

Order conferring Biodiversity Certification North Tuncurry Urban Release Area

Under section 126H of the *Threatened Species Conservation Act 1995* pursuant to clause 37 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017

Under section 126H of the *Threatened Species Conservation Act 1995* (**the Act**), pursuant to clause 37 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, I, Penny Sharpe MLC, Minister for the Environment, confer biodiversity certification on the specified land.

Under section 126P of the Act, I have determined on the basis of a biodiversity certification assessment that the overall effect of biodiversity certification is to improve or maintain biodiversity values.

Under section 126Y of the Act, I specify the measures listed in Schedule 3 as approved measures, and the timing for implementation of those measures, under this biodiversity certification.

Under section 126Z of the Act, I identify the parties to the biodiversity certification in Schedule 4.

Under section 126ZA of the Act, biodiversity certification of the specified land takes effect from the date of publication of this order in the NSW Government Gazette and remains in force until 1 July 2060.

Notes do not form part of this order.

Note: This order is made in relation to an application for biodiversity certification made under Part 7AA of the Act (**Application**) pursuant to clause 37 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017. In accordance with clause 37(4) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the biodiversity certification is taken to be biodiversity certification conferred on the specified land under Part 8 of the *Biodiversity Conservation Act 2016*.

Definitions

In this order:

BCAM means the Biodiversity Certification Assessment Methodology 2011.

DCCEEW means the NSW Department of Climate Change, Energy, Environment and Water

Specified land means the land described in Schedule 1 to this order that is also marked as "Land to be certified" on the map in Schedule 2.

Tuncurry Midge Orchid Pollinator Corridor (TMOPC) means the land identified and marked in yellow in Figure 1 of Schedule 3 as the Tuncurry Midge Orchid Pollinator Corridor.

Tuncurry Midge Orchid Draft Conservation Research Plan means the "*Genoplesium littorale* (Tuncurry Midge Orchid) Draft Conservation Research Plan" and is appendix V of the "North Tuncurry Urban Release Area Biodiversity Certification Assessment Report and Biodiversity Certification Strategy – Final Application DRAFT Report" prepared by Ecological and dated 18 March 2025.



The Hon Penny Sharpe MLC
Minister for Climate Change, Minister for Energy,
Minister for the Environment, Minister for Heritage
Signed at Sydney, this 8 day of August 2025

Schedule 1 Description of the specified land

The parts of the lots within the deposited plans below that fall within the areas marked "Land to be certified" on the map in Schedule 2	
Lot	DP Number
331	1104340
294	43110
295	43110

Schedule 2 Map of the specified land



Schedule 3 Approved measures

The approved measures under this order are as follows:

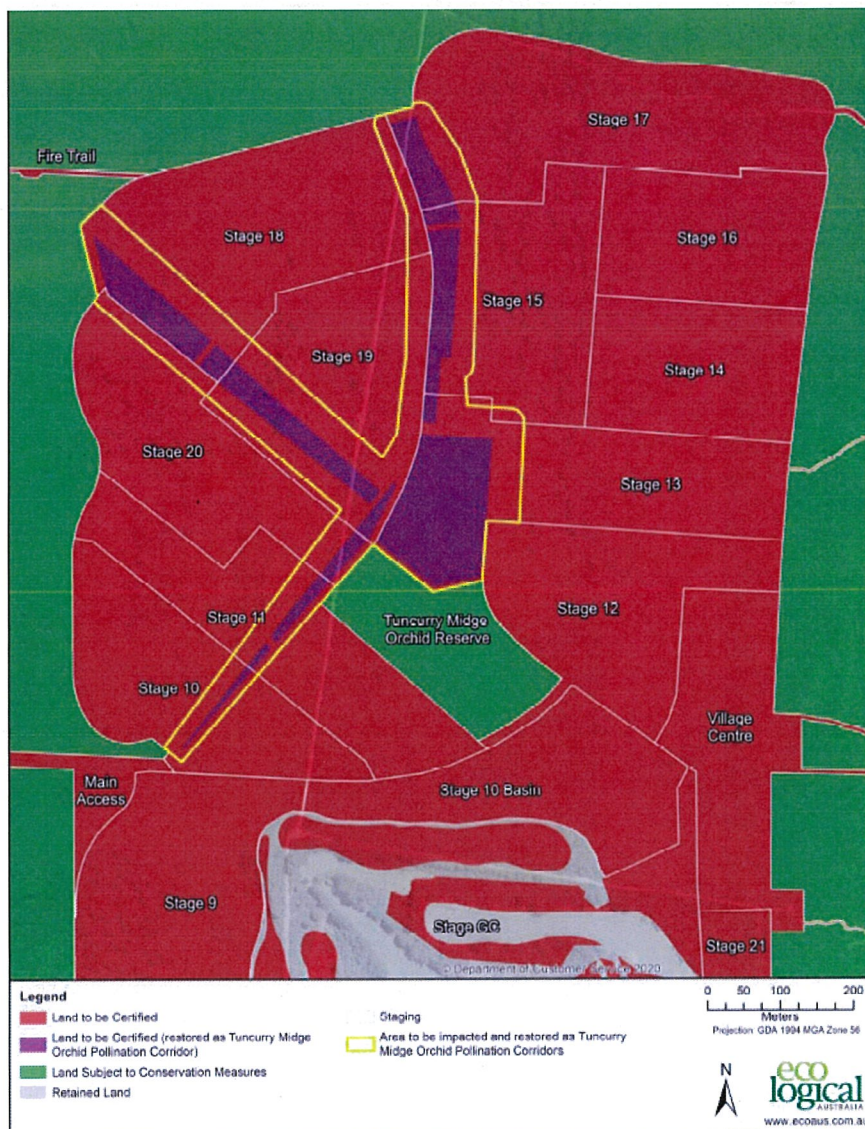
Conservation measure	Responsible party	Timing
1. Before any impacts to biodiversity values occur for each stage of the development, credits must be retired to offset the impacts on biodiversity values from that stage as set out in the Biodiversity Certification Assessment Report dated 18 March 2025 and following the offset rules set out in Chapter 10 of the BCAM, excluding variation of the offset rules under section 10.2.1 and 10.4.1. For each stage, before any biodiversity impacts occur or credits are retired a statement detailing the credits to be retired for that stage must be prepared to the satisfaction of the Secretary of DCCEEW. Notes: - it is intended to establish biodiversity stewardship agreements on suitable and eligible land under the <i>Biodiversity Conservation Act 2016</i>, including on land shown in green in Schedule 2. - a statement of equivalence under clause 22(3) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 will be needed to facilitate the retirement of credits under the Biodiversity Conservation Act to meet this obligation.	Landcom	Credits are to be retired before impact on biodiversity values occurs (staged)
2. Seek through good faith negotiations to enter a Planning Agreement with Mid Coast Council. The Planning Agreement is to provide for the Council to: - accept transfer of the Tuncurry Midge Orchid Pollinator Corridors (TMOPC Land) following rehabilitation - classify the TMOPC Land as Community Land – Natural Area under the <i>Local Government Act 1993</i> - prepare and implement a Plan of Management to protect and maintain the value of the TMOPC Land as pollinator corridors in perpetuity.	Landcom	Before 1 July 2026
3. Prepare and implement, a Construction Environmental Management Plan (CEMP) to minimise impacts of development within the specified land and on adjacent land. The CEMP must be prepared to the satisfaction of the Secretary of DCCEEW and must include the following requirements: Temporary and permanent protective fencing will be erected around all areas	Landcom	The CEMP must be approved by the Secretary of DCCEEW prior to any impacts to biodiversity values occurring within the specified land and implemented as set out in the CEMP

Conservation measure	Responsible party	Timing
identified for conservation prior to clearing activities to minimise any inadvertent damage and to prevent any threatened fauna from entering operational areas b. Bulk earthworks in the vicinity of the proposed Tuncurry Midge Orchid Reserve and associated pollinator corridors associated with development stages 10, 11, 13, 15, 17, 18, 19 and 20 (shown in figure 1 below) will be undertaken between years 5-10 after commencement of construction to allow regeneration of any disturbed habitat in the proposed pollinator corridors prior to the clearing/development of these stages to allow continuity of habitat connectivity c. Pre-clearance surveys of threatened fauna will be undertaken in accordance with a fauna preclearance protocol prior to any clearing of vegetation d. Protocols for clearing vegetation and adaptive reuse of vegetative material for restoration and habitat augmentation in areas identified for restoration activity will be prepared and implemented e. Hollow Bearing Trees will be retained where possible and practical f. A fauna de-watering plan will be prepared and implemented for any dams that are removed, in particular within the golf course g. A lighting plan that diverts lights away from potential sea bird and turtle breeding areas along Nine Mile Beach will be prepared and implemented. h. Restrict access by pedestrians and vehicles to the onsite offset areas (as shown in Schedule 2) through retaining walls, bollards or fencing along the boundaries.		
4. Implement covenants on title to restrict cat ownership within the specified land.	Landcom	As soon as practicable
5. Implement Community and School Education Programs to educate local communities and schools on the importance of the Tuncurry Midge Orchid within the conservation area. This will include providing all new residents with written information on the Tuncurry Midge Orchid as part of welcome packs and educational talks at community meetings.	Landcom	Local community and school programs are to commence as soon as practicable Information for new residents is to be provided to the

Conservation measure	Responsible party	Timing
		resident before or as soon as practicable after a dwelling is occupied
6. Establish landscape guidelines that encourage appropriate endemic species within the public domain and encourage their use in private open spaces , including setting out details for providing cash rebates under conservation measure 7.	Landcom	As soon as practicable
7. Provide cash rebates for compliance with the landscape guidelines as an incentive for participation.	Landcom	Commencing as soon as practicable after biodiversity values are impacted on the specified land and continuing for ten years.
8. Rehabilitate to Banksia Dry Scrubland the TMOPC Land, consistent with the approved CEMP	Landcom	As set out in the approved CEMP
9. Finalise the Tuncurry Midge Orchid Draft Conservation Research Plan to the satisfaction of the Secretary of DCCEEW.	Landcom	As soon as practicable
10. Work with Essential Energy to revise vegetation management practices and any Vegetation Management Plans to ensure Essential Energy makes reasonable efforts to conserve the population of Tuncurry Midge Orchid in the powerline maintenance corridor shown in Schedule 2, in accordance with the Tuncurry Midge Orchid Draft Conservation Research Plan until the final plan is finalised to the satisfaction of the DCCEEW Secretary after which in accordance with the final plan.	Landcom	As soon as practicable
11. Work with and support MidCoast Council to restrict and minimise access to Nine Mile Beach within 500 metres of the specified land for vehicles (except surf lifesaving vehicles) and dogs other than in June, July and August which are the winter non-breeding months.	Landcom	As soon as practicable
12. Provide \$1.8 million (\$180,000 each year for 10 years) for research in accordance with the Tuncurry Midge Orchid Draft Conservation Research Plan.	Landcom	Commence before biodiversity values are impacted on the specified land and continue for 10 years
13. Ensure a Green Turtle and Pied Oyster Catcher nesting monitoring program is implemented along Nine Mile Beach covering the area of beach that is within 500 metres of the specified land, and	Landcom	Commence before biodiversity values are impacted on the specified land and

Conservation measure	Responsible party	Timing
undertake mitigation measures such as temporary fencing to minimise disturbance if nesting activity is detected.		continue for 10 years
14. Provide \$250,000 (\$25,000 each year for 10 years) to fund the above nesting monitoring program	Landcom	Commence before biodiversity values are impacted on the specified land and continue for 10 years
15. Landcom and the Minister must enter a Certification Agreement under the <i>Biodiversity Conservation Act 2016</i> to implement the conservation measures set out in this Order	Landcom and the Minister for the Environment	Before any impacts to biodiversity values occur

Figure 1: Tuncurry Midge Orchid Corridors



Schedule 4 Parties to the biodiversity certification

Landcom NSW

