



# *Government Gazette*

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## Order conferring Biodiversity Certification – Googong Neighbourhoods 3-5

Under section 8.2 of the *Biodiversity Conservation Act 2016*

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Under section 8.2 of the Act, I Dean Knudson, Deputy Secretary, Department of Planning and Environment, as delegate of the Minister for Environment and Heritage, confer Biodiversity Certification on the Certified Land as listed in Table 1 and shown on Schedule 2A.

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(1) 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 on the Certified Land.

Under section 8.3(3)(a) and (b) of the Act, I specify the requirements listed in Schedule 4A of the Order as to the timing, monitoring, reporting and auditing of the implementation of the Approved Conservation Measures and other approved measures.

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.



**DEAN KNUDSON**

**Deputy Secretary, Department of Planning and Environment**  
as a delegate of the Minister for Environment and Heritage

Signed this 8th day of July 2022

## Definitions

In this Order:

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

“**Applicant**” means the party specified in Schedule 5 of the Order.

“**Approved Conservation Measures**” has the meaning given in section 8.1 of the Act.

“**Avoided Land**” means the land specified as ‘Avoided Land’ in the map in Schedule 2A of the Order.

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

“**Biodiversity Credit**” means a biodiversity credit created under Part 6 Division 4 of the Act.

“**Certified Land**” means the land specified in Schedule 1 of this order and shown as ‘Certified Land’ in the map in Schedule 2A of the Order.

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

“**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 the order made by the delegate of the Minister to confer Biodiversity Certification in accordance with section 8.2 of the Act.

“**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.

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

“**Stage**” means a stage of the development and when used in this Order, refers to the stages shown in the map at Schedule 2B of the Order.

“**Subdivision Works Certificate**” means a subdivision works certificate within the meaning of section 1.4 of the *Environmental Planning & Assessment Act 1979* (NSW).

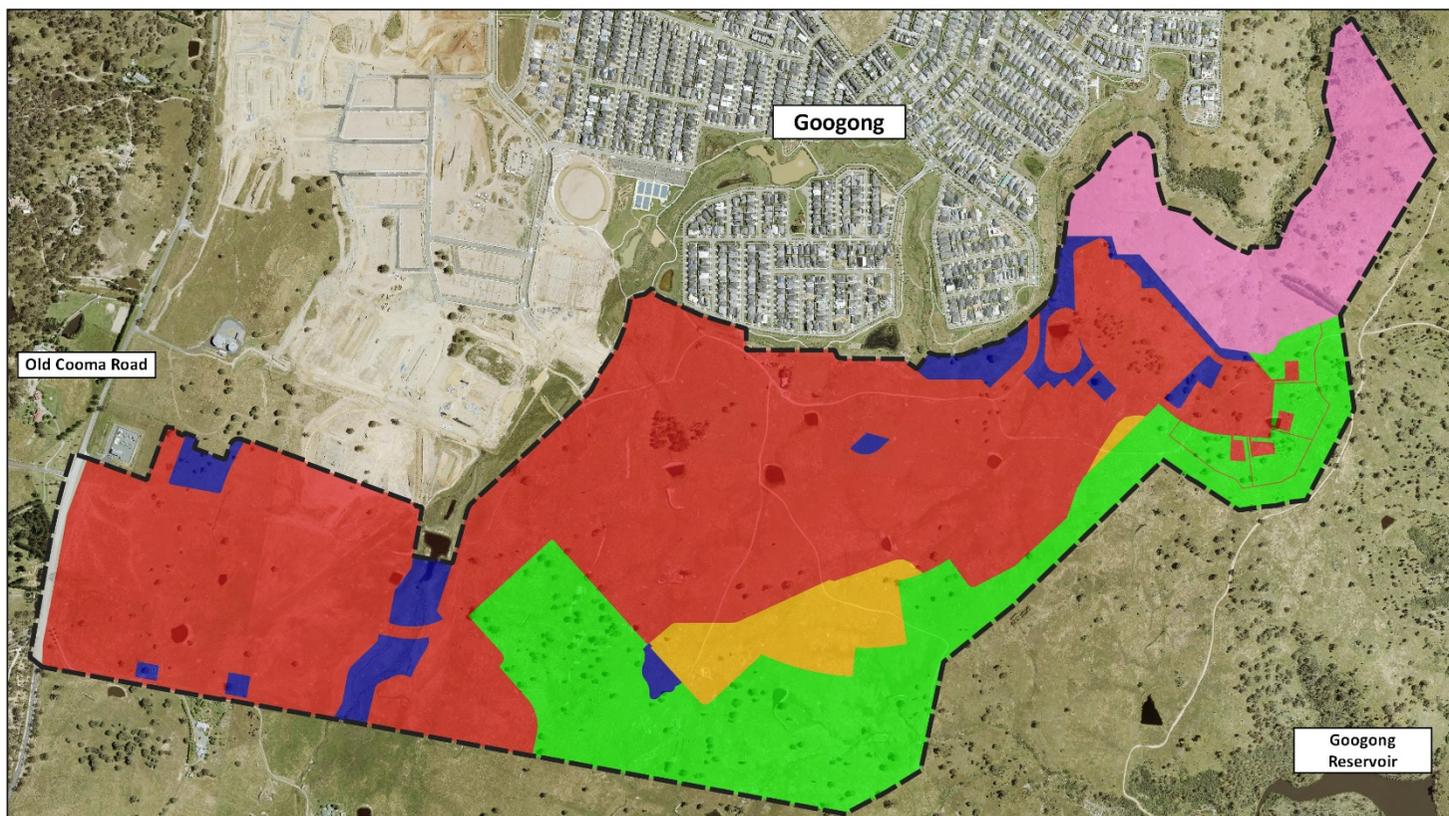
### **Schedule 1 – Description of the Certified Land**

The Certified Land comprises 164.34 hectares of land in the Queanbeyan Local Government Area and comprises the parcels specified in **Table 1** below.

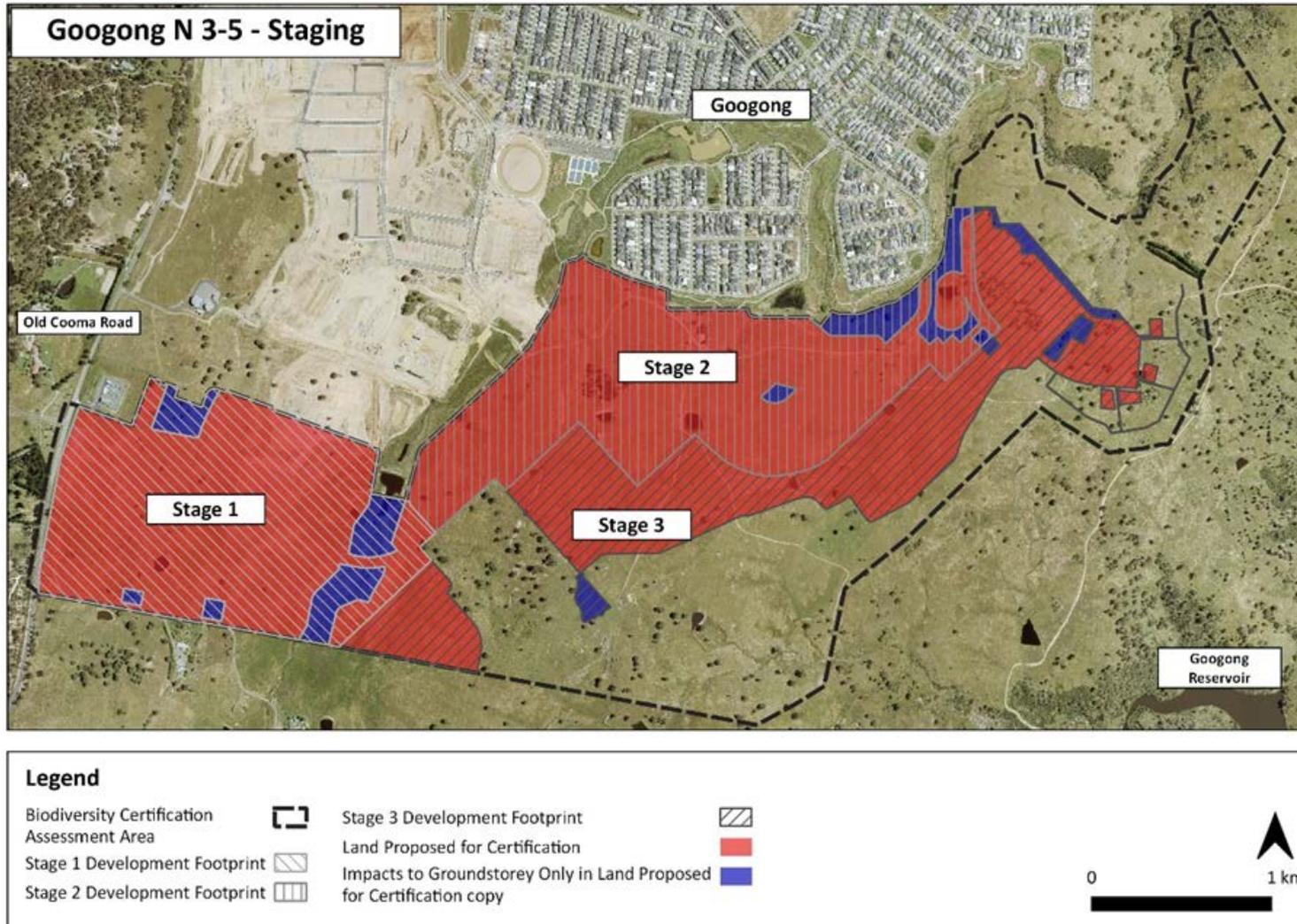
<b>Table 1 – Certified Land</b>	
<b>DP Number</b>	<b>Lot</b>
Lots 10	DP 754881
Part Lot 11	DP 754881
Lot 42	DP 754881
Lot 996	DP 1276892
Lot 1605	DP 1266000
Lot 2	DP 1231713
Lot 13	DP 1266001
Lot 12	DP 1266001
Lot 7	DP 1246784
Lot 3	DP 1149329

## Schedule 2 – Maps of the Googong Neighbourhoods 3-5 Biodiversity Certification

### Schedule 2A



Schedule 2B - Map showing Stage 1, Stage 2 and Stage 3 of the development



### Schedule 3 – Approved Conservation Measures

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The approved conservation measure is:

1. The retirement of the Biodiversity Credits set out in Table 2.

**Table 2:** Biodiversity Credits to be retired by the Applicant

Type	Number		
	Stage 1	Stage 2	Stage 3
<b>PCT999</b>	28	11	97
<b>PCT1334</b>	166	431	303
<b>Pink-Tailed Legless Lizard</b>	0	5	43

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## **Schedule 4 – Other Approved Measures**

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The other approved measure is:

- (a) The Applicant must remove any dead timber from the Certified Land and move the dead timber onto the Avoided Land.

### **Schedule 4A - Timing**

#### *Timing of retirement of biodiversity credits*

- (a) The Applicant must ensure that the Biodiversity Credits specified in Table 2 are retired as follows:
  - (i) for the Biodiversity Credits specified in the column in Table 2 labelled 'Stage 1', the Biodiversity Credits must be retired by the date on which the earlier of the following occurs:
    - (A) the date of the issue of a Subdivision Works Certificate over Stage 1 of the Certified Land; or
    - (B) two (2) years after the Effective Date.
  - (ii) for the Biodiversity Credits specified in the column in Table 2 labelled 'Stage 2', the Biodiversity Credits must be retired by the date on which the earlier of the following occurs:
    - (A) the date of the issuing of a Subdivision Works Certificate over Stage 2 of the Certified Land; or
    - (B) four (4) years after the Effective Date.
  - (iii) for the Biodiversity Credits specified in the column in Table 2 labelled 'Stage 3', the Biodiversity Credits must be retired by the date on which the earlier of the following occurs:
    - (A) the date of the issuing of a Subdivision Works Certificate over Stage 3 of the Certified Land; or
    - (B) six (6) years after the Effective Date.

#### *Timing of removal of dead timber onto Avoided Land*

- (a) the Applicant must remove any dead timber and move the dead timber onto the Avoided Land:
  - (i) for any dead timber on Stage 1, before the date of the issue of a Subdivision Works Certificate over Stage 1,
  - (ii) for any dead timber on Stage 2, before the date of the issue of a Subdivision Works Certificate over Stage 2, and

- (iii) for any dead timber on Stage 3, before the date of the issue of a Subdivision Works Certificate over Stage 3.

**Schedule 4B – Reporting requirements**

- (a) Proof of issue of the Subdivision Certificate for each Stage of the development must be provided to the Minister in writing within fourteen (14) days of issue.
- (b) 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 – Parties to the Biodiversity Certification**

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Applicant	ACN/ABN (if relevant)
Googong Township Pty Ltd	ABN 95 154 514 593

# PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

## Order granting exemption under section 284

### Background

- (a) On 27 June 2022, Natural Disaster Declaration AGRN 1025 was announced by Resilience NSW in relation to storms and floods which began in June 2022. To date, a total of 37 Local Government Areas (**LGAs**) have been declared natural disasters.
- (b) Under clause 21(1)(b) of the Protection of the Environment Operations (Waste) Regulation 2014 (**POEO (Waste) Regulation**) waste arising from a natural disaster that is approved by the Environment Protection Authority (**EPA**) in writing is exempt from the calculation of the waste levy under section 88 of the *Protection of the Environment Operations Act 1997* (**POEO Act**).
- (c) On 5 July 2022, the EPA approved in writing an exemption from the calculation of the waste levy for waste arising from the recent storms and floods in those LGAs that have been declared natural disasters in accordance with the Natural Disaster Declaration AGRN 1025 (**Natural Disaster Exemption**).
- (d) The Natural Disaster Exemption applies to waste arising from the recent storms and floods but does not apply to recovered aggregate and wood waste. Roads at scheduled waste disposal facilities within the LGAs that are subject to Natural Disaster Declaration AGRN 1025 have been saturated by the recent storms and floods and are boggy and dangerous. As a result, some facilities have had to limit the amount of waste under the Natural Disaster Exemption that they can dispose of, due to the restricted access caused by damaged roads. Operational and accessible disposal sites are critical to assist communities in their clean-up efforts to dispose of waste under the Natural Disaster Exemption.
- (e) To assist occupiers of scheduled waste disposal facilities in the disposal of waste under the Natural Disaster Exemption, the EPA has considered whether to grant an exemption under section 284 of the POEO Act from the provision of section 88 of the POEO Act in respect of recovered aggregate (as described, and meeting the requirements within, the Recovered Aggregate Order 2014 as published in the Gazette), and wood waste (as defined in clause 50(1) of Schedule 1 to the POEO Act, and being shredded and/or screened to an appropriate particle size) for use in the repair and maintenance of internal roads at scheduled waste disposal facilities that are both located within LGAs that are subject to Natural Disaster Declaration AGRN 1025 and are disposing of waste under the Natural Disaster Exemption.
- (f) The purpose of this Order is to exempt the occupiers of scheduled waste disposal facilities from the requirement to pay the waste levy in respect of material that is used as recovered aggregate and wood waste under the Natural Disaster Exemption.
- (g) The exemption under this Order only applies to recovered aggregate and wood waste that is the subject of the Natural Disaster Exemption, it does not apply to aggregate and wood waste used at waste disposal facilities generally.

### Order

By this Order, the EPA, in circumstances of an emergency, being the June/July 2022 storms and floods in New South Wales, grants exemption under section 284 of the POEO Act, from compliance with section 88 of the POEO Act to occupiers of scheduled waste disposal facilities, in respect of the following:

- (a) recovered aggregate (as defined, and meeting the requirement within, the Recovered Aggregate Order 2014 as published in the Gazette)
- (b) wood waste (as defined in clause 50(1) of Schedule 1 to the POEO Act, and being shredded and/or screened to an appropriate particle size)

for use in the repair and maintenance of roads within the premises of scheduled waste disposal facilities, where those scheduled waste facilities are both located within LGAs that are subject to Natural Disaster Declaration AGRN 1025 and engaged in the disposal of waste under the Natural Disaster Exemption.

### **Conditions**

This exemption, granted under section 284 of the POEO Act, is subject to the following conditions:

1. An occupier of a scheduled waste disposal facility is not eligible for the exemption unless the Natural Disaster Exemption has been activated in respect of the facility by a local council that has been issued with an exemption certificate and natural disaster exemption number by the EPA.
2. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of recovered aggregate to be used at the scheduled waste disposal facility unless:
  - (a) the recovered aggregate meets the requirements of that material as specified in the Recovered Aggregate Order 2014 as published in the Gazette.
3. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of wood waste to be used at the scheduled waste disposal facility unless:
  - (a) the wood waste meets the definition under clause 50(1) of Schedule 1 to the POEO Act, and is shredded and/or screened to an appropriate particle size.
4. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of recovered aggregate and wood waste unless the scheduled waste disposal facility:
  - (a) is located within one of the LGAs that are subject to Natural Disaster Declaration AGRN 1025; and
  - (b) is disposing of waste under the Natural Disaster Exemption.
5. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of recovered aggregate and wood waste unless the scheduled waste disposal facility uses the recovered aggregate and wood waste for the purpose of repairing or maintaining internal roads within the premises of the scheduled waste disposal facility.
6. An occupier of a scheduled waste disposal facility is not eligible for the exemption unless the occupier complies with any requirements under Part 3, Division 1 of the *Protection of the Environment Operations (Waste) Regulation 2014* with respect to the recovered aggregate and wood waste.
7. This exemption ceases to have effect on 15 September 2022.

### **Duration of Exemption**

This Order takes effect immediately upon the signing of this Order. The Order may be revoked, varied or renewed under section 284 of the POEO Act.

A handwritten signature in black ink, appearing to be 'CD', with a long, sweeping horizontal line extending to the right.

**Carmen Dwyer**  
**Acting Chief Executive Officer**  
**Environment Protection Authority**

13 July 2022