

Purpose

The purpose of this undertaking is to document undertakings given to the Department of Planning 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

Name of company or individual Strathguyle Farms Pty Ltd

Address



2. Summary of the alleged contravention

Between January and November 2014, Strathguyle Farms Pty Ltd caused 527 hectares of native vegetation (**the Clearing**) to be cleared on land known as [REDACTED] at [REDACTED] (**the Property**) in contravention of section 12 of the Native Vegetation Act 2003 (NSW), now repealed. (**NV Act**).

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

The native vegetation was cleared by mechanical means and was not authorised under any legislation.

Strathguyle Farms Pty Ltd caused the clearing which resulted in damage to three distinct plant community types (PCT) being PCT39 - Coolabah - River Coobah - Lignum woodland, PCT40 - Coolabah open woodland and PCT55 - Belah woodland.

4. An acknowledgement that the Department has alleged a contravention of the NV Act (as it then was).

By entering into this enforceable undertaking, Strathguyle Farms Pty Ltd acknowledges the nature of the allegation against them made by the Department in paragraphs 2 and 3 above.

5. Details of any environmental damage that arose from the alleged contravention

The Clearing has caused harm to the environment and represents a significant loss of native vegetation both locally and in the Darling Riverine Plains bioregion. Clearing and conversion to cropping has resulted in loss of ecosystem function.

Approximately 349 hectares of the clearing is considered part of the Endangered Ecological Community (**EEC**) *Coolibah-Black Box Woodland in the Darling Riverine Plains and Brigalow Belt South Bioregions*. The Clearing has contributed to a recognised threat to this EEC, namely 'Land clearing for infrastructure, rural and agricultural development and associated activities'.

The environmental harm caused by the Clearing includes:

- a) Loss of approximately 527 hectares of mature floodplain woodland of PCT 39 and PCT 40 that would have contained:
 - i. Hollow Eucalyptus trees
 - ii. Diverse groundcover of native species; and
 - iii. Breeding and forage habitat for native animals
- b) Loss of wildlife habitat generally
- c) Reduced habitat connectivity within the North-west Floodplain Woodlands

6. Details of the restitution that will be made to benefit the environment and the community:

Strathguyle Farms Pty Ltd will:

1. Enter into two (2) Conservation Agreements with the Department comprising of 326 hectares of land that is considered suitable by the Department
2. Make payment of \$600,000 to the Department within 12 months of entering this enforceable undertaking, with \$300,000 to be paid upon registration of the Conservation Agreements.

7. An acknowledgement that this undertaking may be publicised

Strathguyle Farms Pty Ltd acknowledge that 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
3. Where appropriate, published in newspapers or other publications.

8. A statement of capacity to comply with the terms of the undertaking

Strathguyle Farms Pty Ltd have the financial ability to comply with the terms of this undertaking.

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

Strathguyle Farms Pty Ltd commit to ensuring that they seek the advice of the appropriate authorities, such as Council or Local Land Services, prior to engaging in similar actions.

Section B – enforceable terms

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

Strathguyle Farms Pty Ltd undertake to comply with paragraph 6

Section C - Offer of undertaking

I offer this undertaking and agree to be bound by the terms of this undertaking

Signed

Name:

Date 1-9-22

Witness name

Witness signature

Date

1/9/2022

I offer this undertaking and agree to be bound by the terms of this undertaking

Signed: ...

Name: ...

Date 1-9-22

Witness name

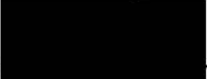
Witness signature

Date

1/9/2022

Section D – Department of Planning 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:.........

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

Date 6 October 2022