



Government of **Western Australia**  
Department of **Environment Regulation**

Your ref:  
Our ref: CPS 6979/1  
Enquiries: Stuart Barter  
Phone: 6467 5036  
Fax:  
Email: stuart.barter@der.wa.gov.au

Mr Roclea South  
Director, Warragull Pty Ltd  
1085 Howie Road  
DARKAN WA 6392

By registered post and by email: [southern@bigpond.com](mailto:southern@bigpond.com)

Dear Mr South,

**VEGETATION CONSERVATION NOTICE LOT 851 ON DEPOSITED PLAN 100587, LOT 854 ON DEPOSITED PLAN 100590 AND LOT 1767 ON DEPOSITED PLAN 107272 (DARKAN)**

On 17 December 2015, officers from the Department of Environment Regulation (DER) attended Lot 851 on Deposited Plan 100587, Lot 854 on Deposited Plan 100590 and Lot 1767 on Deposited Plan 107272 and conducted a site inspection regarding an allegation of the unauthorised clearing of native vegetation.

During the inspection and subsequent aerial imagery review, it was identified that approximately 614 native trees over approximately 67 hectares had been cleared. This vegetation consisted mainly of *Eucalyptus rudis* (Flooded Gum) and some *Eucalyptus wandoo* (Wandoo) trees. As a result of the inspection and subsequent investigation, I suspect on reasonable grounds that native vegetation cleared on the Property was not lawfully cleared and contrary to section 51C of the *Environmental Protection Act 1986 (EP Act)*.

Pursuant to section 70(2) of the EP Act, I have decided to give a vegetation conservation notice (VCN) requiring that no unlawful clearing or further unlawful clearing takes place within the whole of the Property.

Please read the requirements of the VCN carefully. The VCN is registered on the Certificate of Title and binds all successive landowners.

Should you cease to be the owner of the Property, you must notify the Chief Executive Officer of DER in writing. You must also notify the new owner in writing that the VCN is binding on that person.

A person who is bound by a VCN who does not comply with a requirement contained in it commits an offence.

If you are aggrieved by the giving of this VCN, an appeal may be lodged with the Minister for Environment. If you choose to appeal, it must be in writing, clearly set out the grounds of the appeal and be received by the Minister within 21 days. More information on lodging an appeal is available from the Office of the Appeals Convenor on telephone 08 6467 5190.

The Atrium, 168 St Georges Terrace, Perth WA 6000  
Phone (08) 6467 5000 Fax (08) 6467 5562  
Postal Address: Locked Bag 33, Cloisters Square, Perth WA 6850  
[www.der.wa.gov.au](http://www.der.wa.gov.au)

Completed appeals should be posted or delivered to:

Office of the Appeals Convenor  
Level 22 Forrest Centre  
221 St Georges Terrace  
PERTH WA 6000  
Contact numbers  
Tel: 08 6467 5190  
Fax: 08 6467 5199  
Web: <http://www.appealsconvenor.wa.gov.au>

Third parties may also appeal against the giving of this VCN.

If you do not understand the VCN, please contact Senior Investigator Stuart Barter of Environmental Enforcement on 6467 5036, or via email at [stuart.barter@der.wa.gov.au](mailto:stuart.barter@der.wa.gov.au).

Yours sincerely,



Shaun Hodges  
ACTING EXECUTIVE DIRECTOR  
COMPLIANCE AND ENFORCEMENT

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

15<sup>th</sup> March 2016

**Attached:** Vegetation Conservation Notice CPS 6979/1



Section 70(2)  
*Environmental Protection Act 1986*

## VEGETATION CONSERVATION NOTICE CPS 6979/1

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

**WARRAGULL PTY LTD  
OF 1085 HOWIE ROAD  
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 given:**

This vegetation conservation notice is given because I suspect on the following grounds that unlawful clearing has taken place and is likely to take place on the land:

- (a) a site inspection by Department of Environment Regulation Investigators on 17 December 2015 observed that clearing of native vegetation had taken place on the Land;
- (b) examination of aerial photography has shown the Land contained native vegetation;
- (c) the clearing was not authorised by a clearing permit or subject to exemption under the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; and
- (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 to whom this vegetation conservation notice is given and each owner and occupier of the land who is bound by this vegetation conservation notice is required to ensure that no unlawful clearing, or no further unlawful clearing, takes place on the land.**

  
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Shaun Hodges  
A/Executive Director  
Compliance and Enforcement  
Department of Environment Regulation  
*Officer delegated under Section 20 of the Environmental Protection Act 1986.*

15 MARCH 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.
- 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.