



Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 9794/1

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

Blue Whale Farm Plantation Pty Ltd
122 Main Street, Osborne Park WA 6017

Land to which this vegetation conservation notice relates ("the land"):
Lot 449 on Deposited Plan 231012 Milyeenup Coast Road Scott River

Reasons for which this vegetation conservation notice is given:

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 satellite imagery has shown the land contained native vegetation prior to February 2022;
- (b) A site inspection of the land by Department of Water and Environmental Regulation Inspectors on 20 June 2022 and 15 August 2022 determined that native vegetation had been cleared;
- (c) I suspect on reasonable grounds that the clearing was not authorised by a clearing permit, notice or by exemption under the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; and
- (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 persons to whom this vegetation conservation notice is given is 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 the 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. Gravel extraction prohibited

Ensure that no further gravel or lime extraction takes place within the *specified area*.

3. Weed control

- (a) Engage an *environmental specialist* to inspect the *specified area* at least once each year and identify all *weed* species present; and
- (b) Selectively remove or kill *weed* species within the *specified area* so that the average vegetation cover that is *weed* species is not greater than the percentage of total vegetation cover that is *weed* species within a control *quadrat* established under measure (5).

4. Rehabilitation

Prior to 1 June 2023:

- (a) shape the surface of the specified area so that it is consistent with the surrounding five metres of uncleared land; and
- (b) spread the piles of existing cleared material and topsoil retained from previous clearing over the surface of the specified area.

5. Establish control quadrat

Prior to 1 September 2023 establish the following control *quadrats* by installing a permanent steel post at the following *coordinates* to establish the south western corner of the *quadrat*:

Quadrat No.	Northing	Easting
1	346619	6202638
2	346370	6202757
3	345881	6203471
4	345831	6203695
5	344874	6203777

6. Establish monitoring quadrats

Prior to 1 September 2023 establish the following monitoring *quadrats* by installing a permanent steel post at the following *coordinates* to establish the south western corner of each *quadrat*:

Quadrat No.	Northing	Easting
1	346330	6202546
2	346441	6202545
3	346250	6202703
4	346384	6202649
5	346523	6202631
6	345899	6203521
7	345908	6203594
8	346004	6203805
9	345906	6203823
10	345192	6203820
11	345088	6203839
12	344977	6203858

7. Monitor vegetation within quadrats

Engage an *environmental specialist* to conduct the following monitoring work at each *quadrat* in September of each and every year:

- (a) measure the species composition, structure, density and *vegetation condition* of the vegetation within each *quadrat*; and
- (b) take one photograph of the vegetation growing within the *quadrat*, from the south west corner of the *quadrat*.

8. Revegetation

In each year after 2023, where the species composition, structure, density and *vegetation condition* of a monitoring *quadrat* established under measure (6) is less than the species composition, structure, density and *vegetation condition* of the nearest control *quadrat* established under measure (5), engage an *environmental specialist* to undertake the following revegetation work within the *specified area*:

- (a) deliberately plant and/or seed native vegetation that is indigenous to *the land*; and
- (b) ensure that only local provenance seeds and propagation material originating from *the land* is used.

9. Records must be kept

The following records shall be maintained for activities done pursuant to this vegetation conservation notice:

- (a) in relation to *weed* control pursuant to measure (3):
 - (i) the date of the *weed* control activities; and
 - (ii) a description of all *weed* control activities undertaken.
- (b) in relation to monitoring pursuant to measure (7):
 - (i) the date of monitoring activities;
 - (ii) a description of all monitoring activities undertaken;
 - (iii) the species composition, structure, density and *vegetation condition*;
 - (iv) the photographs taken of each quadrant; and
 - (v) the percentage of total vegetation cover that is *weed* species.
- (c) in relation to *revegetation* pursuant to measure (8):
 - (i) the commencement date of *revegetation*;
 - (i) the size of the area *revegetated* in hectares;
 - (ii) the list of all local provenance seed species, quantity and propagation material used; and
 - (iii) a description of all *revegetation* activities undertaken.

10. Annual reporting

Records required under measure (9) shall be submitted to the CEO by 30 June of each year reporting on activities done under this vegetation conservation notice between 1 January and 31 December of the preceding year.

DEFINITIONS

The following meanings are given to terms used in this Notice:

CEO has the same meaning as it has in section 3(1) of the *Environmental Protection Act 1986*.

coordinate means a Map Grid of Australia 2020 (MGA2020) 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.

quadrat means a 10m x 10m plot established for the purpose of monitoring native vegetation species composition, structure, density and vegetation condition;

revegetate, revegetated and revegetation means the re-establishment of native vegetation to achieve a species composition, structure, density and *vegetation condition* of native vegetation similar to pre clearing species composition, structure, density and *vegetation condition*

specified area means the portion of the land consisting of the following revegetation areas bounded by a line joining the *coordinates* set out consecutively in the tables below:

Revegetation Area A1

Point	Easting	Northing
1	346150	6202709
2	346193	6202740
3	346232	6202784
4	346290	6202777
5	346314	6202816
6	346341	6202811
7	346360	6202720
8	346404	6202690
9	346415	6202705
10	346599	6202681
11	346603	6202574
12	346586	6202573
13	346379	6202591
14	346295	6202604
15	346296	6202609
16	346114	6202643
17	346122	6202712

then directly to the point of commencement.

Revegetation Area A2

Point	Easting	Northing
1	346388	6202585
2	346372	6202564
3	346370	6202535
4	346356	6202517
5	346335	6202515
6	346292	6202531
7	346282	6202541
8	346296	6202560
9	346306	6202560
10	346314	6202578
11	346309	6202598

then directly to the point of commencement.

Revegetation Area A3

Point	Easting	Northing
1	346482	6202529
2	346419	6202499
3	346393	6202509
4	346415	6202552
5	346412	6202583
6	346518	6202572

then directly to the point of commencement.

Revegetation Area B1

Point	Easting	Northing
1	345905	6203802
2	345831	6203858
3	345837	6203883
4	345862	6203881
5	345940	6203822
6	345994	6203844
7	346017	6203848
8	346051	6203822
9	346062	6203797
10	346036	6203771
11	346018	6203777
12	345997	6203767
13	345940	6203765
14	345937	6203773
15	345906	6203786

then directly to the point of commencement.

Revegetation Area B2

Point	Easting	Northing
1	345940	6203652
2	345949	6203471
3	345823	6203498
4	345837	6203514
5	345851	6203538
6	345860	6203563
7	345862	6203579
8	345867	6203600
9	345880	6203591
10	345887	6203652
11	345910	6203651
12	345882	6203669

13	345902	6203678
----	--------	---------

then directly to the point of commencement.

Revegetation Area C1

Point	Easting	Northing
1	344869	6203944
2	344874	6203977
3	344921	6203970
4	345027	6203906
5	345052	6203904
6	345064	6203913
7	345059	6203953
8	345075	6203963
9	345103	6203951
10	345139	6203920
11	345149	6203885
12	345154	6203753
13	345142	6203745
14	345090	6203752
15	345010	6203790
16	344951	6203798
17	344927	6203810
18	344914	6203839
19	344934	6203883
20	344944	6203886
21	344961	6203921

then directly to the point of commencement.

Revegetation Area C2

Point	Easting	Northing
1	345223	6203856
2	345240	6203820
3	345237	6203795
4	345208	6203773
5	345188	6203768
6	345164	6203769
7	345157	6203888
8	345179	6203890

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 means any plant:

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Richard Newman
Executive Director
Regulatory Services

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

3 January 2023

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.

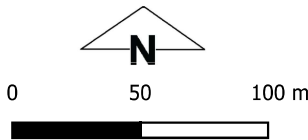
Specified Area A1 - A3
Lot 449 on Deposited Plan 231012



Legend

- Control Quadrats
- Monitoring Quadrats
- Specified Area
- Cadastre

Orthomosaic 15 August 2022



MGA 2020 Zone 50
Geocentric Datum of Australia 2020



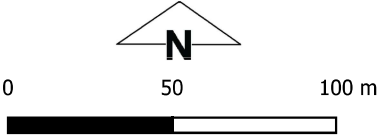
Specified Area B1 - B2
Lot 449 on Deposited Plan 231012



Legend

- Control Quadrats
- Monitoring Quadrats
- Specified Area
- Cadastre

Orthomosaic 15 August 2022

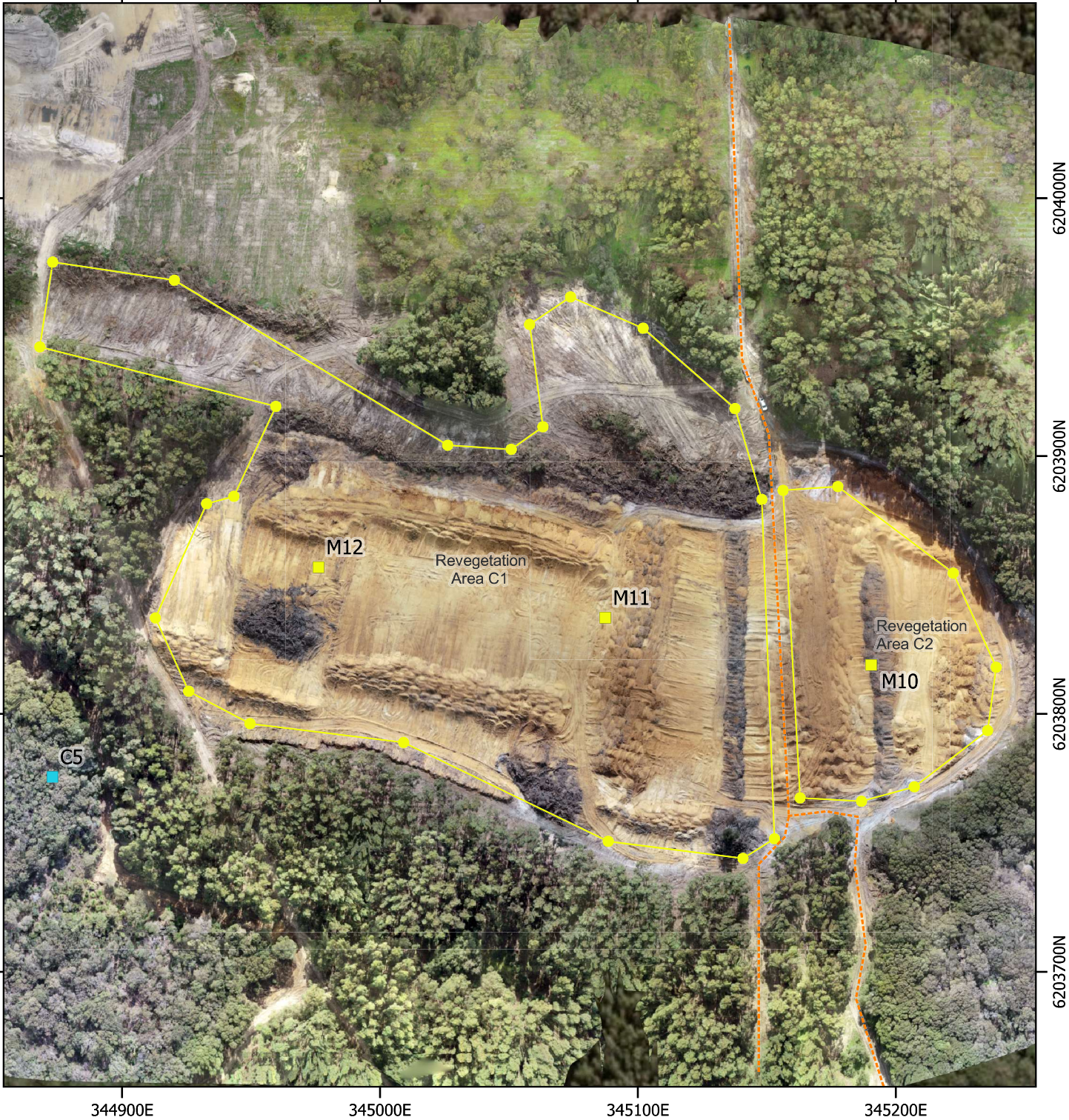


MGA 2020 Zone 50
Geocentric Datum of Australia 2020



GOVERNMENT OF
WESTERN AUSTRALIA

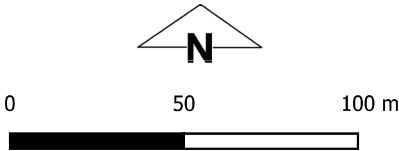
Specified Area C1 - C2
Lot 449 on Deposited Plan 231012



Legend

- Control Quadrats
- Monitoring Quadrats
- Specified Area
- Vehicle track
- Cadastre

Orthomosaic 15 August 2022



MGA 2020 Zone 50
Geocentric Datum of Australia 2020



GOVERNMENT OF
WESTERN AUSTRALIA