



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

25th January 2023

Appeals Convenor
Office of the Appeals Convenor
Level 22 Forrest Centre 221 St Georges Terrace
Perth WA 6000

CPS 9182/1 Albany Heritage Park Link Trails: City of Albany.

The Wildflower Society of Western Australia (the Society) submits this document to appeal the decision for the clearing of remnant native vegetation and critical habitat. It is simply not appropriate for clearing to occur which will result in significant environmental impacts for the justification of recreation. The Society previously submitted our position on CPS 9182/1 to DWER in 2022, and we note that our concerns raised in that submission still apply in this revised permit application, and we ask that the biodiversity and environment is protected and conserved through the dismissal of this proposal.

Considering the responses to the submissions presented in DWER's public comment period, it seems obvious that no account has been taken of there being at variance to at least five Clearing Principles (a, b, c, g, h. If the Clearing Principles are not taken into account, on what basis could the Clearing Permit be retracted. The key theme presented in the responses to submissions is the consistent repetition of "*mitigation*" and "*best practice design will be implemented*" (CoA, 2021) to address the concerns raised regarding environmental and biodiversity impacts. It is unclear what the mitigation and best practice design is that will reduce the risk of environmental impact from clearing to a point of acceptable risk. These responses ignore the public's message that the 'mitigation' efforts and 'best practices' are **not enough to offset and counterbalance the actions of this proposal and the resulting potential impacts.**

Clearing Principles

The clearing is seriously at variance to Principle (a): - the site comprises a high level of biodiversity

Within the Albany Heritage Park has a high level of biodiversity comprising:

- 18 vegetation communities
- At least 292 flora taxa within 67 identified families
- 11 mammal species
- 125 bird species

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The documents provided by the City of Albany in their application agrees that the proposal is at variance with Principle (a).

Dr Stephen Hopper in an article written in 2009 describes the granite outcrops like those within the Albany Heritage Park as “islands of biodiversity in the Western Australian landscape” and as being especially significant.

The presence of so many (18) vegetation communities in one site is outstanding.

Further, the proposed linear clearing will inevitably result in significant disturbance and degradation at each side of the trails and on the downside of slopes. The conditions of required management actions cannot prevent all the likely disturbance and degradation. Thus the clearing of 3.16 ha is a grossly underestimated ‘extent’ of the significant impacts of this proposal on this highly biodiverse landscape. The clearing area estimated does not include provision for clearing resulting from construction or the fragmentation of the vegetation arising from location of the operation of the trail network. It is the Society’s experience that the disturbance zone arising from trail operation extends up to 10 metres from the trail edge.

The proposal with clearing will remain at variance to Principle (b): - it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

There is a net loss of habitat for four species of endangered fauna:

- The Critically Endangered Western Ringtail Possum
- The Endangered Carnaby’s Cockatoo
- The Vulnerable Forest Red-tailed Black Cockatoo
- The Endangered Baudin’s Cockatoo – also listed on the IUCN Red List as Critically Endangered

The Society supports the principles of the Convention of Biological Diversity should be observed and that the proponent should demonstrate that the proposal should not result in the loss of more than 0.05% of the habitat of these species within the local bioregional area or loss of any more than 0.05% of the number of any of these species within the local bioregional area.

Loss of habitat is contrary to the Recovery Plans for these species. Also, the extensive new trails will NOT stop some bikers from going off track and bush bashing. The justification that the new trails will



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stop current unacceptable behaviour of bush bashing and off track incursions is not valid. Surveys conducted by CyclesWest identified that 60% of mountain bike riders find creation of informal trails more enjoyable than repeated use of formally created trails (see survey results associated with preparation of the 2022 Mountain Bike Trails Strategy).

Given the very long extent and zig-zag shape of trails which will fragment and dissect vegetation patches several times, together with loss of habitat trees and shrubs, disturbance and risks (especially to the Western Ringtail Possum, as well as to the Black Cockatoos) will be significant.

On these grounds alone, the permit should be withdrawn and not be permitted in the any form.

Potential Spread of *Phytophthora cinnamomi*

Serious avenues for the spread of *Phytophthora cinnamomi* (Pc) are evident in the proposal. We stress at the outset, that simply because the entire AHP has been marked as "unprotectable" against Pc does NOT mean that it is a lost cause and attempts to limit the spread of Pc should be abandoned. Indeed, the proposal document stressed that "the City is committed to protecting native vegetation from the introduction and spread of dieback to and within the AHP, and to areas outside of the AHP".

The primary potential avenue for Pc spread is via installation of the trails into areas currently not infected. Such uninfected areas are the lower parts of the proposed Mt Clarence trail and the eastern lower parts of the Mt Adelaide trail. Clearing and continual use of these trail sections would likely result in the spread of Pc from the infected to the uninfected areas.

There is extensive information in the City of Albany's document '*Phytophthora Dieback occurrence Survey, Albany Heritage Park, 14 August 2018*, by Great Southern BIO LOGIC. It includes the following:

*The spread of Dieback is already unprotectable from existing walking and bike trails, from drainage, and from access tracks. Downslope areas are considered unprotectable from Dieback disease. *Phytophthora cinnamomi* and *P. multivora* are present.*

*Notably, under current and previous land uses in Albany Heritage Park, none are performed according to prescribed hygiene to limit the spread of disease. *Phytophthora* is most obvious in the *Eucalyptus/Corymbia* Woodland, especially on the lower slopes. No hygiene practices are in place now.*



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On page 10 of the above Dieback report, it says that establishment of protectable areas and application of hygiene to protect them is not possible.

So, this means that with the proposed new trails which extend ~14km in length, Dieback will inevitably spread further and degrade the various vegetation communities. Thus, the clearing and bike trails will cause appreciable land degradation in this very high biodiverse value vegetation. These cumulative impacts are totally unacceptable in this precious and unique Albany Heritage Park.

The proposal does not consider restricting use of the trails to dry conditions. However, Pc is much more likely to be spread in wet conditions. Whilst measures to "encourage" walkers to clean their boots and riders to clean down their bikes will be provided, the reality is that bikes and boots traversing through an infected landscape into an uninfected one may/will spread Pc.

Although the rehabilitation plan for decommissioned trails could be amended and is secondary to the proposed clearing, it is disturbing that Pc hygiene has not been adequately considered. The project overview states that "Rehabilitation sites will be ripped where necessary, weeds will be controlled, and bare areas covered with vegetation cleared from new trail alignments". Given that (above-ground) vegetation can contain Pc, spreading of material from infected to uninfected areas could directly cause spread of Pc.

On these grounds alone are at variance to Principle (g), the Purpose Permit should be withdrawn.

The edge effects with spread of weeds, debris and soil, Dieback spread, and feral predators will result in significant environmental impacts, at variance with Principle (h).

The proposal is to clear over 14,105 metres (ie 14 km) of new trails that are relatively narrow. Because of this extensive linear clearing, the edge effects on at least 5m on each side will be excessive and result in significant disturbance impacts with spread of weeds, soil, litter and plant diseases including Dieback as described above. On adjacent downward slopes, the spread of weeds and diseases will be enhanced with erosion from water runoff. These edge effects will result in indirect clearing ("clearing" as they ultimately result in loss of natural vegetation,) of an additional 14.105 ha of land.

Of particular concern are the proposed zig-zag trails on the northern side of Mount Adelaide and on other slopes. The Society's experience suggests that soil erosion down exposed slopes results in soil erosion when slopes exceed three degrees and increases exponentially as slopes increase. The



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eroded soils become deposited in the adjacent vegetation, carrying with them plant disease and weeds. This is particularly evident at points where trails curve. Evidence of this effect can be seen on trails in parts of Torndirrup National Park and the Stirling Range National Park.

Trails created will also provide ease of access for domestic animals (dogs, and cats) and increase predation on native fauna. Cats, even domestic cats, will predate on native fauna, including endangered species, as existing controls are inadequate. The faeces and urine of dogs deter movement of native fauna and can provide a vector for spread of disease amongst native fauna.

For these reasons, **failure to meet the requirements of Principle (h), the Permit should be withdrawn and not granted in any form.**

The impacts on unique social, cultural and natural values, together with conflicts of purpose arising from non-essential infrastructure,

The social, cultural and natural values of the Albany Heritage Park are assets of national significance. There is already a history of lack of maintenance of the existing trail network. Bike riders go off-track and in so doing, increase the social, cultural and natural values. Furthermore, bikers speeding along trails used by walkers are a human safety risk. Thus, active recreation use (bike riding) is already in conflict with passive recreation use as well as the conservation purpose of the Albany Heritage Park. Mountain biking is a sport, not a form of passive recreation. Their impact has increased with the introduction of e-mountain bikes which are more powerful and achieve higher speeds than pedal powered bikes. Thus, the proposed new bike trails will be even more in conflict with the heritage and conservation values and purposes.

Bike trails are not 'essential infrastructure'. It is recommended that the demand for more bike trails be met by locating them on lands that are already cleared of native vegetation, and certainly that are not in any conservation reserves.

On these grounds alone of conflicts of purpose and risks to human safety, the Purpose Permit should be withdrawn and not approved in any form.

Furthermore, it is strongly recommended that the existing trails should be better managed and only permitted for passive recreation use, with bike riding forbidden.



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Offsets/Rehabilitation

“If all of the environmental measures proposed as described in the application are implemented, then it is estimated that there will be a net increase in native vegetation and habitat in Albany Heritage Park.” (CoA, 2021). The ‘net increase in native vegetation cover’ falls short of being considered adequate when the completion criteria states that only *“60% of native vegetation cover returned”* (JBS&G, 2016) is required. While the revegetation surface area is larger than the surface area proposed to be cleared, the quantity of area should not be given higher value than the quality of the area. Each area must be revegetated and managed to reach a much closer representation to the original state, greater than 60% for both vegetation cover, and species richness.

Part 4: Suitability of Offsets only identifies foraging habitat for the three BC species as significant residual impacts post avoidance and mitigation. The Society protests that breeding and roosting habitat is not considered as significant residual impacts. Main threats posed to BCs are lack of breeding habitat due to no suitable hollows and the extreme increase in distances they are forced to travel between different habitat sites. Hollows of suitable size have been identified in the Black Cockatoo Survey as well as trees with diameters at breast height of $\geq 50\text{cm}$ as well as suitable roosting habitat. While the survey did not detect evidence of roosting, it should not be dismissed that this area is still suitable for roosting. This is particularly important to consider for the future of the species, and their constant decrease in habitats may lead to new areas such as AHP being utilised. Another essential note is that mature trees with no suitable hollow are not considered low value in terms of breeding trees. The time for breeding trees to develop the potential of a suitable hollow size is extensive and clearing any mature breeding tree species is removing a potential hollow-bearing tree for approximately 100 years (see fig. 1). Concern is still present over the unquantified loss of mature trees through death, disease, or fire, which is still considered satisfactory as “avoided where possible”. Thus, it is essential that this offset proposal is reviewed again and amends the offset suitability to account for breeding and roosting trees, with the inclusion of the time lag between revegetation and when benefits will be reaped, as this is likely to be over a century and needs to be factored into this proposal’s decision. Offsets which replacement of mature trees with areas of revegetation are not offsets, they are a loss as young trees will not replace mature trees lost for over 100 years, so the deficit of breeding and roosting trees remains in the short and medium term.



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The proposed rehabilitation sites are discontinued trails cleared either illegally or by the CoA. To clear new mountain bike trails and rehabilitate old trails, does not result in more vegetation and habitat, particularly for the Priority and Conservation Significant flora and fauna. Rehabilitating the old trails is simply revegetating the areas to a lower value than pre-clearing, and still **results in a net loss of vegetation and habitat with lower conservation values within these reserves**, thus cannot be accepted to offset future trails and more clearing. If species are unable to maintain current population numbers and are continually declining, then any clearing of habitat should only be permitted once (improved) completion criteria for revegetation projects are completed. This would allow populations to avoid the lengthy time period between habitat destruction and value provided from the revegetated areas.

Dieback

There is mention of only one Dieback cleaning station positioned at the beginning of the trail, “A *Phyto Fighter 3000 boot, wheelchair and bike cleaning station will be installed in a prominent location in the AHP, located in the car park at the bottom of the existing Demonstration Trail.*” (CoA, 2020). It is essential that more cleaning stations are constructed where the dieback survey has identified the separation of infested areas and uninterpretable areas, as rattle points alone are not sufficient to mitigate the transmission of Dieback. Dieback hygiene/cleaning stations should not be viewed as optional by trail users by being positioned to the side of any entry/exit point of trails and infested/uninterpretable transition areas. These cleaning stations must be set up in the function of a gate or turn style to enter or exit the trails, where to proceed on the trail you must pass through the suited cleaning station for your elected mode of transport, i.e. boot, tyre, or wheel. The current mitigation plan relies too greatly on the trail user’s own discretion, and is likely to be seen as optional, ignored, or unnoticed. By installing cleaning stations in the direct pathway accompanied by educational resources to educate the importance of utilising these structures properly, will also reduce the quantity of clearing required for trails which pass through infested areas to uninterpretable areas, as they will not be to the side of the trail, diminishing the need to widen the trail in any areas. This project has the potential to cause vast damage through the spread of invasive flora and dieback to our susceptible flora, impacting conservation significant flora and fauna, and critical habitat. There are no repercussions listed for the proponent’s contributions to the spread of dieback, and the potential spread even with implemented mitigated actions, should be reason enough to reject this proposal.



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Other considerations

Creation of illegal trails is recognised by the proposal and is stated as a reason behind the need for additional (official) trails. However, the CoA has not demonstrated that the creation of new trails will stop the continued creation of illegal ones. Perversely, it may even exacerbate the problem by creating additional avenues from which illegal trails may be created. Fundamentally, not only does the need for additional trail creation need to be made, but also the unintended consequences of doing so need careful consideration and investigation.

We have also received reports of (illegal or unintended) widening of existing trails, thereby magnifying their impact on the natural landscape. The proposal does not appear to adequately consider this possibility/likelihood, which is just as relevant for the relatively wide proposed trails, as it is for the narrower trails, that we contend (above) are possible/ more appropriate without loss of amenity.

Summary

The Society's aims are to protect the remnant vegetation and critical habitat that remains, in order to halt our State's dwindling biodiversity. It seems increasingly obvious that voices like ours are not being listened to, evident from the continual destruction and clearing approvals occurring. The Society aims to educate more individuals of these approved environmental atrocities we see continuously in the application of the Clearing Regulations and will continue to raise awareness of the impact of this project, both locally and regionally. It is time our environment is protected by the individuals who have claimed this title, and to stop viewing our remnant vegetation and habitat as free area to develop. This proposal poses some of the main threats identified in conservation advice for conservation significant fauna and flora and seeks approval high risk environmental impacts with little accountability of the proponent. The Society asks that this appeal results in the prevention of more remnant bushland and critical habitat cleared for recreational purposes, and to retract the approval for the clearing permit given for this proposal.

Conclusion

The Purpose Permit is at variance to Clearing Principles (a), (b), (c), (g, and (h).



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The 6 grounds of appeal, each of which is strong reason for the Purpose Permit for 'Constructing a network of trail links within the Albany Heritage Park' to be withdrawn and not granted in any form, should be upheld.

Representatives of the Society request the opportunity to meet with you to discuss these important matters.



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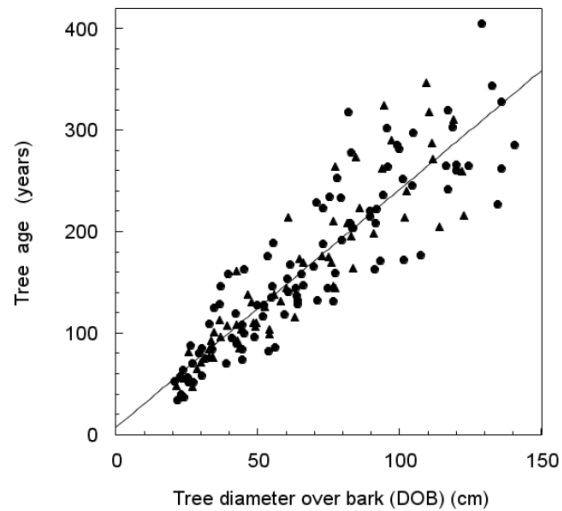
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Figure 1. Relationship between the age (years) of Black Cockatoo Breeding and Roosting trees and the tree's diameter (cm).



The relationship between the age of trees obtained from counts of annual growth rings and tree diameter (DOB). Data for 99 jarrah (*Eucalyptus marginata*) (●) and 63 marri (*Corymbia calophylla*) (▲) from six sites.

$$\text{Age} = 2.35 \times \text{DOB} + 6.97$$

where: DOB is the tree diameter measured in centimetres over the bark at 1.3 m above the ground.