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

## VEGETATION CONSERVATION NOTICE

CPS 11301/1

**Persons to whom this vegetation conservation notice is given (The Owner):**

(being the owner of the land described below)

CITY OF SWAN  
PO BOX 196  
MIDLAND DC WA 6936

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

LOT 120 on Diagram 79784 as comprised on Certificate of Title Volume 1906 Folio 268

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

This Vegetation Conservation Notice (VCN) 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 from 22 May 2019 showed native vegetation present on the land.
- (c) Satellite imagery from 24 January 2022 showed the native vegetation as not being present on the land.
- (d) A site inspection of the land by Department of Water and Environmental Regulation (the department) Inspectors on 8 October 2025 confirmed that clearing had been carried out on the land.
- (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*.

Therefore, I suspect on reasonable grounds that unlawful clearing of native vegetation has taken place on the land, constituting a contravention of Section 51C of the *Environmental Protection Act 1986*.

**Requirements of this Notice:**

The person(s) to whom this VCN is given, and each subsequent owner and or occupier of the land who is bound by this VCN, are required to undertake the following specified measures:

- For a period of twenty (20) years from the date this notice is given, re-establish and maintain native vegetation on any 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 further unlawful clearing takes place on the land.

**2. Cultivation prohibited**

From the date this notice is given, ensure no cultivation, including harvesting, mowing, scraping, raking, ploughing or mechanical movement of soil or seeding of non-native crops, is carried out within the *specified area* other than purposes required under this VCN or for the purpose of complying with a written firebreak notice.

**3. Exclusion of stock**

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

**4. Rehabilitation**

Spread the remaining topsoil material within the *specified areas* under the VCN at the beginning of the next Spring or Autumn season; whichever is sooner.

**5. Revegetation**

- (a) Within six (6) months from the date of the issuing of the VCN submit a Revegetation Plan to the CEO for approval for the revegetation and rehabilitation of the *specified areas*. This plan should have regard to the vegetation condition as assessed in the January 2014 Flora and Vegetation assessment by Del Botanics Report.
- (b) The Revegetation Plan must be prepared by an *Environmental Specialist*.
- (c) The Revegetation Plan must include the following:
  - (i) *site preparation*
  - (ii) *weed control*
  - (iii) *regeneration, direct seeding or planting, at an optimal time*
  - (iv) *a vegetation establishment period*

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- (v) *revegetation* completion criteria to achieve a native vegetation condition, structure and density as near as possible to that present before the clearing occurred
  - (vi) the establishment of monitoring quadrats within the *specified area*
  - (vii) details of ongoing maintenance and monitoring of *revegetation* within the *specified area* to determine if the completion criteria are likely to be met. Monitoring must be undertaken by an *Environmental Specialist* a minimum of once every two years
  - (viii) *remedial actions* to be undertaken if the completion criteria are not likely to be, or have not been met
  - (ix) timeframes for the completion of all activities; and
  - (x) a requirement to keep records of all activities undertaken to be submitted to the department.
- (d) If the *CEO* does not approve the Revegetation Plan, it must be revised in accordance with the *CEO's* direction and resubmitted within one (1) month of the date of the *CEO's* decision on the Revegetation Plan under condition 5(a) of this VCN, unless an alternative timeframe is agreed in writing between the *CEO* and the holder of this VCN.
- (e) If directed by the *CEO*, an approved revegetation plan must be updated and resubmitted for approval under Measure 5(a) of this VCN.
- (f) The VCN holder may submit an updated version of an approved Revegetation Plan for *CEO* approval under Measure 5(a) of this VCN.
- (g) The VCN holder must implement the latest version of the Revegetation Plan approved by the *CEO*.

## 6. Success of Revegetation

Where, for any reason, *revegetation* undertaken in accordance with Measure 5 of this notice is not achieved, each and every year for a period of twenty (20) 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 5.

## 7. Reporting

For the period of twenty (20) years after the giving of this notice, or until, in the opinion of the *CEO*, *revegetation* is achieved, provide to the *CEO* a biennial written report of records required under Measure 5 of this VCN for the preceding two calendar years (1 January to 31 December the following year).

## DEFINITIONS

The following meanings are given to terms used in this VCN:

Table 1: Defined Terms.


Term	Definition
<i>CEO</i>	means the Chief Executive Officer of the Department of the Public Service of the State through which the Environmental Protection Act 1986 is administered.
<i>department</i>	means the Department of Water and Environmental Regulation
<i>direct seeding</i>	means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species.
<i>Environmental Specialist</i>	means a person who holds a tertiary qualification in environmental science or equivalent and has a minimum of two (2) years work experience relevant to the type of environmental advice that an Environmental Specialist is required to provide under this permit, or who is approved by the CEO as a suitable Environmental Specialist.
<i>Keighery Scale</i>	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.
<i>livestock</i>	means any animal kept for domestic or commercial purposes and includes any horse, donkey, mule, cattle, sheep, swine, goat, buffalo, deer, camel or alpaca.
<i>optimal time</i>	means the period from April to July for undertaking <i>planting</i> and <i>direct seeding</i> .
<i>planting</i>	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired native, endemic species.
<i>remedial actions</i>	means any activity that is required to ensure successful re-establishment of native vegetation to its pre-clearing composition, structure and density, and may include a combination of soil treatments and <i>revegetation</i> .
<i>regenerate / regenerated / regeneration</i>	means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing mulch.

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Term	Definition
<i>revegetate/ vegetated/ revegetation</i>	means the re-establishment of a cover of <i>local provenance</i> native vegetation in an area using methods such as natural <i>regeneration</i> , <i>direct seeding</i> and/or <i>planting</i> , so that the species composition, structure and density is to a condition, as near as possible, to the condition of the vegetation prior to the clearing occurring
<i>site preparation</i>	means management of existing site topsoil and preparation of the finished soil surface, for example by ripping or tilling the soil surface and resspreading site topsoil and chipped native vegetation
<i>specified area</i>	specified area means the portions of Lot 120 on Deposited Plan 79784 bounded by a line joining the Zone 50 GDA 2020 points set out in Table 2 below and depicted in Schedule 1.
<i>vegetation condition</i>	vegetation condition means the rating given to native vegetation using the <i>Keighery scale</i> 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.
<i>vegetation establishment period</i>	means a period of at least two summers after the revegetation during which time replacement and infill <i>revegetation</i> works may be required for areas in which <i>revegetation</i> has been unsuccessful and involves regular inspections of <i>revegetation</i> sites to monitor the success of <i>revegetation</i> .
<i>weed</i>	means any plant – (a) that is a declared pest under section 22 of the Biosecurity and Agriculture Management Act 2007; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

**Specified area 1**

Point	Easting (m)	Northing (m)
1	427601	6481731
2	427576	6481585
3	427575	6481563
4	427809	6481534
5	427822	6481659
6	427810	6481718



Ruth Dowd

Executive Director

Assurance

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

28 April 2026

**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*:

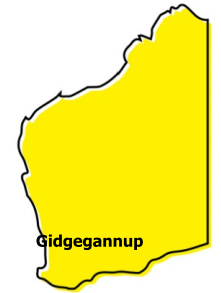
- a person who is aggrieved by a requirement contained in this vegetation conservation notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained 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.

**Revoking the VCN**



Should all requirements of this VCN be fulfilled, the CEO may, by notice in writing, revoke the VCN under section 65(4) of the *Environmental Protection Act 1986* (as referenced by section 70(9)).

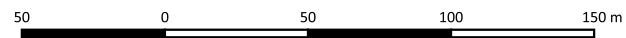
# Schedule CPS 11301/1



## LEGEND

### Legend

-  Cleared area
-  Land Tenure (LGATE\_226) - SLIP



1:2,000  
Projection: GDA2020

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



Government of Western Australia  
Department of Water and Environmental Regulation