



Section 70(2)  
*Environmental Protection Act 1986.*

## VEGETATION CONSERVATION NOTICE

CPS 3600/2

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

Maxwell Jan Szulc

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

Lot 997 on Deposited Plan 211197  
as comprised on Certificate of Title Volume 199 Folio 30A

**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 on the land:

- (a) A site inspection by Department of Environment and Conservation (DEC) inspectors on 23 September 2009 observed that clearing of native vegetation had taken place.
- (b) A further site inspection by DEC inspectors on 10 May 2010 observed that additional clearing of native vegetation had taken place.
- (c) A further site inspection by DEC inspectors on 30 November 2010 observed that ploughing of some areas observed to have been cleared on 10 May 2010 had taken place.
- (d) Examination of aerial photography has shown the land contained native vegetation on 13 January 2007.
- (e) The clearing of native vegetation does not appear to be in accordance with section 51C of the *Environmental Protection Act 1986*.

**Requirements of this vegetation conservation notice:**

The person 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. 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 or mechanical movement of soil, except for purposes required under this vegetation conservation notice, is carried out within *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified*

area 7 for any purpose, including pasture, cropping or forestry for a period of ten years from the commencement date of this vegetation conservation notice.

### 3. Exclusion of Stock

Ensure that for a period of ten years from the commencement date of this vegetation conservation notice;

- (a) that livestock are excluded from *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* and shall not cause or permit livestock to enter or remain within *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7*; and
- (b) within 3 months of the commencement of the vegetation conservation notice construct and maintain a fence to exclude all classes of livestock from the *specified areas*.

### 4. Weed control

Shall for a period of ten years from the commencement date of this vegetation conservation notice:

- (a) engage an *environmental specialist* to inspect *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* each year and identify all *weed* species present;
- (b) selectively remove, treat or kill all *invasive weed* species within *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* during the months of September or October of each year; and
- (c) selectively remove, treat or kill *weed* species within the *specified area* during the months of September or October of each year so that within *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* the percentage of the total vegetation cover that is *weed* species is less than 20%.

### 5. Monitoring

Shall engage an *environmental specialist* to undertake the following measures each year within *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6, specified area 7, monitoring control area 1 and monitoring control area 2* for ten years after the commencement of the vegetation conservation notice:

- (a) within *specified area 1 and specified area 2* establish 6 *quadrats* by undertaking the following measures:
  - (i) *quadrat 1* shall be situated so the southwest corner is at 276720E 6286278N. Zone 51 GDA 94;
  - (ii) *quadrat 2* shall be situated so the southwest corner is at 276841E 6285709N. Zone 51 GDA 94;
  - (iii) *quadrat 3* shall be situated so the southwest corner is at 276506E 6285854N. Zone 51 GDA 94;
  - (iv) *quadrat 4* shall be situated so the southwest corner is at 276169E 6285577N. Zone 51 GDA 94;
  - (v) *quadrat 5* shall be situated so the southwest corner is at 276392E 6285137N. Zone 51 GDA 94;
  - (vi) *quadrat 6* shall be situated so the southwest corner is at 275800E 6285204N. Zone 51 GDA 94;
  - (vii) identify each *quadrat* with permanent markers (fence dropper or similar steel post) at each corner;
  - (viii) in September of each and every year determine the species composition, structure, density and *condition* of the vegetation within the *quadrats*; and
  - (ix) in September of each and every year take one photograph of the vegetation growing within the *quadrat*, from the southwest corner permanent marker of each *quadrat*.
- (b) within *specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* establish 8 *quadrats* by undertaking the following measures:
  - (i) *quadrat 1* shall be situated so the southwest corner is at 277015E 6286017N. Zone 51 GDA 94;



- (ii) *quadrat 2* shall be situated so the southwest corner is at 277192E 6285843N. Zone 51 GDA 94;
  - (iii) *quadrat 3* shall be situated so the southwest corner is at 275431E 6284880N. Zone 51 GDA 94;
  - (iv) *quadrat 4* shall be situated so the southwest corner is at 275749E 6284813N. Zone 51 GDA 94;
  - (v) *quadrat 5* shall be situated so the southwest corner is at 275988E 6284371N. Zone 51 GDA 94;
  - (vi) *quadrat 6* shall be situated so the southwest corner is at 276039E 6284051N. Zone 51 GDA 94;
  - (vii) *quadrat 7* shall be situated so the southwest corner is at 275871E 6283522N. Zone 51 GDA 94;
  - (viii) *quadrat 8* shall be situated so the southwest corner is at 276097E 6283167N. Zone 51 GDA 94;
  - (ix) identify each *quadrat* with permanent markers (fence dropper or similar steel post) at each corner;
  - (x) in September of each and every year determine the species composition, structure, density and *condition* of the vegetation within the *quadrats*; and
  - (xi) in September of each and every year take one photograph of the vegetation growing within the *quadrat*, from the southwest corner permanent marker of each *quadrat*.
- (c) within *monitoring control area 1* establish one *quadrat* by undertaking the following measures:
- (i) *the quadrat* shall be situated so the southwest corner is at 276170E 6285276N. Zone 51 GDA 94;
  - (ii) identify the *quadrat* with permanent markers (fence dropper or similar steel post) at each corner;
  - (iii) in the first September after this vegetation conservation notice is given determine the species composition, structure, density and condition of the vegetation within the *quadrat*; and
  - (iv) in the first September after this vegetation conservation notice is given take one photograph of the vegetation growing within the *quadrat*, from the southwest corner permanent marker of the *quadrat*.
- (d) within *monitoring control area 2* establish one *quadrat* by undertaking the following measures:
- (i) *the quadrat* shall be situated so the southwest corner is at 275847E 6283850N. Zone 51 GDA 94;
  - (ii) identify the *quadrat* with permanent markers (fence dropper or similar steel post) at each corner;
  - (iii) in the first September after this vegetation conservation notice is given determine the species composition, structure, density and condition of the vegetation within the *quadrat*; and
  - (iv) in the first September after this vegetation conservation notice is given take one photograph of the vegetation growing within the *quadrat*, from the southwest corner permanent marker of the *quadrat*.

## 6. Revegetation

- (a) Shall establish and maintain native vegetation in *specified area 1, specified area 2, specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* in accordance with the following measures:
- (i) The native vegetation within *specified area 1 and specified area 2* shall consist of overstorey, midstorey and understorey species to a species composition, structure and *condition* similar to that determined under measure 5(c)(iii);
  - (ii) The native vegetation within *specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* shall consist of overstorey, midstorey and understorey species to

- a species composition, structure and *condition* similar to that determined under measure 5(d)(iii); and
- (iii) all seed or propagation material used in the *revegetation* shall be sourced from *local provenance* material.

## 7. Success of Revegetation

Within three years of the commencement of this vegetation conservation notice shall undertake the following specified measures for ten years after the commencement of the vegetation conservation notice;

- (a) have an *environmental specialist* compare each *quadrat's* composition, structure, density and *condition* as determined under measure 5(a)(viii) with the species composition, structure, density and *condition* as determined under measure 5(c)(iii).
- (b) have an *environmental specialist* compare each *quadrat's* composition, structure, density and *condition* as determined under measure 5(b)(x) with the species composition, structure, density and *condition* as determined under measure 5(d)(iii).
- (c) deliberately plant and / or seed *local provenance* native vegetation in *specified area 1* and *specified area 2* that will result in a species composition, structure, density and *condition* of native vegetation similar to that determined under measure 5(c)(iii), if in the opinion of an *environmental specialist*, the composition, structure, density and *condition* within each *quadrat* determined under measure 5(a)(viii) of this notice does not result in the species composition, structure, density and *condition* similar to that determined under measure 5(c)(iii).
- (d) A determination by an *environmental specialist* that the composition, structure, density and *condition* within each *quadrat*, as determined under measure 5(a)(viii) of this notice, has resulted in the species composition, structure, density and *condition* similar to that determined under measure 5(c)(iii), must be submitted in writing for approval by DEC's CEO.
- (e) deliberately plant and / or seed *local provenance* native vegetation in *specified area 3, specified area 4, specified area 5, specified area 6 and specified area 7* that will result in a species composition, structure, density and *condition* of native vegetation similar to that determined under measure 5(d)(iii), if in the opinion of an *environmental specialist*, the composition, structure, density and *condition* within each *quadrat* determined under measure 5(b)(x) of this notice does not result in the species composition, structure, density and *condition* similar to that determined under measures 5(d)(iii).
- (f) A determination by an *environmental specialist* that the composition, structure, density and *condition* within each *quadrat*, as determined under measure 5(b)(x) of this notice, has resulted in the species composition, structure, density and *condition* similar to that determined under measure 5(d)(iii), must be submitted in writing for approval by DEC's CEO.

## 8. Records must be kept

The person 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 4:
  - (i) the date of the *weed* control activities; and
  - (ii) a description of the *weed* control activities undertaken.
- (b) in relation to the monitoring of areas pursuant to measure 5:
  - (i) the date of the monitoring activities;
  - (ii) a description of the monitoring activities undertaken;
  - (iii) the species composition, structure, density and *condition* of vegetation measured;
  - (iv) the photographs taken of each *quadrat*; and
  - (v) the percentage of the total vegetation cover that is *weed* species.
- (c) in relation to the success of *revegetation* pursuant to measure 6 and measure 7:
  - (i) the *environmental specialist's* determination for each *quadrat*;
  - (i) the commencement date of *revegetation*;
  - (ii) the size of the area *revegetated* (in hectares);



- (iii) the list of *local provenance* seed or propagation material used;
- (iv) a description of the *revegetation* activities undertaken; and
- (v) a copy of any written approvals from DEC's CEO.

## 9. 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 DEC's CEO on or before 30 June of each year, for ten years after the commencement date of this vegetation conservation notice, a written report of records required under measure 8 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.

**environmental specialist** means a person who is engaged by 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 for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this vegetation conservation notice.

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

**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.

**local provenance** means native vegetation seeds and propagating material from natural sources within 100 kilometres of the area cleared.

**monitoring control area 1** means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	276147	6285352
2	276240	6285352
3	276240	6285263
4	276147	6285263

then directly to the point of commencement.

**monitoring control area 2** means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	275831	6283914
2	275924	6283914
3	275924	6283825
4	275831	6283825

then directly to the point of commencement.

*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 and/or planting.

*specified area 1* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	276741	6285441
2	276697	6285338
3	276672	6285298
4	276672	6285259
5	276569	6285205
6	276471	6285106
7	276416	6285052
8	276333	6285018
9	276298	6285013
10	276264	6284939
11	276210	6284865
12	276150	6284832
13	275825	6284876
14	275693	6284961
15	275693	6284979
16	275568	6285097
17	275514	6285171
18	276446	6286301
19	276475	6286267
20	276475	6286233
21	276554	6286193
22	276628	6286090
23	276790	6285992
24	276785	6285869
25	276761	6285800
26	276731	6285746
27	276721	6285647
28	276721	6285588
29	276746	6285529

then directly to the point of commencement.

*specified area 2* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	276894	6286373
2	276909	6286206
3	276925	6286054
4	276929	6285983
5	276921	6285856
6	276907	6285576
7	276905	6285574
8	276865	6285529

9	276798	6285644
10	276794	6285724
11	276840	6285856
12	276858	6285925
13	276867	6286049
14	276701	6286118
15	276610	6286240
16	276480	6286273
17	276447	6286305
18	276686	6286581
19	276891	6286395

then directly to the point of commencement.

*specified area 3* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	276921	6285856
2	276929	6285983
3	276925	6286054
4	276909	6286206
5	276894	6286373
6	276891	6286395
7	277324	6286002
8	277334	6285877
9	277408	6285722
10	277403	6285682
11	277298	6285717
12	277234	6285781
13	277096	6285732
14	276907	6285576

then directly to the point of commencement.

*specified area 4* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	275563	6285102
2	275547	6285122
3	275527	6285122
4	275496	6285122
5	275482	6285109
6	275492	6285102
7	275543	6285079
8	275563	6285043
9	275593	6285025
10	275629	6284971
11	275629	6284930
12	275616	6284877
13	275605	6284851
14	275604	6284848
15	275565	6284795
16	275540	6284772
17	275486	6284764

18	275391	6284767
19	275337	6284764
20	275291	6284751
21	275253	6284792
22	275266	6284871
23	275279	6284885
24	275514	6285171
25	275568	6285097

then directly to the point of commencement.

*specified area 5* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	276131	6284821
2	276062	6284816
3	276022	6284837
4	276018	6284813
5	275996	6284804
6	275959	6284793
7	275913	6284761
8	275856	6284752
9	275734	6284767
10	275691	6284736
11	275678	6284715
12	275657	6284700
13	275609	6284651
14	275568	6284616
15	275532	6284616
16	275507	6284618
17	275479	6284637
18	275490	6284674
19	275493	6284700
20	275517	6284703
21	275555	6284720
22	275573	6284738
23	275596	6284754
24	275624	6284790
25	275679	6284850
26	275681	6284887
27	275694	6284924
28	275693	6284961
29	275825	6284876
30	276150	6284832

then directly to the point of commencement.

*specified area 6* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	275852	6284008
2	275502	6284288
3	275455	6284334
4	275475	6284365



5	275441	6284424
6	275406	6284438
7	275395	6284477
8	275412	6284501
9	275338	6284569
10	275336	6284606
11	275263	6284616
12	275245	6284596
13	275249	6284650
14	275289	6284680
15	275343	6284689
16	275398	6284672
17	275425	6284646
18	275421	6284600
19	275435	6284553
20	275481	6284493
21	275549	6284478
22	275666	6284467
23	275780	6284461
24	275845	6284532
25	275928	6284551
26	275978	6284546
27	276341	6284541
28	276470	6284516
29	276484	6284473
30	276308	6284233
31	276234	6284122
32	276130	6283868

then directly to the point of commencement.

*specified area 7* means the portion of Lot 997 on Deposited Plan 211197 bounded by a line joining the following Zone 51 GDA 94 points consecutively:

Point	Easting (M)	Northing (M)
1	275714	6283744
2	275765	6283724
3	275802	6283751
4	275842	6283769
5	275904	6283743
6	275956	6283700
7	276016	6283700
8	276027	6283729
9	276161	6283700
10	276169	6283652
11	276236	6283649
12	276310	6283623
13	276371	6283616
14	276415	6283614
15	276425	6283636
16	276501	6283636
17	276547	6283616
18	276550	6283486
19	276581	6283501
20	276640	6283559
21	276684	6283526

22	276024	6282733
23	275523	6283627

then directly to the point of commencement.

*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 *Agriculture and Related Resources Protection Act 1976*, but excludes *invasive weeds*.



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Robert Philip Atkins  
**DEPUTY DIRECTOR GENERAL, ENVIRONMENT**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

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

22 February 2011

**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*.

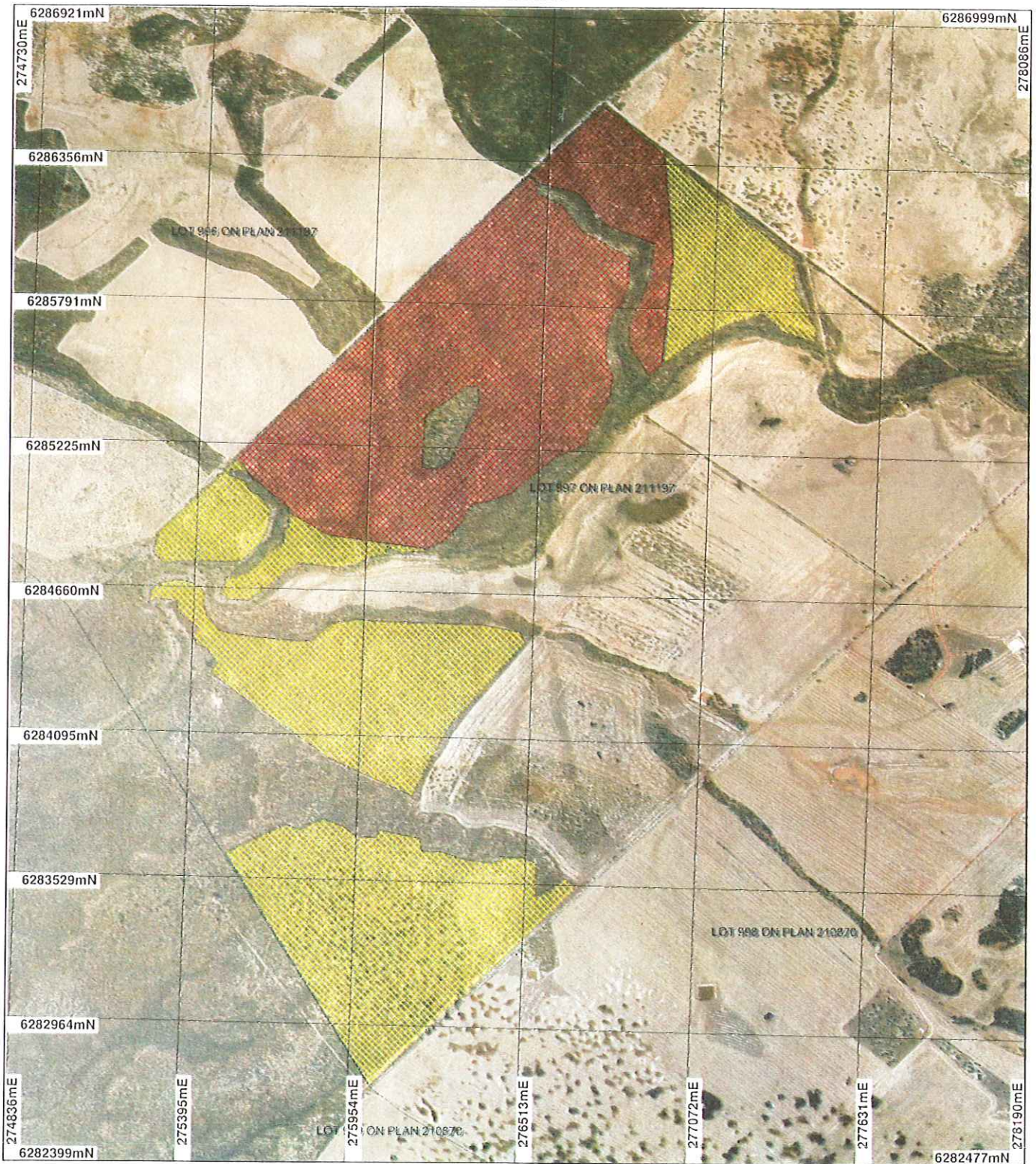
Under section 103 of the *Environmental Protection Act 1986*:

- 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.



# Plan 3600/2a



## LEGEND

- ✓ Cadastre for labelling
- ✓ Road centrelines
- ✓ Clearing Instruments
- Specified Areas 1 and 2
- Specified Areas 3 to 7
- Oldfield 50cm Orthomosaic - Landgate 2007



0 500 m

Scale 1:19877

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

*[Signature]*

Date 22.2.11

R Atkins

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

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Department of Environment and Conservation

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MW 12 OF 17



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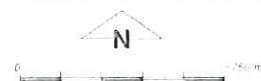
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MW 13 OF 17



[illegible]

**Monitoring Control Area 2**  
 Griffiths Station, Colchester, Essex  
 LE14 3JF



Scale 1:26500

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

*[Signature]*  
P. Atkins

Date: 22.2.11

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

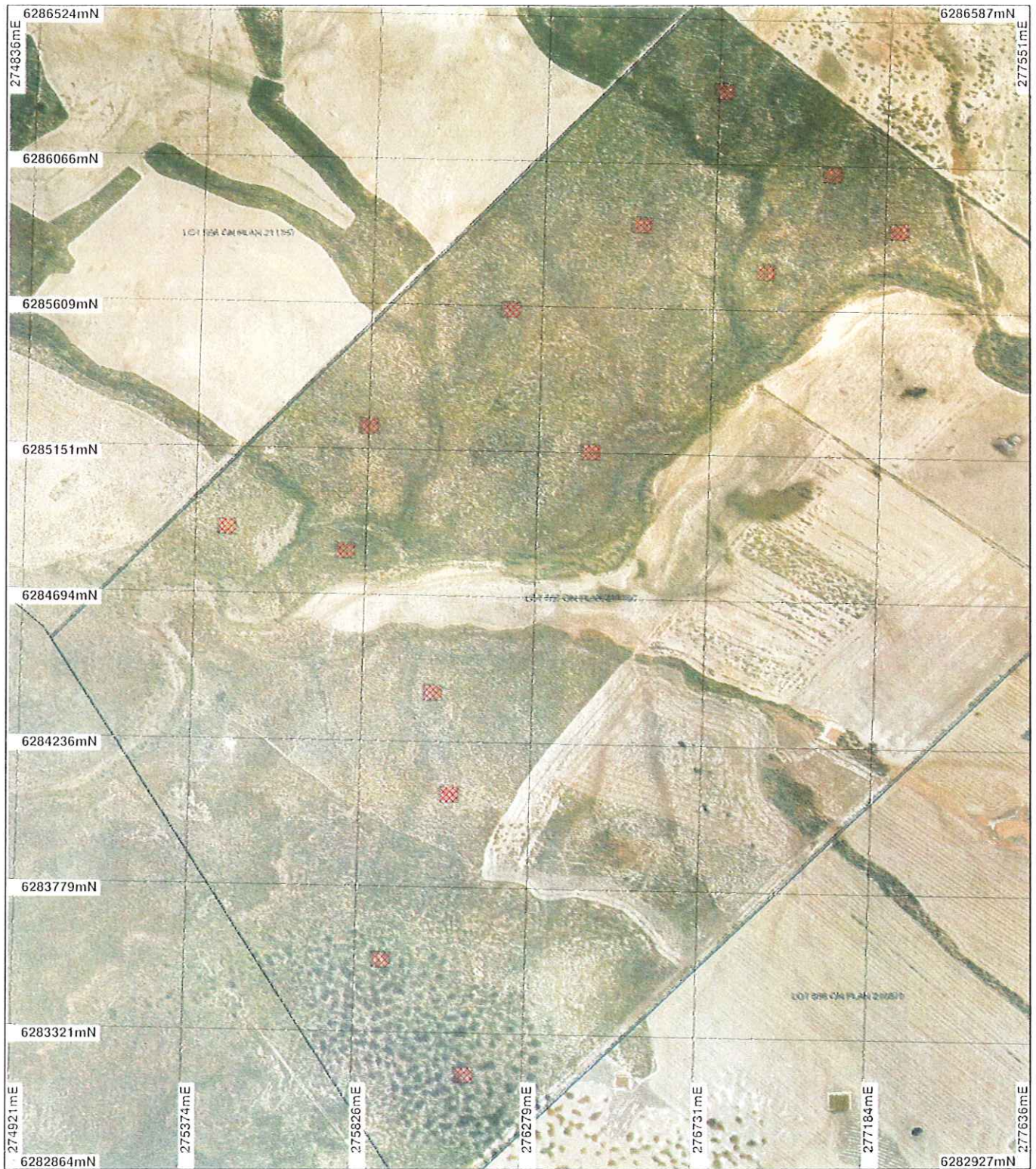
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Department of  
Environment and Conservation

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# Plan 3600/2d



## LEGEND

- Road Centrelines
- Chasing Instruments
- Specified Areas 1 to 7 Quadrats
- Chittahalli Suburb Orthomosaic (Landgate 2007)
- Cadastre for Labelling

N

Scale 1:16086  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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Date 22.2.11

P. Atkins

Officer with delegated authority under Section 26 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

Department of Environment and Heritage  
Warriner, August 2007



# Plan 3600/2e



## LEGEND

- Road Centrelines
- Channel boundaries
- Monitoring Control Area 1 Quadrat
- Chittenden 50m x 50m Grid
- Landlight 2007

N

Scale 1:8087

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

P. Atkins

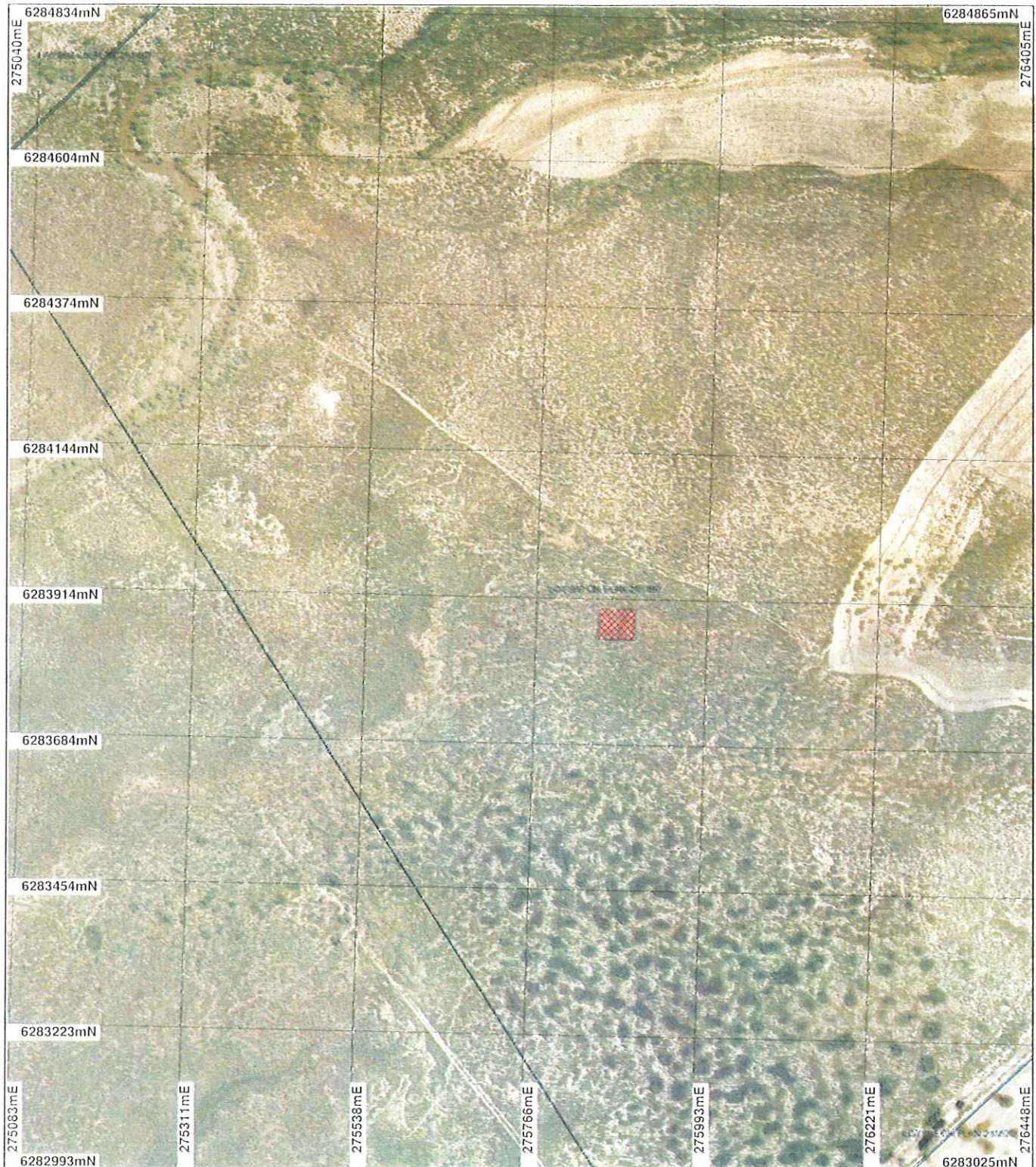
Date: 22.2.11

Official with delegated authority under Section 26 of  
the Environmental Protection Act 1986

Information derived from this map should be  
confirmed with the data controller, as indicated  
by the agency acronym in the legend.



# Plan 3600/2f



## LEGEND

- Road Centrelines
- Chaining Instruments
- Monitoring Control Area 2 Quadrat

*(Note: The legend text is mirrored and partially obscured by a large, faint, illegible watermark in the center of the page.)*

Scale 1:8087

Geocentric Datum Australia 1994

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

Date 22.2.11

Officially delegated authority, under Section 200B of the Environmental Protection Act 1986.

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MW 170F17