



Section 70(2)  
*Environmental Protection Act 1986*

## VEGETATION CONSERVATION NOTICE

CPS 6896/1

**Person to whom this vegetation conservation notice is given (“the Owner”):**  
(being the owner of the land described below)

WARRAGULL PTY LTD  
PO BOX 49  
DARKAN WA 6392

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

Lot 851 on Deposited Plan 100587 as comprised on Certificate of Title Volume 2107 Folio 442  
Lot 854 on Deposited Plan 100590 as comprised on Certificate of Title Volume 2107 Folio 439  
Lot 1767 on Deposited Plan 107272 as comprised on Certificate of Title Volume 2107 Folio 440

**Reasons for which this vegetation conservation notice is served:**

This vegetation conservation notice is given for the following reasons:

- (a) Site inspection by Department of Environment Regulation Inspectors on 17 December 2015 observed that clearing of native vegetation had taken place.
- (b) Examination of aerial photography has shown the land contained native vegetation.
- (c) 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 the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- (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 of the land who is bound by this vegetation conservation notice, are required to undertake the following specified measures, for a period of twenty years from the date this notice is given, to repair damage caused by the clearing.

### **1. No unlawful clearing**

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

### **2. Revegetation**

Undertake *revegetation* of native vegetation on the land by:

- (a) Deliberately planting and/or seeding a total of 589 *Eucalyptus rudis* (Flooded Gum) or *Eucalyptus wandoo* (Wandoo) trees on the land within 50 metres of a watercourse;

- (b) Complete the initial *revegetation* by 30 June 2017.

### 3. Success of Revegetation

- (a) In September of each year following initial *revegetation* determine the mortality rate of trees planted and/or seeded under measure 2 (a);
- (b) Replace identified dead trees by deliberately planting and/or seeding *Eucalyptus rudis* (Flooded Gum) or *Eucalyptus wandoo* (Wandoo) trees on the land within 50 metres of a watercourse;

### 4. Records must be kept

The following records shall be maintained for activities done pursuant to this vegetation conservation notice:

- (a) in relation to *revegetation* pursuant to measure 2:
  - (i) the date/s of *revegetation* activities carried out ;
  - (ii) a description of *revegetation* activities undertaken;
  - (iii) the location of planting depicted on a map of the land and the total number of trees planted or kilograms of seed used of the species listed.
- (b) in relation to the success of *revegetation* pursuant to measure 3:
  - (i) the date/s that the mortality rate was determined;
  - (ii) the number of dead trees identified;
  - (iii) a description of action taken to replace dead trees.

### 5. Annual reporting

Records required under measure 4 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.

*revegetate, revegetated and revegetation* means the establishment of 589 *Eucalyptus rudis* (Flooded Gum) or *Eucalyptus wandoo* (Wandoo) trees on the land within 50 metres a watercourse



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Shaun Hodges  
ACTING EXECUTIVE DIRECTOR  
COMPLIANCE AND ENFORCEMENT  
DEPARTMENT OF ENVIRONMENT REGULATION

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

12 October 2016

**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.