

s22

From: s22
Sent: Monday, 11 September 2017 11:03 AM
To: s22; Gregory Manning
Subject: FW: Emailing: Letter to Dean Knudson.pdf [SEC=UNCLASSIFIED]
Attachments: Letter to Dean Knudson.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - this is probably with Dean by now. It's regarding the Pines.

s22
Major Projects West | Environment Standards Division Department of the Environment and Energy | PO Box 787,
Canberra, ACT, 2601
Tel: 02 s22
s22

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

-----Original Message-----

From: s22 dpc.wa.gov.au]
Sent: Friday, 1 September 2017 9:38 AM
To: s22 environment.gov.au>
Subject: Emailing: Letter to Dean Knudson.pdf

Hi s22

s22 asked me to send you the electronic copy of the attached letter.

I will place the original in the post today.

Kind regards

s22
Administrative Assistant
Cabinet and Policy Division
Department of the Premier and Cabinet
s22
s22

The Department of the Premier and Cabinet Legal Notice.

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Government of **Western Australia**
Department of **the Premier and Cabinet**
Office of the Director General

Our Ref: D1703780
Your Ref: EC17-000346

Mr Dean Knudson
Deputy Secretary
Environment Protection Group
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

Dear Mr Knudson

Thank you for your letter of 6 April 2017 to the former Acting Director General regarding pine harvesting at the Gnangara, Pinjar and Yanchep pine plantations and impacts on Carnaby's cockatoo. I apologise for the delay in responding. As discussed, prior to responding it has been important to brief and engage with the new State Government regarding the direction of the Strategic Assessment of the Perth and Peel regions (SAPPR).

From your letter I understand you have received correspondence from a number of environmental organisations which query the approach being taken to address the impacts of the harvesting of the pine plantations on Carnaby's cockatoo. Consistent with the ongoing discussions with your agency, including through the Joint Steering Committee for the SAPPR, I confirm that significant action is being taken to address the impacts of harvesting of the pine plantations on Carnaby's cockatoo – both in the immediate term and in the development and improvement of long term measures as part of the SAPPR Conservation Program.

I would also like to underline that the 1996 Cabinet decision to remove and not replace the pines in the Gnangara, Pinjar and Yanchep pine plantations was based on the need to improve groundwater recharge to the Gnangara Mound, which is an important source of drinking water for Perth and which provides water for horticulture and groundwater dependent Matters of National Environmental Significance (MNES) and environmental values important to the State.

Immediate measures

It is recognised that pines have become an important food source for Carnaby's cockatoo and that their removal has considerable impacts on feeding habitat.

It is estimated that approximately 2,000 hectares of pines were harvested and replanted in these plantations prior to 2001. Since then, areas where pines have been harvested and not replanted have been left for pine wildings and native vegetation to regrow naturally. Some of these areas contain wildings and native vegetation that have sufficiently matured to produce food for Carnaby's cockatoo, providing an ongoing food resource whilst harvesting continues. This process of allowing re-growth of pine wildings and native vegetation is now continuing and will, in time, provide a significant food resource for Carnaby's cockatoo.

Since the commencement of the new State Government, the Department of the Premier and Cabinet has been working with the Forest Products Commission (FPC), Department of Biodiversity Conservation and Attractions and environmental organisations (Birdlife WA and WWF) in relation to present harvesting arrangements. As a result of this work, arrangements have been put in place at FPC that delay clear-felling of key roost sites as well as provide for information to be collected on the extent to which Carnaby's cockatoo may be beginning to utilise additional 'share-farm' plantations in the Gingin area, to the east and north of the Yanchep plantation.

I would like to emphasise that the State Government is not waiting for the outcome of the SAPPR to put measures in place to address the impacts on Carnaby's cockatoo. In addition to the pine wildings and native vegetation regrowth, a further 2,000 hectares of pines have been replanted since 2012 to provide ongoing food resource for Carnaby's cockatoo.

Development and improvement of long term measures through SAPPR

As you are aware, the SAPPR provides an opportunity to address the impacts on Carnaby's cockatoo in a strategic manner, adopting a landscape scale approach with a focus on ecosystems, benefiting multiple MNES and State environmental values.

Following the public comment period on the draft SAPPR documents, additional measures have been developed that will likely further reduce the impacts on Carnaby's cockatoo. These include:

- long term management of an area of 18 025 hectares of wildings and assisted native vegetation following the harvesting of the pine plantations (previously 16 825 hectares of this area was to be low-water use vegetation, which provided no food value to Carnaby's cockatoo);
- retaining 500 hectares of Banksia woodland regrowth in the pine plantations;
- retaining 200 hectares of mature plantation pines at the Dick Perry Reserve; and
- rehabilitation of conservation areas and replanting of trees that provide food value to Carnaby's cockatoo within the urban landscape.

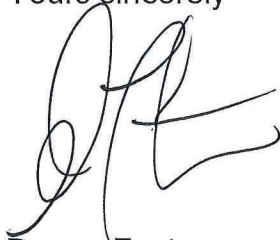
Furthermore, Carnaby's cockatoo, as well as other MNES and State environmental values, will benefit from improved management of an expanded network of Conservation reserves. Following revisions to the proposed conservation reserve expansions that have occurred since the public comment period, the expansions will now include a minimum of 130 000 hectares of Carnaby's cockatoo habitat (up from 116 000 hectares).

Population viability analysis has shown that providing feeding habitat alone is not sufficient to support the Carnaby's cockatoo population. It is equally important to improve breeding and survival rates. Critically, further work has been undertaken to develop conservation measures as part of the revised SAPPB documents aimed at improving these vital rates. These measures include:

- identifying priority locations throughout the species range to improve breeding and associated feeding habitat through a combination of fencing and protecting remnants, hollow repair and/or the provision of artificial hollows, revegetation and rehabilitation of feeding habitat, and control of nest competitors;
- implementing measures aimed at reducing the threat to cockatoos from vehicle strikes (including community education and signage);
- providing resources for rehabilitation of injured Carnaby's cockatoo with the aim of returning birds to the wild;
- implementing programs for engagement and involvement of the community in the conservation of Carnaby's cockatoo; and
- implementing research and monitoring programs to improve knowledge of the species, and to assist in decision making and the management of the species.

I hope this information is of assistance to you. Please do not hesitate to contact me or Simon Taylor on (08) 6552 6143 if you require anything further. As you are aware the State Government has decided to continue with the work on the SAPPB and I look forward to working with you and your Department to bring the SAPPB to a successful conclusion.

Yours sincerely



Darren Foster
DIRECTOR GENERAL

30 AUG 2017

s22

From: s22 [redacted]@dpc.wa.gov.au
Sent: Thursday, 28 September 2017 1:35 PM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: RE: Letter from EDO [DLM=Sensitive]

Hi s22 [redacted] – my apologies I had it in my mind I had attached the letter to my original email. I'll keep you in the loop.

Cheers

s22 [redacted]

Director
Strategic Environmental Planning and Approvals
Cabinet and Policy Division
Department of the Premier and Cabinet
Phone: (s22 [redacted])
Mobile: s22 [redacted]
Email: s22 [redacted]@dpc.wa.gov.au
Level 10, Dumas House 2 Havelock Street
WEST PERTH 6005

From: s22 [redacted]
Sent: Monday, 11 September 2017 8:53 AM
To: s22 [redacted]
Subject: RE: Letter from EDO [DLM=Sensitive]

Thanks s22 [redacted] – s47F [redacted]

Please let us know when you've had time to get back in the groove and have had a chance to read our response to Dean on the pine plantations.

Cheers

s22 [redacted]

From: s22 [redacted]@environment.gov.au
Sent: Monday, 11 September 2017 8:43 AM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: RE: Letter from EDO [DLM=Sensitive]

Hi s22 ,

s47F .

Nothing from EDO that the team is aware of, but if anything appears we'll let you know.

Cheers

s22

s22

Major Projects West | Environment Standards Division
Department of the Environment and Energy | PO Box 787, Canberra, ACT, 2601
Tel: 02 s22
Part time – Monday, Tuesday, Thursday

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s22 @dpc.wa.gov.au]
Sent: Monday, 4 September 2017 11:57 AM
To: s22 @environment.gov.au>
Cc: s22
Subject: Letter from EDO

Hi s22

s47F Just a quick inquiry – has DEE received any recent correspondence from EDO regarding the pines?

Cheers

s22

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CORRESPONDENCE COVERSHEET

Office of the Hon Minister Dave Kelly MLA

Minister for Water; Fisheries; Forestry; Innovation and ICT; Science

Forestry

Title LETTER received from s47F Re: Clearing of pine plantations in Gnangara, Pinjar and Yanchep (Perth-Peel region)

Author s47F

Correspondence Number: 75-01982

Date Received 17/08/2017

Date Due 31/08/2017



ASSIGNEE	DATE	MINISTERIAL OFFICE ACTION	NEXT ASSIGNEE
<i>MC</i>	<i>17/8</i>	<input type="checkbox"/> THANK YOU LETTER (<u>See below</u>) <input type="checkbox"/> CABINET / EXCO / EERC SUBMISSION <input type="checkbox"/> REFERRAL LETTER TO MINISTER FOR: _____ <input type="checkbox"/> ACKNOWLEDGEMENT LETTER (TO REPLY) <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> ACKNOWLEDGEMENT LETTER (FOR NOTING) <input type="checkbox"/> FILE & CLOSE - NFA <input type="checkbox"/> FREQUENT CORRESPONDENT (ISSUE INVESTIGATED - FOR NOTING) <input type="checkbox"/> FREQUENT CORRESPONDENT (NO NEW INFORMATION - FOR NOTING) <u>TO MINISTER FOR ACTION</u> <input type="checkbox"/> NOTING <input type="checkbox"/> SIGNING <u>AGENCY FOR ACTION</u> <input type="checkbox"/> DRAFT REPLY (<u>See below</u>) <input checked="" type="checkbox"/> BRIEFING NOTE REQUEST <input type="checkbox"/> DIRECT REPLY <input type="checkbox"/> ADVICE / COMMENT REQUEST <input type="checkbox"/> NOTE / FOR INFORMATION <input type="checkbox"/> DUPLICATE <u>DRAFT REPLY & THANK YOU LETTER SIGN-OFF</u> <input type="checkbox"/> PREMIER <input type="checkbox"/> MINISTER <input type="checkbox"/> CHIEF OF STAFF <input type="checkbox"/> POLICY ADVISER _____	<input type="checkbox"/> DWER <input type="checkbox"/> Water Corp <input type="checkbox"/> Busselton Water <input type="checkbox"/> AQWEST <input type="checkbox"/> PIRD <input type="checkbox"/> FPC <input type="checkbox"/> GCIO <input type="checkbox"/> JTSI <input type="checkbox"/> Chem Centre <input type="checkbox"/> All Agencies Other: _____ Date referred: _____

FROM	DATE	REFERRAL INSTRUCTIONS AND/OR COMMENTS
<i>M.C.</i>	<i>17/8</i>	<i>No draft response just yet as it has been referred to the Premier</i>
		<i>=> However please prepare a BN on the independent legal advice presented by EDO</i>

MINISTERIAL OFFICE ACTION FOR SIGNED/OUTGOING CORRESPONDENCE
 INVOLVES MULTIPLE MINISTERIALS CORRESPONDENCE INCLUDES ATTACHMENT REDRAFT REQUEST
FILE -> MINISTERIAL OFFICE AGENCY: _____ DATE: _____

s22

From: s47F [redacted]@edonsw.org.au>
Sent: Thursday, 17 August 2017 9:48 AM
To: WA-Government
Cc: Kelly, Minister; Dawson, Minister; s47F [redacted]
Subject: Clearing of pine plantations in Gnangara, Pinjar and Yanchep (Perth-Peel region)
Attachments: 170817 Ltr from EDO to WA Premier.cleaned.pdf

This email's attachments were scanned for potential threats.

Click [here](#) if the original attachments are required (justification needed).

Dear Premier

We act for the Western Australian office of the World Wide Fund for Nature – Australia (WWF-Australia).

Please find attached our correspondence of today's date.

Thank you for your attention to this matter. If you wish to discuss this matter, please contact s47F [redacted] on (02) s47F [redacted] or by email s47F [redacted]@edonsw.org.au.

Yours sincerely



s47F [redacted] | Senior Solicitor | EDO NSW
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EDO NSW recognises the traditional owners and custodians of the land, seas and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander elders past and present, and aspire to learn from traditional knowledge and customs so that, together, we can protect our environment and cultural heritage through law.

NSW



DEFENDING THE ENVIRONMENT
ADVANCING THE LAW

EDO NSW

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17 August 2017

Honourable Mark McGowan, Premier of Western Australia
Department of Premier and Cabinet
2 Havelock Street
WEST PERTH WA 6005

By post and email: wa-government@dpc.wa.gov.au

Copy to: the Honourable Stephen Dawson MLC, Minister for Environment
Minister.Dawson@dpc.wa.gov.au; the Honourable Dave Kelly MLA, Minister for
Forestry Minister.Kelly@dpc.wa.gov.au

Dear Premier Hon Mark McGowan,

Clearing of pine plantations in Gnangara, Pinjar and Yanchep

1. We act for the Western Australian office of the World Wide Fund for Nature – Australia (**WWF-Australia**) in relation to their concerns regarding the harvesting of pines, without commensurate replanting, in the Gnangara, Pinjar and Yanchep pine plantations in the Perth-Peel region (**Action**). We are instructed that the Action is significantly impacting the local population of Carnaby's Cockatoo.
2. We refer to the *Wood Processing (Wesbeam) Agreement Act 2002 (WA)* which legislates an agreement between the Western Australian Government (**WA Government**), the Forest Products Commission (**FPC**) and Wesbeam Pty Ltd, and requires FPC to make available certain volumes of timber in accordance with specifications and conditions agreed between the parties (**Wesbeam Agreement**).
3. The purpose of this correspondence is to set out our legal opinion as to why this matter warrants a referral to the Department of the Environment and Energy under Part 7 of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**) and that the Wesbeam Agreement should be suspended pending resolution of the impacts on the Carnaby's Cockatoo that are arising from actions undertaken under the Wesbeam Agreement.

Significant impact on the Carnaby's Cockatoo requires an EPBC Act referral

4. Carnaby's Cockatoo (*Calyptorhynchus latirostris*) is a threatened species listed as Endangered under the EPBC Act and under the *Wildlife Conservation Act*

1950 (WA).¹ The species is vulnerable to extinction due to the continued loss of breeding and feeding habitat from land-clearing.²

5. There is a strong ecological association between the Carnaby's Cockatoo and the pine plantations. The species has become habituated to the availability of this food source since the first pine trees planted in the Perth area began to bear mature cones in the 1930s.³

6. As you are aware, the *Matters of National Environmental Significance, Significant Impact Guidelines*,⁴ define "significant impact" as an impact which is:

"...important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts".

7. The Guidelines recommend having regard to all of the factors set out in [6] above when determining whether an action is likely to have a significant impact on a matter of national environmental significance (**MNES**). As stated above, the Carnaby's Cockatoo is a listed threatened species, thereby making it a MNES as set out in s 18 of the EPBC Act.

8. In our view, once proper regard is had to the factors set out in the Guidelines, it is clear that the Action is having a significant impact on the Carnaby's Cockatoo.

Referral under Part 7 of the EPBC Act

9. Pursuant to Part 3 and 7 of the EPBC Act, if an action is likely to have a significant impact on a listed threatened species, such as the Carnaby's Cockatoo, the action is considered a controlled action which must be referred to the Federal Minister for the Environment and Energy for approval. Section 67A of the EPBC Act provides that a person must not take a controlled action without first obtaining approval under Part 9.

10. We are of the view that the Action should have been referred to the Commonwealth Environment Minister for approval as a controlled action under s 18 of the EPBC Act (notwithstanding the current assessment taking place for the Perth-Peel Region pursuant to Part 10 of the EPBC Act).

11. We are instructed that, to date, the Action has not been referred and therefore has not been assessed and approved under Parts 8 and 9 of the EPBC Act.

¹ Department of the Environment and Energy, Species Profile and Threats Database, *Calyptorhynchus latirostris* — Carnaby's Cockatoo, Short-billed Black-Cockatoo, available here: http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=59523

² Stock WD, Finn H, Parker J, Dods K (2013) *Pine as Fast Food: Foraging Ecology of an Endangered Cockatoo in a Forestry Landscape*. PLoS ONE 8(4): e61145. doi:10.1371/journal.pone.0061145.

³ Ibid.

⁴ Department of Environment, 'Matters of National Environmental Significance, Significant Impact Guidelines 1.1, Environment Protection and Biodiversity Conservation Act 1999' (2013) p.2.

12. We note the transitional provisions contained within ss 43A and 43B of the EPBC Act, which set out particular circumstances where Part 9 approval is not required for controlled actions, including when an environmental authorisation for the action was held at the time the EPBC Act came into force. However, we have been unable to locate any environmental authorisation for the carrying out of the Action.

13. If such an environmental authorisation, as defined by the EPBC Act, did exist at this time, namely 16 July 2000, we request to be provided with a copy of the authorisation to determine if the Action is exempt from referral.

Strategic Assessment for Perth-Peel Region

14. Our client does not accept the Strategic Assessment for Perth-Peel Region (SAPPR), currently being undertaken pursuant to Part 10 of the EPBC Act, will adequately address the significant impact the Action is having on the Carnaby's Cockatoo. In any event, WWF-Australia is concerned that the continuation of the Action prior to the completion of the SAPPR process will have an unacceptable impact on the species. Further, we are instructed that the action plans fail to adequately address and plan for the survival of the Carnaby's Cockatoo, if endorsed in their current form.

15. On behalf of our client, we therefore request the Action be suspended until such time as a SAPPR which adequately addresses the survival of the Carnaby's Cockatoo is complete or the Action is appropriately assessed and approved by the Commonwealth Environment Minister pursuant to Parts 8 and 9 of the EPBC Act.

The Wesbeam Agreement does not exempt compliance with the EPBC Act

16. We are instructed that the harvesting taking place in accordance with the Wesbeam Agreement but without the necessary replanting as contemplated by the Agreement (referred to above as the Action), is having a significant impact on the Carnaby's Cockatoo.

17. The Wesbeam Agreement has been in place since 2002 and, if carried out in its entirety, contemplates harvesting the pine plantations until 2054.⁵ Between the period 1 July 2009 and 30 June 2027, Wesbeam is required to spend \$1m per year on planting pines in the Timber Supply Area (which includes the pine plantations) to provide timber for the company for the Further Term.⁶

18. Clause 24(1) of the Wesbeam Agreement provides that the Agreement will expire on 30 June 2029 unless sooner determined in accordance with the provisions of the Agreement, or unless the Further Term is entered into at which time the Agreement will expire on 30 June 2054.

19. The Wesbeam Agreement requires the WA Government to ensure the FPC makes up to 4,120,000 cubic metres of timber available to Wesbeam during the term of the Agreement (and up to 250,000 cubic metres during the Further Term).

⁵ Cl 6(1)(b) of the Wesbeam Agreement.

⁶ Cl 6(2)(b) of the Wesbeam Agreement.

The WA Government must also ensure that the FPC does not supply timber to a third party without first offering it to Wesbeam.⁷

Impacts on Carnaby's Cockatoo may not have been foreseeable in 2002

20. Clause 14 of the Wesbeam Agreement provides that the above obligations can be temporarily suspended if the suspension is caused by "*factors that could not reasonably have been foreseen*". This clause allows the contract to continue and gives the parties the power to determine the consequences of an event outside of their control.⁸
21. In the absence of an environmental assessment which referred to the impact on the Carnaby's Cockatoo at the time the statutory agreement was entered into, it is arguable that the significant impact the Action is having on the Carnaby's Cockatoo is a factor that could not reasonably have been foreseen by the parties to the Wesbeam Agreement at the time it was entered into. Accordingly, cl 14 may be relied upon by the WA Government to suspend its obligations under the Wesbeam Agreement until such time as the consequences of the Action are determined and there is a plan in place that will ensure the survival of the Carnaby's Cockatoo.

Requirement to comply with Federal legislation is beyond reasonable control

22. We are of the view that in the absence of an environmental approval under the EPBC Act, by continuing the Action the WA Government is in breach of the EPBC Act as the Action is clearly having a significant impact on a MNES. In such circumstances, the WA Government has no choice but to comply with the EPBC Act for the following reasons:
- 22.1. Insofar as the Wesbeam Agreement imposes contractual obligations on the parties, it is not possible for the parties to either contract their way out of legislative requirements under the EPBC Act, or otherwise plead compliance with the contract as a defence to a breach of s 18(3) of the EPBC Act; and
- 22.2. Insofar as the Wesbeam Agreement is an Act of the WA Parliament, if the WA Government complies with the Wesbeam Agreement Act which results in its actions having a significant impact on a Federally-listed threatened species in breach of the EPBC Act, then the Wesbeam Agreement Act is inconsistent with the EPBC Act and the latter shall prevail, by virtue of s 109 of the Constitution of Australia.
23. Clause 5(4) provides that if the WA Government is prevented from complying with the requirements set out in cl 5(1) and 5(2), "*by reason of anything beyond its reasonable control*", Wesbeam is unable to claim against the WA Government or the FPC for the nonfulfillment of their obligations under the Agreement.

⁷ Cl 5(1) and 5(2) of the Wesbeam Agreement.

⁸ *Fairclough Dodd & Jones Ltd v JH Vantol Ltd* [1957] 1 WLR 136 at 143 (Lord Tucker).

24. In our view, as the WA Government has no choice but to comply with the EPBC Act, it is reasonably arguable that the significant impact the Action is having on the Carnaby's Cockatoo and the statutory obligation which arises and must be complied with, is currently beyond the reasonable control of the WA Government. Mandatory compliance with the EPBC Act is likely to prevent the WA Government from continuing to ensure the FPC makes timber available to Wesbeam.

25. Our client urges the WA Government to suspend the Wesbeam Agreement pursuant to cl 5(4) and cl 14 of the Agreement, namely by giving prompt notice to Wesbeam of the significant impact the Action is having on the Carnaby's Cockatoo population as a factor that could not have reasonably been foreseen at the time the Agreement was entered into, and further, that complying with Federal law will prevent the WA Government from complying with their obligations under the Agreement, as the requirement for compliance with the EPBC Act is a matter which is beyond the control of the WA Government.

26. Our client believes that suspending the Wesbeam Agreement is the only environmentally acceptable solution to ensuring the Carnaby's Cockatoo is adequately protected into the future.

We would be grateful for a response to the above requests by no later than **25 August 2017**.

Please direct all correspondence to the writer via email at **s47F** @edonsw.org.au. If there are any matters that you wish to discuss please contact us on (02) **s47F**

Yours sincerely,
EDO NSW

s47F

Our Ref: BR: 1623375

s22

Subject: FOI FW: Cabinet in Confidence: JSC Decision Records [DLM=Sensitive]
Attachments: Final_decisions_20111208.pdf; Final Decisions_20110927.pdf; Final-decisions_20120316.pdf; Final Draft Decisions 19 June.pdf; FINAL Minutes JSC 30 August 2012.pdf; Final decisions of 25 June meeting.pdf; Final decisions of meeting 13 March.pdf; Final decisions of 15 Oct meeting.pdf; 151124 JSC Decisions.pdf; 150929 - JSC - Final decisions of 15 Sep 2015 meeting.pdf; JSC - Decisions - 7 December 2016.pdf; JSC - Decisions - 2 June 2016.pdf; JSC - Final decisions of 15 Sep 2015 meeting - 150929.pdf; JSC - Decisions - 7 September 2016.pdf; JSC Final Decisions - 19 July 2017.pdf

From: s22 [redacted]@dpc.wa.gov.au
Sent: Wednesday, 4 October 2017 1:28 PM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: Cabinet in Confidence: JSC Decision Records

Good morning colleagues,

As requested, please find attached JSC decisions dating back to 2011. Note that some documents are missing, I am currently on the process of locating their final versions.

Let me know if you have any issues with the attached PDFs.

Kind regards,

s22 [redacted]
Project Officer

Strategic Assessment of the Perth and Peel Regions
Department of the Premier and Cabinet
Level 10, Dumas House
2 Havelock Street, West Perth WA 6005
T: (08) s22 [redacted]
E: s22 [redacted] [dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au)



Government of Western Australia
Department of the Premier and Cabinet
Strategic Assessment of the Perth and Peel Regions

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Subject: FOI FW: SAPPR - DPC/DEE Fortnightly Meeting Agenda - In Confidence
[DLM=Sensitive]
Attachments: SAPPR Cth IAR - MNES Impact Assessment Profiles Templates - Cabinet In Confidence; RE: SAPPR: Request for updated MNES list; DPC-DEE Meeting - Agenda - 2017-10-12.docx

From: s22 [redacted]@dpc.wa.gov.au
Sent: Wednesday, 8 November 2017 3:00 PM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: SAPPR - DPC/DEE Fortnightly Meeting Agenda - In Confidence

Good Afternoon,

Ahead of tomorrow's regular DPC-DEE Fortnightly teleconference, please see a draft agenda below. Please feel free to add any additional agenda items prior to the meeting.

s22- material irrelevant to scope

Kind Regards,



s22 [redacted]

Perth and Peel Strategic Assessment (SAPPR)
Department of the Premier and Cabinet

s22 [redacted]

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s22

From: s22 [redacted]@dpc.wa.gov.au>
Sent: Wednesday, 8 November 2017 2:53 PM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: SAPPR Cth IAR - MNES Impact Assessment Profiles Templates - Cabinet In Confidence
Attachments: FPAL IAR Profile - template - final 171108.docx; Flora IAR Profile - template - final 171108.docx; Example - Flora IAR Profile - Caladenia huegelii - DRAFT.DOCX; Focus of Recovery - Principles - 20171025 - Final Draft.docx; Draft conservation change method_DBCA_DPC - 2017-10 - 23.cleaned.docx

Good Afternoon,

s22

s22

p

Kind Regards,



s22

Perth and Peel Strategic Assessment (SAPPR)

Department of the Premier and Cabinet

(08) s22



Australian Government

Department of the Environment and Energy

Ref: EC17-001099

Mr Darren Foster
Director General
Department of the Premier and Cabinet
Dumas House, 2 Havelock Street
West Perth WA 6005

Dear Mr Foster

Thank you for your letter of 30 August 2017 regarding pine harvesting at the Gngangara, Pinjar and Yanchep pine plantations and impacts on Carnaby's cockatoo. Your letter provided helpful clarification on these matters.

I note that over the last several months it has become clear that the Strategic Assessment of the Perth and Peel Region is not expected to be operational before 2020. As you would be aware, the strategic assessment was intended to incorporate avoidance, mitigation and offset measures for the impacts of pine harvesting on EPBC Act listed cockatoos. The delay in completion of the assessment means that pine harvesting in the Gngangara, Pinjar and Yanchep plantations risks being substantively complete before an approval has been obtained under the EPBC Act.

While I appreciate the measures outlined in your letter of 30 August 2017 to mitigate the impacts of pine harvesting on cockatoos, I require additional information about this action. As we have discussed at the Joint Government Steering Committee, the strategic assessment plans to maintain the extent of habitat available for Carnaby's cockatoo and stabilise the long-term population, albeit at a lower level.

The Department continues to strongly support the strategic assessment of the Perth and Peel Region as the best way to manage the future development of the region. I am seeking your confirmation that Western Australia remains committed to addressing all of the impacts from pine harvesting in the strategic assessment.

Given the delays in the completion of the assessment, I am also seeking written advice on Western Australia's plan to cease clear-felling, and for ongoing management, in the Gngangara, Pinjar and Yanchep plantations until the strategic assessment is complete and operational. If Western Australia chooses to undertake further activity, such as clearing, maintenance or thinning, I would seek assurances that the activity is not likely to have a significant further impact on Carnaby's cockatoo in the context of the conservation outcome that must be achieved under the strategic assessment.

I understand that Western Australia intends as part of its plan to substitute some pine supplies from other sources. I expect that Western Australia will ensure that pine harvesting in other areas is consistent with the EPBC Act.

In order to fully consider the claims made by Birdlife Australia and World Wildlife Fund, I request further information. Specifically I am seeking:

- Any relevant information about the use of land in the area of the Gnangara, Pinjar and Yanchep plantations prior to the commencement of the EPBC Act in 2000.
- The current status of the pines in the Gnangara, Pinjar and Yanchep plantations including:
 - The number of hectares of pines in place at July 2000 and their estimated caloric and habitat value for Carnaby's cockatoos.
 - The number of hectares of pines, planted prior to the year 2000, that remain and their estimated caloric and habitat value.
 - The number of hectares of pine replanting, pine wildling regrowth, and re-established Banksia and other native vegetation that has occurred since July 2000, and their estimated caloric and habitat value.
 - An annual acquittal of the number of hectares of pines cleared and replanted in the Gnangara, Pinjar and Yanchep plantations, and their location since 2000.
 - Confirmation, with supporting evidence (including population viability analysis), that the long term outcome for the cockatoos is a future stable population accounting for the changes referenced above.

The intention of seeking this additional information is to address our shared interest in maintaining community confidence in our long-term protection of Carnaby's cockatoos.

As previously discussed, it is essential that any significant impacts on cockatoos, and any other nationally protected matters, arising from the clearing of the pines are addressed through the strategic assessment. Alternatively, WA may consider other remediation actions to ensure that pine harvesting is consistent with the requirements of the EPBC Act. Failing either of these, you will no doubt be aware that the Department has a range of measures available to it under the EPBC Act to safeguard protected matters.

Given the importance of a timely clarification of these issues, I would appreciate your response on these issues by 20 December 2017.

Yours sincerely



Dean Knudson
Deputy Secretary
Environment Protection Group
4 December 2017

s22

Subject: Teleconference - Banksia offsets, pine harvesting and SAPPR Approval Holder
Location: Meeting Room 4.2 - dialling details to be confirmed closer to the date

Start: Wed 20/12/2017 4:00 PM
End: Wed 20/12/2017 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: strategicassessment

s22

Administrative Assistant
Strategic Environmental Planning and Approvals
Cabinet and Policy Division
Department of the Premier and Cabinet
Level 10, Dumas House
2 Havelock Street
West Perth WA 6005
Tel: s22
Email: s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au)

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s22

From: strategicassessment <strategicassessment@dpc.wa.gov.au>
Sent: Tuesday, 19 December 2017 12:25 PM
To: Dean Knudson; James Tregurtha; Gregory Manning; s22; Foster, Darren;
s22@dbca.wa.gov.au;
mike.rowe@dwer.wa.gov.au
Cc: s22;
s22@dbca.wa.gov.au; s22@dwer.wa.gov.au;
s22@dwer.wa.gov.au; s22@dwer.wa.gov.au;
patrick.seares@dwer.wa.gov.au; s22;
s22@dwer.wa.gov.au; s22;
s22@planning.wa.gov.au';
s22@planning.wa.gov.au'; strategicassessment
Subject: WA-DEE Teleconference - Pine harvesting, Banksia offsets
Attachments: WA-DEE Executive Meeting Agenda - 20 December 2017.pdf

Good Morning,

Please see attached a meeting agenda ahead of the WA-DEE executive-level teleconference on Pine Harvesting and Banksia Woodlands offsets in the Perth-Peel Regions.

Please note there are no papers associated with this meeting.

Kind Regards,



Perth and Peel Strategic Assessment (SAPPR)
Department of the Premier and Cabinet
s22

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STRATEGIC ASSESSMENT OF THE PERTH AND PEEL REGIONS (SAPPR) State – Commonwealth Executive-Level Meeting

DRAFT AGENDA

Date: 20 December 2017

Time: 1 pm – 2 pm WST (4 pm – 5 pm AEST)

Location: Dumas House
(Teleconference with DoE offices in Canberra)

Attendees: Darren Foster - Chair (DPC); Dean Knudson, James Tregurtha (DEE);
Mark Webb (DBCA).

Executive Support: s22 [redacted], Greg Manning, s22 [redacted]
s22 [redacted]
[redacted]

Apologies: Mike Rowe (DWER)

Agenda:

Item	Subject	Time	Responsibility
1.	Welcome and opening remarks	1pm	DPC
2.	Pine Harvesting	1:05pm	DPC / DEE
3.	s22- material irrelevant to scope [redacted]	1:30pm	DPC
4.	Close	2pm	-

From: s22
To: [Dean Knudson](#)
Cc: [Foster, Darren](#); [James Tregurtha](#); [Gregory Manning](#); s22
Subject: Letter regarding pine harvesting
Date: Wednesday, 20 December 2017 2:09:08 PM
Attachments: [Letter to Dean Knudson re. Legal issues pine harvesting.pdf](#)

Hi Dean

Thank you for your letter to Darren Foster of 4 December. Attached is our initial response which focuses on the information requested that pertains to the application of an exemption from the EPBC Act in respect of the pine harvesting. A hard copy of the letter and the attachment will be sent in the mail.

We are also assembling the information you requested regarding the pine plantations and expect to be able to provide this to you in January.

The intent at today's teleconference is to have an initial discussion about this letter and the next steps.

Cheers

s22

Director
Strategic Environmental Planning and Approvals
Department of the Premier and Cabinet
Phone: (08) s22
Mobile: s22
Email: s22@dpc.wa.gov.au
Level 10, 2 Havelock Street
WEST PERTH 6005

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Government of **Western Australia**
Department of **the Premier and Cabinet**
Office of the Director General

Our Ref: D1711692
Your Ref: EC17-001099

Mr Dean Knudson
Deputy Secretary
Environment Protection Group
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

Dear Mr Knudson

Thank you for your letter of 4 December 2017 regarding harvesting of the Gnangara, Pinjar and Yanchep pine plantations (Northern Plantations). The State is in the process of examining the harvesting of the Northern Plantations in circumstances where the Strategic Assessment of the Perth and Peel Regions (SAPPR) has not concluded within the anticipated timeframe and legal issues raised by the Environmental Defender's Office (EDO) in a letter to the Premier on behalf of the World Wildlife Fund for Nature Australia (WWF).

In considering the EDO's legal submission, the State has identified that there is a likelihood that the harvesting of the Northern Plantations, with or without re-establishment, is exempt as a lawful continuation of a use of land under s. 43B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

Section 43B provides, in essence, that a person may take an action described in a provision in Part 3 without an approval under Part 9 if the action is a lawful continuation of a use of land that was occurring immediately before the commencement of the EPBC Act.

This is a threshold question and I note that you refer to claims made by Birdlife Australia and WWF and seek information from the State as to the use of the land in the area of the Northern Plantations prior to the commencement of the EPBC Act in 2000 for the evident purpose of considering the applicability of s. 43B of the EPBC Act.

At the time that the EPBC Act commenced on 16 July 2000, the Northern Plantations were vested in the Conservation Commission for Western Australia and managed by the Department of Conservation and Land Management, subject to the direction and control of the Minister, as part of State Forest 65 under the *Conservation and Land Management*

Act 1984 (WA) (CALM Act). The Executive Director of the Department of Conservation and Land Management had powers in relation to the forest produce under s. 88 of the CALM Act (the Forest Products Commission had not yet been established).

The planting of State forests with exotic species was expressly contemplated by s. 56(1)(b) of the CALM Act. The policy of s. 56(1)(b) of the CALM Act is that State forests planted with exotic species will be managed under a management plan designed to achieve the optimum yield in production consistent with the satisfaction of long-term social and economic needs. The management plan that was in force in 2000 was the regional management plan for the Northern Forests Region (although the management plan expired in 1997 it continued in force under s. 55(2) of the CALM Act). The implementation of that plan was approved under Part IV of the *Environmental Protection Act 1986 (WA)*. I enclose a copy of the management plan, the Timber Strategy referred to in the management plan and the Part IV approval of the implementation of that plan.

As I stated in my letter dated 30 August 2017, the 1996 Cabinet decision to remove and not replace the pines in the Northern Plantations was based on the need to improve groundwater recharge to the Gngangara Mound. In 2002, the State entered into a long term contract with Wesbeam (which was ratified by the *Wood Processing (Wesbeam) Agreement Act 2002 (WA)*) as part of its plans to protect the Gngangara Mound groundwater resource (which can be seen in Recitals A and D(a) of the agreement scheduled to that Act). The State promised to make timber regularly available to Wesbeam from a Timber Supply Area which includes the Northern Plantations (clause 5(1)).

At the time that the EPBC Act commenced, the Northern Plantations comprised a number of crops of pine trees which had been planted at various times for future harvest and sale. The continued maintenance of those crops and their eventual harvest are actions which clearly amount to actions which constitute a lawful continuation of a use of land under s. 43B(1) of the EPBC Act.

The only issue which arises is whether the action of harvesting does not amount to a continuation of a use of land under s. 43B(3). In particular:

- a. Does the action involve any enlargement, expansion or intensification of use under section 43B(3)(a)?
- b. Does the action involve any change in the nature of the activities comprising the use under section 43B(3)(b)(ii)?
- c. If so, what is the change and does it involve a significant increased impact on the use of the land under section 43B(b)(ii)?

The answers to the above questions would seem to be as follows:

- d. There is no enlargement, expansion or intensification of use but rather a reduction, contraction and de-intensification of use.

- e. There is no change in the nature of the activities comprising the use in that the activities comprising the use always involved the eventual harvest of the pine crops for sale.
- f. Even if it is assumed that there is any change, associated with a lack of commensurate replanting (being the focus of the EDO's submission to the Premier), the effect of the change is to lessen the impact of the use on the land (as was specifically intended – that is, the intention was to lessen the impact of the Pine Plantations on the groundwater resource ("land" is defined to include any body of water)).

If the harvesting is, as we believe, exempt under s. 43B of the EPBC Act then the State and the Commonwealth acted on an incorrect legal basis when they amended the Terms of Reference of the SAPPR in 2012 to incorporate assessment and approval of the pine harvesting class of action.

Consistent with the approach which has been taken in relation to other legal issues affecting the SPPR, it is important for the State's and the Commonwealth's legal advisers to confer on a privileged basis. I propose that such conferral occur as soon as practicable.

I would like to assure you that, irrespective of the outcomes of the legal discussion, the State is committed to addressing the impacts of pine harvesting on Carnaby's cockatoo, both in the SPPR's Conservation Program and the Commonwealth Impact Assessment Report.

The EDO is aware that the State is considering its submission and will be responding when it is in a position to do so.

In the meantime, the Department of the Premier and Cabinet is considering the other aspects of your letter and will provide a response to your questions early in the new year.

Yours sincerely



Darren Foster
DIRECTOR GENERAL

20 DEC 2017

Enc.

s22

From: s22 [redacted]@dpc.wa.gov.au>
Sent: Friday, 22 December 2017 2:48 PM
To: Gregory Manning; s22 [redacted];
s22 [redacted]
Cc: s22 [redacted]
s22 [redacted]
s22 [redacted]
Subject: SAPPR Workshops - prep materials - Sensitive: Cabinet In Confidence
Attachments: SA010-Telecon-Actions-191217 - DPC edits.docx; Workshop Expectations & Objectives - December 2017.docx; Retention Layer Approach - DRAFT 20171222.pdf; Infrastructure Approach - DRAFT 20171222.pdf; Infrastructure Approach - Att.1 - State Verification Process.pdf; Infrastructure Approach - Att.2 - Scenarios.pdf; MNES master list 20171222_DEE clean.xlsx; Draft conservation change method - DBCA_DPC_DEE 2017-11-20.docx; FW: SAPPR: Request for updated MNES list

Good afternoon,

Please see attached the following documents for your consideration in preparation for the DEE-DPC workshops in January. Please feel free to contact s22 [redacted] or myself if you need to discuss further.

s22

s22

Kind Regards,



s22

Perth and Peel Strategic Assessment (SAPPR)

Department of the Premier and Cabinet

(08) s22

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s22

From: s22 @dpc.wa.gov.au >
Sent: Friday, 22 December 2017 3:24 PM
To: s22
Cc: Gregory Manning; James Tregurtha; s22
Subject: RE: Follow up for meeting on pines and offsets [DLM=Sensitive]

Hi s22

Thanks for your email, s22 s asked me to respond on his behalf.

We captured these actions below in our record of the decisions of the meeting. We'll send these draft decisions out to attendees today.

s22 will be away until Monday 15 January. Please don't hesitate to contact me in the meantime if there are any issues. I am away next week, but back from Tuesday 2 January 2018.

Wishing you a happy Christmas and New Year.

s22

s22

Project Manager

Strategic Assessment of the Perth and Peel Regions

Department of the Premier and Cabinet

Level 10, Dumas House

2 Havelock Street, West Perth WA 6005 | Locked Bag 3001, West Perth WA 6872

Ph: s22 | Fax: (08) 6552 5459

E: s22 | w: www.dpc.wa.gov.au

From: s22 @environment.gov.au]

Sent: Thursday, 21 December 2017 2:47 PM

To: s22

Cc: Manning, Gregory ; Tregurtha, James ; s22

Subject: Follow up for meeting on pines and offsets [DLM=Sensitive]

Hi s22

I just wanted to confirm the action items from yesterday's meeting on pines and offsets. I have the four below, but let me know if you have any concerns:

1. DEE to consider the specific information it requires to form a view on exemption and send as a list to WA. This probably relates to the nature of pine harvesting activity in the first instance but may extend to impacts of pine harvesting (early January)
2. WA to provide further response DEE letter and any further information required under action item 1 (DPC to send to DEE as it becomes available, but with the first tranche expected early January)
3. Dean and Darren to talk through WA letter on exemption (probably mid Jan, as Dean is now on leave)
4. DEE to provide example conditions that could apply in the circumstance that proponents comes forward with an offset that includes both a property and funds for WA to manage that property (probably mid-late January given other things going on)

As we discussed, DEE will need to come to its own view on whether or not an exemption applies to pine harvesting and we understand that there will be further discussions on this before WA takes a public position how pines will be managed.

I understand that you will be on leave over the first few weeks in January. Can you please let me know who is best to contact on pines during that time. Is there anything else that you would like captured? Happy to discuss. Otherwise, I hope you have a good break.

Cheers

s22

s22

Director, Major Projects West
Department of the Environment and Energy
51 Allara Street | PO Box 787, Canberra, ACT, 2601

s22

s22

s22 environment.gov.au

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s22

From: strategicassessment <strategicassessment@dpc.wa.gov.au>
Sent: Friday, 22 December 2017 3:35 PM
To: James Tregurtha; Gregory Manning; s22
Cc: s22
Subject: WA-DEE Teleconference - Draft Minutes - 20 December 2017 - CABINET IN CONFIDENCE
Attachments: WA-DEE Executive Meeting - 20 December 2017 - Draft Minutes.docx
Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Please see attached draft meeting minutes from the 20 December State/Commonwealth teleconference on Pines Harvesting and Banksia Offsets.

Please return any edits in track changes by COB Wednesday 10 January.

Kind Regards,



Perth and Peel Strategic Assessment (SAPPR)
Department of the Premier and Cabinet
s22

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s22

From: s22 [redacted]@dpc.wa.gov.au>
Sent: Tuesday, 9 January 2018 7:13 PM
To: s22 [redacted]
Cc: s22 [redacted];
strategicassessment
Subject: RE: SAPPR Workshops - prep materials - Sensitive: Cabinet In Confidence [SEC=UNCLASSIFIED]
Attachments: Workshop Agenda - CIAR + Approval Holder Issues - Draft v5.docx; Workshop Expectations Objectives - December 2017 v4.docx

Hi s22,

Following our discussion today, please find attached an updated agenda and the Workshop Expectations / Objectives document.

Much appreciated if you could please let me know if you have any further edits to the agenda before we circulate as final midday tomorrow.

Kind Regards,



s22

Perth and Peel Strategic Assessment (SAPPR)
Department of the Premier and Cabinet
(08) s22 [redacted]

From: s22 [redacted]@environment.gov.au]
Sent: Tuesday, 9 January 2018 6:01 AM
To: s22 [redacted]
Cc: s22 [redacted]
Subject: FW: SAPPR Workshops - prep materials - Sensitive: Cabinet In Confidence [SEC=UNCLASSIFIED]

Security Notice: The attachments in this email were secured. The original attachments were not modified.

Hi s22

s22- material irrelevant to scope

Happy to clarify any of the above at tomorrow's telecon.

Thanks.

s22

From: s22 [redacted] <[redacted]@dpc.wa.gov.au>
 Sent: Wednesday, 3 January 2018 6:24 PM
 To: s22 [redacted] <[redacted]@environment.gov.au>
 Cc: s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; s22 [redacted] <[redacted]@dpc.wa.gov.au>; Manning, Gregory <Gregory.Manning@environment.gov.au>; s22 [redacted] <[redacted]@environment.gov.au>; s22 [redacted] <[redacted]@environment.gov.au>; s22 [redacted] <[redacted]@environment.gov.au>; s22 [redacted] <[redacted]@environment.gov.au>; s22 [redacted] <[redacted]@environment.gov.au>

Subject: RE: SAPPR Workshops - prep materials - Sensitive: Cabinet In Confidence

Hi s22 [redacted],

s22

Teleconference Agenda – 9/1/18:

Please see below a draft agenda for this Tuesday's DEE-DPC teleconference, which we propose be focused on preparations for the Workshop. Please feel free to add/edit as necessary:

Item	Topic	Time
s22		
3	<i>Pines Harvesting / EDO</i> - follow up from 'Executive-level Meeting' on 20 December	15 Mins

s22

Kind Regards,



s22 [redacted]
Perth and Peel Strategic Assessment (SAPPR)
 Department of the Premier and Cabinet
 (08) s22 [redacted]

|

From: s22

Sent: Friday, 22 December 2017 11:48 AM

To: gregory.manning@environment.gov.au; s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22

s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au);

s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au)

s22

Subject: SAPPR Workshops - prep materials - Sensitive: Cabinet In Confidence

Good afternoon,

Please see attached the following documents for your consideration in preparation for the DEE-DPC workshops in January. Please feel free to contact s22 or myself if you need to discuss further.

s22

s22



r,

Kind Regards,



s22

Perth and Peel Strategic Assessment (SAPPR)

Department of the Premier and Cabinet

(s22

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s22

From: strategicassessment <strategicassessment@dpc.wa.gov.au>
Sent: Friday, 12 January 2018 6:48 PM
To: strategicassessment; s22
Cc: s22 Gregory Manning; s22
s22
s22
Subject: Terms of Reference Risk Assessment - DPC Comments - Cabinet in Confidence
Attachments: SA010-advice-Compliance with TOR CIAR - DEE - MB AdR.DOCX

Hi All,

Also attached is the **Terms of Reference Risk Assessment** with further comments added by the DPC team.

Please note this document is intended to be an iterative draft-only and inform the content discussed at the Workshops. The document will be updated as the SAPPR documents are further developed / issues are resolved.

Kind Regards,



s22

Perth and Peel Strategic Assessment (SAPPR)

Department of the Premier and Cabinet

(s22)

From: strategicassessment
Sent: Friday, 12 January 2018 2:24 PM
To: s22
Cc: s22 Manning, Gregory ; s22
s22
Subject: Conservation Change - Limitations - Cabinet in Confidence

Hi s22 and the team,

s22

s22

Kind Regards,



s22

Perth and Peel Strategic Assessment (SAPPR)

Department of the Premier and Cabinet

(s22

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s22-material irrelevant to scope-

From: s22 [redacted]@dbca.wa.gov.au]
Sent: s22 [redacted]
[redacted]; s47F [redacted]@exchange.curtin.edu.au; s22 [redacted]@environment.gov.au);
s47F [redacted]@iinet.net.au); s22 [redacted];
s47F [redacted]@museum.wa.gov.au'; s47F [redacted]@murdoch.edu.au); s22 [redacted];
s47F [redacted]@wwf.org.au'; s22 [redacted]; s47F [redacted]@birdlife.org.au'; s22 [redacted]
s22 [redacted]
Cc: s22 [redacted] s47F [redacted]@murdoch.edu.au); s22 [redacted]
s47F [redacted]@csiro.au
Subject: Carnaby's Cockatoo Recovery Team Meeting No. 34, Wednesday 14th February 2018, Kensington

Hi All,

The next carnaby's Cockatoo recovery team meeting will be held in a couple of weeks time on Wednesday 14th February. Apologies for the late reminder, I have just returned from secondment with DPC and am only now getting through my 'to do' list.

I will send the following through to you shortly:

- 1) Agenda for the next meeting
- 2) Summary record from the previous meeting (Meeting no. 33, August 2017)
- 3) Progress against actions from last meeting (Meeting no. 33, August 2017)

Attached, please report on any progress:

- 4) *Table of Reporting against Recovery Action Themes Meeting No 34 February 2018.doc*, identifying activities currently being undertaken that relate to each of the six themes in the recovery plan. Please check to see that these notes are still up to date, add your comments and updates, highlight them and send them back to me before the meeting on Wednesday week, and

Below are the actions arising from the last meeting. Can you please let me know prior to the meeting, how much progress has been made against any actions that concern you.

If there are specific items that you would like added to the agenda, let me know and I will make sure they are included. To see which items will be discussed under each of the six recovery themes, refer to the attached table (*Reporting against Recovery Action Themes Meeting No 33 Aug 2017.doc*).

Lunch and morning tea will be provided and there will be power point facilities (but best to bring your own computer if you are presenting).

I will begin sending through the various documents that have been requested, as per the new actions below.

s22

**ACTIONS ARISING FROM CARNABY'S BLACK COCKATOO RECOVERY TEAM MEETING No. 33:
9th August 2017.**

New Action 1: s22 to report concerns by the Recovery Team, that all the pine trees remaining in the Gnangara, Pinjar and Yanchep pine plantations, will have been harvested before a Commonwealth decision is made regarding the Strategic Assessment for the Perth Peel Regions.

s22

s22

s22

Zoologist

Species and Communities Branch, Science and Conservation

Department of Biodiversity, Conservation and Attractions

Phone (s22)

<http://www.dbca.wa.gov.au/>

Reporting against Recovery Action Themes for Recovery Team Meeting No 31, Wednesday 9th August 2017 (for 2017 CBC Annual Report).

(Please highlight any additional information – Yellow)

<p>Recovery Action Theme from Recovery Plan: 14.1 to 14.6</p>	<p>Please add comments and send to §47F prior to meeting (examples for Swan Region given):</p>
<p>14.1: Protect and Manage Important Habitat Identify, protect and manage habitat critical to survival (nesting, foraging and roosting) for Carnaby's cockatoo across</p> <p>Total cost from Table 4 in Section 15.1 in CBC recovery plan: \$2,360,000)</p>	<p>s22- material irrelevant to scope</p> <p>Strategic Assessment</p> <p>From A</p> <ul style="list-style-type: none"> - s22 - s47(1)(a), s47(1)(b) - s22 - Many submissions on CBC env impacts, with many focussed on pine harvesting. - Post pine landscape proposal has been revisited. The same ground water

recharge can be expected from 40 stems/ha wildings, compared with cleared (grassland). As such, the intention now is to keep wildings and some native revegetation across most of the ex-pine country.

- 1,700ha urban industrial, 2000ha pine plantation, 19,000 ha mixed pine native woodland Around 10,000ha of this 19,000ha will have some level of assisted native revegetation.
- After 15 years, it is anticipated that the new, revised landscape will provide twice (roughly) food of the original GPP proposal (Max Water Use scenario).
- Existing native remnant vegetation will be retained and linked by native revegetation/pine wildings.
- Same Cost and same Ground Water Recharge as the original (baseline, Maximum water yield) scenario.
- Post pine landscape will see a rolling cycle of BRM (sand extraction).
- Additional benefit of the revised post pine scenario is that a significant amount of food will be retained in the short term, so reducing the 'gap' or bottle-neck, immediately post clearing of the pines, when there is no food.
- Commonwealth can accept decrease in CBC population as long as population stabilises.
- PVA was run to see what is needed to stop decline, stabilise population (sensitivity analysis of vital population statistics such as fecundity and adult survival – see below).
- GGP, Action Plan H – Proposed reserve system still under review.
- Commonwealth EPBC referral process starts after GGP documents have been publically reviewed and adjusted accordingly (aiming for the end of the year).
- It has come to BirdLife's attention that the second largest known Carnaby's roost has been cleared. The roost is in the Pinjar plantation area. We are lobbying against the ongoing of clearing of known roosts, without much joy at the moment.

Fire management:

Management of breeding sites

-
-
-
-
-
-

A large, bold, black serif font 'S22' is centered on a grey rectangular background. The 'S' is significantly larger than the '22'. The background is a solid, medium-grey color.

s22

s22

s22

14.2: Conduct Research to Inform Management

Undertake research into the biology, ecology and conservation management of Carnaby's cockatoo

Total cost from Table 4 in Section 15.1 in CBC recovery plan: \$1,460,000)

Update on research (DPaW, BirdLife, Perth Zoo, Universities)

s22

2017 GCC summary:
See below

Population Viability Analysis (DPaW – Strategic Assessment)

- Population Viability Analysis
- s22 (DPaW Science and Conservation Centre) reported (prior to the meeting) that, at the request of State Cabinet, a revised PVA has been carried out that takes into account the new post pine landscape scenario, which has the same water yield, but in which pine wildings are allowed to regenerate, along with some woody vegetation, and some planted native vegetation.
- The analysis also looked at the impacts of increasing fecundity on the projected survival of the Carnaby's Cockatoo, demonstrating the importance of both adult survival (e.g. providing food habitat for adults) and breeding success (e.g. providing artificial nest hollows).
- s47B(a), s47B(b)
- Both fecundity and adult survival are important, and we may be able to increase fecundity using e.g. artificial hollows. We can also increase adult survival by protecting habitat and creating new habitat.
- Need to spend effort/resources on breeding, juvenile survival, improve

s22

**14.3: Undertake
Regular
Monitoring**

Banding report

S22

s22

s22

14.4: Manage Other Impacts

Monitor the impacts and implement strategies to reduce anthropogenic factors affecting Carnaby's cockatoos, and support rehabilitation programs

s22

s22

14.5: Undertake Information and Communication Activities

s22

s22

s22

14.6: Engage with
the Broader
Community

s22

s22

s22-material irrelevant to scope

From: s22 [redacted]@dbca.wa.gov.au]

Sent: Friday, 9 February 2018 8:48 PM

To: s22 [redacted]
[redacted]
[redacted]
[redacted]
[redacted]

Cc: s22 [redacted]
[redacted]

Subject: RE: RE: Carnaby's Cockatoo Recovery Team Meeting No. 34, Wednesday 14th February 2018, Kensington

Hi Again,

I realised one of those attachments was too big, so am resending without the publication by Saunders and Doley (2017), which can be accessed using this link:

Saunders, D. A. and A. Doley (2017). "Culling farm wildlife for conservation and production on "Koobabbie", a cereal and sheep growing property, in the northern wheatbelt of Western Australia." [Australian Zoologist](https://doi.org/10.7882/AZ.2017.046) DOI: <https://doi.org/10.7882/AZ.2017.046>.

Apologies for the double email.

s22 [redacted]

The next carnaby's Cockatoo recovery team meeting will be held on Wednesday 14th February at 9:00am to 12:00pm at Kensington in the Torndirrup room, in the Science and Conservation Building

Attached are the following documents:

- 1) Agenda for the next meeting
- 2) Summary record from the previous meeting (Meeting no. 33, August 2017)
- 3) Progress against actions from last meeting (Meeting no. 33, August 2017)
- 4) Table of *Reporting against Recovery Action Themes Meeting No 33 August 2017.doc*, identifying activities currently being undertaken that relate to each of the six themes in the recovery plan. Please check to see

that these notes are still up to date, add your comments and updates, highlight them and send them back to me before the meeting on Wednesday week.

- 5) Murdoch Tracking Project - Half Year Report for DBCA and
- 6) Murdoch Black Cockatoo Conservation Project_Sept 2017_final.
- 7) Email from Rick Dawson and Denis Saunders, comparing the Coomallo results for the 2017 breeding season with those of 2016

Below are the actions arising from the last meeting. Can you please let me know prior to the meeting, how much progress has been made against any actions that concern you.

If there are specific items that you would like added to the agenda, let me know and I will make sure they are included. To see which items will be discussed under each of the six recovery themes, refer to the attached table (*Reporting against Recovery Action Themes Meeting No 34 February 2018.doc*).

Lunch and morning tea will be provided and there will be power point facilities (but best to bring your own computer if you are presenting).

s22

ACTIONS ARISING FROM CARNABY'S BLACK COCKATOO RECOVERY TEAM MEETING No. 33: 9th August 2017.

New Action 1: s22 to report concerns by members of the Recovery Team, that all the pine trees remaining in the Gnangara, Pinjar and Yanchep pine plantations, will have been harvested before a Commonwealth decision is made regarding the Strategic Assessment for the Perth Peel Regions.

s22

s22

Regional Ecologist (Swan Region)

Department of Parks and Wildlife

Cnr Australia II Drive and Hackett Drive, Crawley WA 6009

Locked Bag 104, Bentley Delivery Centre, Western Australia 6983

s22

s22

www.dpaw.wa.gov.au



Please note that during busy periods there may be some delay in responding to emails.

If a matter is urgent, you may wish to contact the Swan Region Office at s22



Department of Biodiversity,
Conservation and Attractions

**CARNABY'S BLACK-COCKATOO RECOVERY TEAM
SUMMARY RECORD FROM MEETING NO. 33**

Date and time	9 th August 2017 from 9.00 am to 12.00 pm
Location	DBCA Kensington Office

Agenda

No.	Agenda Item	Notes
1.	Welcome and apologies	Attendees: s22, s47F

2.

s22-material irrelevant to scope

3.

s22-material irrelevant to scope

4.	<p>Recovery Plan Action Theme 1: Protect and Manage Important Habitat</p> <p>(refer to Reporting against Recovery Action Themes Meeting No 28 Feb 2015)</p>	<p>Additional Discussion under Theme 1:</p> <p>Strategic Assessment (Green Growth Plan, SAPPR) update (DM)</p> <ul style="list-style-type: none">- Draft SAPPR docs released to public in 2015- s47(1)(a), s47(1)(b)- Pine plantations, draft plan was for complete pine removal to maximise ground water recharge. The new SAPPR position is that the pines be allowed to regrow as wildings, supplemented with areas of native vegetation plantings.- Dept of Water can maintain levels of water recharge under this new proposal.- s47(1)(a), s47(1)(b)- HB asks whether there will there be any pines left? DM commented that there is currently around 6000ha of pine plantation left, and under the current rate of harvesting after 3-4 years, all mature pines will be gone. Recent discussions with the Forest Products Commission (FPC) have been about delaying tree removal by thinning rather than clear-falling. Still only a temporary measure as the intention is to remove all mature pines.- DM there will still be a gap between when wildings reach an age where they produce enough food and when the mature pines have been removed.- The low point in food availability is likely to occur around 2020-2023.- MH notes that FPC say 6,500ha of pine plantation remains and is being harvested at 2.500 ha a year. All pines will be gone before the SAPPR is put to Commonwealth.- HB asked whether FPC can harvest pine from elsewhere? DM says they are doing this but it costs more due to additional transport costs.- WWF intends to seek a moratorium on clearing of remaining pines until alternative food sources are available (MH).- BirdLife has also called for a moratorium (HB).- HB what happens with the Pinjar pine situation? The super roost is half cleared already. AP asks how this can happen when DBCA has informed FPC about the value of this roost Pinjar site? DM commented that these are the discussions that BirdLife, WWF and DBCA are currently having with FPC.
----	--	--

- MH raised concerns that pines will be all gone before there is any resolution of the SAPPR. s22 will refer this message to s22.

New Action 1: s22 to report concerns by members of the Recovery Team, that all the pine trees remaining in the Gnangara, Pinjar and Yanchep pine plantations, will have been harvested before a Commonwealth decision is made regarding the Strategic Assessment for the Perth Peel Regions.

- MH asked whether the new scenario recommending that wildings be maintained at 40 stems/ha, has been included in the PVA modelling? DM commented yes, and that the PVA also looks at changes that influence breeding success and adult survival (sensitivity analysis of factors influencing vital rates).
- The original PVA showed that we need to increase vital rates, e.g. chick and adult survival to allow any increase in the population in response to any increases in feeding habitat (DM).
- RD this is our priority (to improve vital rates).
- CE reports that the comment period for the Draft EPBC Referral Guidelines for the three Black Cockatoo species, closes on the 5th September.

New Action 2: s22 to circulate link to the draft EPBC Referral Guidelines for the three Black Cockatoo species.

- HB asked whether DBCA direct FPC to immediately halt any further clearing of the Gnangara, Pinjar and Yanchep pines?
- What is DBCA's responsibility regarding on-going maintenance of the pine wildings? (MH, HB)
- DM noted that DBCA can only advise FPC, and noted that FPC are focussed on their legal and commercial obligations.
- KM notes the DBCA is not a decision maker, it can only provide advice.
- AM commented that the relevant clause's in the new Biodiversity Conservation Act have not yet been proclaimed.

Land Purchases (s22)

- Three more purchases of lands as offsets (600ha at Lancelin, 600ha at Cataby and 400ha at Brookton).
- This is an addition of 1400 ha of cockatoo habitat since last RT meeting.

New Action 3: DBCA maintain updated mapping of offset acquisition sites (including those for Carnaby's). s22 will check the updated map. GB to send pdf of map to RT.

s22

- Extensive mining exploration is underway around Cokanarup
- Preliminary drilling has commenced, and there are concerns that there is a risk of future applications for mining in the area.
- Company agreed to retain salmon gums during exploration period, avoid breeding areas (not going <10m within large salmon gums).
- RD notes that Cokanarup is a significant breeding spot.
- HB reports that BirdLife has written to Minister, raising concern that known breeding trees are immediately adjacent to drilling pads.

5.

s22-material irrelevant to scope

6.

Recovery Plan Action
Theme 3: Undertake
Regular Monitoring
(refer to Reporting
against Recovery Action
Themes Meeting No 26
Feb 2014 Final.doc)

S22

BirdLife breeding surveys

R
S22

7.

s22-material irrelevant to scope

8.

9.

10.

11.

12.

s22-material irrelevant to scope

s22-material irrelevant to scope

13.

**ACTIONS ARISING FROM CARNABY'S BLACK COCKATOO RECOVERY TEAM MEETING
No. 33: 9th August 2017.**

New Action 1: s22 [redacted] to report concerns by members of the Recovery Team, that all the pine trees remaining in the Gnangara, Pinjar and Yanchep pine plantations, will have been harvested before a Commonwealth decision is made regarding the Strategic Assessment for the Perth Peel Regions.

s22-material irrelevant to scope

s22

From: s22 @dpc.wa.gov.au >
Sent: Monday, 19 February 2018 4:46 PM
To: s22
Cc: s22 ;
Subject: Gregory Manning
RE: Pines [DLM=Sensitive:Legal]

Hi s22

I've checked at our end, and can advise we are progressing the response and DEE should receive it within a week.

Cheers

s22

s22

Project Manager
Strategic Assessment of the Perth and Peel Regions
Department of the Premier and Cabinet
Level 10, Dumas House
2 Havelock Street, West Perth WA 6005 | Locked Bag 3001, West Perth WA 6872

s22

s22 | w: www.dpc.wa.gov.au

From: s22 @environment.gov.au]
Sent: Monday, 19 February 2018 1:29 PM
To: s22
Cc: s22 Manning, Gregory
Subject: Pines [DLM=Sensitive:Legal]

Hi s22

s42

Thanks

s22

s22

Major Projects West | Assessment (WA, SA, NT) & Post Approvals Branch
Environment Standards Division | Department of the Environment and Energy
PO Box 787, Canberra, ACT, 2601
Tel: s22
Part time – Tuesday to Thursday

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

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s22

From: s22
Sent: Friday, 16 March 2018 4:56 PM
To: 'strategicassessment' ; s22
Cc: s22 ; Manning, Gregory ; s22
Subject: RE: SAPP R DPC/DEE Fortnightly Meetings - Draft Notes - In Confidence [DLM=For-Official-Use-Only]

Dear s22 , and good afternoon all,

I just wanted to follow up on two particular points arising from the fortnightly teleconference between our teams this week, specifically in relation to the SAPP R timeframe and Pines. I'd also like to reiterate our appreciation for DPC's flexibility in agreeing to reschedule the teleconference to Wednesday given staff absences at our end earlier this week.

s22- material irrelevant to scope

The second issue I wanted to cover off on is prompted by our discussion regarding Pines. We appreciated confirmation from DPC that WA remains committed to the inclusion of Pines as part of the SAPP R as a class of action. As a follow on to that, s42

I am seeking advice from you on when we can expect to receive WA's response on outstanding matters which were raised in the correspondence from Mr Knudson (4 Dec 2017), and which I note Mr Foster's reply (20 Dec) indicated would be forthcoming early in the new year? The information the Department has requested is fundamental to addressing our shared interest in managing community confidence in management arrangements for, and the long term protection of, the Carnaby's Black

Cockatoo. We would appreciate a response on these outstanding matters to enable our Senior Executive to be briefed prior to the April Joint Steering Committee meeting.

Thanks again for your cooperation and advice on these matters, and happy to discuss. We'll also come back to you separately on our other action items.

Regards

s22
Director, Major Projects West
Environment Standards Division
Department of the Environment and Energy
Ph. 02 s22
s22 [@environment.gov.au](mailto:s22@environment.gov.au)

From: strategicassessment [<mailto:strategicassessment@dpc.wa.gov.au>]
Sent: Thursday, 15 March 2018 1:23 PM
To: s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au); Manning, Gregory <Gregory.Manning@environment.gov.au>; s22 [@environment.gov.au](mailto:s22@environment.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@environment.gov.au](mailto:s22@environment.gov.au)
Cc: s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au); s22 [@dpc.wa.gov.au](mailto:s22@dpc.wa.gov.au)
Subject: SAPPR DPC/DEE Fortnightly Meetings - Draft Notes - In Confidence

Good morning,

Please see attached DPC's draft meeting notes from yesterday's DPC-DEE Fortnightly SAPPR meeting. Please feel free to add / edit this document and return prior to the next meeting (scheduled for Tuesday 27 March).

Kind Regards,



s22
Perth and Peel Strategic Assessment (SAPPR)
Department of the Premier and Cabinet
s22

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Strategic Assessment of the Perth and Peel Regions (SAPPR)
DPC-DEE Fortnightly Meeting – Draft Meeting Notes

Date: Wednesday 14 March 2018

Time: 9.30am – 10.30am (AWST) / 12.30pm – 1.30pm (AEST)

Venue: Teleconference

Attending: s22 [redacted] (DEE)

s22 [redacted] (DPC)

Summary of Actions:

s22

s22

Item 4 – Other Business

- DEE queried the inclusion of the pines class of action in the revised documents, in light of recent correspondence on the possible legal exemption of pines harvesting under the EPBC Act.
- DPC clarified that the Pines class of action has not been removed.

s22

s22

Subject: FOI FW: SA010-admin-DPC-DEE Fortnightly Meetings-Draft Notes 14.03.18
[DLM=Sensitive]
Attachments: SA010-admin-DPC-DEE Fortnightly Meetings-Draft Notes 14.03.18.docx

From: s22
Sent: Tuesday, 27 March 2018 4:01 PM
To: s22
Cc: s22
Subject: SA010-admin-DPC-DEE Fortnightly Meetings-Draft Notes 14.03.18 [DLM=Sensitive]

Afternoon all,

Apologies for the delay in getting the minutes from the teleconference on 14/3/2018 back to you, attached are our recollections, we're very happy to discuss further if necessary.

Hope everyone who is unwell feels better soon!

s22

s22

From: James Tregurtha
Sent: Friday, 29 June 2018 5:57 PM
To: 'mike.rowe@dwer.wa.gov.au'
Cc: Dean Knudson; Andrew McNee; Gregory Manning
Subject: Following up your discussion with Dean [SEC=UNCLASSIFIED]

Hi Mike,

I understand that you recently spoke with Dean regarding pine harvesting and also s22 and just wanted to provide a quick update on where we are up to on these matters.

The Department has briefed Minister Frydenberg's office in relation to the advice contained in Darren Foster's letter of 18 May regarding the status of the Northern pine plantations. A Departmental response to this letter will be provided once the Minister has considered a response to Premier McGowan's letter of 4 April, which we anticipate will be next week.

s22-material irrelevant to scope

James

James Tregurtha
Acting First Assistant Secretary
Environment Standards Division
Department of the Environment and Energy
Tel: 6274 1077
Mob: s22

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

s22

From: s22 @dpc.wa.gov.au>
Sent: Monday, 21 May 2018 10:46 AM
To: Gregory Manning; s22
Cc: Patrick Seares (patrick.seares@dwer.wa.gov.au); s22 ;
Subject: s22
Attachments: Letter to Dean Knudson re. Pines harvesting.pdf
Letter to Dean Knudson re. Pines harvesting.pdf

Hi Greg and s22

Attached is an electronic copy of our latest letter (which forms the final part of our response to Dean's letter of early December). s47B(a), s47B(b) now that the SAPPR is suspended we have drafted the letter to be as up to date as possible.

As you are aware the DPC SAPPR team is being disbanded as of 31 May so the letter requests that any queries are directed to Mike Rowe (DG of Department of Water and Environment Regulation). For day to day inquiries I suggest contacting Patrick Seares at DWER:

[Patrick Seares](#)

Executive Director, EPA Strategy and Guidance

[Department of Water and Environmental Regulation](#)

Level 4, The Atrium, 168 St Georges Terrace, PERTH WA 6000

Locked Bag 33, Cloisters Square, PERTH WA 6850

T: (08) 6364 6521 | M: s22

E: patrick.seares@dwer.wa.gov.au | www.dwer.wa.gov.au

Twitter: [@DWER WA](#)

Cheers

s22

Director
Strategic Environmental Planning and Approvals
Department of the Premier and Cabinet
Phone: s22
Mobile: s22
Email: s22
Level 10, 2 Havelock Street
WEST PERTH 6005

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advice.

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Government of **Western Australia**
Department of **the Premier and Cabinet**
Office of the Director General

Our Ref: D1801267
Your Ref: EC17-001099

Mr Dean Knudson
Deputy Secretary
Environment Protection Group
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

Dear Mr Knudson

As you are aware, in response to your letter of 4 December 2017 regarding harvesting of the Gnangara, Pinjar and Yanchep pine plantations (Northern plantations), I provided responses to your questions specifically relating to the question whether the harvesting is exempt under s. 43B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) in my correspondence of 20 December 2017. I understand that State and Commonwealth legal officers are continuing to confer on a privileged basis to address this legal question.

With respect to the remaining questions in your letter of 4 December 2017, I would like to advise the following.

At July 2000, approximately 23,000 hectares of pines were in place at the Northern plantations. Since 2004, harvesting of pines has been undertaken at a rate of 800-1500 hectares per annum, and currently approximately 6,000 hectares of the original 23,000 hectares of pines remain. Between 2012 and 2017 just over 2,000 hectares of pines were replanted.

Around 360 hectares have been re-established by Banksia and other native vegetation, comprising approximately:

- 60 hectares of revegetation trials (60 trials each at one hectare in size);
- 200 hectares of direct seeding (planted as rip-lines between rows of pine stumps); and
- 100 hectares of mostly marri (*Corymbia calophylla*) and *Eucalyptus rudis* seedlings (hand planted between pine stumps).

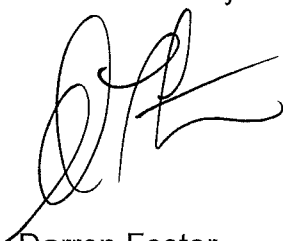
Following pine harvesting, the land is left to allow for pine wildings and native vegetation to regrow naturally. The area of pine wildings and natural native vegetation regrowth since July 2000, therefore, is the total area of the Northern plantations minus the area of pines harvested, the 2,000 hectares of replanted pine plantations and approximately 360 hectares of re-established Banksia woodland and other native vegetation.

Over the long term, based on the final *Perth and Peel @ 3.5 million* Sub-regional Planning Frameworks released by the Western Australian Government in March 2018, the area of pine wildings and natural native vegetation regrowth will be reduced by up to 2,000 hectares to accommodate future urban and industrial land and potentially around 70 hectares to accommodate new rural land.

The State Government has decided to reduce the extent of harvesting in the Northern pine plantations from 2200 to 500 hectares until June 2019 in order to allow naturally regrown pine wildings to mature and reduce the impacts of pine harvesting on the Swan Coastal Plain population of Carnaby's cockatoo.

I hope this is of assistance. As you are aware, the Strategic Assessment of the Perth and Peel regions (SAPPR) has been suspended while an independent review is undertaken. While the review of the SAPPR is being undertaken the cross agency coordination in relation to the pine harvesting will be led by the Director General of the Department of Water and Environment Regulation, Mr Mike Rowe, who can be contacted on (08) 6364 6804. Please contact Mr Rowe if you have any further queries on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DF', written over a light blue horizontal line.

Darren Foster
DIRECTOR GENERAL

cc Mike Rowe, Director General, Department of Water and Environment Regulation

18 MAY 2018

s22

From: s22 @dpc.wa.gov.au>
Sent: Thursday, 17 May 2018 1:42 PM
To: Gregory Manning
Cc: s22
Subject: Update on letter

Hi Greg

Do you have an expected ETA on the letter from your Minister back to the Premier regarding pine harvesting?

We are seeking to finalise a note for the Premier and response back to EDO and it would be handy to have your Minister's letter first.

Cheers

s22

Director
Strategic Environmental Planning and Approvals
Department of the Premier and Cabinet
Phone: s22
Mobile: s22
Email: s22 @dpc.wa.gov.au
Level 10, 2 Havelock Street
WEST PERTH 6005

The Department of the Premier and Cabinet Legal Notice.

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