



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

## VEGETATION CONSERVATION NOTICE

CPS 10332/1

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

(being the owner of the land described below)

Wesley James GRAHAM  
PO BOX 826  
ESPERANCE WA 6450

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

Lot 1411 on Deposited Plan 206222 as comprised on Certificate of Title Volume 1937 Folio 891.

**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 4 February 2023 showed native vegetation present on the property.
- (c) Satellite imagery on the 21 February 2023 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 11 May 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 areas* other than purposes required under this vegetation conservation notice or for the purpose of complying with a written firebreak notice.

#### **3. Fencing**

- (a) From the date of the giving of this vegetation conservation notice, establish and maintain fencing in a condition adequate to exclude livestock from the *specified areas*.

#### **4. Exclusion of stock**

- (a) Ensure that *livestock* are excluded from the *specified areas* and not cause or permit *livestock* to enter or remain within the *specified areas*.

#### **5. Revegetation**

*Revegetate* the *specified areas* 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 all *specified areas* by 30 September 2025.

## 6. Success of Revegetation

Where, for any reason, *revegetation* undertaken under measure 5(a) of this notice does not result in a species composition, structure, density and *vegetation condition* of native vegetation similar to the preclearing species composition, structure, density and *vegetation condition*, each and every year after the giving of this notice continue to *revegetate* the *specified areas*;

OR

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

## 7. Weed control

Each and every year after the giving of this notice:

- (a) Remove or kill *weed species* within the *specified areas* 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.

## 8. Establish control quadrats

Prior to 30 September 2024:

- (i) establish 2 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)
Control Quadrat 1	369086	6274466
Control Quadrat 2	370438	6275099

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

## 9. Establish monitoring quadrats

Prior to 30 September 2024:

- (i) 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	369182	6275196
Monitoring Quadrat 2	369120	6274636

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

## 10. Monitoring

Engage an *environmental specialist* to:

- (a) In the month of September or October 2024, carry out one vegetation survey within each control quadrat as defined in measure 9 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 9 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 2024;
  - (v) from the southwest marker of each quadrat obtain four photographs facing North, South, East and West.

## 11. 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 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 areas* as determined by the monitoring carried out under measure 10 of this notice;
- (vi) the percentage cover of native vegetation in each quadrat as required in measure 10;
- (vii) the photographs taken as required in measure 10.

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.

## 12. 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 (11) 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.

Report No.	Reporting Period	Due Date
1	Giving of VCN -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
6	1 January 2034- 31 December 2035	30 June 2036

## 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 51.

**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:

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

**specified areas** means the portions of Lot 1411 on Deposited Plan 206222 bounded by a line joining the Zone 51 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	369041	6275253
2	369040	6275254
3	369270	6275260
4	369300	6275248
5	369308	6275162
6	369244	6275142
7	369153	6275124
8	369099	6275118
9	369061	6275114
10	369043	6275109

Specified area 2

Point	Easting (m)	Northing (m)
1	369054	6274635
2	369055	6274662
3	369132	6274700
4	369202	6274656

5	369307	6274589
6	369315	6274638
7	369362	6274658
8	369409	6274669
9	369421	6274617
10	369401	6274580
11	369318	6274524
12	369203	6274530
13	369197	6274559
14	369119	6274574



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Ruth Dowd  
Executive Director  
Assurance  
27 June 2024

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

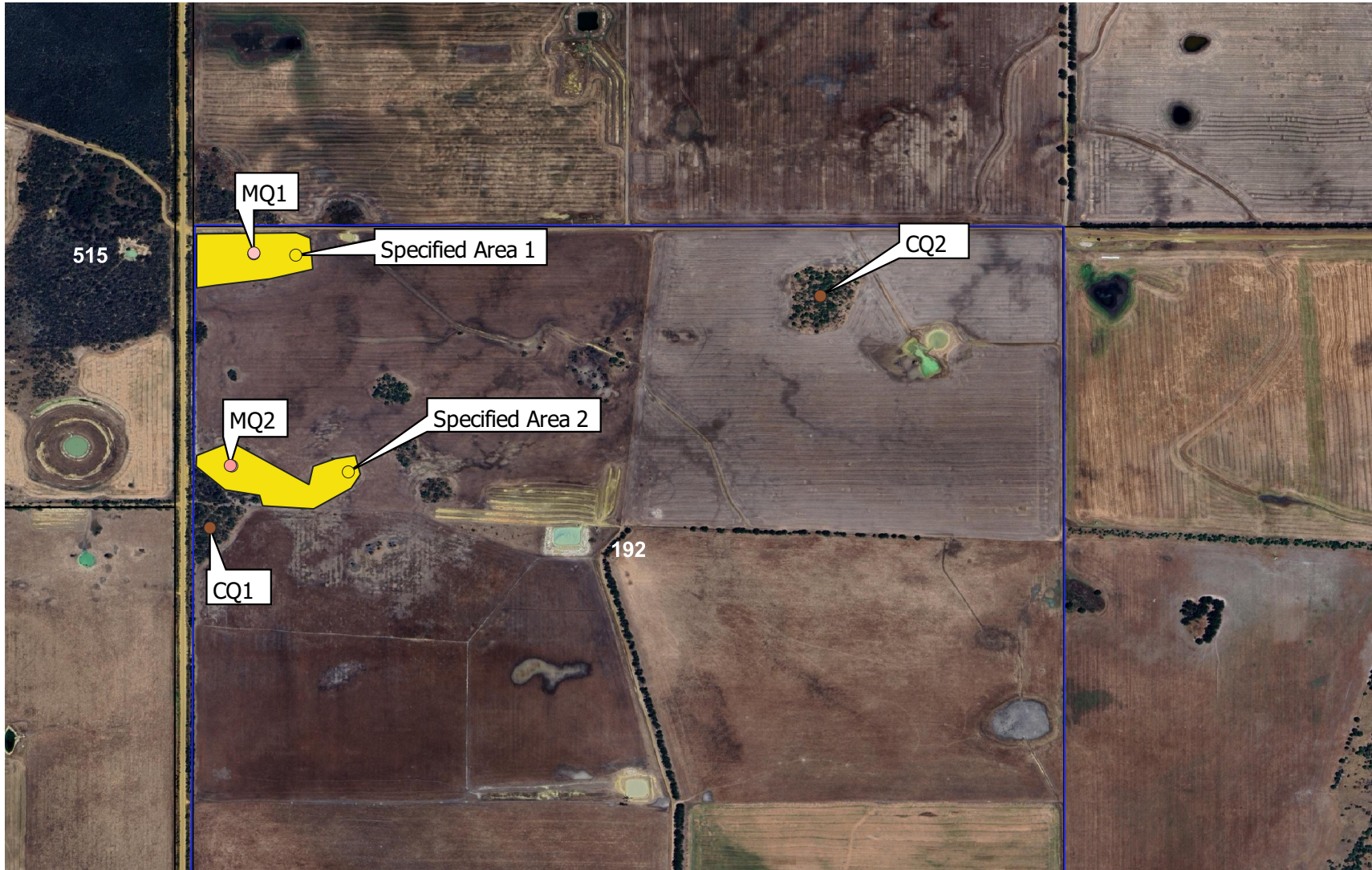
**Important Information:**

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.



- Property
- Control 1
- Control 2
- Monitoring Quadrat 1
- Monitoring Quadrat 2
- Specified Area 1
- Specified Area 2
- Crown Allotment (Type 2)
- Lot on Survey (Type 1)

DigitalGlobe:TileService

Google Satellite

Produced by Daniel Hunter  
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