



Section 70(2)
Environmental Protection Act 1986

VEGETATION CONSERVATION NOTICE

CPS 9615/1

Person to whom this vegetation conservation notice is given ("the Owner"):

(being the owner of the land described below)

JOHN STARKEY FOULDS

AILSA FOULDS

TEAGAN JUNE JONES

ALL OF PO BOX 99 HOPETOUN WA 6348

AS JOINT TENANTS

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

Lot 847 on Deposited Plan 209237 as comprised on Certificate of Title Volume 2058 Folio 604

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 10 April 2020 showed native vegetation present on the property.
- (c) Satellite imagery on the 24 July 2021 showed the native vegetation as not being present.
- (d) A site inspection of the land by Department of Water and Environmental Regulation (DWER) Inspectors on 15 February 2022 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
 - by exemption under the the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; or
 - by a notice issued under section 51DA(5) of the *Environmental Protection Act 1986*.
- (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 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 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, mechanical movement of soil or seeding of non-native crops, is carried out within the *specified 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 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:

a) CONTROL QUADRATS

- i) 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:

Control Quadrat	Longitude - Degrees East	Latitude – Degrees South
1	120.3149954	-33.8992699
2	120.306652	-33.89138817

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

b) MONITORING QUADRATS

- i) 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	120.3079382	-33.90454638
2	120.3045744	-33.89775292
3	120.3022989	-33.88654041
4	120.2883163	-33.90504105

- ii) 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 2023, carry out one vegetation survey within the control monitoring quadrats 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) Obtain one photograph into the control monitoring quadrat showing the north-western marker and vegetation within the quadrat.
- c) 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 2025.
- 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 the *specified 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 include the species identified during the vegetation survey of the control monitoring quadrats as defined in measure 5(a); and
- d) Ensure that initial revegetation has been completed across all *specified areas* by November 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 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 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, consistent with the percentage of weed cover identified by monitoring of the control quadrat under measure 5(a)(ii); and
- (b) initial weed control must be completed by 31 August 2023.

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 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 *specified area* as determined by the monitoring carried out under measure five (5) of this notice.
- b) In relation to weed control of *specified 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 five (5) of this notice.
- c) Each photograph obtained under measure 5(b) 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 of the first year to 31 December the second year). The first report is to be provided to the CEO on or before 31 January 2026.

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 point expressed in degrees longitude east and degrees latitude south in degrees in Geocentric Datum of Australia 1994.

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 847 on Deposited Plan 209237, Jerdacuttup bounded by a line joining the GDA 94 coordinates set out consecutively in the tables below:

SPECIFIED AREA 1

Longitude - Degrees East	Latitude – Degrees South	Point
120.300152	-33.888172	1
120.300136	-33.887463	2
120.302807	-33.885081	3
120.302848	-33.888148	4

then directly to the point of commencement.

SPECIFIED AREA 2

Longitude - Degrees East	Latitude – Degrees South	Point
120.306954	-33.892971	1
120.307927	-33.892938	2
120.308883	-33.893647	3
120.307927	-33.893812	4
120.307152	-33.893531	5

then directly to the point of commencement.

SPECIFIED AREA 3

Longitude - Degrees East	Latitude – Degrees South	Point
120.312725	-33.896730	1
120.312741	-33.897489	2
120.311901	-33.898890	3
120.311323	-33.899039	4
120.310845	-33.897670	5
120.311670	-33.896697	6

then directly to the point of commencement.

SPECIFIED AREA 4

Longitude - Degrees East	Latitude – Degrees South	Point
120.303359	-33.897967	1
120.305157	-33.897274	2
120.305668	-33.897274	3
120.305618	-33.899319	4
120.306113	-33.899781	5
120.306245	-33.899368	6
120.306855	-33.899451	7
120.305511	-33.904224	8
120.304797	-33.904230	9
120.304843	-33.901941	10
120.303359	-33.901957	11

then directly to the point of commencement.

SPECIFIED AREA 5

Longitude - Degrees East	Latitude – Degrees South	Point
120.2877405	-33.904468	1
120.2958943	-33.904356	2
120.2958778	-33.904711	3
120.3031659	-33.904686	4
120.3031783	-33.904274	5
120.3143743	-33.904101	6
120.3155945	-33.903408	7
120.3156604	-33.899814	8
120.3161015	-33.899826	9
120.3161263	-33.906397	10
120.2877405	-33.906459	11

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.



Kelly Faulkner

EXECUTIVE DIRECTOR, COMPLIANCE AND ENFORCEMENT

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

22 August 2022

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*:

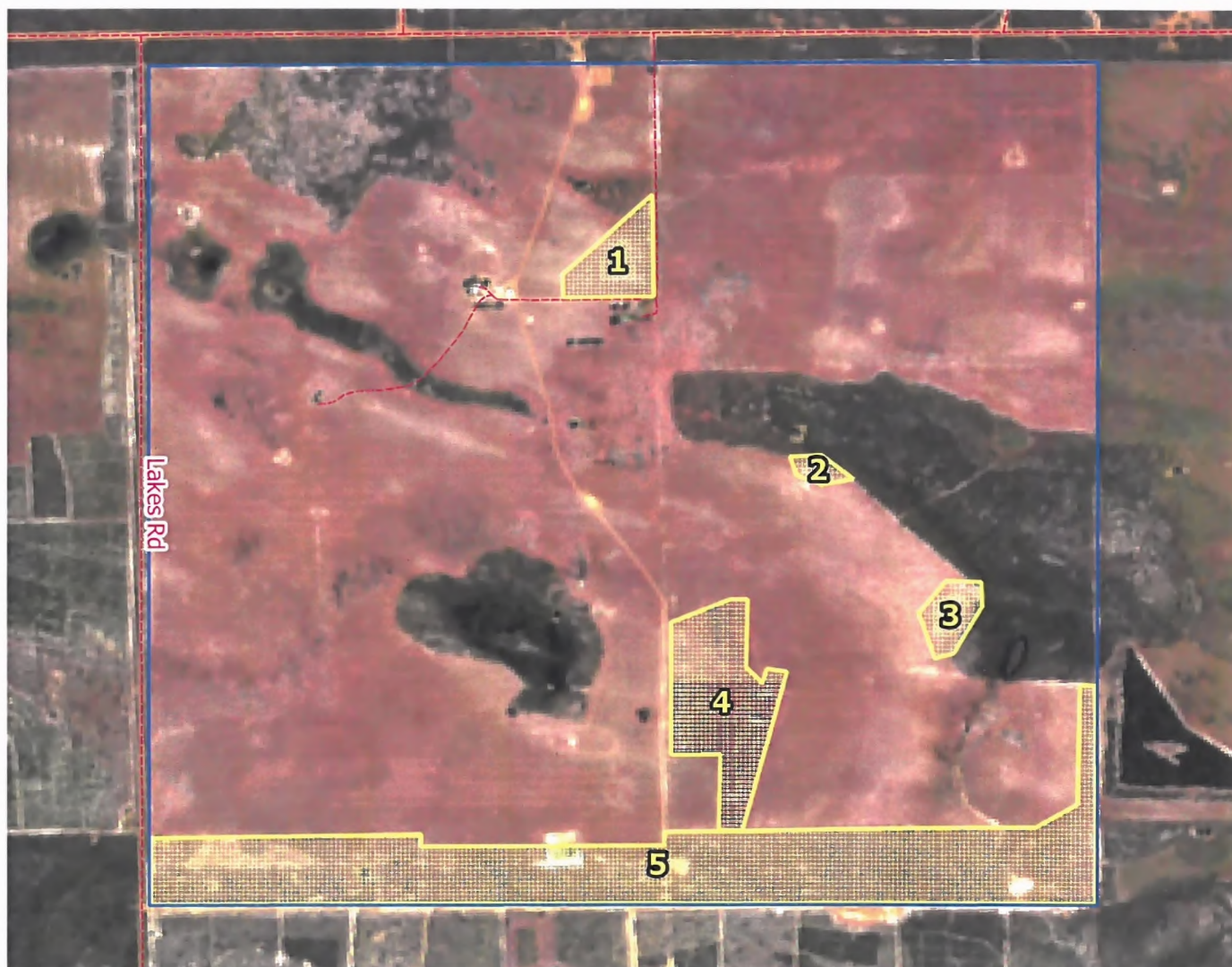
- a person who is aggrieved by a requirement contained in this vegetation conservation notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained 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
REFERENCE NUMBER CPS 9615/1
PROPERTY: LOT 847 ON DEPOSITED PLAN 209237
(1296 SPRINGDALE ROAD JERDACUTTUP)
PROPRIETOR: JOHN STARKEY FOULDS

SPECIFIED AREA



North



0 250 500 750 1000 m

INDICATIVE PLAN

Produced by Senior Investigator Stuart Barter,
Investigations Branch on 18 February 2022

LEGEND

VCN CPS 9615/1 Specified Area

Property Boundary

ROAD_CENTRELINES_DLI

Sentinel-2B_10m_50HQH_2021-11-21



Government of Western Australia
Department of Water and Environmental Regulation

**SPECIFIED AREA
CONTROL MONITORING QUADRATS
MONITORING QUADRATS**

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PROPRIETOR: JOHN STARKEY FOULDS**



North



0 250 500 750 1000 m

INDICATIVE PLAN

Produced by Senior Investigator Stuart Barter,
Investigations Branch on 18 February 2022

LEGEND

- ICMS 64127 Specified Area
 - VCN CPS 9615 Control Quadrat
 - VCN CPS 9615 Monitoring Quadrat
 - Property Boundary
 - ROAD_CENTRELINES_DLI
- Sentinel-2B_10m_50HQH_2021-11-21

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