

Order conferring biodiversity certification – 15 Mulloway Road, Chain Valley Bay

Under section 8.2 of the *Biodiversity Conservation Act 2016*

Under section 8.2 of the Act, I Brendan Bruce, Deputy Secretary Biodiversity, Conservation and Science, Department of Planning and Environment, as delegate of the Minister for the Environment, confer Biodiversity Certification on the Certified Land.

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 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.

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.



Brendan Bruce
Deputy Secretary Biodiversity, Conservation and Science,
Department of Planning and Environment

Signed this 26th day of September 2023

Definitions

In this Order:

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

“Approved Conservation Measures” means any of the measures set out at section 8.3(2) of the Act

“Annual Report” means a report in a format determined by the Environment Agency Head and contains reporting requirements as determined by the Certified Land Biodiversity Management Plan.

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

“Biodiversity Certification Assessment Area” means Lot 273 in Deposited Plan 755266.

“Biodiversity Certification Assessment Report” means the biodiversity certification assessment report within the meaning of the Act dated 7 December 2022 prepared for the purposes of the application for this Biodiversity Certification.

“Biodiversity Credit” means a biodiversity credit created under Part 6 Division 4 of the Act and includes a reference to an Ecosystem Credit and a Species Credit.

“Biodiversity Stewardship Agreement” has the same meaning as in section 1.6 of the Act.

“Business Day” means any day except for Saturday or Sunday or a day which is a public holiday in New South Wales.

“Certified Land” means the land marked as “Certified Land” shown in Schedule 2 of this Order.

“Certified Land Biodiversity Management Plan” means a plan prepared, submitted and approved in accordance with Schedule 4 and Schedule 4A of this Order which contains measures to manage biodiversity identified in the “Vegetation Management Plan” in section 5.4 of the Biodiversity Certification Assessment Report to the extent those measures apply to the Certified Land.

“Department” means the NSW Department of Planning and Environment and any name it may be known by in the future.

“Development Completion” means in respect of each individual Subsequent Lot, the registration of the title for that Subsequent Lot.

“Development Phase” means in respect of each individual Subsequent Lot, the period from the Effective Date until Development Completion for that Subsequent Lot.

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

“Environment Agency Head” has the same meaning given in section 6.1 of the Act.

“Minister” means the Minister of the State of New South Wales administering the Act and includes his or her successors in office and where appropriate, includes the servants and agents of the Minister.

“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.

“Proponent” means JG Developments Pty Ltd ACN 167 086 679

“Proposed Biodiversity Stewardship Site” means the land marked as “Avoided land” and “Conservation land” in Schedule 2 which is intended to be a “biodiversity stewardship site” within the meaning of section 1.6 of the Act.

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

“Subdivision Certificate” means a certificate issued under the provisions of section 6.15 of the *Environmental Planning and Assessment Act 1979*.

“Subsequent Lot” means a lot created in the Biodiversity Certification Assessment Area as a result of a subdivision approved under the *Environmental Planning and Assessment Act 1979*.

“Stormwater Management Plan” means the ‘Stormwater Management Plan – Lot 273 DP 755266. 15 Malloway Road, Chain Valley Bay’ prepared by Woodlots and Wetlands Pty Ltd, issued on 30 May 2022.

“Water Quality Management Plan” means the ‘Water Quality Management Plan – Lot 273 DP 755266. 15 Malloway Road, Chain Valley Bay’ prepared by Woodlots and Wetlands Pty Ltd, issued on 30 May 2022.

Schedule 1 – Description of the specified land

Lots within deposited plans	
DP Number	Lot
755266	273

Schedule 2 – Map of the specified land

15 Mulloway Road, Chain Valley Bay

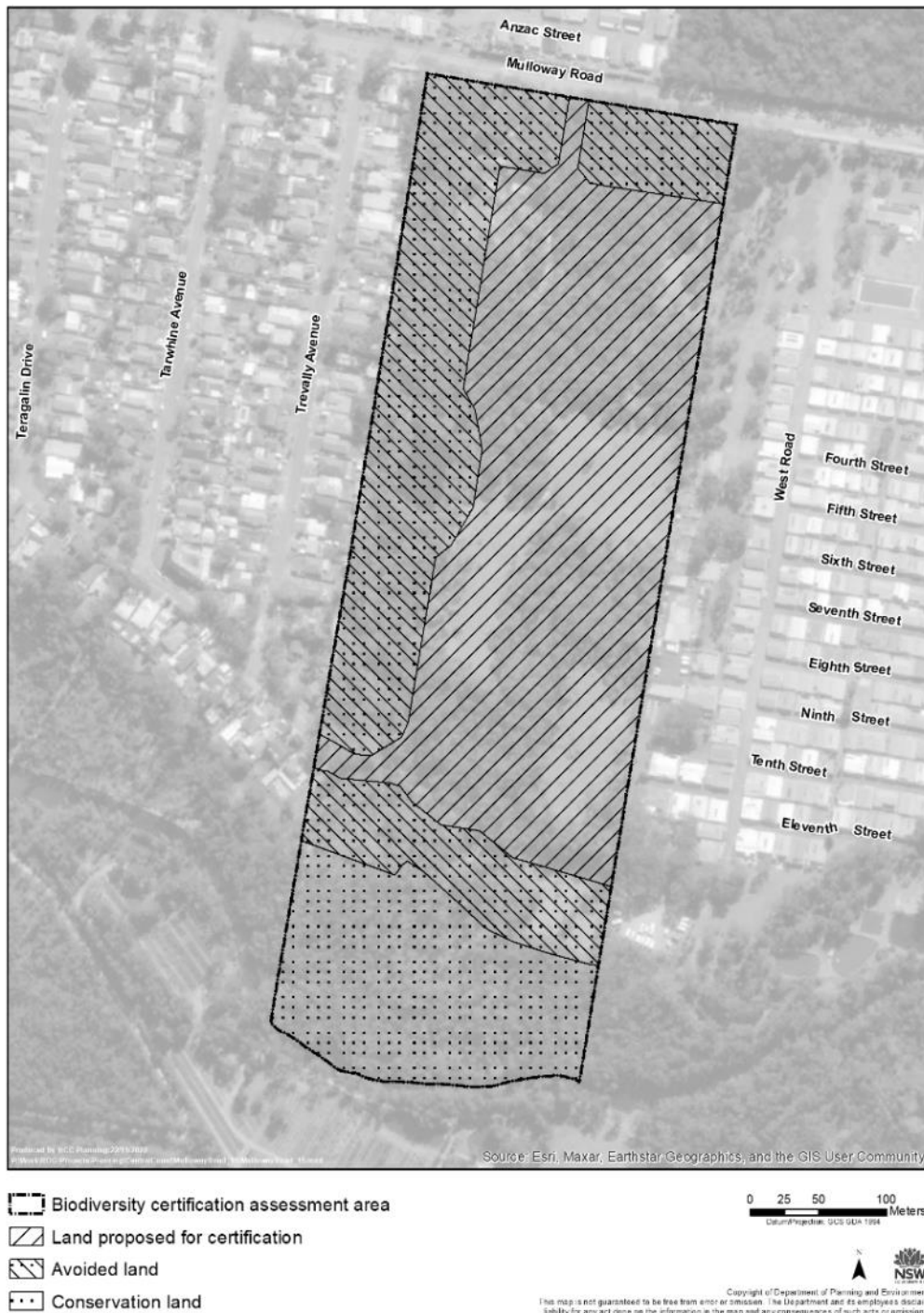


Figure 1 –Biodiversity certification assessment area, land proposed for biodiversity certification, avoided land and conserved land

Schedule 3 – Approved conservation measures

The approved conservation measures are:

1. The retirement of the Biodiversity Credits set out at Schedule 4A, Table 1.

Schedule 4 – Other approved measures

The other approved measures, as set out at Schedule 4A of this Order, are:

- a) Requirements as to the timing and implementation of the conservation measures,
- b) Preparation, submission and implementation of the Certified Land Biodiversity Management Plan,
- c) Implementation of the Stormwater Management Plan, and
- d) Implementation of the Water Quality Management Plan.

Schedule 4A – Timing

Timing and implementation of retirement of biodiversity credits

- a) All Biodiversity Credits must be retired by the Proponent upon issue of the first Subdivision Certificate and entry into the proposed Biodiversity Stewardship Agreement.
 - i. Proof of issue of the first Subdivision Certificate must be provided to the Minister by the Proponent in writing within fourteen (14) Business Days of issue.
 - ii. Proof of entry into the proposed Biodiversity Stewardship Agreement must be provided to the Minister by the Proponent in writing within fourteen (14) Business Days of execution.
- b) If, after two (2) calendar years from the Effective Date, the total amount of Biodiversity Credits specified at Table 1 have not been retired, the Proponent must retire all outstanding Biodiversity Credits specified at Table 1 within fourteen (14) Business Days.
- c) Proof of record of the retirement of Biodiversity Credits must be provided to the Minister in writing within fourteen (14) Business Days after retirement of the Biodiversity Credits.

Table 1: Biodiversity Credits to be retired by the Proponent

Ecosystem Credits	PCT 1619	177
	PCT 1718	1
Species Credits	Wallum Froglet	190
	Pale – headed Snake	237
	Swift Parrot	322
	Green and Golden Bellfrog	11
	Southern Myotis	253

	Giant Dragonfly	2
	Squirrel Glider	237
Total Biodiversity Credits to be retired		1430

Timing and implementation of Certified Land Biodiversity Management Plan

- a) The Proponent must:
 - i. within nine (9) months of the Effective Date, prepare and submit to the Department for approval a draft Certified Land Biodiversity Management Plan to apply to the Certified Land during the Development Phase, and
 - ii. implement and comply with the Certified Land Biodiversity Management Plan immediately upon approval until the completion of the Development Phase.
- b) The Department will, in good faith, make all reasonable attempts to assess the draft Certified Land Biodiversity Management Plan within three months of the draft Certified Land Biodiversity Management Plan being submitted to the Department by the Proponent. If the draft Certified Land Biodiversity Management Plan is not approved, the Department will provide reasons why it is not approved.
- c) During the period from the Effective Date to Development Completion, the Proponent must complete and submit an Annual Report in the form requested by, and to the satisfaction of, the Environment Agency Head or delegate.
- d) An Annual Report must be prepared for each reporting period. A reporting period means the period of twelve (12) months after the Effective Date, and each subsequent period of twelve (12) months.
- e) The Annual Report for the reporting period must be provided to the Environment Agency Head within sixty (60) days after the end of each reporting period.

Timing and implementation of the Stormwater Management Plan

- a) The Proponent must implement and comply with the Stormwater Management Plan from the Effective Date until the completion of the Development Phase.

Timing and implementation of the Water Quality Management Plan

- a) The Proponent must implement and comply with the Water Quality Management Plan from the Effective Date until the completion of the Development Phase.

Schedule 5 – Parties to the biodiversity certification

Party name	ACN
JG Developments Pty Ltd	167 086 679