



Environmental Protection Authority

Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

Referrer information			
Who is referring this proposal?		<input type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party Yes	
Name		Signature	
Position		Organisation	Urban Bushland Council WA Inc.
Email	ubc@bushlandperth.org.au		
Address	PO Box 326	Street Name	
	West Perth	WA	6872
Date			
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Referral declaration for organisations, proponents and decision-making authorities: I declare that I am authorised to refer this proposal on behalf of...The Urban Bushland Council WA Inc. and further declare that the information contained in this form is true and not misleading to the best of my knowledge and understanding.			
Part A: Proponent and proposal description			
Proponent information			
Name of the proponent/s (including Trading Name if relevant)		City of Albany	
Australian Company Number(s) <input type="checkbox"/>			
OR Australian Business Number(s) <input type="checkbox"/>			
Contact for the proposal (if different from the referrer)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>Please include: name, physical address, phone, and email.</i>			

<p>Does the proponent have the legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required and from whom?</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/></p> <p>The area is Crown reserve, managed by the City of Albany</p>
<p>Proposal type</p>	
<p>What type of proposal is being referred? For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal</p>	<p><input type="checkbox"/> significant – new proposal YES <input type="checkbox"/> significant – change to approved proposal (MS No./s: _____) <input type="checkbox"/> proposal under an assessed planning scheme <input type="checkbox"/> strategic <input type="checkbox"/> derived (Strategic MS No.: _____)</p>
<p>For a significant proposal:</p> <ul style="list-style-type: none"> Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA? 	<p>The proposal will have very significant impacts on the environment. The impact of the inevitable spread of Dieback through the highly valued and iconic A class reserves is likely to be catastrophic. This must be stopped by the EPA.</p>
<p>For a proposal under an assessed planning scheme, provide the following details:</p> <ul style="list-style-type: none"> Scheme name and number <p>For the Responsible Authority:</p> <ul style="list-style-type: none"> What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme? How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme? 	
<p>Proposal description</p>	
<p>Title of the proposal</p>	<p>Mountain Bike proposal in Mt Clarence and Mt Adelaide reserves. Master Plan by City of Albany, and Stage 1 (of 3 proposed Stages).</p>
<p>Name of the Local Government Authority in which the proposal is located.</p>	<p>City of Albany</p>
<p>Location:</p> <p>a) street address, lot number, suburb, and nearest road intersection; or b) if remote the nearest town and distance and direction from that town to the proposal site.</p>	
<p>Proposal description – including the key characteristics of the proposal <i>Provide as an attachment to the form</i></p>	<p>1. Dual use of existing walk tracks to include Mountain Bike use 2. Stage 1 for clearing and construction of a new Mountain Bike trail which will divide the site into 2 halves.</p>

	3. (?draft) Master Plan by City of Albany for Mt Clarence and Mt Adelaide reserves, 30 June 2019.	
Have you provided electronic spatial data, maps and figure in the appropriate format? <i>Refer to instructions at the front of the form</i>	<input type="checkbox"/>	<input type="checkbox"/> No
What is the current land use on the property, and the extent (area in hectares) of the property?	Mt Clarence 114ha is 'A' class reserve, public parks Mt Adelaide 84.7ha is 'A' class reserve recreation and parklands. Mt Clarence 'C' class reserve.	
Have you had pre-referral discussions with the EPA at DWER Services? If so, quote the reference number and/or the DWER contact.		
Part B: Environmental impacts		
Environmental factors		
What are the likely significant environmental factors for this proposal?	<input type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input type="checkbox"/> Marine Environmental Quality <input type="checkbox"/> Marine Fauna <input type="checkbox"/> Flora and Vegetation yes <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Terrestrial Environmental Quality yes <input type="checkbox"/> Terrestrial Fauna yes <input type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality <input type="checkbox"/> Social Surroundings yes <input type="checkbox"/> Human Health yes	
<i>For each of the environmental factors identified above, complete the following table, or provide the information in a supplementary report</i>		
Potential environmental impacts		
1	EPA Factor	Flora and vegetation
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	

4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	Both Mt Clarence ‘A’ class reserve (~114ha) and Mt Adelaide ‘A’ class reserve (~84.7ha) are in very good condition. These species and vegetation rich sites include some 17 vegetation communities on various landforms.
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	<p>1. Stage 1 clearing and construction of a new Mountain Bike trail will cut the reserve into 2 halves. The trail is proposed through vegetation which is dense habitat for the <u>critically endangered Ringtail Possum</u>.</p> <p>2. Dual use of existing walk paths is proposed to include the active recreation use by Mountain Bikers.</p> <p>3. Uncontrolled Mountain Biker access into bushland <u>off the tracks</u> will cause bush bashing and ground disturbance and degradation of vegetation and fauna habitat.</p> <p>4. DISEASE RISK: Mountain Bikes will inevitably spread Phytophthora Dieback disease through the reserves which would likely have catastrophic impacts on the sensitive vegetation.</p> <p>5. Marri are present and they would be subject to increased spread of Marri Canker resulting from soil disturbance and potential for spread by Mountain Bikes. Marri are very significant forage habitat for the 3 species of Black Cockatoos.</p>
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	The precautionary principle must be applied to prevent the spread of dieback which would have catastrophic residual impacts on the flora, vegetation, fauna and social values of the site.
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	

Potential environmental impacts		
1	EPA Factor	Terrestrial environmental quality
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	The Precautionary Principle applies. The risk of a very significant and indeed catastrophic impact from Dieback infestation should be considered and must be avoided.
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	Phytophthora is already present in the area so the risk of its spread by Mountain Bikes is a reality. Much of the species rich vegetation is therefore at risk of serious degradation.
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	The Mountain Bikes on existing tracks and on new trails, and by off-track use through the bushland. Erosion caused by this use is likely to increase and with rain will increase the spread of Dieback and other soil-borne diseases especially in this environment which is not flat. Clearing for the Stage 1 new Trail will increase soil disturbance and spread of Dieback. There will also be vegetation loss.
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	There will be significant degradation and loss of the environmental quality of the reserves. Loss of foraging habitat for Carnaby's Cockatoo is inconsistent with the Recovery Plan and therefore should not be permitted as it is environmentally unacceptable.
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	Dieback hygiene measures cannot totally remove the likely risk of spread of Dieback. Dieback spread by the many bikes cannot be totally prevented and therefore the Precautionary principle must apply.

Potential environmental impacts		
1	EPA Factor	Terrestrial fauna
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	EPA Technical Report: Carnaby's Cockatoo in EIA in the Perth and Peel Region. Advice of the EPA under section 16(j) of the EP Act 1986. (May 2019) The first Recovery Plan action is to ' Protect and manage important habitat '. Loss of habitat due to spread of Dieback and Marri Canker is likely to be highly significant.
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	The sites are significant habitat for the following endangered species of fauna: <ol style="list-style-type: none"> 1. Western Ringtail Possum – CE. A relatively high population is present. 2. Honey possums 3. Quenda 4. Carnaby's Cockatoo 5. Baudins Cockatoo 6. Forest Red-tailed Black Cockatoo
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	Clearing and vegetation disturbance for the Stage 1 new Trail will result in a net loss and ongoing disturbance of the above fauna habitats. Also disturbance of Possums by many fast moving Mountain Bikers is likely.
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	

Potential environmental impacts		
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	The spread of Dieback and Marri Canker will likely very significantly impact the area with significant residual impacts to the above fauna habitats. Death of Marri, Jarrah and other proteaceae species will result in a very significant loss of habitat especially for the 3 species of Black Cockatoos.
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	As stated above, mitigation measures to help prevent spread of Dieback cannot guarantee total prevention of its spread and thus very significant impacts over time.

Potential environmental impacts		
1	EPA Factor	Social surroundings
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	The entire area is listed under the Heritage Act.
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	We are not aware of any consultation with Aboriginal elders of the area, nor of visitor services, nor of DBCA.
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	<p>All of Mt Clarence and Mt Adelaide 'A' and 'C' class reserves are listed under the Heritage Protection Act.</p> <p>The sites have outstanding and unique social heritage values for:</p> <ol style="list-style-type: none"> 1. Aboriginal people and, 2. for World War 1, and 3. For enjoyment of natural landscape and bushland. <p>Mt Clarence is home to the Albany Heritage Park, National Anzac Centre, The Mount Clarence Anzac Memorial, and Padre White Lookout. These sites attract many visitors and tourists on an interactive journey to view the harbour, its natural surrounds, and reflect on events in 1914 when 41,000 Australians and New Zealanders left by ship to fight in World War 1.</p> <p>There are walk paths and lookouts in a natural setting which attracts much passive recreation and enjoyment.</p>

Potential environmental impacts		
5	<p>Proposal activities – Describe the proposal activities that have the potential to impact the environment</p>	<p>The current highly cherished social value and passive use as above would be <u>seriously disrupted and disturbed</u> by active Mountain Bike racing and use. It would initiate uncontrolled access by Mountain Bikers. The site is not designed for, nor suitable for, dual use paths.</p> <p><u>The two uses are contradictory and incompatible. The impact on the social heritage values and use is socially disrespectful and unacceptable.</u></p> <p><u>The same disrespect applies to the indigenous heritage values of the landmark site by Mountain Bike use.</u></p>
6	<p>Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.</p>	<p>Whilst signage may be used as management measures to restrict access by Mountain Bikers to identified trails, it will not prevent off-track use with racing and disturbance to soils, vegetation and wildlife. Indeed some Bikers race at night.</p>

Potential environmental impacts		
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	<p><u>The current use as a very special visitor site for passive social history recognition and appreciation of nature at this spectacular mountain site will be disturbed and undermined by Mountain Bikers who charge through the landscape as a race track. These two uses are contradictory and incompatible.</u></p> <p><u>The impact on the social heritage values and use is socially disrespectful, disturbing and unacceptable.</u></p> <p><u>The same disrespect applies to the indigenous heritage values of the landmark site by Mountain Bike use.</u></p> <p>The Aboriginal heritage listed sites are at risk of disturbance. This is unacceptable.</p>
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	<p><i>So-called mitigation measures and regulations to restrict Mountain Bike use to certain tracks at certain times cannot be guaranteed to be enforced. The demonstration trail permitted 2 years ago showed this.</i></p> <p><i>Such measures, even if effective, does not justify permission for such a contradictory and incompatible and disturbing use.</i></p>

Potential environmental impacts		
1	EPA Factor	Human health
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	
4	Receiving environment – Describe the current condition of the receiving environment in relation to this factor.	<p>Mt Clarence and Mt Adelaide A class reserves are outstanding for their existing passive uses (described above) for appreciation and enjoyment of the landscape, and its natural and social and aboriginal heritage values. These are significant human health benefits. People need and benefit contact with nature.</p>

Potential environmental impacts		
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	Introduction of Mountain Bike use on existing walk tracks as dual use will affect human health benefits and risk their safety by potential for collisions. Presence of Mountain Bikers in other areas of the reserves will threaten safety of people visiting. This is a human health impact.
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	Disruption of visitor experiences will disturb, disrupt and lessen the human health benefits. Site seeing and walking visitors will be at risk of collision with Mountain Bikers and thus human health risks of injury. People will be unwilling or less willing to walk regularly or visit such a site and this is likely to be a significant loss of human health benefits in visiting nature in these 2 iconic natural landscape sites.
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	<i>Regulated Mountain Bike use cannot be guaranteed to be effective in adequately stopping risks to human health and safety.</i>

Part C: Other approvals and regulation			
State and Local Government approvals			
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.		<input type="checkbox"/>	<input type="checkbox"/> No
If this proposal has been referred by a decision-making authority, what approval(s) are required from you?			
Please identify other approvals required for the proposal:			
Proposal activities	Land tenure/access	Type of approval	Legislation regulating the activity
e.g. clearing, dewatering, mining, processing, dredging	e.g. Crown land, Mining lease, specify legislation for access if relevant	e.g. Native Vegetation Clearing Permit, licence, mining proposal,	e.g. <i>EP Act 1986</i> – Part V, <i>RiWI Act 1914</i> , <i>Mining Act 1979</i>
Clearing	Access to the 'A' class reserves		

Part C: Other approvals and regulation

State and Local Government approvals

Commonwealth Government approvals

Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	<input type="checkbox"/> Yes <input type="checkbox"/>
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?	<input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____ EPBC No.: 2019/8480_____
If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.	<input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> Decision – controlled action Yes <input type="checkbox"/> Decision –
If the proposal is determined to be a controlled action, do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment?	<input type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No <input type="checkbox"/> Yes - Accredited
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No Approval: