



Section 70(2)  
*Environmental Protection Act 1986*

## VEGETATION CONSERVATION NOTICE

CPS 8611/2

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

GARY RUSSELL MCGILL  
OF CALINGIRI

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

Lot 21 on Plan 22279 as comprised on Certificate of Title Volume 2120 Folio 811

**Reasons for which this vegetation conservation notice is served:**

This vegetation conservation notice is given for the following reasons:

- (a) Site inspection by Department of Water and Environmental Regulation Inspectors on 10 July 2019 observed that clearing of native vegetation had taken place.
- (b) Examination of aerial and satellite imagery has shown the land contained native vegetation which has been cleared between 6 February 2018 and 11 February 2018.
- (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 repair any damage caused by the clearing.

### **1. No unlawful clearing**

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

### **2. 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.

### 3. 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*.

### 4. Revegetation

Undertake *revegetation* of a 6.2 hectare area within the *specified area* 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 October 2021.

### 5. Success of Revegetation

Where, for any reason, *revegetation* 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* within *specified area* in accordance with measure 4.

### 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 *revegetated area* during the month of July or August of each year so that the *percentage cover* that is *weed species* is equal to a pre-clearing *percentage cover* within the *cleared area*; and
- (b) Complete initial weed control by 31 August 2021.

### 7. 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* within the *specified area*:
  - (i) A map of the *specified area* providing the location of the *revegetated area*
  - (ii) The date or dates of *revegetation* activities undertaken
  - (iii) Species planted or seeded
  - (iv) The number of each species planted or the quantity of seed for each species sown
  - (v) A description of the *revegetation* activities undertaken
- 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 (8) of this notice.

### 8. Reporting

For a period of ten (10) years after the giving of this notice, provide to the CEO a written report of records kept under measure seven (7) of this notice. The first report is to be provided to the CEO on or before 31 January 2022.

### 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.

**Cleared area** means the portion of Lot 21 on Plan 22279 as comprised on Certificate of Title Volume 2120 Folio 811 bounded by a line joining the Zone 50 GDA 94 points set out in the tables below consecutively:

Point	Easting (m)	Northing (m)
1	449241	6560020
2	449343	6560080
3	449357	6560076
4	449570	6559889
5	449596	6559837
6	449388	6559731

then directly to the point of commencement.

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

**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 flora species that are indigenous within a 20 kilometres radius of the land.

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

**revegetate, revegetated and revegetation (revegetated area)** means the re-establishment of a total area of 6.2 hectares of native vegetation cover within the *specified area* such that:

- the species composition, structure and density is appropriate for the soil type of the area,
- a good to very good *vegetation condition* is achieved,
- the following list of flora species are included:
  - *Acacia acuminata*
  - *Acacia multispicata*
  - *Acacia pulchella*
  - *Banksia attenuata*
  - *Banksia prionotes*
  - *Eucalyptus hypochlamydea* (now *Eucalyptus horistes*)
  - *Eucalyptus pyriformis*
  - *Allocasuarina acutivalvis*
  - *Allocasuarina campestris*
  - *Hakea coriacea* (now *Hakea francisiana*)
  - *Hakea scoparia*
  - *Melaleuca uncinata*
  - *Melaleuca scabra*
- The area of revegetation is contiguous to established, linear stands of tagasaste situated on the southern extent of Lot 21, as depicted in the attached Plan 8611/2.

This can involve natural regeneration, direct seeding and/or planting.

***specified area/s*** means the area within Lot 21 on Plan 22279 as comprised on Certificate of Title Volume 2120 Folio 811 to be revegetation under measure 4 of this Notice.

***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.



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Stuart Cowie

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

24 August 2020

**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

## INDICATIVE PLAN

### VEGETATION CONSERVATION NOTICE - CPS 8611/2

**Property:**  
**Lot 21 on Deposited Plan 22279**

**Registered Proprietor:**  
**Gary Russell McGill**

Produced by Senior Investigator Stuart  
Barter 2:30pm 10 August 2020

#### LEGEND

Established Tagasaste Within Specified Area



Alleged Unauthorised Clearing



Lot 21 - Property Boundary  
21



Chittering\_2017\_50cm\_z50

0 250 500 750 m



North

