

Shire Yarra Ranges Council  
Warburton Mountain Bike Destination  
P.O. Box 105, Anderson Street Lilydale, VIC

19/12/2020

## **A submission to inform the Warburton Mountain Bike Destination Environment Effects Statement**

Thank you for the opportunity to provide feedback on the Warburton Mountain Bike Destination consultation process prior to embarking on the required Environment Effects Statement (EES) process.

The Victorian National Parks Association (VNPA) is an independent member-based organisation, working to improve protection of Victoria's biodiversity and natural areas, across land and sea. The VNPA has been actively working to protect Victoria's biodiversity for over 60 years.

We note, in regard to the current planning process for the Warburton Mountain Bike Destination proposal, that Yarra Ranges Shire has no legal authority to plan, let alone responsibility or capacity to manage, any activities or facilities in Yarra Ranges National Park.

### **Introduction**

The VNPA sees the loss of remnant vegetation and the fragmentation of threatened species habitat as one of the most serious biodiversity issues our state is facing. Allowing our native species the space to adapt to our warming climate is essential for these species to prosper and avoid the threat of extinction into the future.

Our national parks and other protected areas play a major role in combating the current extinction crisis we are facing, and in arresting the ongoing decline of native species and habitat types. Healthy natural habitats also assist native species to adapt to changes in the environment brought about by a warming climate, bushfires and other disturbances.

The VNPA supports mountain bike riding on public land when and where it's planned in an ecologically sensitive and respectful way. But the VNPA cannot support all of the Warburton mountain bike tracks in their current form due to the impact on threatened species such as the Mount Donna Buang Wingless Stonefly and Leadbeaters Possum, rare and threatened vegetation types, large old trees, hollow bearing trees and other national park values.

An EES for a development proposal must not only list possible impacts, but comply with the objectives of any Act governing the land and/or concerned species and communities.

**These issues are particularly relevant to the mountain bike Trail 1/Drop a K, which is located largely within Yarra Ranges National Park.**

While common sense alone would dictate that any habitat giving necessary support to threatened species should be managed with the utmost care, there is a considerable raft of legislation that unambiguously mandates diligent care. Importantly, this clearly raises the bar in relation to any EES assessment.

The objectives of Victoria's *National Parks Act 1975* include (with our added emphasis):

- *the preservation and protection of the natural environment, including wilderness areas and remote and natural areas in those parks*
- *the **protection and preservation of indigenous flora and fauna** and of features of scenic or archaeological, geological, historic or other scientific interest in those parks*
- *the study of ecology, geology, botany, zoology and other sciences relating to the conservation of the natural environment in those parks*
- *the responsible management of land in those parks*
- *to make provision **in accordance with the foregoing** for the use of parks by the public for the purposes of enjoyment, recreation, or education and for the encouragement and control od that use.*

The National Parks Act obliges parks Victoria to manage the park according to the above objectives, and to prepare a plan of management to achieve those objectives.

In addition (if additional clarity was needed), the *Parks Victoria Act 2018* obliges Parks Victoria to: "*protect, conserve and enhance Parks Victoria managed land, including its cultural and natural values. For the benefit of the environment and future generations*".

While listed threatened species are also covered by national and/or state legislation wherever they might be, that protection is clearly already mandated by the above Acts which protect all species in the park, whether threatened or not.

In addition to the above, in 1993 Australia has signed and ratified the International Convention on Biological Diversity, a treaty ratified by 168 countries that seeks to guarantee the survival of the great many species that have evolved on this earth.

The *Convention on Biological Diversity* obliges Australia to, among other things:

- establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species.

While the legislation noted above requires protection of all species and habitats whether threatened or not, we would like to draw attention to some critical specific impacts. Further Federal and/or state legislation protecting particular threatened species, or identifying critical threatening processes, is outlined where applicable below.

## Some specific impacts

### **Mount Donna Buang Wingless Stonefly (*Riekoperla darlingtoni*)**

The VNPA does not support the mountain bike Trail 1/Drop a K that dissects Mount Donna Buang Wingless Stonefly (*Riekoperla darlingtoni*) habitat. It will further pressure on this already critically endangered and unique species found only within its 1-3 square kilometre home range on the summit of Mt. Donna Buang, within Yarra Ranges National Park.

Protection for this species is inadequately addressed in the proposed protocols and layout of the tracks.

Both Victoria's Flora and Fauna Guarantee (FFG) Act listing for this species, and the Commonwealth's Environment Protection and Biodiversity Conservation (EPBC) Act 'ineligibility for listing' make the point that track construction should be avoided within *R. darlingtoni* habitat. Importantly, in the case of the EPBC Act, the 'active management addressing recreational pressure' by Parks Victoria was given as a reason to consider the stonefly to be ineligible for listing. It was considered safe because there would be no recreational development in the region of its habitat in the national park.

In other words, a reversal of that management objective (eg the construction of tracks in the vicinity of the Donna Buang summit) would warrant an urgent reconsideration of its Commonwealth status.

*R. darlingtoni* has recently had its status changed as part of a Victorian Government reassessment of threatened species lists. It is now **Critically Endangered** in the updated list.

The Mount Donna Buang Wingless Stonefly's small home range makes it highly susceptible to changes in its habitat. It is already facing the growing pressures of increased fire, disease and climate change.

The recommendations in the report commissioned by the Shire of Yarra Ranges *Survey of the Wingless Donna Buang Stonefly, Riekoperla darlingtoni, in relation to the proposed Warburton mountain bike trail* (Tsyrlin 2019) indicate the sensitive nature of *R. darlingtoni* habitat requirements.

We do not believe the track can be managed in such a way that it will avoid negative impacts on *R. darlingtoni* during the construction of the track and future use of the track. The high potential for pollution events, hydrological change and increased sedimentation is high, and pose unnecessary risks to the species.

Just one adverse event could see significant damage done to this small and specialised population. This event could be someone coming off a bike and needing to be recovered causing damage to habitat structure and soil erosion, people accessing a water point along the track creating new tracks, compacting soil and disturbing habitat, or track users relieving themselves in areas along the track causing pollution events.

Myrtle Wilt is also a threat to *R. darlingtoni* through loss of habitat and ecosystem function.

This will be raised below in the Cool Temperate Rainforest section.

**The VNPA would like to see the track realigned outside of the critical habitat and all potential habitat for the Mount Donna Buang Wingless Stonefly.**

## **Cool Temperate Rainforest**

The VNPA is deeply concerned about the impact on the national park's magnificent Cool Temperate Rainforest and the management of the killer tree pathogen Myrtle Wilt. This highly contagious pathogen is highly likely to be translocated into once undisturbed areas by bike movements as well as damage to tree roots and any planned or accidental lopping of tree branches during track construction and ongoing maintenance. Any breach of the surface of a root or branch becomes a point of infection, allowing this pathogen to attack Myrtle Beech (*Nothofagus cunninghamii*) trees and cause irreversible damage to the Cool Temperate Rainforest structure and function.

Damage to Myrtle Beech trees would also impact on the Mount Donna Buang Wingless Stonefly population.

The impact on Cool Temperate Rainforest and the lack of an adequate and actionable biosecurity plan is evident in the publications provided by the Shire of Yarra Ranges.

Introduction of Myrtle Wilt by human activity is listed as a Threatening Process under the Flora and Fauna Guarantee Act as "*Human activity which results in artificially elevated or epidemic levels of Myrtle Wilt within Nothofagus dominated Cool Temperate Rainforest*". On page 17 of the Action Statement, it lists among the 'Conservation Objectives and Intended Management Actions':

### **18. Manage plant pathogens.**

**Action:** *Carefully plan, implement and monitor further development of recreation and tourism facilities in parks and reserves and in State forest where Myrtle Wilt is present or where there is a high risk of future infection.*

**Target:** *No increase in wounding of Myrtle Beech as a result of new recreation and tourism development activities.*

**Responsible:** *Parks Victoria, DSE [now DELWP]*

### **19. Manage plant pathogens.**

**Action:** *Review existing recreation and tourism facilities in parks and reserves and in State forest where Myrtle Wilt is present or where there is a high risk of future infection with a view to reducing the incidence of wounding of Myrtle Beech trees.*

**Target:** *Existing recreation and tourism facilities in parks and reserves and in State forest assessed for Myrtle Wilt risk. Remedial action taken where necessary.*

**Responsible:** *Parks Victoria, DSE [now DELWP]*

With a proposed 2.5km of bike trails through Cool Temperate Rainforest increasing the wounding of Myrtle Beech trees through “lopping” for track construction, damaging of trunks due to collisions and damage of sensitive, previously undisturbed roots we believe this is contrary to the specified protections required by the FFG Act in sections 18 and 19 quoted above. The construction of any track through and/or adjacent to Cool Temperate Rainforest poses threats to the already threatened, ancient vegetation community.

**The VNPA would like to see, at least, all tracks realigned well beyond any Cool Temperate Rainforest areas and well outside the Tree Protection Zone of any individual Myrtle Beech specimens growing outside any mapped (or unmapped) Cool Temperate Rainforest areas.**

### **Impacts on large old trees and threatened fauna habitat**

We hold significant concerns about impacts on old trees, hollow bearing trees and the impacts on hollow dependent species due to declined tree health and habitat structure.

The creation of hollows in hardwood eucalyptus trees generally takes over 100 years, and well over 150 years for bigger hollows suitable for large species such as the Greater Glider and Powerful Owl. With living hollow-bearing trees remaining standing for longer than dead hollow-bearing trees (HBTs) the retention of living HBTs should be given the greatest protection. No works should be undertaken within the Structural Root Zone (SRZ) or within the Tree Protection Zone (TPZ) of any hollow-bearing trees or younger trees close to acquiring hollows.

Tree species common in the area – Mountain Ash (*Eucalyptus regnans*), Alpine Ash (*E. delegatensis*) and Shining Gum (*E. nitens*) – are highly susceptible to soil compaction, damage to their roots and changes in hydrology.

The spread of the tree killing pathogen Cinnamon Fungus (*Phytophthora cinnamomi*) is also highly concerning, and not adequately addressed by the proposal.

We also hold concerns about the impact of the track on the State and Commonwealth listed Leadbeaters Possum (*Gymnobelideus leadbeateri*) due to the impact on hollow bearing trees and fragmentation of habitat caused by the proposed mountain bike tracks. Leadbeaters Possums rely heavily on mid-story connectivity of vegetation to move through the landscape, escape predators and disperse to breed.

With a majority of Leadbeaters Possum within State Forests open to logging and the impacts of logging, populations within protected areas are highly significant and should be maintained as undisturbed as possible to secure the future of the species. It is the prime rationale behind national parks.

The Leadbeaters Possum is currently listed as ‘Critically Endangered’ under the Commonwealth’s EPBC Act and ‘Threatened’ under Victoria’s FFG Act. However, under the change of status process currently underway for all FFG listings, the Leadbeaters Possum has recently been re-assessed as Critically Endangered, matching the Federal listing.

**The VNPA would like to see all tracks realigned outside of any Leadbeaters Possum habitat and excluded by 1km around known nesting sites. The VNPA cannot support any tracks within close proximity to Leadbeaters Possum habitat and nesting hollows.**

**The VNPA does not support tracks that will be within the Structural Root Zone and Tree Protection Zone of hollow bearing trees, both alive and dead or within the SRZ and TPZ of large trees greater than 2 metres diameter measured at breast height (DBH).**

### **Yarra Ranges National Park (YRNP) Management Plan and National Park Values**

Land designated as National Park (under the National Parks Act 1975) are required to make and implement Management Plans as a strategic framework that governs the development and delivery of all management programs and actions within the national park, consistent with the objectives of the Act.

A very large section of the Warburton Mountain bike tracks are within areas designated under the National Parks Act as the Yarra Ranges National Park.

The Yarra Ranges National Park is assigned the International Union for the Conservation of Nature (IUCN) Category II (National Parks): the United Nations List of National Parks and Protected Areas. Category II areas are managed primarily for ecosystem conservation and appropriate recreation. The YRNP is also recognised as a Site of National and State zoological and botanical significance, as it contains a high number of rare and threatened flora, fauna and vegetation types including extensive, undisturbed areas of Cool Temperate Rainforest and Wet (Mountain Ash) Forest, old growth forests, Leadbeaters Possum and Mount Donna Buang Wingless Stonefly.

Mount Donna Buang Wingless Stonefly Habitat was nominated for listing under the Register of the National Estate (Commonwealth).

With the maps provided by the Shire of Yarra Ranges it is unclear if all the tracks within the National Park are within the Recreation Zone area of the park or if they will impact Reference Areas. As of 2/12/2020, requested GIS/spatial data of the proposed tracks have not been supplied to us by the Shire of Yarra Ranges.

In the park's management plan, in Table 1 *Management Zones and Overlay* in the Recreation Development and Conservation and Recreation Zoned areas, it states that the management aim is to *"Protect sensitive natural environments and provide for sustainable dispersed recreation activities and small-scale recreation facilities without significant impact on natural processes"* and that these high-use visitor activities be concentrated in high use visitor nodes.

**We don't believe the mountain bike tracks within the YRNP meet these aims, as they cover a large percentage of the park and will see a large amount of vegetation and habitat cleared to make the tracks which will impact heavily on many of the park values, especially threatened species habitat.**

In section 3.3 *Management Directions*, major management directions for the parks are outlined:

- *Areas of natural and cultural conservation significance, including old-growth ash forests, rainforests, habitats of rare species, hollow-bearing trees and cultural places relating to tourism, water supply and resource utilisation will be protected. The Reference Area Zone and the Conservation and Water Supply Zone, in particular, will be managed so as to minimise disturbance.*
- *Park values, including the water catchment and water supply values, will continue to be protected from potentially damaging processes including wildfire, soil erosion and uncontrolled visitor access.*
- *Pest plants, animals and diseases will be eradicated or controlled in co-operation with adjoining land managers.*
- *Pressures arising from increased visitation to the park will be absorbed, wherever possible, by **upgrading the carrying capacity of existing visitor sites or by using previously disturbed areas, and by coordinating the provision of recreation sites and services with nearby providers, rather than by establishing new sites in undisturbed areas** [our emphasis].*

The mountain bike tracks that impact on large old trees, Leadbeaters Possum habitat, Cool temperate Rainforest, Mount Donna Buang Wingless Stonefly habitat and other undisturbed habitat do not meet this directive. Mountain Bike Tracks should be kept to already disturbed areas and away from high conservation areas and assets such as Cool Temperate Rainforest, Mount Donna Dung Wingless Stonefly habitat and large old trees.

Strategies for Conservation on page 12 lay out conservation areas in need of management and set aims and management strategies to manage these areas and places.

The section states that the major threats to the park are: soil disturbance from recreation activities; disturbance arising from inappropriately planned and maintained roads; infrastructure; wildfire; pest plant invasion and disease. All of these will increase due to mountain bike tracks through high conservation areas within the park such as Cool Temperate Rainforest and Mount Donna Buang Wingless Stonefly habitat.

We also point out that the proposed mountain bike tracks don't meet the aims of 4.3 *Vegetation* & 4.4 *Fauna*, these being:

*Aims*

- Conserve native plant communities in their natural condition and maintain habitat diversity while allowing natural environmental processes to continue.
- Improve knowledge of flora in the park and associated management requirements.
- Provide special protection for significant plant species and communities.
- Protect native fauna species and maintain genetic diversity.
- Provide special protection for significant fauna and their habitat.

Yet again, we contend that mountain bike tracks should be removed from high conservation areas such as Cool Temperate Rainforest, Mount Donna Dung Wingless Stonefly and Leadbeaters Possum habitat and outside of the TPZ of large old trees and Hollow bearing trees to meet these aims.

As stated in 4.7 *Pest plants and animals, and diseases*, this issue is not addressed adequately enough in information considered by the Shire of Yarra Ranges.

*“Myrtle Wilt is a fungal disease that has caused the death of large numbers of mature Myrtle Beech trees in some parts of Victoria. It exists throughout the Myrtle Beech forests of the Central Highlands, including the park. Wounding of stems and root systems by management activities such as road and track construction or maintenance can exacerbate the spread of the disease”*

All tracks within or adjacent to Cool Temperate Rainforest that can cause the wounding and/or root disturbance of Myrtle Beech trees should be removed from the proposal.

**For further information:**

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**Some references**

Department of Sustainability and Environment (2009) Action Statement Flora and Fauna Guarantee Act 1988, No. 238. Cool Temperate Rainforest, Dry Rainforest (Limestone), Warm Temperate Rainforest (Coastal East Gippsland), Warm Temperate Rainforest (Cool Temperate Overlap, Howe Range), Warm Temperate Rainforest (East Gippsland Alluvial Terraces) Warm Temperate Rainforest (Far East Gippsland), Human activity which results in artificially elevated or epidemic levels of Myrtle Wilt within Nothofagus dominated Cool Temperate Rainforest.

Department of Sustainability and Environment (2003) Action Statement Flora and Fauna Guarantee Act 1988 No. 125 Mount Donna Bung Wingless Stonefly *Riekoperla darlingtoni*

Parks Victoria Management Plan, Yarra Ranges National Park (2002)

