

Section 11.15(4) the Biodiversity Conservation Act 2016

Notice of Variation of Order to Carry Out Remedial Work

NOTICE ISSUED TO: and and Case Reference Number: 08214-2018 Order Number: 08214-2018-1 Date: 01/07/2020

NOTICE OF VARIATION OF ORDER TO CARRY OUT REMEDIATION WORKS

PURSUANT TO: s11.15(4) of the Biodiversity Conservation Act 2016

VARIATION OF DIRECTION TO CARRY OUT REMEDIATION WORK

I, Graeme ENDERS, holding the position of Director within the NSW [Department of
Planning, Industry and Environment (the Department) hereby vary the re	quirements of
the Remediation Order (the Order) issued to	and
on the 06/01/2020 to carry out remediation works to r	epair damage
caused by clearing of native vegetation in contravention of the Biodiversity	Conservation
Act 2016 (BC Act) and now repealed Native Vegetation Act 2003 (NV Act)	, as follows;

- A. Strike through of text like this, indicates removal of that text from the Order because of this Notice of Variation, and
- B. Underlining of text <u>like this</u>, indicates addition of that text to the Order because of this Notice of Variation.

1 REMEDIATION AREA

By: Registered Post

1.1 In this Order, Remediation Area means the area identified as the Remediation Area on the attached map titled Attachement-1 Remediation Area Map-1 v2 and Attachment-2 Remediation Area Map-2 v2 which includes reference coordinates for the Remediation Area.

Attachments:

- 1. Map-1<u>v2</u> (Location of Remediation Area relative to Area Cleared)
- 2. Map-2 v2 (Remediation Area with Coordinates)

BACKGROUND TO THE ISSUE OF THIS NOTICE

- A. The Department has responsibility for the enforcement of native vegetation legislation in NSW.
- B. Under section 11.15 of the BC Act, the Environment Agency Head, being the Chief Executive of the Department, may vary an Order to carry out remediation work.
- C. Graeme ENDERS holds the position of Director, within the Department's Biodiversity and Conservation Division's South West Branch. The Chief Executive of the Department has delegated their powers to vary an Order to carry out remediation work to officers in this position.

D.	Following investigation of clearing on	the Department concluded that
	native vegetation had been cleared on the land in contrav	vention of the NV Act and the BC
	Act.	

Ε.	and	are the joint owners, and
	landholders of which forms pa	rt of the landholding
F.	An Order to carry out remedial work, was issued to	and
	with respect to	which forms part of the landholding
		on 06/01/2020 pursuant to
	section 11.15(4) of the BC Act to repair harm cause	ed by the clearing.

- G. The purpose of this Notice is to vary the Order issued on 06/01/2020 following assessment of the progress of the remediation, compliance with the terms of the Order and the circumstances of the matter.
- H. The basis for varying this Order originally issued on the 06/01/2020, is to recognise geographical changes made to the boundary of the Remediation Area. This was influenced by factors identified during an Initial Works Site Inspection on the 02/06/2020. These influencing factors included the terrain of the Remediation Area and the presence of existing fence lines and tracks.

INFORMATION ABOUT THE REMEDIATION AREA UNDER THIS NOTICE

The land identified as the **Remediation Area** in this Notice (see the Maps at Attachment 1 and 2 enclosed) is Category 2 Regulated (sensitive) land on the *Native Vegetation Regulatory Map* for the purposes of the *Local Land Services Act 2013 Schedule 5A* and the *Land Management (Native Vegetation) Code 2018*. Approval is required to clear the native vegetation on this land.

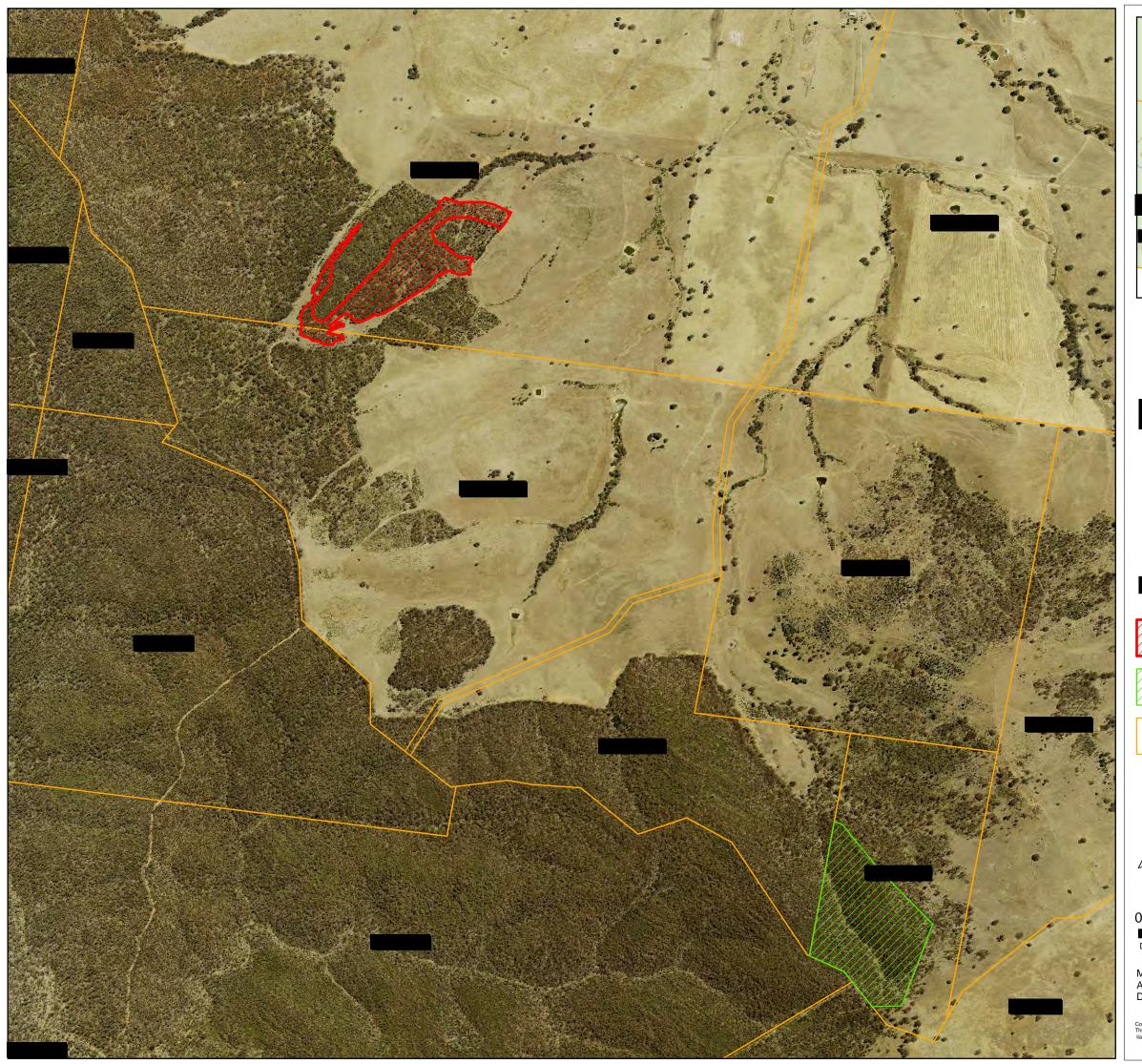
Graeme ENDERS - 14 July 2020

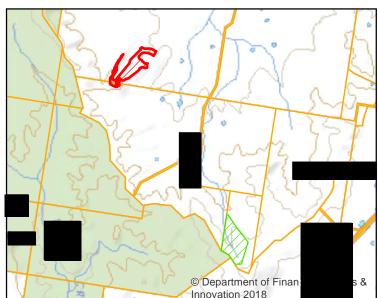
Jaem Erden

Director, South West Branch Biodiversity and Conservation Division NSW Department of Planning, Industry and Environment (by Delegation)

Attachments:

- 1. Map-1 v2 (Location of Remediation Area relative to Area Cleared)
- 2. Map-2 v2 (Remediation Area with Coordinates)

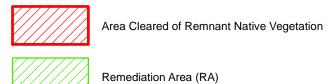


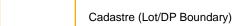


Attachment-1 Remediation Area Map-1 (v2)

Order: 08214-2018-1

Legend











0 0.25 0.5 0.75 1

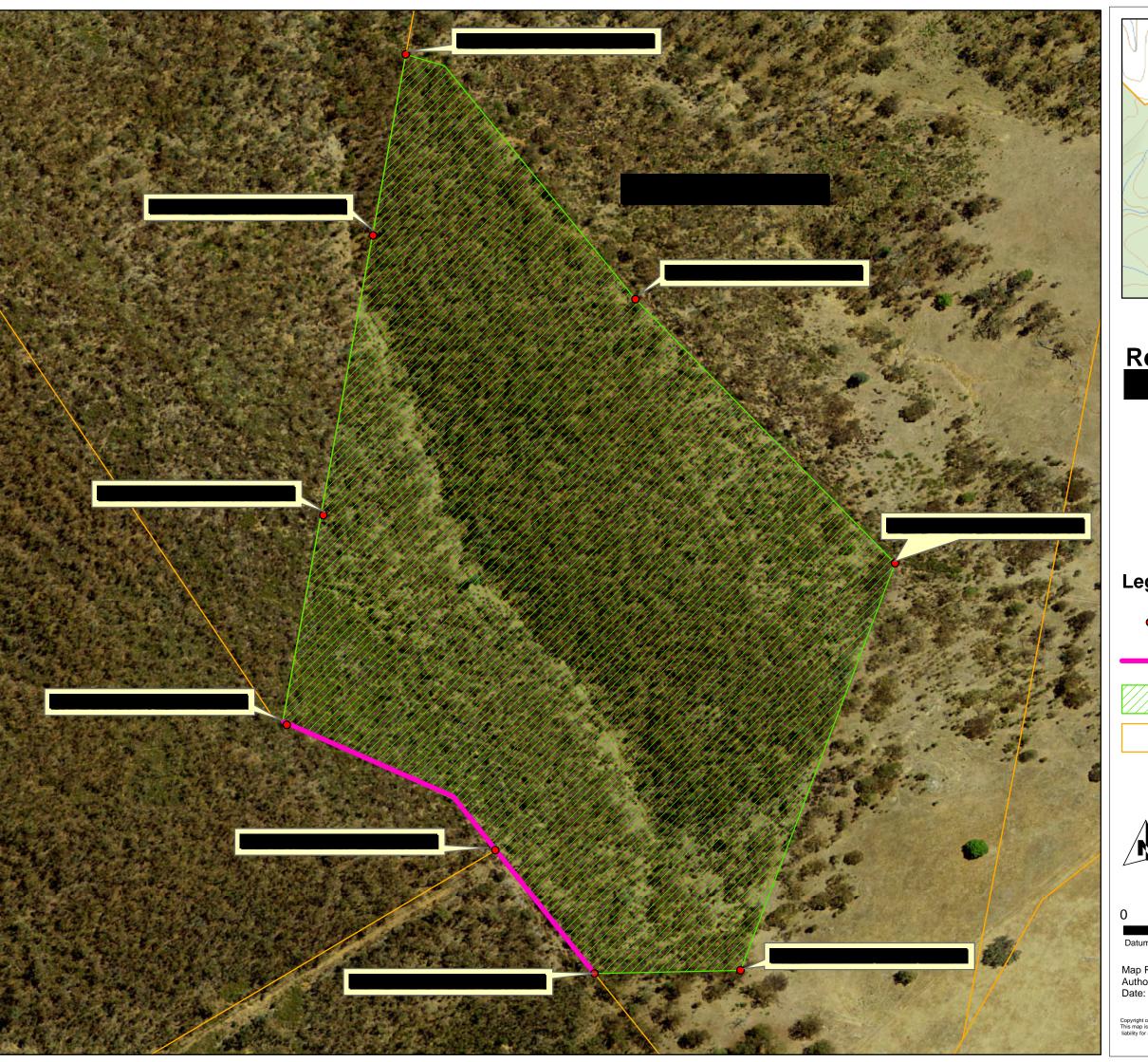
Datum/Projection: GCS GDA 1994

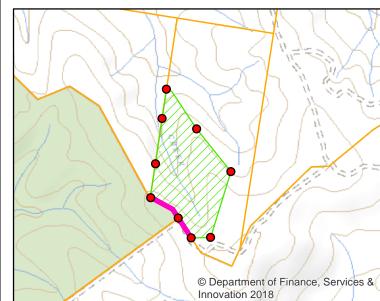
Map Ref: 08214-2018-1 Remediation Area Map-1 (v2) Author:

Date: 16/06/2020

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Attachment-2 Remediation Area Map-2 (v2)

Order: 08214-2018-1

Legend

RA Boundary Marker Post

Allowable Fenceline Clearing Buffer (15m)

Remediation Area (RA)

Cadastre (Lot/DP Boundary)







0.05 0.2

Datum/Projection: GCS GDA 1994

Map Ref: 08214-2018-1 Remediation Area Map-2 (v2)

Date: 16/06/2020

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