

Enforceable undertaking

Undertaking given under Section 13.27 of the *Biodiversity Conservation Act 2016*to the Secretary,

Department of Planning, Industry and Environment

by

and

Purpose

This undertaking is given to the Department of Planning, Industry 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
Names of r and individuals
Address
2. Summary of the alleged contravention
It is alleged by the Department that between 1 November 2014 and 22 September 2018, contravened Section 12 of the <i>Native Vegetation Act 2003</i> (NV Act) and Section 60N of the <i>Local Land Services Act 2016</i> (LLS Act) in that vegetation to be unlawfully cleared on land known as NSW (the Property).
3. Details of the alleged contravention, e.g. incident details
cleared over 5 hectares of native vegetation from the Property. 2.52 hectares of this was excess of the activities allowed under Schedule 5A of the LLS Act and the Land Management (Native Vegetation) Code 2018.
 An acknowledgement that the Department has alleged a contravention of the NV Act (as it then was) and the LLS Act.
By entering into this enforceable undertaking, and acknowledge the nature of the allegation against and 3 above. It is included as a party to this undertaking by agreement.
5. Details of any environmental damage that arose from the alleged contravention
Vegetation canopy density in the cleared area was reduced from 50-80% to 20% or less. The majority of the ground cover and shrub vegetation was also removed.
A small portion of the vegetation cleared was the critically endangered ecological community Cumberland Plain Woodland in the Sydney Basin Bioregion.
6. Details of the restitution that will be made to benefit the environment and the community:
and will:
 Pay the sum of one hundred thousand dollars (\$100,000) by cheque to the Department by no later than 30 November 2024 or within three months of the date of settlement upon sale of the Property, whichever is sooner, and in accordance with paragraph 2 below; Make annual payment instalments of at least twenty thousand dollars (\$20,000.00) by cheque to the Department, on the following dates: 30 November 2020 30 November 2021 30 November 2022 30 November 2023 30 November 2024

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7.	An ackn	owledgement	that this	undertaking	may be	publicised

and agree that, subject to their names and residential address being redacted, 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; and
- 3. Where appropriate, published in newspapers or other publications.
- 8. A statement of capacity to comply with the terms of the undertaking

and	certify	that they	have th	ne financial	ability	to comply	with the	terms	of this
undertaking.									

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

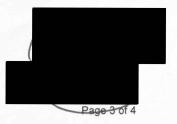
and will ensure that they seek the advice of the appropriate authorities, such as Wollondilly Shire Council or Local Land Services, prior to engaging in the removal of vegetation on the Property.

Section B – enforceable terms

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

and undertake 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	Date
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Witness name	Witness name
Witness signature	Witness signature
Date 1./10/2020	Date

Section D – Department of Planning, Industry 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:

Name: Michelle Dumazel

Position: Executive Director, Biodiversity and Conservation Division

Department of Planning, Industry and Environment

(by Delegation)

Date 21 October ZOZO

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