

Order conferring Biodiversity Certification – Googong Neighbourhoods 3-5

Under section 8.2 of the *Biodiversity Conservation Act 2016*

Under section 8.2 of the Act, I Dean Knudson, Deputy Secretary, Department of Planning and Environment, as delegate of the Minister for Environment and Heritage, confer Biodiversity Certification on the Certified Land as listed in Table 1 and shown on Schedule 2A.

Under section 8.7(1) of the Act, I am satisfied, having considered the Biodiversity Certification Assessment Report, that the Approved Conservation Measures under the Biodiversity Certification adequately address the likely impacts on biodiversity values of the Biodiversity Certification of the Certified Land.

Under section 8.3(1) of the Act, I specify the measures listed in Schedule 3 of the Order as Approved Conservation Measures under this Biodiversity Certification.

Under section 8.3(3)(c) of the Act and clause 8.1 of the Regulation, I specify the measures listed in Schedule 4 of the Order as other approved measures to avoid or minimise impacts of clearing and loss of habitat on the Certified Land.

Under section 8.3(3)(a) and (b) of the Act, I specify the requirements listed in Schedule 4A of the Order as to the timing, monitoring, reporting and auditing of the implementation of the Approved Conservation Measures and other approved measures.

Under section 8.9(1) of the Act, I identify the parties to the Biodiversity Certification in Schedule 5 of the Order.

Under section 8.2 of the Act, I determine that Biodiversity Certification of the Certified Land is to take effect from the date of publication of the Order in the NSW Government Gazette and is to remain in force indefinitely pursuant to section 8.10(1) of the Act.

Under section 8.12 of the Act, the Order will be reviewed every 5 years or at the discretion of the Minister.



DEAN KNUDSON

Deputy Secretary, Department of Planning and Environment
as a delegate of the Minister for Environment and Heritage

Signed this 8th day of July 2022

Definitions

In this Order:

“**Act**” means the *Biodiversity Conservation Act 2016* (NSW).

“**Applicant**” means the party specified in Schedule 5 of the Order.

“**Approved Conservation Measures**” has the meaning given in section 8.1 of the Act.

“**Avoided Land**” means the land specified as ‘Avoided Land’ in the map in Schedule 2A of the Order.

“**Biodiversity Certification**” has the same meaning as in section 8.2 of the Act.

“**Biodiversity Credit**” means a biodiversity credit created under Part 6 Division 4 of the Act.

“**Certified Land**” means the land specified in Schedule 1 of this order and shown as ‘Certified Land’ in the map in Schedule 2A of the Order.

“**Effective Date**” means the date on which Biodiversity Certification is conferred by the delegate of the Minister on the Certified Land by the Order.

“**Minister**” means the Minister of the State of New South Wales administering the Act and includes his or her successors in office and where not repugnant to the context includes the servants and agents of the Minister.

“**Order**” means the order made by the delegate of the Minister to confer Biodiversity Certification in accordance with section 8.2 of the Act.

“**Other Approved Measures**” means any of the measures set out at section 8.3(3) of the Act and clause 8.1 of the Regulation.

“**Regulation**” means the *Biodiversity Conservation Regulation 2017* (NSW).

“**Stage**” means a stage of the development and when used in this Order, refers to the stages shown in the map at Schedule 2B of the Order.

“**Subdivision Works Certificate**” means a subdivision works certificate within the meaning of section 1.4 of the *Environmental Planning & Assessment Act 1979* (NSW).

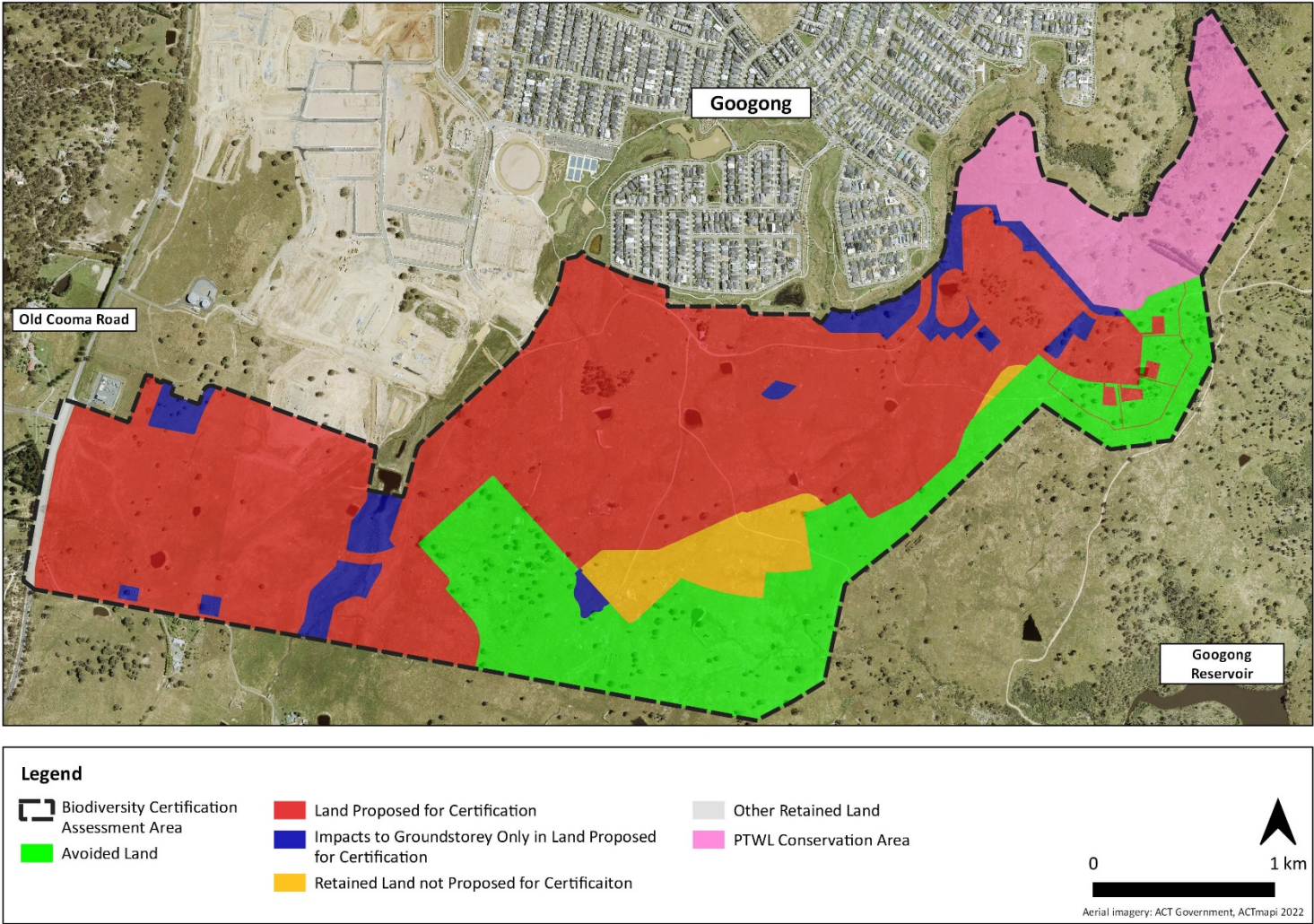
Schedule 1 – Description of the Certified Land

The Certified Land comprises 164.34 hectares of land in the Queanbeyan Local Government Area and comprises the parcels specified in **Table 1** below.

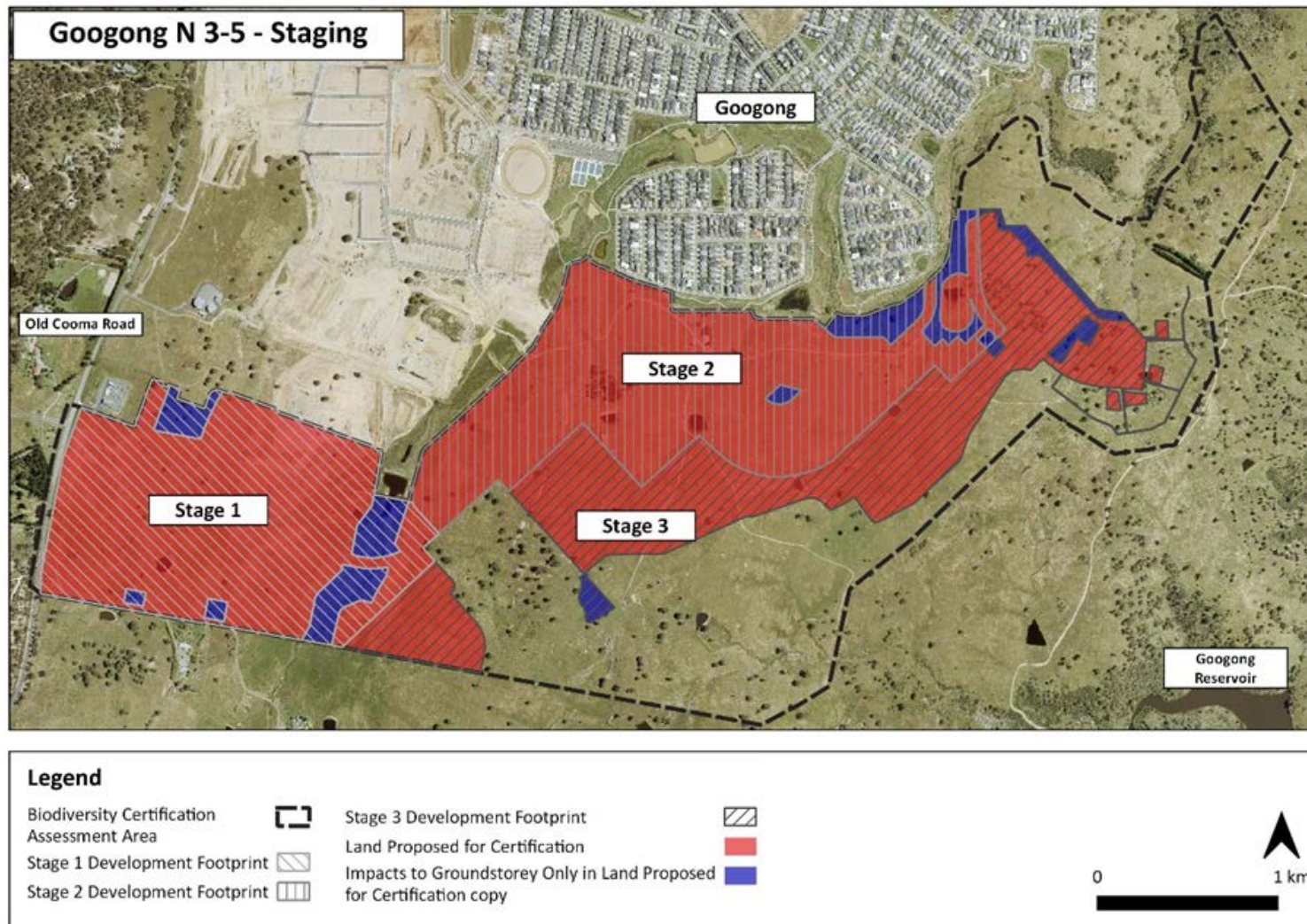
Table 1 – Certified Land	
DP Number	Lot
Lots 10	DP 754881
Part Lot 11	DP 754881
Lot 42	DP 754881
Lot 996	DP 1276892
Lot 1605	DP 1266000
Lot 2	DP 1231713
Lot 13	DP 1266001
Lot 12	DP 1266001
Lot 7	DP 1246784
Lot 3	DP 1149329

Schedule 2 – Maps of the Googong Neighbourhoods 3-5 Biodiversity Certification

Schedule 2A



Schedule 2B - Map showing Stage 1, Stage 2 and Stage 3 of the development



Schedule 3 – Approved Conservation Measures

The approved conservation measure is:

1. The retirement of the Biodiversity Credits set out in Table 2.

Table 2: Biodiversity Credits to be retired by the Applicant

Type	Number		
	Stage 1	Stage 2	Stage 3
PCT999	28	11	97
PCT1334	166	431	303
Pink-Tailed Legless Lizard	0	5	43

Schedule 4 – Other Approved Measures

The other approved measure is:

- (a) The Applicant must remove any dead timber from the Certified Land and move the dead timber onto the Avoided Land.

Schedule 4A - Timing

Timing of retirement of biodiversity credits

- (a) The Applicant must ensure that the Biodiversity Credits specified in Table 2 are retired as follows:
 - (i) for the Biodiversity Credits specified in the column in Table 2 labelled 'Stage 1', the Biodiversity Credits must be retired by the date on which the earlier of the following occurs:
 - (A) the date of the issue of a Subdivision Works Certificate over Stage 1 of the Certified Land; or
 - (B) two (2) years after the Effective Date.
 - (ii) for the Biodiversity Credits specified in the column in Table 2 labelled 'Stage 2', the Biodiversity Credits must be retired by the date on which the earlier of the following occurs:
 - (A) the date of the issuing of a Subdivision Works Certificate over Stage 2 of the Certified Land; or
 - (B) four (4) years after the Effective Date.
 - (iii) for the Biodiversity Credits specified in the column in Table 2 labelled 'Stage 3', the Biodiversity Credits must be retired by the date on which the earlier of the following occurs:
 - (A) the date of the issuing of a Subdivision Works Certificate over Stage 3 of the Certified Land; or
 - (B) six (6) years after the Effective Date.

Timing of removal of dead timber onto Avoided Land

- (a) the Applicant must remove any dead timber and move the dead timber onto the Avoided Land:
 - (i) for any dead timber on Stage 1, before the date of the issue of a Subdivision Works Certificate over Stage 1,
 - (ii) for any dead timber on Stage 2, before the date of the issue of a Subdivision Works Certificate over Stage 2, and

- (iii) for any dead timber on Stage 3, before the date of the issue of a Subdivision Works Certificate over Stage 3.

Schedule 4B – Reporting requirements

- (a) Proof of issue of the Subdivision Certificate for each Stage of the development must be provided to the Minister in writing within fourteen (14) days of issue.
- (b) Proof of record of the retirement of Biodiversity Credits must be provided to the Minister in writing within fourteen (14) days after retirement of the Biodiversity Credits.

Schedule 5 – Parties to the Biodiversity Certification

Applicant	ACN/ABN (if relevant)
Googong Township Pty Ltd	ABN 95 154 514 593