

APPENDIX 5

DBCA Licenses



Wildlife Conservation Act 1950

REGULATION 17

Regulation 17 – Licence to take fauna for scientific purposes (Regulation 17 - Standard)

The undermentioned person may take fauna for research or other scientific purposes and where authorised, keep it in captivity, subject to the following and attached conditions, which may be added to, suspended or otherwise varied as considered fit.

Director General

Conditions

- 1 The licensee must comply with the provisions of the Wildlife Conservation Act 1950, Wildlife Conservation Regulations 1970 and any Notices in force under this legislation.
- 2 The licensee shall take fauna only in the manner stated on the endorsed Regulation 17 licence application form and endorsed related correspondence.
- 3 Unless specifically authorised in the conditions of this Licence or otherwise in writing by the Director General, species of fauna declared as likely to become extinct, rare or otherwise in need of special protection shall not be taken.
- 4 Any by-catch of fauna, which is declared to be rare, likely to become extinct, or otherwise in need of special protection shall be released immediately at the point of capture. Where such fauna taken under this licence is injured or deceased, the licensee shall contact the Department's Wildlife Licensing Section for advice on disposal. Records must be kept of any such fauna so captured and details are to be included in the report required under further condition below.
- 5 Any interaction involving Gazetted Threatened Fauna that may be harmful to the fauna and/or invasive may require approval from the Commonwealth Department of the Environment ph 02 6274 1111. Interaction with such species is controlled by the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and Environment Protection and Biodiversity Conservation Regulations 2000 as well as the Wildlife Conservation Act 1950 and Wildlife Conservation Regulations 1970.
- 6 No fauna shall be taken in areas where it would impinge on pre-existing scientific research programs.
- 7 Except in the case of approved lethal traps, the licensee shall ensure that measures are taken in the capture and handling of fauna to prevent injury or mortality resulting from that capture or handling. Where traps or other mechanical means or devices are used to capture fauna these shall be deployed so as to prevent exposure of trapped animals to ants and debilitating weather conditions and inspected at regular intervals throughout each day of their use. At the conclusion of research all markers used, and signs and structures erected by the licensee shall be removed and the environment returned to its original condition.
- 8 Not more than ten specimens of any one protected species of fauna shall be taken and removed from any location less than 20km apart. Where exceptional circumstances make it necessary to take a larger number of specimens from a particular location in order to obtain adequate statistical data, the collector must proceed with circumspection and justify their actions to the Director General in advance.
- 9 The licensee shall not release any fauna or their progeny in any area where it does not naturally occur, nor hand such fauna over to any other person or authority unless approved by the Director General, nor dispose of the remains of such fauna in any manner likely to confuse the natural or present day distribution of the species.
- 10 Bioprospecting involving the removal of sample aquatic and terrestrial organisms for chemical extraction and bioactivity screening shall not be conducted without specific written approval by the Director General.
- 11 No fauna is to be taken from any CALM land, as defined in the Conservation and Land Management Regulations 2002, without prior written approval of the Director General. No fauna is to be taken from any public land without the prior written approval of the Government Authority managing that land.
- 12 The licensee must not enter upon any private property or pastoral lease for the purposes of this licence, nor take any fauna from any private land or pastoral lease without the prior consent in writing of the owner or occupier. Similarly, in the case of Aboriginal lands, the licensee must not enter upon or take fauna from such lands without the written approval of the Department of Aboriginal Affairs and/or the relevant native title holders or applicants.
- 13 Copies of this licence and any written approval or consent required by conditions of this licence must be carried by the licensee and any person/s authorised under the licence at all times when conducting activities relevant to the licence

DEPARTMENT OF PARKS AND WILDLIFE



Department of
Parks and Wildlife



Enquiries: 17 DICK PERRY AVE, KENSINGTON, WESTERN AUSTRALIA
Telephone: 08 9219 9000
Facsimile: 08 9219 8242
Web Site: <https://wildlifelicensing.dpaw.wa.gov.au>
Correspondance: **Locked Bag 30**
Bentley Delivery Centre WA 6983

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and must be presented to an authorised officer of the Department upon request.

- 14 All holotypes and syntypes and a half share of paratypes of species or subspecies permitted to be permanently taken under this licence shall be donated to the Western Australian Museum. Duplicates (one pair in each case) of any species collected, which represents a significant extension of geographic range shall upon request be donated to the Western Australian Museum.
- 15 To prevent any unnecessary collecting in this State, all specimens and material taken and retained under the authority of this license shall, upon request, be loaned to the Western Australian Museum. Any unused portion or portions of any specimen collected under the authority of this license shall be offered to the Western Australian Museum for inclusion in its collection or made available to other scientific workers if so required.
- 16 Within one month of the expiration of this licence, the holder shall submit an electronic return into the department's Wildlife Licensing System, detailing the locality, site, geocode, date and number of each species of fauna captured, sighted or vouchered during the currency of the licence. A copy of any paper, report or thesis resulting from the research shall upon completion be lodged with the Director General.

Purpose

Targeted fauna survey and assessment of habitat suitable for Mains Assassin Spider (*Zephyrarchaea mainae*) at the proposed Nullaki Lime Pit area, by sieving of suspended leaf litter into white sampling tray to search for spiders, and release fauna at capture site. Injured or deceased spiders will be retained as voucher specimens, and additional specimens may be retained if requested by the WA Museum.

Locations

Lot 9005 Rock Cliff Circle, Nullaki Peninsula, City of Albany, and Lee Road reserve.

Date of Issue 26/07/2018
Valid From 26/07/2018
Date of Expiry 31/12/2018

Licensee: Ms Melanie Price
Address Aurora Environmental
2A Nakina Street
Albany WA 6330
Australia

Issued by a Wildlife Licensing Officer of the Department of Parks and Wildlife under delegation from the Minister for Environment pursuant to section 133(1) of the Conservation and Land Management Act 1984.



FAUNA TAKING (BIOLOGICAL ASSESSMENT) LICENCE

Regulation 27, Biodiversity Conservation Regulations 2018

Licence Number: BA27000159
Licence Holder: Ms Melanie Price
Aurora Environmental
2A Nakina Street
ALBANY WA 6330
Date of Issue: 17/10/2019
Date Valid From: 17/11/2019
Date of Expiry: 16/11/2020

LICENSED ACTIVITIES

Subject to the terms and conditions on this licence, the licence holder may –

1. Targeted fauna survey and assessment of habitat suitable for Mains Assassin Spider (*Zephyrarchaea mainae*) at the proposed Nullaki Lime Pit area, by sieving of suspended leaf litter into white sampling tray to search for spiders, and release fauna at capture site. Injured or deceased spiders will be retained as voucher specimens, and additional specimens may be retained if requested by the WA Museum.

LOCATIONS

1. Lot 9005 Rock Cliff Circle, Nullaki Peninsula, City of Albany, and Lee Road reserve.

AUTHORISED PERSONS

The following persons or persons of the specified class may assist in carrying out the licensed activities:

1. Authorised employees or agents of the licence holder under the direct supervision of the licence holder.

CONDITIONS

1. Fauna must not be taken on CALM land, (as defined in the Conservation and Land Management Regulations 2002), unless authorised by a written notice of a lawful authority issued under regulations 4 and 8 of the Conservation and Land Management Regulations 2002.
2. If persons, other than the licence holder, are authorised to carry out/assist in carrying out the activities under the licence, the licence holder must ensure those persons have read and understand the licence terms and conditions.
3. The written authorisation of the person in possession or occupation of the land accessed and upon which fauna is taken, as required under regulation 101(2) and referred to in "Additional information" below, must:
 - a) state location details (including lot or location number, street/road, suburb and local government authority);
 - b) state land owner or occupier name, and contact phone number;
 - c) specify the time period that the authorisation is valid for;



- d) be signed and dated; and
 - e) be attached to this licence at all times.
4. This licence, and any written authorisation or lawful authority which authorises the take of fauna on specified locations must be carried at all times while conducting licensed activities and be produced on demand by a wildlife officer.
 5. If a species of fauna listed as a threatened species under Section 19 of the *Biodiversity Conservation Act 2016* is inadvertently captured, that species is to be released immediately at the point of capture. If the fauna is injured or deceased, the licence holder shall contact the DBCA Wildlife Licensing Section (wildlifelicensing@dbca.wa.gov.au) for advice on treatment or disposal. Details of any capture of threatened fauna must be included in the "Return of Fauna Taken."
 6. The licence holder must not:
 - a) release any fauna in any area where it does not naturally occur;
 - b) transfer fauna to any other person or authority (other than the Western Australian Museum) unless approved in writing by the CEO; or
 - c) dispose of the remains of fauna in any manner likely to interfere the natural or present day distribution of the species.
 7. The licence holder must not take and remove more than ten specimens of any one protected species of fauna from any location less than 20km apart. Where exceptional circumstances make it necessary to take a larger number of specimens from a particular location in order to obtain adequate statistical data, the collector must proceed with circumspection and justify their actions to the Director General in advance.
 8. All holotypes and syntypes and a half share of paratypes of species or subspecies permitted to be permanently taken under this licence must be donated to the Western Australian Museum. Duplicates (one pair in each case) of any species collected, which represents a significant extension of geographic range must be offered to the Western Australian Museum.
 9. All specimens and material retained under the authority of this licence must be offered to the Western Australian Museum for loan, for inclusion in its collection, or on request be made available to other persons involved in relevant scientific studies.
 10. The licence holder must create, compile and maintain records and information as required in a DBCA approved "Return of Fauna Taken" of all fauna taking activities as they occur.
 11. A DBCA approved "Return of Fauna Taken" must be completed in full (including nil taking details) and submitted to DBCA Wildlife Licensing Section (wildlifelicensing@dbca.wa.gov.au) prior to the end of each annual period of the licence (from the valid from date) (refer to "Additional Information" section below).

A handwritten signature in blue ink, appearing to read 'D. Stefoni'.

Danny Stefoni
LICENSING OFFICER
WILDLIFE PROTECTION BRANCH

Delegate of CEO

ADDITIONAL INFORMATION

1. It is an offence to take any species of fauna listed as a threatened species under Section 19 of the *Biodiversity Conservation Act 2016* unless the person is authorised under Section 40. The penalty ranges between \$300 000 and \$500 000; Section 150 Biodiversity Conservation Act 2016.
2. Regulation 82 empowers the CEO to add, substitute or delete a term or condition of a licence or to correct errors. Such power may be exercised on application of a licence holder or by the CEO's own initiative. If an amendment to a licence term or condition is required, please contact the CEO or the Licensing Section on wildlifelicensing@dbca.wa.gov.au in the first instance. The licence holder, if adversely affected by a condition imposed in this licence, may apply to the State Administrative Tribunal for review of the decision of the CEO to impose that condition on a licence: regulation 89(2) Biodiversity Conservation Regulations 2018.
3. A person must not contravene a condition of a licence. The penalty for an offence involving the contravention of a condition of a licence is a fine of \$10 000: regulation 84 of the Biodiversity Conservation Regulations 2018.
4. It is an offence for persons authorised by this licence to enter land that is not in their possession or under their control without first having the *prior* written authorisation of the current owner or occupier of the land to:
 - a) enter the land; and
 - b) carry out the activity authorised by this licence.The penalty for this offence is a fine of \$5 000: regulation 101(2) of the Biodiversity Conservation Regulations 2018.
5. The licence holder must be able to produce for inspection upon request any information or records required by regulation 85(2) of the Biodiversity Conservation Regulations 2018 Penalty \$10 000. It is an offence to knowingly include false or misleading information or make statements in records: regulation 85(3) of the Biodiversity Conservation Regulations 2018 Penalty \$10 000. It is an offence to include any information or make any statement in a return that the licence holder knows to be false or misleading in a material particular: regulation 86 (2) of the Biodiversity Conservation Regulations 2018 Penalty \$10 000.
6. The approved DBCA "Return of Fauna Taken" data file can be downloaded from the DBCA webpage (<https://www.dpaw.wa.gov.au/plants-and-animals/licences-and-authorities>).
7. The issuing of a licence under the Biodiversity Conservation Regulations 2018 does not constitute an animal ethics approval or a licence to use animals for scientific purposes as required under the *Animal Welfare Act 2002*, Animal Welfare (Scientific Purposes) Regulations 2003. It is the responsibility of a licence applicant / licence holder to ensure that they comply with the requirements of all applicable legislation. Enquiries relating to the Animal Welfare Act licences and animal ethics approvals are to be directed to the Department of Primary Industries and Regional Development (<https://www.agric.wa.gov.au/animalwelfare>).
8. Threatened fauna can only be taken under a *Biodiversity Conservation Act 2016* Section 40 authorisation, Occurrences of threatened species must be reported to the CEO. For more information please see <https://www.dpaw.wa.gov.au/plants-and-animals/threatened-species-and-communities/threatened-animals>.
9. Any interaction involving Nationally Listed Threatened Fauna that may be invasive and/or harmful to the fauna may require approval from the Commonwealth Department of the Environment and Energy <http://www.environment.gov.au/about-us/business-us/permits-assessments-licences>. Interaction with such species is controlled by the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and Environment Protection and Biodiversity Conservation Regulations 2000 as well as the *Biodiversity Conservation Act 2016* and Biodiversity Conservation Regulations 2018.



AUTHORISATION TO TAKE OR DISTURB THREATENED SPECIES

Section 40 of the Biodiversity Conservation Act 2016

AUTHORISATION DETAILS

Authorisation type: Fauna

Authorisation number: TFA 2019-0090

Authorisation duration: From date signed by Minister's delegate, below, until 31 October 2020.

AUTHORISATION HOLDER

Melanie Price

Aurora Environmental

2A Nakina Street

Albany WA 6330

AREA TO WHICH THIS AUTHORISATION APPLIES

Lot 9005 Rock Cliff Circle, Nullaki Peninsula, Albany (South Coast Region)

Lee Road reserve (South Coast Region)

AUTHORISED ACTIVITY

Purpose of taking/disturbance:

To determine if the Main's assassin spider is present in any suitable habitat identified within the proposed Nullaki Lime Pit and Access Roads development area.

Threatened species authorised to be taken/disturbed (including conservation status):

Main's assassin spider, *Zephyrarchaea mainae* (Vulnerable)

Quantity of threatened species authorised to be taken/disturbed:

Any number of individual animals of the above listed threatened fauna species may potentially be captured and released during the trapping program and/or disturbed by the research activities.

Authorised taking/disturbance methodology:

Targeted survey and capture of Main's assassin spider by sieving of suspended leaf litter into a sampling tray. Once identified, spiders will be released immediately.

Any injured spiders will be retained in 100% ethanol for DNA testing by the WA Museum.

All proposed activities will be conducted in accordance with Aurora Environmental's Standard Operating Procedure (SOP) *Sampling for Main's Assassin Spider* developed in consultation with WA Museum.

.....^{ks}..... (Delegates initials)

ADDITIONAL AUTHORISED PERSONS

Additional personnel who are suitably qualified and experienced in the authorised activities working under the direction of the authorisation holder or named additional authorised person.

Volunteer field assistants assisting with the authorised activities working under the direct supervision of the authorisation holder or named additional authorised person.

CONDITIONS

1. The written authorisation of the person in possession or occupation of the land accessed and upon which threatened fauna is taken or disturbed must:
 - a) state location details (including lot or location number, street/road, suburb and local government authority);
 - b) state land owner or occupier name, and contact phone number;
 - c) specify the time period that the authorisation is valid for;
 - d) be signed and dated; and
 - e) be attached to this Authorisation to take or disturb threatened species at all times.
2. This Authorisation to take or disturb threatened species, and any other written authorisation or lawful authority which authorises the take or disturbance of fauna on specified locations for the authorised activities must be carried at all times while conducting authorised activities and be produced on demand by a wildlife officer.
3. Any inadvertently captured species of non-target threatened fauna or non-threatened fauna (threatened fauna as defined in *Biodiversity Conservation Act 2016* Section 19) is to be released immediately at the point of capture. Details of such fauna must be included in the fauna taking return as required under this authorisation.
4. The authorisation holder, unless specified in the authorised activities, must not:
 - a) release any threatened fauna in any area where it does not naturally occur;
 - b) transfer threatened fauna to any other person or authority (other than the Western Australian Museum) unless the fauna is injured or abandoned fauna (condition 5); or
 - c) dispose of the remains of threatened fauna in any manner likely to confuse the natural or present-day distribution of the species.
5. All threatened fauna injuries, unexpected deaths, unplanned euthanasia, and abandoned young or eggs, must be reported by the authorisation holder to the DBCA Wildlife Licensing Section (wildlifelicensing@dbca.wa.gov.au) to notify of the incident and for advice on treatment or disposal. All deceased threatened fauna must be offered to the Western Australian Museum.
6. All holotypes and syntypes and a half share of paratypes of species or subspecies permitted to be permanently taken under this authorisation must be donated to the Western Australian Museum. Duplicates (one pair in each case) of any species collected, which represents a significant extension of geographic range must be offered to the Western Australian Museum.
7. To prevent any unnecessary collecting in this State, all specimens and material taken and retained under this authorisation, that remain at the conclusion of the activities, must be offered to the Western Australian Museum for loan, for inclusion in its collection, or made available to other persons involved in relevant scientific studies if so required.
8. The authorisation holder must create, compile and maintain records and information as required in a DBCA approved "Return of Fauna Taken" of all fauna taking activities as they occur.
9. A DBCA approved "Return of Fauna Taken" must be completed in full (including nil taking details) and submitted to DBCA Wildlife Licensing Section (wildlifelicensing@dbca.wa.gov.au)

.....¹³..... (Delegates initials)

prior to the end of each annual period of the licence (from the valid from date) (refer to "Additional Information" section below). Where a licence to take or disturb fauna is issued in conjunction with this Authorisation to take or disturb threatened species, a combined "Return of Fauna Taken" may be completed and submitted.

10. A written report detailing the undertaken authorised activities, outcome, unintended incidents, injuries and mortalities of threatened fauna, implemented monitoring, mitigation and management, and explaining the records and information as required in a DBCA approved "Return of Fauna Taken" must be submitted, in addition to a "Return of Fauna Taken", to DBCA Wildlife Licensing Section (wildlifelicensing@dbca.wa.gov.au).

ADDITIONAL INFORMATION

1. Before undertaking the Authorised Activity, permission must be obtained from: (a) the owner or occupier of private land; or (b) the Department or Authority controlling Crown land, on which the Threatened Fauna occur. This includes obtaining the written endorsement from Department of Biodiversity, Conservation and Attractions (DBCA) if the authorised activity is proposed for land managed by DBCA.
2. This Authorisation to take or disturb threatened species does not constitute lawful authority issued under regulations 4 and 8 of the *Conservation and Land Management Regulations 2002*. Contact the applicable Department District Officer for further information.
3. The approved DBCA "Return of Fauna Taken" data file can be downloaded from the DBCA webpage (<https://www.dpaw.wa.gov.au/plants-and-animals/licences-and-authorities>).
4. Any interaction involving nationally listed threatened fauna that may be harmful to the fauna and/or invasive may require approval from the Commonwealth Department of the Environment and Energy (<http://www.environment.gov.au/biodiversity/threatened/permits>). Interaction with such species is controlled by the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and *Environment Protection and Biodiversity Conservation Regulations 2000*.
5. It is the responsibility of the authorisation holder to ensure that they comply with the requirements of all applicable legislation.
6. An Authorisation to take or disturb threatened species does not constitute an animal ethics approval or a licence to use animals for scientific purposes as required under the *Animal Welfare Act 2002*, *Animal Welfare (Scientific Purposes) Regulations 2003*. Enquiries relating to the Animal Welfare Act licences and animal ethics approvals are to be directed to the Western Australian Department of Primary Industries and Regional Development (<https://www.agric.wa.gov.au/animalwelfare>).

.....
Margaret Byrne
Dr Margaret Byrne
Executive Director of Biodiversity and
Conservation Science
AS DELEGATE OF THE MINISTER
DATE: ...16./.....18.../2019

APPENDIX 6

Conservation Codes



CONSERVATION CODES

For Western Australian Flora and Fauna

Threatened, Extinct and Specially Protected fauna or flora¹ are species² which have been adequately searched for and are deemed to be, in the wild, threatened, extinct or in need of special protection, and have been gazetted as such.

The *Wildlife Conservation (Specially Protected Fauna) Notice 2018* and the *Wildlife Conservation (Rare Flora) Notice 2018* have been transitioned under regulations 170, 171 and 172 of the *Biodiversity Conservation Regulations 2018* to be the lists of Threatened, Extinct and Specially Protected species under Part 2 of the *Biodiversity Conservation Act 2016*.

Categories of Threatened, Extinct and Specially Protected fauna and flora are:

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

Listed by order of the Minister as extinct under section 23(1) of the BC Act as extinct or extinct in the wild.

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.

1 Priority 1: 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.

2 Priority 2: 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.

3 Priority 3: 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.

4 Priority 4: 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.

¹ The definition of flora includes algae, fungi and lichens

² Species includes all taxa (plural of taxon - a classificatory group of any taxonomic rank, e.g. a family, genus, species or any infraspecific category i.e. subspecies or variety, or a distinct population).

APPENDIX 7

Vegetation Condition Scale

Vegetation Condition Scale (Thackway and Lesslie 2006)

		Native Vegetation Cover			Non-native Vegetation Cover		
Vegetation Cover Class Criteria	Type 0 - Naturally bare Areas where native vegetation does not naturally persist	Type I Residual Native vegetation community structure, composition, and regenerative capacity intact – no significant perturbation from landuse/land management practice	Type II Modified Native vegetation community structure, composition and regenerative capacity intact – perturbed by land use /land management practice	Type III Transformed Native vegetation community structure, composition and regenerative capacity significantly altered by land use/land management practice	Type IV Replaced Adventive Native vegetation replacement – species alien to the locality and spontaneous in occurrence	Type V Replaced Managed Native vegetation replacement with cultivated vegetation	Type VI Removed Vegetation removal
Diagnostic Criteria	Natural regenerative capacity unmodified	unmodified, structural and compositional integrity of native vegetation is very high	Natural regeneration tolerates/endures under past &/or present current land management practices. Structure is predominantly altered but intact e.g. a layer and/growth form and or age classes removed. Composition of vegetation is altered but intact	Natural regenerative capacity is limited/at risk under past &/or current land use or land management practices. Rehabilitation and restoration possible through modified land management practice Dominant structuring species of native vegetation community significantly altered e.g. a layer frequently and repeatedly removed	Regeneration of native vegetation community has been suppressed by ongoing disturbances of the natural regenerative capacity Limited potential for restoration. Dominant structuring species of native vegetation removed or predominantly cleared or extremely degraded.	Regeneration of native vegetation community lost or suppressed by intensive land management. Limited potential for restoration. Dominant structuring species of native vegetation community removed.	Nil or minimal. Vegetation absent or ornamental
Corresponding Keighery (1994) Condition Scale		Very good excellent, pristine	Good to very good	Very degraded to degraded/good	Completely degraded	Completely degraded	

Thackway, R. and Lesslie, R. (2006) Reporting Vegetation Condition Using the Vegetation Assets, States and Transitions (VAST) Framework. Ecological Management and Restoration. 7, Suppl. 1. S53-S62
 Keighery (1994) Keighery, B.J. (1994) Bushland plant survey. A guide to plant community survey for the community. Wildflower Society of WA (Inc.), Nedlands, Western Australia.

APPENDIX 8

Potential Habitat Trees

Zone	Easting	Easting	Id	TaxonName	SiteName	DateObs	Comments
50	544981	544981	1	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544974	544974	2	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544966	544966	3	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544952	544952	4	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544932	544932	5	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Small hollow with bees
50	544904	544904	6	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Small hollows
50	544893	544893	7	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544892	544892	8	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544892	544892	8	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544892	544892	8	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544891	544891	11	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544871	544871	12	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544849	544849	13	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	
50	544846	544846	14	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	Small hollow
50	544837	544837	15	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	
50	544824	544824	16	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	
50	544801	544801	17	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	Tree with medium hollow, but core is burnt out of base
50	544779	544779	18	Dead	Lake Saide Road Reserve	10/10/2019	Dead tree small hollow
50	544772	544772	19	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	Small hollows
50	544769	544769	20	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	Dead portion of tree with small hollows
50	544736	544736	21	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Incipient large hollow but base of tree burnt out
50	544725	544725	22	Eucalyptus marginata	Lake Saide Road Reserve	10/10/2019	
50	544725	544725	22	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544716	544716	24	Dead	Lake Saide Road Reserve	10/10/2019	Dead tree
50	544705	544705	25	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544691	544691	26	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree (20+m) with small hollows
50	544673	544673	27	Dead	Lake Saide Road Reserve	10/10/2019	Dead tree (20+m)
50	544665	544665	28	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	Large tree (20+m)
50	544630	544630	29	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544592	544592	30	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544542	544542	31	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544526	544526	32	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544501	544501	33	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544450	544450	34	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	Large tree (20+m) with small hollows
50	544447	544447	35	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Potential incipient hollow
50	544442	544442	36	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544421	544421	37	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544421	544421	37	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544402	544402	39	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544400	544400	40	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544391	544391	41	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544391	544391	41	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544373	544373	43	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	

50	544371	544371	44	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544369	544369	45	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	544368	544368	46	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544366	544366	47	Dead	Lake Saide Road Reserve	10/10/2019	Dead/broken tree with incipient hollow at 7m height
50	544340	544340	48	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	Dead/broken tree
50	544320	544320	49	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544304	544304	50	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree with potential small and medium hollows
50	544284	544284	51	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree with potential small and medium hollows
50	544269	544269	52	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree with potential small and medium hollows
50	544255	544255	53	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Small hollows
50	544212	544212	54	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544209	544209	55	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544196	544196	56	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544178	544178	57	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544166	544166	58	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544162	544162	59	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree (20+m) with small hollows
50	544142	544142	60	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544130	544130	61	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544126	544126	62	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544119	544119	63	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544106	544106	64	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544100	544100	65	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544100	544100	65	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544099	544099	67	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree
50	544096	544096	68	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544095	544095	69	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544095	544095	69	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544094	544094	71	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Tree snapped off with incipient hollow at 5m height
50	544089	544089	72	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544085	544085	73	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544075	544075	74	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544064	544064	75	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Very large tree with possible small to medium hollows
50	544046	544046	76	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544043	544043	77	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544041	544041	78	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544039	544039	79	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544039	544039	79	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	544038	544038	81	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Small hollows
50	544023	544023	82	Dead	Lake Saide Road Reserve	10/10/2019	Dead tree
50	544009	544009	83	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543988	543988	84	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree (20+m) with small hollows
50	543987	543987	85	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	543984	543984	86	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Large tree (20+m) with small hollows
50	543953	543953	87	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	

50	543949	543949	88	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	Very large tree with possible small to medium hollows
50	543937	543937	89	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543914	543914	90	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	Large tree
50	543909	543909	91	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543900	543900	92	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543898	543898	93	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543895	543895	94	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	Very large tree
50	543892	543892	95	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543868	543868	96	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543868	543868	96	Eucalyptus diversicolor	Lake Saide Road Reserve	10/10/2019	
50	543864	543864	98	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	Very large tree
50	543857	543857	99	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	543854	543854	100	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	Small/incipient hollows
50	543854	543854	100	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	543852	543852	102	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543848	543848	103	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543846	543846	104	Corymbia calophylla	Lake Saide Road Reserve	10/10/2019	
50	543836	543836	105	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543819	543819	106	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543739	543739	107	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	Large branching tree
50	543737	543737	108	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543677	543677	109	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543676	543676	110	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543657	543657	111	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543624	543624	112	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543597	543597	113	Eucalyptus marginata	Lake Saide Road Reserve	8/10/2019	
50	543579	543579	114	Eucalyptus marginata	Lake Saide Road Reserve	8/10/2019	
50	543574	543574	115	Eucalyptus marginata	Lake Saide Road Reserve	8/10/2019	
50	543553	543553	116	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543491	543491	117	Eucalyptus diversicolor	Lake Saide Road Reserve	8/10/2019	
50	543474	543474	118	Dead	Lake Saide Road Reserve	8/10/2019	dead tree with small hollows
50	543474	543474	118	Dead	Lake Saide Road Reserve	8/10/2019	dead tree with small hollows
50	543455	543455	120	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543413	543413	121	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543348	543348	122	Corymbia calophylla	Lake Saide Road Reserve	8/10/2019	
50	543344	543344	123	Dead	Brown Road Reserve	8/10/2019	Dead tree with small hollows (bees)
50	543299	543299	124	Corymbia calophylla	Brown Road Reserve	8/10/2019	Large branching tree with small/ incipient hollows. Burnt out centre.
50	543295	543295	125	Corymbia calophylla	Brown Road Reserve	8/10/2019	Large branching tree with small/ incipient hollows
50	543278	543278	126	Corymbia calophylla	Brown Road Reserve	8/10/2019	
50	543276	543276	127	Corymbia calophylla	Brown Road Reserve	8/10/2019	Large branching tree with small/ incipient hollows
50	543273	543273	128	Corymbia calophylla	Brown Road Reserve	8/10/2019	
50	543266	543266	129	Corymbia calophylla	Brown Road Reserve	8/10/2019	
50	541669	541669	130	Eucalyptus megacarpa	Lee Road Reserve	8/10/2019	

APPENDIX 9

EPA Decision Report

Public record pursuant to s39(1) of the *Environmental Protection Act 1986*

Proposal Title: Nullaki Lime Pit

Proposal Location: Lot 9005 Rock Cliff Circle Nullaki Peninsula, Denmark

Case Number: CMS17010

Date referral received: 17 January 2017 **Date more information received:** 28 July 2017

Referrer: Mr Martin Bowman - Bowman and Partners Environmental Pty Ltd

Proponent: Graeme Robertson

Potential significant effects:

The proposal has the potential to impact on preliminary key environmental factors associated with clearing, and potentially on social surrounds related to the Bibbulmun Track.

Public comment on referral information:

Do not assess:	2
Assess: a) Referral information	2
b) Environmental review - no public review	4
c) Public environmental review	19
<i>Total submissions:</i>	27

Decision: s. 39A – Not Assess

Referral Examined, preliminary investigations and inquiries conducted. Proposal not to be assessed under Part IV of the EP Act – Dealt with Under Part V Division 2 of the Act (Clearing).

Explanation of decision:

The proposal to re-establish a lime extraction pit and infrastructure on the Nullaki Peninsula. The extent of the clearing footprint is relatively small and the potential impacts have been reduced by utilising cleared and degraded areas. The proposal will impact 11.22 ha of native vegetation which are common communities in the region.

The EPA considers that the proposal is unlikely to have a significant impact on the environment and does not warrant formal assessment. The potential environmental impacts of the proposal on native vegetation clearing can be effectively and appropriately assessed under Part V Division 2 of the Act (Clearing). Matters of noise, dust and vehicle movements, including on the Bibbulmun Track, should be considered by the City of Albany as part of its planning process.

Appeals: Decision not appealable.


Dr Tom Hatton

CHAIRMAN

Delegate of the Environmental Protection Authority

Date: 16/8/17