



Section 70(2)
Environmental Protection Act 1986

VEGETATION CONSERVATION NOTICE

CPS 7907/1

Person to whom this vegetation conservation notice is given ("the Owner"):
(being the owner of the land described below)

Bias Holdings Pty Ltd
PO Box 29
MOORA WA 6510

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

Lot 3903 on Deposited Plan 209569 as comprised on Certificate of Title Volume 1859 Folio 822

Reasons for which this vegetation conservation notice is served:

This vegetation conservation notice is given for the following reasons:

- (a) Site inspections by Department of Water and Environmental Regulation Inspectors on 5 December 2017 observed that clearing of native vegetation had taken place.
- (b) Examination of aerial and satellite imagery has shown the land contained native vegetation.
- (c) I suspect on reasonable grounds that the clearing was not authorised by a clearing permit or by exemption under the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- (d) I suspect on reasonable grounds that unlawful clearing of native vegetation, constituting a contravention of section 51C of the *Environmental Protection Act 1986*, has taken place.

Requirements of this vegetation conservation notice:

The person(s) 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 undertake the following specified measures, for a period of ten years from the date this notice is given to re-establish and maintain vegetation on any area affected by the clearing to a condition as near as possible to the condition of the vegetation before the clearing occurred.

1. No unlawful clearing

Ensure that no unlawful clearing, or further unlawful clearing, takes place on the land.

2. Revegetation

Undertake *revegetation* within the *specified area* so as to achieve a species composition, structure, density and *vegetation condition* of native vegetation similar to pre clearing species composition, structure, density and *vegetation condition* by:

- a) deliberately planting and/or seeding native vegetation; and

- b) Ensure only *local species* are used in the *revegetation*; and
- c) Complete initial *revegetation* by 31 July 2019.

3. Success of Revegetation

Where, for any reason, *revegetation* undertaken under measure 2 (a) of this notice is not achieved, each and every year for a period of ten (10) years after the giving of this notice, or until, in the opinion of the CEO, *revegetation* is achieved, whichever is the lesser period, continue to *revegetate* the *specified area*.

4. Cultivation prohibited

Ensure no cultivation, including scraping, raking, ploughing or mechanical movement of soil, is carried out within the *revegetated* area other than for purposes required under this vegetation conservation notice or for the purpose of complying with a written firebreak notice.

5. Exclusion of Livestock

Ensure that *livestock* are excluded from the *revegetated* area and not cause or permit *livestock* to enter or remain within the *revegetated* area.

6. Weed control

Each and every year for a period of ten (10) years after the giving of this notice

- (a) Remove or kill *weed species* within the *specified area* during the month of September of each year so that the *percentage cover* that is *weed species* is less than 20%; and
- (b) Complete initial weed control by 31 October 2018.

7. Monitoring

Engage an *environmental specialist* to carry out one vegetation survey across a 2 metre wide, 50 metre transect in each of the *specified areas* (Area 1 and Area 2) in the month of September or October of each and every year for a period of ten (10) years after the giving of this notice to determine:

- (i) The species composition, structure, density and *vegetation condition* of native vegetation
- (ii) The *percentage cover* of vegetation that is *weed species*.

8. Records must be kept

Maintain the following records for a period of ten (10) years from the date of the giving of this vegetation conservation notice:

- a) in relation to the *revegetation* of the *specified area*:
 - (i) The date or dates of *revegetation* activities undertaken
 - (ii) Species planted or seeded
 - (iii) The number of each species planted or the quantity of seed for each species sown
 - (iv) A description of the *revegetation* activities undertaken
 - (v) The species composition, structure, density and *vegetation condition* of native vegetation in the *revegetated* area as determined by the monitoring carried out under measure seven (7) of this notice.
- b) in relation to weed control:
 - (i) The date or dates on which *weed species* control activities were carried out
 - (ii) A description of the *weed species* control activities carried out on each date
 - (iii) The *percentage cover* of vegetation that is *weed species* within the *specified area* as determined by the monitoring carried out under measure seven (7) of this notice.

9. Reporting

For a period of ten (10) years after the giving of this notice, provide to the *CEO*, on or before 30 June of each year, a written report of records kept under measure eight (8) of this notice for the period 1 January to 31 December of the preceding year.

Definitions:

CEO means the Chief Executive Officer of the Department of the Public Service of the State through which the *Environmental Protection Act 1986* is administered.

coordinate means a Map Grid of Australia (Geocentric Datum of Australia 1994) coordinate for zone 50.

environmental specialist means a person who holds a tertiary qualification in environmental science or equivalent, and has experience in the assessment of Western Australian native vegetation.

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.

livestock means any animal kept for domestic or commercial purposes and includes any horse, donkey, mule, cattle, sheep, swine, goat, buffalo, deer, camel or alpaca.

local species means indigenous species within 20 kilometres of the land.

percentage cover means the area of ground covered by the canopy of each and every species of flora, including native flora, *weed species* within the *specified area* expressed as a percentage of the total cover of all species within the *specified area*.

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 *vegetation condition* is similar to pre-clearing vegetation in that area, and can involve natural regeneration, direct seeding and/or planting.

specified areas means the two portions of Lot 3903 on Deposited Plan 209569 bounded by a line joining the Zone 50 GDA 94 points set out in the tables below consecutively:

<u>AREA ONE</u>		
Point	Easting (m)	Northing (m)
1	356465.16	6614591.08
2	356810.2	6614605.8
3	356875.85	6614526.26
4	356911.5	6614547.2
5	356954.8	6614494.2
6	356549.27	6614289.39

then directly to the point of commencement.

AREA TWO

Point	Easting (m)	Northing (m)
1	357406.32	6613350.62
2	357814.47	6612892.61
3	357786.4	6612875.3
4	357552.88	6612878.39
5	357485.66	6612809.57
6	357452.07	6612824.57
7	357482.8	6612918.04
8	357450.33	6613054.66
9	357387.29	6613175.9
10	357378.71	6613322.43

then directly to the point of commencement.

Vegetation 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.

Weed species means any plant that is not indigenous species within 20 kilometres of the land.



Stuart Cowie

EXECUTIVE DIRECTOR, COMPLIANCE AND ENFORCEMENT
DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION
Officer delegated under Section 20 of the Environmental Protection Act 1986

1 May 2018

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; and
- 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 VEGETATION CONSERVATION NOTICE CONTINUE TO HAVE EFFECT.





Vegetation Conservation Notice CPS 7907/1 - Specified Area Lot 3903 on Deposited Plan 209569



INDICATIVE PLAN

Legend

 Specified Area

 Lot 3903 Property Boundary  Roads

Produced by Stuart Barter, Senior
Investigator, Environmental Enforcement
at 12:00pm 8 February 2018

Projection
MGA zone
50 Datum
GDA 94

0 500 1000 1500 2000 m

The Department of Water and Environmental Regulation does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which arises on any information depicted.