

Order modifying Biodiversity Certification - Brimbin

Under section 8.22 of the *Biodiversity Conservation Act 2016*

Under section 8.22(1) of the Act I, Ingrid Emery, Executive Director, Regional Delivery, Biodiversity, Conservation and Science Group, Department of Climate Change, Energy, the Environment and Water, as delegate of the Minister for Environment, modify the Original Biodiversity Certification Order.

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

Under section 8.22(1)(b), I modify the Conservation Land in Lot 81 DP 848750 by:

1. reducing it by excluding the area shown in red hatching on the map at Schedule 2, and
2. extending it by adding the area shown in green and black hatching on the map at Schedule 2.

Further, under section 8.22(1)(b), the following approved conservation measures and other measures apply to the Conservation Land as modified by this Order:

1. the approved conservation measures as set out in Schedule 3, and
2. 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 Order.

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

Under section 8.9(1) and (4) of the Act, I confirm Roche Group Pty Limited is a party to this Biodiversity Certification as specified at Schedule 5 of this Order.



Ingrid Emery
Executive Director, Regional Delivery
Department of Climate Change, Energy, the Environment and Water
as a delegate of the Minister for the Environment

Signed this 25 day of August 2024

Definitions

In this Order:

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

“**Conservation Measures**” means any of the approved measures set out in the Original Biodiversity Certification and now taken to be approved measures under section 8.3(3) of the Act.

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

“**Certification Area**” means the land marked as “Certification Area” specified in Schedule 1 and shown on the maps in Schedule 2 of the Original Order as amended by the map at Schedule 2 of this Order.

“**Conservation Land**” means the land marked as “Conservation Land” shown on the maps in Schedule 2 of the Original Order as amended by the map at Schedule 2 of this Order.

“**Department**” means the Department principally involved in administering the Act, currently being NSW Department of Climate Change, Energy, the Environment and Water.

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

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

“**Original Biodiversity Certification Order**” means the Biodiversity Certification conferred on 16 October 2015 under section 126H of the *Threatened Species Conservation Act 1995* (now repealed).

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

Note: Clause 35 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* provides that where biodiversity certification was conferred on land under the *Threatened Species Conservation Act 1995* and is in force as at 25 August 2017, it will now be taken to be biodiversity certification conferred on land under Part 8 of the Act

Schedule 1 - Description of the Certification Area (specified land)

Roads and Railway

All internal unformed roads within the Biodiversity Certification Area owned by the applicant but excluding roads and railways on Crown land being the closed old Taree to Port Macquarie Road, the existing Landsdowne Road and the existing Sydney to Brisbane railway.

Lots within deposited plans

DP Number	Lot
DP10304	1,3,4, part 7,10,12,13,14
DP1084130	1,2
DP14182	28
DP174722	1
DP314748	1
DP413456	18
DP6031	7,27
DP754410	part 63 (excludes conservation land),140
DP848750	part 81
DP1244062	2, part 1 (20m infrastructure buffer east of power line and 20m infrastructure buffer west of railway line)
DP1244064	5
DP1276129	1-30 and roads
DP1288614	30-61 and roads

Note: Part Lot 81 of DP 848750 of the Certification Area has been reduced as specified in this Order, and the lot descriptions have been updated to reflect their current status.

Schedule 2 – Modified Map of the Conservation Land



Schedule 3 – Conservation Measures

The following Conservation Measures apply to the Conservation Land as modified by this Order (as shown in green and black hatching in the map at Schedule 2):

1. The Approved Measures in Schedule 3 of the Original Biodiversity Certification Order, and
2. The replanting of *Eucalyptus seeana* in appropriate rehabilitation areas within the modified Conservation Land in accordance with Schedule 4 of this Order.
3. Thirty (30) days after publication of this Order in the NSW Gazette, Roche Group Pty Limited agrees to write to Mid-Coast Council to:
 - a. advise the Council of the modification to the Conservation Land, and
 - b. request the Council consider an amendment to the Local Environmental Plan to rezone the modified Conservation Land (as identified in green and black hatching in the map at Schedule 2) to C2 Environmental Conservation (or equivalent environmental rezoning) for consistency with the conservation status of the land. For the avoidance of doubt, this is not intended to require Roche Group Pty Limited to submit a proponent led rezoning application.

Schedule 4 – Other Approved Measures

The other approved measures are requirements as to the timing, implementation and reporting of the Conservation Measures and are set out at Schedule 4A below.

Schedule 4A – Timing

1. *Timing of replanting Eucalyptus seeana*

Within 12 months of publication of this Order in the NSW Gazette (unless otherwise agreed), plant *Eucalyptus seeana* (Narrow-leaved Red Gum) in the area identified in Schedule 2 as 'Conservation Appropriate Rehabilitation Area and E. seeana replanting (11.88 ha)' in accordance with section 6 "Conservation (E. seeana replanting) Land" of the Brimbin Biodiversity Certification Modification - Infrastructure Corridor report (MJD Environmental (Final V2) dated June 2024).

2. *Reporting on replanting of Eucalyptus seeana*

Within 12 months of publication of this Order in the NSW Gazette and every year following for five (5) years (unless otherwise agreed), submit written reports to the Department that provide evidence of compliance with planting of *Eucalyptus seeana* in accordance with this Schedule 4A.

Schedule 5 – Party to the Biodiversity Certification

Party	ACN/ABN (if relevant)
Roche Group Pty Limited	59 000 606 682