



Section 70(2)
Environmental Protection Act 1986

VEGETATION CONSERVATION NOTICE

CPS 7968/1

PERSON TO WHOM THIS VEGETATION CONSERVATION NOTICE IS GIVEN:
(being the owner and occupier of the land described below)

BABINDI PTY LTD
PO Box 445
Northam WA 6401

LAND TO WHICH THIS NOTICE RELATES (“THE LAND”):

Lot 4068 on plan 119174 as comprised on Certificate of Title Volume 806 Folio 39

REASONS FOR WHICH THIS NOTICE IS SERVED:

This vegetation conservation notice is given for the following reasons:

- (a) a site inspection by Department of Water and Environmental Regulation Inspectors on 30 January 2018 observed that clearing of native vegetation had taken place on the Land;
- (b) examination of aerial photography has shown the Land contained established native vegetation in 2000 and that native vegetation was still present in January 2017;
- (c) A comparison of aerial imagery from January 2017 and satellite imagery from 27 April 2017 shows that clearing of native vegetation took place in that period;
- (d) No clearing permit had been granted authorising clearing of native vegetation on the Land nor was the clearing of a type or for a purpose subject to exemption under the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;
- (e) I therefore suspect on reasonable grounds that unlawful clearing of native vegetation, constituting a contravention of section 51C of the *Environmental Protection Act 1986*, took place between January 2017 and April 2017.

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, is/are required to undertake the following specified measures to repair damage caused by the clearing of native vegetation.

1. No unlawful clearing

Ensure that no unlawful clearing, or further unlawful clearing, takes place on the Land.

2. Revegetation

Undertake *revegetation* in the *specified area* by:

- (a) deliberately planting and/or seeding at least 103 *local species* trees which are to include at least 25 each of the following species:
 - i. Wandoo (*Eucalyptus wandoo*);
 - ii. Salmon Gum (*Eucalyptus salmonophloia*)
 - iii. York Gum (*Eucalyptus loxophleba*),
- (b) complete the initial *revegetation* by 31 July 2019; and
- (c) Where, for any reason, *revegetation* undertaken under measure 2(a) of this notice does not result in the successful re-establishment of 103 *local species* trees

Each and every year for:

A period of twenty years after the giving of this notice

OR

Until, there is successful re-establishment of 103 *local species* trees, which ever is the lesser period, *Revegetate* the *specified area*.

3. Exclusion of stock and vermin

For a period of twenty years from the date that this vegetation conservation notice is given

- (a) Ensure that *livestock* are excluded from the *specified area* and shall not cause or permit *livestock* to enter or remain within the *specified area*
- (b) Ensure the specified area is free of *vermin*

4. Records must be kept

For a period of twenty years from the date that this vegetation conservation notice is given, the following records shall be maintained for activities done pursuant to this vegetation conservation notice:

In relation to *revegetation* pursuant to measure 2:

- (a) the date/s of *revegetation* activities carried out ;
- (b) a description of *revegetation* activities undertaken;
- (c) the total number of trees planted or seeded;
- (d) the number of each species planted or seeded;
- (e) the location *coordinates* of each *revegetated* tree.

5. Annual reporting

For a period of twenty years from the date that this vegetation conservation notice is given, records required under measure 5 shall be submitted to the *CEO* by 30 June of each year reporting on activities done under this vegetation conservation notice between 1 January and 31 December of the preceding year.

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 Map Grid of Australia (Geocentric Datum of Australia 1994) coordinate for zone 50.

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 native vegetation species recorded as naturally occurring within 20 kilometres of the land.

revegetate, revegetated and revegetation means the re-establishment of native vegetation

specified area means the portion of Lot 4068 on plan 119174, bounded by a line joining the Zone 50 GDA 94 points set out in the table below consecutively then directly back to the point of commencement:

Point	Easting	Northing
1	6507848	487045
2	6507895	487109
3	6508053	487285
4	6508036	487326
5	6508105	487397
6	6508132	487461
7	6508221	487545
8	6508157	487614
9	6507990	487466
10	6507860	487390
11	6507766	487377
12	6507699	487320
13	6507655	487248
14	6507703	487113
15	6507776	486984
16	6507848	487045

Vermin means the European brown rabbit (*Oryctolagus cuniculus*)



Stuart Cowie

Executive Director

Compliance and Enforcement

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

| May 2018

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.