



Section 70(2)
Environmental Protection Act 1986

VEGETATION CONSERVATION NOTICE

CPS 9912/1

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

(being the owner of the land described below)

Leeuwin Associates Pty Ltd

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

Lot 60 on Deposited Plan 412960 as comprised on Certificate of Title Volume 2971 Folio 182

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 imagery has shown the land contained native vegetation.
- b) Aerial imagery acquired on 4 January 2022 showed native vegetation present on the property.
- c) Aerial imagery acquired on 30 January 2022 showed the native vegetation as not being present.
- d) In response to notice given under section 90(3)(b)(i) of the *Environmental Protection Act 1986*, Leeuwin Associates Pty Ltd made admissions of engaging a contractor to clear native vegetation on the land.
- 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*.
- 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 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 further unlawful clearing, takes place on the land.

2. Cultivation prohibited

Ensure no cultivation, including scraping, raking, ploughing, mechanical movement of soil or the seeding or planting of any non-indigenous plant, is carried out within the *specified area* other than for purposes required under this vegetation conservation notice or for the purpose of complying with a requirement to clear under a written law.

3. Exclusion of Livestock

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

4. Removal of clearing debris

Physically remove all cleared trunks and branches, with a diameter 150 mm or greater at any point, from the *specified area*.

5. Establish Monitoring Quadrats

Within three (3) months of being given this vegetation conservation notice:

- a) Establish four (4) *monitoring quadrats*, 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	116.095132	32.006635
2	116.095747	32.006471
3	116.096427	32.006277
4	116.096910	32.006128

- b) Mark each quadrat by placing a metal post or picket at the north-western point.

6. Monitoring

Engage an *environmental specialist* to:

- a) In the month of September or October 2023, carry out one vegetation survey within each *monitoring quadrat* to determine:
- the species composition, structure, density and *vegetation condition* of native vegetation.
 - the *percentage cover* of vegetation that is *weed species*.
- b) Take one photograph into each control monitoring quadrat from the north-western marker and showing vegetation within the quadrat at the time of the vegetation survey.
- 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* established under measure 5 of this Notice to determine.
- The species composition, structure, density and *vegetation condition* of native vegetation.
 - the *percentage cover* of vegetation that is *weed species*.
- d) The first vegetation survey to be carried out in the month of September or October 2025.
- e) Take one photograph into each monitoring quadrat from north-western marker showing vegetation within the quadrat at the time of each vegetation survey.

7. Revegetation

Undertake *revegetation* within the *specified area* 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
- b) ensure only *local species* are used in the *revegetation*
- c) the initial revegetation to be completed by August 2024.

8. Success of Revegetation

Where, for any reason, *revegetation* undertaken in accordance with measure 7 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 area* in accordance with measure 7.

9. 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 area during the month of July or August of each year so that the percentage cover that is weed species is not greater than the pre-clearing *percentage cover*, that was weed species.
- (b) initial weed control must be completed by 31 August 2023.

10. 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 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 7 of this notice.
- b) In relation to weed control of *specified area*:
 - 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 7 of this notice.
- c) Each photograph taken under measure 6(b) and 6(e) of this VCN.

11. 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 10 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 2025.

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 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.

monitoring quadrat means, a 10 metre by 10 metre square plot used for sampling the composition, structure, density and *percentage cover* of vegetation within the specified area.

percentage cover means the area of ground covered by the canopy of each and every species of flora, including native flora and *weed species* within the *specified area* expressed as a percentage of the total cover of all species within the *specified area*.

Physically remove means to transport from the specified area and **does not** include burning or mulching 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 include natural regeneration, direct seeding and/or planting.

specified area means the portion of Lot 60 on Deposited Plan 412960, bounded by a line joining the GDA 94 coordinates set out in the tables below consecutively:


Longitude - Degrees East	Latitude – Degrees South	Point
116.094841	32.006370	1
116.094858	32.007138	2
116.095150	32.007023	3
116.097432	32.006963	4
116.095333	32.006911	5
116.095379	32.006911	6
116.096083	32.006625	7
116.096121	32.006566	8
116.096456	32.006424	9
116.096545	32.006430	10
116.0969286	32.0062767	11
116.0969783	32.0062277	12
116.0974443	32.0060146	13
116.0974348	32.0059059	14

116.0953008	32.0062586	15
116.0952742	32.0062818	16

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 flora species that is not an indigenous 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

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.

Indicative Plan Vegetation Conservation Notice CPS 9912/1



LEGEND

Tenure

- Landgate Cadastre
- VCN Points
- Specified area
- Monitoring quadrats

EPSG28350 30 01 2022



Projection MGA zone 50
Datum GDA 94

Job Ref: ICMS 64427

Produced by Malcolm Wright
Department of Water and
Environmental Regulation
11 October 2022

SCALE

