



Planning,  
Industry &  
Environment

## 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 [redacted] and [redacted] individuals

Address [redacted]

2. Summary of the alleged contravention

It is alleged by the Department that between 1 November 2014 and 22 September 2018, [redacted] contravened Section 12 of the Native Vegetation Act 2003 (NV Act) and Section 60N of the Local Land Services Act 2016 (LLS Act) in that [redacted] caused native vegetation to be unlawfully cleared on land known as [redacted] NSW (the Property).

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

[redacted] 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.

4. 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, [redacted] and [redacted] acknowledge the nature of the allegation against [redacted] made by the Department in paragraphs 2 and 3 above. [redacted] 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:

[redacted] and [redacted] will:

1. 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;
2. 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

7. An acknowledgement 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 the 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.

Signed: [Redacted]

Name: [Redacted]

Date [Redacted]

Witness name [Redacted]

Witness signature [Redacted]

Date 1/10/2020

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

Signed: [Redacted]

Name: [Redacted]

Date [Redacted]

Witness name [Redacted]

Witness signature [Redacted]

Date 1/10/2020

**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: [Signature]

Name: Michelle Dumazel

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

Date 21 October 2020