Department of Climate Change, Energy, the Environment and Water

ORDER ISSUED TO:

[redacted]

Our reference: DOC25/225179-1
Contact: [redacted]
Date: 16 May 2025

Order Number: DOC25/225179-1
CCMS Case Ref. No.: 202204320
Issue Date: 16 May 2025
Property: Lot[redacted] in DP[redacted]
[redacted]

ORDER TO CARRY OUT REMEDIATION WORK UNDER SECTION 11.15 OF THE *BIODIVERSITY CONSERVATION ACT 2016* (NSW)

By: Email and registered post

Date of issue: 16 May 2025

Who are we: The Department of Climate Change, Energy, the Environment & Water has responsibilities regarding the administration and enforcement of the *Biodiversity Conservation Act 2016* (NSW) (**the BC Act**) and its associated Regulations, and responsibilities regarding the enforcement of Part 5A of the *Local Land Services Act 2013* (NSW) (**the LLS Act**) and the Regulations under that Part.

Why we serve remediation orders: Pursuant to section 11.15 of the BC Act, if the Environment Agency Head (the Secretary of the Department of Climate Change, Energy, the Environment & Water) is satisfied that an area, habitat, plant, animal or native vegetation as specified in section 11.15(1) has been damaged in or as a result of the commission of an offence against the BC Act or regulations or against Part 5A of the LLS Act or regulations, the Environment Agency Head may order a person to carry out specified remediation work in a specified manner and within a specified time.

What you are required to do: The works required by this remediation order provide for the control, abatement and mitigation of the damage and/or maintenance, remediation, restoration of the damaged area of the Property. Section 11.16(2) of the BC Act requires you to carry out remediation work required by this Order.

When are you required to act: Immediately from the date of issue.

What happens if you don't comply: It is an offence against section 11.22 of the BC Act to contravene this Order without reasonable excuse or to intentionally obstruct anyone carrying our remediation work under this Order. Contravention of this Order has a maximum penalty of Tier 2. The maximum penalty that a court may impose for a Tier 2 offence is $660,000 (plus $66,000 for each day the

offence continues) for a corporation, and $132,000 (plus $13,200 for each day the offence continues) for an individual.

What your appeal rights are: Section 11.23(1) of the BC Act allows for a person given a remediation order to appeal against the giving of the Order (or any terms of the Order) to the NSW Land and Environment Court within 30 days of the service of the Order. However, even if an appeal is lodged, you must comply with this Order, unless the Court orders otherwise. More information on appeals can be found on the NSW Land and Environment Court website http://www.lec.justice.nsw.gov.au.

1. DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT & WATER OBSERVATIONS

The Department is investigating clearing of native vegetation on the Property between 1 October 2021 and 31 December 2021. Under Part 5A of the LLS Act, Division 3 it is an offence pursuant to Clause 60N unauthorised clearing of native vegetation in a rural regulated area**.**

Information and evidence obtained to date, including analysis of imagery, site inspection, a request for information and records from [redacted], indicates that damage occurred on the Property to 2.48 hectares of Category 2 Regulated native vegetation (the Cleared Land).

Information and evidence obtained to date also indicates that the damage occurred in or as a result of clearing of native vegetation contrary to section 60N of the LLS Act after the available defences listed in the BC Act and/or Part 5A LLS Act and associated regulations in relation to the offence were applied to the total cleared area.

The Remediation Area is designated on the in force Native Vegetation Regulatory Map, prepared pursuant to Division 2 of the LLS Act, as Category 2 Regulated Land.

Remediation Order

2. REASONS FOR VIEW FORMED

I, [redacted], Senior Team Leader am satisfied that the following has been damaged:

a) native vegetation on category 2 Regulated land under Part 5A of the LLS Act, namely, 2.48 hectares of native vegetation, in or as a result of the commission of an offence against Part 5A of the LLS Act or the regulations under that Part

In order to:

a) control, abate or mitigate the damage to the area, habitat, plant, animal or vegetation concerned; and or

b) maintain, remediate or restore the damaged area, habitat, plant, animal or vegetation concerned.

I, [redacted], Senior Team Leader, order [redacted] (**the Remediator**) to carry out the following remediation work on the Property within the time specified, if any, for each work, until 16 May 2040.

I, [redacted], Senior Team Leader, hold delegated authority on behalf of the Environment Agency Head for the purposes of section 11.15 of the BC Act

3. REQUIREMENTS – WHAT YOU MUST DO TO COMPLY

In this Order, Remediation Area means the Remediation Area identified on Attachment 1.

This Order must be complied with from the date of the Order for the Term.

3.1 General Requirements

3.1.1 By 1 October 2025, you must remove all foreign matter, including all building materials, associated building materials and any other agricultural material of any nature to the area from the Remediation Area (as per Attachment 1).

3.1.2 By 1 October 2025, you must abate human disturbances to the Remediation Area.

3.1.3 You must, within 60 days of the commencement date of this Order, erect signage in a conspicuous location at the entry of the property so that any person entering the property becomes aware of the Remediation Area and does not use the land in a manner that would contradict this Order (see Attachment 2)

3.1.4 You must inform all purchasers of the land of this Order.

3.1.5 You must notify the Environmental Agency Head within 14 days if you intend on selling the land subject to this Order (notification contact details as per 3.1.7.).

3.1.6 You must engage an accredited Ecologist within each timeframe as per Schedule 1 to audit and report on the progress of the Remediation Order by providing the Environmental Agency Head with a copy of the report (report to be sent to contact details as per 3.1.7.).

3.1.7 All correspondence outlined in this Remediation Order, including Ecologist reports, must be emailed to **admin-northeast@environment.nsw.gov.au** or sent by Registered Post to:

Senior Team Leader, Compliance and Regulation
Department of Climate Change, Energy, the Environment & Water
Locked Bag 914
Coffs Harbour, NSW 2450

DEFINITIONS

In this Order, the following definitions apply:

Term	Definition
BC Act	The *Biodiversity Conservation Act 2016*.
Damage	Damage has the same meaning as defined in section 11.14 of the *Biodiversity Conservation Act 2016*.
The Department	The NSW Department of Climate Change, Energy, the Environment & Water (DCCEEW).
LLS Act	The *Local Land Services Act 2013*.
Native vegetation	Has the same meaning as defined in Part 5A of the *Local Land Services Act 2013*.
Order	This document: a Remediation Order issued under section 11.15 of the *Biodiversity Conservation Act 2016*.
Remediation Area	The area located on the Property shown schematically on the map in Attachment 1 hatched in yellow and marked "Remediation Area" being Lot [redacted] in DP [redacted]
Remediator	[redacted]
Reporting period	Reporting period is as per Schedule 1
Term	Means until 16 May 2040
The Property	Lot [redacted] in DP [redacted] [redacted]

Section 11.15 of the *Biodiversity Conservation Act 2016*

Remediation Order

WARNING AND INFORMATION ABOUT THIS ORDER

- If you fail to comply with this Order the Environment Agency Head or his/her Delegate may authorise any other person to enter the Property and carry out all of part of the work and may then recover the cost from you (section 11.18 of the BC Act).
- If you fail to comply with this Order, any person may seek an order from the NSW Land and Environment Court requiring you to rectify that breach of the legislation (section 13.14 of the BC Act).
- This Order is issued under section 11.15 of the BC Act.
- Under section 11.15(4) of the BC Act this Order may be varied or revoked by a further order.
- Under section 13.11 of the BC Act, your obligation to comply with the requirements of this Order continues until the Order is complied with, even if the due date for compliance has passed.
- The Department may conduct inspections to determine whether this Order is being complied with.
- Words and expressions have the same meaning as words and expressions used in the BC Act or Part 5A of the LLS Act (as the case may be), except where a word is specifically defined in this Order.
- A Remediation Order will not negate the potential for enforcement action (including penalty notice or prosecution) under the BC Act or LLS Act. A Remediation Order is separate to any potential enforcement action.

[redacted]

[redacted]

Senior Team Leader, North-East

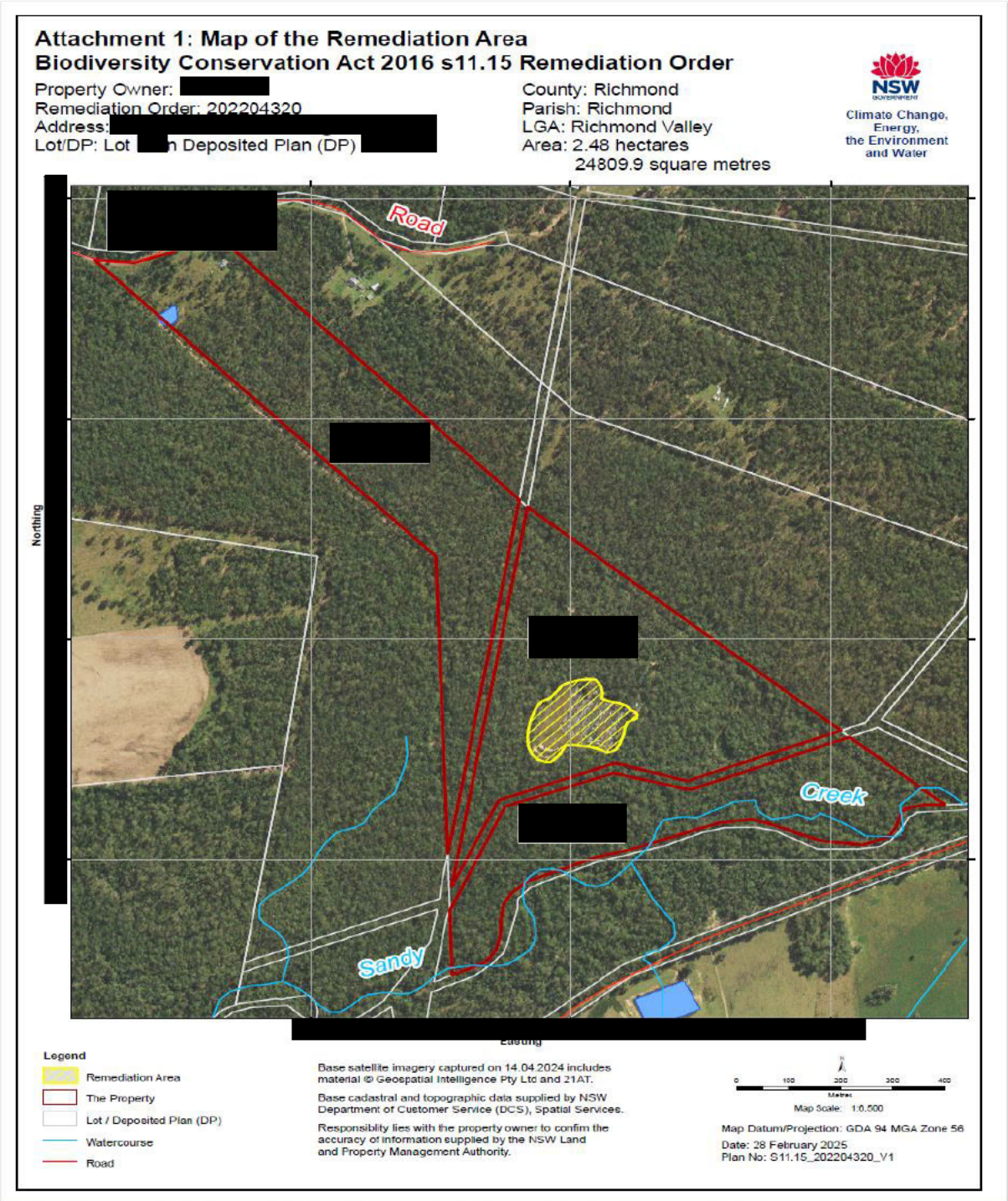
(by Delegation)

Section 11.15 of the *Biodiversity Conservation Act 2016*

Remediation Order

Attachment 1:

1. Map of the Remediation Area

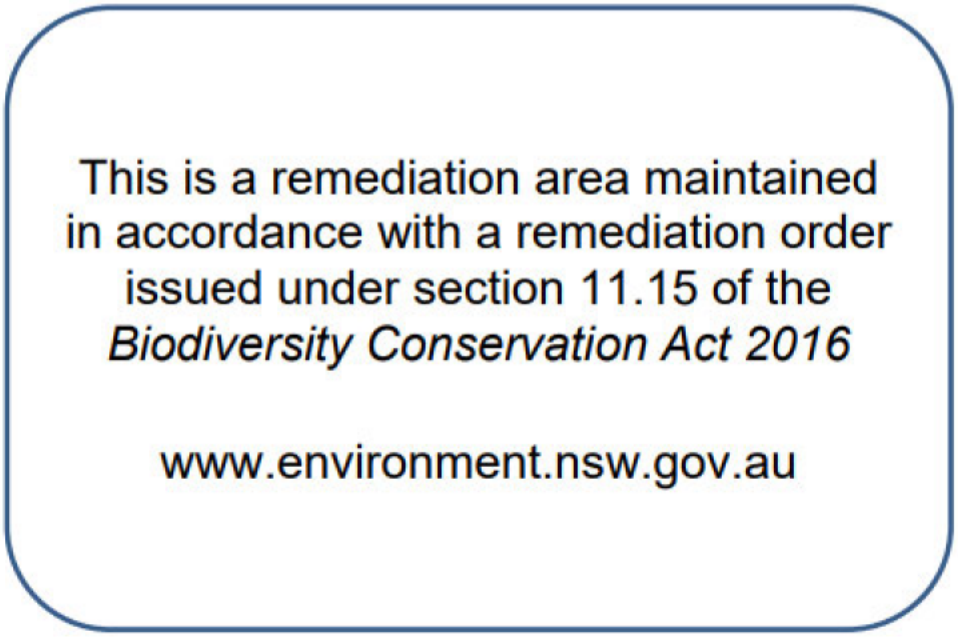


Section 11.15 of the *Biodiversity Conservation Act 2016*

Remediation Order

Attachment 2:

Design of signage



Schedule 1:

Ecologist report schedule

Ecologist Report	Time of required report
First report	2 years from commencement of Order
Second report	5 years from commencement of Order
Third report	9 years from commencement of Order
Final report	13 years from commencement of Order