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## Title of Proposal - Novotel Cairns Oasis Resort tree removals

# Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

### 1.1 Project Industry Type

Tourism and Recreation

### 1.2 Provide a detailed description of the proposed action, including all proposed activities.

Novotel Cairns Oasis Resort (NCOR) proposes to remove up to 16 trees from its property (Figure 1). The trees are within landscaped and maintained gardens in an urban area within the Cairns City Central Business District (Cairns CBD).

Spectacled Flying-foxes (*Pteropus conspicillatus*) (SFF) roost in four trees at NCOR (hereafter the NCOR roost trees) during their pup-rearing season (Cohen 2015, 2016, 2017) between October and May (Churchill 2002). SFF are listed as Vulnerable under the EPBC Act and are therefore an EPBC Act Matter of National Environmental Significance (MNES). The flying-fox camp in 'Cairns City' is listed as a Nationally Important Flying-fox Camp (DoEE 2017). The project has the potential to have an impact on SFF (DoE 2013a,b) mainly by reducing the availability of roosts in the local area.

Three of the NCOR roost trees, all adjacent to the front entrance of NCOR, are proposed for removal (tree numbers below match the numbers assigned in the arborist's report (Attachment A) summary report).

- Tree 1 - Calophyllum (*Calophyllum inophyllum*); nursing female SFF use this tree.
- Tree 2 - Mango (*Mangifera indica*); nursing female SFF use this tree.
- Tree 12 - Northern Laurel (*Cryptocarya hypospodia*); no nursing female SFF have been observed in this tree.

One NCOR roost tree, situated adjacent to the rear entrance of NCOR, will not be removed (hereafter referred to as Tree 16; was not assessed by arborists). This tree has previously been occupied by as many as 400 SFF, including nursing females, during the pup-rearing season (see Table 2 in Section 3.1.1; Cohen 2015). However, the canopy area has been greatly reduced by pruning since 2014 and the tree in its current form would probably not support such large numbers of SFF (this hypothesis is supported by the low numbers of SFF in Cohen's 2016 and 2017 counts; see Table 2 in summary report).

The remaining 13 trees proposed for removal (hereafter referred to collectively as the 'NCOR non-roost trees') are not known to be used by SFF (see Attachment A and Table 1 in the summary report).

NCOR intends to undertake the proposed action (ie removal of roost Trees 1, 2 and 12)



between December 2017 and October 2018, at a time when SFF are not roosting in them. The proposed action will be conducted on the advice and in the presence of a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of the impacts of climatic extremes and food stress events on flying-foxes; hereafter referred as a 'knowledgeable person'. Trees will be removed by a qualified arborist, and will be mulched off site.

**1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.**

Area	Point	Latitude	Longitude
Novotel Cairns Oasis Resort	1	-16.918489778322	145.7741392644
Novotel Cairns Oasis Resort	2	-16.919341728987	145.77485809641
Novotel Cairns Oasis Resort	3	-16.919880611454	145.77410171347
Novotel Cairns Oasis Resort	4	-16.919041493801	145.77338556366
Novotel Cairns Oasis Resort	5	-16.918489778322	145.7741392644

**1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).**

The proposed action will take place within the Cairns CBD on the NCOR property (Figures 1 and 2). The NCOR property shares a street front boundary with Abbott St to the north-east and Lake Street to the south-west. The Cairns Aquarium adjoins the NCOR boundary to the north-west, and a high-rise hotel is being constructed on the Lot adjoining NCOR to the south-east (Figure 1).

One hundred metres to the south-west of the proposed action is Cairns City Library, the focal point of the Cairns City 'Nationally Important Flying-fox Camp' (DoEE 2016a). SFF roost in five large trees in the grounds of the Library, throughout most of the year, and spread into nearby trees (spillover roost trees) during their pup-rearing season. The NCOR roost trees are included



among the spillover roost trees.

**1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?**

1.25 ha

**1.7 Is the proposed action a street address or lot?**

Lot

**1.7.2 Describe the lot number and title.**202/SP21023

**1.8 Primary Jurisdiction.**

Queensland

**1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?**

No

**1.10 Is the proposed action subject to local government planning approval?**

Yes

**1.10.1 Is there a local government area and council contact for the proposal?**

Yes

**1.10.1.0 Council contact officer details**

**1.10.1.1 Name of relevant council contact officer.**

Emma Finney

**1.10.1.2 E-mail**

E.Finney@ Cairns.qld.gov.au

**1.10.1.3 Telephone Number**

(07) 4044 3632

**1.11 Provide an estimated start and estimated end date for the proposed action.**



Start date 03/2018

End date 10/2018

**1.12 Provide details of the context, planning framework and State and/or Local government requirements.**

**Local Government (Cairns Regional Council):** Removal of eight of the trees, including two of the NCOR roost trees (Trees 2 and 12), does not meet the desired performance outcomes outlined in the Vegetation Management Code of the relevant local planning scheme (*Cairns Plan 2016*). Removal of the trees is therefore subject to approval of an Operational Works for Vegetation Clearing Application, which has been submitted to Cairns Regional Council.

**State (Queensland) Government:** The proposed removal of flying-fox roost trees is not authorised under the Queensland *Code of practice - Low impact activities affecting flying-fox roosts*, and NCOR does not have an as-of right authority to undertake flying-fox roost management under the *Code of Practice – Ecologically sustainable management of flying-fox roosts* (EHP 2013a). NCOR are therefore required to obtain a Flying-fox Roost Management Permit from the Queensland Department of Environment and Heritage Protection. NCOR's Flying-fox Roost Management Permit application will be submitted concurrently with this referral.

**1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.**

N/A

**1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project.**

N/A

**1.15 Is this action part of a staged development (or a component of a larger project)?**

No

**1.16 Is the proposed action related to other actions or proposals in the region?**

No



## Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The [interactive map tool](#) can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

- [Profiles of relevant species/communities](#) (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- [Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#);
- [Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).

**2.1 Is the proposed action likely to have ANY direct or indirect impact on the values of any World Heritage properties?**

No

**2.2 Is the proposed action likely to have ANY direct or indirect impact on the values of any National Heritage places?**

No

**2.3 Is the proposed action likely to have ANY direct or indirect impact on the ecological character of a Ramsar wetland?**

No

**2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?**

Yes

### 2.4.1 Impact table

Species	Impact
Spectacled Flying-fox ( <i>Pteropus conspicillatus</i> ).	The proposed action is likely to have indirect



Species	Impact
	<p>impacts on the SFF, which is listed as Vulnerable under the EPBC Act and therefore an EPBC Act Matter of National Environmental Significance. Analysis of long-term SFF monitoring data suggests that the overall population is declining (Westcott et al. 2015) with November counts dropping from 214,750 in 2005 to 92,880 in 2014 (Westcott et al. 2015). The most recent Australian SFF population estimate (January 2015) was ~100,000 to 145,000 animals (Westcott et al. 2015). Modelling suggest that two major tropical cyclones (TCs) in rapid succession (TCs Larry and Yasi) have had a negative impact on the SFF population, from which the adult population appears to have not recovered (Westcott et al. 2015). Other, as yet unidentified, factors may also be impacting on SFF populations (Westcott et al. 2015). Recently there has been a trend in the Wet Tropics towards an increase in the number of urban SFF camps establishing, and of the proportion of the SFF population roosting in these camps (Tait et al. 2014; Westcott et al. 2015). The reasons for the apparent increase are uncertain; there has been no significant loss of habitat, of camps, or of encroachment by urban development in the vicinity of camps (Tait et al. 2014; Westcott et al. 2015). One of the urban locations is within the Cairns CBD. SFF populations in the Cairns CBD are seasonally variable. SFF roost primarily at the Cairns City Library throughout the year and spread into other trees in the vicinity of the Library (including the NCOR roost trees) as their numbers increase (Figure 2). The trees into which SFF spread are hereafter referred to as spillover roost trees (Figure 2). The time SFF spend in spillover roost trees varies. During the SFF breeding and pup-rearing season, their numbers in the Cairns CBD can reach upward of 10,000 individuals (DoEE 2017). Towards the end of the breeding and pup-rearing period and during the non-breeding period (ie starting April/May), the SFF population in the Cairns CBD decreases. Occasionally (April/May) they vacate the Cairns CBD (pers. obs., D. Marrant,</p>



Species	Impact
	<p>January 2016 to August 2017; pers. comm. A. McKeown, CSIRO, 2 February 2016). SFF roost in four trees at NCOR (the NCOR roost trees) during their breeding and pup-rearing season; a Calophyllum (Tree 1), two Mangoes (Trees 2 and 16), and a Northern Laurel (Tree 12) (Figure 2, Table 1 summary report) (Cohen 2015, 2016, 2017). Surveys of the SFF population in the Cairns CBD were undertaken by Dr Martin Cohen (Wildlife Ecologist, Wild About Australia) between 2014-2017, on behalf of Cairns Regional Council (Cohen 2015, 2016, 2017). Cohen's (2015, 2016, 2017) counts included the four NCOR roost trees (Table 2 summary report). SFF are absent from the NCOR roost trees at other times of the year (pers. obs. D. Marrant, NRA, April to September 2017; pers. comm. Peter Richardson, General Manager, NCOR, 3 April 2017; Cohen 2015; 2016; 2017). NRA inspected the NCOR roost trees in April (3), May (17), July (11, 13, 17, 19, 24, 28), and August (10) 2017. No flying-foxes were observed in any NCOR trees during these inspections. SFF were observed roosting in trees at the Cairns City Library and in a number of other trees in the vicinity of the library, including two trees adjacent to the north-eastern boundary of NCOR. Roost Tree 16 (to remain) has previously been occupied by as many as 400 SFF, including nursing females, during the pup-rearing season (see Section 3.1.1; Cohen 2015). However, the canopy area has been greatly reduced by pruning since 2014 and the tree in its current form would probably not support many SFF (supported by relatively low numbers of SFF in Cohen's 2016 and 2017 counts; see Table 2 in attached summary report). Cohen (2015) recorded SFF occurrence in 32 roost trees on the same block as NCOR (including the NCOR roost trees) in March 2014 and 2015 (Figure 3). Between then and April 2017, 23 of the roost trees have been removed from the block. Six of these were removed in the past year (Figure 1, Figure 2, Figure 3). Nine (9) of the original 32 roost trees on the block remain. Estimates of SFF numbers</p>



Species	Impact
	<p>across the entire block were 6,000-7,500 in March 2015 (Cohen 2015); however, recent counts (Cohen 2016 and 2017) have identified relatively fewer SFF in the NCOR roost trees. This reduction in use is probably because SFF now prefer to roost in trees at and near the Cairns Library, amongst large numbers of other SFF, in favour of the relatively isolated NCOR roost trees. Elsewhere, Cairns Regional Council undertakes ongoing dispersal at select locations in the Cairns CBD (Figure 1) which renders additional areas of the Cairns CBD unavailable to SFF. Removal of trees 1, 2 and 12 on the NCOR property will further reduce roost availability for SFF in the Cairns CBD during the pup-rearing season. One roost tree (Tree 16) will remain at NCOR, though as described above recent pruning has reduced its value as a flying-fox roost. The remaining known SFF roost trees in the Cairns CBD are primarily located at and near the Cairns Library, approximately 100 m away from NCOR. The removal of the NCOR trees may reduce capacity for up to approximately 850 roosting adult SFF (based on the March 2015 estimate; Table 2 summary report), which would equate to 9.5% of the Cairns CBD SFF population, assuming that approximately 10,000 SFF roost in the Cairns CBD during the pup-rearing season. This is the worst case scenario because SFF use of the NCOR trees is irregular and recent observations suggest usage of the NCOR roosts has reduced since Cohen's (2015) surveys (Table 2 summary report). This reduction in use is probably because SFF now prefer to roost in trees at and near the Cairns Library, with large numbers of other SFF, in favour of the relatively isolated NCOR roost trees. Based on the two most recent SFF estimates (December 2016 and April 2017; Table 2 summary report), removal of the NCOR trees would reduce roosting capacity for 10 to 325 SFF, ie between 0.1% and 3.3% of Cairns CBD SFF population. SFF are dynamic in their occupation of roosts, and it is likely that SFF 'displaced' by the proposed</p>





Species	Impact
	<p>tree removals will find alternative roosts in other trees in the vicinity of the CBD and Cairns City Library (Figure 2) or move to other camps elsewhere in the Cairns Region (Figure 4). Displacement and/or dispersal of flying-foxes from their roost is known, in some instances, to shift the perceived problem to other locations deemed unsuitable by the public. Flying-fox use of urban areas appears to be a behavioural response to the advantages offered by those areas rather than being driven by loss of roosting habitat per se (Tait et al. 2014). “If this is the case”, Tait et al. (2014) assert, “then it is difficult to argue that moving problem urban camps on through the use of disturbance is likely to have any significant negative impacts on the population”. Impacts at the population scale resulting from this displacement are difficult to predict due to the incomplete knowledge of SFF ecology; however, the loss of the NCOR trees is unlikely to result in the long-term reduction of the local SFF population.</p>

#### **2.4.2 Do you consider this impact to be significant?**

No

#### **2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed migratory species, or their habitat?**

No

#### **2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?**

No

#### **2.7 Is the proposed action to be taken on or near Commonwealth land?**

No

#### **2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?**



No

**2.9 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?**

No

**2.10 Is the proposed action a nuclear action?**

No

**2.11 Is the proposed action to be taken by the Commonwealth agency?**

No

**2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?**

No

**2.13 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?**

No



## Section 3 - Description of the project area

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed in Section 2).

### 3.1 Describe the flora and fauna relevant to the project area.

NCOR proposes to remove 16 trees from the NCOR property. The NCOR property is within a highly-modified urban environment and is vegetated with ornamental trees, shrubs and forbs in a landscaped and maintained garden.

EPBC Act listed threatened species and ecological communities, and migratory species (*ie* flora and fauna related MNES) are known or predicted to occur within 5 km of NCOR (see Protected Matters Search in **Attachment B** summary report).

- Listed Threatened Ecological Communities (2)
- Listed Threatened Species (50)
- Listed Migratory Species (65)

No Threatened Ecological Communities occur in or near the location of the proposed action.

Some Threatened and Migratory species, particularly birds, may sporadically visit and forage in the trees on the NCOR property but the site is generally not likely to represent habitat that is critical for their survival or reproduction.

The notable exception is the SFF that seasonally roost at NCOR. The NCOR roost trees (*ie* Trees 1, 2, 12 and 16; **Figure 2**), have previously been occupied by SFF during their pup-rearing season, between October and May.

### 3.2 Describe the hydrology relevant to the project area (including water flows).



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The site is relatively flat; runoff from the site drains into the city stormwater system.

**3.3 Describe the soil and vegetation characteristics relevant to the project area.**

Soils on the site consist of deep sandy soils that have been modified by human action.

Vegetation consists of landscaped and maintained gardens comprising native and introduced species (consisting of small shrubs and mature trees).

**3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.**

N/A

**3.5 Describe the status of native vegetation relevant to the project area.**

The vegetation on the NCOR property consists of landscaped and maintained gardens and is not 'native vegetation'. Trees proposed to be cleared have been identified in the summary report table 1.

**3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.**

N/A (flat gradient)

**3.7 Describe the current condition of the environment relevant to the project area.**

The project area is within a highly-modified urban environment.

**3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.**

N/A

**3.9 Describe any Indigenous heritage values relevant to the project area.**

N/A



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**3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.**

Freehold (meaning the land owner owns the property outright).

**3.11 Describe any existing or any proposed uses relevant to the project area.**

The project area is within the grounds of a resort (tourist accommodation).



## Section 4 - Measures to avoid or reduce impacts

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

### 4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

The following measures will be undertaken to avoid or reduce impact from the proposed action; these measures have been informed by the mitigation standards recommended in Part 3 of the *Referral guideline for management actions in grey-headed and spectacled flying-fox camps* (DoE 2013b) and in consideration of the Queensland '*Flying-fox roost management guideline*' (EHP 2013b) and '*Code of Practice – Ecologically sustainable management of flying-fox roosts*' (EHP 2013a):

- The proposed tree removals will be undertaken outside of the SFF pup-rearing season when the trees are not occupied by flying-foxes.
- The proposed tree removals will be conducted following the advice and in the presence of a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of the impacts of climatic extremes and food stress events on flying-foxes; hereafter referred as a 'knowledgeable person'.
- The knowledgeable person will undertake a pre-clearing inspection to make an assessment of the relevant conditions and will advise the proponent whether the activity can go ahead consistent with these standards.
- An emergency response plan will be developed and implemented, which will detail procedures in the event that a SFF is killed or injured; the emergency response plan will identify both a wildlife carer, and a veterinarian, who will be briefed and available to care for injured SFF if required.
- Works will not be undertaken if SFF are likely to be harmed.
- Works will not be undertaken if SFF occupy the trees proposed for removal.
- Works will not be undertaken, or if they have commenced will be stopped, if the proposed



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action is considered to exert a significant impact on SFF roosting nearby.

- Works will not be undertaken during or immediately after climatic extremes (eg heat stress event, cyclone event) or during a period of significant food stress.
- If any SFF is injured or killed as a result of the proposed action, work will cease immediately, and the Commonwealth Department of the Environment and Energy and Queensland Department of Environment and Heritage Protection will be notified as soon as possible for advice on how to proceed.
- Works will be undertaken in accordance with the Queensland *Code of Practice – Ecologically Sustainable Management of Flying-fox Roosts* under the *Nature Conservation Act 1992*, and any conditions imposed by the Queensland Department of Environment and Heritage Protection in the *Flying-fox Roost Management Permit*.
- Works will be undertaken in accordance with any conditions imposed by the Commonwealth Department of the Environment and Energy in the Approval Decision<sup>1</sup>.

<sup>1</sup>Assuming approval is granted for the action.

**4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.**

The proposed action aims to avoid mortality, injury or significant stress to SFF and minimise disturbance to SFF roosting nearby.



## **Section 5 – Conclusion on the likelihood of significant impacts**

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

### **5.1.1 World Heritage Properties**

No

### **5.1.2 National Heritage Places**

No

### **5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)**

No

### **5.1.4 Listed threatened species or any threatened ecological community**

No

### **5.1.5 Listed migratory species**

No

### **5.1.6 Commonwealth marine environment**

No

### **5.1.7 Protection of the environment from actions involving Commonwealth land**

No

### **5.1.8 Great Barrier Reef Marine Park**

No

### **5.1.9 A water resource, in relation to coal/gas/mining**

No





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#### **5.1.10 Protection of the environment from nuclear actions**

No

#### **5.1.11 Protection of the environment from Commonwealth actions**

No

#### **5.1.12 Commonwealth Heritage places overseas**

No

### **5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.**

Based on available information, the nature of the proposed work, and assuming mitigation measures will be implemented, the proposed tree removals are considered likely to have short-term and indirect impacts on SFF by reducing the availability of roost space in the Cairns CBD but are not likely to have long-term impacts on the species or local population. Significant impacts as a result of the proposed action are not anticipated, primarily for the following reasons.

- Works will be undertaken when SFF are not rearing young, engaging in behaviour associated with breeding or mating, and/or occupying the NCOR roost trees
- It is not likely that SFF will be stressed, injured or killed.
- The trees proposed for removal are spillover trees and are on the periphery of the area occupied by SFF in the Cairns CBD.
- There are other SFF roost trees that could provide alternative roosting space in the Cairns CBD and broader Cairns region, including the largest and most densely occupied SFF roost trees in the CBD, at Cairns Library.



## Section 6 – Environmental record of the person proposing to take the action

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

### 6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.

Yes, Novotel Cairns Oasis Resort (NCOR) has a satisfactory record of responsible environmental management.

NCOR, like all Novotel Hotels, is a member of the AccorHotels group. AccorHotels's dedicated Environment Department was established in 1994. Accor has adopted numerous solutions to minimize and offset the environmental impacts of hotel operations. AccorHotels operates under the PLANET 21 sustainable development model. Through this model, AccorHotels are committed to environmental goals including reduction in water and energy consumption, use of eco-certified cleaning and toiletry products, and banning "the use of overfished species in [their] restaurants" (AccorHotels 2017). Beds are constructed from sustainable timber resources certified by the Forest Stewardship Council (AccorHotels 2017). Savings made on water and energy are used to fund tree planting at a global rate of one tree per minute (AccorHotels 2017).

On Thursday 29 June 2017, the proponent trimmed 20% of the canopies of the two largest NCOR roost trees (Trees 1 and 2) to stabilise them and reduce the risk of falling tree limbs. Prior to commencement of the work, NRA on behalf of the proponent, liaised with DoEE and was advised that, based on the information provided, it was "unlikely that the action [i.e. the trimming] would have a significant impact on the species [SFF] and as such would not require referral to the Department" (*pers. comm.* Toni Hart (DoEE) to Damian Marrant (NRA), 9 June 2017). Work was undertaken in accordance with a Flying-fox Roost Management Permit under the Queensland Nature Conservation (Administration) Regulation 2006 (WIFF18565617), issued by the Queensland Department of Environment and Heritage Protection (EHP), and the Queensland 'Code of Practice – Ecologically sustainable management of flying-foxes' (EHP 2013a). The pruning work has reduced though not eliminated the risk of falling limbs.

- Pre-start inspections and trimming work were overseen by NRA Ecologist Damian Marrant, who is a knowledgeable person.
- Work was undertaken at a time when the NCOR roost trees were not occupied by flying-foxes, and outside of the SFF breeding and pup-rearing seasons.
- Work was undertaken without any discernible impacts on SFF – the nearest SFF to the works were roosting at the Cairns City Library, approximately 100 m to the south-east.
- A summary of



salient observations was provided via email to DoEE and EHP (*pers. comm.* Damian Marrant, NRA to Toni Hart (DoEE), and Steven Coulson and Kerry Walsh (EHP), 5 July 2017).

**6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.**

Nil.

**6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?**

Yes

**6.3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.**

AccorHotels operates under the PLANET 21 sustainable development model. PLANET 21 concrete and quantitative objectives relate to local sourcing, water and energy use and waste management.

**6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?**

No



## Section 7 – Information sources

You are required to provide the references used in preparing the referral including the reliability of the source.

### 7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

Reference Source	Reliability	Uncertainties
AccorHotels 2017, The PLANET 21 programme. Accessed: 17 August 2017, URL: <a href="http://www.novotel.com/en/discovering-novotel-hotel/earthcheck.shtml">http://www.novotel.com/en/discovering-novotel-hotel/earthcheck.shtml</a>	Please see Reference Table Attachment.	All reference sources are scientifically reliable; therefore there are no uncertainties to record.
Churchill, S. 2002, Australian bats, Allen and Unwin, Crows Nest		
Cohen 2015. Flying Fox survey in the Cairns CBD (March, 2015), Report prepared by Wild About Australia for Cairns Regional Council, March 2015.		
Cohen 2016. Flying Fox survey in the Cairns CBD (December, 2016), Report prepared by Wild About Australia for Cairns Regional Council, December 2016.		
Cohen 2017. Flying Fox survey in the Cairns CBD (April, 2017), Report prepared by Wild About Australia for Cairns Regional Council, April 2017.		
DERM 2010, National recovery plan for the spectacled flying fox <i>Pteropus conspicillatus</i> , Report to the Department of Sustainability, Environment, Water, Population and Communities, Queensland		
Department of Environment and Resource Management, Brisbane.		
DoE 2013a, Matters of National Environmental		



Reference Source	Reliability	Uncertainties
Significance: Significant Impact Guidelines 1.1, Australian Government Department of the Environment, Canberra DoE 2013b, Referral Guideline for Management Actions in Grey- headed and Spectacled Flying- fox Camps, Australian Government Department of the Environment, Canberra DoEE 2017, National Flying-fox monitoring viewer, Commonwealth Government Department of the Environment and Energy, Canberra, viewed 8 August 2017, < <a href="http://www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf">http://www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf</a> > EHP 2013a, Code of Practice – Ecologically sustainable management of flying-fox roosts, Queensland Government Department of Environment and Heritage Protection, Brisbane EHP 2013b, Flying-fox roost management guideline, Queensland Government Department of Environment and Heritage Protection, Brisbane NRA 2017, EPBC Act Self- Assessment Report - Potential impacts on Spectacled Flying- foxes ( <i>Pteropus conspicillatus</i> ) resulting from upgrades to a multi-storey carpark adjacent to the Cairns City Library, Report prepared by NRA Environmental Consultants for Cairns Regional Council, 2 March 2016 NRA 2016a, Flying Fox assessments between 4 January and 29 February 2016 - Shield Street Heart Project Stage 2, Report prepared by NRA Environmental Nil		



Reference Source	Reliability	Uncertainties
Consultants for Cairns Regional Council, 2 June 2017 NRA 2016b, Summary of Flying-fox Inspections in the Shields Street Heart Project (Stage 1) between 4 January and 29 February 2016, Report prepared by NRA Environmental Consultants for Cairns Regional Council, 2 March 2016 NRA 2016c, EPBC Act Self-Assessment Report - Potential impacts on Spectacled Flying-foxes ( <i>Pteropus conspicillatus</i> ) resulting from cleaning and maintenance works at the Cairns City Library, Report prepared by NRA Environmental Consultants for Cairns Regional Council, 10 November 2016 NRA 2016d, Assessment of Spectacled Flying-foxes on the Cairns Esplanade, Report prepared by NRA Environmental Consultants for Cairns Regional Council, 27 April 2016. Tait, J, Perotto-Baldivieso, HL, McKeown, A, & Westcott, DA 2014. Are flying-foxes coming to town? Urbanisation of the spectacled flying-fox ( <i>Pteropus conspicillatus</i> ) in Australia. PLoS one, 9: e109810. Westcott, DA, Heersink, DK, McKeown, A & Caley, P. 2015, Status and trends of Australia's EPBC-listed flying-foxes, report to the Commonwealth Department of the Environment. CSIRO, Australia		



## Section 8 – Proposed alternatives

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

### 8.0 Provide a description of the feasible alternative?

NCOR have considered alternative options to the proposed tree removal and methods and are of the opinion that the alternatives do not adequately address their concerns in regard to public safety, liability issues and business objectives.

1. Not taking the action (*ie* Leave trees 1, 2 and 12 *in situ* and continue with pruning to manage risk of falling limbs). This alternative is not desired by NCOR for the following reasons: 1) SFF will continue to roost in the trees and sources of human/flying-fox conflict will persist, in particular noise, odour, and faeces/urine which drops onto vehicles and pedestrians and renders the ground beneath the roost unsightly and slippery; 2) the two larger NCOR roost trees (1 and 2) restrict the views from some resort rooms; and 3) falling limbs from the trees would continue to pose a risk to pedestrians and property.

2. Leave Trees 1, 2 and 12 *in situ*. Continue with pruning to manage risk of falling limbs and erect infrastructure in the vicinity of these trees, such as covered walkways (to provide shelter from faeces and urine drop), non-slip surfaces under roosts (to reduce the risk of slipping on faeces), and double glazing on windows (to reduce noise). This alternative is not desired by NCOR for the following reasons: 1) the noise, odour and faeces/urine produced by roosting SFF will continue to be perceived as a nuisance; 2) the two larger NCOR roost trees (1 and 2) restrict the views from some resort rooms; 3) erection of additional infrastructure, particularly shelters, would not be aligned with NCOR's goal to render the resort's façade more visible; and 4) falling limbs from the trees would continue to pose a risk to pedestrians and property; 5) there will be initial and ongoing expenses associated with installing and maintaining infrastructure.

### 8.1 Select the relevant alternatives related to your proposed action.



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## 8.27 Do you have another alternative?

No





## Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

### 9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

#### 9.2 Organisation

##### 9.2.1 Job Title

Senior Manager

##### 9.2.2 First Name

Sten

##### 9.2.3 Last Name

Silavecky

##### 9.2.4 E-mail

ssilavecky@eqt.com.au

##### 9.2.5 Postal Address

Level 2

575 Bourke Street  
Melbourne VIC 3000  
Australia

##### 9.2.6 ABN/ACN

ABN

46004031298 - EQUITY TRUSTEES LIMITED

##### 9.2.7 Organisation Telephone



(03) 8623 5165

**9.2.8 Organisation E-mail**

SSilavecky@eqt.com.au

**9.2.9 I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:**

Not applicable

**Small Business Declaration**

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature:..... Date: .....

**9.2.9.2 I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations**

No

**9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made**

**Person proposing the action - Declaration**

Sten Silavecky of Equity Trustees Ltd atf Shakespeare Cairns  
I, Oasis Property & Business Trusts ("Equity Trustees"), declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature: Sten Silavecky Date: 13 MAR 2018

Sten Silavecky of Equity Trustees Ltd atf Shakespeare Cairns  
I, Oasis Property & Business Trusts ("Equity Trustees"), the person proposing the action, consent to the designation of Equity Trustees as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature: Sten Silavecky Date: 13 MAR 2018



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**9.3 Is the Proposed Designated Proponent an Organisation or Individual?**

Organisation

**9.5 Organisation**

**9.5.1 Job Title**

Senior Manager

**9.5.2 First Name**

Sten

**9.5.3 Last Name**

Silavecky

**9.5.4 E-mail**

SSilavecky@eqt.com.au

**9.5.5 Postal Address**

Level 2

575 Bourke St  
Melbourne VIC 3000  
Australia

**9.5.6 ABN/ACN**

ABN

46004031298 - EQUITY TRUSTEES LIMITED

**9.5.7 Organisation Telephone**

(03) 8623 5165

**9.5.8 Organisation E-mail**

SSilavecky@eqt.com.au

**Proposed designated proponent - Declaration**



I, \_\_\_\_\_, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:..... Date: .....

**9.6 Is the Referring Party an Organisation or Individual?**

Organisation

**9.8 Organisation**

**9.8.1 Job Title**

Senior Ecologist

**9.8.2 First Name**

Lindsay

**9.8.3 Last Name**

Popple

**9.8.4 E-mail**

[lindsay@natres.com.au](mailto:lindsay@natres.com.au)

**9.8.5 Postal Address**

1/320 Sheridan Street  
Cairns North QLD 4870  
Australia

**9.8.6 ABN/ACN**

ABN

77011073135 - NATURAL RESOURCE ASSESSMENTS PTY. LTD.

**9.8.7 Organisation Telephone**

(07) 4034 5300

**9.8.8 Organisation E-mail**



Australian Government  
Department of the Environment and Energy

Submission #2678 - Novotel Cairns Oasis Resort tree  
removals

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nra@natres.com.au

**Referring Party - Declaration**

I, LINDSAY POPPLE, I declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature:  Date: 13/03/2018



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## Appendix A - Attachments

The following attachments have been supplied with this EPBC Act Referral:

1. 430001.00\_figure\_4\_170905\_wc4.png
2. 430001\_00\_nov\_flyfox\_fig1\_170914.pdf
3. 430001\_00\_nov\_flyfox\_fig2\_170914.pdf
4. 430001\_00\_nov\_flyfox\_fig3\_170914.pdf
5. epbc\_act\_protected\_matters\_search\_5\_km\_buffer.pdf
6. ncor\_supporting\_doc\_r02.pdf
7. plate\_1\_-tree\_2.jpg
8. plate\_2\_- \_tree\_1\_and\_12.jpg
9. reference\_table\_.pdf