



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS PROPOSED FOREST MANAGEMENT PLAN 2014-2023 (EPA REPORT 1483)

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to the report and recommendations of the Environmental Protection Authority (EPA) for the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Committee's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

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| Appellants: | In total, 56 appeals were received (see Attachment 1) |
| Proponent: | Conservation Commission of Western Australia |
| Proposal Description: | <i>Proposed Forest Management Plan 2014-2023</i> |
| Minister's Decision: | The Minister allowed the appeals in part |
| Date of Decision: | 21 November 2013 |

REASONS FOR MINISTER'S DECISION

Pursuant to section 106(1)(a) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Office of the Appeals Convenor investigated the appeals, which the Minister was advised included discussions with most of the appellants and the proponent.

After considering the appeals, the Appeals Convenor submitted her report to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeals.

The proposal the subject of these appeals is the *Proposed Forest Management Plan 2014-2023* (Proposed FMP).

The EPA assessed the Proposed FMP at the level of Public Environmental Review. In its report prepared under section 44 of the EP Act (Report 1483), the EPA advised that the Proposed FMP builds on the current *Forest Management Plan 2004-2013* that it previously assessed and is based on sound science and conservative assumptions. The EPA identified the key environmental factors relevant to the Proposed FMP to be (a) flora and vegetation, and terrestrial fauna, (b) terrestrial environmental quality, and (c) hydrological processes, and concluded that the Proposed FMP would meet its objectives for these factors.

The Minister noted that the appeals covered a broad range of matters summarised in 13 grounds, including the ability of the Proposed FMP to meet the principles of ecologically sustainable forest management; the suitability of the data informing the development of the Proposed FMP; the impacts of native forest timber harvesting on flora and fauna (including threatened species), soil compaction and local rainfall; the necessity for the retention of and appropriateness of fauna habitat zones and habitat trees; the classification and nomination of old-growth forest; formal and informal reservations; the impacts of climate change on forest ecosystems, their ability to adapt to decreasing rainfall, increasing temperatures and episodic events, and their ability to recover after harvesting activities; the calculation of sustained yields and average annual allowable cuts (and upper limits); the EPA's recommendation of no implementation conditions; and matters relating to the EPA's assessment process. These matters are discussed in detail in the Appeals Convenor's report.

After considering all of the information presented in respect to these appeals, the Minister was of the view that the EPA had adequately considered the key environmental factors identified by it in its assessment of the proposal, and that this assessment was consistent with section 44 of the EP Act.

The Minister was of the view, however, that the Proposed FMP could be strengthened by including conditions in the implementation statement recommended by the EPA that require changes to management activities, and therefore allowed the appeals as follows.

Performance monitoring and evaluation

- Amend management activity 121 to include a target completion date within the first half of the implementation of the FMP for the development of a protocol for each key performance indicator to specify how the measurement of each key performance indicator will be undertaken.
- Amend management activity 130 to include target completion dates for the mid-term and end-of-term performance reviews, and to require that the reviews are made publicly available on completion.

Guidance documents and policies

- Amend management activity 14.2 to include a target completion date within the first quarter of the implementation of the FMP for the preparation of *Goals for Understorey Structural Diversity*.
- Amend management activity 17.1 to include a target completion date within the first quarter of the implementation of the FMP for the revision of *Guidelines for Selection of Fauna Habitat Zones*.
- Amend management activity 118.1 to include a target completion date within the first quarter of the implementation of the FMP for the preparation of a regulation policy to confirm the regulatory framework around timber harvesting.
- Amend management activity 6.3 to include a target completion date within the first quarter of the implementation of the FMP for the preparation of a procedure to identify and demarcate old-growth forest.

Related items

- Amend management activity 118.2 to include the target completion date of 31 December 2014 for the development and implementation of formal working arrangements between the Department of Parks and Wildlife and the Forest Products Commission.
- Amend management activity 61 so that any proposal to increase the average annual yield of logs above the quantities stipulated in Tables 4 and 5 and up to the upper limits stipulated in Table 6 is to be approved by the Minister for Environment.
- Amend management activity 4 to reference the correct Appendix.
- Amend any other minor typographical, grammatical or formatting errors identified within the Proposed FMP as appropriate.

The Minister otherwise dismissed the appeals.

The Minister noted the Appeals Convenor's comments in respect to ongoing research and was confident that the Proposed FMP's key performance indicators emphasis on research and increasing knowledge and continuation of the *FORESTCHECK* program will ensure appropriate ongoing monitoring and a commitment to increasing knowledge and undertaking adaptive management where required. With regard to stakeholder consultation, the Proposed FMP contains adequate reference to management activities relating to community and stakeholder engagement and the Minister did not consider that any additional measures are required.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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LIST OF APPELLANTS

| Appeal | Appellant |
|---------------|---|
| 064/13 | Tanya Marwood |
| 065/13 | Denmark Environment Centre Inc |
| 066/13 | Alison Wylie |
| 067/13 | Leith Maddock |
| 068/13 | Barry Lang |
| 069/13 | William (Trevor) Tobin |
| 070/13 | Institute of Foresters of Australia (WA Division) |
| 071/13 | Thomas Clark |
| 072/13 | Anita Downing |
| 073/13 | Leeuwin Environment Inc |
| 074/13 | Margaret River Regional Environment Centre Inc |
| 075/13 | Rebecca Purchon |
| 076/13 | Norma Kirkland |
| 077/13 | Timber Communities WA |
| 078/13 | Derek Fraser |
| 079/13 | Diana Corbyn |
| 080/13 | Wendy Dugmore |
| 081/13 | Michelle London |
| 082/13 | Brian Mollan |
| 083/13 | Kevin Schaffer |
| 084/13 | Forest Industries Federation (WA) Inc |
| 085/13 | Assoc. Prof. Michael Calver |
| 086/13 | Phil Shedley |
| 087/13 | Christopher Lee |
| 088/13 | Gabriel Maddock |
| 089/13 | Mary Frith |
| 090/13 | Chris Irving |
| 091/13 | Jarrahdale Forest Protectors Inc |

| Appeal | Appellant |
|---------------|--|
| 092/13 | Michael Hulme |
| 093/13 | Busselton Dunsborough Environment Centre Inc |
| 094/13 | Possum Centre Busselton Inc |
| 095/13 | The Wilderness Society (WA) Inc |
| 096/13 | Viviane Missack |
| 097/13 | Lauren Fisher |
| 098/13 | Jessica Chapman |
| 099/13 | WA Forest Alliance |
| 100/13 | Judith Blyth |
| 101/13 | Tom and Lisa Hoyer |
| 102/13 | Dr Marjorie Apthorpe |
| 103/13 | South West Forests Defence Foundation Inc |
| 104/13 | Conservation Council of WA Inc |
| 105/13 | Heidi Hardisty |
| 106/13 | South Coast Environment Group Inc |
| 107/13 | Jodie Lane |
| 108/13 | Hon Lyn MacLaren MLC |
| 109/13 | Dr Mark Andrich |
| 110/13 | Jessica Panegyres |
| 111/13 | Jo MacDonald |
| 112/13 | Lilith Furlonger |
| 113/13 | W/Prof. Stephen Hopper |
| 114/13 | Margaret Marian Burke |
| 115/13 | Rhys Jones |
| 116/13 | Donna O'Brien |
| 117/13 | Robert Day |
| 118/13 | Bronwyn Winfield |
| 119/13 | Friends of the Earth (Australia) |