

**ORDINARY MEETING OF COUNCIL  
27 JULY 2009**

<b>2.</b>	<b>MANAGEMENT OF CATANI GARDENS</b>
<b>LOCATION/ADDRESS:</b>	<b>CATANI GARDENS</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>DAVID YEOUART, EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES</b>
<b>PREPARED BY:</b>	<b>FIONA BLAIR, MANAGER PARKS AND OPEN SPACE SERVICES</b>
<b>FILE NO.:</b>	<b>62/01/98</b>
<b>ATTACHMENTS:</b>	<b>ATTACHMENT ONE (1) – CITY OF PORT PHILLIP, STRATEGY AND POLICY REVIEW COMMITTEE MINUTES (EXTRACT) 6 APRIL 2009.</b> <b>ATTACHMENT TWO (2) – STATEMENT FROM MS. J BELL, SECRETARY PROTECTOR OF PUBLIC LANDS VICTORIA</b> <b>ATTACHMENT THREE (3) - DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT FUSARIUM WILT FACT SHEET</b> <b>ATTACHMENT FOUR (4) - DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT GUIDELINES FOR MANAGING DAMAGE CAUSED BY COMMON BRUSHTAIL POSSUMS IN MUNICIPAL PARKS</b>

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**1. EXECUTIVE SUMMARY**

1.1 This report is being presented to:

- Provide a response to the presentation made by Ms J Quirk and Ms J Bell (representing Protectors of Public Land Victoria), to the 6 April meeting of The Strategy and Policy Review Committee, concerning the ongoing management of Catani Gardens and in particular, Possum Management (refer Attachment 1 and 2);
- Inform Council on the process implemented for possum management in Catani Gardens and
- To seek Council endorsement to continue to use the Department of Sustainability (DSE) and Environment Guidelines for the Management of Brushtail Possums in Municipal Parks

## **2. RECOMMENDATION**

That Council:

- 2.1 Endorses the process and context for possum management in Catani Gardens from 2006-2009, which used the Department of Sustainability and Environment Guidelines for the Management of Brushtail Possums in Municipal Parks.
- 2.2 Endorses the continued use of the Department of Sustainability and Environment Guidelines, for the management of Brushtail possums in Municipal Parks in the City of Port Phillip, consistent with State Government Guidelines.
- 2.3 Maintains the current tree bands in Catani Gardens and continues to monitor the plant health, together with the possum population of the park.

## **3. BACKGROUND AND CONTEXT**

### **3.1 POSSUM MANAGEMENT AND FUSARIUM WILT**

#### **3.1.1 Fusarium Wilt (Refer Attachment 3)**

- Fusarium Wilt is caused by a fungus (*Fusarium oxysporum*).
- The pathogen can survive for 2 years or longer in soils or for up to 10 years in plant tissue and all infections are fatal.

#### **3.1.2 Hence, replacement of palms in infected soils is not a realistic option.**

- Once a tree is infected, it must be removed and usually burnt. Each palm, in the City of Port Phillip, is worth about \$10,000.
- Fusarium Wilt can be spread by a number of means, including soil movement, cross infection from plants, irrigation water and animals that chew palm fronds, such as rats.
- The disease had been found in Alfred Square, in 2004, with other outbreaks in St Vincent Gardens, Acland Street and Beaconsfield Parade.
- In early 2006, routine inspections of the Canary Island Palms at Catani Gardens, by parks staff, identified animal damage to the emergent shoots on the crowns of the trees, which made these already susceptible trees, in high risk of catching the fatal disease.
- In order to protect the trees from further damage and as a preventative measure against fusarium wilt, tree bands was installed on one-hundred and two (102) palm trees, in Catani Gardens, during February 2006.
- Shortly after the tree bands were installed, a significant number were removed by persons unknown. The issue received substantial media coverage.

### 3.2 CATANI GARDENS

- Catani Gardens are included on the Victorian Heritage Register (H1805) maintained by Heritage Victoria. The registration was gazetted in 1999 and includes paths, plants and avenues of trees.
- The palms in Catani Gardens are particularly important, as they are a major component of the gardens and reserves, planned by the St Kilda Foreshore Trust Committee in the early 20th century.
- Within the vicinity of Catani Gardens, there are other complementary plantings, which feature palms, including, Albert Road, Upper Esplanade and Beaconsfield Parade.
- Following the vandalism of the tree bands and the presentation of a number of petitions, Council resolved, on the 27 March 2006, to further investigate the issue of possums, in Catani Gardens and began the process of developing a Possum Management Plan.

#### 3.2.1 This process involved:

- EcoPlan Australia (May 2006) ecological consultants, were engaged to undertake preliminary investigations of possum population at Catani Gardens, to inform a Management Plan.
- Consultation with park users and possum feeders, including local environment groups.
- Consultation with other land managers with similar issues, primarily The Department Sustainability and Environment (DSE) but including Parks Victoria; Cities of Melbourne, Maribyrnong and Yarra; The Eco Centre, Heritage Victoria and the Fusarium Wilt Working Group.
- All use the DSE guidelines, as the basis for their possum management strategies and the Eco Centre management was involved in the development of the DSE Guidelines.
- Utilising the Possum management Guidelines, developed by the Department of Sustainability and Environment in 2003 which assist local government in the management of tree damage in parks (Refer Attachment 4)

#### 3.2.2 On 1 May 2006, a further report was presented to Council, which set the direction for the future management of possums in the City of Port Phillip's parks and gardens.

- The report paid particular attention to the management of possums in St Kilda, following community concern over the installation of tree bands on palms at Catani Gardens in February 2006.

The report recommended:

Noting the heritage status of palms in this municipality and Councils relation thereto, it is recommended:

- That the Department of Sustainability and Environment Guidelines for Management of Brush tail Possums in Municipal Parks be implemented at Catani Gardens and be applied to all parks where appropriate.
- That possum numbers be recorded at Catani Gardens and an ongoing community based, possum survey be instigated in consort with the Port Phillip Eco Centre.
- That the findings of this report be communicated to those members of the public that presented petitions and questions at the 27 March 2006 Council meeting.

A supplementary report was presented to Council, on 22 May 2006, which presented the findings of Eco Plan Australia report *Preliminary investigation into the cause of crown damage in Canary Island Palm at Catani Gardens, St Kilda May 2006* which investigated crown damage in Canary Island Palms at Catani Gardens as a part of the development of a Possum Management Plan.

3.2.3 The main findings of this ecological study were:-

- Approximately 80 Brushtail Possums and numerous rats reside at Catani Gardens, largely in the Canary Island Palms but also in Cypress trees and in the seawall.
- Possums feed upon Mirrobush, Norfolk Island Hibiscus and grass. It is not know if they eat palm fronds.
- Park visitors regularly feed possums and rats, to a point whereby the animals are tamed.
- All possum territories are full at Catani Gardens.
- Palms are suffering physical damage to new shoots, which will result in their ultimate death, if not prevented.
- The actions of animal welfare groups have the potential to interfere with data gathering and potential solutions to possum population and palm management.
- The issue of Fusarium wilt should be treated separately, at this stage of the study.
- Damaged trees are more susceptible to disease.
- Intervention, in animal damage of palm crowns, is necessary to ensure the survival of heritage trees and possums.
- The size of the possum population at Catani Gardens is currently unsustainable.

3.2.4 A second report was commissioned to determine the extent of the damage to Palms at Catani Gardens caused by rats, possums or others.

Eco Plan Australia, *Management of Common Brushtail Possums in Canary Island Palm at Catani Gardens, St Kilda August 2006* report identified:

- Some damage was occurring from the bending of the frond by the weight of an animal or animals.
- The critical damage was from the removal of tissue at the growing tips of new rachis. Continuing damage would result in the death of the tree.
- Tissue with the palm rachis structure was found in the faecal pellets of possums in Catani Gardens.
- The conclusion from this report was the Common Brush tail Possum was responsible for most if not all of the damage to the crowns of the Canary Island Palms at Catani Gardens.

While it is acknowledged that palm fronds are not included in the preferred diet of possums, the Gardens were also experiencing drought conditions where the majority of the plants in the area were less plentiful than usual and were being eaten by animals, as their preferred food sources were becoming scarce.

In addition, the possum population had reached an unsustainable number and was supplemented by tourists feeding them breads and other tidbits.

The following recommendations were noted in this report.

1. Possum Guards be installed on a gradual basis at a height of approximately 6 meters from the ground (10 sites per month)
2. Possum gates to be installed to allow possums to move from canopies to the ground without having to jump the required distance. This gate to be one way operation.
3. Temporary possum housing installed in palm trees to allow resident possums a housing opportunity.
4. Manage the current possum population within a population size of between 15 and 30 possums.
  - Reduction of the population is to be in accordance with the Wildlife Act 1975 and the policies of its administrative authority, the Department of Sustainability and Environment.
  - Such removals of surplus animals to the site are to be removed humanely for euthanasia by a veterinarian.
  - A recommendation to make an application to DSE for a permit to control protected wildlife, given the ongoing nature of intervention.
  - Install permanent refuges for the long term stability of the population.
  - Future planting options within the site of indigenous, middle story trees and shrubs within the constraints of Heritage provisions
  - Advisory signs for the public in reference to feeding possums on site.

All the recommendations have been implemented with the exception of signage

- From August 2006 – November 2006 tree gates and temporary refuges were installed at Catani Gardens.
- From August 2006 – March 2007 continuous and recurrent vandalism occurred on the guards and refuges.
- In December 2007 the RSPCA provided a written letter in support of council's management process and noted that there was little effect on possums if they were to jump to the ground from a 3 metre height i.e. from the top of the palm protection bands.
- In March 2007 Council changed the band installation. Consent was given by DSE and RSPCA, to place the bands at a distance 2 meters from the ground, which was considered a safe distance for a possum to normally leap to the ground, in natural settings.
- A permit application for controlling possums in Catani Gardens was submitted to the DSE and approved 5 March 2007. This approval was granted by the DSE based upon the Possum management report and previous consultations with the City of Port Phillip.
- In May 2007, population control measures were completed. Since that time, there has been no further removal of possums and they have never been trapped.

### 3.2.5 Current Possum and Palm tree Management

- Non lethal management techniques continue to be used as recommended by the Department of Sustainability and Environment, in the form of bands.
- There are currently 3 possum refuges (boxes) in 3 separate cypress trees.

In March 2009, 3 possum tubes on the Palm Trees beneath the bands were removed due to deterioration; there were no possums in the tubes at the time of removal.

- There are quarterly inspections and regular monitoring of the Palm canopy being undertaken.

Since the installation of the bands there has been a notable improvement in the health of the trees.

- On 19 January 2009, Council received an application under the Planning and Environment Act 1987.

In conclusion, the installation of bands to the palms in Catani Gardens has helped reinvigorate and protect the palm stock, which is an integral part of the Park.

A significant number of possums still inhabit the area and the ongoing management plan appears to be working, with a healthy, sustainable, possum population.

However, the population should be continually monitored and managed, as per DSE requirements.

Hence, there is no need to remove the bands at the risk of the area returning to the problems the park formerly experienced.

- The Protectors of Public Lands Victoria had sought a declaration that the Council has been trapping and culling possums in the Catani Gardens, not in accordance with the Wildlife Act 1975 in that, the trapping and culling breached the order in Council dated 10 July 2003 and made under section 7A of the Wildlife Act (Order in Council)
- The Practice Day Hearing for the possums was heard by Deputy President Gibson at VCAT on Friday 13th March.

The Purpose of the Practice Day hearing was to hear Council's application to strike out Ms Bell's application, based on the application from Ms Bell being misconceived and/or lacking in substance.

3.2.6 Council's legal representatives argued that:

- A permit is not required as bands do not fall within the definition of building and or structure clause pursuant 36.02-2 of the Port Phillip Planning Scheme;
- A permit is not required if works are undertaken by or on behalf of the public land manager;
- The City of Port Phillip has implemented a Management Plan for Common Brushtail Possum in Canary Island Palm Catani Gardens, St Kilda (August 2006), which has been approved by the Department of Sustainability and Environment in accordance with the Governor in Council order published in the Government Gazette on 10 July 2003 and the Wildlife Act.
- The Tribunal reserved its decision and indicated that a decision would be handed down. At the time of writing this report (17 June 2009) the Tribunal had not made a decision on this matter.

3.3 CATANI GARDENS SPORTING EVENTS

- In reference to events in Catani Gardens, Council is intending to review its' approach to events in sensitive /important gardens such as Catani.
- To this end, Council is currently in the process of engaging a consultant to consolidate, revise and update the existing Catani Gardens Master plan.
- At this time, appropriate public consultation will be undertaken.

3.4 HOMELESSNESS

With respect to homeless people in the Catani Gardens the following information is provided.

- The City of Port Phillip Homelessness Action Strategy 2008-2013 was developed and endorsed by Council in September 2008. This Strategy was developed in consultation with people who have experienced or were currently experiencing homelessness as well as a broad range of support agencies and members of the community.

- Council has policies and protocols for Council Officers dealing with people experiencing homelessness and sleeping in parks, cars or foreshore areas such as Catani Gardens
- The City of Port Phillip aims to provide an integrated response across the council's services to respond to people experiencing absolute homelessness and needing assistance and referral to crisis accommodation : Clause 44A (p29) of the Community Amenity Local Law No.3 outlines what the council services should consider when someone is experiencing homelessness and has complex needs. It is important for Council officers to ensure, if at all possible, that people experiencing homelessness are connected with an available support agency. There is no benefit to those people, who are often with few means or support, or the wider community in allowing camping on public reserves to continue when they are in need of support and/or accommodation.
- Council officers are required to report instances of homelessness to local outreach support services while continuing to assess and manage the health, safety and amenity issues of the public spaces.

Council's officers liaise regularly with appropriate agencies in regards to requesting outreach support to parks and open spaces, for people who are experiencing homelessness.

#### **4. CONSULTATION AND STAKEHOLDERS**

- 4.1 As with all Council significant plans and strategies, consultation is carried out with professional bodies, stakeholders, industry experts and those with interest in the area, at the appropriate levels.
- 4.2 In the case of Possum Management, Sporting Events and those Homeless, in Catani Gardens, this is highlighted in the body of the report.

#### **5. ALIGNMENT TO COUNCIL PLAN**

- 5.1 The report aligns with the 2009/2010 council plan objective Enhancing Liveability – Caring for our natural environment and preserving our heritage - review and improve the management of heritage gardens.

#### **6. POLICY IMPLICATIONS PLAN**

- 6.1 The City of Port Phillip's Toward Zero - Sustainable Environment Strategy 2007 point 7 Natural heritage states:
  - The City is committed to maintaining and enhancing its natural heritage values, significant sites, and regional biodiversity and habitats (accepting that our environment does not end at our municipal boundaries).
  - The City will work with the community, regional, state and federal stakeholders/authorities in the active management and stewardship of our natural heritage and regional habitats

The recommendation in this report is consistent with this.

**7. FINANCE / RESOURCE IMPLICATIONS**

- 7.1 The cost to manage possums within parks is covered within existing operational budgets.

**8. LEGAL & RISK IMPLICATIONS**

- 8.1 The risk of not endorsing the use of the Department of Sustainability and Environment Guidelines for the management of Brushtail possums in Municipal Parks is that the possum population increases resulting in damage to trees within the city
- 8.2 The recommendation is an environmentally responsible management strategy for flora and fauna, consistent with State government requirements. The continued use of the Department of Sustainability and Environment Guidelines for the management of Brushtail possums in Municipal Parks will ensure that the city's heritage for parks will be preserved for future generations.
- 8.3 The Department of Sustainability and Environment Guidelines for the management of Brushtail possums in Municipal Parks are currently being used within the city.
- 8.4 Banding of trees is recommended in areas of known possum population where tree health is being impacted upon or in decline. This typically occurs within a reserve setting; hence currently not all palm trees in the City of Port Phillip need to have bands.

**9. IMPLEMENTATION STRATEGY**

- 9.1 The management Plan for Common Brushtail possums in Canary Island Date palm at Catani Gardens was implemented in 2006.
- 9.2 The care for Homeless as part of councils Homeless Action Strategy 2008-2013 is ongoing and current.
- 9.3 Review of management of Events in sensitive /important gardens such as Catani will be conducted prior to the events season (November 2009).

**10. COMMUNICATION**

- 10.1 The City of Port Phillip will continue to follow State government requirements, with respect to management of fauna and flora in its parks.
- 10.2 The City's practices for parks management are consistent with other land managers in our region, including Parks Victoria and the City of Melbourne.