



GOVERNMENT OF
WESTERN AUSTRALIA

Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 2514/1

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

Directors
Kelele Pty Ltd (ACN: 008 931 771)
557 Pinjarra Road
Barragup WA 6209

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

Lot 2 on Plan 5383 as comprised on Certificate of Title Volume 1970 Folio 17
Lot 3 on Plan 5383 as comprised on Certificate of Title Volume 1097 Folio 895
Lot 21 on Diagram 59069 as comprised on Certificate of Title Volume 1616 Folio 372

Reasons for which this notice is given:

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

- (a) Examination of aerial photography has shown that the land was cleared between May 2006 and December 2006.
- (b) A site inspection by inspectors on 17 October 2006 observed that the land had been cleared.
- (c) This clearing is not in accordance with section 51C of the *Environmental Protection Act 1986*.

Requirements of this vegetation conservation 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 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 Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice shall ensure that no unlawful clearing, or further unlawful clearing, takes place on the land.

2. Cultivation prohibited

The Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice, shall not cultivate the *revegetation area* for any purpose including pasture, cropping or forestry for a period of ten years from the commencement date of this notice.

3. Exclusion of stock

The Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice, shall exclude all classes of livestock from the *revegetation area*.

4. Weed control

The Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice, shall for ten years after the commencement of the vegetation conservation notice:

- (a) selectively remove or kill all *invasive weed* species within the *revegetation area* during the months of September or October; and
- (b) selectively remove or kill *weed* species within the *revegetation area* during the months of September or October so that the percentage of the total vegetation cover that is *weed* species is less than 40%.

5. 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 within the *revegetation area*:

- (a) Establish four *quadrats* within the *revegetation area* at the locations shown on Plan 2514/1b of this vegetation conservation notice by undertaking the following measures;
 - (i) identify each *quadrat* with permanent markers (fence droppers) at each corner; and
 - (ii) in September and November of each and every year determine the species composition, structure, density and *condition* of the vegetation within the *quadrats*.
- (b) Establish four *transects* within the *revegetation area* at the locations shown on Plan 2514/1b of this vegetation conservation notice by undertaking the following measures;
 - (i) identify each transect with permanent markers (fence droppers) at either end;
 - (ii) in September and November of each and every year record all flora taxa that intersect each *transect* at 5 centimetre intervals;
 - (iii) in September of each and every year take one photograph from each end of each *transect*.
 - (iv) in September of each and every year determine the species composition, structure, density and *condition* of the vegetation along each *transect*; and
 - (v) in September of each and every year determine the percentage cover of weed species along each *transect*.

6. Revegetation

Where, after two years of monitoring pursuant to measure 5, in the opinion of a *flora specialist*, the species composition, structure, density and *condition* determined under measure 5(b) has not resulted in a similar species composition, structure, density and *condition* to pre-clearing vegetation types in the *revegetation area*, the Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice, shall for ten years after the commencement of the vegetation conservation notice undertake the following specified measures 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*; and
- (b) ensure only local provenance seeds and propagation material from within 10km of the area cleared are used to *revegetate* the *revegetation area*;

7. Success of revegetation

If for any reason the *revegetation* undertaken in accordance with measure 6 fails, the Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice, shall implement the requirements of measures 6(a) and 6(b) again for ten years after the commencement of the vegetation conservation notice 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.

8. Records must be kept

The Owner, and each subsequent owner and occupier of the Land who is bound by this vegetation conservation notice, shall maintain the following records for ten years after the commencement of the vegetation conservation notice for activities done pursuant to this vegetation conservation notice, as relevant:

- (a) In relation to weed control pursuant to measure 4:
 - (i) the date of the activities; and
 - (ii) a description of the *invasive weed* and *weed* control undertaken.
- (b) In relation to the monitoring of areas pursuant to measure 5:
 - (i) the date of the monitoring;
 - (ii) a description of the monitoring undertaken;
 - (iii) the species composition, structure, density and *condition* of *revegetation* measured; and
 - (iv) the percentage of the total vegetation cover that is *weed* species.
- (c) In relation to the *revegetation* of areas pursuant to measure 6:
 - (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.

9. Reporting

The Owner, 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 ten years after the commencement of the vegetation conservation notice, a written report of records required under measure 8 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 *Eragrostis curvula* (African Lovegrass), *Ehrharta* spp (Veldt Grasses), *Arctotheca calendula* (Cape Weed), *Brassica* spp. (Wild Turnip), *Raphanus raphanistrum* (Wild Radish).

quadrat means a 10m x 10m plot established in the locations depicted on Plan 2514/1b 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 2514/1a attached to this vegetation conservation notice.

transect means a linear sampling area for the purpose of monitor changes in native vegetation species composition, structure, density and condition.

weed means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*, but excludes *invasive weeds*.



Stuart Cowie
A/Deputy Director General, Environment
Department of Environment and Conservation
*Officer delegated under Section 20 of
the Environmental Protection Act 1986*

8 October 2009

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 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 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 NOTICE CONTINUE TO HAVE EFFECT.