

NORTH COAST ENVIRONMENT COUNCIL LETTERHEAD

Response to: Reference Number 2010/5656

Department of Education and

Training application to disperse Flying-foxes from Maclean High School

Forwarded to :

Referral Business Entry Point, EIA Policy Section (EPBC Act)
Approvals and Wildlife Division
Department of the Environment, Water, Heritage and the Arts
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From: The North Coast Environment Council Inc

14th October 2010

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The NCEC has read the referral document prepared by the proponents for the action, and we thank you for the opportunity to respond. As the Dept of Education and Training is still awaiting the outcome of the Commonwealth assessment and approvals process, we take the opportunity to make the following comments:

The apparent care for the needs of the flying-fox appears to be sympathetically addressed by the DET. This is appreciated and noted. However the plan to disturb incoming and outgoing flying-foxes from the NW corner of the Maclean High School (MHS) appears to be an imprudent reaction to the newly formulated Flying-fox Management Strategy (Clarence Valley Council 2010) on the part of just one person, and at tax-payers' expense.

A working group, initiated by DECCW, included representation by all involved stakeholders, including the Dept of Education and Training. The focus of the eventual strategy formulated by the working group was to address the concerns of staff and students at the Maclean High School, the Maclean TAFE, and local residents. This group has now determined a final suite of approved actions for managing the flying-fox colony at Maclean, and these actions are in the process of implementation.

Under the NSW Dept of Environment & Climate Change's Flying-fox Camp Management Policy (2007) a strategic plan to manage a flying-fox colony *in-situ* must precede any proposal to relocate a colony. The DET - a self-interest body in this instance - has failed to satisfactorily explain to the local DECCW regional operations branch as to why the *in-situ* management, planned by the Flying-fox Management Strategy, is not viable in this instance.

With Council determining to maintain a healthy colony of flying foxes within the Clarence Valley LGA, and the Management Strategy having determined the methods of accomplishing this with benefits to all parties concerned, it is inappropriate now for the DET to attempt to bypass Council and DECCW and undermine those positive achievements of the working group by yet again applying for intervention from the Federal Government.

The DECCW's Policy 13 for Flying-fox camp management states that DECCW will coordinate the preparation and implementation of an education and communication strategy in partnership with other agencies or organisations that share responsibility for addressing community needs and concerns. This strategy will be implemented before the time of year when influxes of flying-foxes usually occur.

The DET made no effort to implement this clause before the influx of flying-fox into Maclean at the start of the 2010 breeding season. It is considered inappropriate for the DET to now attempt to bypass this important requirement and take matters into their own hands, in a way approved neither by the Clarence Valley Council; the specific Flying-fox Management Strategy working group, or DECCW itself under its Flying-fox Management policy.

In May of this year the Federal Government approved - with strict conditions - a plan to relocate flying-foxes from the Sydney Botanic Gardens. This included a mandate that the body undertaking the disturbance ensured that the animals dispersed to a suitable location. Under DET's proposal there is no stipulated plan to disperse the flying-foxes to any predetermined location - only to disperse them elsewhere. Historically this type of activity has resulted in the animals moving into totally unexpected places, the Maclean High School grounds being just one such 'spill-over' example. This proposal, if carried out, could well have similar limited success. We therefore request that, should approval be granted to this proposal, then the same condition be attached

It is presumed that the DET has applied to DEHW for approval to relocate the flying-fox colony, under the EPBC Act clause that states: *Approval is required for actions that are likely to have a significant impact on: - a matter of national environmental significance*

This clause is in place to allow federal assessment of a proposed project that will impact species protected under the EPBC Act, where a proposed action has gained approval by local and State consent authorities (in this case Clarence Valley Council and the Dept of Environment Climate Change and Water). However, this proposed action has not gained approval from either of these consent authorities. Therefore it would be inappropriate for Federal approval of this proposed action to be granted at this time.

Under Section 6 of the Policy (Disturbing and Relocating Flying-fox Camps), Step 4 requires a justification of the need to relocate this particular flying-fox camp in terms of exceptional circumstances; requires an outline of prior camp management that has been undertaken, and an explanation as to why on-site management is not viable.

As the High School was built in 1960, at a distance then of 80 metres away from the flying-fox colony in the Maclean rainforest reserve, and as the school since that time has been gradually encroaching on the rainforest reserve and traditional flying-fox camp (ie for the last fifty years) the current uncomfortable situation DET find itself in cannot possibly be seen as any sort of exceptional circumstance.

DET has never yet outlined any management plans of their own for the flying-fox colony, or part of the colony, nor for this spill-over colony, beyond this now proposed relocation plan. Also, with the Maclean management strategy in its infancy with no opportunity yet to prove successful or otherwise, and as DET was a party to its formulation, it seems inappropriate for DET to now successfully claim on-site management to be unviable

In summary, relocation of the flying-foxes have constantly proven costly and unsuccessful. For the very first time, an acceptable plan of management for the camp has finally been developed. Now the DET is being reactionary and unhelpful, as well as failing to comply with any parts of the DECCW Policy or EPBC Act.

Point 7.2.3.3 of the Draft Maclean Flying-fox Management Strategy addresses dispersal from Maclean High School grounds as a single unit. The determination for this is that it will trigger the same animal welfare issues as other dispersal activities (ie stress, fatalities and abortion). It also determined that such activity is likely to:

- Increase numbers of flying-foxes in other areas, with ensuing conflict with residents
- Distract the students
- Leave the High School still impacted by flying-foxes in the Maclean Rainforest Reserve
- Be difficult to achieve without impacting nearby roosting animals in non-target areas
- Is unlikely to achieve its aim of complete removal of all flying-foxes
- Is likely to be as costly as other relocation proposals

The Strategy also addresses a series of plans to enhance the school's working environment, and several of these are already underway or completed. One suggestion, revegetating part of the MHS agricultural plot as a method of increasing the Maclean Rainforest Reserve to help prevent spillover of flying-foxes into the school's NW corner has met with resistance from DET. Yet the question must be asked, how significant is this particular program for a high school, when agriculture is adequately addressed by tertiary colleges within the LGA

The actions devised by the Draft Maclean Flying-fox Management Strategy (Table 8 of the Strategy) address all concerns of the Maclean High School, the Maclean TAFE, the residents affected by flying-foxes, and the animals themselves. The success of the Strategy, however, is recognized as hinging on the "constructive co-operation of all stakeholders, rather than reacting to problems that arise".

This application by the DET is just such an example of non co-operation.

Yours sincerely

Patricia Edwards

For the North Coast Environment Council