

## Order conferring biodiversity certification – Port Macquarie Airport and surrounding lands

Under section 126H of the *Threatened Species Conservation Act 1995*

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Under section 126H of the *Threatened Species Conservation Act 1995*, I, Anthony Lean, Chief Executive of the Office of Environment and Heritage, as delegate of the Minister for the Environment, confer biodiversity certification on the specified land.

Under section 126L of the Act, I have determined that the adoption of a plan of management for vegetation in the “tree removal zone” within the specified land is a conservation measure for the purposes of the Act.

Under section 126P of the Act I have determined on the basis of a biodiversity certification assessment that the overall effect of biodiversity certification is to improve or maintain biodiversity values.

Under section 126Y of the Act, I specify the measures listed in Schedule 5 as approved measures under this biodiversity certification.

Under section 126Z of the Act, I identify the parties listed in Schedule 6 as parties to the biodiversity certification.

Under section 126ZA of the Act, biodiversity certification of the specified land takes effect from the date of publication of this Order in the Government Gazette and remains in force indefinitely.

### Definitions

In this Order:

- (a) “**Act**” means the *Threatened Species Conservation Act 1995* (NSW), as in force immediately prior to its repeal, and which continues to apply pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* (NSW);
- (b) “**biodiversity certification agreement**” means the biodiversity certification agreement between the Port Macquarie—Hastings Council and the Minister administering the Act;
- (c) “**biodiversity certification assessment**” means the *Port Macquarie Airport Master Plan and Port Macquarie - Hastings Council owned land within the Thrumster Area 13 Urban Release Area: Biodiversity Certification Assessment Report & Biodiversity Certification Strategy—Application to Minister* prepared by Eco Logical Australia Pty Ltd and dated 24 October 2016;
- (d) “**biodiversity conservation land**” means the land identified as the “proposed offset” in the map at Schedule 3;
- (e) “**conservation measure**” has the same meaning as in section 126L of the Act;
- (f) “**Council**” means Port Macquarie—Hastings Council, ABN 112 369 016 01;
- (g) “**specified land**”:
  - (i) means the land described in Schedule 1 to this Order and marked as “Land to be certified” on the map in Schedule 2; and
  - (ii) includes internal unformed roads but excludes all Crown land, including any Crown public roads.

(h) "tree removal zone" within the specified land means the land shown in the map at Schedule 4 as the "tree removal zone".



**ANTHONY LEAN**  
Chief Executive, Office of Environment and Heritage  
As delegate of the Minister for the Environment

Signed at Sydney, this 9 day of AUGUST 2018

**Schedule 1 Description of the specified land**

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<b>Lot Number</b>	<b>Plan number*</b>
0	SP10135
D	20508
C	20508
B	20508
5	38134
5	38135
1	38331
657	45949
Part 4	115306
1	241486
3	241486
1	242345
3	247687
4	247687
30	263203
2	517680
1	517680
2	547484
3	552051
2	552051
1	552051
Part 3	565437
2	574816
4	613304
2	619643
3	619643
1	707988
1	709926
693	729765
147	754434
Part 206	754434
335	754434

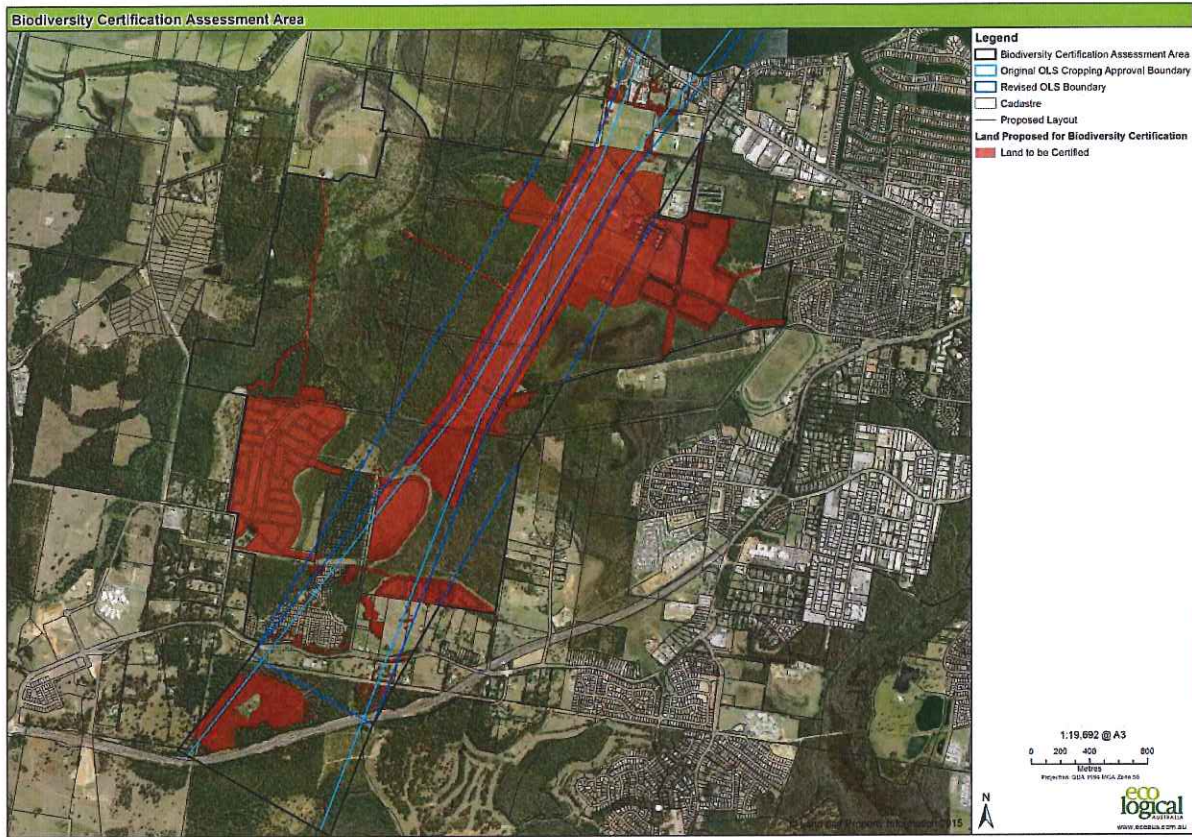
Part 238	754434
Part 239	754434
132	754434
3	805588
4	805588
5	805588
7	805588
8	805588
10	805588
15	805588
11	808496
14	813358
13	813358
12	813358
11	813358
10	813358
9	813358
8	813358
7	813358
6	813358
5	813358
3	813358
1	827134
16	848479
15	848479
11	849051
12	849051
5	871267
6	871267
22	877448
Part 2	1025083
Part 1	1025083
Part 1	1034982
1	1071193
2	1071193
2	1075873

1	1075873
Part 1	1087368
41	1094314
Part 25	1123026
24	1123026
103	1127168
Part 14	1139180
121	1156615
2	1172154
104	1173567
102	1181696
7325	1184893
298	1234443
10	1193465

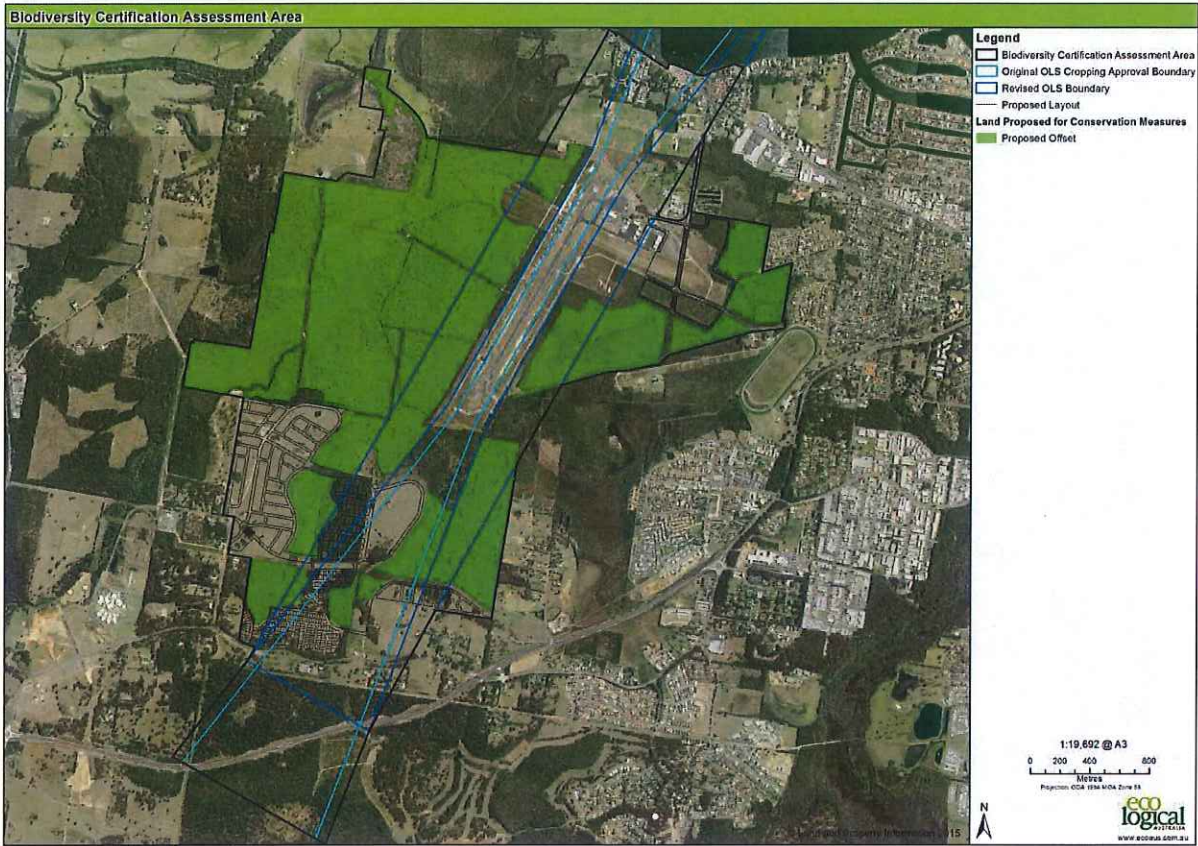
\* Plan numbers are references to Deposited Plans unless otherwise indicated.

Note: The extent of the Biodiversity Certification Land is more precisely defined in the geographic information system (GIS) shape files submitted on behalf of the Planning Authority.

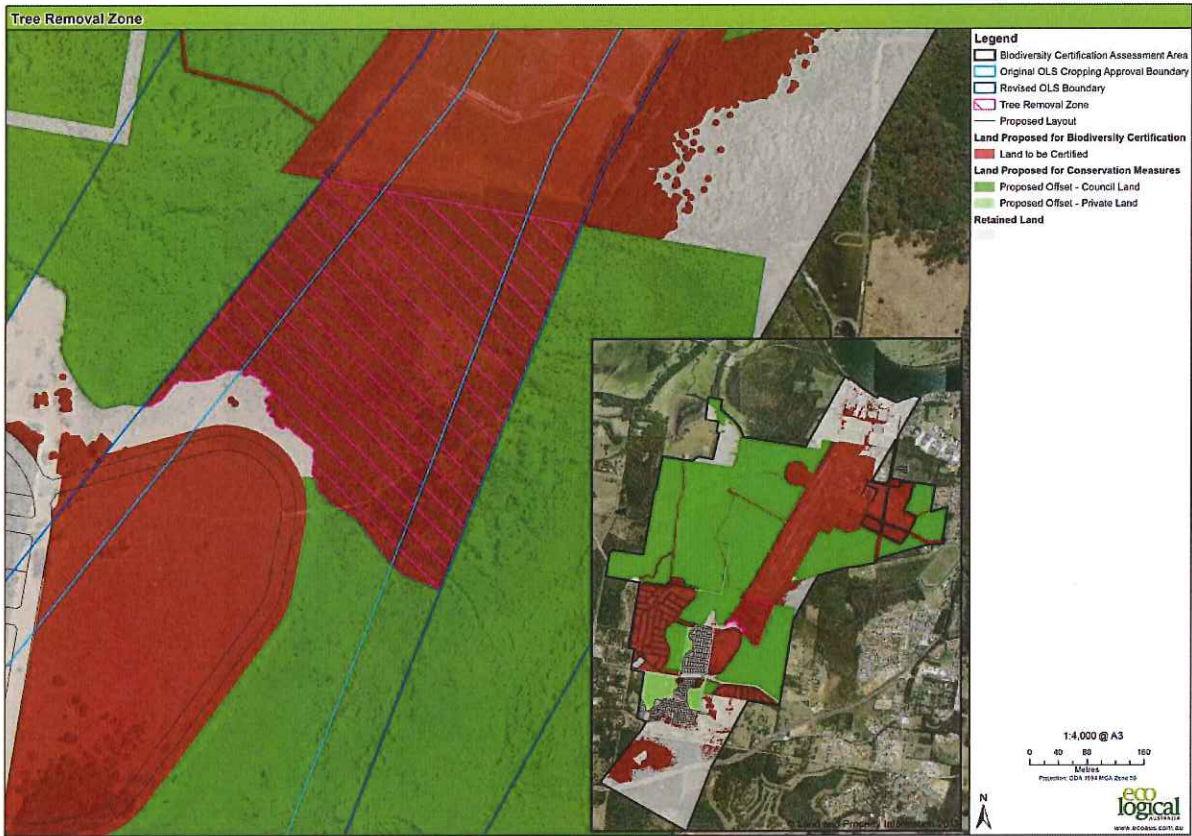
## Schedule 2 Map of the specified land



# Schedule 3 Map of the biodiversity conservation land



# Schedule 4 Map of the tree removal zone within the specified land





## **Schedule 5 Approved measures**

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The approved measures under this Order are as follows:

### **Proposed conservation measures**

1. The entering into of a Biobanking agreement between the Council and the Minister Administering the Act under Part 7A of the Act, over the biodiversity conservation land shown in Schedule 3 consistent with the terms specified in the biodiversity certification agreement.
2. The retirement of all credits (including surplus credits) created on the biodiversity conservation land shown in Schedule 3 under the Biobanking agreement referred to in clause 1 of this Schedule.
3. The retirement by the Council of **452** Blackbutt – Tallowwood ecosystem biodiversity credits and **323** Koala species biodiversity credits created on land other than land the subject of this Order consistent with the terms specified in the biodiversity certification agreement.
4. The adoption of a vegetation management plan by the Council in relation to that portion of the specified land shown in Schedule 4 consistent with the terms specified in the biodiversity certification agreement.

### **Requirements as to the timing of the implementation of the proposed conservation measures**

5. An application for a Biobanking agreement for the biodiversity conservation land referred to in clause 1 of this Schedule must be submitted by the Council to OEH within 12 months of the date that this Order takes effect.
6. The Biobanking agreement referred to in clause 1 of this Schedule must be entered into within 12 months of the date of lodgement of the application for the Biobanking agreement.
7. The biodiversity credits referred to in clause 3 of this Schedule must be retired by the Council within seven (7) years of the date this Order takes effect.
8. The vegetation management plan referred to in clause 4 of this Schedule, must be adopted and implemented by the Council within 12 months of the date this Order takes effect.

**Schedule 6 Parties to the biodiversity certification**

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Council