



GOVERNMENT OF
WESTERN AUSTRALIA

Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 9869/1

Persons to whom this vegetation conservation notice is given):

(being a person other than the owner or occupier of the land described below, that the CEO considers is practicable for that person to comply with and give effect to the notice)

Shire of Wongan-Ballidu
Corner of Quinlan St & Elphin Crescent
WONGAN HILLS WA 6603

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

Lot 1991 on Deposited Plan 403078 as comprised on Certificate of Title Volume LR3024 Folio 684.

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 28 December 2005, showed native vegetation present on the property.
- (c) On 11 July 2022, Satellite imagery showed that there had been a change in the vegetation on site.
- (d) A site inspection of the land by Department of Water and Environmental Regulation (DWER) Inspectors on 24 August 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 *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 Notice:

The person(s) to whom this vegetation conservation notice is given, are bound by this vegetation conservation notice, and are required to undertake the following specified measures: for a period of ten (10) years from the date this notice is given to repair any damage caused by the clearing and 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.

1. No unlawful clearing

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

2. Gravel extraction prohibited

Ensure no further gravel extraction by the Shire of Wongan-Ballidu takes place on the land.

3. Landscaping works

Prior to 1 September 2023:

- i) Batter all sides of the pit so that the batters are no greater than 1 vertical to 4 horizontal (14°);
- ii) Pit floors must have at least 1:100 fall, and effective dispersal from the pit to prevent ponding;
- iii) Drainage should be constructed to avoid disease spread on a broad front downhill from the pit;
- iv) Rip the pit floor across the contour to at least 0.8 m depth with a winged-tyne ripper, at 1 m spacing. Rip lines should be constructed primarily to alleviate compaction, secondly to promote infiltration and thirdly to assist to divert water off the pit floor without causing erosion; If the ripping results in excessive clods, then these are to be broken down by scarification;
- v) Stored gravel, overburden and topsoil is to be evenly spread over the ripped area.

4. Revegetation

In each year after 2023, where the species composition, structure, density and vegetation condition of a monitoring quadrat established under measure (9) is less than the species composition, structure, density and vegetation condition of the control quadrat established

under measure (8), 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 within 20 kilometres of the land are used.
- (c) Ensure initial *revegetation* has been completed across the *specified area* by 30 September 2024.

5. Success of Revegetation

Where, for any reason, *revegetation* undertaken under measure 4(a) of this notice does not result in a species composition, structure, density and *vegetation condition* of native vegetation similar to the pre clearing species composition, structure, density and *vegetation condition*, each and every year after the giving of this notice continue to *revegetate* the *specified area*;

OR

Until, in the opinion of the *CEO*, the vegetation species composition, structure, density and *vegetation condition* of native vegetation in the *specified area* is similar to a condition as near as possible to the condition of the vegetation before the clearing occurred , whichever is the lesser period.

6. Weed control

Each and every year after the giving of this notice;

- (a) Remove or kill *weed species* within the *specified area* during the month of June or July of each year so that the *percentage cover* that is *weed species* does not exceed the *percentage cover* that is *weed species* within the Control Quadrats;
- (b) Complete initial weed control by 30 September 2023.

7. Establish control quadrats

Prior to 30 September 2023;

- (i) establish 3 square control quadrats, ten metre by ten metre, with the southwest corner of each quadrat located at the following coordinates set out in the table below;

Quadrats	Easting (m)	Northing (m)
1	464940	6622406
2	464965	6622728
3	465167	6622635

- (ii) permanently mark the southwest corner of each quadrat with a steel post or picket and record the GPS location of the picket.

8. Establish Monitoring Quadrats

Prior to 30 September 2023;

- (i) establish 4 square monitoring quadrats, ten metre by ten metre, with the southwest corner of each quadrat located at the following coordinates set out in the table below;

Quadrats	Easting (m)	Northing (m)
4	465045	6622657
5	465017	6622555
6	465051	6622419
7	465170	6622553

- (ii) permanently mark the southwest corner of each quadrat with a steel post or picket and record the GPS location of the picket.

9. Monitoring

Engage an *environmental specialist* to;

- (a) In the month of September or October 2023, carry out one vegetation survey within each control quadrat as define in measure 7 of this VCN to determine:
- (i) the species composition, structure, density and *vegetation condition* of native vegetation;
 - (ii) the *percentage cover* of vegetation that is *weed species*; and
 - (iii) the *percentage cover* of vegetation that is native vegetation; and
 - (iv) from the southwest marker of each quadrat obtain four photographs facing North, East, South and West.

(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 8 of this VCN to determine:

- (i) the species composition, structure, density and *vegetation condition* of native vegetation;
- (ii) the *percentage cover* of vegetation that is *weed species*;
- (iii) the *percentage cover* of vegetation that is native vegetation;
- (iv) the first vegetation survey to be carried out in the month of September or October 2025;
- (v) from the southwest marker of each quadrat obtain four photographs facing North, South, East and West.

10. Records must be kept

Maintain the following records from the date of the giving of this vegetation conservation notice.

a) in relation to the *revegetation* of the *specified area*:

- (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 9 of this notice;
- (vi) the percentage cover of native vegetation in each quadrat as required in measure 9;
- (vii) the photographs taken as required in measure 9.

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* as determined by monitoring carried out under measure 10 of this notice.

11. Reporting

For the period of ten (10) years after the giving of this notice, provide to the CEO, a biennial written report of records kept under measure ten (10) 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 30 June 2025.

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 2020) 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 areas* expressed as a percentage of the total cover of all species within the *specified areas*.

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 as defined in the approved revegetation plan, 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.

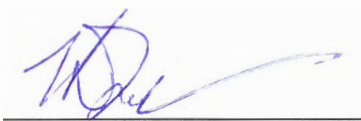
Weed means any plant:

- (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.

specified area means the portions of Lot 1991 on Deposited Plan 403078 bounded by a line joining the Zone 50 GDA 2020 points set out in the tables below consecutively then directly to the point of commencement:

Specified area

Point	Easting (m)	Northing (m)
1	465108	6622726
2	465070	6622604
3	465214	6622605
4	465224	6622505
5	465157	6622505
6	465099	6622549
7	465052	6622482
8	465090	6622427
9	465081	6622394
10	464956	6622371
11	464897	6622726



Kelly Faulkner
Executive Director
Compliance and Enforcement

*Officer delegated under Section 20
of the Environmental Protection Act 1986*
11 April 2023

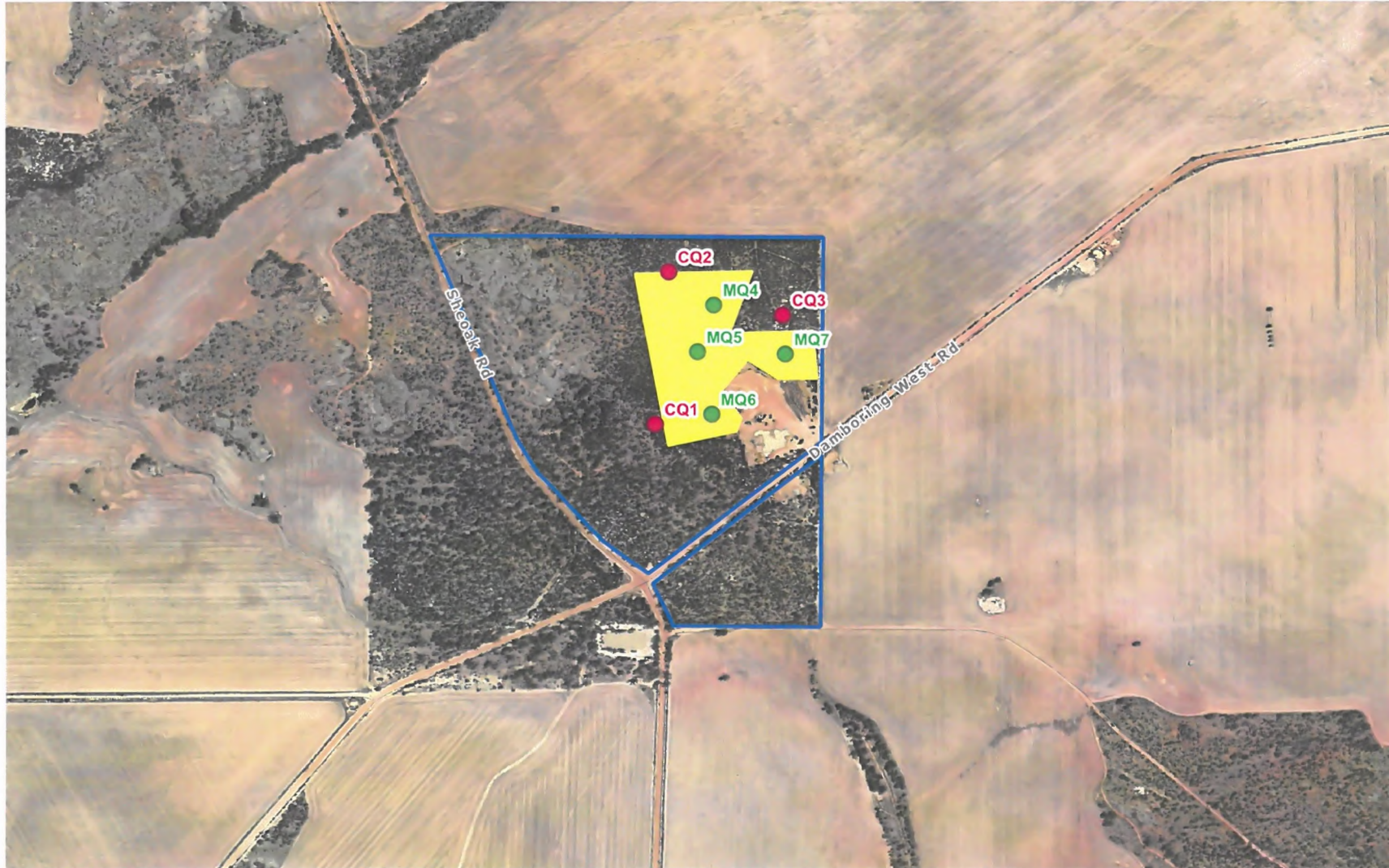
Important Information:

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.



-  Boundary
-  Monitoring Points
-  Control Points
-  Specified Area

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Produced by Daniel Hunter
Department of Water and
Environmental Regulation
14 November 2022

Projection MGA zone 50
Datum GDA 2020

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