



GOVERNMENT OF
WESTERN AUSTRALIA

Section 70(2)
Environmental Protection Act 1986.

VEGETATION CONSERVATION NOTICE

CPS 2456/1

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

Victor Bryon Sampson and Helen Ruth Sampson
Lot 53 Gingin Brook Rd
NEERGABBY WA 6503

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

Lot 53 on Plan 22443 as comprised on Certificate of Title Volume 2123 Folio 191

Reasons for which this vegetation conservation notice is given:

This vegetation conservation notice is given because unlawful clearing has taken place on the land:

- (a) Helen Ruth Sampson was convicted of unlawful clearing in Midland Magistrates Court on 22 November 2007;
- (b) A site inspection by inspectors on 20 May 2008 observed that unlawfully cleared land was being developed for agricultural purposes; and
- (c) The clearing is contrary to the outcome of an appeal decision on CPS 212/1 by the Minister for the Environment.

Requirements of this vegetation conservation notice:

The persons 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 do the following specified measures to re-establish and maintain native vegetation within the area affected by the clearing to a *condition* as near as possible to the *condition* of the native vegetation before the clearing occurred:

1. Application of herbicide

The persons to whom this vegetation conservation notice is given shall apply N-(phosphonomethyl) glycine (Glyphosate) to non native grasses within the *revegetation area* once between 1 August 2008 and 15 August 2008. Glyphosate shall be applied in accordance with the manufacturer's directions at a rate of 1.5 litres per hectare.

2. Notification

The persons to whom this vegetation conservation notice is given shall notify the CEO in writing within 48 hours of applying herbicide pursuant to measure 1.

3. Cultivation prohibited

The persons to whom this vegetation conservation notice is given, and each owner and occupier of the land who is bound by this vegetation conservation notice, shall not cultivate the *revegetation area* for any purpose including pasture, cropping or forestry for a period of ten years.

4. **Prevention of erosion, drift or movement of soil**

The persons to whom this vegetation conservation notice is given, and each owner and occupier of the land who is bound by this vegetation conservation notice, shall for ten years after the commencement of the vegetation conservation notice ensure no further scraping, raking, ploughing or mechanical movement of soil is undertaken within the *revegetation area*.

5. **Exclusion of stock**

The persons to whom this vegetation conservation notice is given, and each owner and occupier of the land who is bound by this vegetation conservation notice, shall ensure that livestock are excluded from the *protected areas* and shall not cause or permit stock to enter or remain within the *revegetation area* for a period of ten years after the commencement of the vegetation conservation notice.

6. **Weed control**

The persons 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, shall for ten years after the commencement of the vegetation conservation notice:

- (a) selectively remove or kill all *invasive weed* species within the *revegetation area* during the months of August or September.
- (b) selectively remove or kill *weed* species within the *revegetation area* during the months of August or September so that the percentage of the total vegetation cover that is *weed* species is less than 40%.

7. **Monitoring**

The persons 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, shall engage a *flora specialist* to undertake the following measures within the *revegetation area* for ten years after the commencement of the vegetation conservation notice:

- (a) Establish six *quadrats* within the *revegetation area* at the locations shown on Plan 2456/1b of this vegetation conservation notice by undertaking the following measures;
 - (i) Identify each quadrat with permanent markers (fence droppers) at each corner.
 - (ii) In September of each and every year determine the species composition, structure, density and *condition* of the vegetation within the *quadrats*.
- (b) Establish three *transects* within the *revegetation area* at the locations shown on Plan 2456/1b of this vegetation conservation notice by undertaking the following measures;
 - (i) Identify each transect with permanent markers (fence droppers) at either end, and pegs (such as dumpy pegs) located at 10 metre intervals between each end.
 - (ii) In September of each and every year record all flora taxa that intersect each *transect* at 5 centimetre intervals.
 - (iii) In September of each and every year take one photograph from each end of each *transect*.
 - (iv) In September of each and every year determine the species composition, structure, density and *condition* of the vegetation along each *transect*.
 - (v) In September of each and every year determine the percentage cover of weed species along each *transect*.

8. **Revegetation**

Where, after two years of monitoring pursuant to measure 7, in the opinion of a *flora specialist*, the species composition, structure, density and *condition* determined under measure 7(b) has not resulted in a similar species composition, structure, density and *condition* to pre-clearing vegetation types in the *revegetation area*, the persons 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, shall for ten years after the commencement of the vegetation conservation notice undertake the following specified measures within the *revegetation area*:

- (a) Deliberately plant and/or seed native vegetation that will result in a similar species composition, structure, density and *condition* of native vegetation to pre-clearing vegetation types in the *revegetation area*;
- (b) Ensure that only local provenance seeds and propagation material from within 50 kilometres of the area cleared are used to *revegetate* the *revegetation area*.

9. Success of revegetation

If for any reason the *revegetation* undertaken in accordance with measure 8 fails, the persons 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, shall implement the requirements of measures 8(a) and 8(b) again for ten years after the commencement of the vegetation conservation notice until the *revegetation*, in the opinion of the CEO, will result in a similar species composition, structure, density and *condition* to pre-clearing vegetation types in that area.

10. Records must be kept

The persons 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, shall maintain the following records for ten years after the commencement of the vegetation conservation notice for activities done pursuant to this vegetation conservation notice, as relevant:

- (a) In relation to weed control pursuant to measure 6:
 - (i) The date of the activities; and
 - (ii) A description of the *invasive weed* and *weed* control undertaken.
- (b) In relation to the monitoring of areas pursuant to measure 7:
 - (i) The date of the monitoring;
 - (ii) A description of the monitoring undertaken;
 - (iii) The species composition, structure, density and *condition* of vegetation measured; and
 - (iv) The percentage of the total vegetation cover that is *weed* species.
- (c) In relation to the *revegetation* of areas pursuant to measure 8:
 - (i) The commencement date of *revegetation*;
 - (ii) A description of the *revegetation* activities undertaken;
 - (iii) The size of the area *revegetated* (in hectares);
 - (iv) The species composition, structure, density and *condition* of *revegetation* measured.

11. Reporting

The persons 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, shall provide to the CEO on or before 30 June of each year, for ten years after the commencement of the vegetation conservation notice, a written report of records required under measure 10 and activities done under this vegetation conservation notice between 1 January and 31 December of the preceding year.

Definitions:

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. 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.

flora specialist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora.

invasive weed means *Eragrostis curvula* (African Lovegrass), *Ehrharta* spp (Veldt Grasses), *Arctotheca calendula* (Cape Weed), *Brassica* spp. (Wild Turnip), *Raphanus raphanistrum* (Wild Radish).

Protected area means the area cross hatched green on Plan 2456/1a attached to this vegetation conservation notice

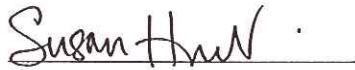
quadrat means a 10m x 10m plot established for the purpose of monitoring native vegetation species composition, structure, density and *condition*.

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 *condition* is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding an/or planting.

revegetation area means the area cross hatched red on Plan 2456/1b attached to this vegetation conservation notice.

transect means a linear sampling area for the purpose of monitor changes in native vegetation species composition, structure, density and condition.

weed means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agricultural and Related Resources Protection Act 1976*, but excludes *invasive weeds*.



Susan Hunt
Deputy Director General, Environment
Department of Environment and Conservation

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

31 July 2008

Important Information:

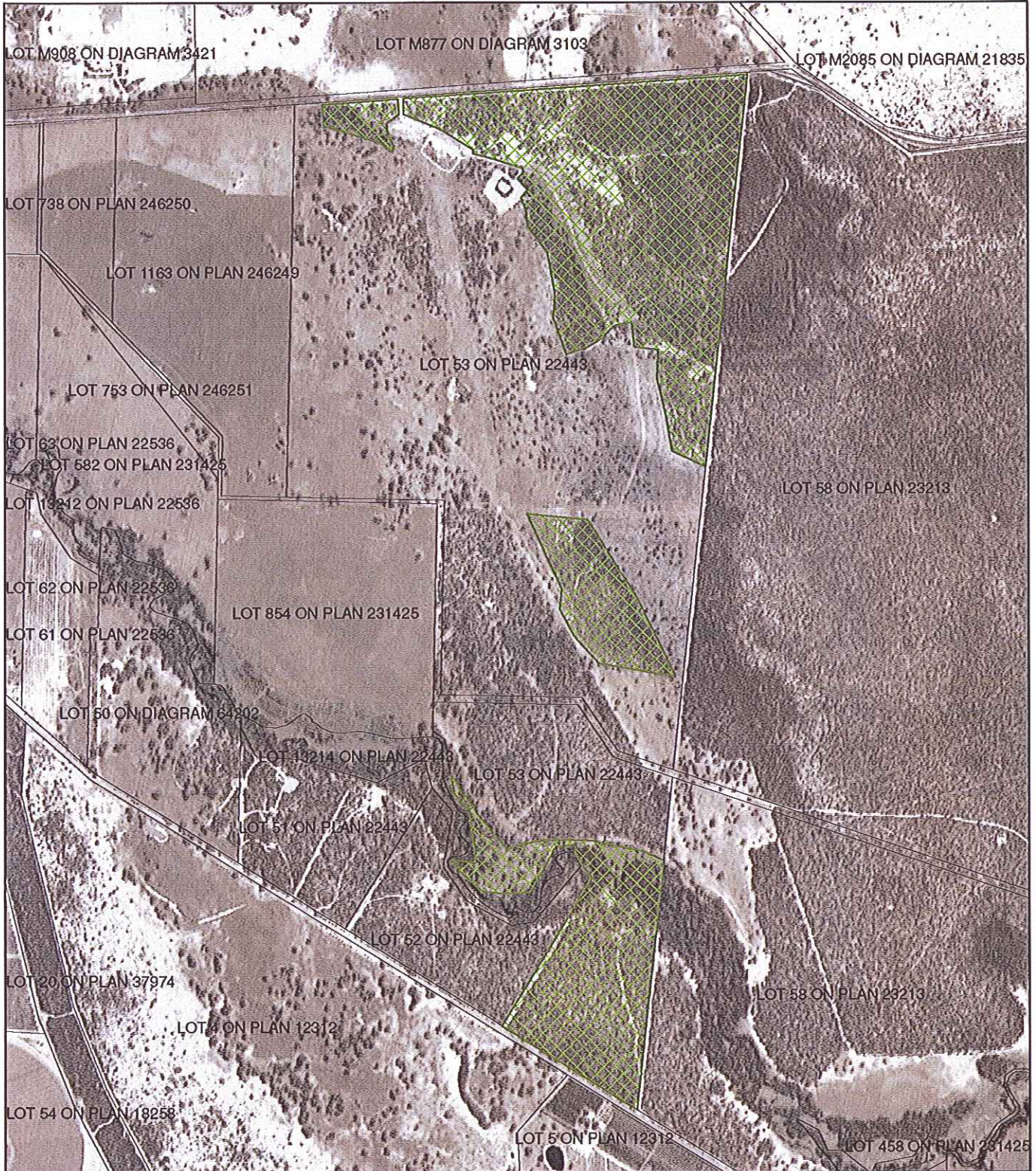
A PERSON WHO IS BOUND BY THIS VEGETATION CONSERVATION NOTICE AND WHO DOES NOT COMPLY WITH THIS VEGETATION CONSERVATION NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

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 the Environment an appeal in writing setting out the grounds of that appeal.
- 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 the 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.

Plan 2456/1a



LEGEND

 Protected area



0 62.5 125 250 375 500
Meters

Scale 1:15,000

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Susan Hunt Date *31/7/08*
Susan Hunt

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986.






Plan 2456/1b

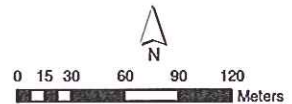
LOT M877 ON DIAGRAM 3103



LOT 53 ON PLAN 22443

LEGEND

-  Revegetation area
-  Quadrats
-  Transects



Scale 1:4,000
Geocentric Datum Australia 1994
Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Susan Hunt Date *3/7/08*
Susan Hunt

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986.

