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Submission

to the

Office of Environment and Heritage

on the

Draft Flying-fox Camp Management Policy

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For the Clarence environment Centre
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Submission on Draft Flying-fox Camp Management Policy

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 25 years, and has a proud history of environmental advocacy. The conservation of the Australia's natural environment, both terrestrial and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance. In recognising the interrelationships between species that are crucial to the proper function of those ecosystems, we see it as our responsibility to ensure that all legislation provides full protection for all native species, their habitats, and food sources.

Preamble

We are told in the draft Policy summary that: *“The overriding purpose of this policy is to minimise health impacts of flying-fox camps on people”*. However, given the extremely low levels of health-related incidents that have been attributed to Flying-fox camps that have been recorded over the 200 years of recorded history in NSW, we see this claim as unbelievable and having no merit at all.

We believe the main driver of the proposed Flying-fox camp management legislation is the result of pressure from a handful of State politicians who have received complaints from an equally minuscule number of constituents that are calling for Flying-fox colonies to be moved. In the Clarence Valley's case the local Member, the Hon. Chris Gulaptis, organised a petition which added further pressure to act on an already weakened environment department.

Mr Gulaptis has embarked on a sustained vendetta against a local Flying-fox colony near the Maclean High School ever since his election as a Councillor on the Maclean Shire Council decades ago. That colony has been in residence since before white settlers arrived, and continued destruction of their rainforest habitat, to build more school buildings, and even a sports oval, is the direct cause of the current conflict, with the Flying-foxes now spilling over into nearby residential areas, because there is simply nowhere else to go.

This submission will focus on three issues of concern, the proposed dispersal of flying-fox camps, the creation of buffer zones; and the shooting of the animals outside the camps.

* * *

PART ONE

Dispersal.

As a direct result of the Gulaptis campaigns, hundreds of thousands of dollars have been expended attempting to move the Flying-foxes from Maclean. This has involved noise - chain saws (with chains removed), banging of metal drums, and explosions, combined with smoke, squirting with water hoses, and spraying repellent substances onto the roost trees.

All this achieved was to deprive the Flying-foxes of sleep during daylight hours, leaving them exhausted to the point where the poor animals did not have the strength to forage for food the following night. Ultimately, they simply died from hunger and exhaustion. **Whichever way you look at this, it constitutes cruelty to animals, and is therefore illegal.**




Decades on and the Flying-foxes are still there, and now the State Government's Draft Flying-fox Camp Management Policy plans to allow Councils to re-enact the failed policies of the past, in what we perceive to be a case of Government shifting the responsibility, for what is a very vexed and complex problem, to Local Government.

Case Study – Maclean Rainforest Population

The first record of the existence of the contentious Maclean Flying-fox camp was a local newspaper report in 1885. However, it is likely the camp had been occupied long before that, as the rainforest area was extensive at that time and the animals unlikely to have attracted much interest in what was, at that time, a relatively remote and unsettled area of the village (see Attachment A on the history of the below).



LEGEND

-  Roost habitat used exclusively from the 1960s to 1999 (prior to regular noise disturbances). General area used since the late 1890s. Note: Remnant was previously 7 ha
-  Habitat used post disturbances (from 2000 to 2007)
-  Habitat used in 2009/2010

In 1889, a park was set aside for public recreation, which included the Maclean rainforest, and a year later Flying-foxes were reported as a pest. 200 were shot with ammunition supplied by the Government.

In 1950, all but the rainforest remnant at the park was revoked to build a school, and for the next decade several additions and revocations were made, until in September 1959, the public recreation status was revoked for the entire park, and that land set aside as Reserve 81967 for the “*promotion of the study and preservation of native flora and fauna*”.

The Maclean High School was built in 1960 with the buildings set 80m away from the one hectare rainforest remnant. However classroom extensions in 1970 reduced that distance to about 50m, and finally, in the 1990s, the new campus of TAFE was constructed, with classrooms as close as 10m from the rainforest, causing immediate conflict with the Flying-foxes.

In 1984 the reserve's management was transferred from the Trust, to the Maclean Shire Council, which began culling under licence from the National Parks and Wildlife Service three years later. However, in 1990, Council undertook unlicensed culling, supposedly unknowingly, and management of the reserve was taken out of their hands in 1992 and handed over to a Sydney based organisation.

During the years of school expansion, the rainforest remnant remained untouched by the development, but many other trees were removed, including for a sports oval and a farm then, with an influx of large numbers of Little Red Flying-foxes in the 1980s, the rainforest canopy suffered major damage from over-population, and weed problems emerged as a direct result. However, a 1988 bicentennial grant of \$60,000 saw significant work undertaken, including weed removal, and by 1993, the canopy was reported to be in good condition (A.G. Floyd).

Then the deadly Hendra Virus emerged, a disease known to occur in Flying-foxes, which increased levels of paranoia about “bats” carrying killer diseases. Even though Hendra cannot be transmitted directly from bats to humans, this did not stop the loudcalls from some parents and staff at the high school, which eventually led to the Government granting approval for Council to 'relocate' the colony using the various disturbance methods outlined above.

An intense program of disturbance over 7 years to 2006 was undertaken at an estimated cost of \$400,000, and achieved little more than forcing the population into an adjacent area of forest known as “the Gully”, close to residents, which has caused even more trouble for the authorities, with calls for “napalm like” solutions from some of the more radical elements in the community.

Clearly disturbance was not the solution, and while the Flying-foxes remained, they suffered a significant increase in stress levels which some experts claimed may have actually increased the occurrence of stress-related diseases such as Bat Lyssavirus.

At that point sanity appeared to prevail and a working group, consisting of key stakeholders and experts, was set up to formulate a management plan in a joint venture between Clarence Valley Council and the then Department of Environment, Climate Change and Water, which resulted in the Draft Maclean Flying-fox Management Strategy being presented in 2010.

Stakeholders

Maclean High School; TAFE and Department of Education and Training; Maclean High School Parents and Citizens Association; Community Members; Department of Environment, Climate Change and Water; Department of Environment, Water, Heritage and the Arts; Land and Property Management Authority; Country Energy; Clarence Valley Council; NSW Department of Health, Wildlife SOS, and Valley Watch.

However, shortly before the completion of the Draft, the Department of Education and Training lodged an application to continue disturbance activities to prevent re-establishment of the camp in the rainforest area which, at the time the Draft Management Plan was completed, was being considered by the Environment Department. Then, shortly after the release of the Draft, and contrary to all the policies agreed to between all stakeholders, including the Department of Environment itself, the disturbance licence was granted.

To the best of our knowledge, none of the recommendations of the Management Plan were ever implemented, nor are we aware of what actions were taken to prevent re-establishment. However, 4 years on and some Flying-foxes are still roosting in the now highly degraded rainforest, which has remained neglected for over a decade, while the bulk of the animals are roosting in the Gully and school's car park area.

After years of perseverance, and hundreds of thousands of dollars in expenditure, it must be recognised that the attempted relocation program was a complete failure.

A possible solution?

In November 2014, the Clarence Environment Centre undertook an assessment of the Maclean High School, its grounds and surrounding forested areas. We found utter devastation, through neglect, in the rainforest itself, with what canopy remaining festooned with exotic vines. The surrounding Eucalypt forests, though generally healthy at canopy level, also have largely weed infested under-stories.

It occurred to us that the site created the perfect study area for environmental science, and conservation land management courses, along with specific flora and fauna related studies, which would be ideally suited for both the High School and TAFE. Here too was a reserve that in 1959, 55 years ago, had been dedicated for the “*promotion of the study and preservation of native flora and fauna*”. Also, it had received significant funding, \$60,000, to undertake rehabilitation work which had achieved great results but had been neglected for the past 20 years effectively seeing that funding totally wasted.

All of this we believe is a sad indictment on the Department of Education, the school's Principals, teachers, and parents, and the signs of their collective disinterest are everywhere.

Today, the school is run-down and tired. The architecturally uninspired buildings are sadly neglected and in need of urgent coats of paint, graffiti removal, and general cleaning up of the tons of rubbish that litter every corner. Outbuildings with loose corrugated iron sheets rattling in the wind, broken downpipes, sporting courts with torn nets and matting, the mounds of garden waste, construction material (even though there does not appear to be any current construction), and the ever present garbage spread across untended playing fields, complete the picture.



A Recommendation.

In a rapidly expanding area of the Lower Clarence, with two identified growth areas, Gulmarrad – James Creek, and West Yamba, it is clear that the Maclean High School, squeezed as it is between the river, a cemetery, and electrical substation (hardly the most inspiring surrounds), has nowhere to expand, and that a new high school will need to be built.

In 2010, the then Federal Member, Janelle Saffin, made the suggestion that the current school be closed and a new one built in a more suitable position. We believe this idea has great merit and should be adopted. We also believe that the TAFE campus could remain and expand into classrooms vacated by the high school. That campus would have no need of the sporting ovals which could be regenerated back to rainforest which would triple the habitat available to the Flying-fox colony, ultimately removing the problems that currently exist in the Gully area.

TAFE courses in Conservation Land Management could make great use of the rainforest, a win win solution.

PART TWO

Creation of Buffer Zones

Loss of habitat is a key threatening process that is the main cause of the decline of native fauna. In fact it has been identified as the main reason all land based threatened species are facing extinction. The Grey-headed Flying-fox is a listed threatened species, so the proposed creation of buffer zones through tree removal and lopping is directly removing their habitat. By any stretch of the imagination, **this must be construed as an illegal act.**

It seems to us that the Office of Environment and Heritage has not thought through this proposal. Many of the existing Flying-fox camps in NSW are in rainforest. Rainforest is a protected ecological community, and damaging those communities **is an illegal act,** with penalties of heavy fines and even imprisonment.

An example

Consider this – a one hectare remnant rainforest with a Flying-fox camp, surrounded by suburbia. A decision to clear a 20m wide buffer all round the remnant, could actually reduce the camp's size by more than half. Hardly a brilliant idea.

PART THREE

Shooting

If disturbance is cruelty to animals, what word or phrase can we use to describe giving an inexperienced, unqualified orchardist an open licence to blast off at anything that moves in his orchard.

Shooting of Flying-foxes inevitably results in the wounding of animals and their young, again this would be **an act of cruelty**, with little chance that the shooter will know the animal is wounded, and will likely suffer a long and painful death, while their young will simply starve to death, a process that takes several days.

* * *

On page 5 of the Draft Plan we are provided with a list of policy objectives for flying-fox camp management. However, in our opinion, only one of the eight objectives has any merit, that is the final one calling for a policy that will, “*enable long term conservation of flying-foxes in appropriate locations by encouraging land managers to establish and protect sufficient food supplies and roosting habitat*”.

The pollination services provided by Flying-foxes is crucial, so a plan to increase Flying-fox habitat across the Country must be a priority, rather than making it easier for land managers to destroy the animals and their habitat.

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ATTACHMENT A

(excerpt from “Maclean FF Working Group Management Strategy 2010”)

2.2 History of Maclean Camp and Its Management

The history of flying-foxes in Maclean extends back to the 1880s and is documented in **Table 2.1**.

Table 2.1 Maclean Flying-fox Camp History

<i>Date</i>	<i>Event</i>	<i>Source</i>
19 February 1885	Flying-foxes present in the reserve known as Maclean Park.	The Clarence Richmond Examiner in West 2002
27 August 1889	Maclean Park was part of a larger area of land that was dedicated for public recreation.	NSW Government Gazette
24 September 1889	Municipal Council of Maclean was appointed trustee of Maclean Park.	NSW Government Gazette
4 October 1890	Flying-foxes were reported as a pest in the Reserve and 200 flying-foxes were killed and others wounded with government granted ammunition.	The Clarence Richmond Examiner in West 2002
1893-1930	Few or no flying-foxes present within the Reserve.	Tanton 1999, Nelson 2008
1941	The Reserve was 7.19 ha.	Nelson 2008
1 September 1950	Maclean Park revoked and proposed high school site dedicated for public school.	NSW Government Gazette
1 September 1950	Residue of Maclean Park (rainforest area) dedicated for public recreation.	NSW Government Gazette
20 December 1957	Dedication of Portion 411 for public recreation revoked and Portion 411 added to dedication for public school.	NSW Government Gazette
25 September 1959	The balance of dedication for public recreation revoked and set aside as Reserve 81967 for Promotion of the Study and Preservation of native flora and fauna. MRR approximately 1 ha.	NSW Government Gazette
1960	MHS was built. The original school buildings were positioned approximately 80 m from MRR.	Nelson 2008
1961	MHS opened.	Tanton 1999
22 January 1965	Addition of Portions 413 and 414 to dedication for public school	NSW Government Gazette
1970s	MHS expanded with demountable classrooms being placed closer to the flying-fox camp. Classrooms were still >50 m from MRR.	
1980	Floyd reported that the Reserve was in a healthy state.	Nelson 2008
1980s	MHS was extended towards the MRR which reduced the distance between MHS and the camp and intensified tensions.	Project Brief from WG
19 April 1984	Maclean Shire Council appointed trustee of MRR.	NSW Government Gazette
1986	Influx of large number of Little Red Flying-foxes damaged MRR. NPWS also notes the need for weed control after canopy damage.	Tanton 1999
14 April 1986	Grey-headed and Little Red Flying-foxes became protected in NSW.	
January 1987	Ten Grey-headed and ten Little Red Flying-foxes were licensed to be culled by Council under licence from National Parks and Wildlife Service (NPWS). Number culled not verified.	The Daily Examiner in West 2002
1988	A Bicentennial grant of \$60,000 was used to build access bridges, footpaths, undertake weed control and plantings within MRR. From 1988 to 2000 annual weeding was undertaken at MRR.	Smykowsky 2009, Tanton 1999

Date	Event	Source
October 1990	Council culled flying-foxes unknowingly without licence.	The Daily Examiner in West 2002
1990s	TAFE built	
1992-93	Good canopy present in MRR.	Tanton 1999
6 November 1992	Management of MRR was handed over to a community-based Trust.	NSW Government Gazette
1993-94	Trust continued dispersal under licence using noise and smoke.	West 2002
1994	Black Flying-foxes first occurred in the Clarence.	West 2002
1994 and 1996	Significant influxes of Grey-headed Flying-foxes in 1994 and Little Red Flying-foxes in 1996 to MRR.	West 2002
September 1996	Technical and applied studies block added to MHS within 10 m of MRR.	Tanton 1999, West 2002
October 1997	Food technology block added to MHS.	Tanton 1999
June 1998	Working party formed to discuss and implement a draft flying-fox action plan.	West 2002
29 October 1998	DET obtained a licence from the then NPWS to disperse flying-foxes from the MRR.	Tanton 1999
January -March 1999	Two court injunctions were taken out to prevent the proposed DET dispersal activities; one by RSPCA and another by North Coast Environment Council Inc. However an agreement was made with the RSPCA and the North Coast Environment Council Inc. withdrew their objection in March.	Tanton 1999
8 February 1999	MRR Trust was dismissed and a Sydney based administrator appointed. No on-ground works or weed control undertaken at MRR from 2000 to present time.	West 2002, Smykowsky 2009
6 April 1999	Dispersals using noise commenced, led by Dr Chris Tidemann. The attempted dispersal of flying-foxes from MRR resulted in the colony relocating to the 'gully' area approximately 300 m east and in close proximity to a number of houses.	Tidemann 2003
1999-2000	Disturbances required on a monthly basis until April 2000. Soon after initial disturbances the area of disturbance needed to be expanded to include the gully area.	Tidemann 2003
September-October 2000	Flying-foxes return to MRR and additional disturbances required.	Tidemann 2003
2001	Disturbances required at MRR in January, February and October	Tidemann 2003
2001	Grey-headed Flying-fox listed as vulnerable under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	
2003	Flying-foxes return again and additional disturbances required in the months of June, September and October.	Roberts in press
October 2005	Flying-foxes return and disturbances required.	Roberts in press
July and October 2007	Dispersal attempts conducted at MRR in both July and October. Again the attempted dispersals of flying-foxes from MRR resulted in the colony relocating to the 'gully' area. This prompted complaints from local residents in relation to noise and odour. A population of flying-foxes has remained in the 'gully' area permanently since October 2007.	Roberts 2009
Early 2008	DECCW contracted Dr John Nelson from Monash University to examine the issue of flying-fox camp management and prepare a report to assist the DET and CVC. Dr Nelson's report recommended relocation of flying-foxes from MRR and gully area to the nearby Yaegl Nature Reserve as a short term management	Project Brief from WG, Roberts in press

Date	Event	Source
	technique. However, due to costs and complexities of State and Commonwealth assessment requirements, the application was not pursued and dispersal did not go ahead. Roberts <i>et al.</i> (in press) states that this is unlikely to occur as it does not meet criteria for habitat of Grey-headed Flying-foxes. Yaegl Nature Reserve has been primarily used for short periods of time during late summer and autumn by primarily nomadic groups of Little Red Flying-foxes.	
July 2008	CVC and DET jointly referred an action to undertake dispersal for another five years.	Roberts 2009
September 2008	DECC issued a s.95 certificate (with conditions) for another 12 month period allowing the disturbance of the first flying-fox arrivals only (< 50 individuals).	Roberts 2009
November 2008	Black and Grey-headed Flying-fox numbers increased in Maclean mostly roosting in the CE substation area.	Roberts 2009
Mid March 2009	Flying-foxes numbers increased to 25,000 in the MRR, substation, gully and high school grounds possibly due to prolific flowering of Melaleuca. Large numbers also roosted in the upper, newly subdivided area of the gully for the first time since March 2000.	Robert 2009
2009	Flying-foxes continue to return to MRR in numbers exceeding >20,000 and are still permanently occupying the substation and lower gully area.	Roberts 2009
12 March 2010	DET lodged an application with DECCW under s.91 of the <i>Threatened Species Conservation Act 1995</i> to undertake actions to prevent the re-establishment of a flying-fox camp in the MRR or MHS grounds. DET proposed to undertake dispersal for a period of up to five years. This application was submitted independently of the WG.	Project Brief from WG
May 2010	DECCW have reviewed the application and sought further clarification and information from the applicant. As at May 2010, no additional information had been submitted and this application has not yet been determined. No action to disturb flying-foxes in Maclean is currently permitted.	Project Brief from WG

ATTACHMENT B

Costs of relocation (excerpt from “Maclean FF Working Group Management Strategy 2010”)

Cost	<ul style="list-style-type: none"> ▪ Relocation attempts at Maclean between April 1999 and December 2006 cost at least \$400,000 including over 640 person-hours of effort (Roberts <i>et al.</i> in press). ▪ Relocation at Royal Botanic Gardens, Melbourne cost approximately \$3 million and thousands of person hours of effort (derived from Toop in Roberts 2008). ▪ A small population of Grey-headed Flying-foxes began roosting above the war memorial in Burdekin Park, Singleton NSW in 2000. A poorly informed steering committee decided to disperse the camp in 2003. At a cost of \$42,000 (seven times the budget); considerable damage resulted to footpaths and lawns of the park (Stevenson 2004). 	
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