGS). (2021). GHFF dispersal from the Royal Botanic Garden Sydney – ninth annual report 2020-21.
- van der Ree, R & North, J.M. 2009, *Public Environment Report: Proposed relocation of a camp of Grey-headed Flying-foxes (Pteropus poliocephalus) from the Royal Botanic Gardens Sydney*. A report prepared for the Royal Botanic Gardens and Domain Trust and submitted to the Commonwealth Department of the Environment.

ATTACHMENT A - EPBC approval conditions compliance table

Background information

The RBG has moved from initial dispersal and re-dispersal actions, to passive measures. Passive measures of disturbance allow for ongoing maintenance of a successful dispersal program and should act as a deterrent against the animals re-establishing. These measures may be implemented year-round and do not involve active physical harassment of GHFF. The passive measure selected by the RBG Sydney is pre-dawn noise disturbance and light.

The Trust received conditional approval from the Commonwealth Department of the Environment, under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, effective from 13 May 2010 until 2039 (Approval 2008/4646). The below table details the full conditions attached to the licence.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
1.	The approval holder must undertake the action as described in the final Public Environment Report and in accordance with the conditions of this approval. Where the final Public Environment Report and these conditions are not consistent, these conditions shall prevail.	Compliant	See Royal Botanic Garden and Domains Trust (RBGDT) GHFF Relocation Tenth Annual Compliance Report 2022
2.	To ensure the protection of the Grey-headed Flying-fox (GHFF) colony present in the Royal Botanic Gardens Sydney (the Botanic Gardens), prior to any dispersal activity commencing, the approval holder must:	See below	See below.
2 a)	Establish an Independent Observer Group (the Group) which must consist of at least 3 people who are suitably qualified. The Group members and any subsequent appointments of members must be approved by the Minister. The Group must be available to oversee and provide advice on components of the action as required in these conditions of approval. The Group and all associated administration must be fully funded and resourced by the approval holder, for the life of the approval.	Compliant	Aaron Purcell apurcell@rspca.nsw.org.au 0405 185881 Lynda Newnam laperouse@bigpond.com 0409 698 321 Joy Tripovich joytripovich@hotmail.com 0404 044 300
2 b)	Establish an Independent Expert Panel (the Panel) which must consist of at least 3 people who are suitably qualified. The Panel members and any subsequent appointments must be approved by	Compliant	Brad Law brad.law@dpi.nsw.gov.au 02 98428601 Beth Noel beth.n@nghconsulting.com.au

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	<p>the Minister. The Panel and all associated administration must be fully funded and resourced by the approval holder, for the life of the approval. No Panel member can also be appointed as a member of the Group as described in condition 2 a). The Panel must be available to oversee and provide advice on components of the action as required in these conditions of approval. Any advice provided by the Panel to the approval holder must also be provided in writing to the Minister.</p>		<p>Ian Temby iantemby@hotmail.com</p>
2 c)	<p>2 weeks prior to a dispersal or re-dispersal activity commencing, provide in writing to the Panel, the estimated number of GHFF located in the Botanic Gardens. The approval holder must also inform the Panel if the estimated numbers change by more than 10% in the 2 weeks prior to the proposed commencement of the dispersal or re-dispersal activity. A member of the Group or an appropriately experienced RSPCA Inspector must oversee the counting process and verify the accuracy of these estimated values.</p>	Compliant	<p>See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.</p>

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
2 d)	Obtain all appropriate and necessary animal ethics approvals specific to the proposed dispersal or re-dispersal activity and provide complete copies of these to the Panel. The animal ethics approvals must specify the maximum number of GHFF deaths and/or injuries that may occur per week during a dispersal or re-dispersal activity without the approval holder immediately suspending the dispersal or re-dispersal activity. The approval holder must report the death and/or injury data to the Department annually in accordance with condition 16.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
2 e)	Ensure that a minimum of 100 GHFF located at the Botanic Gardens, of which at least 50% are female, are fitted with tags. In the event that the total colony estimate changes by more than 10% in the 2 weeks prior to commencement of the dispersal or re-dispersal activity, the Panel must determine if any changes to the number of GHFF to be tagged should be made to ensure sufficient GHFF are tagged.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
2 f)	Ensure that at least 10%, up to a maximum of 400 GHFF located at the Botanic Gardens, of which at least 50% are female, are banded. Dominant males must also be included amongst those banded. In the event that the total colony	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	estimate changes by more than 10% percent in the 2 weeks prior to the dispersal or re-dispersal activity, the Panel must determine if any changes to the number of GHFF to be banded should be made to ensure sufficient GHFF are banded.		
2 g)	Ensure all banding and tagging activities, as required by these conditions of approval, is overseen and verified by a member of the Group or appropriately experienced RSPCA Inspector.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
2 h)	Ensure all GHFF that are banded for the purposes of conditions 2 f) are registered with the Australian Bird and Bat Banding Scheme.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
2 i)	Conduct a public health risk analysis and prepare a management plan (the Plan) detailing all proposed components of the action. The Plan must include the identification of public health risks, such as Hendra Virus and Lyssavirus, associated with dispersal of the GHFF from the Botanic Gardens and any subsequent re-dispersal; management actions to reduce any risk; a monitoring program; and thresholds for corrective actions. The Plan must be endorsed by the Panel and a copy of the endorsed Plan must be provided to the Department.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
2 j)	The approval holder must ensure that all appropriate and necessary approvals under relevant health legislation are obtained and complied with prior to the commencement of dispersal or re-dispersal activities.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
3.	The approval holder must only undertake dispersal or re-dispersal of GHFF during the period of 1 May and 31 July in any year for the life of the action. Passive measures can be undertaken outside of the period 1 May to 31 July.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
4.	The approval holder must undertake dispersal and re-dispersal activities in accordance with the following requirements:	See below.	See below.
4 a)	On the first day of any dispersal or re-dispersal, activities can be undertaken for up to 30 minutes around sunset.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
4 b)	On the second day of any dispersal or re-dispersal, dispersal or re-dispersal activities can be undertaken for up to 45 minutes, but must cease 30 minutes before sunrise.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
4 c)	If GHFF are present at the site 31 days after the commencement of dispersal or re-dispersal activities, the approval holder must immediately suspend dispersal or re-dispersal activities. They must inform the Panel within 2 days of the	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	suspension and submit a detailed report to the Panel within 10 days outlining proposed alternative measures that could be implemented. The alternative dispersal or re-dispersal must be approved by the Panel prior to commencement.		
4 d)	GHFF must not be subject to more than 3 discrete periods of dispersal or re-dispersal activity during the period of 1 May and 31 July in any year.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
4 e)	The approval holder must not recommence a suspended dispersal or re-dispersal activity until the report required under condition 4 c) has been approved by the Panel and at least 5 days have elapsed since the suspension commenced.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
5.	The approval holder must ensure daily counts of the GHFF colony to be dispersed or re-dispersed are undertaken between the period of 1 May and 31 July each year for the life of the action. During this period, the count must be overseen and verified for accuracy by a member of the Group or an appropriately experienced RSPCA Inspector at a frequency of 1 day per calendar week.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
6.	The approval holder must ensure that on all days of dispersal and re-dispersal activities during the period of 1 May and 31 July, behavioural	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	<p>monitoring of the GHFF colony is undertaken as described in the Public Environment Report. The behavioural monitoring must be overseen and verified by a member of the Group or an appropriately experienced RSPCA Inspector.</p>		
7.	<p>Dispersal and re-dispersal activities must cease immediately if, within any calendar week, there are GHFF deaths and/or multiple injuries found within 1 kilometre of the dispersal or re-dispersal sites. Death and injury thresholds are to be determined in consultation with NSW Animal Ethics Committee and agreed to by the Panel. The cause of the deaths and or injuries must be determined by a qualified vet and reported to the Panel. The approval holder must inform the Panel within 7 days of the observation being made and provide a detailed report to the Panel outlining proposed contingency plans or possible alternative measures that could be implemented to avoid further injuries or deaths of GHFF. The approval holder must not recommence a suspended dispersal or re-dispersal activity until the report has been approved by the Panel.</p>	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
8.	The approval holder must ensure at least 1 qualified spotter is present during any dispersal or re-dispersal activity, to observe and record the direction(s) in which GHFF leave the site.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
9.	The approval holder must ensure that:		See below.
9 a)	Between 1 May and 31 July in any year when dispersal or re-dispersal activity is occurring, the tracking of a proportion of the tagged GHFF (required by condition 2) is undertaken daily by qualified operators. The location of 80% of tagged GHFF within the Sydney region as shown at Annexure 1, must be recorded at least once every 14 calendar days. The appropriate proportion of tagged GHFF located, and recorded once every 14 calendar days, outside of the Sydney Region, is to be determined by the Panel. The proportion must ensure the measure of success as defined by condition 14. This must be overseen and results verified by a member of the Group. From 1 May, results must be provided to the Panel once every 14 calendar days until 31 July.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
9 b)	Between 1 August and 30 April, in any year when dispersal and re-dispersal activities have been implemented, tracking of the tagged GHFF must be undertaken at least once every 14 calendar days. The appropriate proportion for the success rate will be determined by the Panel, but must ensure the measure of success as defined by condition 14. This must be overseen and results verified by a member of the Group. From 1 August, results must be provided to the Panel once every 30 calendar days unless required more frequently to meet other conditions. The monitoring of each tagged GHFF is to take place for whichever is the sooner: when its tag ceases emitting detectable signals, or, when the colony has been successfully relocated in accordance with condition 14.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
10.	If greater than 90% of the Botanic Gardens GHFF colony has not returned to the Botanic Gardens for more than 5 consecutive days, the approval holder must implement passive measures to prevent the re-establishment of the colony at the Botanic Gardens. These measures must be approved by the Panel.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
10A.	The approval holder has prepared and committed funding for the implementation of a vegetation rehabilitation plan for the necessary sites (as determined by the Panel) of the new colony or colonies from the Botanic Gardens within the Sydney region. The vegetation management plan must detail commitments as to the provision of expert advice in seed collection, horticulture and ecology at the sites. The approval holder must provide for up to \$10,000 per year (including in kind contributions) for a period of 5 years to fund activities implemented under the vegetation rehabilitation plan.	Compliant	There has been one site identified as requiring a vegetation management (as determined by the Panel). This was the Centennial Park flying-fox camp at Lachlan Swamp. The RBG Sydney provided funding for a consultant, Ecological Australia, to prepare the Draft Vegetation Management plan (\$9050 ex GST). The Centennial Park Camp Management Plan including vegetation plan has recently been finalised by the Centennial Park & Moore Park Trust.
11.	On the first day of each month for the period 1 May 2010 (or after commencement of dispersal or re-dispersal) to 1 April 2011, a progress report detailing activities undertaken during the previous month and the associated outcomes must be submitted to the Department. Each report must include the status of the colony in the Botanic Gardens at that time, the status of the re-located colony or colonies, data collected (in accordance with these conditions of approval) and details of any activities that will occur in the following month.	Not applicable	Not applicable – outside of the condition period

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
Secondary-dispersal 12.	If the approval holder proposes to undertake a secondary-dispersal, a management plan must be submitted for the Minister's approval. The approval holder must not commence a secondary dispersal activity unless the Minister has approved the relevant management plan. The plan must include, but not be limited to:	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 a)	The reasons for the proposed secondary-dispersal activity;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 b)	A description of the GHFF population at the secondary-dispersal site including the site location; vegetation type and condition; number of GHFF; and presence of dependant GHFF young;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 c)	Potential direct, indirect, cumulative and facilitative impacts to GHFF from the proposed secondary-dispersal activity;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 d)	Proposed methodology and timeframes for implementing the proposed secondary-dispersal activity;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
12 e)	Monitoring and reporting protocols;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 f)	Avoidance and mitigation measures addressing potential impacts to GHFF, which must include triggers, to suspend secondary-dispersal activities;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 g)	Evidence that all relevant State approvals; conservation advices, recovery plans and/or threat abatement plans have been considered in formulating the plan; and	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
12 h)	<p>The roles and responsibilities for implementing the secondary-dispersal activity.</p> <p>If the Minister approves the management plan it must be published on the approval holder's website within 1 month of being approved by the Minister or being submitted under condition 18.</p>	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
13.	If the Minister approves a management plan submitted in accordance with condition 12, the approval holder must ensure:		See below

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
13 a)	That on days when temperatures are predicted to reach 40°C or more at sites where adequate vegetation cover is not present and/or GHFF may consequently be exposed to heat-stress and/or death, as determined by the Panel, water tankers and operators are present to mist spray the GHFF; and	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
13 b)	That in the local council area where GHFF have established, a public awareness campaign is undertaken and includes information on:	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
13 b) i	The proposed dispersal activities and where the GHFF originated;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
13 b) ii	The GHFF as a nationally threatened species and the protection afforded under the Environment Protection and Biodiversity Conservation Act 1999;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
13 b) iii	What members of the public should do if they come across GHFF, including injured and dead GHFF; and	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
13 b) iv	The associated potential human health issues and risks to people, including Hendra Virus and Lyssavirus and appropriate preventative measures.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
Successful re-location of the Botanic Gardens GHFF colony 14.	Successful re-location of the Botanic Gardens GHFF can be demonstrated if, for each year that dispersal activity is undertaken in the Botanic Gardens; 80% of the colony present at the commencement of dispersal or re-dispersal activity in that year, as determined by the monitoring of GHFF in accordance with this approval, are residing in habitat:	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
14 a)	Of a sufficient area, nature and quality to support the permanent occupation by the GHFF colony present;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
14 b)	That is located within 50 km of foraging habitat of a sufficient area, nature and quality to support the foraging requirements of the GHFF colony present;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
14 c)	With canopy, mid- and under-storey vegetation sufficient to ensure that minimal GHFF will die from heat stress during days of air temperatures above 40°C;	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
14 d)	That is located in an area where the (human) community will not require the new colony or colonies to be re-dispersed, as determined by the Panel; and	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
14 e)	Where more than 70% of adult GHFF females in colonies established as a result of the relocation are breeding each year for a minimum of 3 consecutive years – a member of the Group must oversee and verify the collection of this data.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
Administrative Conditions 15.	Within 10 days of the commencement, the approval holder must advise the Department in writing of the actual date of commencement.	Not applicable	See RBGDT GHFF Relocation Tenth Annual Compliance Report 2022. No GHFF were observed at the RBGS during this reporting period.
16.	By 31 August of each year, following commencement, the approval holder must publish a report on their website addressing compliance with the conditions of approval, including implementation of any plans as specified in the conditions. Attached to the report must be a written and signed confirmation by the Group and the Panel verifying the accuracy of the information provided. The approval holder must provide the Department with evidence of publication on the same day the report is published. The approval holder must continue		<p>The condition to publish the reports on our website was added in 2017. As this was a new requirement, it was agreed that we will not fall into non-compliance for not publishing previous years reports (Email from Heather Cross, Post Approvals Project Officer Environmental Standards Division Sent: Thursday, 1 June 2017)</p> <p>Annual report for 2018 was not uploaded because the website was being rebuilt and action was postponed (John Martin, pers comm.).</p>

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	to meet the requirements of this condition until such time as agreed to in writing by the Minister.		<p>Annual reports for 2019, 2020, 2021 and 2022 have been uploaded each year and are available here; https://www.rbgsyd.nsw.gov.au/About-us/Our-organisation/Policy-documents</p> <p>First draft of Tenth GHFF Relocation Annual Compliance report. Issued to Independent Expert Panel and Independent Observer Group on 30/06/2022. Signed off 18/07/2022 and 05/07/2022 respectively. Published on the RGBDT website 22/07/2022 Issued to DAWE 22/07/2022</p>
17.	Upon the direction of the Minister, the approval holder 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 and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister.	Not applicable	This will be completed upon the direction of the Minister

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
18.	The approval holder may choose to revise the plan approved by the Minister under condition 12 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the approval holder makes this choice they must notify the Department in writing that the approved plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with:	Not applicable	Not applicable
18 i.	With an electronic copy of the revised plan	Not applicable	Not applicable
18 ii.	An explanation of the differences between the revised plan and the approved plan	Not applicable	Not applicable
18 iii.	The reasons the approval holder considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact.	Not applicable	Not applicable

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
18A.	The approval holder may revoke its choice under condition 18 at any time by notice to the Department. If the approval holder revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.	Not applicable	Not applicable
18B.	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:	Not applicable	Not applicable
18b. i.	Condition 18 does not apply, or ceases to apply, in relation to the revised plan; and	Not applicable	Not applicable
18b. ii.	<p>The approval holder must implement the plan approved by the Minister.</p> <p>To avoid any doubt, this condition does not affect any operation of conditions 18 and 18A in the period before the day the notice is given.</p> <p>At the time of giving the notice, the Minister may also notify that for a specified period of time condition 18 does not apply for the plan required under the approval.</p>	Not applicable	<p>All works are conducted as per the Operational Plan for on-going Flying-fox disturbance at the Royal Botanic Garden, Sydney (June 2019). The passive measure selected by the RBG Sydney include pre-dawn noise and light disturbance. No other passive measures have been used by RBG Sydney.</p> <p>No GHFF dispersal or disturbance has occurred during the reporting</p>


Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
			<p>period included in the GHFF relocation Tenth Annual Report.</p> <p>Note that this Operational Plan was approved by the OEH compliance team for the NSW Threatened Species Licence.</p>
19.	Conditions 18, 18A and 18B are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan to the Minister for approval.	Not applicable	Understood
20.	If at any time after 12 months from the date of this approval, the Department notifies the approval holder in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not commence without the written agreement of the Minister.	Compliant	Understood
21.	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the above 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	Compliant	<p>Understood. All relevant monitoring data, correspondence and reporting associated with GHFF licencing is kept in a project specific folder on the RBGDT internal computing system.</p> <p>Currently compiling the information which will be stored internally in a teams site folder</p>

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	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.		

ATTACHMENT C – DECLARATION OF ACCURACY

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 (please print) David Laughlin

Position (please print) Curator Manager Royal Botanic Garden Sydney

Organisation (please print including ABN/ACN if applicable) Royal Botanic Garden and Domain Trust

Date 19/07/2022

Endorsement by the Independent Expert Panel




DOCUMENT TRACKING – RBGDT COMPLIANCE REPORTS	
Report	10th Annual Report (2021-22)
Reporting period	1 July 2021 – 30 June 2022
Date of provision of initial report to Independent Expert Panel	30 June 2022
Date of provision of full raw data associated with the report	N/A
Date of provision of Independent Observer Group written and signed confirmation on report	N/A
Date of provision of Panel feedback on report	18 July 2022
Date of final report sign-off	18 July 2022

Overview and Recommendations

- No flying foxes were observed roosting in the Gardens and thus no dispersal events were required.
- The Panel (now with a membership of three) considers that the GHFF relocation component of the Action has been successful.

10th Annual Report Sign-off

Signatories below confirm that they are satisfied that the data and information contained within this report is for the most part an accurate summary of the data and information supplied to the Panel by the Royal Botanic Gardens and Domain Trust (RBGDT).


INDEPENDENT EXPERT PANEL MEMBER	SIGNATURE	DATE
Brad law (Chair)		19/07/22
Beth Noel		19/07/22
Ian Temby		19/07/22

Endorsement by the Independent Observer Group

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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 (please print) Joy Tripovich
Position (please print) Independent Observer
Organisation (please print including ABN/ACN if applicable) _____
Date 05 / 07 / 2022

ATTACHMENT C – DECLARATION OF ACCURACY

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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 (please print) LYNDA MARILYN NEWNAM

Position (please print) Member RBG GHFF Independent Observers Group

Organisation (please print including ABN/ACN if applicable) _____

Date 30 / 6 / 2022

ATTACHMENT C – DECLARATION OF ACCURACY

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 (please print) Aaron Purcell

Position (please print) Deputy Chief Inspector

Organisation (please print including ABN/ACN if applicable) RSPCA NSW

Date 1 / 07 / 2022