



Planning &
Environment

Enforceable Undertaking

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

by

[Redacted signature]

[Redacted signature]

[Redacted signature]

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 1 January 2015 and 30 March 2020, [REDACTED] caused 1069 hectares of native vegetation (**the Clearing**) to be cleared on land known as [REDACTED] at [REDACTED] (**the Property**) in contravention of section 12 of the *Native Vegetation Act 2003 (NSW) (NV Act)* and section 60N of the *Local Land Services Act 2013 (NSW) (LLS Act)*. The cleared areas were in Lots [REDACTED] and [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) and burning. 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 PCT37 - Black Box Woodland, PCT49 - Partly Derived Windmill Grass, PCT56 - Poplar Box Belah Woodland and PCT244 - Poplar Box Grassy Woodland.

More than 100 native plants species were affected by the Clearing.

4. An acknowledgement that the Department has alleged a contravention of the NV Act and LLS 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 Bogan-Macquarie subregion. Clearing and conversion to cropping has resulted in complete loss of ecosystem function and is an extreme change of land use.

Approximately 750 ha of the Clearing at [REDACTED] is considered part of the Endangered Ecological Community (**EEC**) *Coolibah-Black Box Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penneplain and Mulga Lands Bioregions*. The Clearing has contributed to a recognised threat to this EEC, namely 'Land clearing for infrastructure, rural and agricultural development and associated activities'.

The environmental harm caused by the Clearing includes:

- a) Loss of approximately 960 hectares of mature floodplain woodland of PCT 37 and PCT 244 that would have contained:
 - i. Large old hollow Eucalyptus trees;
 - ii. Diverse groundcover of native species; and
 - iii. Provided breeding and forage habitat for animals, including threatened species;
- b) Loss of wildlife habitat generally;
- c) Reduced habitat connectivity along the Bogan River floodplain;

- d) Alteration to the natural systems of the floodplain, including the flows of rivers and streams;
- e) Further loss of the Black Box EEC from a known threat, being agricultural activities.

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 of 1,000ha of land that is suitable by the Department.
- 2. Make payment of \$500,000 to the Department within 12 months of entering this enforceable undertaking, with \$100,000 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..

Signed:

[Redacted Signature]

Name:

[Redacted Name]

Date

1 August 2022

Witness name

Witness signature

Date

[Redacted Witness Information]
[Redacted Signature]
01/08/2022
[Redacted Date]

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

Signed:

[Redacted Signature]

Name:

Date

01/08/2022

Witness name

Witness signature

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:

[Redacted Signature]

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

Date 19/08/2022