



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7126/2
Permit Holder:	City of Albany
Duration of Permit:	10 September 2016 – 10 September 2021

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of constructing a demonstration mountain bike trail.

2. Land on which clearing is to be done

Lot 502 on Deposited Plan 57368, Mount Clarence
Lot 508 on Deposited Plan 64941, Mount Clarence
Lot 1189 on Deposited Plan 210517, Mount Clarence

3. Area of Clearing

The Permit Holder must not clear more than 0.12 hectares of native vegetation within the area hatched yellow on attached Plan 7126/2.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

5. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

PART II – MANAGEMENT CONDITIONS

6. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

7. Dieback and weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no dieback or weed-affected soil, mulch, fill or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

DEFINITIONS

The following meanings are given to terms used in this Permit:

dieback means the effect of *Phytophthora* species on native vegetation;

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Mathew Gannaway
MANAGER
CLEARING REGULATION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

29 December 2016

Plan 7126/2



Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre




1:4,000

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

 Date 29/12/2016

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986



1. Application details

1.1. Permit application details

Permit application No.: 7126/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: City of Albany

1.3. Property details

Property: Lot 502 on Deposited Plan 57368
Lot 508 on Deposited Plan 64941
Lot 1189 on Deposited Plan 210517

Local Government Authority: City of Albany

DER Region: South Coast

DPaW District: Albany

Localities: Mount Clarence

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.12		Mechanical Removal	Recreation

1.5. Decision on application

Decision on Permit Application: Granted

Decision Date: 29 December 2016

Reasons for Decision: The clearing application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.

The Delegated Officer determined that the proposed clearing may indirectly impact adjacent native vegetation through the spread of weeds and dieback. The clearing permit includes a condition for dieback and weed control.

State and other relevant policies have been taken into consideration in the decision to grant a clearing permit.

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
<p>The application area is mapped as:</p> <ul style="list-style-type: none"> Beard vegetation association 128 which is described as bare areas; rock outcrops, and Beard vegetation association 3 which is described as medium forest; jarrah-marri (Shepherd et al., 2001). 	<p>The application is to clear 0.12 hectares of native vegetation within Lot 502 on Deposited Plan 57368, Lot 508 on Deposited Plan 64941 and Lot 1189 on Deposited Plan 210517, Mount Clarence, for the purpose of recreation in the form of a demonstration mountain bike trail.</p>	<p>Good; Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).</p>	<p>The condition of the vegetation under application was determined by aerial photography and supporting information provided by Great Southern Bio Logic (2016).</p> <p>A submission received in regards to the current application states that most of the application area is in very good to excellent (Keighery, 1994) condition, except where it crosses tracks and firebreaks (Submission, 2016a).</p>

3. Assessment of application against clearing principles

Comments The applicant has applied to amend Clearing Permit CPS 7126/1 by amending the permit footprint to avoid priority flora. The proposed area of the clearing is unchanged.

A targeted flora survey was conducted within the Clearing Permit CPS 7126/1 permit area and the proposed amended mountain bike trail by Bio Diverse Solutions on 26 October 2016 (Bio Diverse Solutions, 2016). One priority 1 flora species, *Stylidium falcatum*, was recorded within the CPS 7126/1 permit area (Bio Diverse Solutions, 2016). The critical habitat for this species was mapped using a five to ten metre buffer from all recorded plants of this species. The amended track alignment was designed to avoid impacts to critical habitat for *Stylidium falcatum* (Bio Diverse Solutions, 2016). No other rare or priority flora were recorded during the survey (Bio Diverse Solutions, 2016).

The application area is located within the 'Coastal Corridor' portion of the Western Australian South Coast Macro Corridor Network, which is a high priority linkage and the longest corridor in the area, linking Walpole in the west to Cape Arid National Park to the east (Submission, 2016a; Wilkins et al., 2006). Noting the size and linear shape of the application area and location within a larger remnant of vegetation, it is considered that the application area is unlikely to impact the function of the Coastal Corridor or comprise significant habitat for indigenous fauna.

Given the above, the proposed clearing is not likely to be at variance to principles (a) and (c).

A review of available information identified that the assessment against the remaining clearing principles has not changed since the assessment of the original application CPS 7126/1, and can be found within Clearing Permit Decision Report CPS 7126/1.

The proposed clearing is not likely to be at variance to any of the clearing principles.

Methodology References:
Bio Diverse Solutions (2016)
Submission (2016a)
Wilkins et al. (2016)

Planning instruments and other relevant matters.

Comments The clearing permit application was advertised in *The West Australian* newspaper on 19 December 2016 for a seven day submission period. Two public submissions were received.

One submission noted the following (Submission, 2016a):

- There are environmental impact issues regarding risk of dieback spread and surface water drainage associated with the two portions of the track that crosses four wheel drive tracks;
- The applicant has not addressed potential impacts to the priority 1 flora as a result of pedestrian spectator activity that may occur adjacent to the realigned trail;
- Other nearby realignment options that reduce environmental impacts on native vegetation have not been documented by the applicant;
- A realignment option was suggested that would "avoid the sensitive area altogether, reduce the amount of native vegetation clearing and avoid drainage issues associated with the [four wheel drive] track";
- The submission disputes the findings of the *Phytophthora* dieback hygiene survey that determined the area around Mount Clarence and Mount Adelaide was either already dieback infected or considered unprotectable (Great Southern Bio Logic, 2016). The submission notes that in accordance with the guide "Managing *Phytophthora* Dieback in Bushland" produced by the Dieback Working Group in 2015, activities within infested or potentially infested areas should be planned to "reduce the risk of introduction and spread of *Phytophthora* Dieback". The submission claims that the suggested trail realignment would achieve this outcome;
- The majority of vegetation within the application area is in very good to excellent (Keighery, 1994) condition, except where it crosses tracks and firebreaks;
- The portions of the proposed track that cross four wheel drive tracks may be accessed on foot and become a desirable viewing point for spectators, which will lead to additional trampling of vegetation in these areas. The realignment proposed in the submission is suggested to be less likely to attract unmanaged spectators; and
- The application area is part of the South Coast Macro-Corridor 'Coastal Corridor'.

The second submission had the following comments (Submission, 2016b):

- Given the difficulty in detecting *Stylidium falcatum* when not in flower, it would be beneficial to increase to buffer of the trail from known records; and
- Dieback-susceptible plants survive down-slope from the proposed demonstration trail, and avoiding trail routes that cross drivable tracks would "give those plants a chance of longer term survival".

Comments from both submissions also apply to the portion of the trail approved under clearing permit CPS 7126/1. One submission advised that these comments could not be provided within the required timeframe for the original clearing permit application, but that these comments were provided to the City of Albany and subsequently dismissed (Submission, 2016a).

The suggested track realignment would remove a 60 metre portion of the mountain bike trail and replace it with a (approximate) 20 metre track, to avoid crossing a four wheel drive track at two points (Submission, 2016a). Based on available topographic contour mapping, it is likely that this would increase the slope of this portion of the trail. The submission suggests that if this slope is too steep for bikes, "then the loop could be reversed and double back to more suitable ground [to the north]".

The application is for the purpose of recreation in the form of a demonstration mountain bike trail. No clearing resulting from pedestrian activities has been applied for. Should clearing as a result of pedestrian activity be considered likely to occur, to the extent that clearing is not in accordance with an exemption under Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, a clearing permit application may be required for the additional disturbance.

The submission states that stormwater run-off from an upslope large granite catchment west of the priority 1 flora records flows down the four wheel drive track, "creating drainage issues across the current trail realignment", and notes that "erosion control necessitating soil disturbance will be required especially at the steep upslope (west) crossing above the priority flora population" (Submission, 2016a). It is recommended that the applicant implement erosion control measures to avoid impacts to the priority 1 flora *Styloidium falcatum*.

A weed and dieback condition is included in clearing permit CPS 7126/2 that sets out weed and dieback hygiene management measures to minimise the risk of weed and dieback spread as a result of the proposed clearing activities. The Department of Parks and Wildlife (Parks and Wildlife) did not provide comments on dieback risk or surface water drainage associated with clearing permit application CPS 7126/1 (Parks and Wildlife, 2016). The above comments regarding dieback risk are associated with the end land use of the cleared track. It is recommended that the applicant further explore the potential for dieback spread resulting from the use of the application area as a demonstration mountain bike trail, in addition to suitable management measures to address this risk.

Methodology

References:

Great Southern Bio Logic (2016)
Keighery (1994)
Parks and Wildlife (2016)
Submission (2016a)
Submission (2016b)

GIS Databases:

- Topographic contours, statewide

4. References

- Bio Diverse Solutions (2016) Targeted Threatened Flora Search, Proposed Demonstration Trail Mount Clarence Albany (DER REF: A1339745).
- Department of Parks and Wildlife (Parks and Wildlife) 2016. Advice received from Parks and Wildlife on 10 August 2016 regarding CPS 7126/1 (DER REF: A1146388).
- Great Southern Bio Logic (2016) Phytophthora dieback hygiene survey of the proposed Mt Clarence/Corndarup and Mt Adelaide/Irrerup mountain bike trails area (DER REF: A1114958).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture and Food, Western Australia.
- Submission (2016a) Public submission received on 23 December 2016 regarding CPS 7126/2 (DER REF: A1349797).
- Submission (2016b) Public submission received on 23 December 2016 regarding CPS 7126/2 (DER REF: A1349835).
- Wilkins, P., Gilfillan, S., Watson, J. and Sanders, A. (ed) (2006) The Western Australian South Coast Macro Corridor Network – a bioregional strategy for nature conservation, Department of Conservation and Land Management (CALM) and South Coast Regional Initiative Planning Team (SCRIPT), Albany, Western Australia.