



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

## VEGETATION CONSERVATION NOTICE

CPS 8055/1

**Persons to whom this vegetation conservation notice is given (The Owner):**  
(being the occupier of the land described below)

Mark Basso-Brusa  
Carl Basso-Brusa  
Paul Basso-Brusa

of 69 Challenge Boulevard, WANGARA

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

Lot 1002 on Deposited Plan 38306 as comprised on Certificate of Title Volume 2595 Folio 677

**Reasons for which this vegetation conservation 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 and satellite imagery has shown the land contained native vegetation in 2010.
- (b) A site inspection of the land by Department of Environment Regulation inspectors on 19 April 2018 confirmed that clearing had been carried out.
- (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 Notice:**

The person(s) to whom this vegetation conservation notice is given, and each subsequent owner and or occupier of the land who is bound by this vegetation conservation notice, are required to undertake the following specified measures: for a period of twenty 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 further unlawful clearing takes place on the land.

### **2. Exclusion of stock and vermin**

- (a) Ensure that *livestock* are excluded from the *specified area* and not cause or permit *livestock* to enter or remain within the *specified area*.
- (b) Ensure the *specified area* is free of *vermin*.

### 3. Fencing

- (a) Construct a fence along the northern boundary of the *specified area*, adequate to exclude *livestock* and *vermin* from the *specified area* by 30 June 2019
- (b) For a period of twenty years, from the date of the giving of this vegetation conservation notice, maintain the fence in a condition adequate to exclude *livestock* and *vermin* from the *specified area*.

### 4. Removal of materials and rubbish

By 30 December 2018 remove structures, infrastructure, stored materials and rubbish from the *specified area* and not cause or permit the placing of any materials or rubbish in the *specified area*. Mechanically rip any compacted areas within the *specified area*, excluding the boundary vehicle access track, to a depth of 20cm.

### 5. Revegetation

- (a) *Revegetate* 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* of the *control quadrats* as determined by the initial survey at point 8(a).
- (b) Complete initial *revegetation* by 30 July 2019.
- (c) Ensure only *local species* are used in the *revegetation*

### 6. Success of Revegetation

Where, for any reason, *revegetation* undertaken under measure 5(a) of this notice does not result in a species composition, structure, density and *vegetation condition* of native vegetation similar to pre clearing species composition, structure, density and *vegetation condition* as found in the *control quadrats*, each and every year for a period of up to twenty (20) years after the giving of this notice continue to *revegetate* the *specified area* until a species composition, structure, density and *vegetation condition* of native vegetation similar to species composition, structure, density and *vegetation condition* found in the *control quadrat* is achieved.

OR

Until, in the opinion of the *CEO*, the vegetation species composition, structure, density and *vegetation condition* of native vegetation in the *specified area* is similar to that determined by the vegetation monitoring carried out under measure 8 of this notice, whichever is the lesser period.

### 7. Weed control

Each and every year for a period of twenty (20) years after the giving of this notice

- (a) Complete initial weed control by 30 November 2018
- (b) 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 consist with what was found in the *control quadrats*;

### 8 Monitoring

#### (a) Control Quadrats

Engage an environmental specialist to carry out a vegetation survey within the two *control quadrats* in the month of September or October after the giving of this notice to determine:

- (i) The species composition, structure, density and *vegetation condition* of native vegetation.
- (ii) take photographs of the vegetation facing North, East, South and West from the northwest corner of each *control quadrat*.

(b) Revegetated Area

- (i) Prior to 30 November 2018, establish two, ten metre by ten metre, quadrats located so that the southwest corners are located at the coordinates set out in the table below; and

Quadrat No.	Eastings	Northings
A	400444	6521453
B	400559	6521437

- (ii) Permanently mark the southwest corner of each quadrat with a steel picket.
- (iii) Engage an *environmental specialist* to carry out one vegetation survey in each of the quadrats in the month of September or October of each and every year for a period of twenty (20) years after the giving of this notice to determine:
- (iv) The species composition, structure, density and *vegetation condition* of native vegetation in each quadrat
- (v) The *percentage cover* of native vegetation in each quadrat
- (vi) The *percentage cover* of vegetation in each quadrat that is *weed species*
- (vii) At each post or picket within the 2 quadrats take photographs of the vegetation facing North, East, South and West.

**9. Records must be kept**

Maintain the following records for a period of twenty (20) 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 *specified area* as determined by the monitoring carried out under measure (8) of this notice.
- (vi) The species composition, structure, density and *vegetation condition* of native vegetation of the *control quadrats* as determined by the monitoring carried out under measure (8) of this notice.
- (vii) The photographs taken as required in measure 8(a)(ii).
- (vii) The photographs taken as required in measure 8(b)(vii).

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* as determined by monitoring carried out under measure (8) of this notice.

## 10. Reporting

For a period of twenty (20) 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 8 of this notice for the period 1 January to 31 December of the preceding year.

## DEFINITIONS

The following meanings are given to terms used in this Notice:

**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.

**control quadrats** means the portion of Lot 1002 on which are established two, ten metre by ten metre, quadrats located so that the northwest corners are located at the coordinates set out in the table below; and in the table below:

Point	Easting	Northing
CQ1	400428	6521438
CQ2	400603	6521435

**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 of the *control quadrats*, and can involve natural regeneration, direct seeding and/or planting.

**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.

**Vermin** means European brown rabbit (*Oryctolagus cuniculus*)

**specified area** means the portions of Lot 1002 on Deposited Plan 38306 bounded by a line joining the Zone 50 GDA 94 points set out in the tables below consecutively then directly to the point of commencement:

Point	Easting (m)	Northing (m)
1	400280	6521448
2	400624	6521506
3	400621	6521391
4	400280	6521341



Stuart Cowie  
Executive Director  
Compliance and Enforcement

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

7 December 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.





## Legend

Property boundary

Specified area

Quadrats

Control Quadrat 1

Control Quadrat 2

Gingin\_2035\_Nov\_2014\_Mosaic

Job Ref : CPS 8055/1 ICMS 45112

Produced by Daniel Hunter  
Department of Water and  
Environmental Regulation  
10 October 2018

Projection MGA zone 50  
Datum GDA 94

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