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Order modifying Biodiversity Certification – Ginninderry

Under section 8.22 of the *Biodiversity Conservation Act 2016*

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

Under section 8.22(1)(b) of the Act, I modify the 'Other Approved Measures' (in Schedule 4A of the Original Biodiversity Certification) as set out in Schedule 3 of this Order.

Under section 8.22(3) of the Act, I am satisfied that a biodiversity certification assessment report is not required in respect of this Order. The modifications made under this Order do not affect the Approved Conservation Measures identified in Schedule 3 of the Original Biodiversity Certification.

Under section 8.8(2) of the Act, I am of the opinion that the clearing of native vegetation and loss of habitat on the Certified Land is not likely to have serious and irreversible impacts on any threatened species or threatened ecological community.

Under section 8.7(1) and (3) of the Act, I am satisfied that the approved conservation measures under the biodiversity certification adequately address the likely impacts on biodiversity values of the biodiversity certification of the land.

Under section 8.9(1) of the Act, I identify the parties to the biodiversity certification in Schedule of this Order.

Under section 8.22 of the Act, I determine that this Order is to take effect from the date of publication 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, this Order will be reviewed every 5 years or at the discretion of the Minister.

For the avoidance of doubt:

- the Schedules in the Original Biodiversity Certification should be read in consecutive, numerical order, and
- the wording "*on the threatened species in Schedule 6 of the Order*" in the paragraph relating to Serious and Irreversible Impacts on page 1 of the Original Biodiversity Certification should be struck out.



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

Signed this 19th day of September 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.

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

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

“**Biodiversity Certification Assessment Area**” means the area identified as such on the map at Schedule 2 of this Order.

“**Biodiversity Certification Modification Application**” means the application to modify biodiversity certification received by the Department dated 22 August 2024 in respect 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.

“**Certified Land**” means the land described in Schedule 1 and marked as “Certified Land” on the map in Schedule 2 of this Order.

“**Department**” means the NSW Department of Climate Change, Energy, the Environment and Water and any name it may be known by in the future.

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

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

“**Original Biodiversity Certification**” means the Biodiversity Certification conferred on the Certified Land on 19 July 2024.

“**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.

“**Parties**” means the parties listed at Schedule 4 of this Order.

“**Proponent**” means Riverview Projects (ACT) Pty Ltd ACN 165 870 539 of Unit 3, 28 Bougainville Street, Manuka ACT 2603 in its capacity as agent for and on behalf of the West Belconnen Joint Venture Participants (severally but not jointly) in accordance with their respective participating interests in the West Belconnen Joint Venture.

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

“**Serious and Irreversible Impacts**” has the same meaning given in section 8.8(1) of the Act.

“**Subdivision Works Certificate**” means a certificate issued in accordance with s 6.13 of the *Environmental Planning and Assessment Act 1919* that authorises the carrying out of subdivision work in accordance with a development consent.

“**West Belconnen Joint Venture**” means the unincorporated joint venture of that name between the West Belconnen Joint Venture Participants.

“West Belconnen Joint Venture Participants” means:

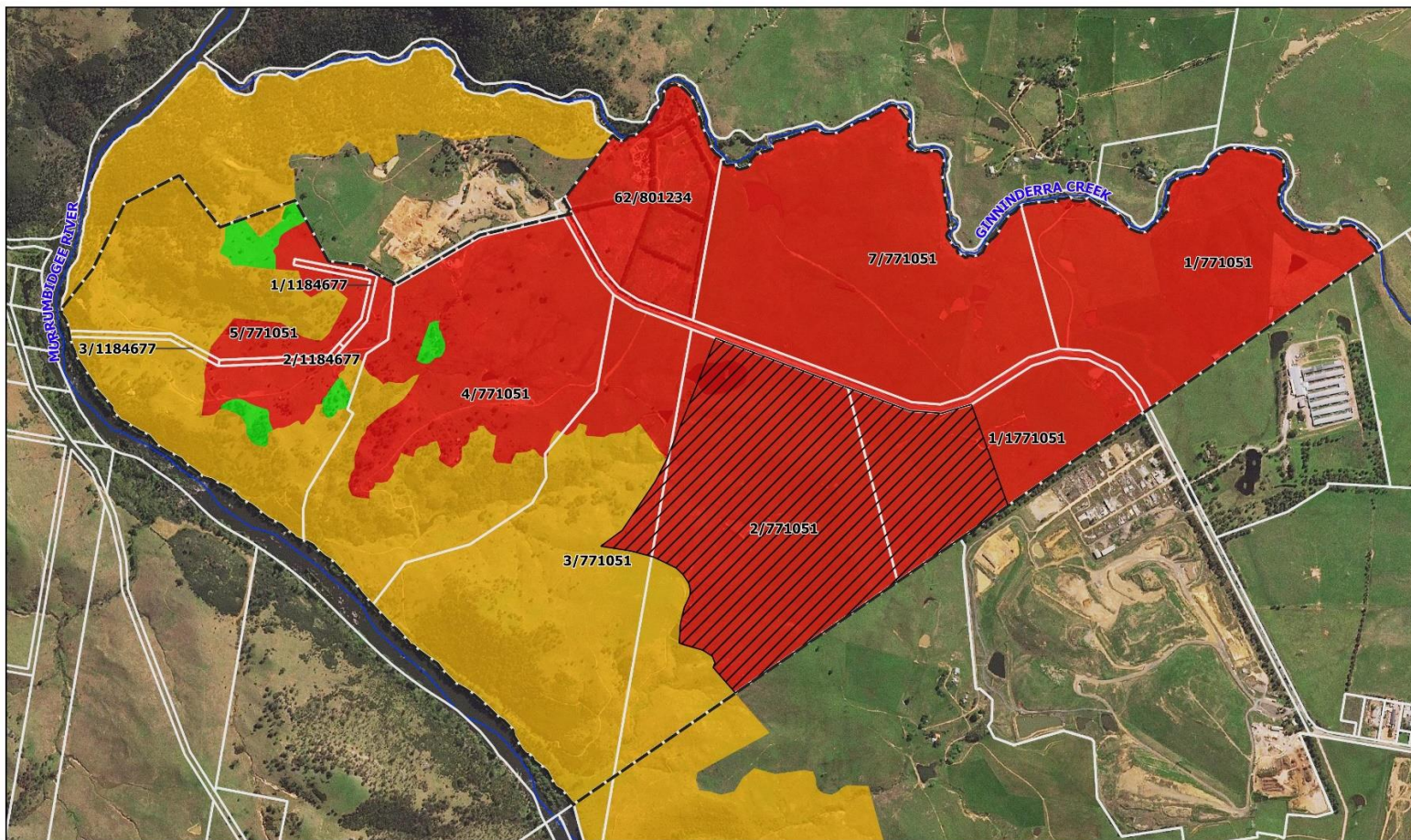
- (a) the Australian Capital Territory Government, holding a 60% participating interest in the West Belconnen Joint Venture; and
- (b) Riverview Developments (ACT) Pty Limited ABN 34 165 870 557, holding a 40% participating interest in the West Belconnen Joint Venture,


and their respective successors and permitted assigns.

Schedule 1 – Description of the Certified Land

Lots within deposited plans		
DP Number	Lot	Part or Entire Lot
771051	1	Entire
771051	2	Part
771051	3	Part
771051	4	Part
771051	5	Part
1184677	1	Entire
1184677	2	Entire
1184677	3	Entire
771051	7	Entire
801234	62	Entire

Schedule 2 – Map of the Certified Land (as modified)



Legend		Imagery © State Government of NSW and NSW Department of Climate Change, Energy, the Environment and Water 2024  0 1 km 
 Biodiversity Certification Assessment Area  Certified Land	 Avoided Land  Ginninderry Conservation Corridor	

Schedule 3 – Other Approved Measures (as modified)

Schedule 3 – Timing and Implementation of the Retirement of Credits

- (a) All Biodiversity Credits set out in Table 1 of this Schedule 3 must be retired before the earlier date of:
- (i) issue of a Subdivision Works Certificate for works at “Stage 1” on the Certified Land as identified in black hatching on the map at Schedule 2, or
 - (ii) five (5) years after this Order is published in the NSW Government Gazette.
- (b) Proof of record of the retirement of Biodiversity Credits must be provided by the Proponent 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

Stage Name for the purpose of this Order (see Figure 1)	Ecosystem Credits	Species Credits	Total credits (Ecosystem and Species credits combined)
Stage 1	208 PCT1093	Pink-tailed Legless Lizard 37.00	
	6 PCT1330	Key’s Matchstick Grasshopper 138	
Totals	214	175	389

Schedule 4 – Parties to the Biodiversity Certification

Party name	ACN/ABN (if relevant)
Riverview Projects (ACT) Pty Limited of Unit 3, 28 Bougainville Street, Manuka ACT 2603 in its capacity as agent for and on behalf of the West Belconnen Joint Venture Participants (severally but not jointly) in accordance with their respective participating interests in the West Belconnen Joint Venture.	ABN 30 165 870 539
Reid and Stevens Pty Limited	ABN 54 008 445 494
Sylvia Susanne Sciberras	
Suburban Land Agency	ABN 27 105 505 367
Gary Barrett Armitage and Edward James Shaw as tenants in common in equal shares	