



GOVERNMENT OF
WESTERN AUSTRALIA

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Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 2191/1

Person(s) to whom this notice is given:
(being the owners of the land described below)

Allen Bruce Caratti
Director
Oakford Land Company Pty Ltd (ACN: 113 593 883)
48 Wickham Street
EAST PERTH WA 6004

Land to which this notice relates ("the land"):

Lot 8 on Diagram 53380 as comprised on Certificate of Title Volume 2132 Folio 850

Reasons for which this notice is served:

This vegetation conservation notice is given because I suspect on the following grounds that unlawful clearing has taken place, and is likely to take place, on the land:

- (a) Examination of aerial photography has shown that the land was cleared between December 2005 and December 2006.
- (b) A site inspection carried out by inspectors on 21 November 2007 observed that the land had been cleared and that the native vegetation was regenerating.
- (c) This clearing does not appear to be of a kind set out in Schedule 6 or of a kind prescribed for the purposes of section 51C(c) of the *Environmental Protection Act 1986*.
- (d) Given natural regeneration further clearing would be necessary to fully clear the *revegetation area*.

Requirements of this Notice:

The persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, are required to do the following specified measures to maintain and re-establish native vegetation within the area affected by the clearing to a *condition* as near as possible to the *condition* of the native vegetation before the clearing occurred:

1. **No unlawful clearing**

The persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice is required to ensure that no unlawful clearing, or further unlawful clearing, takes place on the land.

2. **Weed control**

The persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, shall selectively remove or kill all *invasive weed* species within the *revegetation area* during September or October of each year.



3. Monitoring

The persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, shall engage a *flora specialist* to undertake the following measures within the *revegetation area*:

- (a) Establish six *quadrats* within the *revegetation area* at the locations shown on Plan 2191/1b of this vegetation conservation notice;
- (b) In September and November of each and every year for the duration of the vegetation conservation notice determine the species composition, structure, density and *condition* of the vegetation within the *quadrats*.

4. Revegetation

Where, after two years of monitoring pursuant to measure 3, in the opinion of a *flora specialist*, the species composition, structure, density and *condition* determined under measure 3(b) will not result in a similar species composition, structure, density and *condition* to pre-clearing vegetation types in the *revegetation area*, the persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, shall undertake the following actions within the *revegetation area*:

- (a) Deliberately plant and/or seed native vegetation that will result in a similar species composition, structure, density and *condition* of native vegetation to pre-clearing vegetation types in the *revegetation area*;
- (b) Ensure only local provenance seeds and propagation material from within 10km of the area cleared are used to *revegetate* the *revegetation area*;

5. Success of revegetation

If for any reason the *revegetation* undertaken in accordance with measure 4 fails, the persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, shall implement the requirements of measures 4(a) and 4(b) again until the *revegetation*, in the opinion of the CEO, will result in a similar species composition, structure, density and *condition* to pre-clearing vegetation types in that area.

6. Records must be kept

The persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, shall maintain the following records for activities done pursuant to this vegetation conservation notice, as relevant:

- (a) In relation to weed control pursuant to measure 2:
 - (i) The date of the activities; and
 - (ii) A description of the *invasive weed* control undertaken.
- (b) In relation to the monitoring of areas pursuant to measure 3:
 - (i) The date of the monitoring;
 - (ii) A description of the monitoring undertaken; and
 - (iii) The species composition, structure, density and *condition* of *revegetation* measured.
- (c) In relation to the *revegetation* of areas pursuant to measure 4:
 - (i) The commencement date of *revegetation*;
 - (ii) A description of the *revegetation* activities undertaken;
 - (iii) The size of the area *revegetated* (in hectares); and
 - (iv) The species composition, structure, density and *condition* of *revegetation* measured.

7. Reporting

The persons to whom this vegetation conservation notice is given, and each subsequent owner and occupier of the land who is bound by this vegetation conservation notice, shall provide to the CEO on or before 30 June of each year, for the term of this vegetation conservation notice, a written report of records required under measure 6 and activities done under this vegetation conservation notice between 1 January and 31 December of the preceding year.

Definitions:

condition means the rating given to native vegetation using the Keighery scale and refers to the degree of change in the structure, density, and species present in the particular vegetation in comparison to undisturbed vegetation of the same type. Keighery scale means the vegetation condition scale described in *Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)* as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia;

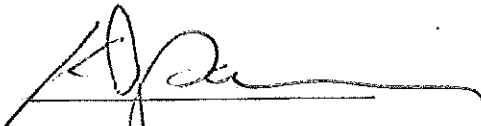
flora specialist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora.

invasive weed means *Brassica species* (Mustard Plants), *Ehrharta species* (Veldt Grasses), *Gomphocarpus fruticosus* (Narrow-leaf Cottonbush), *Phytolacca octandra* (Inkweed) and *Solanum nigricans* (Black Berry Nightshade).

quadrat means a 10m x 10m plot established for the purpose of monitoring native vegetation species composition, structure, density and *condition*.

revegetate, revegetated and revegetation means the re-establishment of a cover of native vegetation in an area such that the species composition, structure, density and *condition* is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding and/or planting.

revegetation area means the area cross hatched red on Plan 2191/1a attached to this vegetation conservation notice.



KJ Taylor
Deputy Director General, Environment
Department of Environment and Conservation

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

22 February 2008

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Important Information:

A PERSON WHO IS BOUND BY THIS VEGETATION CONSERVATION NOTICE AND WHO DOES NOT COMPLY WITH THIS VEGETATION CONSERVATION NOTICE COMMITS AN OFFENCE UNDER THE ENVIRONMENTAL PROTECTION ACT 1986.

Under section 103 of the *Environmental Protection Act 1986*:

- A person who is aggrieved by a requirement contained in this vegetation conservation notice may within 21 days of being given this notice lodge with the Minister for the Environment an appeal in writing setting out the grounds of that appeal.
- Any other person who disagrees with a requirement contained in this vegetation conservation notice may within 21 days of the making of that requirement lodge with the Minister for the Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS VEGETATION CONSERVATION NOTICE CONTINUE TO HAVE EFFECT.