



## Remediation Order

### ORDER ISSUED TO:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reference: DOC21/191404

Date of issue: 15 April 2021

BY: registered post; cc: [REDACTED]

### ORDER TO CARRY OUT REMEDIATION WORK UNDER SECTION 11.15 OF THE *BIODIVERSITY CONSERVATION ACT 2016*

## Basis for issuing Remediation Order

The Department of Planning, Industry and Environment (**the Department**) is responsible for the enforcement of the *Biodiversity Conservation Act 2016* (**BC Act**), its associated regulations and Part 5A of the *Local Land Services Act 2013* (**LLS Act**) and the regulations under that part.

[REDACTED] are the owners [REDACTED]  
[REDACTED]  
(the **Property**).

Information and evidence obtained to date, including an assessment of aerial / satellite imagery, site inspection and a vegetation assessment supports that **damage**, caused by **clearing** sixty-five (65) hectares of native vegetation (the **Areas of interest** mapped at **Attachment A**) occurred on the Property between September 2017 and November 2017.

At all material times, it was an offence against section 60N of the LLS Act for a person to clear native vegetation, except in accordance with:

- allowable activities authorised under Division 4 and Schedule 5A
- clearing authorised by a land management (native vegetation) code under Division 5
- clearing authorised by an approval of the Panel under Division 6
- clearing authorised under section 60O (clearing authorised under other legislation)
- clearing is a forestry operation authorised under Part 5B (Private native forestry).

## Purpose

Under the BC Act the Environment Agency Head (or delegate) may order a person to carry out specified remediation work or achieve a specified remediation outcome in response to damage caused by the commission of certain environmental offences.

The purpose of this Remediation Order is to remediate the area of interest to be consistent with terms of a moderate impact, invasive native species certificate under the *Land Management (Native Vegetation) Code 2018*.

## Opinion

I, [REDACTED], Senior Team Leader, North West, Compliance and Regulation (STL NWCR), am satisfied that native vegetation has been damaged in or as a result of the commission of an offence against section 60N of the LLS Act.

# Order

Pursuant to section 11.15 of the BC Act and under delegation from the Environment Agency Head, I, [REDACTED], STL NWCR, order [REDACTED] (the **Remediators**) to carry out the following remediation work for the duration specified.

## Requirements

### 1. Remediation Areas

- 1.1. In this Order, **Remediation Areas** means the areas marked “Remediation Areas” on **Attachment B**.
- 1.2. This Order requires the Remediator to inform the Environment Agency Head of any change in the ownership or occupancy of the land concerned at least 21 days prior to any such change occurring.

### 2. Duration

- 2.1. This Order will be in force for 10 years from the date of issue; unless varied or revoked in accordance with the BC Act.

### 3. Remediation work

#### Soil disturbance

- 3.1. Annual or non-persistent perennial species may be introduced into the remediation areas up to 5 times throughout the duration of this order but in no more than 3 consecutive years.
- 3.2. In the case of clearing of invasive native species and regrowth set out in 3.4 of this order, clearing shall be done so there is minimum disturbance to soil.

#### Woody vegetation remediation and management

- 3.3. Native vegetation is to be allowed to regenerate in the Remediation Areas as the priority method of remediation. To protect regenerating vegetation and fauna habitat; the following activities are prohibited within the Remediation Areas:
  - Clearing of native vegetation – except with written approval from the Department
  - Removal of fallen timber
  - Cultivation
  - Construction of infrastructure
  - Aerial spraying.
- 3.4. The Remediator may clear regrowth of the following invasive native species:
  - a. White Cypress Pine (*Callitris glaucophylla*)
  - b. Belah (*Casuarina cristata*)
  - c. Wilga (*Geijera parviflora*)
- 3.5. The remediator must retain all trees and shrubs that are not invasive native species as listed in 3.4 with a diameter at breast height over bark greater than 20cm.
- 3.6. The remediator is to ensure the restoration of native woody vegetation species at the following rates of stems per hectare, where required. These stem retention rates are in line with those required in a moderate impact invasive native species Certificate:
  - a. Coolabah (*Eucalyptus coolabah*) – 10 stems per hectare
  - b. Poplar Box (*Eucalyptus populnea*) – 10 stems per hectare

- c. Kurrajong (*Brachychiton populneus*) – 5 stems per hectare

### **Weed management**

- 3.7. The Remediators must implement measures to ensure **exotic flora** do not have a significant impact on the **biodiversity values** of the Remediation Areas.
- 3.8. Without limiting this clause, the Remediators must ensure that exotic flora occupy less than 5% of total groundcover of the Remediation Areas. Control measures permitted include:
- Spot application of herbicide
  - Manual removal
  - Biological control.

### **Pest animals**

- 3.9. The Remediators must implement measures to reduce the density of **exotic animals** to a level that is not having a significant impact on the biodiversity values of the Remediation Areas; and maintain densities at or below that level using any approved means.

### **Livestock**

- 3.10. The Remediators may sustainably graze the Remediation Areas in accordance with a **sustainable grazing** regime approved by the Department.

### **Fire**

- 3.11. The Remediators must implement measures to prevent fire occurring within the Remediation Areas and to suppress and extinguish any fire that does occur.

### **Fencing**

- 3.12. The Remediators must erect signage so that any person entering the Remediation Areas is aware; and does not use the land in a manner that would contradict this Order.

### **Access**

- 3.13. The Remediators must provide reasonable access to staff of the Department for the purposes of administering this Order.
- 3.14. The Department must provide reasonable notice of an intention to inspect the Remediation Areas.

### **Hazards, chemicals and waste**

- 3.15. The use of insecticides, herbicides and soil ameliorants is not permitted on the Remediation Areas except as approved in writing by the Department.
- 3.16. Waste is not to be placed, stored or kept in the Remediation Areas.
- 3.17. All staff, contractors and other visitors entering the Remediation Areas are to be made aware of this Order and instructed to comply with its requirements.

### **Costs**

- 3.18. The Remediators must bear all costs associated with implementing the conditions of this Order.

## 4. Inspections and records

### Inspections

- 4.1. The Remediators are to inspect the Remediation Areas twice each year, with a minimum of 150 days between each inspection for the purposes of determining the percentage of ground cover that is comprised of **exotic flora** and priority weeds.
- 4.2. In the Remediation Areas, there are two monitoring points located at the GPS co-ordinates given in **Table 1** and mapped at **Attachment B**. The co-ordinates given must be permanently marked to ensure the location is the same each monitoring period.

**Table 1: Location of monitoring points**

Monitoring Point	Latitude	Longitude	Easting	Northing
██████████	██████████	██████████	██████	██████
██████████	██████████	██████████	██████	██████

### Records

- 4.3. The following records must be made by the Remediators for all inspections:
  - The date(s) on which the inspection was undertaken
  - The name of the person who undertook the inspection
  - Photographs to the north, east, south and west at each monitoring point
  - Observations made during the inspection including:
    - Percentage of ground cover comprised of weeds
    - Presence or absence of pest animals in the Remediation Areas
    - Risk of fire within the Remediation Areas
    - Remediation work required; including condition targets and time frames for completion.
  - Details of any work required within the Remediation Areas
  - The proposed date(s) of that work.
- 4.4. All records required to be kept by this Order must be:
  - Accurate
  - In a legible form
  - Kept for the duration of this Order
  - Must be provided to the Department annually.

## 5. Reporting

### Initial works report

- 5.1. The Remediators must prepare and submit an Initial Works Report to the Department within six weeks of the date of issue of this Order. This report must contain:
- Confirmation of the exclusion of stock and dates of any actions taken to remove stock.
  - The percentage of ground cover that is comprised of exotic flora and priority weeds.
  - An assessment of pest animal presence within the Remediation Areas.
  - Advice of any completed, required, or proposed work within the Remediation Areas.

### Annual monitoring report

- 5.2. A Monitoring Report must be submitted to the Department annually whilst this Remediation Order is in force. The initial report is due twelve (12) months from the date of issue and annually thereafter. Monitoring Reports must contain the records made for all inspections (see clause 4.3).
- 5.3. Reports may be submitted to the Department by:

By mail, courier or hand to:

Compliance and Regulation Unit  
Biodiversity and Conservation North West  
Level 1, 48-52 Wingewarra Street  
P.O. Box 2111  
Dubbo NSW 2830

**OR**

By email to:

[ROG.North@environment.nsw.gov.au](mailto:ROG.North@environment.nsw.gov.au)

Marked to the attention of the Compliance and Regulation Unit



Senior Team Leader  
North West Compliance and Regulation  
Biodiversity and Conservation Division  
(by Delegation)




## Definitions

In this Order, the following definitions apply:

Term	Definition
Areas of interest	Areas where native vegetation has been cleared
Clearing	Has the same meaning as defined in the <i>Local Land Services Act 2013</i> .
Damage	Damage has the same meaning as defined in section 11.14 of the <i>Biodiversity Conservation Act 2016</i>
Exotic animals	Includes feral cats, wild dogs, feral pigs, feral goats, feral deer, foxes, hares, rabbits, and other exotic animal species but does not include livestock or native wildlife
Exotic flora	Plant species that are not "native vegetation" as defined in section 6 of the <i>Native Vegetation Act 2003</i>
Native vegetation	Has the same meaning as defined in the <i>Local Land Services Act 2013</i> .
Order	This document – a Remediation Order issued under section 11.15 of the <i>Biodiversity Conservation Act 2016</i>
PCT	Plant Community Type
Remediation Areas	The areas located on the Property shown schematically on the map in <b>Attachment B</b> and marked "Remediation Areas"
Stock	Means all livestock (including, but not limited to, cattle, horses, sheep, alpacas, domesticated pigs and domesticated goats); it does not include native wildlife
Sustainable grazing	Sustainable grazing is grazing by livestock, and the management of grasslands used for grazing, that is not likely to result in the substantial long-term decline in the structure and composition of native vegetation
Threatened Ecological Community	Has the same meaning as defined in the <i>Biodiversity Conservation Act 2016</i>
Waste	Has the same meaning as defined in the <i>Protection of the Environment Operations Act 1997</i>





   
 Areas of Interest

## Attachment A - Areas of Interest

0 0.3 0.6 0.9 1.2 1.5 km  
Datum/Projection: GCS GDA 1994

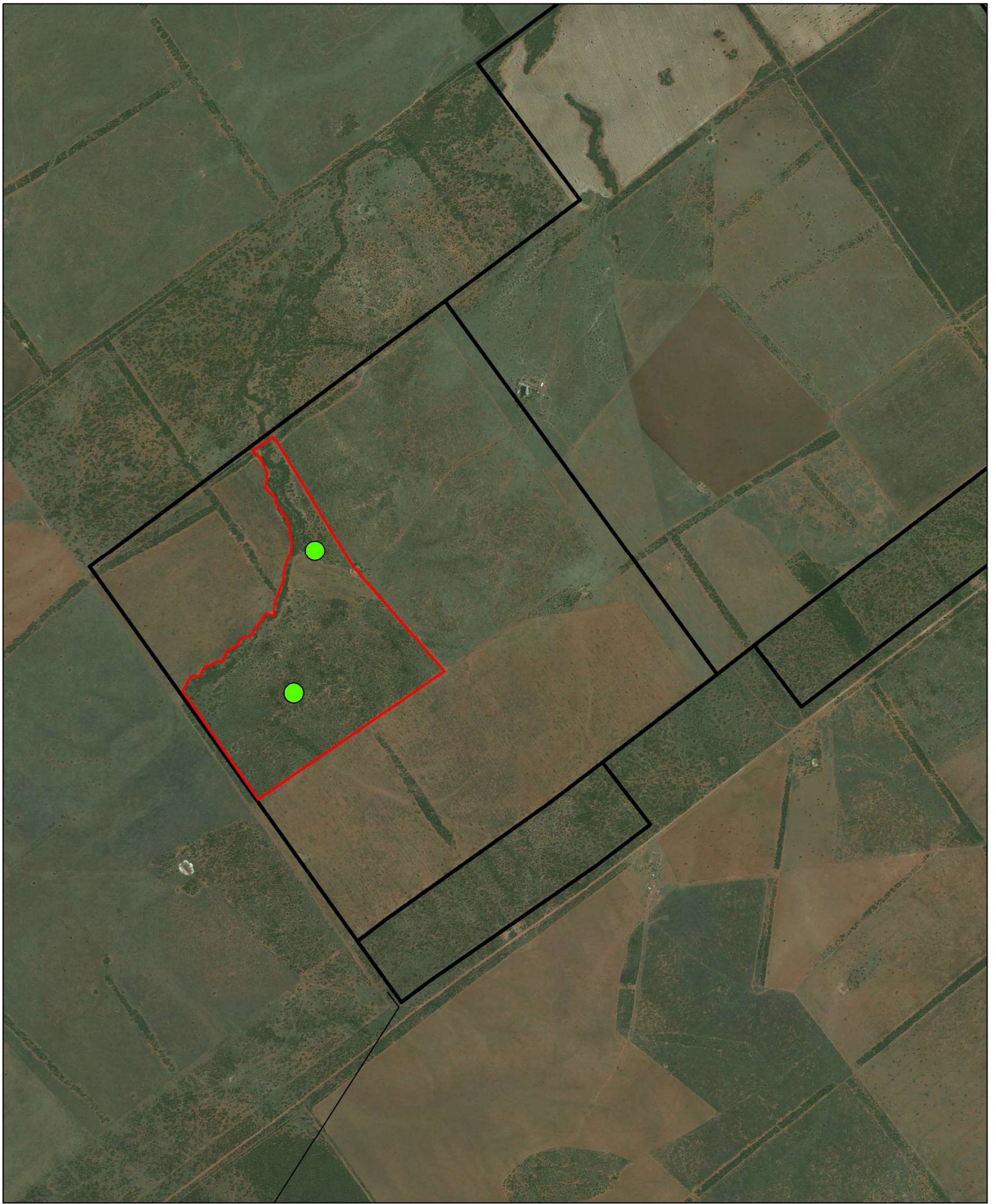





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-  [Redacted]
-  Remediation Area
-  Monitoring Points

## Attachment B - [Redacted] Remediation Areas

0 0.25 0.5 0.75 1 1.25 km  
Datum/Projection: GCS GDA 1994



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