

**Protectors of Public Lands Victoria Inc.**

**Submission to Port Phillip Council concerning Protection & Management of Catani Gardens 6/4/09**

**Our Interest in the Catani Gardens:**

Thank you for allowing me to speak to Council tonight. I am making this submission on behalf of Protectors of Public Lands Victoria Inc. (**PPL VIC**). We are a coalition of over 80 environment, heritage, community and animal welfare groups whose foundation charter states that we were established: to protect and preserve significant public lands in public ownership for present and future generations. A key principle of our organisation is as follows: *“Significant public lands do not belong to the Government of the day, they belong to the people. Governments must keep these sites in public ownership and control for present and future generations. Governments must also properly protect, conserve and manage these sites”*. PPL VIC therefore has a direct and legitimate interest in the Catani Gardens (**Gardens**).

**Prior Submissions:**

It is with a sense of déjà vu that I am addressing you on the protection and proper management of the Gardens as nearly 3 years ago, on 1 and 22 May 2006, I made submissions to a Council Committee on the subject of the destruction of wildlife. I quote from my 22 May 2006 submission: *“In conclusion, possums do not chew palm fronds and as they are not damaging the trees nor acting as vectors of Fusarium Palm Wilt then there should be no call for “managing” the possum population in the Catani Gardens. It is of course desirable to have information on wildlife in parks but we are alarmed when Mr Bryan Walters of EcoPlan Australia talks about euthanasing possums when numbers go beyond what he regards as “sustainable”*. Jill Quirk has covered aspects of what PPL VIC regards as the illegal trapping and killing of possums but I would like to add to her comments. .

**Illegal Trapping and Culling Possums in the Catani Gardens:**

As indicated, since May 2006, we have been concerned over the legality of the project conducted by Council to “manage” the population of brushtail possums in the Catani Gardens. Notwithstanding the Governor-in-Council Order which outlaws lethal means of “managing” brushtail possums, Council adopted **lethal** control measures of possums, openly and publicly stating that they were being trapped and “euthanased” to reduce the population. To this end Council sanctioned the use of an experimental band, chute and trap, plus one way “gates” detailed in Council’s management plan drawn up by consultant Bryan Walters of EcoPlan Australia Pty Ltd August 2006. (See Photos 1 and 2 in Jill Quirk’s submission.) Thus Council departed from standard practice and so could be deemed to be undertaking an “experimental or research” project requiring a permit under the Wildlife Act 1975. A proponent of such management practices is required to obtain the necessary permit and animal ethics committee approval prior to any activity commencing. But neither Bryan Walters nor Council had such a permit. It was confirmed on 1 June 2006 by Mark Winfield Manager Fauna and Flora Port Phillip Region DSE. that neither had either animal ethics approval or the appropriate Wildlife Research Permit.

We find it extraordinary that while a number of individual palms in the heritage listed St Kilda Botanic Gardens are banded with standard bands, the entrance avenue of 11 Canary Island palms and 11 “Skyduster” palms remain unbanded. So why were palms in the Catani Gardens banded? Yarra and Boroondara Councils do not band their palms or shave off lower fronds; many have resident possums which do no damage to the trees.

On Friday 12 March 2009 PPL VIC attended a Directions Hearing at the Victorian Civil and Administrative Tribunal (**VCAT**) concerning our application re the legality of “trapping and culling brushtail possums in the Catani Gardens St Kilda” by the respondent – the City of Port Phillip. No determination has yet been made as to whether we get a full hearing. We found it most extraordinary that Port Phillip’s solicitor from Best and Hooper based her argument that our case should be struck off and not heard on the grounds that possums carried Fusarium Palm Wilt (FPW) and so damage the trees and therefore had to be culled. This

directly contradicted Mr David Yeouart's statement made on 2 March 2009 that possums do not infect trees with FPW.

### **Concern over Absence of Permits and Contracts Associated with the Possum "Management Plan"**

PPL VIC applied under FOI to obtain documents relating to the project. Our first application was made in December 2007 but we did not obtain any relevant documents. At a VCAT hearing in July last year the Chair referred the case to the Ombudsman to pursue. We were informed that there were no contracts for the whole project involving installation of the bands and traps on the palms plus large possum boxes on the cypress trees which operated as traps. (We have correspondence, however, from Citywide, the contractors, referring to contracts.). The only other document was an invoice showing that pest exterminators had been employed by Council at the cost of \$8360 for one month's work in April/May 2007. We found the lack of documentation of the project patently unsatisfactory.

### **Issues Concerning the Catani Gardens**

#### **Sporting Events and St Kilda Festival Damaging the Gardens**

Councillors will be familiar with our correspondence detailing the damage done to the Gardens by sporting events. They should be held in purpose built venues. We welcome the decision to draw up a Master Plan for the Gardens but they can never be restored to their previous condition if they have fully laden BDouble trucks drive over the ground and compact soil plus damaging trees. This is disastrous in the appalling drought conditions we have experienced and which will continue given global warming. There is the question of threats to public safety. The public should have 24 hour access yet the Gardens are tied up for 4 days at a stretch over weekends. Given that there are 11 events during the year then the Gardens are unusable by the public for a month and a half. This is untenable. Presumably this Council opposes Grand Prix in Albert Park so why not sporting events in the Catani Gardens? This is contradictory...

#### **Homeless**

PPL VIC and Friends of Catani Gardens members are most alarmed over the treatment of the homeless who reportedly have their blankets removed and eviction notices served on them. Apparently no agencies visit the homeless to check on provision of temporary accommodation.

#### **Hoons in Surrounding Roads**

PPL VIC had hoped that Council might introduce speed humps but this does not appear on the agenda...

#### **Recommendation**

Now that the bands on palms have served Council's purpose we are requesting that they be removed and efforts made to return the avenues of palms and Gardens to their former glory. We consider that Council should call an amnesty and discontinue events on the Gardens until a Master Plan has been drawn up and recommendations made as to restoration and revegetation of the whole precinct. We are willing to have discussions with Council as to how the possum colony – already a tourist icon – can be advertised to attract visitors.

Julianne Bell  
Secretary  
Protectors of Public Lands Victoria Inc.  
PO Box 197  
Parkville 3052

98184114 or 0408022408