Government of Western Australia
Department of Mines, Industry Regulation and Safety

Clearing Permit Decision Report

1. Application details and outcomes

1.1. Permit application details

Permit number:	3891/5
Permit type:	Purpose Permit
Applicant name:	Australian Garnet Pty Ltd
Application received:	21 December 2022
Application area:	90 hectares
Purpose of clearing:	Mineral Production and Associated Activities
Method of clearing:	Mechanical Removal
Tenure:	Mining Lease 70/1280
	Miscellaneous Licence 70/134
Location (LGA area/s):	Shire of Northampton
Colloquial name:	Balline Garnet Mine

1.2. Description of clearing activities

Australian Garnet Pty Ltd proposes to clear up to 90 hectares of native vegetation within a boundary of approximately 143.2 hectares, for the purpose of mineral production and associated activities. The project is located approximately 18 kilometres north of Gregory, within the Shire of Northampton.

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	22 June 2022
Decision area:	90 hectares of native vegetation

1.4. Reasons for decision

Clearing permit CPS 3891/1 was granted by the DMP (now the Department of Mines, Industry Regulation and Safety) on 25 November 2010 and was valid from 25 December 2010 to 31 December 2015. The permit authorised the clearing of up to 90 hectares of native vegetation within a boundary of approximately 142.3 hectares, for the purpose of mineral production.

CPS 3891/2 was granted on 30 July 2015, amending the permit to extend the permit duration by a further five years. The area of clearing authorised and the permit boundaries remained unchanged.

CPS 3891/3 was granted on 29 October 2020, extending the duration of the permit by five years. The area of clearing authorised and the permit boundaries remained unchanged.

CPS 3891/4 was granted on 7 September 2021 increasing the permit boundary by 1.5 hectares, to allow for the construction and installation of a communications tower and infrastructure corridor. The amount of proposed clearing remained unchanged. Three appeals lodged against the grant of the permit (Appeal Number: 35 of 2021). The appeals broadly centre around consideration of alternatives to clearing, adequacy of the biological surveys considered by DMIRS, significance of the habitat for flora and fauna, impacts to hydrology and wetlands, Aboriginal heritage, and the adequacy of consultation.

This clearing permit amendment gives effect to the determination of the Minister for Environment (the Minister) that the decision to grant the permit was justified, but allow the appeal to the extent that the permit footprint should be amended to avoid potential impacts on priority flora and minimise impacts on a particular fauna habitat type, and that conditions relating to fauna management should be applied.

Given the above, the Delegated Officer decided to grant a clearing permit to reflect the Minister's determination. The assessment against the ten clearing principles has changed from the determination made in Clearing Permit CPS 3891/4, with the proposed clearing now being at variance to Principle (e), may be at variance to Principles (a), (b), (g), and (h), is not likely to be at variance to Principles (c), (d), (i) and (j) and is not at variance to Principle (f). The change is Principle (a) from 'not likely to be at variance' to 'may be at variance.'

1.5. Site map

A site map of proposed clearing is provided in Figure 1 below.

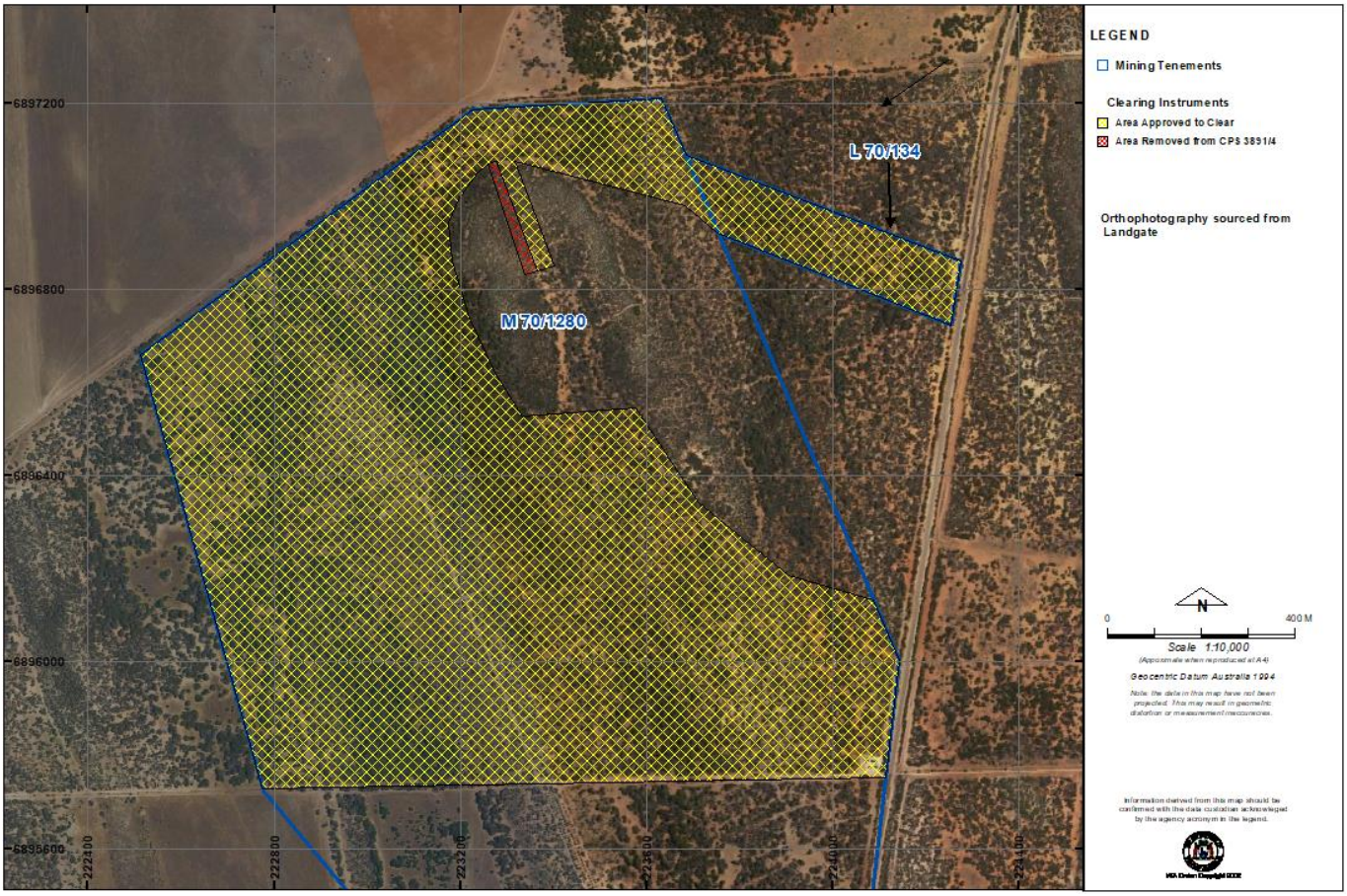

Figure 1. Map of the application area. The yellow area indicates the area within which conditional authorised clearing can occur under the granted clearing permit. The red area indicates the area which has been removed from CPS 3891/4.

2. Detailed assessment of application

2.1. Assessment of impacts on environmental values

The amendment is a result of an appeal determination made by the Minister regarding the grant of clearing permit CPS 3891/4.

On review of the 2013 and 2021 survey findings, the Appeals Convenor's report found that *Beyeria cinerea* subsp. *cinerea* (Priority 3) had been recorded from a sample site that appears to be within or immediately adjacent to the western-most new area of CPS 3891/4 (1.54 hectares) (red-hatching area in Figure 1) (Minister for Environment; Climate Action, 2022). The permit holder's survey information indicates that the proposed clearing will not directly impact on this species. The Minister agreed, however, with the Appeals Convenor that given proximity, the proposed clearing may impact on supporting habitat for this species, and therefore may be at variance to clearing principle (a) (Minister for Environment; Climate Action, 2022).

The Appeals Convenor's report also found that the same added area extends into a mapped 20 hectare extent of fauna habitat type 'VSA3', which may contain suitable habitat for an isopod (slater) *Buddelundia '81'* described as a 'likely' short-range endemic species and therefore of conservation significance (Minister for Environment; Climate Action, 2022). This fauna habitat was previously excluded from the permit footprint. The permit holder noted that this isopod is not confirmed to be short-range endemic fauna (Minister for Environment; Climate Action, 2022). The Minister agreed, however, with the Appeals Convenor that the possible impact on suitable habitat for an undescribed fauna species that may be of conservation significance contributes to DMIRS' conclusion that the proposed clearing may be at variance to clearing principle (b) (Minister for Environment; Climate Action, 2022) .

During the appeals process, the permit holder refined the western-most new permit boundary of CPS 3891/4, given potential impacts on supporting habitat of priority flora and potential short-range endemic fauna. In response the permit holder proposed to reduce the width of this area from its current 57-67 metres to about 40 metres by removing a linear strip along the length of the west-south-west facing perimeter (Minister for Environment; Climate Action, 2022). The permit boundary has been reduced from 143.8 hectares to 142.3 hectares.

The Minister's determination agreed with this refinement, given that it retains a buffer between the proposed clearing and the supporting habitat of priority flora, and reduces the extent of the permit footprint within fauna habitat type 'VSA3', while still allowing the permit holder some flexibility in locating the infrastructure corridor (Minister for Environment; Climate Action, 2022).

2.2 Relevant planning instruments and other matters

The assessment against planning instruments and other matters has changed since the assessment of 3891/4, with Principle (a) going from 'not likely to be at variance' to 'may be at variance.' The assessment against the ten clearing principles has been updated, with the proposed clearing now being at variance to Principle (e), may be at variance to Principles (a), (b), (g), and (h), is not likely to be at variance to Principles (c), (d), (i) and (j) and is not at variance to Principle (f).

To give effect to a decision of the Minister under the *Environmental Protection Act 1986* (the EP Act), the Chief Executive Officer of DWER or their delegates may amend a clearing permit under sections 51K(e) and 51K(h) of the EP Act. Section 105(aa) of the EP Act states that amendments made under this section of the EP Act are not appealable. On this basis, the above mentioned amendments made by the Delegated Officer are not available for third party appeal.

End

Appendix A. Site characteristics

A.1. Site characteristics

Characteristic	Details
Local context	The project is located approximately 18 kilometres north of Gregory, within the Shire of Northampton (GIS Database). The area proposed to be cleared is part of scattered patch of native vegetation in the intensive land use zone of Western Australia.
Ecological linkage	According to available databases, the application area does not contain any known or mapped ecological linkages (GIS Database).
Conservation areas	There are no conservation areas within or in close proximity to the application area (GIS Database). The nearest DBCA managed land is the Utcha Well Nature Reserve, located approximately 2.6 kilometres south of the application area, at its nearest point (GIS Database).
Vegetation description	The vegetation of the application area is broadly mapped as the following Beard vegetation association: 17: Shrublands; *Acacia rostellifera* thicket (GIS Database). A flora and vegetation survey of the broader Balline Garnet project area, including the current clearing permit application area, was conducted by Onshore Environmental Consultants Pty Ltd (Onshore Environmental) from 5 to 11 October 2013, with a subsequent survey undertaken in October 2021 (Onshore Environmental, 2022). A total of 19 vegetation associations were recorded within the broader survey area, only two of which were recorded within the current clearing permit application area (Australian Garnet, 2019; Onshore Environmental, 2013; Onshore Environmental, 2022): ***Acacia* High Shrubland on sandy hillslopes (6a)**: High Shrubland to Open Scrub *Acacia rostellifera* over Open Annual Tussock Grassland of **Avena barbata*, **Bromus rubens* and **Ehrharta longiflora* with Open Shrubland of *Rhagodia latifolia* var. *latifolia*, *Pimelea microcephala* and *Olearia* sp. *indet*.; and ***Acacia* High Shrubland on parkland cleared sandy hillslopes (6b):** High Shrubland of *Acacia rostellifera* and *Alyogyne hakeifolia* over Open Annual Tussock Grassland of **Avena barbata*, and **Bromus rubens* over Open Herbland of **Brassica tournefortii* and **Medicago truncata*. * Denotes weed species
Vegetation condition	The vegetation survey by Onshore Environmental (2022) indicates the vegetation within the proposed clearing area is in Good (Keighery, 1994) condition, described as: • Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994). The full Keighery (1994) condition rating scale is provided in Appendix C.
Climate and landform	The application area is mapped within elevations of 10-20 metres AHD. The annual average rainfall (Kalbarri) is 339.6 millimetres (BoM, 2023).
Soil description and Land degradation risk	According to available datasets, there are two soil types (A13 and BA26) within the application area (GIS Database). These soil types are described as: • A13: Coastal dune formations backed by the low-lying deposits of inlets and estuaries: chief soils are calcareous sands (Uc1.11) on the dunes. • Steep narrow ranges on sandstones and quartzite with some shales; extensive areas of bare rock: chief soils are shallow stony sands (Uc1.43) (GIS Database). The sandy soils present throughout the application area are internally draining with no clearly defined drainage lines (GIS Database). A limestone ridge area in the north-east of the application area may generate higher runoff rates than the surrounding areas, however, the proposed clearing is not expected to contribute to water erosion as the sandy soils facilitate high infiltration rates. As the application area is already within a predominantly cleared agricultural landscape, it is not likely that the proposed clearing will contribute to a rise in groundwater table and salinity.
Waterbodies	The desktop assessment and aerial imagery indicated that no watercourses transect the area proposed to be cleared (GIS Database).
Hydrogeography	According to available databases, the application area is not located within a Public Drinking Water Source Area. The groundwater salinity within the amendment area is approximately 1,000 - 3,000 milligrams/Litre Total Dissolved Solids (GIS Database).

Characteristic	Details
Flora	*Beyeria cinerea* subsp. *cinerea* (Priority 3) had been recorded from a sample site that appears to be within or immediately adjacent to the western-most new area of CPS 3891/4. The permit holder's survey information indicates that the proposed clearing will not directly impact on this species, however, the proposed clearing may impact on supporting habitat for this species
Ecological communities	There are no TECs or PECs recorded within the amendment area. The nearest TEC or PEC is located approximately 15 kilometres south-east of the application area (Kalbarri Ironstone Community Priority 1 - PEC) (GIS Database).
Fauna	A desktop search identified several fauna species of conservation significance with the potential to occur within the application area, based on known distributions (GIS Database).

Appendix B. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): *"Native vegetation should not be cleared if it comprises a high level of biodiversity."* Assessment: There are no Threatened or Priority Ecological Communities located within the amendment area (GIS Database). There are no records of Threatened flora within the amendment area. There is potential habitat for *Beyeria cinerea* subsp. *cinerea* (Priority 3), however, the amendment area is not likely to represent significant habitat for these species and none were recorded within the amendment area (Onshore Environmental, 2022).	May be at variance Changed from CPS 3891/4	No
Principle (b): *"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."* Assessment: Three fauna habitat types have been identified within the broader application area, these being VSAs, VSA2 and VSA3 (Bamford, 2013). One fauna habitat type 'VSA3', may contain suitable habitat for an isopod (slater) Buddelundia '81' described as a 'likely' short-range endemic species and therefore of conservation significance (Minister for Environment; Climate Action, 2022).	May be at variance As per CPS 3891/4	No
Principle (c): *"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."* Assessment: The area proposed to be cleared is unlikely to contain habitat for flora species listed under the BC Act.	Not likely to be at variance As per CPS 3891/4	No
Principle (d): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community."* Assessment: There are no known Threatened Ecological Communities (TECs) located within or in close proximity to the application area (GIS Database). A flora and vegetation survey of the application area did not identify any TECs (Onshore Environmental, 2022).	Not likely to be at variance As per CPS 3891/4	No
Environmental value: significant remnant vegetation and conservation areas		
Principle (e): *"Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."* Assessment: The extent of the mapped vegetation type in the local area is inconsistent with the national objectives and targets for biodiversity conservation in Australia (Government of Western Australia, 2019). The vegetation proposed to be cleared is considered to be part of a significant ecological linkage in the local area.	At variance As per CPS 3891/4	No

Assessment against the clearing principles	Variance level	Is further consideration required?
Principle (h): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area."* Assessment: There are no conservation areas within the application area (GIS Database). The nearest DBCA managed land is the Utcha Well Nature Reserve, located approximately 2.5 kilometres south of the application area, at its nearest point (GIS Database). Most of the separating area has been cleared for agriculture and has resulted in the fragmentation of habitat between the application area and the nature reserve (GIS Database). Whilst highly mobile species such as birds may not be disrupted, the proposed clearing may disrupt some ecological linkages to the Utcha Well Nature Reserve.	May be at variance As per CPS 3891/4	No
Environmental value: land and water resources		
Principle (f): *"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."* Assessment: According to available databases, there are no watercourses or wetlands within the application area (GIS Database). There is a low surface runoff due to the high infiltration rates associated with the sand and sandy soils present within the application area	Not at variance As per CPS 3891/4	No
Principle (g): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."* Assessment: The soils of the application area have been broadly described as being calcareous deep sands (GIS Database). As the application area is already within a predominantly cleared agricultural landscape, it is not likely that the proposed clearing will contribute to a rise in groundwater table and salinity (GIS Database). The sandy soils of the amendment area may be at risk of wind erosion.	May be at variance As per CPS 3891/4	No
Principle (i): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water."* Assessment: Given no water courses, wetlands or Public Drinking Water Sources Areas are recorded within the application area, the proposed clearing is unlikely to impact surface or ground water quality.	Not likely to be at variance As per CPS 3891/4	No
Principle (j): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."* Assessment: The proposed clearing is considered unlikely to have any significant impact on surface or groundwater quality, or on the incidence or intensity of flooding.	Not likely to be at variance As per CPS 3891/4	No

Appendix C. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.

Condition	Description
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Appendix D. Sources of information

D.1. GIS databases

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Bush Forever (Regional Scheme) (DPLH-022)
- Clearing Regulations – Schedule One Areas (DWER-057)
- DBCA – Lands of Interest (DBCA-012)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Groundwater Salinity Statewide (DWER-026)
- Hydrographic Catchments – Catchments (DWER-028)
- Hydrography – Inland Waters – Waterlines
- Hydrography, Linear (DWER-031)
- IBRA Vegetation Statistics
- Native Title (ILUA) (LGATE-067)
- Pre-European Vegetation Statistics
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Mapping – Rangelands (DPIRD-064)
- WA Now Aerial Imagery

Restricted GIS Databases used:

- Black Cockatoo WTBC Breeding
- Black Cockatoo FRTBC Breeding
- Black Cockatoo BC Roosts
- Black Cockatoo BC Feeding SCP
- Black Cockatoo Feeding JF
- Black Cockatoo Carnabys Distribution
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

D.2. References

Australian Garnet (2019) Balline Garnet Project: Windfarm L70/178 Clearing Permit Application. Australian Garnet Pty Ltd, January 2019.

Bamford (2013) Balline Garnet Project – Fauna Assessment. Unpublished report prepared for Pemaco Services, by Bamford Consulting Ecologists, December 2013.

Bureau of Meteorology (BoM) (2023) Bureau of Meteorology Website – Climate Data Online, Kalbarri. Bureau of Meteorology. http://www.bom.gov.au/climate/data/ (Accessed 15 May 2023).

Department of Planning, Lands and Heritage (DPLH) (2023) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS (Accessed 11 May 2023).

Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Minister for Environment; Climate Action (2023) Appeal Number 035 of 2021. Minister's Appeal Determination: Appeals Against the Grant of Clearing Permit CPS 3891/4 Balline Garnet Mine, M70/1280 and L70/134, Shire of Northampton.

Onshore Environmental (2013) Balline Garnet Project, Level 2 Flora and Vegetation Survey. Unpublished report prepared for Australian Garnet Pty Ltd by Onshore Environmental Consultants Pty Ltd, November 2013.

Onshore Environmental (2022) Lucky Bay Garnet Detailed Flora and Vegetation Survey. Report prepared for Australian Garnet Pty Ltd, by Onshore Environmental Consultants Pty Ltd, January 2022.

3. Glossary

Acronyms:

BC Act	*Biodiversity Conservation Act 2016,* Western Australia
BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DCCEEW	Department of Climate Change, Energy, the Environment and Water, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DoEE	Department of the Environment and Energy (now DCCEEW)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	*Environmental Protection Act 1986*, Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
PEC	Priority Ecological Community, Western Australia
RIWI Act	*Rights in Water and Irrigation Act 1914*, Western Australia
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

CR **Critically endangered species**
Threatened species considered to be "*facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN **Endangered species**

Threatened species considered to be "*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU **Vulnerable species**

Threatened species considered to be "*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX **Extinct species**

Species where "*there is no reasonable doubt that the last member of the species has died*", and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW **Extinct in the wild species**

Species that *"is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*", and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI **Migratory species**

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD **Species of special conservation interest (conservation dependent fauna)**

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS **Other specially protected species**

Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P **Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species require regular monitoring.

Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.

P1 **Priority One - Poorly-known species**
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

P2 **Priority Two - Poorly-known species**
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

P3 **Priority Three - Poorly-known species**
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

P4 **Priority Four - Rare, Near Threatened and other species in need of monitoring**
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection but could be if present circumstances change. These species are usually represented on conservation lands.
(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for vulnerable but are not listed as Conservation Dependent.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

Principles for clearing native vegetation:

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

(b) 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.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

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

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

(j) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.