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Order modifying Biodiversity Certification – Woodbury Ridge Estate

Under section 8.22 of the *Biodiversity Conservation Act 2016*

Under section 8.22(1) of the Act, I Michael Saxon, Director Biodiversity, Conservation and Science Division, Department of Climate Change, Energy, the Environment and Water, as delegate of the Minister for Environment, modify the Original Biodiversity Certification.

Under s 8.22(1)(a), I modify the description of land that is biodiversity certified to limit the biodiversity certification in accordance with the maps at Schedule 2 of this Order.

Under s 8.22(1)(b), I modify the:

- a. Approved conservation measures as set out in Schedule 3 of this Order, and
- b. Other approved measures as set out in Schedule 4, and
- c. Other approved measures as to the timing, monitoring, reporting and auditing of the implementation of the approved and other approved conservation measures as set out in Schedule 4A of this Order.

I am satisfied that a biodiversity certification assessment report is not required in respect of this modification because it substitutes equivalent conservation measures for the approved conservation measures identified in Schedule 3 of the Original Biodiversity Certification.

Under section 8.9(1) and 8.9(4) of the Act, I modify the parties to the Biodiversity Certification at set out in Schedule 5 of this Order.

Under section 8.22 of the Act, I determine that modification of the Biodiversity Certification of the Certified Land is to take effect from the date of publication of the Order in the NSW Government Gazette..



Michael Saxon
Director South East Biodiversity Conservation Division
Department of Climate Change,
Energy, the Environment and Water
as a delegate of the Minister for the Environment

Signed this 12th day of April 2024

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.

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

“**Biodiversity Certification Assessment Area**” means the land marked as “Biodiversity Certification Assessment Area” in Schedule 2 of this Order.

“**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 Conservation Fund**” means the fund established under section 10.16 of the Act.

“**Biodiversity Offset Payment Calculator**” means the offsets payment calculator established under section 6.32 of the Act as varied or replaced from time to time.

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

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

“**Community Management Statement**” means the management statement under the *Community Land Development Act 2021* for the relevant scheme on the Certified Land under that 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 not repugnant to the context includes the servants and agents of the Minister.

“**Order**” means this order modifying the Biodiversity Certification.

“**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**” has the same meaning as in Schedule 5 of this Order.

“**Proposed Biodiversity Stewardship Site**” means the land marked as such in Schedule 2B 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)

“**Original Biodiversity Certification**” means the Biodiversity Certification conferred on the Certified Land on 8 April 2022.

“**Section 88E instrument**” means an instrument established in accordance with section 88E of the *Conveyancing Act 1919*.

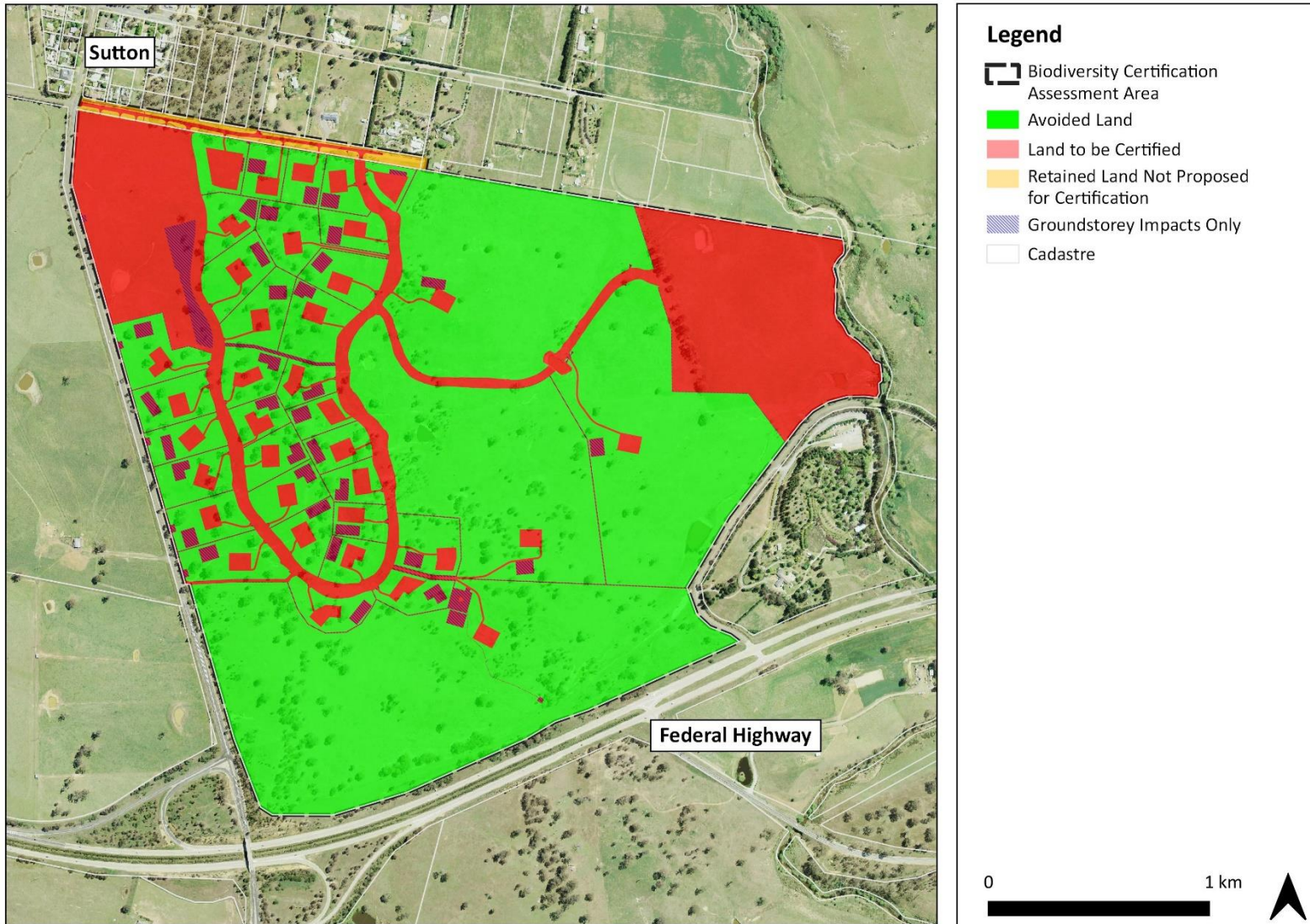
“**Subdivision Certificate**” means a certificate issued under the provisions of section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Schedule 1 – Description of the Certified Land

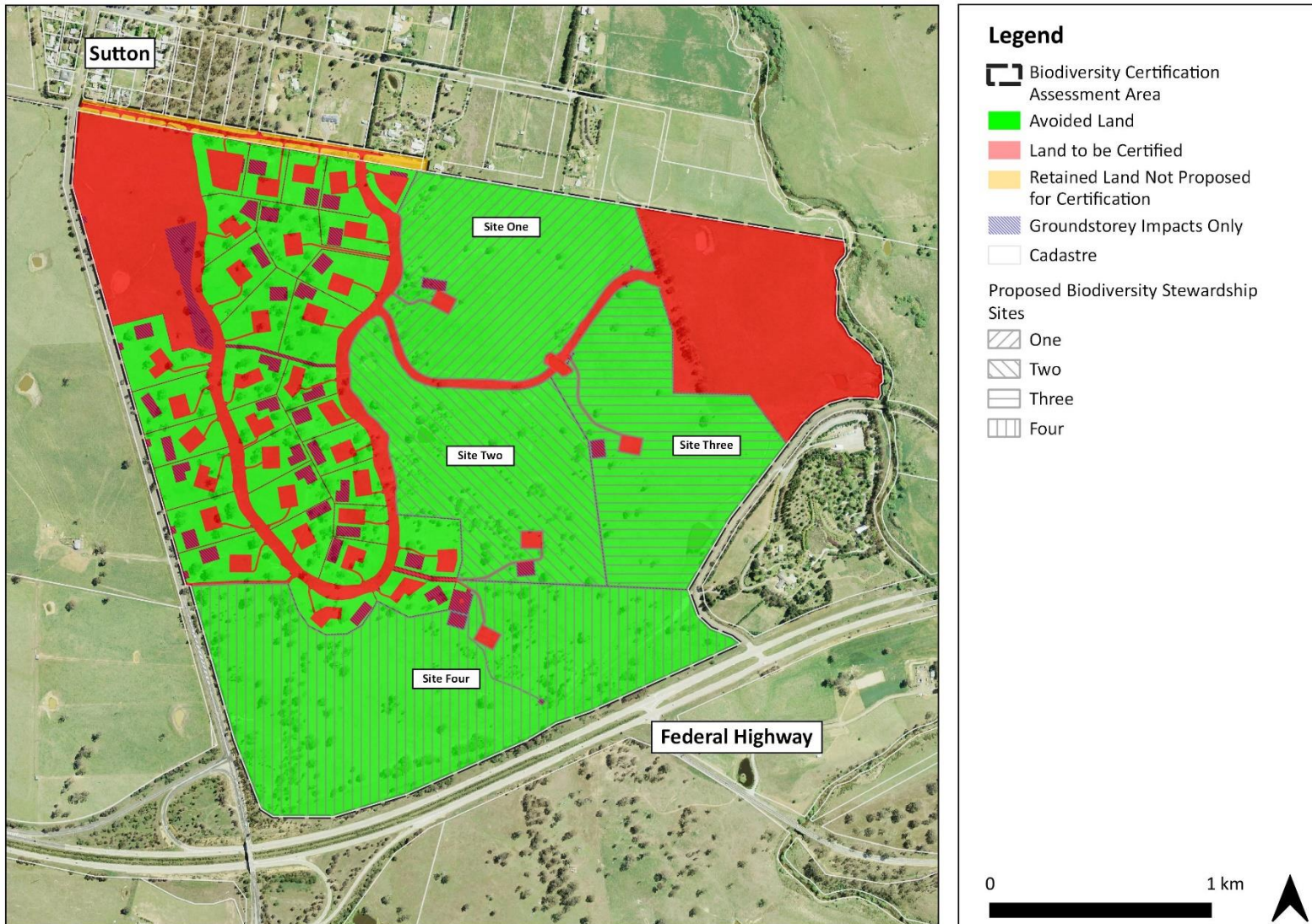
Lots within deposited plans	
DP Number	Lot
Lot 1	DP 1272209

Schedule 2 – Modified Maps of the Woodbury Ridge Estate Biodiversity Certification

Schedule 2A



Schedule 2B



Note: Proposed Biodiversity Stewardship Sites in Schedule 2B have been nominally ordered for the purpose of identification only in this document and may not reflect the actual order in which the sites are established or later labelled.

Schedule 3 – Approved Conservation Measures

The approved conservation measures are:

1. The retirement of the Biodiversity Credits (or any equivalent PCT classification the Biodiversity Credits may be known by in the future, subject to written approval from the Department) as set out at Table 1.
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Table 1: Modified Biodiversity Credits to be retired by the Proponent

Ecosystem Credits		Species Credits			Total Biodiversity Credits to be retired
PCT 1093	PCT 1330	Superb Parrot	Silky Swainson-pea	Golden Sun Moth	
32	102	84	11	416	645

Schedule 4 – Other Approved Measures

The other approved measures are:

- a) The preparation and registration of a Community Management Statement and by-laws applicable to the Certified Land, including provisions for the retention of overstorey vegetation that is specified as 'groundstorey impact only areas' within the Certified Land as identified in Schedule 2A.
- b) Preparation and registration of Section 88E instrument(s) applicable to the Certified Land.
- c) Requirements as to the timing of implementation of the conservation measures set out at Schedule 4A below.

Schedule 4A - Timing

Timing of retirement of Biodiversity Credits

- a) All Biodiversity Credits must be retired upon issue of the first Subdivision Certificate and establishment of the four (4) proposed Biodiversity Stewardship Sites. To satisfy the obligation at a):
 - i. The Proponent must use best endeavours to first retire all Biodiversity Credits specified in Table 1 from Biodiversity Credits generated by the Proposed Biodiversity Stewardship Sites with the Biodiversity Certification Assessment Area, where available.
 - ii. If there are no available or appropriate Biodiversity Credits generated by the Proposed Biodiversity Stewardship Sites within the Biodiversity Certification Assessment Area, the Proponent may:
 - a. retire Biodiversity Credits from a Biobank Site or Biodiversity Stewardship site outside the Biodiversity Certification Assessment Area; or
 - b. pay an equivalent amount into the Biodiversity Conservation Fund in accordance with the Biodiversity Offset Payment Calculator.
- b) If by 15 July 2024 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) days.
- c) Proof of issue of the first Subdivision Certificate must be provided to the Minister in writing within fourteen (14) days of issue.
- d) Proof of entry into any or all of the four (4) proposed Biodiversity Stewardship Agreements must be provided to the Minister in writing within fourteen (14) days of execution.
- e) 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 – Modified Parties to the Biodiversity Certification

Party name	ACN/ABN (if relevant)
Capital Plus 1 Woodbury Ridge Pty Ltd	57 650 185 407
Kenyon Services	57 151 809 406