

Notice of Variation of Direction to Carry Out Remediation Works

NOTICE ISSUED TO:

[REDACTED]
[REDACTED]
[REDACTED]

Notice Number: DOC17/193337
File Number: EF15/9314; SF15/21873
Date: 21 April 2017

BY REGISTERED POST

NOTICE OF VARIATION OF DIRECTION TO CARRY OUT REMEDIATION WORKS UNDER SECTION 91K OF THE NATIONAL PARKS AND WILDLIFE ACT 1974

BACKGROUND

- A. The Office of Environment and Heritage (**OEH**) has responsibility for the administration and enforcement of the *National Parks and Wildlife Act 1974* (**NPW Act**) and its associated Regulations.
- B. A Direction to Carry Out Remediation Work under section 91K of the NPW Act (the **Direction**) dated 10 March 2017 was issued to [REDACTED] in respect of Budderoo National Park, adjacent to "Robertson Park" 635 Belmore Falls Road ROBERTSON NSW. The Direction is enclosed for your reference.
- C. Under section 91K(3) of the NPW Act, the Chief Executive of OEH may vary a Direction to Carry Out Remediation Work issued under section 91K of the NPW Act.
- D. Kane Weeks holds the position of Director, South Coast Branch within OEH. The Chief Executive of OEH has delegated his powers under section 91K(3) of the NPW Act to officers in the position of Director to vary a Direction to Carry Out Remediation Work issued under section 91K of the NPW Act.
- E. Director, South Coast Branch, holds delegated authority on behalf of the Chief Executive of OEH for the purposes of section 91K of the NPW Act.
- F. Mr [REDACTED] requested a variation to the location of the fence required under section 1 of the final remediation direction and also and extension of time for constructing the fence.

VARIATION OF DIRECTION TO CARRY OUT REMEDIATION WORK

- G. I, Kane Weeks, Director South Coast Branch, **vary** the Direction as follows:
 - 1. Section 1.1 delete the words "must construct a fence on the boundary of the remediation area by 3 April 2017", and insert the words "must construct a fence on the boundary of the remediation area by 2 June 2017."
 - 2. Section 1.2 e) delete the words "but not more than 500m out from the base" and insert the words "but not more than 500mm (millimetres) out from the base".
 - 3. Section 1.6 delete the words "must erect 3 signs on the boundary of the Remediation Area by April 3, 2017" and insert the words "must erect 4 signs on the boundary of the Remediation Area by 2 June 2017"

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4. Remove “Attachment 1 – Map of Remediation Area” and replace with “Attachment 1 – Map of Remediation Area Varied”.


WHEN THIS NOTICE COMMENCES

H. This Notice of Variation takes effect from the date of this Notice of Variation.

WARNING AND INFORMATION ABOUT THIS NOTICE

- It is an offence against section 91Q of the NPW Act to fail to comply with the Direction as varied by this Notice of Variation. The maximum penalty that a court may impose for this offence is:
- for a corporation, \$220,000 plus \$22,000 for each day the offence continues and
- for an individual, \$110,000 plus \$11,000 for each day the offence continues.
- If you fail to comply with the Direction as varied by this Notice of Variation OEH may authorise any other person to carry out the works and may then recover the cost from you (section 91O of the NPW Act).
- This Notice of Variation is issued under section 91K(3) of the NPW Act.
- Under section 91K(3) of the NPW Act the Direction may be further varied or revoked by a further notice.
- Under section 91T(1) of the NPW Act, if you are aggrieved by the decision to vary the Direction you may appeal to the NSW Land and Environment Court within 30 days of this Notice of Variation being served on you. However, even if an appeal is lodged, you must comply with this Direction, unless the Court orders otherwise.
- Under section 188E of the NPW Act, your obligation to comply with the requirements of the Direction (as varied by the Notice of Variation) continues until the Direction is complied with, even if the due date for compliance is passed.
- OEH may conduct inspections to determine whether the Direction (as varied by the Notice of Variation) is being complied with.
- Words and expressions have the same meaning as words and expressions used in the NPW Act, except where a word is specifically defined in this Notice of Variation or the Direction (as varied by this Notice of Variation).
- A Remediation Direction does not negate the potential for prosecution. A Remediation Direction is separate to any potential prosecution.

Yours sincerely


KANE WEEKS
Director, South Coast Branch
National Parks and Wildlife Service

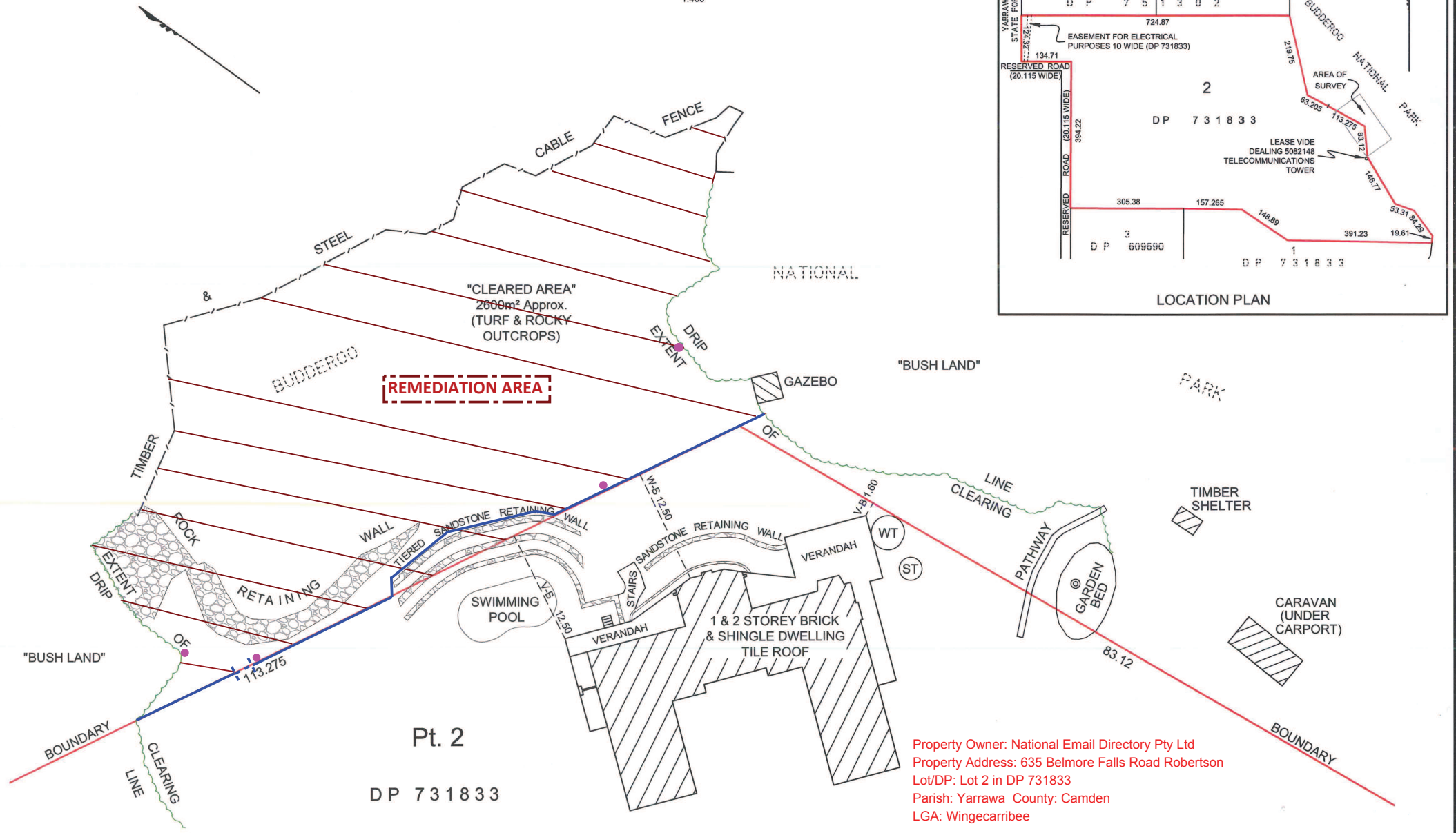
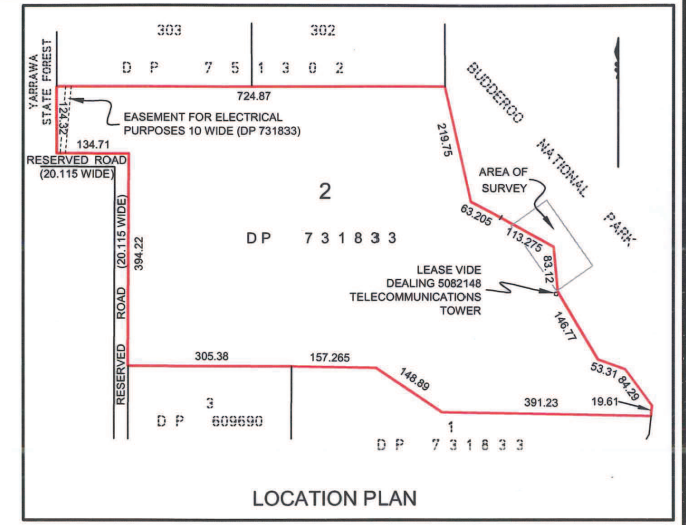
Enclosure: Direction to Carry out Remediation Works
Attachment 1 – Map of Remediation Area Varied

cc: Patrick Holland – McCullough Robertson Lawyers

ATTACHMENT 1 - Map of Remediation Area Varied

SKETCH PLAN No 206259

1:400



Property Owner: National Email Directory Pty Ltd
 Property Address: 635 Belmore Falls Road Robertson
 Lot/DP: Lot 2 in DP 731833
 Parish: Yarrawa County: Camden
 LGA: Wingecarribee

Liability limited by a scheme approved under Professional Standards Legislation
 LandTeam Australia Pty Ltd
 ABN 35 300 283 992
 Bowral Office

- LEGEND**
- W-B - WALL OFFSET TO BOUNDARY
 - V-B - VERANDAH OFFSET TO BOUNDARY
 - ST - SEPTIC TANK
 - WT - WATER TANK
 - ⊙ - FLAG POLE
 - Fence
 - - - Gate
 - Sign

IAN R. PEARSE
 SURVEYOR REGISTERED UNDER THE
 SURVEYING & SPATIAL INFORMATION ACT 2002
 DATE OF SURVEY: 16/09/2014