



Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 8056/1

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

Bacopak Pty Ltd
PO BOX 3187
SUCCESS WA 6964

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

Lot 1096 on Deposited Plan 204166 as comprised on Certificate of Title Volume 1840 Folio 519.

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 on the land:

- (a) Examination of aerial and satellite imagery has shown the land contained native vegetation.
- (b) Satellite imagery from 21 December 2015 showed native vegetation present on the property.
- (c) Satellite imagery on the 20 March 2016 showed the native vegetation as not being present.
- (d) A site inspection of the land by Department of Water and Environmental Regulation Inspectors on 8 March 2018 confirmed that clearing had been carried out.
- (e) 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*.
- (f) 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 (20) 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. Cultivation prohibited

For a period of twenty (20) years from the date this notice is given, ensure no cultivation, including harvesting, mowing, scraping, raking, ploughing or mechanical movement of soil, is carried out within the *specified area* other than purposes required under this vegetation conservation notice or for the purpose of complying with a written firebreak notice.

3. Fencing

(a) Construct a fence adequate to exclude livestock and *vermin* from the *specified area* by 31 March 2019.

(b) For a period of twenty (20) 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. 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*.

5. Revegetation

(a) *Revegetate* the *specified area* so as to achieve a species composition, structure, density and *vegetation condition* of native vegetation similar to the species composition, structure, density and *vegetation condition* of the *control transect* as determined in the initial survey at measure 9(a).

(b) Complete initial *revegetation* by 30 September 2020.

(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 species composition, structure, density and *vegetation condition* as found in the *control transect*, 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*

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) Remove or kill *weed species* within the *specified area* during the month of June or July of each year so that the *percentage cover* that is *weed species* is no greater than the *percentage cover* that is *weed species* as found in the *control transect*.
- (b) Complete initial weed control by 31 July 2020.

8. Monitoring

(a) Control Transect

Engage an environmental specialist to carry out one vegetation survey across a 2 metre wide, 200m *control transect* 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) Starting at *control transect* point y take photographs of the vegetation facing North, East, South and West at 20 metre intervals along the transect.

(b) Revegetated Area

- (i) Prior to 30 September 2020, establish five, 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
1	693529	6564009
2	693621	6563979
3	693540	6563916
4	693583	6563816
5	693647	6563736

- (ii) Permanently mark the southwest corner of each quadrat with a steel post or picket.
- (iii) Engage an *environmental specialist* to carry out one vegetation survey in each of the quadrats in the month of September or October with the first survey to be conducted by 31 October 2020 and then every second year for a period of eighteen (18) years 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 that is *weed species*.
- (vii) At each post or picket within the 5 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 transect 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 eighteen (18) years after the giving of this notice, provide to the *CEO*, on or before 30 June of every third year, a written report of records kept under measure 9 of this notice for the period 1 January to 31 December of the preceding year. The reports being due on or before 30 June 2021, 30 June 2024, 30 June 2027, 30 June 2030 and 30 June 2036.

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 transect means the portion of Lot 1096 being a straight line joining the Zone 50 GDA 94 points set out in the table below:

Point	Easting	Northing
X	694444	6562743
Y	694642	6562737

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 transect*, 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.

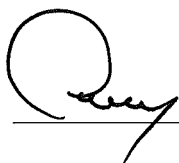
weed species means any plant species that is not indigenous within 20 kilometres of the land.

vermin means European brown rabbit (*Oryctolagus cuniculus*).

specified area means the portions of Lot 1096 on Deposited Plan 204166 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:

Area

Point	Easting (m)	Northing (m)
1	693500	6564064
2	693495	6563668
3	693679	6563673
4	693690	6564062



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.



Government of Western Australia
Department of Water and Environmental Regulation

ICMS 46060 Specified Area



Legend

- ICMS 46060 Boundary
- Specified Area

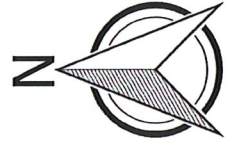
Southern_Cross_2735_Aug_2010_Mosaic

Job Ref : ICMS 46060

Produced by Daniel Hunter
Department of Water and Environmental
Regulation
8 May 2018

Projection MGA zone 50
Datum GDA 94

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Government of Western Australia
Department of Water and Environmental Regulation

ICMS 46060 Control Transect



Legend

-  Control line
-  Control Transect
-  ICMS 46060 Boundary
-  WA_TECPEC_DataUpdate_NoPrelim_B
Southern_Cross_2735_Aug_2010_Mosaic

Job Ref : ICMS 46060

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Projection MGA zone 50
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