



Section 70(2)
Environmental Protection Act 1986

VEGETATION CONSERVATION NOTICE

CPS 9056/1

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

Seminole Pty Ltd
171 One-O-One Gate Road
DUDININ WA 6363

Land to which this vegetation conservation notice relates ("the land"):
Lot 1 on Diagram 51582 as comprised on Certificate of Title Volume 1458 Folio 597

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 14 September 2020 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 28 November 2016 and 5 November 2019.
- (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 and to re-establish and maintain vegetation on an 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. Cultivation prohibited

Ensure no cultivation, including scraping, raking, ploughing or mechanical movement of soil, is carried out within the *specified area (Protected Areas)* 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 *specified area (Protected Areas)* and not cause or permit *livestock* to enter or remain within the *specified areas*.

4. Establish Monitoring and Control Quadrats

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

CONTROL QUADRAT

- a) establish a square control monitoring quadrat, ten metres by ten metres, with the north western point of the quadrat located at the coordinates set out in the below table:

	Longitude - Degrees East	Latitude – Degrees South
Control Quadrat	118.0081682	-32.9265540

- b) mark the control monitoring quadrat by placing a metal star picket at the north western point.

MONITORING QUADRATS

- a) Establish four (4) square monitoring quadrats, ten metres by ten metres with the north western point of each quadrat located at the coordinates set out in the below table:

Monitoring Quadrat	Longitude - Degrees East	Latitude – Degrees South
1	117.9981157	-32.9339560
2	117.9974800	-32.9288510
3	118.0058336	-32.9293967
4	118.0069047	-32.9265952

- b) mark each quadrat by placing a metal star picket at the north western point.

5. Monitoring

Engage an *environmental specialist* to:

- a) In the month of September or October 2021, carry out one vegetation survey within the control monitoring quadrat as defined in measure 4 of this VCN to determine:
- the species composition, structure, density and *vegetation condition* of native vegetation;
 - the *percentage cover* of vegetation that is *weed species*.
- b) In the month of September or October biennially for a period of ten (10) years, carry out one vegetation survey within each monitoring quadrat as defined in measure 4 of this VCN to determine:
- the species composition, structure, density and *vegetation condition* of native vegetation;
 - the *percentage cover* of vegetation that is *weed species*;
 - the first vegetation survey to be carried out in the month of September or October 2022.
- c) Obtain one photograph into the control monitoring quadrat showing the north western marker and vegetation within the quadrat.
- d) Obtain one photograph into each monitoring quadrat showing the north western marker and vegetation within the quadrat after each vegetation survey.

6. Revegetation

Undertake *revegetation* within *specified area (Revegetation Areas)* 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) ensure that the *local species* used in revegetation includes the species identified during the vegetation survey of the control monitoring quadrat as defined in measure 5(a); and
- d) Commence *revegetation* within the year 2021; and
- e) Ensure that initial revegetation has been completed across all *specified area (Revegetation Areas)* by December 2025.

7. Success of Revegetation

Where, for any reason, *revegetation* undertaken in accordance with measure 6 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 (Revegetation Areas)* in accordance with measure 6.

8. 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 areas (Revegetation Areas)* 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*; and
- (b) initial weed control is completed by 31 August 2022.

9. 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 *specified area (Revegetation Areas)*:
 - (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 five (5) of this notice.
- b) In relation to weed control of *specified area (Revegetation Areas)*:
 - (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.
- c) Each photograph obtained under measure 5(c) and 5(d) of this VCN.

10. Reporting

For a period of ten (10) years after the giving of this notice, provide to the CEO, a biennial written report of records kept under measure nine (9) of this notice for the proceeding two calendar years (1 January to 31 December the following year). The first report is to be provided to the CEO on or before 31 January 2023.

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 Geocentric Datum of Australia 1994 coordinate.

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 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 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 mean the portion of Lot 1 on Diagram 51582, Dudinin consists of the Revegetation Area and the Protected Area bounded by a line joining the GDA 94 points set out consecutively in the tables below:

REVEGETATION AREA 1

Longitude - Degrees East	Latitude – Degrees South	Point
117.9906046	-32.9327	1
117.9906905	-32.9327	2
117.9909651	-32.9338	3
117.9914321	-32.9349	4
117.9937529	-32.9352	5
117.9937049	-32.9353	6
117.9905852	-32.9353	7
117.9906046	-32.9327	8

then directly to the point of commencement.

REVEGETATION AREA 2

Longitude - Degrees East	Latitude – Degrees South	Point
117.9906046	-32.9327134	1
117.9906905	-32.9326974	2
117.9909651	-32.9338281	3
117.9914321	-32.9349450	4
117.9937529	-32.9351991	5
117.9937049	-32.9352883	6
117.9905852	-32.9352700	7
117.9906046	-32.9327134	8

then directly to the point of commencement.

REVEGETATION AREA 3

Longitude - Degrees East	Latitude – Degrees South	Point
117.9906046	-32.9327134	1
117.9906905	-32.9326974	2
117.9909651	-32.9338281	3
117.9914321	-32.9349450	4
117.9937529	-32.9351991	5
117.9937049	-32.9352883	6
117.9905852	-32.9352700	7
117.9906046	-32.9327134	8

then directly to the point of commencement.

REVEGETATION AREA 4

Longitude - Degrees East	Latitude – Degrees South	Point
117.9906046	-32.9327134	1
117.9906905	-32.9326974	2
117.9909651	-32.9338281	3
117.9914321	-32.9349450	4
117.9937529	-32.9351991	5
117.9937049	-32.9352883	6
117.9905852	-32.9352700	7
117.9906046	-32.9327134	8

then directly to the point of commencement.

PROTECTED AREA 1

Longitude - Degrees East	Latitude – Degrees South	Point
117.9905849	-32.9352700	1
117.9906043	-32.9327128	2
117.9906905	-32.9326974	3
117.9909652	-32.9338281	4
117.9914321	-32.9349450	5
117.9937529	-32.9351991	6
117.9952073	-32.9327529	7
117.9960244	-32.9314543	8
117.9958549	-32.9308498	9
117.9965347	-32.9298744	10
117.9975203	-32.9294747	11
117.9964400	-32.9283029	12
117.9988991	-32.9264460	13
117.9999927	-32.9261800	14

118.0009385	-32.9263869	15
118.0023068	-32.9264152	16
118.0023530	-32.9278573	17
118.0014114	-32.9284262	18
118.0001996	-32.9289287	19
117.9987130	-32.9330146	20
118.0003734	-32.9341963	21
118.0012955	-32.9339831	22
118.0027018	-32.9338218	23
118.0027118	-32.9347511	24
118.0026388	-32.9349321	25
118.0032648	-32.9351798	26
118.0035895	-32.9351464	27
118.0043393	-32.9353439	28
117.9905849	-32.9352700	29

then directly to the point of commencement.

PROTECTED AREA 2

Longitude - Degrees East	Latitude – Degrees South	Point
118.0076636	-32.9307034	1
118.0048262	-32.9300790	2
118.0022078	-32.9283395	3
118.0041670	-32.9267282	4
118.0044783	-32.9251351	5
118.0113716	-32.9248795	6
118.0076636	-32.9307034	7

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

5 January 2021

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*.

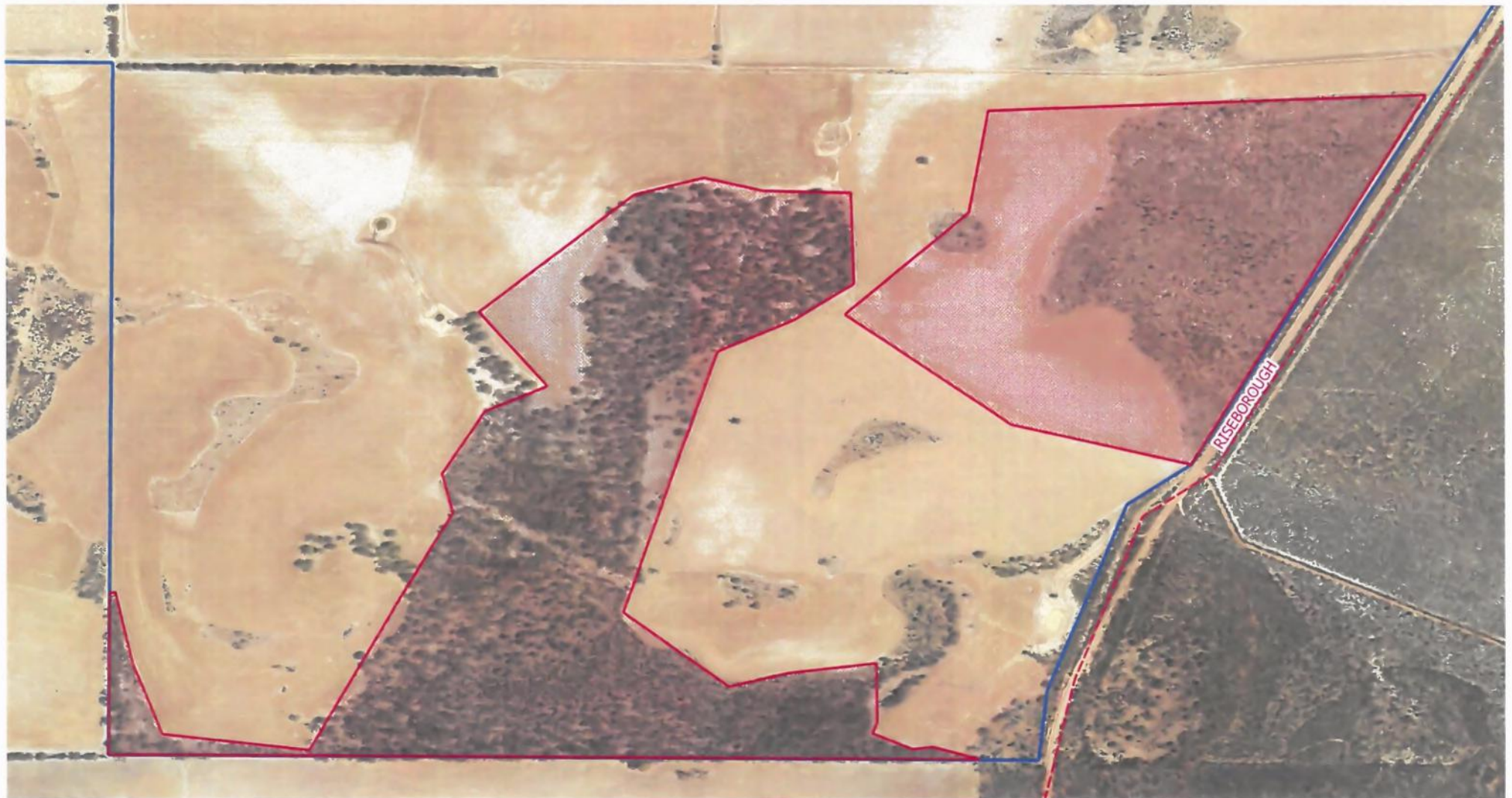
Under section 103 of the *Environmental Protection Act 1986*:

- 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 9056/1 - SPECIFIED AREA
PROTECTION OF REVEGETATION AND REMNANT VEGETATION
LOT 1 ON DIAGRAM 51582, DUDININ PROPRIETOR: SEMINOE PTY LTD



North



0 100 200 300 m

INDICATIVE PLAN

Produced by Senior Investigator Stuart Barter
Investigations Branch, 20 November 2020

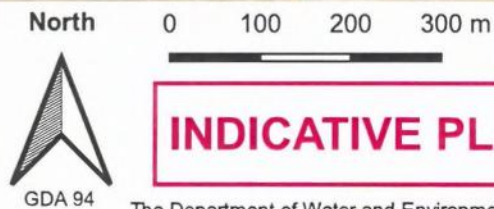
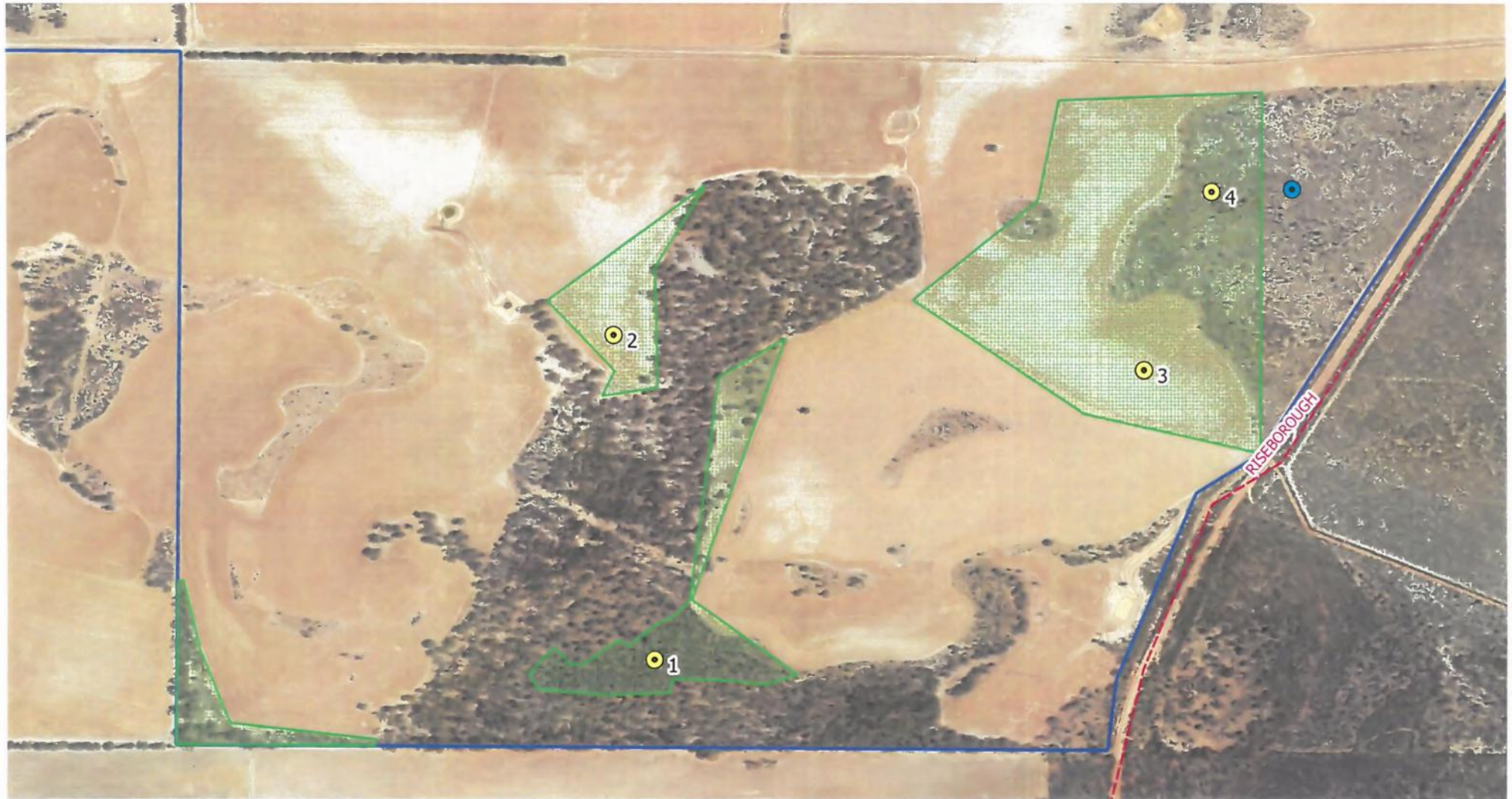
The Department of Water and Environmental Regulation does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which arises on any information depicted.

LEGEND

- | | | |
|-------------------------|-----|-------------------------|
| 55270 Property Boundary | --- | Roads |
| 1 | | Yealering_2016_50cm_z50 |
| Areas to be protected | | |



VEGETATION CONSERVATION NOTICE CPS 9056/1
SPECIFIED AREAS - REVEGETATION AREA AND MONITORING QUADRATS
LOT 1 ON DIAGRAM 51582, DUDININ PROPRIETOR: SEMINOE PTY LTD



INDICATIVE PLAN

Produced by Senior Investigator, Stuart Barter,
Investigations Branch 20 November 2020

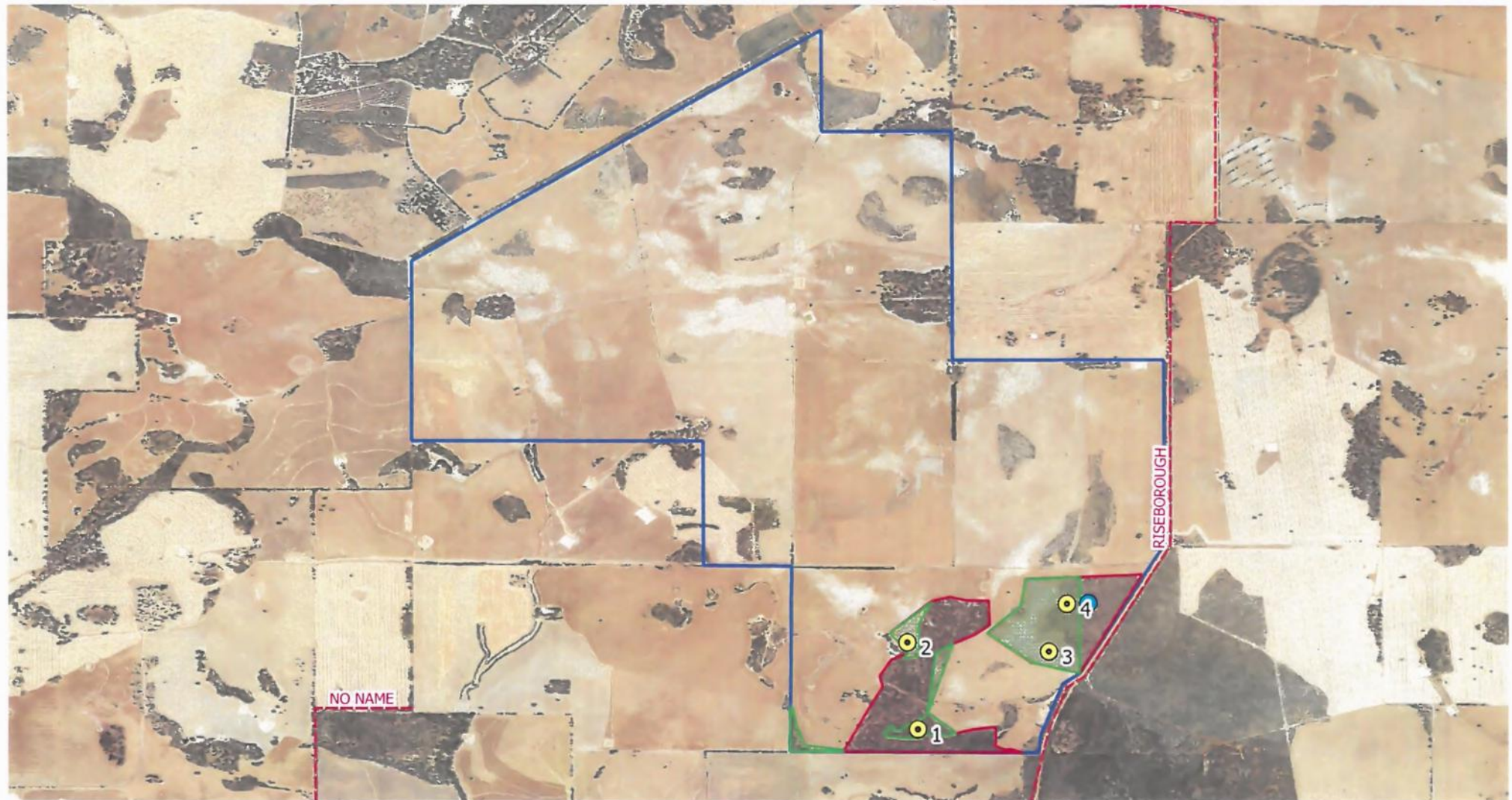
The Department of Water and Environmental Regulation does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which arises on any information depicted.

LEGEND

VCN CPS 9056 Monitoring Quadrats	● 55270 Property Boundary
VCN CPS 9056 Control Monitoring Point	● 1
55270 Revegetation Area	



**VEGETATION CONSERVATION NOTICE CPS 9056/1 - SPECIFIED AREA
(CONSISTING OF PROTECTED AREAS AND REVEGETATION AREAS)
LOT 1 ON DIAGRAM 51582, DUDININ PROPRIETOR: SEMINOE PTY LTD**



North



0 750 1500 2250 m

INDICATIVE PLAN

Produced by Senior Investigator Stuart Barter
Investigations Branch, 20 November 2020

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.

LEGEND

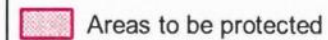
Property Boundary



1

Revegetation Area

Areas to be protected



Monitoring Quadrats



Control Monitoring Quadrat



Roads



Yealering_2016_50cm_z50