



Government of **Western Australia**  
Office of the **Appeals Convenor**  
Environmental Protection Act 1986

## Appeals Convenor's Report to the Minister for Environment

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Appeal objecting to grant of clearing permit CPS 9237/1,  
Cowaramup Bay Road upgrade, Shire of Augusta-Margaret  
River



<b>Appellant</b>	Kerry Hill
<b>Permit holder</b>	Shire of Augusta-Margaret River
<b>Authority</b>	Department of Water and Environmental Regulation (DWER)
<b>Appeal No.</b>	058 of 2021
<b>Date</b>	September 2022

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Cover image: Carnaby's cockatoos taken by Rick Dawson ([DBCA](#))

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**Acknowledgement of Country**

The Office of the Appeals Convenor acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community.

We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders past, present and emerging.

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# 1 Executive summary

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## 1.1 Decision under appeal

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This is a report on an appeal against the grant of clearing permit CPS 9237/1 under Part V of the *Environmental Protection Act 1986* (EP Act). The purpose permit was granted by the Department of Water and Environmental Regulation (DWER) to the Shire of Augusta-Margaret River (the permit holder) for the purpose of road construction and upgrades.

The permit was granted on 23 December 2021 and authorised the clearing of up to 1.5 hectares (ha) of native vegetation within Cowaramup Bay Road reserves and Lot 5266 on Deposited Plan 220451 (Crown Reserve R47049), Cowaramup. The extent of the clearing footprint is indicated in Figure 1.



**Figure 1** Area authorised to be cleared under clearing permit CPS 9237/1 (indicated by the yellow hatching)

## 1.2 Ground of appeal and appellant concerns

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Kerry Hill (the appellant) lodged an appeal against the grant of the clearing permit. The appellant's main concern was that the cumulative impacts to black cockatoos were not appropriately considered by DWER. The appellant's concerns are outlined in Table 1.

**Table 1** Ground of appeal

Ground	Main concerns the appellant submitted
Cumulative impacts of habitat loss on black cockatoos	<p>All three threatened black cockatoo species occur in the vicinity of the clearing permit, with Baudin's black cockatoo being the most observed and recorded of these in the area.</p> <p>The number one reason for their decline is the destruction of their habitat.</p> <p>It is a slow death by 1,000 cuts. One or two trees felled here and there do not seem to matter much but when they start adding up and with 20+ trees taken out all at once there's a massive gap opening up that will have an effect on their survival in regards to foraging, breeding and roosting.</p> <p>Baudin's black cockatoos are now considered to be Critically Endangered in the CSIRO Action Plan for Australian Birds 2020. They estimate only 2,500 – 4,000 birds remain and this species faces extinction unless destruction of their habitat stops.</p>

The appellant sought for the permit to be refused or that black cockatoo foraging habitat be retained.

### 1.3 Conclusions

This appeal relates to whether the decision to grant the permit was justified. To address the concerns raised by the appeal, we consider four questions:

1. What are the environmental values of the vegetation proposed to be cleared?
2. Is the clearing consistent with relevant planning instruments?
3. Are there other matters relevant to the decision to grant the permit?
4. Should the permit be granted and if so, subject to what conditions?

We summarise our conclusions for these issues below and section 2 of this report details the reasoning behind our recommendations. Although there is only one ground of appeal (cumulative impacts), our report is structured to reflect the different parts of a clearing permit assessment that are combined when a decision is made to grant a permit.

#### **The application area is significant as habitat within an extensively cleared area**

Relevant to the matters raised in the appeal, DWER's assessment found that the clearing area contains suitable habitat (forage, roosting, potential breeding) for three threatened species of black cockatoos (Carnaby's cockatoo, Baudin's cockatoo and forest red-tailed black cockatoo), and that the proposed clearing 'may be at variance' to clearing principle (b).

Contrary to DWER, we concluded that the proposed clearing is 'at variance' with clearing principles (b) as it provides significant habitat for multiple threatened fauna in an extensively cleared landscape. At the landscape-level there are at least 17 roosts in the local area and the application area provides an east-west ecological linkage.

Although not raised on appeal, we note that the clearing area provides habitat for the critically endangered western ringtail possum (WRP) and the conservation dependent southwestern brush-tailed phascogale. The permit holder identified a WRP drey and scats in the clearing area which confirms habitat utilisation in the context of the local linkage values.

A key concern raised on appeal was DWER's consideration of the cumulative impacts to black cockatoos. Cumulative impacts are generally considered under the collective

consideration of the biodiversity-related clearing principles which includes clearing principle (e).

Contrary to DWER's findings in relation to clearing principle (e), we find that the proposed clearing to be 'at variance'. This is because the clearing area contains significant habitat for threatened fauna and is within an extensively cleared landscape, thereby performing an important habitat function as a local ecological linkage.

### **The clearing is consistent with planning instruments**

The decision to grant a clearing permit requires consideration of the clearing principles, relevant planning instruments and other matters, as described in section 51O of the EP Act. Other matters usually include the necessity of the clearing and prioritising clearing for public use over private benefit or commercial gain.

Regarding planning, we note that road works are public works and are therefore exempt from the requirement to obtain planning approval. However, the authority undertaking the works must have due regard to the purpose and intent of any planning scheme and the orderly and proper planning, and the preservation of the amenity, of the locality at the time the works are undertaken.

Under the Shire of Augusta-Margaret River's *Local Planning Scheme No. 1*<sup>1</sup> (Planning Scheme) and *Local Planning Strategy*<sup>2</sup> (Planning Strategy) there is an emphasis on protection (retention) and enhancement of environmental values. This intent is also reflected in the Western Australian Planning Commission's (WAPC) *State Planning Policy 6.1 Leeuwin-Naturaliste Ridge*<sup>3</sup> (SPP 6.1), which covers the application area and surrounds.

Given the permit holder has proposed to offset the impact of the proposed clearing through revegetation (i.e. no net loss), we consider the proposed clearing is consistent with the environmental objects of local and State planning instruments.

The proposed clearing is within existing road reserves, and the works are consistent with that reservation. While the area of clearing included clearing within a reserve set aside for 'parks and recreation' now known as the Wadandi Track, through the appeal process, the permit holder has sought to remove this area from the area to be cleared.

We note that the purpose of the works is to improve safety on Cowaramup Bay Road. Consistent with DWER's *A guide to the assessment of applications to clear native vegetation*<sup>4</sup>, priority is given to clearing for public use rather than for private benefit or commercial gain. Noting that the works are for public benefit, we consider that DWER's decision to grant the permit was justified and consistent with local and State planning instruments.

### **Granting the permit was justified, but an offset condition is required**

While we conclude that DWER was justified in granting the clearing permit, we consider that an offset is required. During the appeal investigation, the permit holder further minimised the proposed clearing from 1.5 ha down to nine trees. Noting the remaining trees provides forage for a range of threatened species (including the critically endangered western ringtail possum

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<sup>1</sup> Shire of Augusta-Margaret River (2022a) *Local Planning Scheme No. 1*. 5 April 2022 (as amended).

<sup>2</sup> Shire of Augusta-Margaret River (2022b) *Local Planning Strategy*. 18 January 2022.

<sup>3</sup> Western Australian Planning Commission (2003) *State Planning Policy 6.1 Leeuwin-Naturaliste Ridge*. January 2003 (as amended).

<sup>4</sup> Department of Environment Regulation (2014a) *A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986*. December 2014.

and Baudin's cockatoo) and provides a local ecological linkage in an extensively cleared landscape, we consider that significant residual impacts remain.

DWER's offsets procedure provides that 'Offsets are required when a clearing application is determined to be 'at variance' with one or more of the biodiversity related clearing principles (principles a – f, h) and a significant residual impact remains following application of the mitigation hierarchy'.<sup>5</sup>

Given the above, we consider that an offset is required for the loss of habitat necessary for the maintenance of threatened fauna. Using the WA offsets metric, we determined that at least 31 trees are required to offset the loss of nine forage trees.

The permit holder has committed to revegetation within the road reserve which will enhance the existing local ecological linkage in an extensively cleared landscape and provide forage for threatened species.

Revegetation planted for threatened species is classified as 'native vegetation' under the EP Act. Given this, the revegetation at the offset site/s would require assessment under Part V of the EP Act should further road widening be required.

Consistent with the offsets policy, we are of the view that this environmental offset is secure, enduring and enforceable and delivers a long-term strategic outcome close to the impact site which we consider to be ecologically preferable.

Given the revegetation involves two commercially available, dieback resistant tree species, and the purpose of the revegetation is for fauna forage and not a vegetation community, we consider that a revegetation plan is not required. However, we consider that the completion criteria of at least 31 trees should be included as an outcome-based condition on the clearing permit. If the completion criteria are not met, the permit can be extended to allow for contingency measures.

Consistent with the Offsets Guidelines, the offset should be recorded in the publicly available Environmental Offsets Register. The Register provides a central public record of all offset agreements in Western Australia, contributing to the broader government objectives of transparency and accountability.

## 1.4 Recommendation to the Minister

That the appeal be allowed in part by requiring additional conditions:

- Reduce the extent of clearing authorised to seven *Corymbia calophylla* (marri) and two *Agonis flexuosa* (peppermint trees).
- Require an offset with completion criteria of at least 31 trees to provide habitat for black cockatoos, western ring-tail possum and southwestern brush-tailed phascogale.

<sup>5</sup> Government of Western Australia (2014) [Clearing of native vegetation Offsets procedure](#), page 1.

## 2 Reasons for recommendation

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### 2.1 The application area is significant as habitat within an extensively cleared area

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Our conclusion is that DWER generally assessed the impacts of the proposed clearing on environmental values within the clearing area in accordance with its Guide to Assessment. However, we consider, that the proposed clearing is 'at variance' with clearing principles (b) and (e), given the clearing area contains significant habitat for fauna and is in an extensively cleared landscape. We further explain below.

#### **The application area is part of significant habitat for critically endangered fauna**

Clearing principle (b) sets out that native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

DWER's Guide to Assessment sets out the approach for assessing applications to clear native vegetation under the EP Act. In relation to clearing principle (b), the Guide provides the following examples of proposed clearing that is likely to be 'at variance':

- clearing of native vegetation that is habitat for specially protected or threatened fauna
- clearing of native vegetation that is habitat for meta-populations of fauna
- clearing of native vegetation that is necessary for the maintenance of habitat of priority, migratory, specially protected, threatened fauna or meta-populations of fauna.

DWER's assessment concluded that the application area was foraging habitat (marri-jarrah) and potential breeding and roosting habitat for Carnaby's cockatoo (*Zanda latirostris*; Endangered) and Baudin's cockatoo (*Zanda baudinii*; Critically Endangered<sup>6</sup>), and the forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*; Vulnerable).

DWER's assessment also found that the proposed clearing may result in potential impacts to the western ringtail possum (*Pseudocheirus occidentalis*; Critically Endangered) (WRP) and southwestern brush-tailed phascogale (*Phascogale tapoatafa wambenger*; Conservation Dependant) (wambenger). DWER concluded that the proposed clearing 'may be at variance' to clearing principle (b).

#### **Black cockatoos**

While DWER<sup>7</sup> concluded that the area proposed to be cleared contains suitable habitat (forage, roosting, potential breeding) for all three black cockatoo species, it did not find the clearing to be 'at variance' to clearing principle (b). This was largely due to ~41% remnant vegetation remaining in the local area, which DWER considered to be 'abundant' foraging resources for black cockatoos:

...the removal of up to 1.5 hectares of native vegetation along a liner area is unlikely to represent a significant impact to local foraging resources for black cockatoos<sup>8</sup>.

In response to the appeal, DWER re-iterated that:

The Department's assessment determined that the Application Area contains foraging and potential breeding habitat for black cockatoo species. The assessment determined that while foraging habitat would be impacted, the remaining remnant vegetation within the local

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<sup>6</sup> IUCN Red List – Baudin's cockatoo listing (last assessed 16 November 2021).

<sup>7</sup> DWER (2021) Decision report for Clearing Permit [CPS 9237/1](#), 23 December 2021, page 13.

<sup>8</sup> Ibid, page 13.



area (a 10-kilometre radius from the Application Area) provided **abundant foraging resources** [emphasis added].

As discussed within the decision report, the local area contains approximately 41 per cent of its pre-European extent of remnant vegetation.<sup>9</sup>

DWER advised that the foraging habitat is not significant as the closest recorded nesting site is over 20 kilometres (km) away, noting that black cockatoos generally forage within a six to 12 km radius of their nesting site.

In response to the appeal, the permit holder advised that:

[E]ight conservation reserves occur within a 10 km radius of the project area, with Leeuwin Naturaliste National Park being the closest reserve (less than 500 metres to the west), which is greater than 21,000 ha in size ...

These reserves would provide abundant food resources locally, with foraging habitat within the 1.5 ha project area representing a very small proportion of locally available habitat. It is therefore not considered that the proposed clearing will have a significant impact on foraging habitat for black cockatoo species.<sup>10</sup>

### Critical habitat

The Baudin's cockatoo Recovery Plan<sup>11</sup> describes the critical habitat of this species:

The habitat critical to survival and important populations of Forest Black Cockatoos comprises all Marri *Corymbia calophylla*, Karri *Eucalyptus diversicolor* and Jarrah *Eucalyptus marginata* forests, woodlands and remnants in the south-west of Western Australia receiving more than 600 mm of annual average rainfall.<sup>12</sup>

Further, the recently published Commonwealth *Referral guideline for 3 WA threatened black cockatoo species*<sup>13</sup> identified that any native vegetation that is used for foraging by black cockatoos at any time is important for recovery.

Carnaby's cockatoo is listed as one of 20 bird species in the *Threatened Species Strategy 2021-2031*,<sup>14</sup> and is referenced in the *Strategy Action Plan 2021-2026* (for which Objective 1 states 'By 2026, all priority species on track for improved trajectory by 2031').

The Carnaby's cockatoo Recovery Plan describes the habitat critical to the survival of black cockatoos as follows:

- the eucalypt woodlands that provide nest hollows used for breeding, together with nearby vegetation that provides feeding, roosting and watering habitat that supports successful breeding
- woodland sites known to have supported breeding in the past and which could be used in the future, provided adequate nearby food and/or water resources are available or are re-established

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<sup>9</sup> DWER response to appeal 058/21, received 16 February 2022, page 2.

<sup>10</sup> Permit holder email response to appeal 058/21, 19 May 2022.

<sup>11</sup> Department of Conservation and Land Management (2008) *Forest Black Cockatoo (Baudin's Cockatoo *Calyptorhynchus baudinii* and Forest Red-tailed Black Cockatoo *Calyptorhynchus banksii naso*) Recovery Plan*.

<sup>12</sup> Ibid, page 13.

<sup>13</sup> Department of Agriculture, Water and the Environment (2022) *Referral guideline for 3 WA threatened black cockatoo species*. Commonwealth of Australia, Canberra.

<sup>14</sup> Department of Agriculture, Water and the Environment (2021) *The Australian Government's Threatened Species Strategy 2021-2031*. Commonwealth of Australia, Canberra.

- in the non-breeding season the vegetation that provides food resources as well as the sites for nearby watering and night roosting that enable the cockatoos to effectively utilise the available food resources.<sup>15</sup>

The habitat critical to survival of forest red-tailed black cockatoos comprises all marri (*Corymbia calophylla*), karri (*Eucalyptus diversicolor*) and jarrah (*Eucalyptus marginata*) forests, woodlands and remnants in the south-west of Western Australia receiving more than 600 mm of annual average rainfall.<sup>16</sup>

### Significant habitat

DWER’s guide to assessment defines ‘significant habitat’ as:

... habitat that provides resources (breeding, resting and feeding), connectivity or habitat area for a species or community that is critical for its survival.<sup>17</sup>

To provide context regarding black cockatoo habitat, we estimated the ‘quality’ of the foraging habitat. In the absence of a black cockatoo habitat assessment, we used Google street view imaging in conjunction with vegetation condition mapping to estimate the area of foraging habitat within the 1.5 ha application area (Table 2). Although vegetation condition is not a direct surrogate for fauna habitat quality, it can be relevant where the canopy (in this case marri-jarrah forage) remains present. This was a finding in [Appeal 034/20](#) which the then Minister accepted in deciding that appeal.

**Table 2** Indicative black cockatoo foraging habitat in the application area

Keighery vegetation condition	% application area	hectares (ha)	Black cockatoo habitat (ha)
Cleared	1.7	0.03	not habitat
Completely degraded	13	0.2	might be habitat but unlikely
Degraded	32.9	0.5	1.3 ha foraging habitat
Good	39.4	0.6	
Very Good	12.9	0.2	
Application area	100%	1.5 ha	

At the site-level, we consider the application area is significant habitat for all three black cockatoos as it contains:

- ~1.3 ha of marri-jarrah foraging and roosting habitat
- potential breeding habitat with at least 14 habitat trees
- potential roosting sites due to the proximity to water sources.

At the landscape-level, we consider the application area is significant habitat as it:

- exists in a highly fragmented agricultural landscape
- is surrounded by at least 17 recorded roosts within the local area (10 km radius)
- provides an east-west ecological linkage which provides ‘stepping-stone’ habitat across the fragmented landscape.

<sup>15</sup> Department of Parks and Wildlife (2013) *Carnaby’s Cockatoo (Calyptorhynchus latirostris) Recovery Plan*. Wildlife Management Program No. 52. Department of Parks and Wildlife, Perth, Western Australia. October 2013.

<sup>16</sup> Government of Western Australia (2008) Forest Black Cockatoo (Baudin’s Cockatoo) (*Calyptorhynchus baudinii*) and Forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) [Recovery Plan](#), page v.

<sup>17</sup> Government of WA (2014). [A guide to the assessment of applications to clear native vegetation](#). Perth, page 49.

Noting the above, we consider that the application area contains native vegetation that is habitat for multiple threatened fauna species. Therefore, we conclude that the proposed clearing is 'at variance' to clearing principle (b).

### **The application area is habitat for western ringtail possum and wambenger**

Although not raised on appeal, DWER noted that the application area also provides habitat for WRP and wambenger. The consideration of these species while not determinative in the appeal outcome, has been included for completeness.

DWER's decision report notes that:

...the proposed clearing may result in potential impacts to individuals of western ringtail possum, southwestern brush-tailed phascogales and black cockatoos if present during the clearing.<sup>18</sup>

The WRP Recovery Plan<sup>19</sup> indicates that the clearing area is within the Swan Coastal Plain management zone for the species. The 10 year goal of the WRP Recovery Plan is to:

[S]low the decline in population size, extent and area of occupancy through managing major threatening processes affecting the subpopulations and their habitats and allowing the persistence of the species in three key management zones: Swan Coastal Plain, southern forests and south coast.

The WRP Recovery Plan states that habitat critical to the survival of the species is thought to include 'high nutrient foliage availability for food, suitable structures for protection/nesting, and canopy continuity to avoid/escape predation and other threats', and that long-term species survival 'requires linkages between suitable habitat patches and as such habitat critical to survival incorporates this'.<sup>20</sup>

We note that the WRP Recovery Plan makes the following comments about the species' preferred habitat in the Swan Coastal Plain management zone:

Populations on the Swan Coastal Plain management zone ... are associated with stands of myrtaceous trees (usually peppermint trees (*Agonis flexuosa*)) growing near swamps, water courses or floodplains, and at topographic low points which provide cooler and often more fertile conditions (Jones 2001, de Tores et al. 2004). Habitat critical to survival comprises long unburnt mature remnant peppermint woodlands with high canopy continuity and high nutrient foliage with minimal periods of summer moisture stress, and habitat connecting patches of remnants (Jones et al. 1994b, Jones et al. 2004, Wayne et al. 2006). These habitats are considered critical to the survival of the species given the optimal densities that they can support. However the extent of fragmentation between remnant patches and continued loss or degradation has important implications on the long-term viability of the populations that depend on them.<sup>21</sup>

DWER's assessment concluded that the application area was not significant habitat for WRP as it is not well linked with canopy in the surrounding area. While we agree that the application area is not contiguous with other remnant vegetation, it does provide a linkage quality in a highly cleared landscape. Importantly, we note that the permit holder found a drey and WRP scats within the application area.<sup>22</sup>

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<sup>18</sup> DWER decision report for clearing permit [CPS 9237/1](#), 21 December 2021, page 11.

<sup>19</sup> Department of Parks and Wildlife (2017) *Western Ringtail Possum (Pseudocheirus occidentalis) Recovery Plan*. Wildlife Management Program No.58.

<sup>20</sup> Ibid, page 8.

<sup>21</sup> Department of Parks and Wildlife (2017), page 8.

<sup>22</sup> Shire of Augusta-Margaret River [Cowaramup Bay Road site inspection](#), date unknown, page 4.

Given the application area is utilised by WRP for both foraging and nesting, and provides stepping-stone habitat across the landscape, we consider the vegetation is part of a significant habitat for WRP.

### **The clearing area is a significant remnant in an extensively cleared landscape**

Clearing principle (e) aims to maintain sufficient native vegetation in the landscape for the maintenance of ecological values. It also recognises the need to protect ecological communities that have been extensively cleared and to retain a representation of each ecological community in local areas throughout its pre-European range.

Clearing principle (e) sets out that native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

DWER's Guide to Assessment provides examples of where clearing is likely to be 'at variance' to clearing principle (e), including:

- clearing of native vegetation which contains habitat for a threatened fauna species and is below the national target and objective for biodiversity conservation
- clearing of biologically diverse remnant vegetation within an extensively cleared landscape
- clearing of remnant vegetation which is part of a significant ecological linkage and is located within an extensively cleared landscape
- clearing in landscapes where the existing vegetation is required to maintain ecosystem services (e.g. hydrological processes) or to compensate for a high degree of fragmentation.<sup>23</sup>

DWER's assessment concluded that the proposed clearing was 'not likely to be at variance' with principle (e) because:

- the application area was not considered significant as a remnant (i.e. the proposed clearing was considered consistent with all biodiversity-related principles)
- three of the four mapped vegetation complexes are above the 30 per cent threshold except for Cowaramup complex (Cw2) which has ~20 per cent remaining
- Cw2 is only a portion of the application area so it is unlikely that the proposed clearing would be significant
- the native vegetation in the local area is at 41 per cent and above 30 per cent threshold
- the local fauna linkage is likely to remain unsevered.

In response to the appeal, DWER remained of the view that the proposed clearing is consistent with principle (e) - on the basis that the proposed clearing was consistent with all biodiversity-related principles, and the local area had greater than 30 per cent native vegetation remaining.

We note that the Cowaramup vegetation complex (Cw2) is an extensively cleared vegetation complex with ~20 per cent remaining. At the bioregional level, DWER's guide considers that where vegetation complexes have between 10 to 30 per cent remaining, that they are considered 'vulnerable'<sup>24</sup>.

The permit holder submitted that no more than 0.3 ha of the Cw2 vegetation complex is likely to be cleared, and most of the area is in a 'degraded' condition.<sup>25</sup>

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<sup>23</sup> Department of Environment Regulation (2014a), page 18.

<sup>24</sup> Government of WA (2014). [A guide to the assessment of applications to clear native vegetation](#). Perth, page 44.

<sup>25</sup> Shire of August Margaret River [Cowaramup Bay Road site inspection](#), date unknown, page 6.

In contrast to the above, the flora survey report, notes that the study area (larger than the application area) contains 0.45 ha of Cowaramup vegetation complex (Cw2) in 'good' condition. The flora survey report recommended that:

Disturbance to vegetation communities east of Caves Road identified during the survey should also be minimised due to their regional conservation significance. In particular impacts to community CcAfXp and CcEmBl (particularly where in Good condition) should be minimised as they occur within the Cowaramup Cw2 vegetation complex (16.24% remaining).<sup>26</sup>

However, during the appeal investigation the permit holder was able to reduce the area of Cw2 proposed to be cleared down to one marri tree, which is a black cockatoo habitat tree.

DWER considered the landscape was not extensively cleared as there was ~41 per cent remnant vegetation remaining in 2018.

DWER's guide states that:

The level of 30 per cent representation within a bioregion does not consider the effect of habitat fragmentation and isolation. Studies have shown that larger areas of native vegetation generally support a greater number and diversity of species than smaller areas (e.g. Kitchener *et al.*, 1980a; Kitchener *et al.* 1980b; Kitchener *et al.* 1982), and that smaller areas are more vulnerable to edge effects and other disturbances. Habitat fragmentation acts to reduce the area of available habitat. **Representation levels may need to be increased considerably above 30 per cent in already fragmented landscapes in order to maintain biodiversity** [emphasis added].

As seen in Figure 1 above, most of the contiguous remnant vegetation in the region is west of the application area, along the coastline. Contrary to DWER, we consider the area to be extensively cleared due to the high level of fragmentation. This is consistent with DWER's guide which notes that fragmented landscapes may need greater than 30% remnant vegetation to maintain biodiversity.

Given the application area exists within a highly fragmented landscape and provides a local linkage function for critically endangered fauna in a highly modified landscape, we find the proposed clearing to be 'at variance' with clearing principle (e).

### **Baudin's cockatoo listed as critically endangered on IUCN Red List**

Regarding the appellant's submission that Baudin's cockatoo is critically endangered in the CSIRO Action Plan for Australian Birds 2020<sup>27</sup>, we note that the status of the species under both the state and federal legislation remains at Endangered.

However, in November 2021, Baudin's cockatoo was assessed and listed as critically endangered on the IUCN Red List<sup>28</sup>. This is due to the species experiencing:

...very rapid declines exceeding a rate of 90% over the past three generations due to nest hollow shortages, displacement by other species, hunting and increasing declines in the quality of habitat caused by fires and drought. There is no reason to suggest these declines will cease with nest hollow shortages continuing to afflict the species with low productivity, and fire and drought impacts projected to worsen with ongoing anthropogenic climate change. With a relatively small population (likely comprising fewer than 4,000 mature individuals),

<sup>26</sup> Stream Environmental and Water (2020) [Reconnaissance and Targeted Flora and Vegetation Survey](#), Cowaramup Bay Road, page 33.

<sup>27</sup> Garnett, S., & Baker, G. B. (2021). *The Action Plan for Australian Birds 2020*. (1 ed.) CSIRO Publishing.

<sup>28</sup> IUCN Red List (2022) The IUCN Red List of threatened species, [Baudin's black cockatoo](#), accessed 8/8/2022.

future declines of this magnitude place Baudin's Black-cockatoo at considerable extinction risk; it is therefore listed as Critically Endangered.<sup>29</sup>

The change in conservation status has been peer-reviewed and published on the IUCN red list website. Given this, we consider the revised conservation status should be used in clearing permit assessments and offsets where required.

## 2.2 Relevant planning instruments support retention of biodiversity

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The proposed clearing is consistent with relevant planning instruments, which support the retention and enhancement of environmental values. We explain our reasoning below.

### EP Act states DWER to consider relevant planning and other matters

Section 51O of the EP Act sets out that in addition to the clearing principles, DWER must have regard to any development approval, planning instrument, or other matter, that DWER considers relevant to the clearing matter.

DWER's Guide to Assessment sets out the considerations for these relevant matters:

When assessing planning instruments, relevant local and regional level planning strategies, by-laws and policies should be considered as part of the recommendations to the CEO. Examples of these include local biodiversity guidelines and related local biodiversity plans prepared by local government, or regional planning strategies dealing with public infrastructure ...

'Other matters' are not defined in the EP Act, and consequently are any matters the CEO considers relevant. Other matters are generally environmental issues not directly within the scope of the clearing principles, but within the object and principles of the Act.<sup>30</sup>

### Public works are exempt from planning approval

The proposed clearing is for public road works by a local government. As public works, the proposal is exempt from the requirement to obtain planning approval.<sup>31</sup>

However, while planning approval is not required, the body carrying out the works must have regard to:

- the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the public works are undertaken
- the orderly and proper planning, and the preservation of the amenity, of that locality at that time.<sup>32</sup>

### State planning policy 6.1 covers the clearing area

The clearing area is within the Leeuwin-Naturaliste Ridge Policy Area identified in State Planning Policy 6.1 (SPP 6.1). This Policy includes a statement of intent for nature conservation as including 'protecting and maintaining remnant vegetation'.<sup>33</sup>

SPP 6.1 includes several policies relevant to nature conservation:

PS 2.2 There is a general presumption against clearing of remnant vegetation.

PS 2.3 Clearing of remnant vegetation will require planning approval and may be supported where:

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<sup>29</sup> IUCN Red List (2022) The IUCN Red List of threatened species, [Baudin's black cockatoo](#), accessed 8/8/2022.

<sup>30</sup> Department of Environment Regulation (2014a), page 39.

<sup>31</sup> *Planning and Development Act 2005*, section 6(1).

<sup>32</sup> *Ibid*, section 6(2).

<sup>33</sup> Western Australian Planning Commission, Leeuwin-Naturaliste Ridge Policy, last amended 31 January 2003, clause 4.2.

- the need has been established for safety or for specific building requirements; or
- removal is for the establishment of horticulture or viticulture within areas defined as Agricultural Protection under this LNRSP; and
- removal of remnant vegetation does not threaten the presence of rare and threatened flora, fauna and ecological communities.

PS 2.4 A landscape management plan will be required where the clearing of remnant vegetation for installation of services is the only option.

PS 2.5 Local environmental corridors will be supported along roads, streams and wetlands, and where they link existing blocks of remnant vegetation.<sup>34</sup>

While SPP 6.1 identifies a presumption against clearing of native vegetation, this can be considered where a need has been established for safety reasons. We discuss this issue in the next section. The Policy also identifies roads as of potential importance in linking existing blocks of remnant vegetation.

WAPC's *State Planning Policy 2.0 – Environment and Natural Resources Policy*<sup>35</sup> is also relevant to the clearing area. Under this Policy several general measures apply, including that decision-making should:

- (ii) Actively seek opportunities for improved environmental outcomes including support for development which provides for environmental restoration or enhancement.  
...
- (iv) Protect significant natural, indigenous and cultural features, including sites and features significant as habitats ...
- (vi) Recognise that certain natural resources, including biological resources, are restricted to particular areas ...  
...
- (x) Support conservation, protection and management of native remnant vegetation where possible, to enhance soil and land quality, water quality, biodiversity, fauna habitat, landscape, amenity values and ecosystem function.  
...
- (xii) Take into account the potential for impacts from changes in climate and weather on ... natural systems and water resources.<sup>36</sup>

The general measures under SPP 6.1 and SPP 2.0, read with local planning instruments, support the retention of biodiversity and related values through planning decisions.

### **Local planning framework promotes retention and enhancement of biodiversity**

The clearing area is subject to the Planning Scheme, which includes the purpose 'sets out local government's planning aims and intentions for the Scheme area' and to 'set aside land for public purposes.'<sup>37</sup> The aims of the Planning Scheme include:

#### **Biodiversity and Environmental Values**

The South-West Region of Western Australia has been identified as Australia's only biodiversity hotspot, to acknowledge that the municipal district of the Shire forms a significant part of this internationally recognised, global biodiversity hotspot with its forests, rivers and creeks, ocean foreshores and areas of remnant vegetation.

To the extent possible under the Scheme, to ensure, that biodiversity values are protected and, where possible, enhanced and to arrest any further biodiversity decline by ensuring

<sup>34</sup> Western Australian Planning Commission, Leeuwin-Naturaliste Ridge Policy, last amended 31 January 2003, clause 4.2.

<sup>35</sup> Western Australian Planning Commission (2003b) *State Planning Policy 2.0 – Environment and Natural Resources Policy*, June 2003.

<sup>36</sup> Western Australian Planning Commission, Environment and Natural Resources Policy, June 2003, clause 5.1.

<sup>37</sup> Shire of Augusta-Margaret River, Local Planning Scheme No. 1, 24 September 2010, clause 1.5.1 (a) and (b).

that future land use and development do not cause biodiversity loss or diminish its environmental values for present and future generations and, where there is uncertainty, to apply the precautionary principle...

### **Conservation and Heritage**

To provide, where appropriate, for the preservation and protection, conservation and enhancement of areas, places and objects of cultural and natural heritage significance.<sup>38</sup>

From the above, it appears central to the purpose and intent of the Planning Scheme to halt biodiversity loss and protect and enhance environmental values within the Shire area.

The Planning Strategy (which is a planning instrument for the purposes of section 51O(4)) provides that:

... the Shire's land use planning objectives seek to facilitate a vibrant, inclusive and resilient community through sustainable land use and development; encouraging diverse economic activity; **and preserving and enhancing the natural environment** for the benefit of existing and future generations.<sup>39</sup> (emphasis added)

Under the policy area 'Environment and Resilience', the Strategy identifies the following policy response in respect to 'ecological health':

All native vegetation, irrespective of its age, type or relative scarcity, plays an important part in sustaining and enhancing life in the Shire.<sup>40</sup>

From the above, the reference in the Strategy to preservation and enhancement of environmental values is consistent with the intent and purpose of the Scheme.

### **The proposed clearing is consistent with the planning strategy and scheme**

The public works proposed in this case will diminish an area of habitat for multiple threatened species. This will result in a net loss of native vegetation. However, as a result of this appeal, the Shire has proposed to offset the impact of the proposed clearing through revegetation with the intention of no net loss of vegetation. This is discussed in detail in section 2.4 below

We therefore consider the proposed clearing is consistent with the environmental objectives of local and State planning instruments.

### **Part of the works are within a parks and recreation reserve**

While most of the proposed works are within existing road reserves (which is consistent with the purpose of the works), a portion of the clearing was proposed within an area identified in the Scheme as being a 'local reserve' set aside for 'parks and recreation' (Figure 3). It is understood this reserve forms part of the former railway between Augusta and Busselton, now known as the Wadandi Trail.

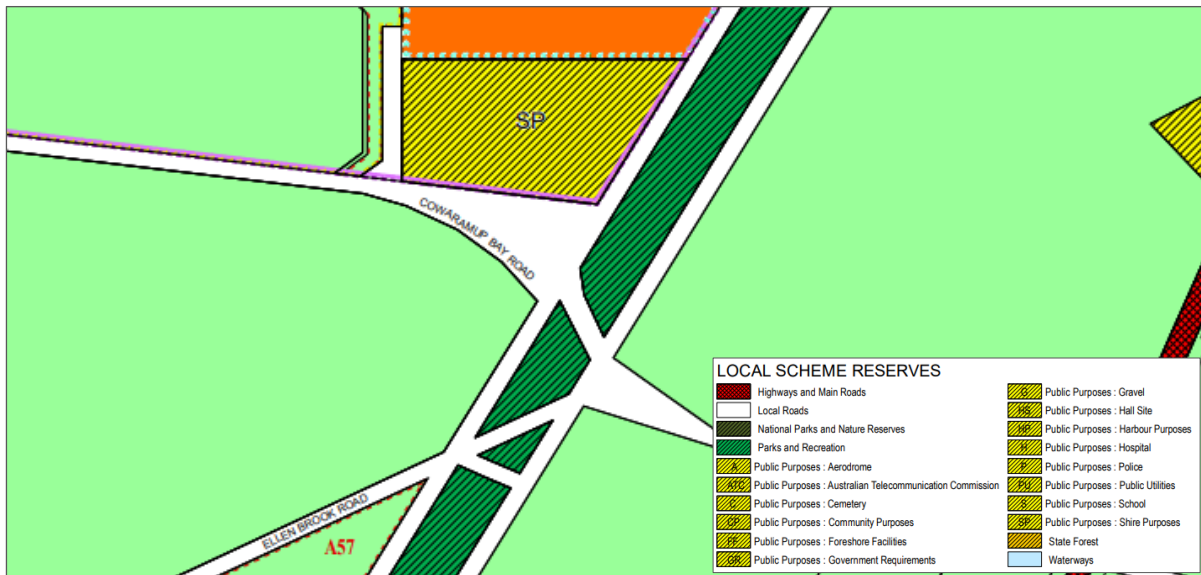
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<sup>38</sup> Ibid, clauses 1.6.1 and 1.6.4.

<sup>39</sup> Shire of Augusta-Margaret River, Local Planning Strategy, 18 January 2022, page 8.

<sup>40</sup> Ibid, page 36.





**Figure 2** Parks and recreation reserve within the area approved to be cleared<sup>41</sup>

The Planning Scheme does not include specific restrictions on how parks and recreation reserves should be used. Nonetheless, it is assumed that ‘roads’ would not generally form a normal or primary use of such reservations. However, it is apparent from Figure 2 that the area of gazetted road reservation through that part of the local reserve is narrow and the road as constructed is understood to encroach within that local reserve.

During the appeal investigation, the permit holder was able to further minimise the clearing area from 1.5 ha down to nine individual trees – specifically, seven marri and two peppermint trees.

Given the above, the proposed clearing is wholly located within a gazetted road reserve, and the clearing purpose is considered to be consistent with this reservation.

### 2.3 Other relevant matters require consideration under the EP Act

Noting that DWER is required to consider other relevant matters as noted in the EP Act, we conclude that the public benefit of road safety justifies the decision to grant the permit. We explain further below.

#### Clearing is necessary and is for a public benefit

Section 51O of the EP Act, sets out that DWER must have regard to, among other things, other relevant matters when making decisions as to whether a clearing permit should be granted. While ‘other matters’ are not defined in the EP Act, DWER has published guidance on what types of ‘other matters’ could be relevant to a clearing permit application:

Other matters typically include consideration of land use impacts, previous decisions related to the area, other legislative requirements related to the application and **the necessity of the clearing**.<sup>42</sup> (emphasis added)

DWER’s assessment guide prioritises clearing for public use:

In determining the necessity of the clearing higher priority will be given to clearing for public use than private benefit or commercial gain.<sup>43</sup>

<sup>41</sup> Shire of Augusta-Margaret River, Local Planning Scheme No. 1, 24 September 2010, (part) Map 8.

<sup>42</sup> Government of WA (2014). [A guide to the assessment of applications to clear native vegetation](#). Perth, page 39.

<sup>43</sup> Ibid, page 40.

The Shire has indicated that the purpose of the proposed clearing is to improve road safety along various portions of Cowaramup Bay Road:

The reconstruction and widening of a section of Cowaramup Bay Road... is part of the Shire of Augusta Margaret River's strategic plans to improve regional road safety.

Cowaramup Bay Road provides the primary sealed access to Gracetown from Bussell Highway, and receives high levels of traffic. The road is currently 5-6 metres wide, which is insufficient given the type and volumes of traffic the road receives. The Shire plans to widen the existing sealed road to 6.5 metres, with 1 metre unsealed shoulders on either side, and associated drainage and erosion control improvements.<sup>44</sup>

On the available information, we accept that the proposed clearing will have a public benefit through improved road safety. Having regard for the necessity and purpose of the clearing (and noting the express reference to safety considerations in SPP 6.1), we consider that DWER's decision to grant the clearing permit was justified.

## 2.4 Granting the permit was justified, but an offset is required

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Having regard for the above, we conclude that DWER's decision to grant the permit was justified based on road safety considerations. We also find that DWER has generally applied reasonable conditions to the permit to manage the identified impacts so that the clearing does not lead to unacceptable risks to the environment. However, we consider that the proposed clearing of threatened fauna habitat within a significant remnant is a significant residual impact that requires counterbalancing. We explain our reasoning below.

### Significant residual impacts should be offset

Under Section 2.1 we found that the proposed clearing is 'at variance' with clearing principles (b) and (e), on the basis that the vegetation proposed to be cleared exists within a highly fragmented landscape and provides a local linkage function for critically endangered fauna.

Section 51H(1) of the EP Act provides that DWER can apply a condition to a clearing permit requiring the loss of the vegetation to be offset. DWER's Clearing of Native Vegetation Offsets Procedure<sup>45</sup> (Offsets Procedure) sets out that offsets are required when clearing is 'at variance' with one or more of the biodiversity-related clearing principles<sup>46</sup> and a significant residual impact remains following application of the mitigation hierarchy.

This is consistent with Principles 1 and 2 in the WA Environmental Offsets Policy<sup>47</sup>, which state that 'Environmental offsets address environmental impacts that remain after on-site avoidance and mitigation measures have been undertaken', and 'While environment offsets may be appropriate for significant residual environmental impacts, they will not be applied to minor environmental impacts', respectively. In other words, where a residual impact is not considered to be 'significant', an offset would not be required.

The WA Environmental Offsets Guidelines<sup>48</sup> (Offsets Guidelines) outlines the mitigation hierarchy as four steps: avoid, minimise, rehabilitate and offset:

When a project is first considered, it will have a predicted impact on the environment.

Through the environmental impact assessment or clearing permit processes, a proponent or applicant should demonstrate how it has applied the mitigation hierarchy to its project. This

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<sup>44</sup> Shire of Augusta-Margaret River, Response to Appeal 058/21, 21 January 2022.

<sup>45</sup> Department of Environment Regulation (2014b) *Guideline: Clearing of native vegetation Offsets procedure under the Environmental Protection Act 1986*. August 2014.

<sup>46</sup> Being clearing principles (a), (b), (c), (d), (e), (f) and (h).

<sup>47</sup> Government of Western Australia (2011) *WA Environmental Offsets Policy*. September 2011.

<sup>48</sup> Government of Western Australia (2014) *WA Environmental Offsets Guidelines*. August 2014.

may include reducing the footprint or changing the location of the footprint to avoid areas with high environmental values. It is expected that the first three steps of the mitigation hierarchy are to be applied to the greatest extent practicable before determining the residual impact and, if significant, any consideration of an offset.<sup>49</sup>

The Offsets Guidelines explains significant residual impacts as:

In general, significant residual impacts include those that affect rare and endangered plants and animals (such as declared rare flora and threatened species that are protected by statute), areas within the formal conservation reserve system, important environmental systems and species that are protected under international agreements (such as Ramsar listed wetlands) and areas that are already defined as being critically impacted in a cumulative context. Impacts may also be significant if, for example, they could cause plants or animals to become rare or endangered, or they affect vegetation which provides important ecological functions.<sup>50</sup>

The Offsets Guidelines goes on to identify four levels of significance, noting that ‘In determining the significance of an impact, it is important to consider the impacts in the regional context. In isolation, a project may not be considered to have a significant impact’:

- unacceptable impacts (being impacts which are environmentally unacceptable or where an offset cannot be applied to reduce the impact)
- significant impacts requiring an offset (generally relating to impacts to species, ecosystems, or reserves or where cumulative impact is at a critical level)
- potentially significant impacts which may require an offset (impacts likely to result in a species or ecosystem requiring protection increasing cumulative impact to a critical level)
- impacts which are not significant (residual impacts that are not expected to have a significant impact on the environment and therefore do not require an offset).<sup>51</sup>

Examples from the Offsets Guidelines of residual impacts that are considered significant in relation to clearing principles (b) and (e) are noted in Table 3.

**Table 3** Residual impact significance model: Clearing Principles (b) and (e)<sup>52</sup>

Clearing principle	Significant impacts requiring an offset	Potentially significant impacts which may require an offset
Clearing principle (b) Habitat for fauna	Impact to or removal of habitat necessary to maintain species declared as specially protected under the <i>Biodiversity Conservation Act 2016</i> or listed as threatened species under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	Impact likely to result in a species being listed as specially protected under the <i>Biodiversity Conservation Act 2016</i> or listed as threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> or impact affects significant habitat for a species.
Clearing principle (e) Remnant vegetation	Impacts where the existing vegetation is highly cleared (such as vegetation complexes with <30% of its pre-clearing extent remaining in a bioregion).	Impacts in landscapes where the existing vegetation is required to maintain ecosystem services, impact causes a high degree of fragmentation.

<sup>49</sup> Government of Western Australia (2014), page 8.

<sup>50</sup> Ibid, page 8.

<sup>51</sup> Ibid, page 9.

<sup>52</sup> Adapted from: Government of Western Australia (2014), Figure 3 on page 11.

When considered against these examples, the proposed clearing meets the criteria of 'significant impacts requiring an offset' in relation to clearing principles (b) and (e). The native vegetation proposed to be cleared forms part of a habitat significant for fauna, in this case multiple species of threatened fauna including critically endangered species and is significant as a remnant in an area that has been extensively cleared.

Given the above, we consider that the impact to nine trees is a significant residual impact that requires counterbalancing.

### **Quantifying the environmental offset – the WA metric**

We invited the permit holder to provide an offset to counterbalance the identified significant residual impacts. The permit holder proposed revegetation within the same road reserve (adjacent to but not within the area proposed to be cleared), with marri and peppermint trees consistent with the species proposed to be cleared.

Given the proximity to the impact site and noting the ecological linkage value of the remaining remnant vegetation in the road reserve, we consider that this local approach would enhance ecological connectivity in a highly fragmented agricultural area and is 'like for like' consistent with the Offsets Policy.

To determine whether the permit holder's proposed offset meets the minimum offset requirement, we referred to the *WA environmental offsets calculator*<sup>53</sup> (State calculator) and *Environmental offsets metric: Quantifying environmental offsets in Western Australia*<sup>54</sup> (State calculator guidance).

Specifically, as the significant residual impact relates to nine individual trees, we reviewed the offset in the context of the State calculator 'Offset calculation (Feature)' function. We identified that a minimum of 31 trees would adequately counterbalance the clearing of nine trees that are habitat for black cockatoos, WRP and a significant remnant.

Appendix 2 contains the rationale used to justify the scores applied in the calculation.

We note that the proposed revegetation involves two commercially available tree species that are not susceptible to dieback. Given this we consider that a revegetation plan is not required in this case. However, we consider that the clearing permit should contain completion criteria to quantify revegetation success.

Principle 6 in the Offsets Policy sets out that 'Environmental offsets will be designed to be enduring, enforceable and deliver long term strategic outcomes'.

In this case, the permit holder has not proposed long-term security or permanent protection<sup>55</sup> of the site due to being in a road reserve. In relation to another appeal matter (Appeal 010/22), DWER noted that the absence of permanent protection of a revegetation offset is inconsistent with the WA offsets framework and means that exempt clearing<sup>56</sup> could potentially be undertaken within it.

The Offsets Guidelines recognises that:

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<sup>53</sup> Government of Western Australia (2021a) *WA environmental offsets calculator*. Department of Water and Environmental Regulation, October 2021.

<sup>54</sup> Government of Western Australia (2021b) *Environmental offsets metric: Quantifying environmental offsets in Western Australia*. Department of Water and Environmental Regulation, October 2021.

<sup>55</sup> Such as by a conservation covenant or other mechanism.

<sup>56</sup> Section 51C of the EP Act provides that clearing of native vegetation is authorised if it meets one of four criteria, including being of a kind exempt from the requirement for a clearing permit under Schedule 6 of the EP Act or under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Revegetation that is established as a requirement of a written law (e.g. revegetation required under a ... clearing permit as an offset) is considered to be native vegetation for the purposes of the EP Act and cannot be cleared without a permit or exemption.<sup>57</sup>

Given this, we consider the proposed revegetation offset to be secure as native vegetation under the EP Act. This offset approach is unique to road reserves as flexibility is retained should road works for public safety be required in the future.

Consistent with the Offsets Guidelines, the offset should be recorded in the Environmental Offsets Register which is publicly available at <http://www.offsetsregister.wa.gov.au/>. The Register provides a central public record of all offset agreements in Western Australia, contributing to the broader government objectives of transparency and accountability. The Register also provides a single cross-Government record for environmental offsets; provides for monitoring of offset implementation and outcomes; and improves auditing and quality control.

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<sup>57</sup> Government of Western Australia (2014), page 18.

## 3 Supporting information

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### 3.1 DWER's assessment of the application

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In March 2021, the permit holder applied to DWER for a purpose permit to clear up to 1.5 hectares (ha) of native vegetation within Cowaramup Bay Road reserve and Lot 5266 on Deposited Plan 220451 (Crown Reserve R47049), Cowaramup, for the purpose of road construction and upgrades.

The application was advertised for public comment for 14 days, and no public submissions were received.

DWER assessed the clearing application against the 10 clearing principles set out in Schedule 5 of the EP Act. DWER's assessment found the proposed clearing may be at variance to clearing principles (b), (h) and (f), and is not likely to be at variance to clearing principles (a), (c), (d), (e), (g), (i) and (j).

DWER also had regard for the site characteristics, relevant datasets, the findings of a flora and vegetation survey, relevant planning and other matters, and the purpose of the clearing to improve community safety by improving road width to accommodate traffic volumes, driver visibility, risks from falling branches and trees near the road.<sup>58</sup>

After consideration of the application and the avoidance and mitigation measures proposed by the permit holder, DWER determined that the impacts of the proposed clearing can be managed to be unlikely to lead to an unacceptable risk to environmental values.

Clearing Permit CPS 9237/1 was granted on 23 December 2021, authorising the clearing of up to 1.5 hectares (ha) of native vegetation within Cowaramup Bay Road reserve and Lot 5266 on Deposited Plan 220451 (Crown Reserve R47049), Cowaramup, subject to conditions. These conditions relate to avoiding (including of a black cockatoo habitat tree) and minimising clearing impacts, weed and dieback management, fauna management (western ringtail possums, south-western brush-tailed phascogales and black cockatoos), and keeping records of clearing activities and providing these to DWER on request.

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<sup>58</sup> DWER decision report for clearing permit [CPS 9237/1](#), 21 December 2021, page 1.

## Appendix 1 Appeal process

### The Minister assesses the merits of a decision

Environmental appeals follow a merits-based process. This means the Minister can consider all the relevant facts, law and policy aspects of the decision and decide whether it was correct and preferable.

For clearing permits, the Minister can overturn the original decision to grant the permit if this was the basis of the original appeal submission. Alternatively, if the appeal submission was against the conditions of the permit, the Minister may modify the conditions only.

The appeal investigation will consider the extent to which conditions can address the issues raised, as well as any new information that may not have been available at the time of the original decision.

While process issues can be raised in an appeal, the focus of investigations will be on the substantive environmental matters relevant to DWER's conditions.

### We report to the Minister, as does DWER

To decide an appeal's outcome, the Minister for Environment must have a report from both:

- the Appeals Convenor (see section 109(3) of the *Environmental Protection Act 1986*; and
- the authority that originally made the decision under appeal (see section 106(1)).

To properly advise the Minister in our report, our investigation included:

- reviewing DWER's decision and appeal reports;
- request to meet with the appellant which was declined;
- meetings with the permit holder; and
- reviewing other information, policy and guidance as needed.

**Table 4** Documents reviewed in the appeals investigation

Document	Date
Western Australian Planning Commission (2003a) <i>State Planning Policy 6.1 Leeuwin-Naturaliste Ridge</i> . January 2003 (as amended). Available from: <a href="https://www.wa.gov.au/government/publications/state-planning-policy-61-leeuwin-naturaliste-ridge">https://www.wa.gov.au/government/publications/state-planning-policy-61-leeuwin-naturaliste-ridge</a>	January 2003
Western Australian Planning Commission (2003b) <i>State Planning Policy 2.0 – Environment and Natural Resources Policy</i> . June 2003. Available from: <a href="https://www.wa.gov.au/government/publications/state-planning-policy-20-environment-and-natural-resources-policy">https://www.wa.gov.au/government/publications/state-planning-policy-20-environment-and-natural-resources-policy</a>	June 2003
Department of Conservation and Land Management (2008) <i>Forest Black Cockatoo (Baudin's Cockatoo <i>Calyptorhynchus baudinii</i> and Forest Red-tailed Black Cockatoo <i>Calyptorhynchus banksii naso</i>) Recovery Plan</i> . Available from: <a href="https://www.dcceew.gov.au/environment/biodiversity/threatened/recovery-plans/forest-black-cockatoo-and-forest-red-tailed-black-cockatoo-2008">https://www.dcceew.gov.au/environment/biodiversity/threatened/recovery-plans/forest-black-cockatoo-and-forest-red-tailed-black-cockatoo-2008</a>	2008
Johnstone, R. (2010) <i>Information Sheet – Baudin's Cockatoo <i>Calyptorhynchus baudinii</i></i> . November 2010. Western Australian Museum.	November 2010

Document	Date
Available from: <a href="https://museum.wa.gov.au/explore/online-exhibitions/cockatoo-care/ baudins-cockatoo">https://museum.wa.gov.au/explore/online-exhibitions/cockatoo-care/ baudins-cockatoo</a>	
Department of Parks and Wildlife (2013) <i>Carnaby's Cockatoo (Calyptorhynchus latirostris) Recovery Plan</i> . Wildlife Management Program No. 52. Department of Parks and Wildlife, Perth, Western Australia. October 2013. Available from: <a href="https://www.dcceew.gov.au/environment/biodiversity/threatened/recovery-plans/calyptorhynchus-latiostris-recovery-plan">https://www.dcceew.gov.au/environment/biodiversity/threatened/recovery-plans/calyptorhynchus-latiostris-recovery-plan</a>	October 2013
Department of Environment Regulation (2014b) <i>Guideline: Clearing of native vegetation Offsets procedure under the Environmental Protection Act 1986</i> . August 2014. Available from: <a href="https://www.der.wa.gov.au/our-work/clearing-permits/48-guidelines-clearing-permits">https://www.der.wa.gov.au/our-work/clearing-permits/48-guidelines-clearing-permits</a>	August 2014
Department of Environment Regulation (2014a) <i>A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986</i> . December 2014. Available from: <a href="https://www.der.wa.gov.au/our-work/clearing-permits/48-guidelines-clearing-permits">https://www.der.wa.gov.au/our-work/clearing-permits/48-guidelines-clearing-permits</a>	December 2014
Department of Parks and Wildlife (2017) <i>Western Ringtail Possum (Pseudocheirus occidentalis) Recovery Plan</i> . Wildlife Management Program No.58. Available from: <a href="https://www.awe.gov.au/environment/biodiversity/threatened/publications/recovery/western-ringtail-possum-recovery-plan">https://www.awe.gov.au/environment/biodiversity/threatened/publications/recovery/western-ringtail-possum-recovery-plan</a>	2017
Threatened Species Scientific Committee (2018) <i>Conservation Advice Calyptorhynchus baudinii Baudin's cockatoo</i> . February 2018. Department of the Environment and Energy, Canberra. Available from: <a href="https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=87736">https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=87736</a>	February 2018
Department of Agriculture, Water and the Environment (2021) <i>The Australian Government's Threatened Species Strategy 2021-2031</i> . Commonwealth of Australia, Canberra.	2021
Government of Western Australia (2021a) <i>WA environmental offsets calculator</i> . Department of Water and Environmental Regulation, October 2021. Available from: <a href="https://www.wa.gov.au/government/publications/dwer-wa-environmental-offsets-calculator">https://www.wa.gov.au/government/publications/dwer-wa-environmental-offsets-calculator</a>	October 2021
Government of Western Australia (2021b) <i>Environmental offsets metric: Quantifying environmental offsets in Western Australia</i> . Department of Water and Environmental Regulation, October 2021. Available from: <a href="https://www.wa.gov.au/government/publications/guideline-environmental-offsets-metric-quantifying-environmental-offsets-wa">https://www.wa.gov.au/government/publications/guideline-environmental-offsets-metric-quantifying-environmental-offsets-wa</a>	October 2021



Document	Date
Stream Environment and Water Pty Ltd (2020) <a href="#"><i>Reconnaissance and Targeted Flora and Vegetation Survey, Cowaramup Bay Road</i></a> . Version 1, 27/11/20. Report prepared for Shire of Augusta-Margaret River.	November 2021
Site inspection by <a href="#">Shire of Augusta-Margaret River</a>	Date unknown
IUCN Red List – Baudin’s cockatoo listing (last assessed 16 November 2021). Available from: <a href="https://www.iucnredlist.org/species/22684727/210840935">https://www.iucnredlist.org/species/22684727/210840935</a>	November 2021
DWER <a href="#">clearing permit, plans and decision report for CPS 9237/1</a>	December 2021
Appeal submission	December 2021
Department of Agriculture, Water and the Environment (2022) <i>Referral guideline for 3 WA threatened black cockatoo species</i> . Commonwealth of Australia, Canberra. Available from: <a href="https://www.dcceew.gov.au/environment/epbc/publications/referral-guideline-3-wa-threatened-black-cockatoo-species-2022">https://www.dcceew.gov.au/environment/epbc/publications/referral-guideline-3-wa-threatened-black-cockatoo-species-2022</a>	2022
DWER response to appeal (s106 report)	February 2022
Shire of Augusta-Margaret River (2022b) <i>Local Planning Strategy</i> . 18 January 2022. Available from: <a href="https://www.wa.gov.au/government/document-collections/shire-of-augusta-margaret-river-planning-information#local-planning-strategies">https://www.wa.gov.au/government/document-collections/shire-of-augusta-margaret-river-planning-information#local-planning-strategies</a>	January 2022
Shire of Augusta-Margaret River (2022a) <i>Local Planning Scheme No. 1</i> . 5 April 2022 (as amended). Available from: <a href="https://www.wa.gov.au/government/document-collections/shire-of-augusta-margaret-river-planning-information#local-planning-strategies">https://www.wa.gov.au/government/document-collections/shire-of-augusta-margaret-river-planning-information#local-planning-strategies</a>	April 2022
Permit holder response to appeal	January 2022 May 2022 August 2022 September 2022

## Appendix 2 WA Environmental offsets score rationale

<i>Calculation</i>	<i>Score (Feature)</i>	<i>Rationale</i>
<b>Conservation significance</b>		
Description	9 trees	Forage for threatened fauna in an extensively cleared landscape
Type of environmental value	Multiple threatened fauna	Forage for 3 species of black cockatoo, western ringtail possum and southwestern brushtailed phascogale
Conservation significance of environmental value	6.8%	CR species including WRP and Baudin's cockatoo
Landscape-level value impacted	Yes	Local ecological linkage for threatened fauna in an extensively cleared landscape
<b>Significant impact</b>		
Description	7 marri trees and 2 peppermint trees	Roadside vegetation with linkage values
Significant impact / Type of feature	9 trees	
<b>Offset</b>		
Description	Revegetation within same road reserve as the cleared trees	Plant marri-peppermint in road reserve to enhance ecological connectivity of a local linkage in an extensively cleared agricultural landscape.
Start number (of feature)	0	
Future number WITHOUT offset	0	
Future number WITH offset	31 trees	Metric output to counterbalance 100% of the significant residual impact.
Time until ecological benefit (years)	15 years	Time for marri and peppermints to reach maturity.
Confidence in offset result (%)	80%	Marri and peppermint trees are easily obtainable from nurseries and not dieback susceptible. The impact area is within one of the higher rainfall parts of the state so rainfall may be adequate for survival in the early years of revegetation. However, stochastic events remain including summer heatwaves and reduced rainfall due to climate change.
Landscape level values of offset?	Yes	The offset will enhance ecological connectivity of a local linkage in an extensively cleared agricultural landscape for multiple threatened fauna species.