

# Moorebank Precinct East - Stage 1 Project

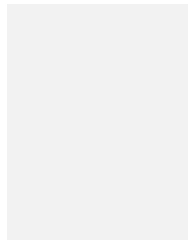
## Securing Biodiversity Offset Land (SSD 14-6766)



**SIMTA**

SYDNEY INTERMODAL TERMINAL ALLIANCE

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# SIMTA MPE STAGE 1 (SSD 14-6766)

## Securing Biodiversity Offset Land

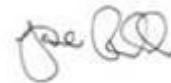
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## REVISIONS

Revision	Date	Description	Prepared by	Approved by
001	14/03/17	First Draft for review	KP/JR	WO
002	08/05/17	Second Draft for Review	KP/JR	WO
003	24/05/17	Third Draft for Review	KP/JR	WO
004	06/06/17	Fourth Draft for Review	KP	WO/JR
005	07/06/17	Addressing final comments	KP	JR/WO
006	13/11/17	Updated with amended Biodiversity Assessment Report	KP	JR/EC
007	22/11/17	Updated with client comments	KP	JR

## ACRONYMS AND DEFINITIONS

Term	Explanation
ARTC	Australian Rail Track Corporation
AS	Australian Standard
BAR	Biodiversity Assessment Report
Bootland	Lot 4 DP 1197707 and owned by the Commonwealth of Australia (Figure 1)
BOP	Biodiversity Offset Package
CoA	Conditions of Approval
DJLU	Defence Joint Logistics Unit
DP	Deposited Plan
DP&E	Department of Planning and Environment
EIS	Environmental Impact Statement
EPBC Act 1999	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
FBA	Framework for Biodiversity Assessment
Georges River Bridge	Construction work area related to the construction of MPE Stage 1 Package 1 (Figure 1).
Glenfield Waste Facility	Privately owned waste facility and construction work area related to the construction of MPE Stage 1 Package 1 (Figure 1).
IMEX	Import-Export Terminal
IMT	<p>Intermodal Terminal Facility. The MPE Stage 1 Project includes the construction of the following key components together comprising the IMT:</p> <ul style="list-style-type: none"> <li>• Truck processing and loading areas.</li> <li>• Rail loading and container storage areas.</li> <li>• Administration facility and associated car parking</li> <li>• Rail Link.</li> </ul>
ISO	International Organisation for Standardisation
Moorebank Avenue	Construction work area related to the construction of MPE Stage 1

Term	Explanation
Overbridge	Package 1 (Figure 1).
MPE	Moorebank Precinct East
MPE Site	The site at Moorebank as approved by the Concept Plan (MP_10_0913)
MPE Stage 1, Package 1	The construction of the Rail Link connecting the Southern Sydney Freight Line to the IMEX, traversing across the Boot land, RailCorp Land, Moorebank Avenue, the MPW Golf Course, Georges River, and Glenfield Waste Facility (Figure 1).
MPE Stage 1, Package 2	Construction of the IMEX Terminal (Figure 1) including the following key components: <ol style="list-style-type: none"> <li>1. Truck processing, holding and loading areas - entrance and exit from Moorebank Avenue</li> <li>2. Rail loading and container storage areas – installation of four rail sidings with adjacent container storage area serviced by manual handling equipment initially and overhead gantry cranes progressively</li> <li>3. Administration facility and associated car parking- light vehicle access from Moorebank Avenue</li> </ol>
MPE Stage 1 Project	The whole of the land to which the MPE Stage 1 Project approval SSD 14-6766 relates including both MPE Stage 1 Package 1, and MPE Stage 1 Package 2.
MPW	Moorebank Precinct West
MPW Golf Course	Southern section of MPW (Lot 1 DP 1197707) and construction work area related to the construction of MPE Stage 1 Package 1 (Figure 1).
MPW Site	The site at Moorebank as approved by the Concept Plan (SSD 5066)
OEH	Office of Environment and Heritage
PCT	Plant Community Type
POEO Act	<i>Protection of Environment Operations Act 1997</i>
Project, the	The MPE Stage 1 Project
Rail Corridor	Area defined as the 'Rail Corridor' within the Concept Plan Approval (MP_10_0913). The rail link is also included within this area.
RailCorp Land	Lot 1 DP 825352 (part of the Rail Corridor) and owned by RailCorp
Rail Link	The rail link including the area on either side to be impacted by the construction of MPE Stage 1 Package 1

Term	Explanation
RtS	Response to Submissions
SSD	State Significant Development
SIMTA	Sydney Intermodal Terminal Alliance
SSFL	Southern Sydney Freight Line
TBA	To be announced
TEU	Twenty-foot equivalent units
TSC Act 1995	<i>Threatened Species Conservation Act 1995</i>
VIS	Vegetation Information System Database

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# 1 INTRODUCTION

## 1.1 Background

The Sydney Intermodal Terminal Alliance (SIMTA) received approval for the construction and operation of the Moorebank Precinct East (MPE) Stage 1 Project, comprising an Intermodal (IMT) Facility including a rail link (Package 1) and Import Export (IMEX) Terminal (Package 2) on 12 December 2016 (SSD 14-6766).

The MPE Stage 1 Project (hereafter referred to as “the Project”) involves the development of an IMT including warehouse and distribution facilities, rail link, freight village (ancillary site and operational services), stormwater, landscaping, servicing and associated works on the eastern side of Moorebank Avenue, Moorebank.

The Project comprises, and will be constructed across, two packages:

- Package 1 - The construction of the Rail Link connecting the Southern Sydney Freight Line (SSFL) to the IMEX, traversing across the Boot land, RailCorp Land, Moorebank Avenue, the MPW Golf Course, Georges River, and Glenfield Waste Facility (Figure 1)
- Package 2 - the IMEX Terminal includes the following key components:
  - Truck processing, holding and loading areas - entrance and exit from Moorebank Avenue
  - Rail loading and container storage areas – installation of four rail sidings with adjacent container storage area serviced by manual handling equipment initially and overhead gantry cranes progressively
  - Administration facility and associated car parking- light vehicle access from Moorebank Avenue

Although these packages are to be delivered separately this report relates to both packages.

## 1.2 Purpose

This report has been prepared to satisfy part of Condition No. C23 (***bolded and italicised below***) of the Project to facilitate for the commencement of clearing from the Southern Boundary of MPE Stage 1, Package 2 to the RailCorp Land section of MPE Stage 1, Package 1 ((see Figure 1 (green highlighted section)). In particular, this report demonstrates that the proposed offset land for impacts associated with the Project has been secured, thereby allowing SIMTA to develop a Biodiversity Offset Package within 12 months from the commencement of construction.

Condition No. C23 of the MPE Stage 1 Approval (SSD 14-6766) states the following:

*Prior to the commencement of clearing between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge, the Applicant shall develop and implement a Biodiversity Offset Package to the satisfaction of the Secretary. The Package shall detail how the ecological values lost as a result of the SSD will be offset. The Package shall be consistent with the NSW Biodiversity Offsets Policy for Major Projects (OEH 2014), unless otherwise agreed by the Secretary.*

*The Package shall include, but not necessarily be limited to:*

- (a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the SSD;*
- (b) the objectives and biodiversity outcomes to be achieved;*

- (c) *the final suite of the biodiversity offset measures selected and secured in consultation with OEH;*
- (d) *the management and monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:*
- (e) *the monitoring of the condition of species and ecological communities at offset (including translocation) locations;*
- (f) *the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;*
- (g) *provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and*
- (h) *timing and responsibilities for the implementation of the provisions of the Package.*

*Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.*

*Where monitoring referred to in (e) above indicates that biodiversity outcomes are not being achieved, remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved to the satisfaction of the Secretary. Such remedial actions shall be documented under an addendum to the Biodiversity Offset Package and the addendum be submitted to the satisfaction of the Secretary, prior to the implementation of that addendum.*

***If the applicant can demonstrate to the satisfaction of the Secretary that the proposed offset land for between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge has been secured, the Applicant shall within 12 months of the commencement of construction develop and implement the Biodiversity Offset Package to the satisfaction of the Secretary in accordance with items (a)-(h) above.***

*Note: Where the Applicant has opted to develop a consolidated Biodiversity Offset Package covering both the Moorebank Intermodal Terminal (SSD 5066) and SIMTA sites, this must be submitted to the Secretary within 12 months of submitting the initial Biodiversity Offset Package in accordance with this condition, unless otherwise agreed by the Secretary.*

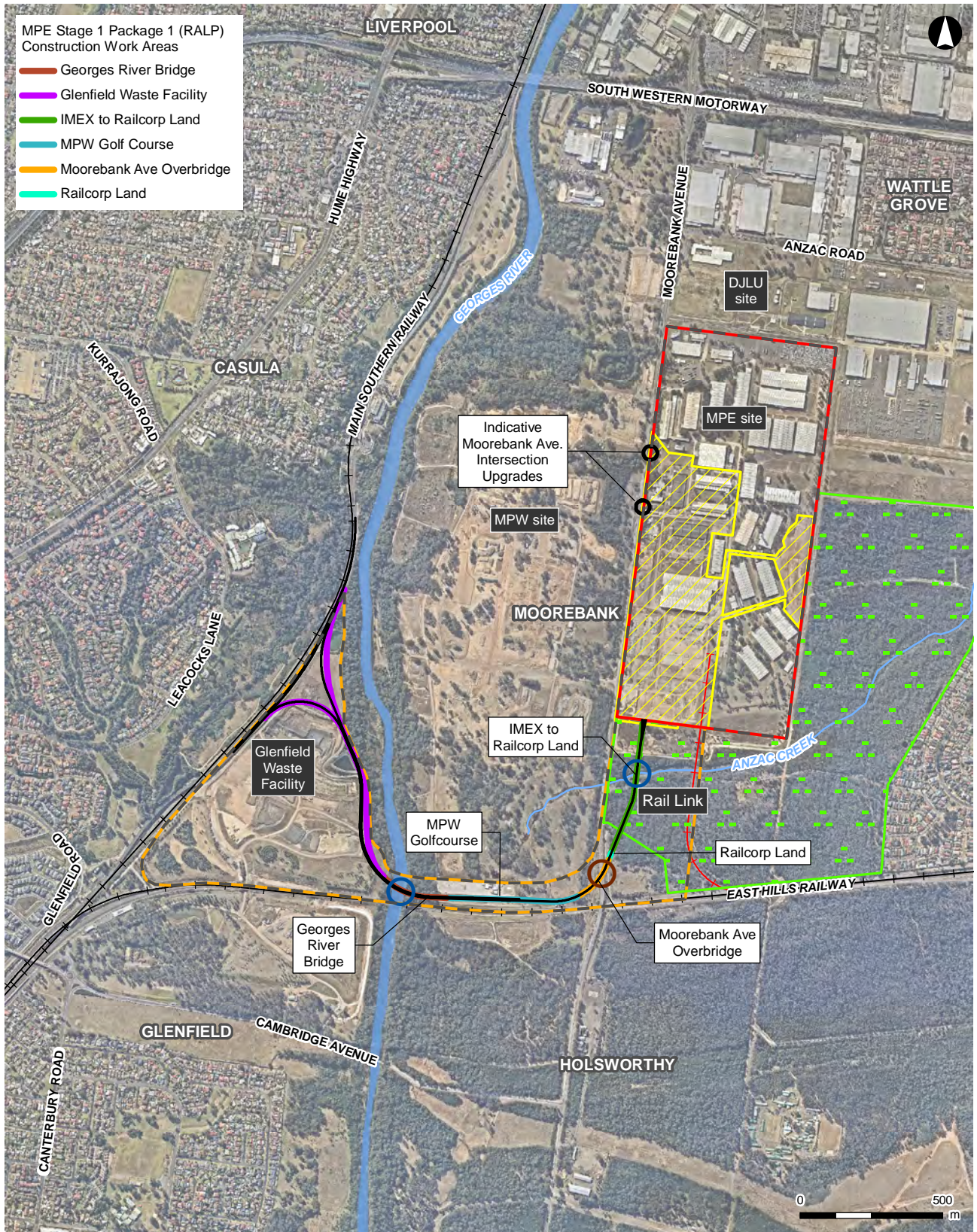
This report has been prepared exclusively to satisfy Condition No. C23 as this is required to be undertaken prior to the commencement of clearing between the southern boundary of MPE Stage 1, Package 2 to RailCorp Land.

### **1.3 Structure**

The structure of this report is as follows:

- **Section 1 – Introduction:** provides an introduction to the MPE Stage 1 Project and the purpose of this report
- **Section 2 – Background:** provides a summary of the methodology and results of the extensive flora surveys undertaken on the site
- **Section 3 – Assessment:** provides an assessment of the credits required and secured for the project.
- **Section 4 – Conclusion:** Summarises the findings of this report.





- MPE Stage 1 Package 1 (RALP)  
Construction Work Areas
- Georges River Bridge
  - Glenfield Waste Facility
  - IMEX to Railcorp Land
  - MPW Golf Course
  - Moorebank Ave Overbridge
  - Railcorp Land

**LEGEND**

- |  |                              |  |                      |
|--|------------------------------|--|----------------------|
|  | Project site                 |  | Creek/River crossing |
|  | MPE site                     |  | Road crossing        |
|  | Rail Corridor                |  | Disused rail spur    |
|  | Boot land                    |  | Existing railway     |
|  | MPE Stage 1 Package 2 (IMEX) |  | Watercourse          |

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 Aerial imagery supplied by nearmap (August, 2017)

1:20,000 at A4



Figure 1: MPE Stage 1 Project Location



## 2 BACKGROUND

Terrestrial flora and fauna surveys of the study area and adjoining areas have been undertaken on several occasions between 2011 and 2017. The dates, locations and personnel for each survey are listed below (Table 1).

The methodology and results of initial surveys of the Project were originally identified in the Biodiversity Assessment Report (BAR) (Hyder Consulting 2014) prepared for the MPE Stage 1 Environmental Impact Statement (EIS) and subsequent reports prepared after the development of the EIS. It is noted that the BAR was updated by Arcadis in September/ October 2017; the results of the updated BAR have been included within this report.

Table 1 Dates, location and personnel for threatened species surveys

Date	Location	Personnel
2 May 2011 to 25 May 2011	Entire Study area east of Georges River	Jane Rodd (Hyder Consulting) Laura Worthington (Hyder Consulting)
30 and 31 May 2012	Riparian corridor and disturbed lands on, and adjoining the Glenfield Waste Facility (study area west of the Georges River)	Jane Rodd (Hyder Consulting) Jennifer Charlton (Biosis)
10, 11 and 18 July 2012	Area of Boot Land to east of existing disused Defence rail spur	Jane Rodd (Hyder Consulting) Laura Worthington (Hyder Consulting)
13, 18, 26 and 27 November 2014 20 January and 11 March 2015	Entire Study area	Jane Rodd (Hyder Consulting) Kate Carroll (Hyder Consulting)
1 March 2016	RailCorp Land	Jane Rodd (Arcadis) Adam Costenoble (Arcadis)
19 October, 3 and 16 November 2016	Area of southern Boot Land to south of Anzac Creek	Jane Rodd (Arcadis) Mark Stables (WSP) Kate Carroll (Arcadis) Adam Costenoble (Arcadis)
7 February 2017	Areas of habitat within MPE Stage 1 rail corridor north of Anzac Creek and within RailCorp land	Jane Rodd (Arcadis) Kate Carroll (Arcadis)
11 and 18 May 2017	Areas within 30 metres of the eastern and southern boundary of the MPE site, to the east of the existing disused Defence rail spur	Jane Rodd (Arcadis) Kate Carroll (Arcadis)
12, 14, 18 and 19	Areas of occupied and potential habitat for <i>Hibbertia fumana</i> , area of MPE Stage 1 rail	Jane Rodd (Arcadis)

Date	Location	Personnel
September 2017	corridor within Boot Land	Dr Gitanjali Katrak (Cumberland Ecology)  Dr David Robertson (Cumberland Ecology)

## 2.1 EIS Investigations

### 2.1.1 Methodology

Extensive terrestrial flora surveys were conducted for the Project over a total of eighteen days between May 2011 and March 2015 to map vegetation and identify threatened flora species. Plant species and their habitat were surveyed by undertaking general habitat assessments, plot surveys and targeted searches. An inventory of plant species observed in the project study area was compiled.

The area between the southern boundary of MPE Stage 1, Package 2 and the eastern side of the Moorebank Avenue bridge was traversed on foot and all species observed were recorded. Targeted searches for threatened plant species with potential habitat within the area were undertaken during the random meanders.

Additional targeted searches for threatened plant species were conducted in the Rail Corridor (Figure 1) and the area to the east of the Rail Corridor within the Boot land (Figure 1 and Figure 5), following detection of threatened species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and NSW *Threatened Species Conservation Act 1995* (TSC Act): *Persoonia nutans* and *Grevillea parviflora* subsp. *parviflora*. The searches were initially undertaken in July 2012, and repeated in November 2014 and January 2015.

Quadrat sampling of vegetation communities was initially undertaken in May 2011 and May 2012, with quadrats resampled in November 2014, January 2015 and March 2015 to assess any changes in vegetation condition and maintain consistency with the methodology required by the Framework for Biodiversity Assessment (FBA).

The extent of vegetation sampling required was established through review of regional vegetation mapping and site reconnaissance to determine the vegetation type and condition. Once preliminary vegetation zones were identified and mapped, the minimum number of quadrats for each zone was identified with reference to Table 3 of the FBA. Plots were established randomly within each vegetation zone, with some plots placed deliberately to sample any observed variation in vegetation structure within a vegetation zone.

Plot-based surveys were undertaken to provide a concentrated search area for the detection of inconspicuous plant species that have been present. The surveys were conducted in accordance with the guidelines in Section 5 of the FBA. The structure and floristics of each plant community present were sampled using twelve 0.1 hectare quadrats.

The vegetation condition data collected in quadrats was used to calculate site attribute scores and given a weighting as per Table 2 in the FBA. The scores were assessed against the Vegetation Type Benchmarks for the identified vegetation types in the Vegetation Information System (VIS) classification database.

## 2.1.2 Results

The BAR identified four native Plant Community Types (PCTs) within the Rail Corridor, all of which are consistent with threatened ecological communities currently listed under the EPBC Act and/or TSC Act. These PCTs are:

- Hard-leaved Scribbly Gum – Parramatta Red Gum Heathy woodland of The Cumberland Plain, Sydney Basin Bioregion
- Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin Bioregion
- Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion
- Forest Red Gum – Rough-barked apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin

In addition to these, three vegetation types that do not have the structure or function of a native vegetation community were identified, including:

- Landscaped vegetation
- Modified native vegetation
- Cleared/disturbed areas.

The condition of vegetation within the Boot land (Figure 1) varies according to the level of disturbance and recruitment of exotic species. Exotic species were noted as being prolific within the Freshwater Wetland vegetation community.

Two threatened flora species were recorded during field surveys conducted for the EIS BAR (Hyder Consulting 2015a), including:

- *Persoonia nutans*
- *Grevillea parviflora subsp. parviflora*.

The BAR also notes that in response to EPBC Act conditions of approval, *Acacia bynoeana* and *Hibbertia sp. Bankstown* were also targeted during the threatened flora surveys. Neither of these species were recorded in the Boot land.

No threatened species were identified within MPE Stage 1, Package 2. However, there is one isolated patch of Hard-leaved Scribbly Gum – Parramatta Red Gum Heathy woodland of The Cumberland Plain, Sydney Basin Bioregion adjoining the southern boundary.

## 2.2 Post EIS Investigations

### 2.2.1 Methodology

#### 2.2.1.1 Boot land

Targeted searches for *Hibbertia puberula subsp. puberula* were conducted in the area of the southern Boot Land to the south of Anzac Creek, following tentative identification of the species on site, in October and November 2016 by ecologists from Arcadis and WSP. Surveys were undertaken within the known flowering period for *Hibbertia puberula* of October to December, as specified in the Threatened Species Profile for the species, (OEH 2017).

The species was surveyed using north-south transects four metres wide, spaced 10 metres apart. GPS waypoints were recorded at points where the species occurred and the number of plants within each approximately 4 metre by 4 metre quadrat was recorded. This methodology was used for consistency with previous threatened flora surveys in the survey area, and is in accordance with the *NSW Guide to Surveying Threatened Plants* (OEH 2016). Samples of *Hibbertia* sp. were collected and submitted to the NSW Herbarium for confirmation of identification.

Transects were initially terminated when species were not recorded within a 50 metre section of transect, and it was considered that potential habitat for the species was no longer present. Following records of *Hibbertia* sp. (later identified as *Hibbertia fumana*) within areas mapped as Castlereagh Ironbark Forest in the south of the survey area, transects were extended to the southern boundary of the Boot Land.

Further targeted searches for *Hibbertia puberula* subsp. *puberula* were undertaken within the areas of Castlereagh Scribbly Gum Woodland and Castlereagh Swamp Woodland to the north of Anzac Creek and in the RailCorp land that is impacted by or adjoining the MPE Stage 1 Rail Link in February 2017. Although these surveys were conducted outside of the known flowering season for *Hibbertia puberula* subsp. *puberula*, the species was observed to be in a late stage of fruiting and its identification could be confirmed in the field.

In order to refine the understanding of the size and extent of the *Hibbertia fumana* population on the Boot Land, additional investigations were undertaken in September 2017. Surveys were conducted by Arcadis and Cumberland Ecology on 12, 14, 18, and 19 September 2017. The boundaries of the known population of *H. fumana* were reinspected during the September 2017 surveys and the areas within 5-10 metres outside the known points were searched. In addition, the area to the south of the known population to the east of the existing disused Defence rail spur was searched using parallel walking transects. The extent of the area of occupancy was marked using GPS points.

The population density of the *Hibbertia fumana* population in the Boot land was sampled using counts in randomly placed 2 m x 2 m quadrats within density zones identified in the revised area of occupancy for the species, based on the methods described by Keith (2000). The population density sampling was used to estimate the size of the core population of *Hibbertia fumana* located in the south Boot land.

Further targeted searches for *Hibbertia fumana* were undertaken in areas of habitat in the Boot Land to the east of the known population. Searches were located within areas mapped as Broad-leaved Ironbark - *Melaleuca decora* shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion. Searches were conducted using the random meander method and did not encompass all areas of potential habitat for the species.

The area within the Rail Link was searched again to confirm the presence/absence of *Hibbertia* sp. during the flowering season for *H. fumana*.

### 2.2.1.2 Railcorp land

Field assessment of the Railcorp land (Figure 1) was conducted in March 2016 and February 2017 (Figure 5). The site was walked over and the condition of vegetation and flora and fauna habitat noted. Detailed assessment comprised site inspection, sampling of vegetation with a quadrat (Q13), conducted in accordance with the Framework for Biodiversity Assessment (FBA), (OEH 2014) field methodology, and searches for threatened plant species, with focus on the vicinity of the MPE Stage 1, Package 1 site.

### 2.2.1.3 MPE Site – Southern Boundary

Additional targeted surveys in May 2017 were located within 30 metres of the eastern and southern boundaries of the MPE Site, east of the existing disused Defence rail spur. These comprised parallel walking transects spaced approximately five metres apart, targeting *Acacia bynoeana*, *Acacia pubescens*, *Grevillea parviflora* subsp. *parviflora*, *Hibbertia fumana*, *Hibbertia puberula* subsp. *puberula* and *Persoonia nutans*. Where detected, the number of individuals of these species was recorded. As in the February surveys, almost all plants of *Hibbertia puberula* subsp. *puberula* recorded had dead flowers or mature fruit attached and identification of the species could be confirmed.

## 2.2.2 Results

The surveys undertaken in late 2016 and 2017 have identified three additional threatened plant species listed under the TSC Act, two of which are also listed under the EPBC Act.

Of the three additional threatened species recorded, two were previously considered in habitat assessments and/or targeted surveys undertaken for biodiversity impact assessments prepared for the MPE and Moorebank Precinct West (MPW) development applications:

- *Acacia bynoeana*
- *Hibbertia puberula* subsp. *puberula*

Additional records of *Persoonia nutans* were also identified during these assessments.

MPE Stage 1 Package 1 will directly impact on *Hibbertia puberula* subsp. *puberula*, with 45 plants recorded within the footprint of MPE Stage 1 Package 1, out of a total of 1161 plants recorded in the Boot land.

The closest record of *Acacia bynoeana* to the MPE Stage 1 Package 1 footprint is 135 metres to the east and therefore this species will not be impacted by construction or operation. None of the additional records of *Persoonia nutans* are located within MPE Stage 1 Package 1.

*Hibbertia fumana*, a species previously known only from historical herbarium records and presumed to be extinct, was discovered in the Boot land. This species has subsequently been given a provisional listing as Critically Endangered under the TSC Act. A total of 370 plants of *Hibbertia fumana* were recorded during surveys in late 2016, predominantly in woodland areas with a more open understory in a long transitional zone between Castlereagh Ironbark Forest and Castlereagh Scribbly Gum Woodland.

Further investigations of *Hibbertia fumana* in September 2017 resulted in an expansion of the known area of occupancy of the core population of the species. The core population of *Hibbertia fumana* is approximately 3.03 hectares in area and is located approximately 156 metres from the direct impacts of the Rail link at its closest point.

The mean total population estimate for the core population of *Hibbertia fumana* on the Boot Land has been calculated at approximately 14,270 plants. . Of the estimated mean population, an estimated 10251 plants (72%) are located to the east of the existing disused Defence rail spur on the Boot Land. The Project will directly impact on two to three individuals of *Hibbertia fumana* growing in trackside areas adjoining the northern fence-line in the west of the Boot Land, isolated from the core population of the species.



## 2.2 Summary of Threatened Plant Species Impacts

The construction of the Rail link will have direct impacts on four threatened plant species in the Rail Corridor, all four of which are listed under the TSC Act and two of which are also listed under the EPBC Act. Table 2 summarises the impacts to threatened flora species.

Table 2. Threatened flora species within the study area

Threatened Flora Species	Status under the TSC Act	Status under the EPBC Act	Number in Boot Land	Number to be cleared	Percentage of known/estimated population on the Boot Land to be cleared
<i>Acacia bynoeana</i>	Endangered	Vulnerable	35 plants	0	0%
<i>Acacia pubescens</i>	Vulnerable	Vulnerable	263 plants	0	0%
<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	Vulnerable	Vulnerable	13,600 stems (estimated)	Approximately 20 stems	0.001%
<i>Hibbertia fumana</i>	Critically Endangered	Not listed	14270 plants (estimated)	Up to 3 plants	0.2%
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	Endangered	Not listed	Approximately 1230 plants	Approximately 45 plants	4%
<i>Persoonia nutans</i>	Endangered	Endangered	197 plants	11 plants	6%

The Rail link intersects the following threatened flora populations:

- The centre of the western sub-population of *Persoonia nutans* mapped in the Boot Land
- The western extent of the population of *Hibbertia puberula* subsp. *puberula* in the Boot Land
- An area to the west of the core population of *Grevillea parviflora* subsp. *parviflora* in the southern Boot Land, which contains some isolated individuals of this species
- Two to three isolated individuals of *Hibbertia fumana* growing in trackside areas adjoining the northern fence-line in the west of the Boot Land

Neither *Acacia bynoeana* nor *Acacia pubescens* will be directly impacted as a result of the Project. The closest record of *Acacia bynoeana* is approximately 135 metres from the direct impacts of the Project. *Acacia pubescens* occurs adjoining the edge of bushland to the east of the MPE Site; these individuals would be at least 20 metres from direct impacts.

Species credits are required to offset the impacts to these species and are described further below.

Figure 4 and 5 identifies the locations of the threatened species identified within the Project.

## **2.3 Biodiversity Offset Areas**

A Biodiversity Offset Strategy was prepared as part of the MPE Stage 1 EIS and subsequently updated in the updated BAR (Arcadis, 2017). The offset areas consider the impacts for the greater Moorebank Precinct, including all stages of development under the MPW Concept Approval (SSD 5066) and the MPE Concept Approval (MP10\_0193). The location of the offset areas are identified in Figure 2 and Figure 3.

A Biodiversity Offset Package (BOP) for the Project will be developed within 12 months from the commencement of construction (i.e. by June 2018). However, the approach outlined above enables the Project to eventually develop a consolidated BOP which will cover both MPE and MPW Concept Approvals as contemplated by the note to Condition C23 of the Conditions of Approval (SSD 14-6766). If this is to be developed, this will be submitted to the Secretary within 12 months of the initial BOP.

### 3 ASSESSMENT

The following sections identify the credits required for offsetting impacts from removal of vegetation from the Project and demonstrates that they have been secured in the biodiversity offset areas.

#### 3.1 Ecosystem credits

The identified impacts to PCTs, including threatened ecological communities, and the resultant ecosystem credit requirements are shown in Table 3. These credit requirements are based on the credits calculated for each vegetation zone in the updated BAR, (Arcadis, 2017).

Table 3. Ecosystem credit requirements

Vegetation zone	Associated TECs	Area to be impacted	Number of Ecosystems credits required
Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003): Moderate/Good – Medium	Castlereagh Scribbly Gum Woodland in the Sydney Basin bioregion (TSC Act – Vulnerable) Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion (EPBC Act – Endangered)	0.52 ha	83
Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003): Moderate/Good - Poor	Castlereagh Scribbly Gum Woodland in the Sydney Basin bioregion (TSC Act - Vulnerable) Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion (EPBC Act – Endangered)	0.22 ha	20
Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin	River-flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South-east Corner bioregions	0.41	60
Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005): Moderate/Good - Medium	Castlereagh Swamp Woodland (TSC Act – Endangered)	0.05 ha	8
Coastal freshwater lagoons of the Sydney Basin and South-east Corner (ME007): Moderate/Good - Poor	Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South-east Corner bioregions (TSC Act – Endangered)	0.03 ha	4

#### 3.2 Species credits

The identified impacts to species credit species, including threatened flora and fauna species, and the resultant species credit requirements are shown in Table 4. These credit requirements are based on the credits calculated for each species in the BAR, with the addition of credits for *Hibbertia puberula* subsp. *puberula*, which was recorded in the Boot land south of MPE Stage 1, Package 2 in November 2016 and February 2017.

Table 4. Species credit requirements

Threatened species	Conservation status	Number of plants/area of habitat within MPE Stage 1 footprint	Number of species credits required
<i>Cercartetus nanus</i> Eastern Pygmy Possum	EPBC Act: not listed TSC Act: Vulnerable	0.69 ha	14
<i>Grevillea parviflora</i> subsp. <i>parviflora</i> Small-flowered Grevillea	EPBC Act: Vulnerable TSC Act: Vulnerable	Approximately 20 (stems)	300 (stems)
<i>Hibbertia fumana</i>	EPBC Act: not listed TSC Act: Critically Endangered (provisional listing)	Up to 3	231
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	EPBC Act: not listed TSC Act: Endangered	45	1,800
<i>Myotis macropus</i> Southern Myotis	EPBC Act: not listed TSC Act: Vulnerable	0.03 ha	1
<i>Persoonia nutans</i> Nodding Geebung	EPBC Act: Vulnerable TSC Act: Endangered	11	847

Populations of two additional threatened flora species have been recorded in the Boot land to the south and east of the Project. Neither of these species are subject to direct impacts from the Project, and given their distance from the development footprint, indirect impacts are also considered unlikely. The threatened flora species and the distance of the closest record of each species from the Project boundary is shown in Table 5.

Table 5. Additional threatened species recorded in the Boot land outside the MPE Stage 1 Project site

Threatened species	Conservation status	Number of plants within MPE Stage 1 Project	Distance between MPE Stage 1 footprint and closest record
<i>Acacia bynoeana</i> Bynoe's Wattle	EPBC Act: Vulnerable TSC Act: Endangered	0	135 metres
<i>Acacia pubescens</i>	EPBC Act: Vulnerable TSC Act: Vulnerable	0	115 metres

Three areas within the Moorebank Precinct are proposed to be established as biobank areas; the biobanking agreement application pertaining to these areas was lodged with the NSW Office of Environment and Heritage (OEH) on 7 March 2017. These areas are intended to form the primary offsets for the biodiversity impacts within the Moorebank Precinct. The areas are referred to as:

- Moorebank Conservation Area
- Wattle Grove Offset Area
- Casula Offset Area

The areas are shown in Figure 2 and Figure 3. A BAR was prepared to determine the credit values generated on the proposed offset sites (WSP Parsons Brinckerhoff 2017). The ecosystem credits and species credits available on the proposed offset areas, and their relevance to the impacts of the MPE Stage 1 Project, are listed in Table 6 and Table 7.

Table 6. Availability of offsets for MPE Stage 1 Project ecosystem credit offset requirements

Plant community type	Ecosystems credits required for MPE Stage 1 Project	Ecosystem credits available on biobanking site
Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)	103	414
Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005)	8	250
Coastal freshwater lagoons of the Sydney Basin and South-east Corner (ME007)	4	8
Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin (ME018)	60	410

Table 7. Availability of offsets for MPE Stage 1 Project species credit offset requirements

Species	TSC Act status	Species credits required for MPE Stage 1	Credits available on biobank site
<i>Acacia bynoeana</i> Bynoe's Wattle	EPBC Act: Vulnerable TSC Act: Endangered	0	234
<i>Acacia pubescens</i> Downy Wattle	EPBC Act: Vulnerable TSC Act: Vulnerable	0	710
<i>Grevillea parviflora</i> subsp. <i>parviflora</i> Small-flowered Grevillea	EPBC Act: Vulnerable TSC Act: Vulnerable	280	96,560

Species	TSC Act status	Species credits required for MPE Stage 1	Credits available on biobank site
<i>Hibbertia fumana</i>	EPBC Act: not listed TSC Act: Critically Endangered (provisional listing)	231	2,627*
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	EPBC Act: Not listed TSC Act: Endangered	1,800	3,898
<i>Persoonia nutans</i> Nodding Geebung	EPBC Act: Vulnerable TSC Act: Endangered	847	1,285
<i>Cercartetus nanus</i> Eastern Pygmy Possum	EPBC Act: not listed TSC Act: Vulnerable	14	385
<i>Myotis macropus</i> Southern Myotis	EPBC Act: not listed TSC Act: Vulnerable	1	71

\*Additional investigations in September 2017 resulted in a population estimate of 14,270 individuals of this species (Arcadis, 2017).

### **3.3 Consultation**

As stated above, the Biobanking agreement application was submitted to OEH on the 7<sup>th</sup> March 2017. Key documents issued to OEH on 7<sup>th</sup> March 2017 with regards to securing the biodiversity offset land are provided in Appendix B. A letter from Qube has also been provided at Appendix B to confirm the nature of Qube's rights and obligations in relation to the biodiversity offset land.

Further correspondence was undertaken with Department of Planning and Environment (DP&E) at a meeting held at their offices on 7 March 2017. The meeting outlined that DP&E would require further assessment of the baseline impacts of the biodiversity impact area. Section 3.1 and 3.2 of this report outlines these impacts.

## 4 CONCLUSION

This report has been prepared to satisfy part of the condition of approval No. C23 for the MPE Stage 1 Project (SSD 14-6766) to demonstrate that biodiversity offset land for the Project has been secured.

This report summarises the extensive biodiversity surveys undertaken across the Project between 2011 and 2017, the credit requirements for ecosystems and species, location of recorded threatened species and that offsets are available for these impacted ecosystems and species.

In conclusion, this report demonstrates that the proposed offset land has been secured, and that it can be used for offsets, thereby satisfying the requirement imposed by condition C23 of the MPE Stage 1 Approval. Accordingly, this allows the commencement of clearing in land extending from the southern boundary of MPE Stage 1, Package 2 to the eastern side of Moorebank Avenue Bridge. It is noted that the Construction Environmental Management Plan and sub-plans were approved by DP&E on 9 May 2017. Compliance with pre-construction approvals are outlined within the Pre-Construction Compliance Reports for MPE Stage 1, Package 1 and MPE Stage 1, Package 2. A BOP for the Project will be developed and submitted to DP&E within 12 months of the commencement of construction (by June 2018). It is the intention to then develop a Precinct-wide BOP within 12 months of the initial BOP covering both MPE and MPW Concept Approvals.



## REFERENCES

Arcadis, (2015) *Environmental Impact Statement MPE Stage 1*

Arcadis, (2015) *Response to Submissions MPE Stage 1*

Arcadis, (2016) *Environmental Impact Statement MPW Stage 2*

Arcadis, (2017) *Biodiversity Assessment Report MPE Stage 1*

Hyder Consulting (2015) *SIMTA Stage 1: Biodiversity Assessment Report*. Hyder Consulting

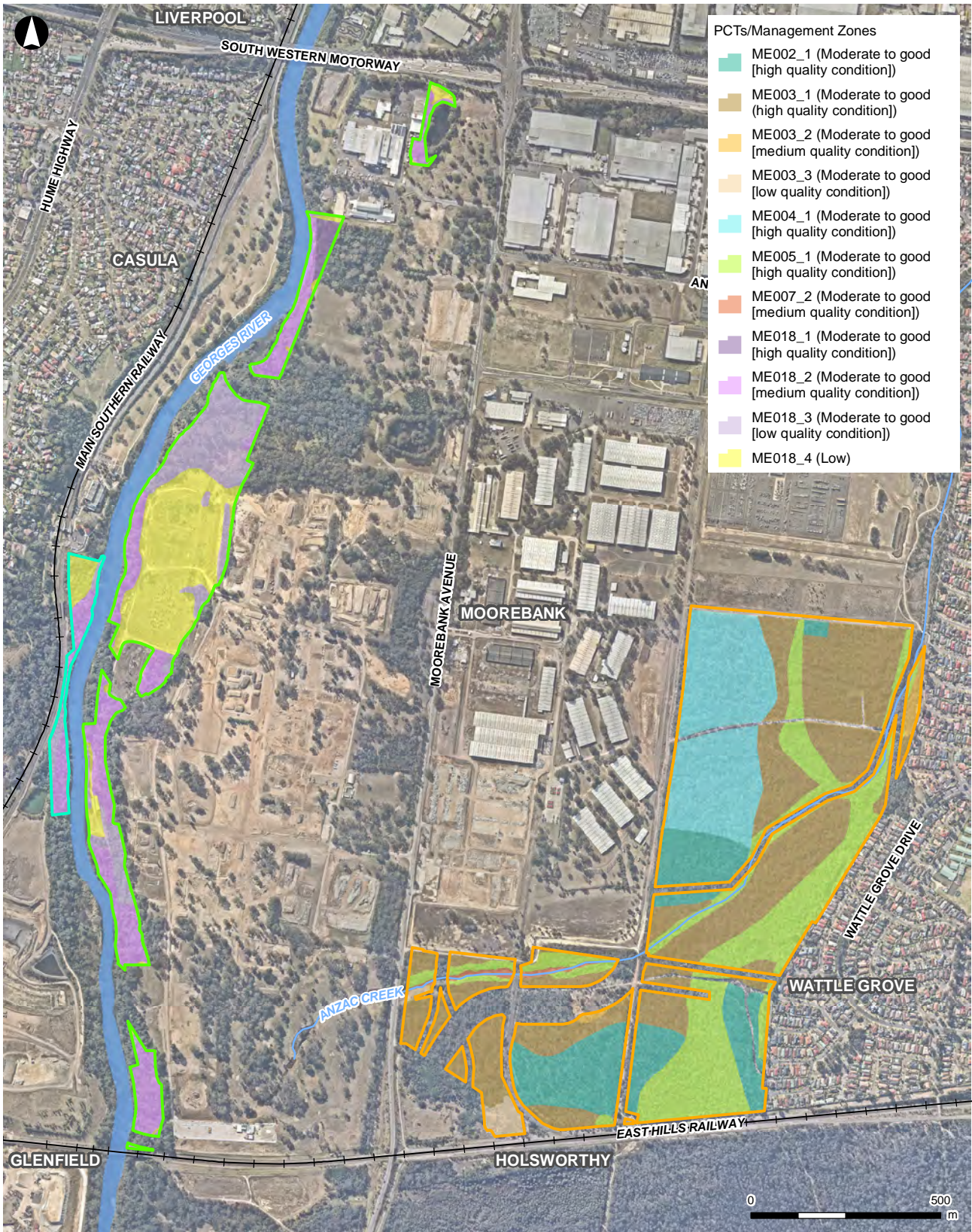
Keith, D.A. (2000) Sampling designs, field techniques and analytical methods for systematic plant population surveys. *Ecological Management and Restoration* 1: 125–139

OEH (2016) *NSW Guide to Surveying Threatened Plants*. State of NSW and Office of Environment and Heritage. OEH (2017) *Hibbertia puberula* profile in NSW Threatened Species Database. [www.environment.nsw.gov.au/threatenedspecies](http://www.environment.nsw.gov.au/threatenedspecies) accessed September 2017.

WSP Parsons Brinckerhoff (2017) *Biodiversity Assessment Report: Biobanking Agreement - Wattle Grove Offset Area (Part Lot 4 DP 1197707), Casula Offset Area (Part Lot 4 DP 1130937) and Moorebank Conservation Area (Part Lot 100 DP 1049508 And Part Lot 1 DP 1197707)*. Prepared for Moorebank Intermodal Company

**APPENDIX A - FIGURES 2-5**





- PCTs/Management Zones**
- ME002\_1 (Moderate to good [high quality condition])
  - ME003\_1 (Moderate to good [high quality condition])
  - ME003\_2 (Moderate to good [medium quality condition])
  - ME003\_3 (Moderate to good [low quality condition])
  - ME004\_1 (Moderate to good [high quality condition])
  - ME005\_1 (Moderate to good [high quality condition])
  - ME007\_2 (Moderate to good [medium quality condition])
  - ME018\_1 (Moderate to good [high quality condition])
  - ME018\_2 (Moderate to good [medium quality condition])
  - ME018\_3 (Moderate to good [low quality condition])
  - ME018\_4 (Low)

**LEGEND**

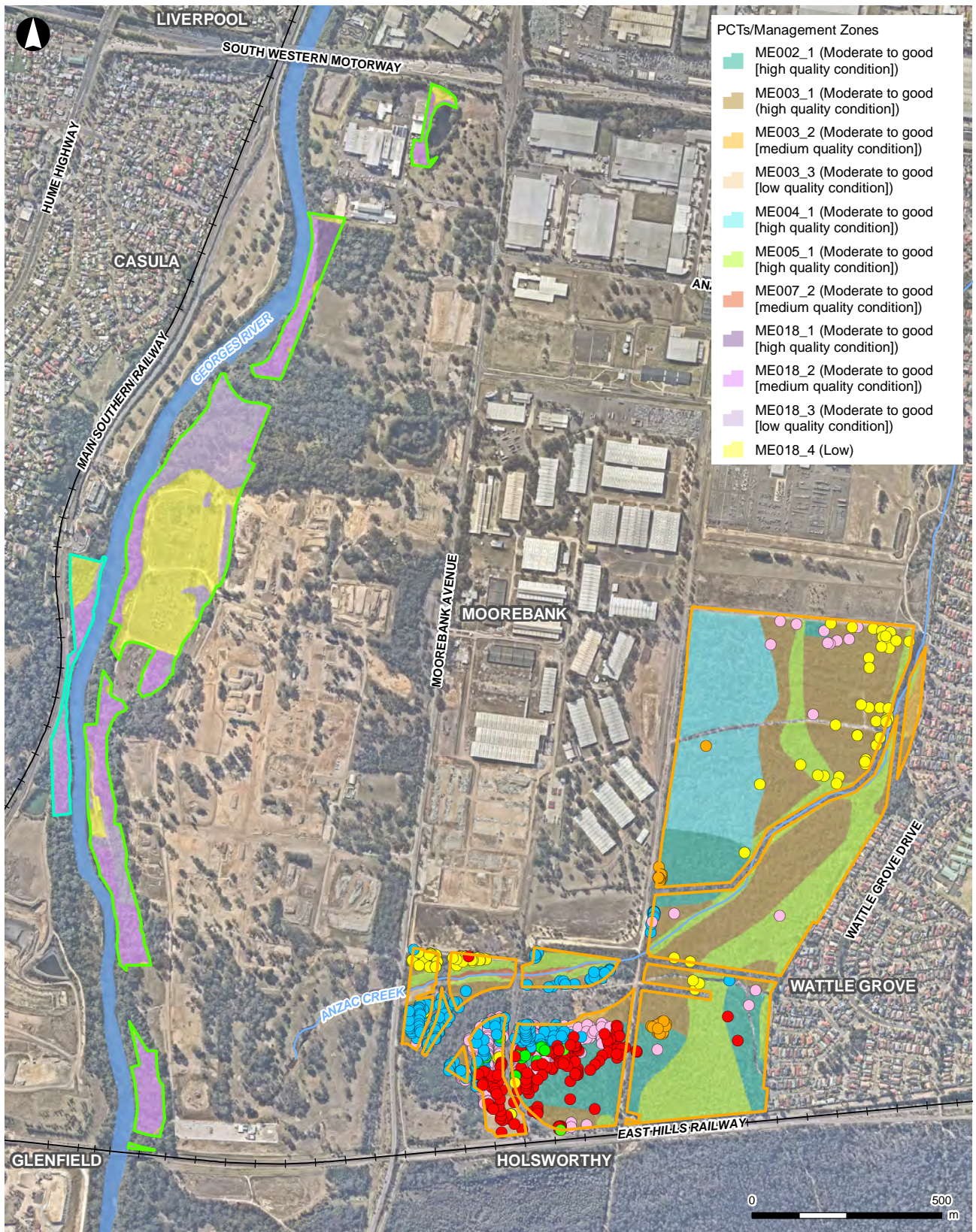
- Casula offset area
- Moorebank offset area
- Wattle Grove offset area
- Watercourse
- +— Existing railway

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 Coordinate System: GDA 1994 MGA Zone 56  
 Aerial imagery supplied by nearmap (August, 2017)



Figure 2: Vegetation Zones for the Biobank Offset Sites





**LEGEND**

- |                          |                         |  |
|--------------------------|-------------------------|--|
| Casula offset area       | Watercourse             | <i>Grevillea parviflora</i> subsp. <i>parviflora</i> |
| Moorebank offset area    | Existing railway        | <i>Hibbertia fumana</i>                              |
| Wattle Grove offset area | <b>Flora Species</b>    | <i>Hibbertia puberula</i> subsp. <i>puberula</i>     |
|                          | <i>Acacia bynoeana</i>  | <i>Persoonia nutans</i>                              |
|                          | <i>Acacia pubescens</i> |  |

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 Level 16, 500 George St | Sydney NSW 2000  
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 Coordinate System: GDA 1994 MGA Zone 56  
 Date issued: November 13, 2017  
 Aerial imagery supplied by nearmap (August, 2017)

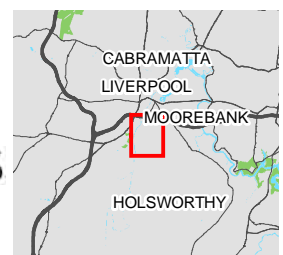


Figure 3: Threatened flora species in the proposed biobank site



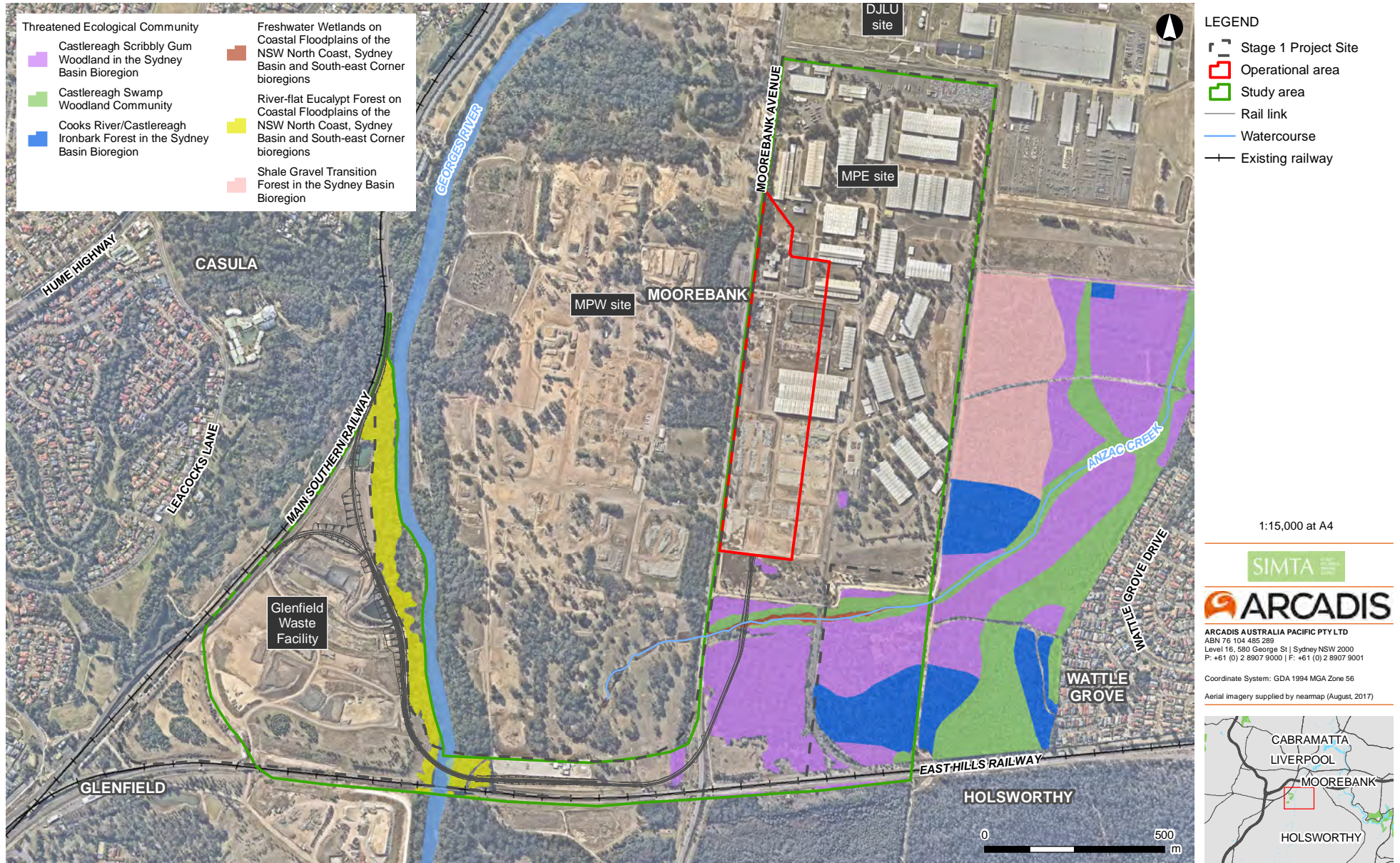


Figure 4: Plant Community Types



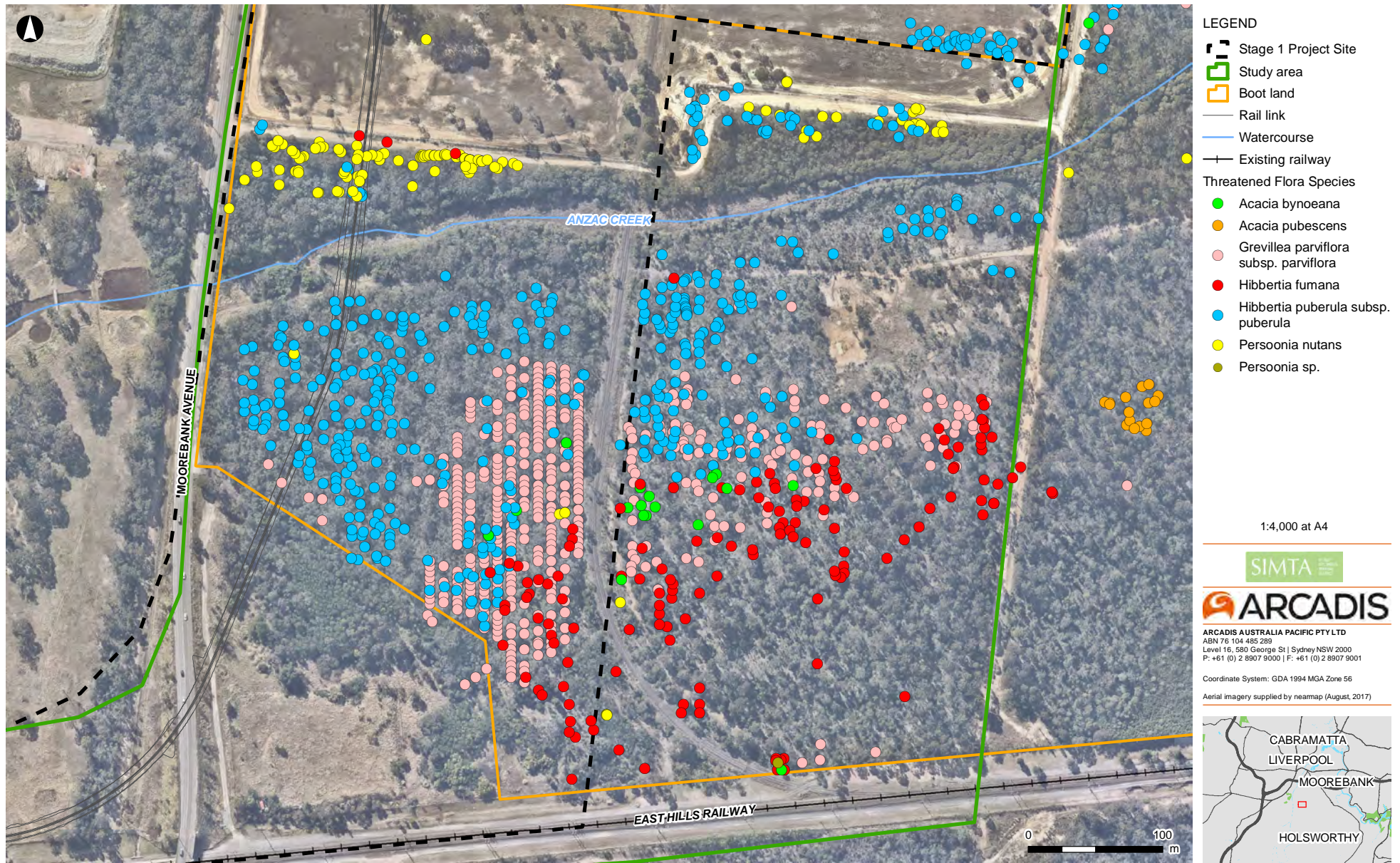
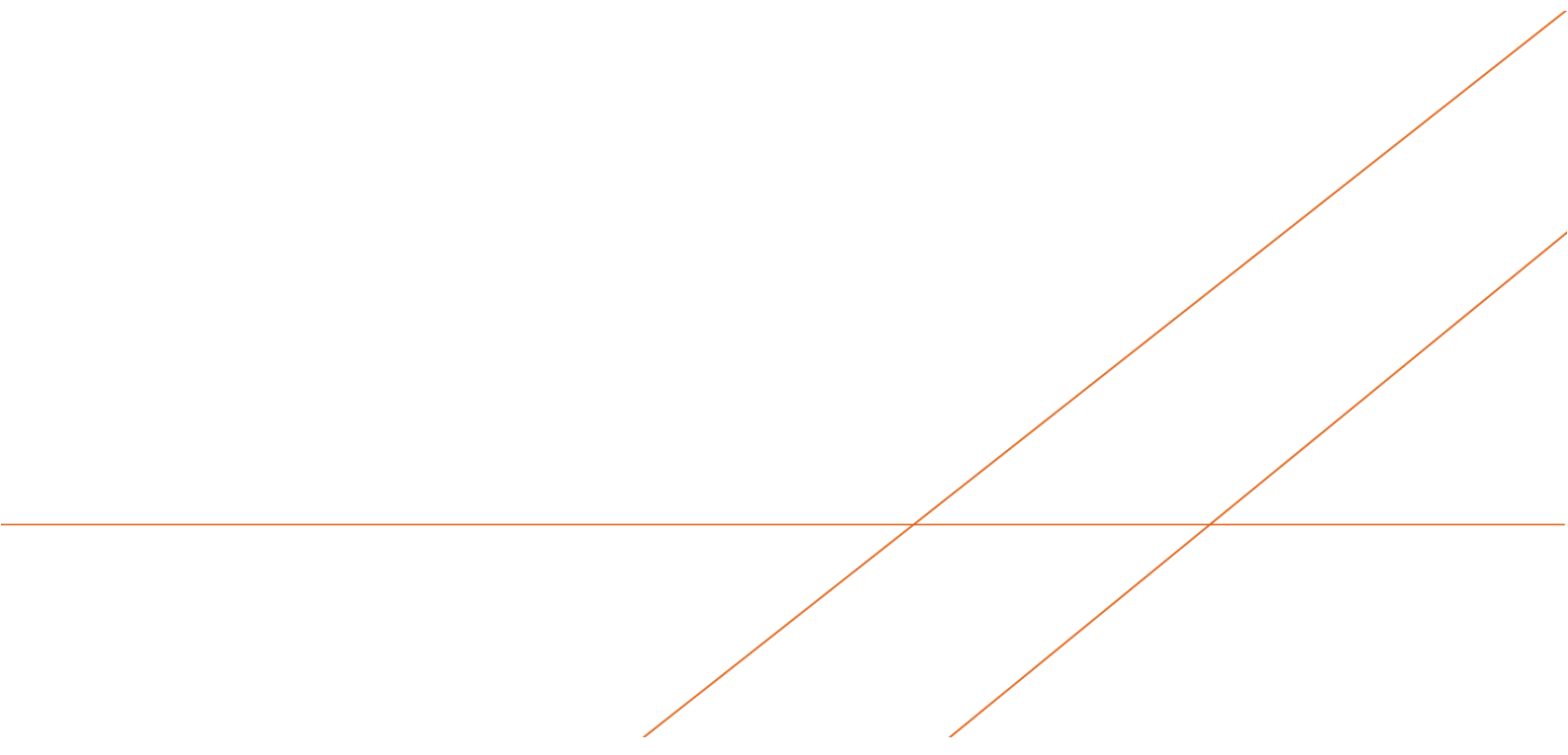


Figure 5: Threatened Species Locations

## APPENDIX B – BIOBANKING SITE CORRESPONDENCE





7 March 2017

Julianne Smart  
Principal Project Officer, Ecosystem Assessment  
Regional Operations Group  
Office of Environment and Heritage  
PO Box A290 Sydney South NSW 1232

Dear Julianne,

**Proposed biobanking agreements on land owned by the Commonwealth of Australia at Moorebank**

I refer to the attached letter from Office of Environment and Heritage (OEH) dated 5 April 2016 (Attachment 1) about the terms of the proposed biobanking agreement on land owned by the Commonwealth of Australia (to be used as biodiversity offset for the Moorebank Intermodal precinct development).

I respond to each item in your letter as noted below:

***Indemnity and release***

Moorebank Intermodal Company's (MIC's) proposed amendments to clause 15 (Indemnity and release) of the standard form biobanking agreement have been agreed to by OEH, as set out in Attachment 2. MIC accepts OEH's proposed inclusion of an additional clause requiring the original indemnity in clause 15 to apply to a new owner and all subsequent owners following the transfer of the land from the Commonwealth of Australia. Please provide the proposed clause to MIC (and the Commonwealth) for review.

***Parties to the agreements***

The owner of the land is the Commonwealth of Australia.

On 24 January 2017, MIC entered into final binding agreements for the Moorebank Intermodal precinct development with the Sydney Intermodal Terminal Alliance (SIMTA). At this time, the land was transferred from the Department of Defence to the Department of Infrastructure and Regional Development (DoIRD), and MIC's wholly owned subsidiary, Moorebank Intermodal Development Investment Trust (MIDIT), was granted a 99-year head lease by the Commonwealth of Australia of land.

The Secretary of DoIRD, Mr Mike Mrdak, will execute the biobanking agreements as authorised delegate of the department under section 23 of the *Public Governance, Performance and Accountability Act 2013 (Cth)*.

DoIRD's General Manager, Rail and Intermodal Branch has signed the biobanking application form on behalf of the department.





MIC will be the landowner's representative, so please amend clause 21.1 to include MIC as an additional party to receive notices. MIC's details are:

**Landowner's representative**

Address: Suite 2, Level 9  
1 O'Connell Street  
SYDNEY NSW 2000  
Fax: 02 8265 5650  
Attention: Company Secretary

***Consent to the agreements***

The Trust Company Limited (as owner of SIMTA's neighbouring site) has registered a caveat over the Commonwealth land (caveat AJ64666B). Consent from the caveator is being obtained to the registration of the biobanking agreements on each of the parcels of Commonwealth land and will be provided shortly.

Moorebank Intermodal Development Investment Trust (MIDIT), as the lessee under the 99-year lease granted by the Commonwealth of Australia, has provided written consent to the application for biobanking agreements, including consent to enter into the biobanking agreement (refer to Attachment 3).

Moorebank Precinct Nominees Pty Limited as trustee of the Moorebank Precinct Land Trust has been granted a 99-year sublease by MIDIT of the Commonwealth land. Moorebank Precinct Nominees Pty Limited has provided written consent to the application for biobanking agreements including consent to enter into the biobanking agreement (refer to Attachment 4).

Yours sincerely

Ian Hunt  
Chief Executive Officer

**Attachments:**

- Attachment 1 - Office of Environment and Heritage (OEH) dated 5 April 2016
- Attachment 2 – Revised clause 15 indemnity and release of the biobanking agreement
- Attachment 3 – MIDIT written consent
- Attachment 4 - Moorebank Precinct Nominees Pty Limited written consent



**Attachment 1 - Office of Environment and Heritage (OEH) dated 5 April 2016**



DOC16/151753

Mr Ian Hunt  
Chief Executive Officer  
Moorebank Intermodal Company Ltd  
Suite 2, Level 27 O'Connell Street  
SYDNEY NSW 2000

Dear Mr ~~Hunt~~ <sup>Ian</sup>

**Proposed biobanking agreements on land owned by the Commonwealth of Australia**

I am responding to your email of 11 March 2016 and to address issues raised during the course of discussions about potential biobanking agreements (the agreements) on land owned by the Commonwealth of Australia (the Commonwealth) at:

- Casula (Hour Glass Land Lot 4 DP1130937)
- Moorebank (Georges River Riparian Zone Lot 1 DP11197707)
- Moorebank Avenue (Lot 2 DP1197707)
- Wattle Grove Offset Area (Lot 4 DP1197707)
- Northern Commonwealth Land (Lot 100 DP 1049508).

The questions that have been raised relate to:

- wording of standard biobanking indemnity clause
- who can be a party to the agreements
- who has authority to execute the agreement on behalf of the Commonwealth of Australia/ Moorebank Intermodal Company Ltd (MIC) as agent for and on behalf of Commonwealth
- release of obligations in a biobanking agreement upon transfer of land to a new owner.

In addition to these questions, I wish to provide advice on which entities should provide consent to any applications for biobanking agreements and subsequent agreements.

Indemnity

OEH is willing to accept the variations to the indemnity clause subject to the inclusion of an additional clause providing that once the land is transferred from Commonwealth of Australia ownership, the original indemnity will apply to the new owner and all subsequent owners. This would resolve issues with risks associated with any insurance a new owner may hold.

Parties to the agreements

During the course of discussions, questions have been raised about whether MIC, Moorebank Intermodal Development Investment Nominees (MIDIT) or Precinct Land Trust (PLT) could be parties to any of the biobanking agreements.

I wish to reiterate our previously advised position that the Minister for the Environment may only enter into a biobanking agreement with a party who is an owner of the land. OEH does not consider that MIC, MIDIT and PLT fall within the definition of owner provided for in section 4(1) of the *Threatened Species Conservation Act 1995* (TSC Act). If however the Commonwealth is of the view that those parties are owners of the land for the purposes of the TSC Act, I invite the Commonwealth to provide information in support of that view.



OEH understands that the Commonwealth considers the Minister for Defence to have the power to enter into a biobanking agreement for and on behalf of the Commonwealth. If the Commonwealth intends for MIC to act as an agent for the Minister for Defence in signing the agreements, OEH requests that the Commonwealth provides the following information:

- confirmation that the Minister for Defence is not required to personally exercise the power to enter into the agreement for and on behalf of the Commonwealth
- the instrument of authority for the agent to enter into the agreement for and on behalf of the Commonwealth, for and on behalf of the Minister for Defence.

#### Consent to the agreements

Based on the information received, OEH considers that if MIDIT is granted a 99 year head lease over the proposed biobanking sites before the biobanking agreements are entered into, then MIDIT will be required to provide written consent to the applications for biobanking agreements and to the biobanking agreements. Similarly, if PLT becomes a sublessee of the same sites before the biobanking agreements are entered into, then PLT will also need to provide written consent to both the applications for biobanking agreements and to the biobanking agreements.

#### Release of obligations in a biobanking agreement upon transfer of land to a new owner

OEH considers that there is no need to confirm the operation of Subsection 127J (1) of the TSC Act, which ensures that a biobanking agreement which is in force and registered on the title of the land is binding on and enforceable against successors in title. Once a biobank is sold, the former 'owner' of the biobank site is no longer bound by the owner obligations of the biobanking agreement. Should the Commonwealth consider that clauses within the biobanking agreement template undermine this position we will consider that claim.

#### Other matters

It is my understanding that the Commonwealth wanted to discuss the structure for retirement of credits from the biobanking agreements. Should you wish to discuss this matter further please document your questions in more detail so responses can be prepared.


OEH requests that if unregistered dealings are still present on land titles at the time that applications for biobanking agreements are submitted, that information explaining the nature of these dealings be provided.

I request that the Commonwealth now submit applications for biobanking agreements on these sites so that OEH may advance this matter as quickly as possible.

OEH looks forward to progressing biobanking agreement applications for these sites. If you have any questions about this issue, please contact Ms Linda Bell, Senior Team Leader, Ecosystems and Threatened Species, on 9995 6735 or at [linda.bell@environment.nsw.gov.au](mailto:linda.bell@environment.nsw.gov.au).

In the event that Executive-level discussion is required on these or future issues, the OEH Executive contact is Mr Ian Hunter, Deputy Chief Executive, Regional Operations Group and Heritage Division, on 9995 6150 or at [ian.hunter@environment.nsw.gov.au](mailto:ian.hunter@environment.nsw.gov.au).

Yours sincerely

  
**TERRY BAILEY**  
**Chief Executive**  
5 April 2016



## Attachment 2 – Revised clause 15 indemnity and release of the biobanking agreement

### 15 \_\_\_ Indemnity and release

15.1 \_\_\_ The landowner agrees to indemnify the protected persons against all expenses, losses, damages and costs that the protected person may sustain or incur directly as a result, ~~whether directly or indirectly,~~ of carrying out obligations under this agreement.

15.2 \_\_\_ The indemnity given by the landowner does not cover any loss or damage that is caused by a negligent act or omission of the protected persons, or any loss or damage that is contributed to by a negligent act or omission of the protected persons to the extent of the protected persons' contribution to that loss or damage.

15.3 \_\_\_ The landowner releases to the full extent permitted by law the protected persons from all claims and demands arising out of or in connection with, or as a consequence of, carrying out of obligations by the landowners under this agreement, ~~or in connection with, or as a consequence of, a direction made by the Minister regarding the payment of management payments to the landowner under this agreement.~~

15.4 \_\_\_ The release given by the landowner does not cover any claims and demands in respect of any loss or damage that is caused by a negligent act or omission of the protected persons, or any loss or damage that is contributed to by a negligent act or omission of the protected persons to the extent of the protected persons' contribution to that loss or damage.

~~15.5 It is immaterial to the obligations of the landowner under this clause that a claim or demand arises out of any act, event or thing that the landowner is authorised or obliged to do under this agreement or that any time waiver or other indulgence has been given to the landowner for any such obligation under this agreement.~~

In clauses 15.1–15.4:

- (i) \_\_\_ 'protected person' means:
- (a) the Minister
  - (b) the Director General
  - (c) the employees or officers of the Director General
  - (d) any other person acting under the direction or control of the Minister or Director General for any purpose
  - (e) the Crown in right of the State of New South Wales;
- (ii) \_\_\_ 'claims and demands' means all actions, suits, claims, demands, proceedings, losses, compensation, damages, sums of money, costs, legal costs, charges, and expenses to which the protected persons are or may become liable for in respect of loss or damage to the fixtures of the biobank site ~~financial or economic loss, loss of opportunity or other consequential loss of the landowner~~ and injury of any kind to or death of any person claiming through the landowner, ~~and however sustained on or outside the biobank site.~~



**Attachment 3 – MIDIT written consent**





17 February 2017

Julianne Smart  
Principal Project Officer, Ecosystem Assessment  
Regional Operations Group  
Office of Environment and Heritage  
PO Box A290 Sydney South NSW 1232

Dear Julianne

**Proposed biobanking agreements on land owned by the Commonwealth of Australia at Moorebank**

We refer to the proposed biobanking agreement on land owned by the Commonwealth of Australia (to be used as biodiversity offset for the Moorebank Intermodal precinct development).

Moorebank Intermodal Development Investment Nominees Pty Ltd as trustee of the Moorebank Intermodal Development Investment Trust (MIDIT) is a wholly owned subsidiary of Moorebank Intermodal Company (MIC), a Commonwealth Government Business Enterprise.

MIDIT has been granted a 99 year lease of Commonwealth land at Moorebank, including the land to be subject of the biobanking agreements:

Part of Lot 4 DP 1197707 (known as the South-Eastern Commonwealth Land)  
Lot 4 DP 1130937 (known as the Western Commonwealth Land)  
Part of Lot 1 DP 1197707 (known as the SME site)  
Part of Lot 100 DP 1049508 (known as the Northern Commonwealth Land)

MIDIT provides its consent as a lessee of the subject land to the application for biobanking agreements, to the Commonwealth of Australia entering into the biobanking agreements and the NSW Minister for the Environment registering the biobanking agreements on title.

Your sincerely

Dr Kerry Schott AO  
Director  
Moorebank Intermodal Development Investment Nominees Proprietary Limited



Signed sealed and delivered by  
**Moorebank Intermodal Development Investment Nominees Proprietary  
Limited in its capacity as trustee of the Moorebank Intermodal Development  
Investment Trust**  
by

sign here ▶ *Kerry Schott*  
Company Secretary/Director

print name KERRY SCHOTT

sign here ▶ *Ray Wilson*  
Director

print name RAY WILSON

---



**Attachment 4 – Moorebank Precinct Nominees Pty Limited written consent**



# Moorebank Precinct Land Trust

---

Reference: PLT-S-2017-002

7 March 2017

Julianne Smart  
Principal Project Officer, Ecosystem Assessment  
Regional Operations Group  
Office of Environment and Heritage  
PO Box A290 Sydney South NSW 1232

Dear Julianne

**Proposed biobanking agreements on land owned by the Commonwealth of Australia at Moorebank**

We refer to the proposed biobanking agreement on land owned by the Commonwealth of Australia (to be used as biodiversity offset for the Moorebank Intermodal precinct development).

Moorebank Precinct Nominees Pty Limited as trustee for the Moorebank Precinct Land Trust (Precinct Land Trust) is a unit trust formed to hold the following land under 99-year leases:

- Land owned by the Commonwealth of Australia and leased to Moorebank Intermodal Development Investment Nominees Pty Ltd as trustee of the Moorebank Intermodal Development Investment Trust (MIDIT) for 99 years; and
- Land owned by Qube RE Services Pty Limited in its capacity as trustee of the Moorebank Industrial Property Trust (MIPT).

Precinct Land Trust has been granted a 99-year sublease by MIDIT of the Commonwealth land at Moorebank and a 99-year lease of the MIPT land. The sublease from MIDIT includes the land to be the subject of the biobanking agreements:

Part of Lot 4 DP 1197707 (known as the South-Eastern Commonwealth Land)  
Lot 4 DP 1130937 (known as the Western Commonwealth Land)  
Part of Lot 1 DP 1197707 (known as the SME site)  
Part of Lot 100 DP 1049508 (known as the Northern Commonwealth Land)

Precinct Land Trust provides its consent as a sublessee of the subject land to the application for biobanking agreements, to the Commonwealth of Australia entering into the biobanking agreements and the NSW Minister for the Environment registering the biobanking agreements on title.

Your sincerely



Dr Kerry Schott AO  
Director

Moorebank Precinct Nominees Pty Ltd

ACN 606 141 566


Suite 2, Level 9 - 1 O'Connell Street  
Sydney NSW 2000

T +61 2 8265 5600  
F +61 2 8265 5650

Signed sealed and delivered by  
**Moorebank Precinct Nominees Proprietary Limited in its capacity as trustee  
of the Moorebank Precinct Land Trust**  
by

sign here ►   
Company Secretary/Director

print name IAN HUNT

sign here ►   
Director

print name KERRY SCHOTT

---



## Biobanking agreement application

Please read the *Guide to establishing a biobank site* available at [www.environment.nsw.gov.au/biobanking/](http://www.environment.nsw.gov.au/biobanking/) before submitting this form. If you need any help in completing the form, please contact the BioBanking Team on 131 555 or at [biobanking@environment.nsw.gov.au](mailto:biobanking@environment.nsw.gov.au).

This is an interactive form – please click on boxes and type in responses (each field has unlimited characters). When completed, print the form and sign where appropriate. This form can also be printed and filled in by hand.

### 1 Landowner's<sup>1</sup> details

If the application for a BioBanking agreement relates to land that is owned by a corporation or more than one individual, then each director or landowner is required to provide the following information and sign the completed application form.

The designated primary landowner's<sup>2</sup> (or corporation's) details should be provided in sections 1 and 2. Additional landowners (including all directors or persons concerned in the management of a body corporate) please use Attachment A.

Landowner (if an individual)			
Category	<input type="checkbox"/> Private individual		<input type="checkbox"/> Partnership
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr
Last name			
First name			
Landowner (if a corporation)			
Company	Commonwealth of Australia C/- Department of Infrastructure and Regional Development		
ABN	86 267 354 017	GST registered	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
URL	<a href="http://www.infrastructure.gov.au">www.infrastructure.gov.au</a>		
Street address			
Address	111 Alinga Street		
Town	Canberra		
State	ACT	Postcode	2601

<sup>1</sup> **Owner**, in relation to land where establishment of a biobank site is proposed, includes every person who (either at law or in equity):

- is entitled to the land for any estate of freehold in possession, or
- is a person to whom the Crown has lawfully contracted to sell the land under the *Crown Lands Act 1989*, the *Crown Lands Consolidation Act 1913* or any other Act relating to the alienation of lands of the Crown, or
- is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits in respect of the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise, or
- a person who leases land under the *Crown Lands Act 1989*, the *Crown Lands Consolidation Act 1913* or the *Western Lands Act 1901*.

<sup>2</sup> **Primary landowner** is the owner, or one of the owners of the land to which the application for a BioBanking agreement relates that is designated by all landowners as the main contact for the purpose of receiving official OEH communication.

Mailing address (if different from above)			
Address	GPO Box 594		
Town	Canberra		
State	ACT	Postcode	2601
Contact details for primary landowner (for enquiries or notifications)			
Name	Secretary, Department of Infrastructure and Regional Development		
Phone	02 6274 7111	Mobile	
Fax		Email	<a href="mailto:secretary@infrastructure.gov.au">secretary@infrastructure.gov.au</a>
Contact details for Head Lessee (for enquiries or notifications)			
Name	Chief Executive Officer, Moorebank Intermodal Company		
Phone	(02) 8265 5600	Mobile	
Fax	(02) 8265 5650	Email	<a href="mailto:admin@micl.com.au">admin@micl.com.au</a>
Preferred contact for credits			
<input type="checkbox"/> Designated email address* (please specify)	<a href="mailto:admin@micl.com.au">admin@micl.com.au</a>		
<input checked="" type="checkbox"/> OEH to receive initial inquiries from potential buyers and forward these to the landowner	<a href="mailto:biobanking@environment.nsw.gov.au">biobanking@environment.nsw.gov.au</a>		

\*Note: Designated email address will be displayed on the BioBanking public register. To protect your privacy, we advise you to provide an email address that does not include your name. If you do not have email, you can select to use the BioBanking email address.

## 2 Does the landowner meet the 'fit and proper person' criteria<sup>3</sup>?

Has the landowner (an individual or a corporation):	
<input type="checkbox"/> Yes <input type="checkbox"/> No	ever breached any relevant legislation <sup>4</sup> , or held a licence or other authority that has been suspended or revoked under any relevant legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	in the previous 10 years, been convicted in New South Wales, or elsewhere, of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	in the previous 3 years, been an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if an individual, been the director or person concerned in the management of a body corporate that is the subject of a winding-up order or for which a controller or administrator has been appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if a corporation, been or is the subject of a winding-up order or has had a controller or administrator appointed during the previous 3 years?
If the landowner is a corporation, has any director or other person concerned in the management of the corporation ever:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	breached any relevant legislation, or held a licence or other authority that has been suspended or revoked under any relevant legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	been, or is, the director of another body corporate that has breached any relevant

<sup>3</sup> Refer to the Threatened Species Conservation (Biodiversity Banking) Regulation 2008 for more information.

<sup>4</sup> Relevant legislation in this section means the following Acts: the *Threatened Species Conservation Act 1995*, the *Contaminated Land Management Act 1997*, the *Environmental Planning and Assessment Act 1979*, the *Environmental Trust Act 1998*, the *Environmentally Hazardous Chemicals Act 1985*, Parts 7 and 7A of the *Fisheries Management Act 1994*, the *Marine Parks Act 1997*, the *National Parks and Wildlife Act 1974*, the *Native Vegetation Act 2003*, the *Ozone Protection Act 1989*, the *Pesticides Act 1999*, the *Protection of the Environment Administration Act 1991*, the *Protection of the Environment Operations Act 1997*, the *Radiation Control Act 1990*, the *Recreation Vehicles Act 1983*, the *Road and Rail Transport (Dangerous Goods) Act 1997*, the *Waste Avoidance and Resources Recovery Act 2001*, the *Wilderness Act 1987*, a repealed Act or an Act of the Commonwealth, a state or a territory that corresponds to a previous Act.

	legislation, or has held a licence or other authority that has been suspended or revoked under any relevant legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty in the previous 10 years?

If you answered 'Yes' to any question in section 2, attach a statement with the specific circumstances and why you think those circumstances should not prevent you from establishing a biobank site.

Each individual landowner or company director must also provide **two independent written references** (of approx 200–300 words) addressing the 'fit and proper person' criteria – that they are of good repute in relation to character, honesty and integrity and are competent to manage conservation work on the site. The name, address and contact phone number/s of the referee must be included in the reference. A referee cannot be a relative of the applicant and must have known the applicant for at least 10 years.

**Note:** In determining whether the applicant is fit and proper to enter into and fulfil the obligations imposed by the agreement, OEHL may take into consideration any or all of the above-listed matters. OEHL may also consider whether the applicant is honest and of good repute, and whether the applicant is able to carry out conservation management practices as required under a BioBanking agreement.

### 3 Proposed biobank site


<b>Property address</b>				
Property name	Moorebank Intermodal Terminal			
Property address	Moorebank Avenue			
Town	Moorebank			
State	NSW	Postcode	2170	
<b>Location details</b>				
Total area of proposed biobank site (hectares)	111 ha			
Title reference	Lot and DP number(s)	PART LOT 4 DP 1197707, LOT 4 DP 1130937, PART LOT 100 DP 1049508 AND PART LOT 1 DP 1197707		
	Folio identifier or volume-folio (if Torrens Land System)			
	Registered deed number (if Old Land System)			
Site reference	Easting (6 digits)	309154	Northing (7 digits)	6241152
	AMG zone (54, 55 or 56)	56	Reference system (e.g. GDA94, WGS84, AGD)	
Local government area (LGA)	Liverpool City Council			
Major Catchment Area (MCA)	Sydney Metropolitan CMA – Georges River sub-region			
IBRA subregion	Cumberland - Sydney Metro			
Zoning (under Local Environmental Plan)	<input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Recreation <input type="checkbox"/> Business <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Special purpose <input type="checkbox"/> Waterway <input checked="" type="checkbox"/> Environmental protection			
<b>Other information</b>				

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Are there any property interest holders in the land? If Yes, provide details and attach proof that each property interest holder is likely to consent to a biobank site being established. Check on your certificate title for property interest holders and also declare any residential tenancies or other leases.</p> <p><input checked="" type="checkbox"/> Easement      <input checked="" type="checkbox"/> Lease      <input type="checkbox"/> Mining interest      <input type="checkbox"/> Mortgage/charge</p> <p>Note: All property interest holders will be required to sign the BioBanking agreement.</p>									
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Is any part of the proposed biobank site covered by a conservation covenant or has it received government funding?</p> <p>If Yes, attach a copy of the covenant or funding agreement.</p>									
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Has the land been used as an offset under the <i>Native Vegetation Act 2003</i> or any other Act (including under an authority granted by a public authority under an Act)?</p> <p>If Yes, attach a copy of the offset agreement.</p>									
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Are there any conditions of consent or approval granted under the <i>Environmental Planning and Assessment Act 1999</i> that require ongoing biodiversity conservation measures to be carried out on the land?</p> <p>If 'Yes', attach a copy of the development approval consent listing all management requirements on the land.</p>									
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Is the land publicly owned?</p> <p>If 'Yes', specify what type of land is it (e.g. a 'natural area' under the <i>Local Government Act 1993</i>; reserved land under the <i>Crown Lands Act 1989</i>) and attach a description of legislative requirements regarding the use and management of the land.</p>									
<p><b>Provide a short description of current land uses</b></p>	<p>Commonwealth-owned land. Previously identified within Liverpool Council LEP 2008 as SP2 (Defence) Infrastructure for use by Defence.</p>									
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Is there any previous or current condition or use, or proposed use or development, of the site that may be inconsistent with its management for biodiversity conservation purposes?</p> <p>If 'Yes', describe the condition or use</p> <table border="1" data-bbox="368 1317 1398 1608"> <thead> <tr> <th data-bbox="368 1317 1225 1438">Description of condition, use or development and whether previous, current or proposed (such as maintaining or constructing access tracks, building shed/s to store weed control chemicals or other pesticides, building fences to manage stock or human access, building structures to restore natural water flows)</th> <th data-bbox="1225 1317 1398 1438">Management zones affected</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Description of condition, use or development and whether previous, current or proposed (such as maintaining or constructing access tracks, building shed/s to store weed control chemicals or other pesticides, building fences to manage stock or human access, building structures to restore natural water flows)	Management zones affected						
Description of condition, use or development and whether previous, current or proposed (such as maintaining or constructing access tracks, building shed/s to store weed control chemicals or other pesticides, building fences to manage stock or human access, building structures to restore natural water flows)	Management zones affected									
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>To the best of your knowledge, is there any previous or current condition or use, or proposed use, of surrounding land that may be inconsistent with the management of the proposed biobank site for biodiversity purposes?</p> <p>If 'Yes', describe the condition or use.</p> <table border="1" data-bbox="368 1765 1398 2004"> <thead> <tr> <th data-bbox="368 1765 1225 1841">Description of condition or use and whether previous, current or proposed</th> <th data-bbox="1225 1765 1398 1841">Management zones affected</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Description of condition or use and whether previous, current or proposed	Management zones affected						
Description of condition or use and whether previous, current or proposed	Management zones affected									



<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are there any land uses, compatible with biodiversity conservation, proposed for the biobank site once it is established (e.g. traditional Aboriginal cultural activities, ecotourism, camping, bushwalking or other passive recreational activities)? If 'Yes', describe the land use and specify whether it is a development activity or other human activity.	
	Description of proposed development or human activity (include details of how many people, tents, vehicles, campfires etc allowed at any time)	Management zones affected
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are there any Aboriginal objects and/or Aboriginal places on the biobank site? If 'Yes' describe the objects and/or places.	
	Description of Aboriginal objects and places	Management zones
	Scar trees	

#### 4 BioBanking Assessor

Name	Alex Cockerill
Accreditation number	0058
Declaration	<p>I declare that all information supplied in relation to the Credit Calculator reports and any associated documents complies with both the BioBanking Assessment Methodology and the operational manual.</p> <p>I understand that I am personally accountable for the validity of all data collected and analyses performed and that I have adequately supervised all support team members for this assessment.</p> <p>I have undertaken this assessment within the terms of my accreditation as a BioBanking Assessor and have adhered to the BioBanking Assessor code of conduct.</p>
Signature	

#### 5 Application fee

<b>Application fee payment method (select one)</b> Fees are listed on the OEH website <a href="http://www.environment.nsw.gov.au/biobanking/participants.htm">http://www.environment.nsw.gov.au/biobanking/participants.htm</a>	
<input type="checkbox"/> Cheque	Please make cheque payable to the 'Office of Environment and Heritage NSW.'
<input checked="" type="checkbox"/> Credit card	<input type="checkbox"/> Master card <input checked="" type="checkbox"/> Visa Card no [REDACTED]      Expiry date [REDACTED] Cardholder's name Ms Tracy Meyer Cardholder's signature [REDACTED]      Date 17/2/17 <small>Note: Fees are exempt from GST by the Commonwealth Treasurer's Division 81 determination under A New Tax System (Goods and Services Tax) Act 1999.</small>

## 6 Supporting documentation

Documentation required with this application		
<input type="checkbox"/> <b>Proof of ownership</b> Current certificate of title or other documentation (e.g. Crown lease, contract to purchase Crown land etc).		
<input type="checkbox"/> <b>BioBanking Assessment Report</b> The assessment report must be prepared by a person accredited <sup>5</sup> to use the BioBanking Assessment Methodology and the BioBanking Credit Calculator. The report must include all the required supporting documentation as indicated by the BioBanking Assessment Methodology and operational manual (e.g. local reference data, expert reports, request of increase in gain in site value). Please list supporting documentation included with this application below. Both hard copies and soft copies (on CD) are required.		
<input type="checkbox"/> <b>Maps and GIS files</b> The map(s) must identify: <ul style="list-style-type: none"> <li><input type="checkbox"/> biobank site boundary (including GPS points)</li> <li><input type="checkbox"/> vegetation zones</li> <li><input type="checkbox"/> plots and transects</li> <li><input type="checkbox"/> assessment circles</li> <li><input type="checkbox"/> species polygons (showing location of any threatened species for which species credits are created)</li> <li><input type="checkbox"/> location of photo-points</li> <li><input type="checkbox"/> management zones.</li> </ul> The map(s) must be prepared using GPS mapping on either a satellite image or ortho-rectified aerial image (see Appendix A of <i>Guide to establishing a biobank site</i> ) in accordance with the Operational Manual Section 3.1. Both hard copies and soft copies (on CD) are required.		
<input type="checkbox"/> <b>Management actions</b> Management actions and management plans must be drafted using the template available on the BioBanking website. The template wording must be used. A hard copy and soft copy (in Word on CD) are required.		
<input type="checkbox"/> <b>Proposed Total Fund Deposit</b> The Total Fund Deposit worksheet of the biodiversity credits pricing spreadsheet must be filled in for all annual management costs and other recurring costs. See <i>Guide to establishing a biobank site</i> for further information.		
<input type="checkbox"/> <b>Additionality</b> If there are any existing conservation obligations over the site, a copy of any agreement(s) (e.g. conservation agreement, PVP, Nature Trust agreement) must be provided. See <i>Guide to establishing a biobank site</i> for further information.		
<input type="checkbox"/> <b>Full survey (optional)</b> If you want to identify the biobank site's exact boundaries on the deposited plan you need to provide a LPMA-approved 'full plan' for irregular boundaries or 'sketch plan' for regular boundaries. See section 7.1 of <i>Guide to establishing a biobank site</i> for further information.		
<input type="checkbox"/> <b>Application fee</b> Please attach a cheque or fill in credit card information in section 5 of this application.		
Additional documentation included with this application		
Item	Document title	Number of pages
1		
2		
3		
4		

<sup>5</sup> Accredited persons (BioBanking Assessors) are individuals accredited under section 142B(1)(C) of the TSC Act.




## 7 Signature(s) of the proposed biobank site owner(s)

This application should be signed by the person(s) who legally own(s) the land. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Owner category	Application is signed and certified by
<input type="checkbox"/> Individual(s)	All the individuals who are owners of the land
<input type="checkbox"/> Company	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or <input type="checkbox"/> two directors, or <input type="checkbox"/> a director and a company secretary, or <input type="checkbox"/> the director, if a proprietary company that has a sole director who is also the sole company secretary.
<input type="checkbox"/> A local council	<input type="checkbox"/> the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act), or <input type="checkbox"/> the seal of the council being affixed in a manner authorised under the LG Act.
<input type="checkbox"/> A public authority other than a council	The chief executive officer of the public authority.

I/We (the landowner(s)):

- apply for a BioBanking agreement, and
- declare that the information in this BioBanking agreement application (including any attachments) is not false or misleading in any material particular.

Signature		Signature	
Name	James Collett	Name	
Position	General Manager, Rail and Intermodal Branch	Position	
Date	8/2/17	Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Affix common seal (if signing under seal):

## 8 Lodging the application

Once completed and signed, send the application with all attachments to the BioBanking Team:

**Electronically** – via Email [biobanking@environment.nsw.gov.au](mailto:biobanking@environment.nsw.gov.au)

If the files are large then a data exchange site can be set up. Contact us via the mailbox to organise this.

### Or by post:

The BioBanking Team  
Ecosystems and Threatened Species Unit  
Environmental Programs Branch (Level 12)  
Office of Environment and Heritage, NSW  
PO Box A290  
Sydney South NSW 1232

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### Office use only

Received date

Completed date

Confirmation issued

Invoice number

Published by:

Office of Environment and Heritage, NSW

59–61 Goulburn Street, Sydney

PO Box A290, Sydney South 1232

Phone: (02) 9995 5000 (switchboard)

Phone: 131 555 (environment information and publications requests)

TTY: (02) 9211 4723

Fax: (02) 9995 5999

Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)

Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

OEH 2015/0451

July 2015

## Attachment A

### A1 Additional landowners

If the application for a BioBanking agreement relates to land that is owned by more than one individual or corporation, then each landowner (other than the designated primary landowner, whose information is provided in sections 1 and 2) is required to provide the information requested in A1 and A2 of this attachment. Print as many of these attachments as necessary. All landowners must also sign the completed application form.

Additional landowner (if an individual)			
Category	<input type="checkbox"/> Private individual	<input type="checkbox"/> Partnership	
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss <input type="checkbox"/> Mrs <input type="checkbox"/> Dr
Last name			
First name			
Additional landowner (if a corporation)			
Company			
ABN		GST registered	<input type="checkbox"/> Yes <input type="checkbox"/> No
URL			
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Contact details			
Contact person (if a corporation)			
Phone		Mobile	
Fax		Email	
Preferred contact for credits			
<input type="checkbox"/> Designated email address* (please specify)			
<input type="checkbox"/> OEH to receive initial inquiries from potential buyers and forward these to the landowner		biobanking@environment.nsw.gov.au	

**A2 Does the landowner meet the 'fit and proper person' criteria<sup>6</sup> to establish a biobank site?**

Has the landowner (an individual or a corporation):	
<input type="checkbox"/> Yes <input type="checkbox"/> No	ever breached any relevant legislation <sup>7</sup> , or held a licence or other authority that has been suspended or revoked under any relevant legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	in the previous 10 years, been convicted in New South Wales, or elsewhere, of an offence involving fraud or dishonesty?
<input type="checkbox"/> Yes <input type="checkbox"/> No	in the previous 3 years, been an undischarged bankrupt, or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of remuneration for their benefit?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if an individual, been the director or person concerned in the management of a body corporate that is the subject of a winding-up order or for which a controller or administrator has been appointed during the previous 3 years?
<input type="checkbox"/> Yes <input type="checkbox"/> No	if a corporation, been or is the subject of a winding-up order or has had a controller or administrator appointed during the previous 3 years?
If the landowner is a corporation, has any director or other person concerned in the management of the corporation ever:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	breached any relevant legislation, or held a licence or other authority that has been suspended or revoked under any relevant legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	been or is the director of another body corporate that has breached any relevant legislation, or held a licence or other authority that has been suspended or revoked under any relevant legislation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	been convicted in New South Wales or elsewhere of an offence involving fraud or dishonesty in the previous 10 years?

If you answered 'Yes' to any question in section A2, attach a statement with the specific circumstances and why you think those circumstances should not prevent you from establishing a biobank site.

Individual landowners must also provide two independent written references addressing the 'fit and proper person' criteria. The name, address and contact phone number/s of the referee must be included in the reference.

**Note:** In determining whether the person is a 'fit and proper person' to enter into and fulfil the obligations imposed by the agreement, OEHL may take into consideration any or all of the above listed matters. OEHL may also consider whether the applicant is honest and of a good repute, and whether the applicant is able to carry out conservation management as required under a BioBanking agreement.

<sup>6</sup> Refer to the Threatened Species Conservation (Biodiversity Banking) Regulation 2008 for more information.

<sup>7</sup> **Relevant legislation** in this section means the following Acts: the *Threatened Species Conservation Act 1995*, the *Contaminated Land Management Act 1997*, the *Environmental Planning and Assessment Act 1979*, the *Environmental Trust Act 1998*, the *Environmentally Hazardous Chemicals Act 1985*, Parts 7 and 7A of the *Fisheries Management Act 1994*, the *Marine Parks Act 1997*, the *National Parks and Wildlife Act 1974*, the *Native Vegetation Act 2003*, the *Ozone Protection Act 1989*, the *Pesticides Act 1999*, the *Protection of the Environment Administration Act 1991*, the *Protection of the Environment Operations Act 1997*, the *Radiation Control Act 1990*, the *Recreation Vehicles Act 1983*, the *Road and Rail Transport (Dangerous Goods) Act 1997*, the *Waste Avoidance and Resources Recovery Act 2001*, the *Wilderness Act 1987*, a repealed Act or an Act of the Commonwealth, a state or a territory that corresponds to a previous Act.