



GOVERNMENT OF
WESTERN AUSTRALIA

Section 70(2)
Environmental Protection Act 1986

VEGETATION CONSERVATION NOTICE

CPS 9666/1

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

(being the occupier of the land described below)

DESERT FOX LAND SYSTEMS PTY LTD

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

Lot 2518 on Deposited Plan 137243 as comprised on Certificate of Title Volume 2586 Folio 647

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 and satellite imagery has shown the land contained native vegetation.
- (b) Satellite imagery (Nearmap) from 4 January 2020 showed native vegetation present on the property.
- (c) Satellite imagery (Nearmap) on the 14 November 2021 showed the native vegetation as not being present.
- (d) A site inspection of the land by Department of Water and Environmental Regulation (DWER) Inspectors on 9 November 2021 confirmed that clearing had been carried out.
- (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*.
- (f) 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 unlawful clearing, or further unlawful clearing, takes place on the land.

2. Cultivation prohibited

Ensure no cultivation, including scraping, raking, ploughing, mechanical movement of soil or seeding of non-native crops, is carried out within the *specified areas* other than for purposes required under this vegetation conservation notice or for the purpose of complying with a written firebreak notice.

3. Exclusion of Livestock

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

4. Revegetation

Undertake *revegetation* within the *specified areas* by:

- a) Within *specified area 1* deliberately planting and/or seeding 150 native trees of Eucalyptus species, Banksia species and Myrtaceae species in equal numbers; and
- b) Within *specified area 2* deliberately planting and/or seeding 33 native trees of Eucalyptus species, Banksia species and Myrtaceae species in equal numbers; and
- c) Within *specified area 3* deliberately planting and/or seeding 66 native trees of Eucalyptus species, Banksia species and Myrtaceae species in equal numbers,
- d) Ensure that each individual planting or seeding is no less than 10 meters from any other planting or seeding;
- e) Constructing a barrier to protect each plant sufficient to prevent damage to that plant by *livestock*, vermin or native animals;
- f) ensure only *local species* are used in the *revegetation*; and
- g) Ensure that initial *revegetation* has been completed across all *specified areas* by August 2024.

5. Success of Revegetation

Where, for any reason, *revegetation* undertaken in accordance with measure 4 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 areas* in accordance with measure 4.

6. 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 *specified areas* in accordance with measure 4:
 - (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

10. 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 nine (9) of this notice for the preceding two calendar years (1 January of the first year to 31 December the second year). The reports are to be provided to the CEO on or before the following dates:

Report No.	Reporting Period	Due Date
1	Giving of VCN – 31 December 2024	30 June 2025
2	1 January 2025 – 31 December 2027	30 June 2028
3	1 January 2027 – 31 December 2029	30 June 2030
4	1 January 2029 – 31 December 2031	30 June 2032
5	1 January 2031 – 31 December 2033	30 June 2034

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 degrees in Geocentric Datum of Australia 1994.

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

revegetate, revegetated and revegetation means the re-establishment of a cover of native trees of *Eucalyptus* local species, *Banksia* local species and *Myrtaceae* local species in equal numbers to the specified quantities and can involve natural regeneration, direct seeding and/or planting.

specified areas mean the portion of Lot 2518 on Deposited Plan 137243, Muchea bounded by a line joining the GDA 94 coordinates set out consecutively in the tables below:

SPECIFIED AREA 1

Longitude - Degrees East	Latitude – Degrees South	Point
115.9053714	-31.48612693	1
115.9061894	-31.48614154	2
115.9064523	-31.4849365	3
115.9080006	-31.48559379	4
115.9080334	-31.48833251	5
115.9057548	-31.48833251	6

then directly to the point of commencement

SPECIFIED AREA 2

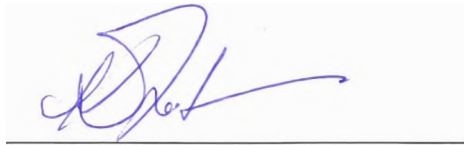
Longitude - Degrees East	Latitude – Degrees South	Point
115.9081795	-31.48670389	1
115.9088989	-31.48631682	2
115.9096	-31.48710557	3
115.9095854	-31.48758028	4
115.9081905	-31.48781398	5

then directly to the point of commencement.

SPECIFIED AREA 3

Longitude - Degrees East	Latitude – Degrees South	Point
115.9093	-31.4828	1
115.9117	-31.4829	2
115.9118	-31.4846	3
115.9112	-31.485	4

then directly to the point of commencement.



Kelly Faulkner

EXECUTIVE DIRECTOR, COMPLIANCE AND ENFORCEMENT

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

04 September 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*.

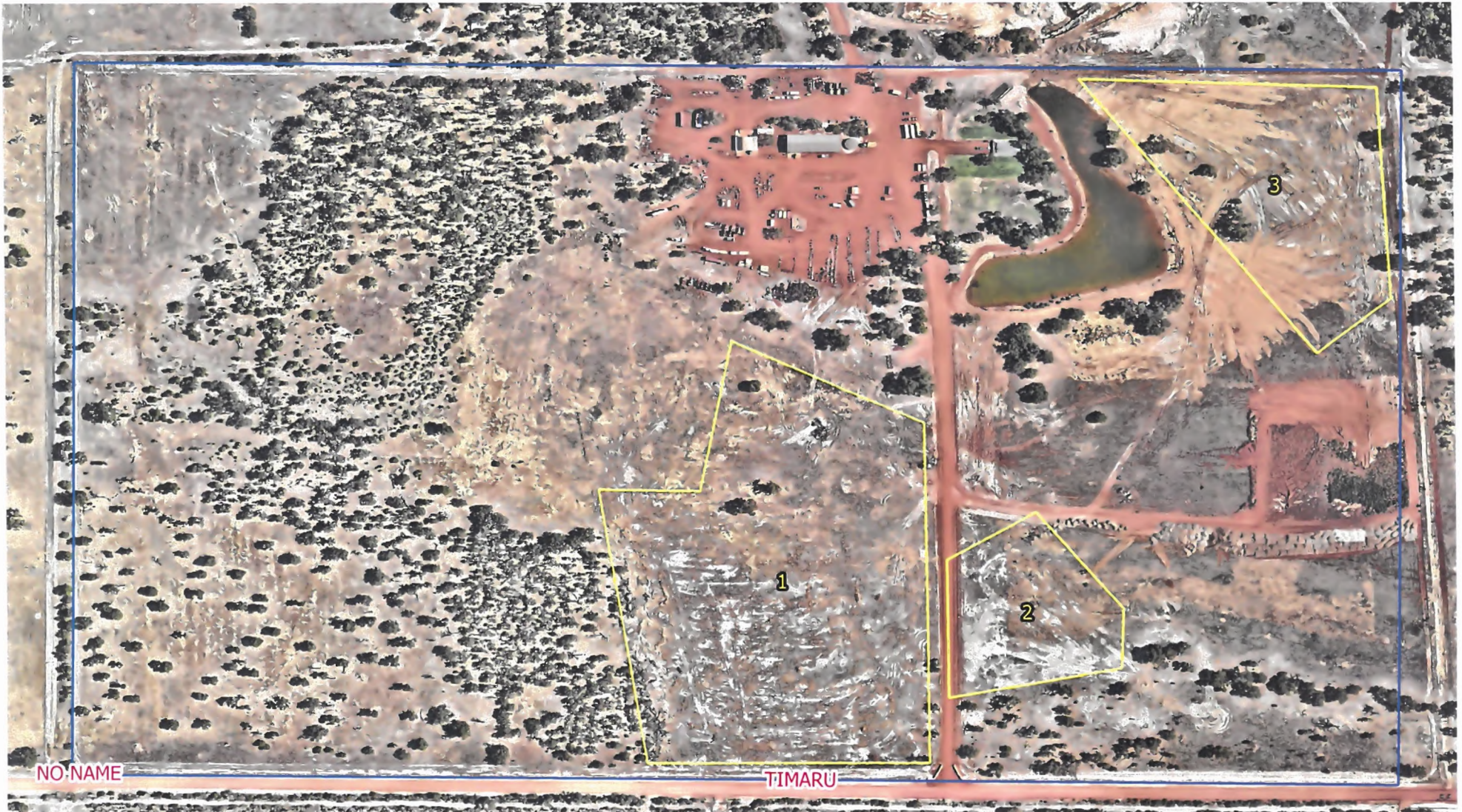
Under section 103 of the *Environmental Protection Act 1986*:

- 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.



**VEGETATION CONSERVATION NOTICE PLAN CPS 9666/1
LOT 2518 ON DEPOSITED PLAN 137243, MUCHEA
PROPERTY PROPRIETOR: DESERT FOX LAND SYSTEMS PTY LTD
SPECIFIED AREAS**



NORTH



0 100 200 300 m

INDICATIVE PLAN

Produced by Senior Investigator Stuart Barter,
Investigation Branch on 24 March 2022

Reference # ICMS 61657

LEGEND

VCN Specified Area Lot 2518

Property Boundary

2518

Near Map Image - 4 January 2020

The Department of Water and Environmental Regulation does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which arises on any information depicted