



Section 70(2)  
*Environmental Protection Act 1986.*

## **VEGETATION CONSERVATION NOTICE**

CPS 10211/1

**Persons to whom this vegetation conservation notice is given (The Owner):**

(being the owner of the land described below)

FERNIE INVESTMENT PTY LTD  
PO BOX 1823  
OSBORNE PARK DC WA 6916

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

Lot 2 on Diagram 82418 as comprised on Certificate of Title Volume 1931 Folio 407.

**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 21 April 2022 showed native vegetation present on the property.
- (c) Satellite imagery on the 26 June 2022 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 19 April 2023 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, 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 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. Cultivation prohibited**

From the date this notice is given, ensure no cultivation, including harvesting, mowing, scraping, raking, ploughing or mechanical movement of soil or seeding of non-native crops, is carried out within the *specified area* other than purposes required under this vegetation conservation notice or for the purpose of complying with a written firebreak notice.

**3. Exclusion of stock**

Ensure that *livestock* are excluded from the *specified area* and not cause or permit *livestock* to enter or remain within the *specified area*.

**4. Revegetation**

*Revegetate* the *specified area* so as to achieve a species composition, structure, density and *vegetation condition* of native vegetation similar to the 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 initial *revegetation* has been completed across the *specified area* by 30 September 2024.

**5. Success of Revegetation**

Where, for any reason, revegetation undertaken in accordance with measure 4 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 4.

## 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* is within the condition score of fair to good under the Kaesehagen Bushland Condition Score;
- b) Complete initial weed control by 30 September 2024.

## 7. Establish Monitoring Quadrats

Prior to 30 September 2024;

- (a) establish 2 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)
Monitoring Quadrat 1	442619	6486086
Monitoring Quadrat 2	442730	6486192

- (b) permanently mark the southwest corner of each quadrat with a steel post or picket.

## 8. Monitoring

Engage an *environmental specialist* to;

- a) In the month of September or October biennially for a period of ten (10) years, carry out one vegetation survey within each quadrat as defined in measure 7 of this VCN to determine the species composition, structure, density and vegetation condition of native vegetation;
  - (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 2024;
- b) At the time of conducting this survey, from the southwest marker of each quadrat, obtain four photographs facing North, East, South and West.

## 9. 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 8 of this notice;
- (vi) the percentage cover of native vegetation in each quadrat as required in measure 8;
- (vii) the photographs taken as required in measure 8.

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 8 of this notice.

## 10. 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 eleven (10) of this notice for the preceding two calendar years (1 January to 31 December the following year) as specified in the Table below. The first report is to be provided to the *CEO* on or before 30 June 2026.

Table

Report No.	Reporting Period	Due
1	From date of issue – 31 December 2025	30 June 2026
2	1 January 2026 – 31 December 2027	30 June 2028
3	1 January 2028- 31 December 2029	30 June 2030
4	1 January 2030- 31 December 2031	30 June 2032
5	1 January 2032- 31 December 2033	30 June 2034

## 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 species** means any plant species that is not indigenous within 20 kilometres of the land. The percentage of weed species can be determined using the Kaesehagen (1995) Bushland condition scale as set out in the below table;

<b>Very good to excellent</b> 80 – 100% native flora Vegetation structure intact or nearly so Cover / abundance of weeds less than 5% Minor signs of disturbance.	<b>Fair to good</b> 50 – 80% native flora Vegetation structure modified or nearly so Cover / abundance of weeds 5 - 20% Disturbance influence minor
<b>Poor</b> 20 – 50% native flora Vegetation structure completely modified Cover / abundance of weeds 20 - 60% Disturbance incidence high	<b>Very poor</b> 0 -20% native flora Vegetation structure disappeared Cover / abundance of weeds 60 - 100% Disturbance incidence very high

**specified areas** means the portions of Lot 2 on diagram 82418 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 1

Point	Easting (m)	Northing (m)
1	442515	6486081
2	442634	6486191
3	442658	6486170
4	442723	6486231
5	442715	6486248
6	442749	6486282
7	442773	6486183
8	442516	6485950



Paul Newell

**A/Executive Director**

Compliance and Enforcement

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

3<sup>rd</sup> day of January 2024



**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 10211/1  
INDICATIVE PLAN  
FERNIE INVESTMENT PTY LTD  
Lot 2 On Diagram 82418



Produced by Daniel Hunter  
Department of Water and  
Environmental Regulation  
29 May 2023

Projection MGA zone 50  
Datum GDA 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 consequences which may arise from relying on any information depicted.

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