



Section 70(2)  
*Environmental Protection Act 1986.*

## VEGETATION CONSERVATION NOTICE

CPS 3271/1

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

William Robert Passey and Judith May Passey  
557 Pinjarra Road  
Barragup WA 6209

**Land to which this notice relates ("the land"):**  
Lot 22 on Diagram 59069 as comprised on Certificate of Title Volume 1616 Folio 373

**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 one *quadrat* within the *revegetation area* at the location shown on Plan 3271/1b of this vegetation conservation notice by undertaking the following measures;
  - (i) identify the *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 *quadrat*.
- (b) Establish one *transect* within the *revegetation area* at the location shown on Plan 3271/1b of this vegetation conservation notice by undertaking the following measures;
  - (i) identify the 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 the *transect* at 5 centimetre intervals;
  - (iii) in September of each and every year take one photograph from each end of the *transect*.
  - (iv) in September of each and every year determine the species composition, structure, density and *condition* of the vegetation along the *transect*; and
  - (v) in September of each and every year determine the percentage cover of weed species along the *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 this 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 3271/1b 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 3271/1a 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*.

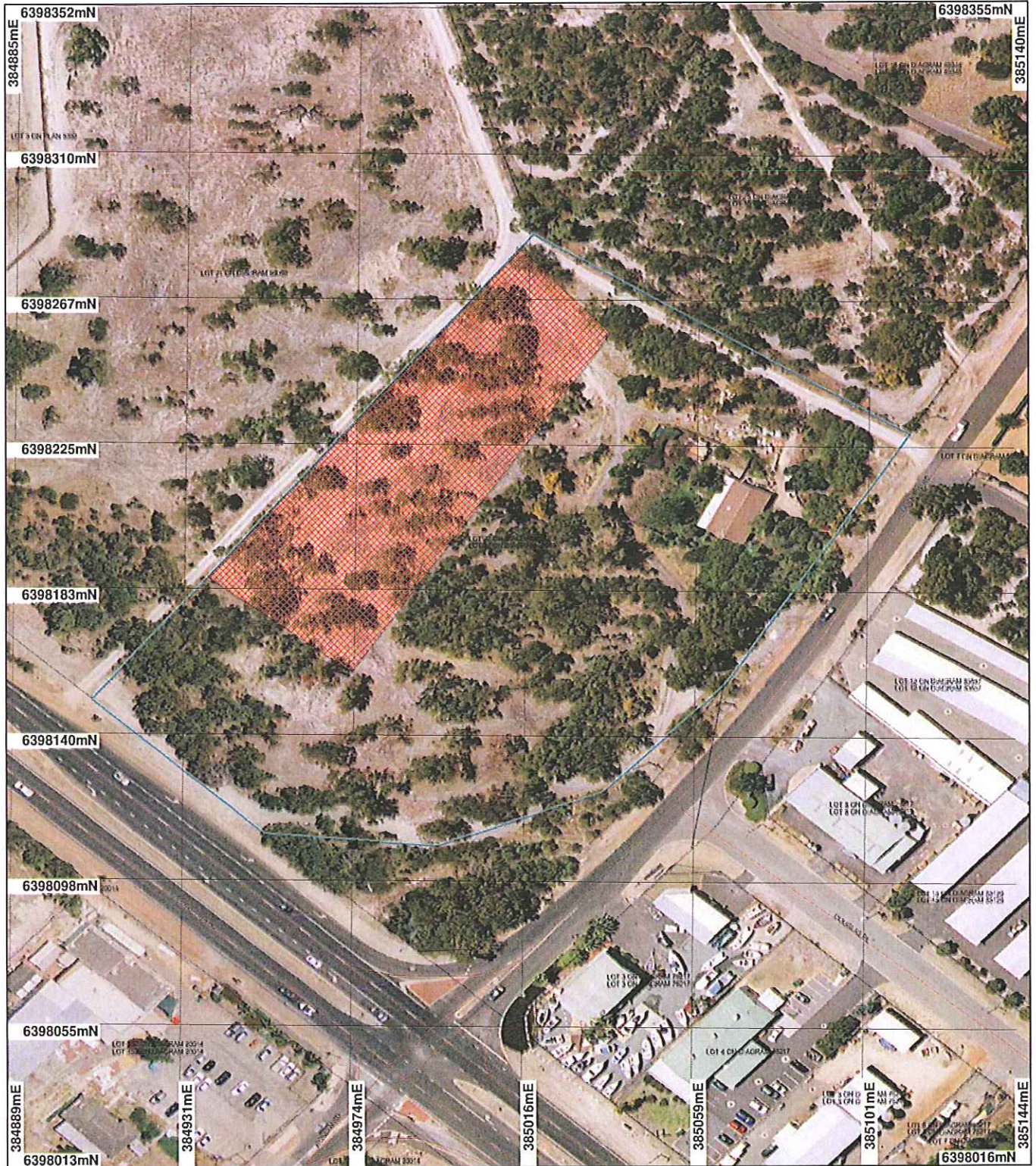
Under section 103 of the *Environmental Protection Act 1986*:

- 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.

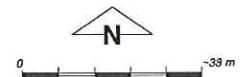


# Plan 3271/1a



## LEGEND

- Land parcels related to Instrument
- Areas Subject to Conditions
- Road Centrelines
- Cadastre  
Perth Metropolitan Area  
South 20cm Orthomosaic -  
Landgate 2007



Scale 1:1500  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Date 8-10-09

Stuart Cowie  
Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of  
Environment and Conservation  
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# Plan 3271/1b



## LEGEND

- Land parcels related to Instrument
- Clearing Instruments
- Areas Subject to Conditions
- Road Centrelines
- Cadastre
- Perth Metropolitan Area
- South 20cm Orthomosaic
- Landgate 2007



0 38 m

Scale 1:1500

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*[Signature]* Date 3.10.07  
Stuart Cowie

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

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Department of Environment and Conservation

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