



Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 8865/1

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

David Thomas PRICE
Lots 1059 on Deposited Plan 203741, Shire of Westonia

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

Lots 1059 on Deposited Plan 203741 Shire of Westonia as comprised on Certificate of Title Volume 239 Folio 113A.

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 December 2017.
- (b) A site inspection of the land by Department of Water and Environmental Regulation Inspectors on 3 March 2020 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 ten (10) years from the date this notice is given to repair damage caused by the clearing, 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 and to prevent the erosion, drift or movement of sand, soil dust or water.

1. No unlawful clearing

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

2. Exclusion of stock

- (a) Place a fence along the outer boundary of *specified area*.
- (b) Ensure that *livestock* are excluded from the *specified area* for a period of ten years.

3. Establish monitoring quadrats

Within three (3) months of being given this vegetation conservation notice;

(a) Monitoring quadrat

- (i) establish one (1), ten metre by ten metre monitoring quadrat located so that the northwest corner is positioned at the coordinates set out in the table below; and

Quadrat No.	Eastings	Northings
M1	676012	6579642

- (ii) mark the northwest corner of each quadrat with a steel picket;

(b) Control Quadrat

- (i) establish one (1), ten metre by ten metre, quadrat located so that the northwest corner is located at the coordinates set out in the table below,

Quadrat No.	Eastings	Northings
CQ1	675934	6579640

- (ii) mark the northwest corner of each quadrat with a steel picket

4. Monitoring

Engage an *environmental specialist* to undertake the following measures for a period of 10 years after the commencement of the vegetation conservation notice;

- (a) in the first October following the giving of this vegetation conservation notice conduct one survey of the control quadrat established in measure 3 to determine the species composition, structure, density and condition of the vegetation and the percentage cover of vegetation that is weed species;
- (b) in September or October of every second year determine the species composition, structure, density and condition of the vegetation and the percentage cover of vegetation that is weed species within the monitoring quadrat established under measure 3;

- (c) at the time that every survey is conducted take one photograph of the vegetation growing within the quadrat, from the north western marker.

5. Revegetation

Undertake *revegetation* within the land by:

- (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*
- (b) complete the initial *revegetation* by 31 July 2021; and
- (c) Ensure only *local species* are used in the *revegetation*.

6. Success of revegetation

Where, for any reason, *revegetation* is not achieved, each and every year for a period of up to 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 5.

7. Weed control

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

- (a) Complete initial weed control by 30 October 2021
- (b) Remove or kill *weed species* within the *specified area* during September of each year so that the *percentage cover* of weed species is equal to a pre-clearing percentage cover within the cleared area.

8. Records must be kept

For a period of ten years from the date that this vegetation conservation notice is given, the following records shall be maintained for activities done pursuant to this vegetation conservation notice:

In relation to *revegetation*:

- (a) the date/s of *revegetation* activities carried out;
- (b) a description of *revegetation* activities undertaken;
- (c) species planted
- (d) the total number of each species planted
- (e) the total number plants replaced each year.

In relation to weed control;

- (a) the date or dates weed control activities were carried out;
- (b) a description of the weed control activity carried out.

In relation to monitoring

- (a) The species composition, structure, density and *vegetation condition* of the native vegetation of each quadrat;
- (b) the *percentage cover* of native vegetation in each quadrat;
- (c) the *percentage cover* of vegetation in each quadrat that is weed species;
- (d) photograph of the vegetation growing within each quadrat, from the north western marker ;

9. Reporting

Records required under measure 8 shall be submitted to the CEO by 30 June of each reporting year (every two years) on activities done under this vegetation conservation notice between 1 January and 31 December of the preceding two years. The first report being due by 30 June 2022.

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.

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 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.

specified area means the portions of Lot 1059 on Deposited Plan 203741 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 1

Point	Easting (m)	Northing (m)
1	676025	6579954
2	676209	6579952
3	676171	6579224
4	675986	6579546



Stuart Cowie
Executive Director
Compliance and Enforcement

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

10 November 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.