

ORDINARY MEETING 31 OCTOBER 2012	14
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STRATEGIC DIRECTION: FLYING FOX COLONY CAIRNS CBD

Russell Wild: 13/8/1-06: #3600459v3

RECOMMENDATION:

That Council:

- a) **agrees to lodge an application to the State Government for a Damage Mitigation Permit to manage Flying Foxes on Council controlled lands in close proximity to the above site, based on the pruning of trees in this area; and**
- b) **supports the landowner of Lot 202 and 203 on SP 210231 in making a concurrent application to the State Government for a Damage Mitigation Permit to manage Flying Foxes in this vicinity, also based on the pruning of trees.**

EXECUTIVE SUMMARY

The issue of managing Flying Fox roosts in the Cairns CBD has been discussed and debated for some time. The most significant roost involves between 15,000 and 20,000 Spectacled Flying Foxes in fig and mango trees in the vicinity of the City Library and the city block immediately to the north of the library. Following extensive research and professional advice on the matter, it is proposed that Council considers the following options:

OPTIONS:

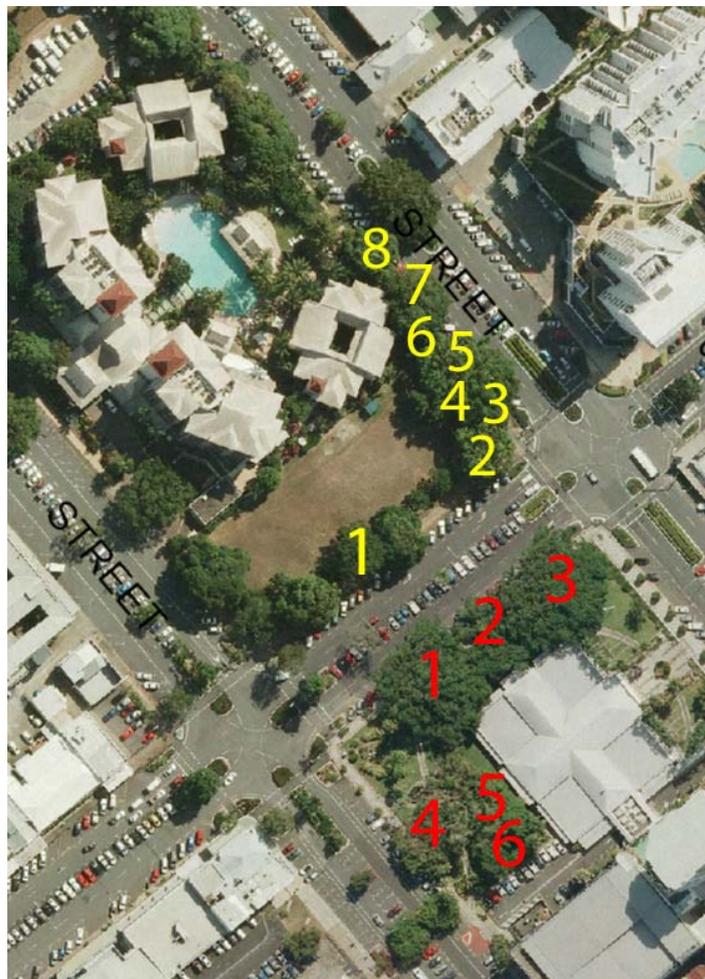
- **No Action:** Continue to maintain footpaths, the library building and the roost trees through an endorsed Species Management Program. Also promote the colony as an asset to visitors to the region and continue with an informed education program emphasising their current threatened status. **Cost:** Contained in operational budgets.
- **Application for relocation of flying foxes from trees close to Novotel Resort infrastructure (Lot 202 and 203 on SP 210231):** The Novotel has previously applied to the State Government for a Damage Mitigation Permit (DMP) to remove the Flying Fox roost trees located on its land. Both applications have been refused. Council could encourage and support a third application from the resort for a DMP to prune trees that are close to buildings. This would most likely force the Spectacled Flying Foxes (SFF) to relocate to the roost trees around the library. The behaviour of Flying Foxes that are disturbed from their roost sites, especially colonies that have been within the same site consistently for long periods of time, is inherently unpredictable. **Cost if application approved:** Approximately \$20,000 to be paid by Novotel.

- Application for relocation of flying foxes from trees on both the City Library and Novotel Resort sites:** The main issues associated with the dispersal, in addition to the costs, centre on where the SFFs will disperse to and the issue of return which may last as long as nine (9) years. There is a likelihood that the bats will relocate to other large trees with the CBD and/or Esplanade area. It is also possible that they could relocate across the inlet or into surrounding hills. **Cost if application approved:** Approximately \$80,000 which includes, tree removal, detailed relocation plan, applications, staff and on-site animal welfare. Extra budget for dispersal will be required if the SFFs relocate to an inappropriate location.

BACKGROUND:

The Spectacled Flying Fox (SFF) colony in the Cairns CBD, within the fig trees around the City Library and on the northern side of Aplin Street and western side of Grafton Street has been established for an estimated 35 years. Indeed at no time since 2004, when CSIRO first started monitoring SFFs within the Wet Tropics region, has there been a time when these bats were not present. This is in contrast to other known roost sites that are only occupied seasonally.

Currently, the colony is comprised of between 15,000-20,000 Spectacled Flying Foxes (SFF) (*Pteropus conspicillatus*). At times this site also hosts another species of Flying Fox, the Little Red Flying Fox (*Pteropus scapulatus*) but none were recorded at the time of this report.



Map 1: Trees currently occupied by SFF in Cairns CBD

Map 1 above highlights several large roosting trees situated very close to the Novotel building. Whilst other roosting trees are also located on this property they are further away from the resort infrastructure. Currently the vacant Lot adjoining the resort is up for sale and the presence of the SFFs may represent a liability on this land.

Vacant Lot Trees

It must be noted that this vacant land has been for sale a number of times over the years and as a consequence Council has received multiple enquiries with respect to the development potential of the site. In dealing with these enquiries, Council has always acknowledged the significance of these trees in this locality and a great desire to have these trees retained in any future development of the site. To this end, a resolution was passed by Council which resulted in a notation being placed on this lot advising that the vegetation is protected and any future development must give consideration to these trees in planning and design.

Undertaking pruning to the extent necessary to deter the SFF from continuing to roost in these trees is highly unlikely to compromise the integrity of the trees to the extent they will no longer be viable. Both the fig and mangoes trees are robust specimens which can accommodate such treatment.

COMMENT:

The major issues to come to Council attention concerning the CBD colony are:

- Excessive noise in proximity to tourist accommodation;
- Bat excrement impacting public amenity and availability of parking.

It is reported however that the CBD SFF colony does also attract visitors including organised tour groups. The site is monitored closely by wildlife carers for any injured SFFs. Given the large proportion of nursing mothers and size of the colony, many wildlife ecologists believe that this site is a major Far North Queensland breeding and crèche site for SFFs. Council should note that community engagement with these groups and other stakeholders would be desirable in the lodgement of any Damage Mitigation Permit relating to the colony.

Dispersal

Since European settlement, there have been many attempts to remove/relocate colonies of Flying Foxes from towns and cities throughout Australia. Dispersal has been used as the primary method of control.

From the many case studies available, there are numerous realities with bat dispersal programs. Bats are reluctant to relocate and if they do relocate, it will most likely be to a nearby habitat (transferring rather than solving the problem). Relocation programs are usually prohibitively expensive and ongoing. The management options must also be approved by both the State and Federal Governments.

OPTION 1: No Action: As per the Executive Summary.

OPTION 2: Application for relocation of flying foxes from trees close to Novotel Resort infrastructure: As per the Executive Summary.

OPTION 3: Application for relocation of flying foxes from trees on both the City Library and Novotel Resort sites: The main issues associated with dispersal, apart from costs, centres on where the SFFs disperse to and the risk of return which can linger for up to nine years.

CSIRO Principle Research Scientists as well as QPWS Wildlife Service Manager of Operations believe that total relocation of the Cairns CBD SFFs will be possible only with rigorous modification or total removal of their roosting trees due to a high site fidelity developed over a long period of time.

Five CBD sites were assessed as having the greatest potential for Flying Foxes to establish a new roost. These include:

- The surrounding trees at the northern end of the current Flying Fox colony.
- A very large isolated fig tree outside the Shangri-La Hotel.
- Two areas on Shields Street containing suitably sized fig trees.
- Three very large and connected fig trees on the northern edge of Fogarty Park.

However there is no evidence to support that the criteria and assessment offered in above assessment report will accurately describe the reaction and behaviour of a disrupted Flying Fox colony. Therefore, a contingency plan would need to be incorporated into any relocation plan and a commitment needed to keep moving the SFFs until they were in an appropriate location or joined other colonies.

Criteria for the above likely new roost assessment included tree species, size (specifically height), shape, connectivity to other trees, canopy area and denseness and suitability of location. Based on these criteria, trees or clumps of trees were given a rating of between one and three, with three the highest likelihood as potential Flying Fox roost sites.

Classification	Definition	Number potential roosts
1	These sites usually consisted of trees that were below ideal height or isolated.	9
2	Many of these sites had suitable medium to large trees where the canopy of two or more trees were connected.	7
3	These sites were considered to have the highest likelihood as potential Flying Fox roosts.	5

Table 1: Results of SFF habitat assessment in Cairns CBD

Please see overleaf for Map 2: potential SFF roost site within the CBD.



Map 2: Potential SFF Roost Site Within CBD

CONSIDERATIONS:

Corporate and Operational Plans:

Protection of bats is consistent with Council's "Caring for the Environment" goals. This is to be balanced against requirements to maintain the public amenity of the Cairns CBD.

Statutory:

State Government:

Under the provisions of the *Nature Conservation (Wildlife) Regulation 2006* the species, Spectacled Flying Fox (*Pteropus conspicillatus*), is listed as "least concern".

Under the *Nature Conservation Act 1992*:

- A person must not, without a reasonable excuse, tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring unless they hold a Damage Mitigation Permit
- An **animal breeding place** is defined as a bower, burrow, cave, hollow, nest or other thing that is commonly used by the animal to incubate or rear the animal's offspring.

The Damage Mitigation Permit Process

- A damage mitigation permit may be granted only for wildlife that is classified under the Act as 'least concern' or in certain circumstances 'near threatened', unless a conservation plan allows otherwise.
- The assessment of damage mitigation permit applications is rigorous, and the applicant needs to demonstrate that there is a real need to take/remove the wildlife.
- Before issuing a damage mitigation permit, the following criteria must be met:
 - that significant economic damage is being caused or is likely to be caused by specified least concern wildlife; or
 - wildlife represents a threat to human wellbeing; and
 - the proposed method of taking provides an effective method of minimising the impact of the wildlife; and
 - that any technique used for taking the wildlife is humane; and
 - the impact of the activity will not detrimentally affect ecological sustainability.
- Statutory application process timeframe of 40 business days

The only recent changes by the new State Government is the provision for farmers to apply for a DMP for the lethal take of flying foxes for crop protection only.

Federal Government

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places.

The EPBC would be enacted if any proposed action is likely to have a significant impact on the environment and/or a matter of national environmental significance. Owing to their classification as Vulnerable, all proposed actions against Spectacled Flying Foxes would be assessed due to:

- Nationally threatened species and ecological communities.

Following receipt of a valid referral, the Minister has 20 business days to decide if the proposed action triggers the *matters protected* by the EPBC Act and requires a formal assessment and approval.

The crucial point may be the recognition that this site is a major Far North Queensland breeding and crèche site for SFFs based on the large proportion of nursing mothers and size of the colony.

Financial and Risk:

Research on previous attempts to move colonies of Flying Foxes in Australia have either been completely unsuccessful or prohibitively expensive.

Town/City	Costs	Notes
Melbourne Botanic Gardens	\$2,000,000+	Dispersal - noise
Sydney Botanic Gardens	\$2,000,000+	Dispersal - noise
Mackay Regional Council	\$40,000	Removed trees
Central Highlands Council	\$50,000	Removed trees
Charter Towers Council	\$500,000	No result over 10 years
McLean NSW	\$400,000	No result over 10 years

Table 2: Flying Fox relocation programs costs from across Australia

Apart from costs outlined in the Executive Summary, additional costs could be incurred if there are any court challenges and some contingency money in case the SFF relocate to an inappropriate location and further relocation actions are required.

The cost has not been budgeted in 2012-13. It is likely however that should a permit be granted by the State that any action would not take place until mid-2013 due to the need to ensure minimum impact on young animals. In this case the budget may be a 2013-14 entry.

Some level of protests can be expected from wildlife advocacy organisations and concerned residents based on the Sydney Botanic Gardens' experience in which two federal courts cases were required. On-site protests could attract negative publicity.

CONSULTATION:

Council Officers consulted a wide range of stakeholders, wildlife experts, Local, State and Federal Government Officers, Cairns Airport and the Novotel Resort. Additional community engagement is recommended for direction on future SFF applications and management plans.

CONCLUSION:

This report addresses a range of options concerning the management and possible relocation of a large colony of flying foxes present in the Cairns CBD. The main impetus for action is the negative impact of the large roost on public amenity in this area and on the provision of a significant number of public carparking spaces. Council is however also mindful of the ecological value of the Flying Foxes and of the State Government's rigorous application processes to safeguard animals in attempts to mitigate damage from roosts.

With respect to the retention of the vegetation, the pruning works will highly unlikely compromise the integrity of the trees and therefore the unique character of this particular section of Abbot Street will be retained.

ATTACHMENTS:

Nil

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Coordinator Natural Areas Management

Brett Spencer
Manager Parks & Leisure

Ian Lowth
General Manager Community Sport and Cultural services