

s22 - out of scope



TO: s22 - out of scope



Bernadette.Mackinnon@camden.nsw.gov.au; s22 - out of scope



UNOFFICIAL

Dear stakeholders,

I am pleased to advise you that the Biodiversity Offset Delivery Plan (BODP) website in the Department of Infrastructure, Transport, Regional Development and Communications (the Department) has been updated.

The website update includes our progress on implementing the BODP and a number of key reports have been published in the last month related to biodiversity offsets for Western Sydney International (Nancy-Bird Walton) Airport:

- The Department's first BODP Implementation Report is published on this website. This report covers the implementation period spanning August 2018 to August 2019 and details the work undertaken in the first 12 months of BODP implementation. Significant progress on offsets has been made following the first 12 months and these will be communicated in the near future.
- Two key reports are also published on the Threatened Flora Propagation Program (TFPP). The TFPP work is being led by Australian Botanic Garden, Mt Annan and has focused on the salvage and propagation of key threatened flora species from the airport site, as well as genetic analysis of the local *Pimelea spicata* populations.

The reports can be found on the Department's updated BODP webpage [here](#).

Best regards – s47F

Assistant Director | Major Transport and Infrastructure Projects
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601

s47F

[@infrastructure.gov.au](#) / [www.infrastructure.gov.au](#)



UNOFFICIAL

s47F

From: Carmel Hamilton <Carmel.Hamilton@camden.nsw.gov.au>
Sent: Wednesday, 12 February 2020 2:05 PM
To: s47F
Cc: Bernadette Mackinnon; SUTHERLAND Adam; s47F
Subject: RE: Biodiversity offsets [SEC=UNOFFICIAL]

Hi s47F

Thanks for your email. As discussed Council is moving forward with a reverse tender process for the sale of our species and ecosystems credits from biobanked land at Gundungurra Reserve, including credits for *Pimelea spicata*. Details of the credits are available on the [public register](#).

We hope to be able to move forward with the tender process in coming weeks, once we receive credit equivalence information from NSW DPIE.

I'll be sure to contact you once more concrete information on the timing of our reverse tender process becomes available but if you need anything else in the meantime please be in touch.

Kind regards,

Carmel Hamilton
Team Leader Sustainability



70 Central Avenue, Oran Park,
2570

(02) 4645 5095

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PO Box 183, Camden NSW 2570

Carmel.Hamilton@camden.nsw.gov.au



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From: s47F
Sent: Wednesday, 12 February 2020 12:48 PM
To: Carmel Hamilton

Cc: 47F ; s47F
Subject: FW: Biodiversity offsets [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Carmel

Thank you for our phone conversation yesterday about biodiversity offsets.

It was great to hear about Camden Council's upcoming open tender process for purchasing biodiversity offsets from the Council.

Our team in the Department of Infrastructure, Transport, Regional Development and Communications (Infrastructure Department), is seeking to secure our remaining biodiversity offsets obligations for construction impacts of the Western Sydney International (Nancy-Bird Walton) Airport (the airport). We have a framework to follow to implement a range of measures to offset and reduce the impacts on protected species, ecosystems and biodiversity values associated with the construction and development of the airport.

We would be very grateful if you could let us know when your open tender process will commence and finish. Any approximate dates or information or website locations would be much appreciated.

Happy to provide you with further information on our remaining biodiversity offset obligations.
We look forward to hearing from you.

Best regards – s47F

Assistant Director | Airspace Design & Environmental Approvals | Western Sydney Unit
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601

s47F

@infrastructure.gov.au / www.infrastructure.gov.au



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s47F

From: Carmel Hamilton <Carmel.Hamilton@camden.nsw.gov.au>
Sent: Thursday, 23 July 2020 8:03 PM
To: s47F
Cc: Bernadette Mackinnon; Sara.Leeming@infrastructure.nsw.gov.au;
 s47F
Subject: RE: Biodiversity offsets [SEC=UNOFFICIAL]

Hi s47F

Thanks for your email and for following up on the sale of the credits. Camden Council has 149 species credits for *Pimelea spicata* available which you can confirm by searching the [BioBanking Credits Register](#) using the species name.

Council is moving ahead and is very close to going live with the reverse tender for the sale of its biodiversity credits. I have provided your contact details to our procurement team and they will be in touch to advise of the dates of the tender as soon as the information becomes available.

Kind regards,

Carmel Hamilton**Team Leader Sustainability**

70 Central Avenue, Oran Park,
2570

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PO Box 183, Camden NSW 2570

@ Carmel.Hamilton@camden.nsw.gov.au



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From: s47F
Sent: Tuesday, 14 July 2020 2:03 PM
To: Carmel Hamilton ; Bernadette Mackinnon
Cc: LEEMING Sarah ; s47F
Subject: FW: Biodiversity offsets [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Carmel

I would be grateful for an update on the status of the Camden Council's reverse tender process.
We are particularly keen on biodiversity offsets (including understanding how much *Pimelea spicata* may be available) at the Gundungarra Reserve.

Thank you.

Best regards – s47F

Assistant Director I
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601
s47F
@infrastructure.gov.au / www.infrastructure.gov.au



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From: s47F
Sent: Wednesday, 12 February 2020 2:10 PM
To: 'Carmel Hamilton' <Carmel.Hamilton@camden.nsw.gov.au>
Cc: Bernadette Mackinnon <Bernadette.Mackinnon@camden.nsw.gov.au>; 47F
47F @infrastructure.gov.au; s47F @infrastructure.gov.au
Subject: RE: Biodiversity offsets [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Carmel

Thank you for your quick response and the website link.

I look forward to hearing from you when your timelines are firmer.

Best regards – s47F

Assistant Director I Airspace Design & Environmental Approvals I Western Sydney Unit
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594, Canberra ACT 2601
s47F
@infrastructure.gov.au / www.infrastructure.gov.au



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s22 - duplicate document

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From: Quotes Mailbox <Quotes.Mailbox@camden.nsw.gov.au>

Sent: Tuesday, 28 July 2020 11:54 AM

Subject: Camden Council Reverse Tender T004/2020 - Sale of Biodiversity Credits

Hi,

Please be advised a Reverse Tender for the Sale of Biodiversity Credits is now advertised and your company may be interested in providing a submission.

The Reverse Tender documents can be accessed through the NSW e-tendering website www.tenders.nsw.gov.au

Kind Regards,

Cara Reid

Senior Procurement Officer



70 Central Avenue, Oran Park, 2570



(02) 4654 7793



www.camden.nsw.gov.au



PO Box 183, Camden NSW 2570



Cara.Reid@camden.nsw.gov.au

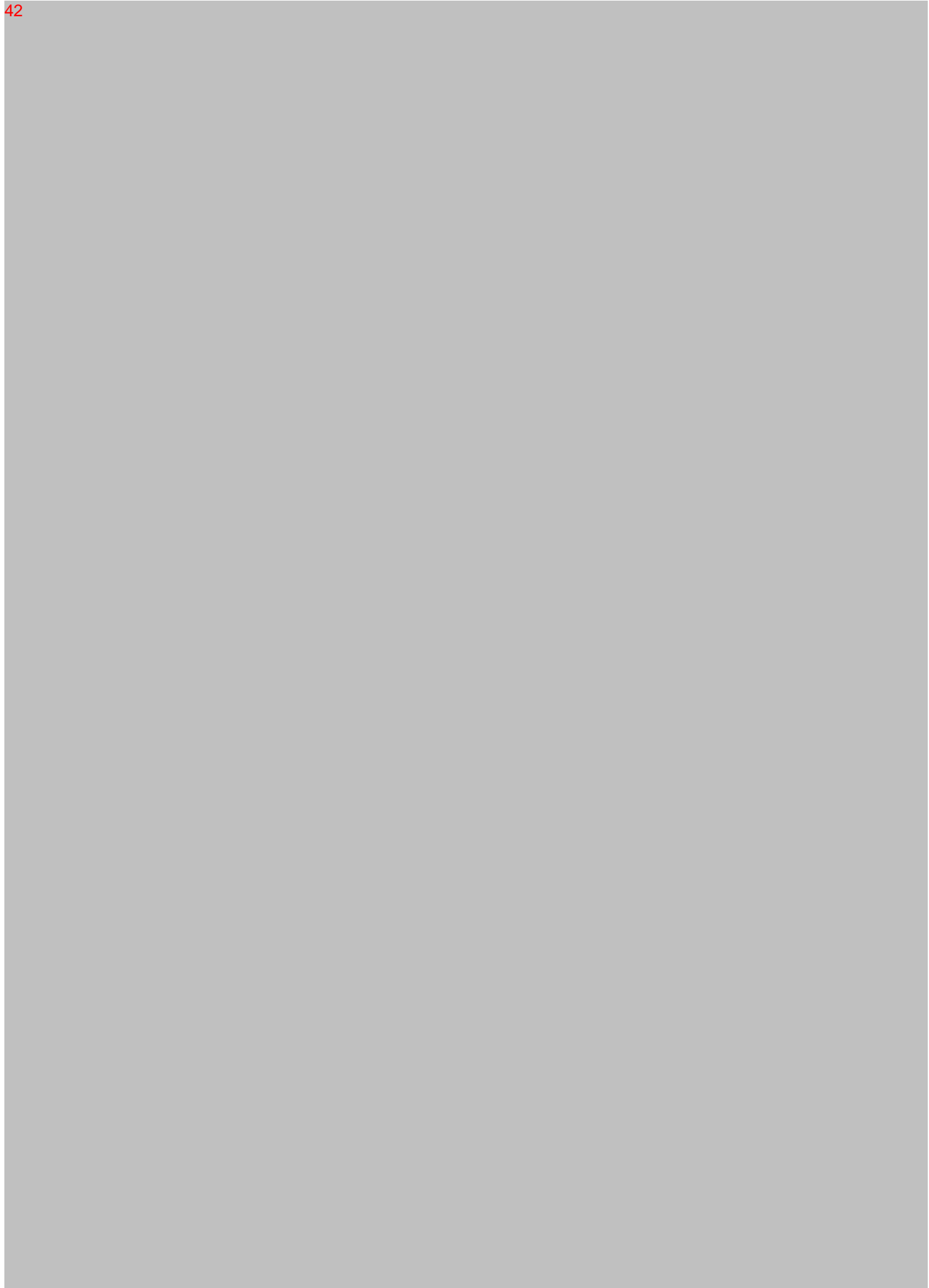


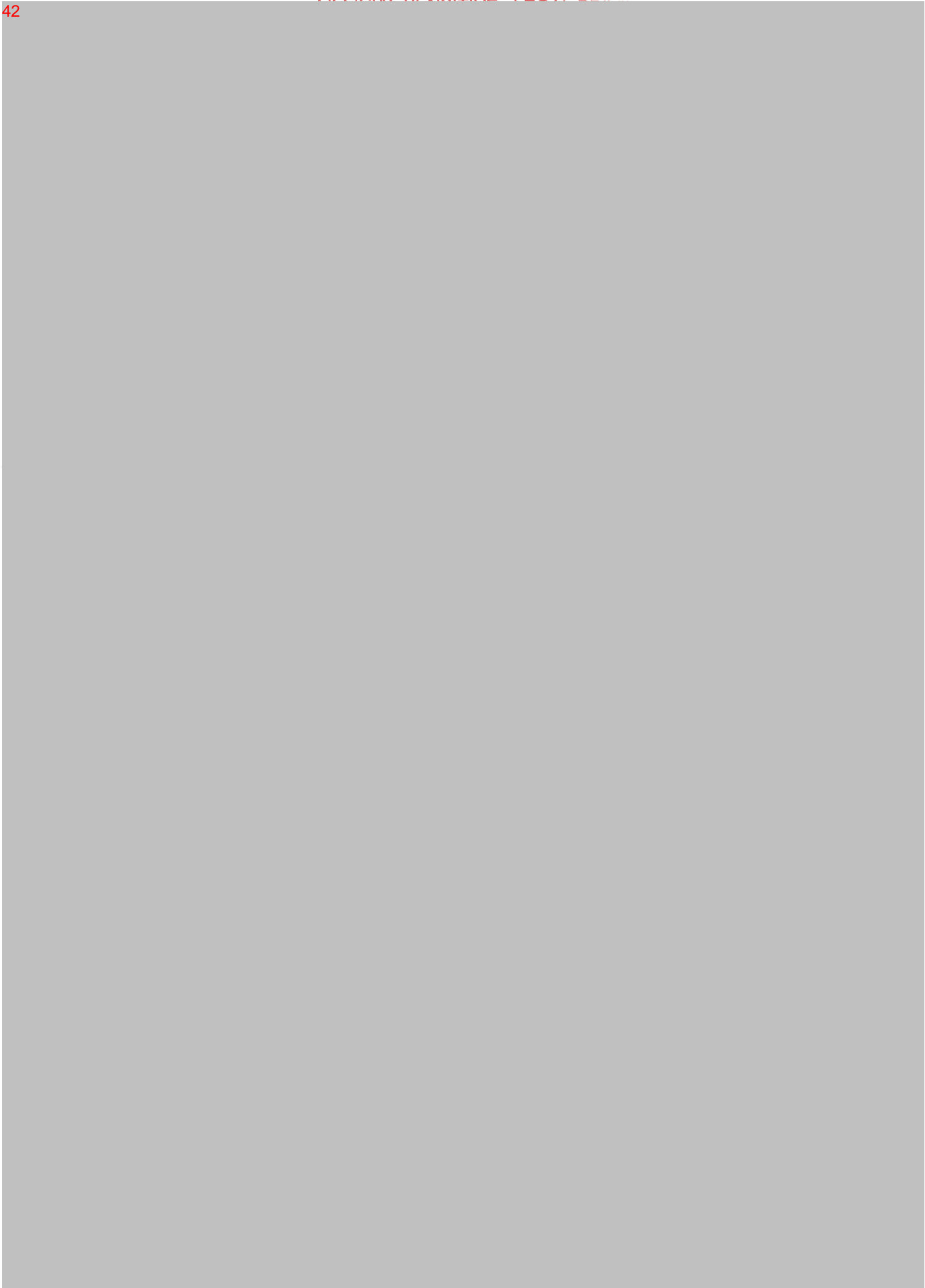
42



42









camden
council



Reverse Tender Information Pack Sale of Biodiversity Credits

 70 Central Ave,
Oran Park NSW 2570

 mail@camden.nsw.gov.au

 PO Box 183, Camden 2570

 camden.nsw.gov.au

 4654 7777

 4654 7829

 DX 25807

 ABN: 31 117 341 764

Introduction

Camden Council has finalised a Biobanking Agreement under the former *Threatened Species Conservation Act 1995* (TSC Act) for land within Gundungurra Reserve, Spring Farm. Under the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, this Biobanking Agreement is also recognised as a Biodiversity Stewardship Agreement made under the new *Biodiversity Conservation Act 2016* (BC Act).

The land at Gundungurra Reserve forms part of a regional vegetation corridor identified as a Priority Investment Area in the Biodiversity Investments Opportunities (BIO) Map – Cumberland Subregion (OEH 2015).

Gundungurra Reserve comprises two parts – one in the north and the other in the south – with a combined area of 37.5 hectares. The Biobanking Agreement generated both ecosystem and biodiversity credits. The biodiversity credits generated are the subject of this Reverse Tender Information Pack (RTIP).

Council is seeking expressions of interest from parties interested in purchasing the credits under the NSW Statutory Biodiversity Offsets Scheme established under the BC Act or under the former Biobanking Scheme established by the TSC Act.

Request for tender

Council invites parties to submit one or more binding offers for the purchase of biodiversity credits generated from land at Gundungurra Reserve in accordance with this Reverse Tender Information Pack (RTIP).

Available biodiversity credits

The following tables outline the numbers and types of credits available, separated into ecosystem and species credits under both the Biodiversity Offsets Scheme and the Biobanking Scheme.

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Species credits:

Credit number	Scientific name	Common name	Number of credits available TSC Act	Number of credits available BC Act
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S3	<i>Pimelea spicata</i>	Spiked Rice Flower	149	63
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Form of tenders

A tender submission is to comprise an offer to enter into a binding agreement for one of the listed types of credits. An offer may be for all or some of the credits of that type.

If a party is interested in more than one type of credit, the party must make separate offers to enter into separate binding agreements in relation to each type of credit. For example, if a party is interested in all available credits, the party should make ten separate offers, that is, one for each type of credit. The offers must each be capable of acceptance by Council separately.

If a party submits a non-conforming tender, Council, in its absolute discretion, may consider any such non-conforming tender.

All parties must specify:

- A price per biodiversity credit for the type of credit that is the subject of the offer;
- The quantity of credits that are the subject of the offer; and
- The purpose for which the biodiversity credits will be used (for example, to provide biodiversity offsets for a specific project).

Non-conforming tenders, in addition to any other tender that a party wishes to include, may also specify different prices for purchasing different combinations or volumes of credits. However, non-conforming tenders should also specify a price per biodiversity credit for each type of credit that is the subject of this RTIP.

Enquiries

All enquiries relating to RFT T004/2020 are to be directed to:

Name: Diane Ross

Title: Purchasing and Procurement Coordinator

Email: quotes@camden.nsw.gov.au

Lodgement of tenders

For more information on the tender, visit camden.nsw.gov.au

Council will advertise this reverse tender on the NSW eTendering website. The reverse tender will be available through an electronic tendering facility provided by eTendering.

A tender submission must be lodged via the NSW eTendering website (tenders.nsw.gov.au) or hand-delivered to the Tender Box located at Council's Administration Building, 70 Central Avenue, Oran Park. Tenders submitted by hand will also require a full set of electronic documents in PDF format to be provided on a USB flash drive to be considered a conforming tender.

All tenders must be submitted by 3pm on Wednesday 26 August 2020.

Please note:

- To make a tender submission, a Binding Tender Form including an Applicant's Declaration and Acknowledgement must be completed and lodged (along with any other required documentation) on or before the date and time above. Any tender submission lodged after this date and time, or lodged incorrectly, may not be accepted by Council;
- Each tenderer is responsible for the safe and confidential lodgement of any tender submission it proposes to lodge;
- Additionally, and without limiting Council's discretion in any way, Council is not obliged to accept tenders that offer the highest amount of consideration offered in relation to any particular number or types of biodiversity credits; and
- Council is not responsible for any costs or expenses incurred by any tenderer or other person in preparing and lodging a tender or in connection with any other act or omission in any way associated with this reverse tender or the credits, including (but not limited to) any due diligence.
- Tender prices are to be GST exclusive for the purposes of GST.

Council reserves the right, in its absolute discretion:

- a) To postpone or cancel this reverse tender process;
- b) To modify or add any terms and conditions of the reverse tender process, including the number of biodiversity credits of any or all types which are subject to this reverse tender; and
- c) Without limiting Council's rights set out above, to amend the Binding Tender Form or other material associated with this reverse tender process that may be made available to a potential purchaser.

If Council takes any action under points (b) and (c) above in the final two (2) weeks of the reverse tender process, Council will extend the period of the process by no less than two (2) weeks from the date that Council takes such action.

If a tender submission is lodged prior to Council taking any action under point (b) or (c) above, the relevant tenderer may withdraw that tender and lodge a revised tender on or before the new closing date and time advised by Council.

Council responses to tenders

Council reserves the right, at its absolute discretion, amongst other things, to do any one or more of the following:

- a) Select one tenderer for the sale of some or all the credits;
- b) Select more than one tenderer each for the sale of some of the credits;
- c) Decide not to accept a tender offer in respect of some of the credits in response to the tenders; and
- d) Decide not to accept any tender offer in response to the tenders.

Council reserves the right, at its absolute discretion, to have regard to the information provided in any tender application and other information available to Council.

This RTIP constitutes an invitation to tenderers to submit tenders, however this reverse tender does not constitute an offer capable of legal acceptance and creates no legally enforceable obligation on Council, nor does it form any contract involving Council. This is despite any obligation, duty or responsibility which this document purports to impose on, or which is accepted by, Council and notwithstanding any claim made by any tenderer based upon contract, quasi contract, estoppel, negligence or any statutory or any other basis.

Council is not obliged to proceed in any way or take any further action as a result of any process, activity or thing referred to in, or contemplated by, this reverse tender or the potential sale of the subject credits.

No legal obligations

Without affecting any legally enforceable obligations on any tenderer, no legally enforceable obligations are imposed on Council arising from or by virtue of a tenderer submitting a tender.

Without affecting any legally enforceable obligations on any tenderer, no legal or other obligation, right or relationship will arise (and no contract of any kind will be taken to have been entered into or created) between a tenderer and Council, whether by virtue of this reverse tender or otherwise, unless the Applicant's Declaration and Acknowledgement has been signed by the Applicant and approved by Council. Approval shall be deemed to have occurred when a letter of acceptance is provided to the Applicant.

Binding Tender Form

Gundungurra Reserve, Spring Farm.

Applicant	Credit number	Number of credits to be purchased	Price per credit (excl. GST)
Department of Infrastructure, Transport, Regional Development and Communications (Cth)	S3	63	\$1,912.51

Closing date	3:00pm Wednesday 26 August 2020
Lodgement date	Tuesday 25 August 2020
Selection criteria	<p>The selection criteria to be used in determining the successful applicant are outlined below. The criteria are not in any particular order and are not necessarily exhaustive or to be given equal weight.</p> <ul style="list-style-type: none"> a) The purpose for the purchase of the credits b) Price per credit c) Environmental credentials of the organisation (supporting information can be provided by the applicant) d) Local organisation – contribution to the local government area (LGA)
Company	Department of Infrastructure, Transport, Regional Development and Communications (Cth)
ABN/ACN	86 267 354 017
Contact Name	s47F
Registered business address	111 Alinga Street, Canberra ACT 2601
Telephone number	s47F
Email address	s47F@infrastructure.gov.au

<p>Purpose (outline of the purpose for which the credits are required)</p>	<p>The Department of Infrastructure, Transport, Regional Development and Communications (the Department), as represented by the Major Transport & Infrastructure Projects Division (MT&IP), must meet a number of biodiversity offset requirements to mitigate construction impacts of Stage 1 of the Western Sydney International (Nancy-Bird Walton) Airport (the Airport) project. These offsets are statutory requirements under the Department's Biodiversity Offset Delivery Plan (BODP).</p> <p>As part of these requirements, the Department requires a number of <i>Pimelea spicata</i> species credits to offset its biodiversity obligations. The purchase of these 63 credits will fulfil the requirements for this species.</p>
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Applicant's declaration and acknowledgement

I, Sarah Leeming of the Department of Infrastructure, Transport, Regional Development and Communications declare and affirm:

- a) I am the applicant or a director of the applicant (if the applicant is a corporation) authorised to make this declaration on its behalf;
- b) The submission of this Binding Tender Form is a genuine Binding Tender Form to purchase Biodiversity Credits at Gundungurra Reserve, Spring Farm.
- c) In the event that Council approves my Binding Tender Form, then my Form shall be deemed as an offer made with the intention to purchase the selected Biobanking Credits and Councils selection of my Binding Tender Form will be deemed to be an acceptance of that offer. Approval shall be deemed to have occurred when a letter of acceptance is provided to the applicant;
- d) Should my Binding Tender Form be approved by Council, I acknowledge that full payment of the Biobanking Credits will be due within fourteen (14) days of Council providing an invoice; and
- e) Should my Binding Tender Form be approved by Council, I acknowledge that I will be bound by my Binding Tender Submission and Council for the Biobanking Credits being purchased and outlined in my Binding Tender Form.

- d) Should my Binding Tender Form be approved by Council, I acknowledge that full payment of the Biobanking Credits will be due within fourteen (14) days of Council providing an invoice; and
- e) Should my Binding Tender Form be approved by Council, I acknowledge that I will be bound by my Binding Tender Submission and Council for the Biobanking Credits being purchased and outlined in my Binding Tender Form.

And I make this declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900

on 25/8/2020 at 111 Alinga Street, Canberra
Date Address

Applicant signature

Prescribed witness

s47F

s47F

(JP, Commissioner of Oaths or Legal Practitioner)

13 ARMISTEAD & SOLICITOR OF THE
SUPREME COURT OF SOUTH
AUSTRALIA.

Applicant name

Sarah Leeming

Applicant address

111 Alinga Street, Canberra

Disclaimer

This document has been prepared by Camden Council to provide information to potential purchasers of biodiversity credits to assist them in deciding whether they are sufficiently interested in the credits to proceed with further investigations. The information contained in this document does not constitute any offer or contract of sale and is provided as a guide only.

All information which Council makes available as part of the reverse tender process has been prepared by or on behalf of Council or otherwise made available in good faith and with due care, specifically for this reverse tender process. No person may rely on any such information. Council and its employees, agents, contractors and advisers will not be responsible or liable in relation to the accuracy, completeness or currency of any such information, or for any purported reliance on any of it.

Parties interested in the credits or this reverse tender process should make their own enquiries. Any person or corporation lodging a tender represents to Council that the person has made and relied on their own enquiries, and has not relied on the accuracy, completeness or currency of any information which Council makes available as part of the reverse tender process.

Without limiting the previous paragraphs, all tenderers and all other persons or corporations interested in the credits acknowledge that the figures and calculations contained in this document are based on information provided to Council by other persons. Any projections contained in this document represent estimates only and may be based on assumptions that may be incomplete, incorrect or not current. All tenderers and all other persons or corporations interested in the credits must satisfy themselves in relation to all aspects of the credits.



Statement of assessment of reasonable equivalence of biodiversity credits

A delegate of the Environment Agency Head of the Department of Planning Industry and Environment has determined that the number of biodiversity credits required to be retired under the *Threatened Species Conservation Act 1995 (TSC Act)* as part of the development consent listed in Part 1, are reasonably equivalent to the number and class of biodiversity credits under the *Biodiversity Conservation Act 2016 (BC Act)* set out in Part 2.

This document outlines that determination, made in accordance with clause 22(3) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

Part 1 Existing statutory obligation to retire credits

Request made by:	Department of Infrastructure, Transport, Regional Development and Communications
Date received	26 February 2020
Development Consent reference	Western Sydney Airport, Airport Plan (December 2016)
Development name	Western Sydney Airport

Existing statutory obligation reference	Biodiversity credit name (Plant Community Type name and ID, or threatened species name)	IBRA sub region	Number of credits ¹
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Western
Sydney
Airport,
Airport Plan

Spiked Rice Flower (*Pimelea spicata*)

NA

107,068

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Part 2 Determination of reasonable equivalence

The number and class of biodiversity credits that are reasonably equivalent under the BC Act are:

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Species Credits

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3. Name of threatened species: Spiked Rice Flower (*Pimelea spicata*)

Number of species credits required ⁴	53
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² Interim Biogeographic Regionalisation for Australia

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⁴ Matching credits are available on the BioBanking Credits register for Spiked Rice Flower (*Pimelea spicata*). In accordance with the approved method there should be no recalculation of the equivalent credit number, however in this instance the 1:1 ratio equates to 107,068 species credits and is considered unreasonable, given that the species is now assessed via area of habitat under the BC Act. Therefore, a full recalculation of the equivalent credit number was undertaken, based on area of habitat.

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This statement was issued on 28 April 2020.

Authorised by:

s47F



Director Conservation Programs
Department of Planning Industry and Environment
Delegate of the Environment Agency Head

⁵ Matching credits are available on the BioBanking Credits register for *Dillwynia tenuifolia* from BioBanking Agreement BA 375, BA 413 and BA 381. In accordance with the approved method there is no recalculation of the equivalent credit number.

s47F

From: s47F
Sent: Wednesday, 29 July 2020 2:24 PM
To: s47F
Cc: LEEMING Sarah; s47F
Subject: Updated Pimelea, DAWE and Equivalence Statement [SEC=OFFICIAL]
Attachments: Statement of reasonable equivalence_ Western Sydney Airport.PDF
Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL

Dear s47F

Thank you for meeting with us by teleconference on 20 July 2020.

This is to confirm our understanding from the meeting that:

- As indicated by BCT, it is not possible for the Commonwealth to place funds into the BCT to meet our Western Sydney International (Nancy-Bird Walton) Airport biodiversity offset obligations under the Biodiversity Offset Delivery Plan, specifically for *Pimelea spicata*
- The new amendment to the NSW legislation does not allow our biodiversity offsets to be paid into the BCT.

We are also seeking confirmation that you agree with the attached equivalence statement for our biodiversity *Pimelea spicata* offset obligations. We will continue to source *Pimelea spicata* BAM species credits through the market.

If you have any concerns or issues you would like to raise, please let us know by 7 August 2020.

Best regards – s47F

s47F

Assistant Director ! Major Transport and Infrastructure Projects
 Department of Infrastructure, Transport, Regional Development and Communications
 GPO Box 594, Canberra ACT 2601

s47F

s47F
s47F@infrastructure.gov.au / www.infrastructure.gov.au



Australian
Department
Regional D

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Search results for species credits



Credit status - Issued/Pending

Credit owner(s)	Email	Agreement ID	Scientific name	Common name	matched 4 records	
					Credit status	Credits
s22 - out of scope	s22 - out of scope			s22 - out of scope		
Camden Council	Bernadette.mackinnon@camden.nsw.gov.au	See note	<i>Pimelea spicata</i>	Spiked Rice-flower	Issued	149
s22 - out of scope					s22 - out of scope	

- End -

Note: Details on sensitive species covered by Department of Environment & Climate Change's (DECC) Threatened Species Information Disclosure Policy will not be included within the biobanking agreement available from the public register. Credit details relating to these species are provided without links to the biobanking agreement.

N/A - Credits with the status of pending are attached to a draft biobanking agreement. A biobanking agreement is only available on the BioBanking public register once it has been finalised and reached agreement issued status.

08/24/2020 5:56 pm

Page 1 of 1