



ORDER ISSUED TO:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Order Number: DOC24/491657
CCMS Case Ref. No.: 202204455
Issue Date: 08 October 2024
Property: [REDACTED] ('the Property') known as
[REDACTED]

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

BY registered post RPP44 63900 0510029944 08600

BY email: [REDACTED] and [REDACTED]

Date of issue: 08 October 2024

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) (BC Act)* and its associated Regulations, and responsibilities regarding the enforcement of Part 5A of the *Local Land Services Act 2013 (NSW) (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 out 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>.

Remediation Order

1. Definitions from section 1.6 of the *Biodiversity Conservation Act 2016*

Pick a plant includes ‘gather, take, cut, remove from the ground, destroy, poison, crush or injure the plant or any part of the plant’.

Plant means ‘any plant, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, but does not include marine vegetation’.

Threatened Ecological Community means ‘a critically endangered ecological community, an endangered ecological community or a vulnerable ecological community listed in Schedule 2’.

Damage means: ‘removing or relocating any part of the habitat, and, activities that prevent the continued use of the habitat by animals.’

Habitat means: ‘an area periodically or occasionally occupied by a species or ecological community, and the biotic and abiotic components of an area’.

Threatened species means ‘a critically endangered species, an endangered species or a vulnerable species listed in Schedule 1.’

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

The Department became aware of vegetation removal from the landholding, and began investigating a report of alleged offences pursuant to the following legislation:

- picking a plant of a threatened ecological community in contravention of section 2.2(1)(b) of the *Biodiversity Conservation Act* (2016) (**BC Act**); and
- damaging the habitat of a threatened species in contravention of section 2.4(b) of the BC Act.

The abovementioned alleged offences at the Property (**Attachment A**) occurred between:

- 30 July 2022 and 30 October 2022; and
- 30 October 2022 and 02 February 2023; and
- 13 January 2024 and 30 May 2024.

Offence against section 2.2(1)(b) of the BC Act

Information and evidence obtained to date includes a site inspection, formal records of interview, a review of statutory notices, a review of planning databases and a review of high-quality aerial photography. Furthermore, an ecological assessment, physical evidence obtained from the property and a review of available biodiversity information all indicate that the picking of plants from a threatened ecological community (**TEC**) has occurred in contravention of section 2.2(1)(b) of the BC Act during the abovementioned three timeframes, but generally between 30 October 2022 and 30 May 2024 at the property. Our observations include:

- No permissions, approvals, exemptions or other certifications have been discovered which approve the works to occur.
- A site inspection on 25 July 2024 confirmed that picking occurred by *cut, remove from the ground, destroy, crush and injure the plant or any part of the plant*. This occurred through the use of a forestry mulcher and heavy machinery which entirely removed native vegetation associated with the following PCT's;
 - o PCT 3273 – *South Coast Lowland Shrub-Grass Forest*,
 - o PCT 4019 – *Coastal Alluvial Bangalay Forest* (TEC aligned);
 - o PCT 3588 – *Shoalhaven Foothills Bloodwood Heathy Forest*,
 - o PCT 3267 – *Shoalhaven Foothills Turpentine Forest*.
- PCT 4019 – *Coastal Alluvial Bangalay Forest* was identified over an area of approximately 0.54 ha of the landholding, PCT 4019 aligns with a TEC. The Departments ecological expert confirms all 0.54 ha where PCT 4019 is identified is confirmed TEC known as the *Swamp Sclerophyll Forest on Coastal*

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Floodplains of the Sydney Basin Bioregion, which has the conservation status of **endangered** in NSW.

After consideration of the relevant defences which apply to a breach of section 2.2(1)(b) of the BC Act:

- Part 2.5 of the Biodiversity Conservation SEPP 2021 (**BC SEPP**) was reviewed with no defences applying to this landholding. Section 2.29(a) of the BC SEPP states that the landholding must be used for primary production within the meaning of 'primary production' as defined by section 10AA of the *Land Tax Management Act 1956*, of which none of the listed activities occur at the property.
- The NSW 25-meter boundary clearing code does not, and never has, applied to "Residential 5 – Residential Large Lot" zoned land.
- Vegetation removal within "Residential 5 – Residential Large Lot" zoning at the property requires a development application or relevant exemption which has not been discovered as part of the investigation, or provided by the landholders.

Under section 2.2(1)(b) of the BC Act, it is an offence to pick a plant from a threatened ecological community. This is a strict liability offence, and no defences have been identified.

Offence against section 2.4(1) of the BC Act

Information and evidence obtained to date, includes a site inspection, formal records of interview, a review of statutory notices, a review of planning databases and a review of high-quality aerial photography. Furthermore, evidence obtained includes an ecological assessment, physical evidence obtained from the property and a review of available biodiversity information which all indicate that the damage occurred to threatened species habitat which occurred in contravention of section 2.4(1) of the BC Act between 30 October 2022 and 21 October 2023 at the property. Observations include:

- A site inspection on 25 July 2024 confirmed damage to threatened species habitat.
- **Damage** was caused by using a forestry mulcher, excavator and other heavy machinery to remove any part of the habitat and activities that prevent the continued use of habitat by animals.
- **Habitat** includes 'an area periodically or occasionally occupied by a species or ecological community and the biotic and abiotic components of an area'. The Department is satisfied that the property would periodically, or occasionally be occupied and that impacts occurred to biotic components of that area.
- Of importance is the publicly available mapping for the property on the NSW Biodiversity Values Map and Threshold Tool, which highlights 'threatened species or community with potential for serious or irreversible impacts'. This mapping was applied to the property on 27 September 2021. The threatened species habitat mapped for *Pterostylis ventricosa* which has the conservation status of **critically endangered** in NSW.
- The Departments ecological experts confirm that damage at the property impacted this threatened species habitat (as well as those listed in **Table 1**).

Table 1: Threatened species which periodically or occasionally occupied vegetation of the Property.

| Group | Scientific Name | Common Name | Conservation status |
|--------|--------------------------------|------------------------|-----------------------|
| Orchid | <i>Pterostylis ventricosa</i> | Pot-bellied Greenhood | Critically endangered |
| | <i>Cryptostylis hunteriana</i> | Leafless Tongue Orchid | Vulnerable |
| Bird | <i>Lophoictinia isura</i> | Square-tailed Kite | Vulnerable |
| | <i>Callocephalon fimbria</i> | Gang-gang Cockatoo | Endangered |
| | <i>Calyptorhynchus lathami</i> | Glossy Black-cockatoo | Vulnerable |
| | <i>Glossopsitta pusilla</i> | Little Lorikeet | Vulnerable |
| | <i>Neophema pulchella</i> | Turquoise Parrot | Vulnerable |
| | <i>Ninox strenua</i> | Powerful Owl | Vulnerable |
| | <i>Tyto novaehollandiae</i> | Masked Owl | Vulnerable |

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| | | | |
|-----------------|---------------------------------------|---------------------------------|------------|
| | <i>Daphoenositta chrysoptera</i> | Varied Sittella | Vulnerable |
| Ground mammal | <i>Sminthopsis leucopus</i> | White-footed Dunnart | Vulnerable |
| Arboreal mammal | <i>Cercartetus nanus</i> | Eastern Pygmy-possum | Vulnerable |
| | <i>Phascolarctos cinereus</i> | Koala | Endangered |
| | <i>Petaurus australis</i> | Yellow-bellied Glider | Vulnerable |
| Flying mammal | <i>Pteropus poliocephalus</i> | Grey-headed Flying-fox | Vulnerable |
| | <i>Saccolaimus flaviventris</i> | Yellow-bellied Sheath-tail-bat | Vulnerable |
| | <i>Micronomus norfolkensis</i> | Eastern Coastal Free-tailed Bat | Vulnerable |
| | <i>Chalinolobus dwyeri</i> | Large-eared Pied Bat | Endangered |
| | <i>Falsistrellus tasmaniensis</i> | Eastern False Pipistrelle | Vulnerable |
| | <i>Scoteanax rueppellii</i> | Greater Broad-nosed Bat | Vulnerable |
| | <i>Miniopterus australis</i> | Little Bent-winged Bat | Vulnerable |
| | <i>Miniopterus orianae oceanensis</i> | Large Bent-winged Bat | Vulnerable |

After consideration of the relevant defences which apply to a breach of section 2.4(1) of the BC Act:

A review of the **BC SEPP**, specifically Part 2.5 (which describes exemptions under the *Residential 5 – Large Lot Residential* land zoning).

- Part 2.5 of the BC SEPP was reviewed with no defences applying to this landholding. Section 2.29(a) of the BC SEPP states that the landholding must be used for primary production within the meaning of 'primary production' as defined by section 10AA of the *Land Tax Management Act 1956*, of which none of the listed activities occur at the property.
- Therefore, none of the damage to vegetation within "Residential 5 – Large Lot Residential" zoned at the property land is permissible.
- As such, the Department finds that defences under the BC SEPP may not be applied to this landholding.

A review of the approvals/exemptions under other legislation has been reviewed, confirming:

- The NSW 25-meter boundary clearing code does not, and never has, applied to "Residential 5 – Residential Large Lot" zoned land.
- The property is 7.91 ha in size. The minimum lot size for this landholding for a property of this size is 'less than 40 ha but no less than 1 ha'.
- Confirmed clearing is approx. 6.5 ha. This represents approx. 82% of the vegetation over the entire landholding which was removed.
- Habitat removal may only be permitted through a development application and biodiversity development assessment reports (**BDAR**). This must accompany a development application through Council.
- No BDAR was prepared for the landholding, and no DA submitted. This has resulted in no biodiversity offset credits being purchased which is in direct conflict with the planning requirements of NSW.
- As mentioned above, no other defences have been identified to apply to the landholding.
- As a result, due to the lack of BDAR or other permission, the habitat removal of this landholding is considered unlawful with no defences to permit ~6.5 ha of vegetation to be removed.

Section 2.4(2) of the BC Act confirms that a person is taken to know of the threatened species habitat in the course of carrying out unlawful activity. Based on a review of defences, it appears that this activity is unlawful under the *Environmental Planning and Assessment Act (1979)*.

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3. REASONS FOR VIEW FORMED

I, [REDACTED], Senior Team Leader of Compliance and Regulation (South East), am satisfied that the following has been picked:

- a) Endangered ecological community known as the *Swamp Sclerophyll Forest on Coastal Floodplains of the Sydney Basin Bioregion* has occurred at the Property; and

in or as a result of the commission of an offence against section 2.2(1)(b) of the BC Act, with no legal defences being applicable.

and;

I, [REDACTED], Senior Team Leader of Compliance and Regulation (South East), am satisfied that the following has been damaged:

- b) Habitat of a threatened species or ecological community occurred at the property for the following species listed below in Table 2.

Table 2: Species' habitat damaged by activities at the property.

| Group | Scientific Name | Common Name | Conservation status |
|-----------------|---------------------------------------|---------------------------------|-----------------------|
| Orchid | <i>Pterostylis ventricosa</i> | Pot-bellied Greenhood | Critically endangered |
| | <i>Cryptostylis hunteriana</i> | Leafless Tongue Orchid | Vulnerable |
| Bird | <i>Lophoictinia isura</i> | Square-tailed Kite | Vulnerable |
| | <i>Callocephalon fimbria</i> | Gang-gang Cockatoo | Endangered |
| | <i>Calyptorhynchus lathami</i> | Glossy Black-cockatoo | Vulnerable |
| | <i>Glossopsitta pusilla</i> | Little Lorikeet | Vulnerable |
| | <i>Neophema pulchella</i> | Turquoise Parrot | Vulnerable |
| | <i>Ninox strenua</i> | Powerful Owl | Vulnerable |
| | <i>Tyto novaehollandiae</i> | Masked Owl | Vulnerable |
| | <i>Daphoenositta chrysoptera</i> | Varied Sittella | Vulnerable |
| Ground mammal | <i>Sminthopsis leucopus</i> | White-footed Dunnart | Vulnerable |
| Arboreal mammal | <i>Cercartetus nanus</i> | Eastern Pygmy-possum | Vulnerable |
| | <i>Phascolarctos cinereus</i> | Koala | Endangered |
| | <i>Petaurus australis</i> | Yellow-bellied Glider | Vulnerable |
| Flying mammal | <i>Pteropus poliocephalus</i> | Grey-headed Flying-fox | Vulnerable |
| | <i>Saccolaimus flaviventris</i> | Yellow-bellied Sheath-tail-bat | Vulnerable |
| | <i>Micronomus norfolkensis</i> | Eastern Coastal Free-tailed Bat | Vulnerable |
| | <i>Chalinolobus dwyeri</i> | Large-eared Pied Bat | Endangered |
| | <i>Falsistrellus tasmaniensis</i> | Eastern False Pipistrelle | Vulnerable |
| | <i>Scoteanax rueppellii</i> | Greater Broad-nosed Bat | Vulnerable |
| | <i>Miniopterus australis</i> | Little Bent-winged Bat | Vulnerable |
| | <i>Miniopterus orianae oceanensis</i> | Large Bent-winged Bat | Vulnerable |

in or as a result of the commission of an offence against section 2.4(1) of the BC Act, with no legal defences being applicable.

In order to:

- a) control, abate or mitigate the damage to the vegetation concerned; and
 b) maintain, remediate or restore the damaged vegetation concerned;

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I, [REDACTED], Senior Team Leader of Compliance and Regulation (South East), order [REDACTED] and [REDACTED] (**the Remediators**) to carry out the following remediation work on the Property within the time specified, if any, for each work, or where no time is specified, for a period of fifty (50) years from the date of this Order.

I, [REDACTED], Senior Team Leader of Compliance and Regulation (South East), holds delegated authority on behalf of the Environment Agency Head for the purposes of section 11.15 of the BC Act.

4. REQUIREMENTS – WHAT YOU MUST DO TO COMPLY

In this Order, Remediation Area means the areas referred to within **Attachment B**.

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

4.1 General Requirements

- 4.1.1 **Immediately from the issue date of this Order**, the remediator must abate human disturbances to the Remediation Area.
- 4.1.2 **Immediately from the issue date of this Order**, construction of any buildings, structures or any development is not permitted within the Remediation Area.
- 4.1.3 **Within 28 days of the issue date of this Order**, the remediator must remove all livestock from the Remediation Area, and, prevent them from entering the remediation area.
- 4.1.4 **Within 28 days of the issue date of this Order and on an ongoing basis**, the remediator must remove and prevent priority weeds and whiskey grass by using selective methods of manual removal or biological control.
- 4.1.5 **Within 28 days of the issue date of this Order**, the remediator must erect signage so that any person entering the Remediation Area becomes aware of the Remediation Area and does not use the land in a manner that would contradict this Order.
 - 4.1.5.1 At least two signs must be located along [REDACTED]; and
 - 4.1.5.2 At least two signs must be located along the western property boundary.
- 4.1.6 The remediator must inform all purchasers of the land of this Order.
- 4.1.7 The remediator must notify the Environmental Agency Head within 14 days if you intend on selling the land subject to this Order.
 - 4.1.7.1 This notification is to be made to: southeast.southwest@environment.nsw.gov.au

4.2 Revegetation requirements

- 4.2.1 **Within 200 days of the issuance of this Order**, The Remediator must submit a Remediation Plan for the Remediation Area to the Senior Team Leader Compliance and Regulation.
 - 4.2.1.1 This submission is to be made to: southeast.southwest@environment.nsw.gov.au
- 4.2.2 The Remediation Plan must be prepared by a suitably qualified person. The suitably qualified person must be approved by the Department prior to engagement. A suitably qualified person can be found at the following:
 - <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>; or
 - <https://www.aabr.org.au/do/business-directory/>.
- 4.2.3 The Remediation Plan must demonstrate how the Remediator will restore the Remediation Area towards the benchmark condition for the:
 - 4.2.3.1 *Southern Lowland Wet Sclerophyll Forest* vegetation class of the Sydney Basin Interim Biogeographic Regionalisation for Australia (IBRA) region;

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- 4.2.3.2 *Coastal Floodplain Wetland* vegetation class of the Sydney Basin IBRA region; and
- 4.2.3.3 *Sydney Coastal Dry Sclerophyll Forest* vegetation class of the Sydney Basin IBRA region

Conditions for all three abovementioned vegetation classes are listed at **Table 5** and **Table 6** and **Table 7**.

- 4.2.4 The Remediation Plan must include restoration targets, expressed in the same form as the benchmark condition at Table 2, for year one (1), five (5), ten (10), fifteen (15), twenty (20) and thirty (30), fifty (50) and ninety-nine (99).
- 4.2.5 The Remediation Plan must be drafted for the Term.
- 4.2.6 The Remediation Plan is subject to the approval of the Department.

4.3 Reporting Requirements

- 4.3.1 **Annually, for each year this Order is in force** the remediator must submit a completed Annual Monitoring Report. The Annual Monitoring Report must contain the points which are stated below. You must submit a completed report by **30th November** every year for the duration of the Order. All reports must be emailed to:

southeast.southwest@environment.nsw.gov.au

or

sent by Registered Post to:

NSW Department of Climate Change, Energy, the Environment & Water
Attention: Senior Team Leader, Compliance and Regulation – South East
Reference: CCMS 202204455
PO Box 514
Wollongong NSW 2520

Annual monitoring report and record keeping:

The following records must be made by the Remediators for all inspections:

- Annual monitoring may be completed by the landholder(s) or a representative.
- The date(s) on which the inspection was undertaken.
- The name of the person who undertook the inspection
- Observations made during the inspection including:
 - o Percentage of ground cover comprised of priority weeds;
 - o Presence or absence of pest animals in the Remediation Areas; and
 - o Risk of fire to the Remediation Areas.
- Remediation work require, including the target conditions (if applicable) and time frames for completion.
- Details of any work required within the Remediation Areas.
- The proposed date(s) of that work.
- Photographs to the north, east, south and west at each monitoring point located within Table 3 and Attachment 4(1) and 4(2).
- The annual monitoring report and photographs will be used to monitor progress of remediation at the property. As the Department has the right to amend, vary or revoke an order, monitoring reports will provide an opportunity to measure whether changes are required.

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Table 3: Location of monitoring points

| Monitoring Point | Latitude | Longitude | Easting | Northing |
|--------------------|------------|------------|------------|------------|
| Monitoring Point 1 | ██████████ | ██████████ | ██████████ | ██████████ |
| Monitoring Point 2 | ██████████ | ██████████ | ██████████ | ██████████ |
| Monitoring Point 3 | ██████████ | ██████████ | ██████████ | ██████████ |
| Monitoring Point 4 | ██████████ | ██████████ | ██████████ | ██████████ |
| Monitoring Point 5 | ██████████ | ██████████ | ██████████ | ██████████ |

Note: The Remediator may install a star picket, small surveying peg, or wooden stake to locate the same monitoring point between inspections.

All records required to be kept by this Order must be:

- Accurate
- In a legible form
- Kept for the duration of this Order
- Must be provided to the Department annually.

5. AN EXAMPLE OF HOW YOU CAN COMPLY

One way of achieving compliance with this Order would be to:

1. Prevent human disturbances to the remediation area for the duration of the Order, with the exception of work required for the management of priority weeds.
2. Remove all stock from the remediation area by 05/11/2024
3. Controlling priority weeds by selectively poisoning and manually removing priority weeds 4 times per year.
4. Retain all fallen vegetation and regenerating vegetation.
5. Send in completed monitoring report and other reporting by the 30 November 2024 and every year thereafter by 30 November.
6. Install signage at the front and rear of the property. Signage should read similar or the same as that in Figure 1.



Figure 1: Example signage wording.

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DEFINITIONS

In this Order, the following definitions apply:

| Term | Definition |
|---------------------------------|--|
| BC Act | Means the <i>Biodiversity Conservation Act 2016</i> |
| Biological Control | The reduction of pest populations by introduction of natural competitors. |
| Damage | Damage has the same meaning as defined in section 11.14 of the <i>Biodiversity Conservation Act 2016</i> |
| The Department | The NSW Department of Climate Change, Energy, the Environment & Water. |
| Habitat | Has the same meaning as defined in section 1.6 of the <i>Biodiversity Conservation Act 2016</i> |
| LLS Act | Means the <i>Local Land Services Act 2013</i> |
| Order | This document: a Remediation Order issued under section 11.15 of the <i>Biodiversity Conservation Act 2016</i> |
| Pick | Has the same meaning as defined in section 1.6 of the <i>Biodiversity Conservation Act 2016</i> |
| Priority weed | Means a plant that is a pest as defined by section 15 of the <i>Biosecurity Act 2015</i> . This Order also makes the additional inclusion of Whiskey Grass (<i>Andropogon virginicus</i>) as a priority weed. |
| Remediation Area | Means the areas located on the Property shown schematically on the map in Attachment B and C and D, outlined in yellow and marked "Remediation Area" being parts of [REDACTED]. |
| Remediator | [REDACTED]; and [REDACTED]. |
| Reporting period | Reporting period Means each annual period from the commencement of this Order |
| Term | Means 50 years |
| Threatened Ecological Community | Has the same meaning as defined in section 1.6 of the <i>Biodiversity Conservation Act 2016</i> . Means a critically endangered ecological community, an endangered ecological community or a vulnerable ecological community as listed in Schedule 2 of the BC Act. |
| The Property | [REDACTED] – also known as [REDACTED] [REDACTED]. The Property is shown schematically on the map in Attachment A. |
| You | The Remediator (see above). |

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Table 5: Benchmark condition for the Southern Lowland Wet Sclerophyll Forests vegetation class of the Sydney Basin IBRA region (PCT 3273 and PCT 3267).

| Benchmark attribute | Benchmark value | Unit or measure |
|-------------------------------|-----------------|--|
| Tree Richness | 8 | The number of native tree species within a plot of area 0.04 ha |
| Shrub Richness | 16 | The number of native shrub species within a plot of area 0.04 ha |
| Grass and Grass like richness | 9 | The number of native grass and grass-like species within a plot of area 0.04 ha |
| Forb richness | 11 | The number of native forb species within a plot of area 0.04 ha |
| Fern richness | 2 | The number of native fern species within a plot of area 0.04 ha |
| Other richness | 9 | The number of native species within the other growth form group within a plot of area 0.04 ha |
| Tree cover | 70.0 | The total foliage cover of native tree species within a plot of area 0.04 ha |
| Shrub cover | 29.0 | The total foliage cover of shrub species within a plot of area 0.04 ha |
| Grass and Grass like cover | 28.0 | The total foliage cover of native grass and grass-like species within a plot of area 0.04 ha |
| Forb cover | 5.0 | The total foliage cover of native forb species within a plot of area 0.04 ha |
| Fern cover | 3.0 | The total foliage cover of native fern species within a plot of area 0.04 ha |
| Other Cover | 9.0 | The total foliage cover of native species within the other growth form group within a plot of area 0.04 ha |
| Total length of fallen logs | 87 | The length of fallen logs within a plot of area 0.1 ha |
| Litter Cover | 70 | The % cover of litter is assessed as the average percentage ground cover of litter recorded from five 1m x 1m plots evenly located along a transect that bisects the 0.1 ha plot |
| Number of large trees | 2.0 | The number of large trees within a plot of area 0.04 ha |
| Large tree threshold | 80.0 | Large tree threshold size. |

Table 6: Benchmark condition for the Coastal Floodplain Wetland vegetation class of the Sydney Basin IBRA region (PCT 4019).

| Benchmark attribute | Benchmark value | Unit or measure |
|-------------------------------|-----------------|--|
| Tree Richness | 4 | The number of native tree species within a plot of area 0.04 ha |
| Shrub Richness | 8 | The number of native shrub species within a plot of area 0.04 ha |
| Grass and Grass like richness | 8 | The number of native grass and grass-like species within a plot of area 0.04 ha |
| Forb richness | 8 | The number of native forb species within a plot of area 0.04 ha |
| Fern richness | 2 | The number of native fern species within a plot of area 0.04 ha |
| Other richness | 4 | The number of native species within the other growth form group within a plot of area 0.04 ha |
| Tree cover | 21.0 | The total foliage cover of native tree species within a plot of area 0.04 ha |
| Shrub cover | 21.0 | The total foliage cover of shrub species within a plot of area 0.04 ha |
| Grass and Grass like cover | 69.0 | The total foliage cover of native grass and grass-like species within a plot of area 0.04 ha |
| Forb cover | 3.0 | The total foliage cover of native forb species within a plot of area 0.04 ha |
| Fern cover | 1.0 | The total foliage cover of native fern species within a plot of area 0.04 ha |
| Other Cover | 1.0 | The total foliage cover of native species within the other growth form group within a plot of area 0.04 ha |
| Total length of fallen logs | 12 | The length of fallen logs within a plot of area 0.1 ha |
| Litter Cover | 40 | The % cover of litter is assessed as the average percentage ground cover of litter recorded from five 1m x 1m plots evenly located along a transect that bisects the 0.1 ha plot |
| Number of large trees | 1.0 | The number of large trees within a plot of area 0.04 ha |
| Large tree threshold | 50.0 | Large tree threshold size. |

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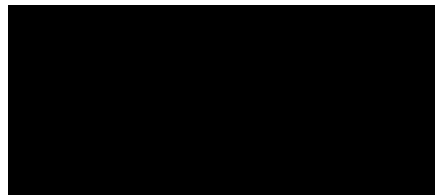
Table 7: Benchmark condition for the Sydney Coastal Dry Sclerophyll Forest vegetation class of the Sydney Basin IBRA region (PCT 3588).

| Benchmark attribute | Benchmark value | Unit or measure |
|-------------------------------|------------------------|--|
| Tree Richness | 7 | The number of native tree species within a plot of area 0.04 ha |
| Shrub Richness | 27 | The number of native shrub species within a plot of area 0.04 ha |
| Grass and Grass like richness | 9 | The number of native grass and grass-like species within a plot of area 0.04 ha |
| Forb richness | 8 | The number of native forb species within a plot of area 0.04 ha |
| Fern richness | 2 | The number of native fern species within a plot of area 0.04 ha |
| Other richness | 4 | The number of native species within the other growth form group within a plot of area 0.04 ha |
| Tree cover | 51.0 | The total foliage cover of native tree species within a plot of area 0.04 ha |
| Shrub cover | 71.0 | The total foliage cover of shrub species within a plot of area 0.04 ha |
| Grass and Grass like cover | 32.0 | The total foliage cover of native grass and grass-like species within a plot of area 0.04 ha |
| Forb cover | 5.0 | The total foliage cover of native forb species within a plot of area 0.04 ha |
| Fern cover | 1.0 | The total foliage cover of native fern species within a plot of area 0.04 ha |
| Other Cover | 4.0 | The total foliage cover of native species within the other growth form group within a plot of area 0.04 ha |
| Total length of fallen logs | 45 | The length of fallen logs within a plot of area 0.1 ha |
| Litter Cover | 62 | The % cover of litter is assessed as the average percentage ground cover of litter recorded from five 1m x 1m plots evenly located along a transect that bisects the 0.1 ha plot |
| Number of large trees | 3.0 | The number of large trees within a plot of area 0.04 ha |
| Large tree threshold | 50.0 | Large tree threshold size. |

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 or 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 of Climate Change, Energy, the Environment & Water 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.



Senior Team Leader Compliance and Regulation (SE)
(by Delegation)

Attachments:

1. Attachment 1 – Map of the Property.
2. Attachment 2 – Map of the Remediation Area – property scale.
3. Attachment 3(A) & 3(B) – Map of the Remediation Area with monitoring points.
4. Attachment 4 – Map of Remediation Area vertices.



Attachment 1

Property
Biodiversity Conservation Act 2016
s11.15 Remediation Order

Property
Owner:



Property
Address:

Lot/DP:

County: St Vincent

Parish: Farnham

LGA: Shoalhaven

RO Area: 7.4 ha

74032.2 sq m

Legend

- The Property
- Watercourse
- Lot / Deposited Plan (DP)



Base imagery captured on the 30 May 2024 includes material © Nearmap.

Base cadastral and topographic data supplied by NSW Department of Customer Service (DCS), Spatial Services.

Responsibility lies with the property owner to confirm the accuracy of information supplied by Land and Property Information NSW.

Map Datum/Projection: GDA94 MGA Zone 56

Date: 5 September 2024

Plan No: S11.15_202204455_A1_V1



Northing

Easting



Attachment 2

Remediation Area
Biodiversity Conservation Act 2016
s11.15 Remediation Order

Property
Owner:



Property
Address:

Lot/DP:

County: St Vincent

Parish: Farnham

LGA: Shoalhaven

RO Area: 7.4 ha

74032.2 sq m

Legend

Remediation Area

The Property

Watercourse

Lot / Deposited Plan (DP)



Base imagery captured on the 30 May 2024 includes material © Nearmap.

Base cadastral and topographic data supplied by NSW Department of Customer Service (DCS), Spatial Services.

Responsibility lies with the property owner to confirm the accuracy of information supplied by Land and Property Information NSW.

Map Datum/Projection: GDA94 MGA Zone 56

Date: 5 September 2024

Plan No: S11.15_202204455_A2_V1





Attachment 3A

Monitoring Points
Biodiversity Conservation Act 2016
s11.15 Remediation Order

Property
Owner:



Property
Address:

Lot/DP:

County: St Vincent

Parish: Farnham

LGA: Shoalhaven

RO Area: 7.4 ha

74032.2 sq m

Legend

Remediation Area

Monitoring Points

The Property

Watercourse

Lot / Deposited Plan (DP)

0 12.5 25 50 75
m



Base imagery captured on the 30 May 2024 includes
material © Nearmap.

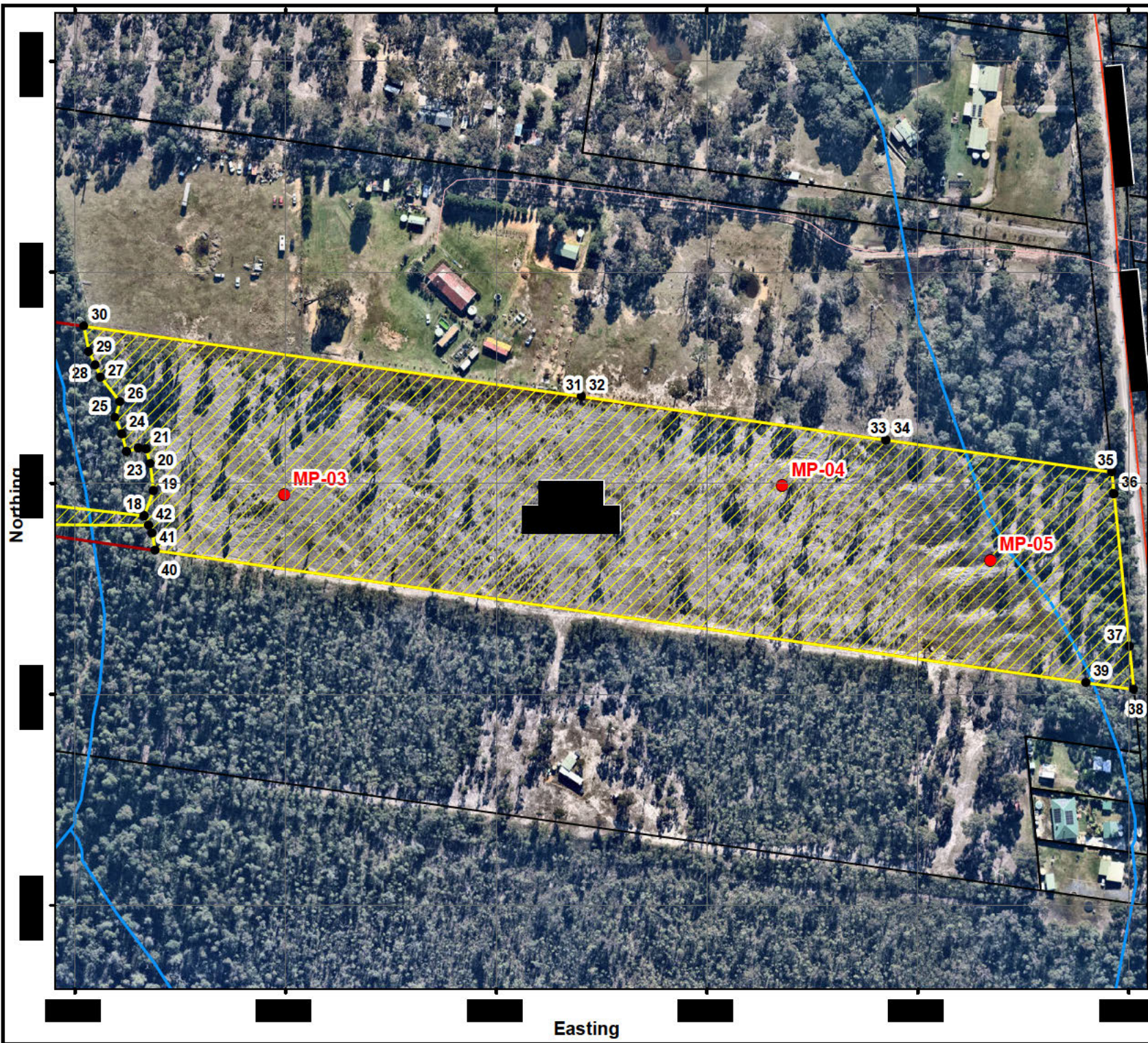
Base cadastral and topographic data supplied by NSW
Department of Customer Service (DCS), Spatial Services.

Responsibility lies with the property owner to confirm the
accuracy of information supplied by Land and Property
Information NSW.

Map Datum/Projection: GDA94 MGA Zone 56

Date: 5 September 2024

Plan No: S11.15_202204455_A3A_V1





Attachment 3B

Monitoring Points
Biodiversity Conservation Act 2016
s11.15 Remediation Order

Property
Owner: [REDACTED]

Property
Address: [REDACTED]

Lot/DP: [REDACTED]

County: St Vincent

Parish: Farnham

LGA: Shoalhaven

RO Area: 7.4 ha
74032.2 sq m

Legend

- Remediation Area
- Monitoring Points
- The Property
- Watercourse
- Lot / Deposited Plan (DP)

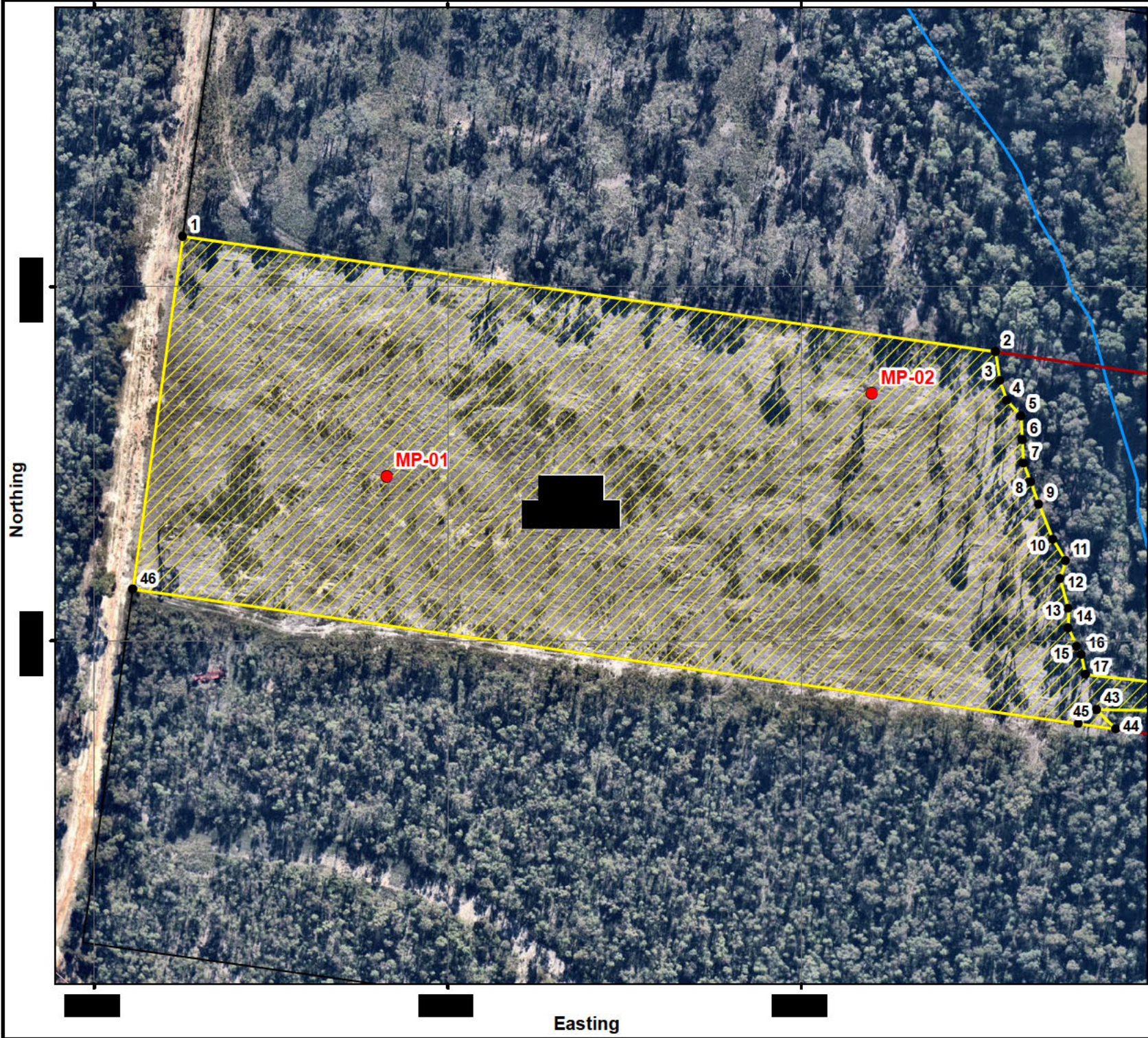


Base imagery captured on the 30 May 2024 includes material © Nearmap.

Base cadastral and topographic data supplied by NSW Department of Customer Service (DCS), Spatial Services.

Responsibility lies with the property owner to confirm the accuracy of information supplied by Land and Property Information NSW.

Map Datum/Projection: GDA94 MGA Zone 56
Date: 5 September 2024
Plan No: S11.15_202204455_A3B_V1



Northing

Easting