

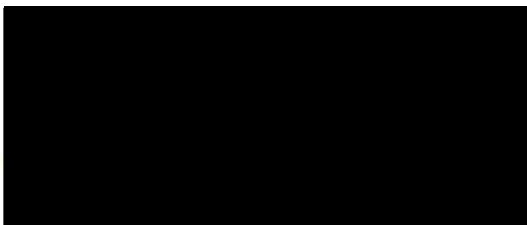


Planning,
Industry &
Environment

Enforceable Undertaking

Undertaking given under Section 13.27 of the *Biodiversity Conservation Act 2016*
to the Secretary,
Department of Planning and Environment

by



Purpose

The purpose of this undertaking is to document undertakings given to the Department of Planning and Environment (**the Department**) pursuant to section 13.27 of the *Biodiversity Conservation Act 2016* (**BC Act**) in connection with a matter in relation to which the Environment Agency Head has a function under the BC Act.

Section A - general information

1. Details of the company or individual giving the undertaking

Name of company
or individual

Address

2. Summary of the alleged contravention

Between 8 November 2013 to 16 August 2017, [REDACTED] caused 1282 hectares of native vegetation (**the Clearing**) to be cleared on land known as [REDACTED] and [REDACTED], at [REDACTED] (**the Property**) in contravention of section 12 of the *Native Vegetation Act 2003* (NSW) (**NV Act**). The cleared areas were in [REDACTED] and [REDACTED] in DP [REDACTED] Lots [REDACTED] and [REDACTED] in DP [REDACTED] and Lot [REDACTED] in [REDACTED]

3. Details of the alleged contravention, e.g. incident details

The native vegetation was cleared by means of machinery (including a bulldozer). The Clearing was not authorised under any legislation.

[REDACTED] undertook clearing works on the Property which resulted in damage to four distinct plant community types, being PCT 40 - Coolabah open woodland wetland, PCT55 - Belah woodland on alluvial plains, PCT 87 - Poplar Box - Coolabah floodplain woodland and to a lesser extent PCT39 - Coolabah - River Coobah - Lignum woodland wetland.

4. An acknowledgement that the Department has alleged a contravention of the NV Act

By entering into this enforceable undertaking, [REDACTED] acknowledges the nature of the allegation against him made by the Department in paragraphs 2 and 3 above.

5. Details of any environmental damage that arose from the alleged contravention

The Clearing has caused harm to the environment and represents a significant loss of native vegetation both locally and in the Darling Riverine Plains Bioregion. Clearing and conversion to cropping has impacted terrestrial and aquatic endangered ecological communities, known habitat for vulnerable and endangered species and resulted in a large reduction in ecological function.

The environmental harm caused by the Clearing includes:

- a) A total loss of approximately 1238ha of north-west flood plain wood land (PCTs 39, 40 and 87) which included the following:
 - i. 44 hectares of Brigalow Clay Plain Woodland;
 - ii. 1202 hectares of the Endangered Ecological Community Coolibah-Black Box Woodland in the Darling Riverine Plains and Brigalow Belt South, Cobar Peneplain and Mulga Lands Bioregion;
- b) Loss of known habitat for vulnerable and endangered species;
- c) Degradation of riparian vegetation;
- d) Reduction of connectivity in an over cleared landscape; and
- e) Reduction in ecological function, both locally and the surrounding landscape.

6. Details of the restitution that will be made to benefit the environment and the community

██████████ will:

1. Enter into a Conservation Agreement with the Department comprising approximately 636ha of land that is considered suitable by the Department.
2. Make payment of \$1,010,000 to the Department within 12 months of entering this enforceable undertaking, with \$110,000 to be paid upon registration of the Conservation Agreement.

7. An acknowledgement that this undertaking may be publicised

██████████ acknowledges that this undertaking may be:

1. Published on the Department's website,
2. Referenced in materials or documents prepared by or on behalf of the Department
3. Where appropriate, published in newspapers or other publications.

8. A statement of capacity to comply with the terms of the undertaking

██████████ has the financial ability to comply with the terms of this undertaking.

9. A commitment to ensure that the alleged contravention will not reoccur

██████████ commits to ensuring that he seeks the advice of the appropriate authorities, such as Council or Local Land Services, prior to engaging in similar actions.

Section B – enforceable terms

1. A commitment to the matters in paragraph 6 of this undertaking

██████████ undertakes to comply with paragraph 6.

Section C - Offer of undertaking

I offer this undertaking and agree to be bound by the terms within it.

I offer this undertaking and agree to be bound by the terms within it.

Signed: ██████████

Signed:

Name: ██████████

Name:

Date
15 June 2022
██████████

Date

Witness name
██████████

Witness name

Witness signature

Witness signature

Date 15 June 2022

Date _____

Section D – Department of Planning and Environment acceptance of undertaking

I accept this undertaking as an enforceable undertaking pursuant to section 13.27 of the *Biodiversity Conservation Act 2016*.

Signed:

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Position: Executive Director Biodiversity and Conservation
Department of Planning and Environment
(by Delegation)

Date 1706/2022