



Government Gazette

of the State of

New South Wales

Number 54–Environment

Friday, 10 February 2023

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

Order conferring biodiversity certification – 77-91 Warnervale Road, Warnervale NSW

Under section 8.2 of the *Biodiversity Conservation Act 2016*

Under section 8.2 of the Act, I Brendan Bruce, A/Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning and Environment, as delegate of the Minister for Environment and Heritage, confer Biodiversity Certification on the Specified 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 Specified 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, loss of habitat and serious and irreversible impacts on the Specified Land.

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 Specified Land is to take effect from the date of publication of this 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
A/Deputy Secretary, Biodiversity, Conservation and Science
Environment and Heritage Group - Department of Planning and Environment
As delegate of the Minister for Environment and Heritage

Signed this 6th day of February 2023

Definitions

In this Order:

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

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

“**Avoided Land**” means the land identified as Avoided Land in Schedule 2 to this Order.

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

“**Biodiversity Certification Assessment Report**” means a report prepared under section 8.7 of the Act and has the same meaning as in section 8.1 of the Act.

“**Biodiversity Credits**” means a biodiversity created under Part 6 Division 4 of the Act and includes an ecosystem credit and a species credit.

“**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.

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

“**Specified Land**” means that part of Lot 72 in Deposited Plan 7091 described in Schedule 1 to this Order that is also identified as ‘land proposed for certification’ in Schedule 2.

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




Schedule 1 – Description of the Specified Land

Lots within deposited plans	
DP Number	Lot
7091	Part 72

Schedule 2 – Map of the specified land

77 - 91 Warnervale Road, Warnervale



-  Biodiversity certification assessment area
-  Land proposed for biodiversity certification
-  Avoided land

0 12.5 25 50 Meters
Datum/Projection: GCS_GDA_1984



Copyright of Department of Planning and Environment.
This map is not guaranteed to be free from error or omission. The Department and its employees disclaim liability for any act done on the information in the map and any consequences of such acts or omissions.

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 are requirements as to the timing and 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.
 - i. Or, if after 2 calendar years from the date of this Order, 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.
- b) Proof of issue of the first Subdivision Certificate must be provided to the Minister in writing within fourteen (14) days of issue.
- c) 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.

Table 1: Biodiversity Credits to be retired by the Proponent

Ecosystem Credits	Species Credits		Total Biodiversity Credits to be retired
PCT 1619	Squirrel glider	Southern Myotis	
26	36	36	98

Schedule 5 – Parties to the biodiversity certification

Party name	ACN/ABN (if relevant)
Vale Nominee Pty Ltd	12 650 026 887