

# **Enforceable Undertaking by Mawland Quarantine Station Pty Limited to NSW Planning | Department of Planning & Environment (NSWPlanning)**

## **Quarantine Station North Head, Manly (Site)**

### **Date:**

This is an Enforceable Undertaking given under Section 9.5 of the Environmental Planning and Assessment Act 1979 (NSW) by Mawland Quarantine Station Pty Limited ACN107088157

### **Person(s) giving the Undertaking**

This Undertaking is given to NSW Planning by **Mawland Quarantine Station Pty Limited** ACN107088157 (MQS) for the purposes of section 9.5 of the Environmental Planning and Assessment Act 1979 (NSW)

### **Background**

The North Head Quarantine Station Conservation and Adaptive Re-Use Proposal was approved 23 December 2003 subject to conditions (08\_0041, modified 25 May 2018; **approval**). The co-proponents are National Parks and Wildlife Service (**NPWS**) and MQS. The approval is a transitional Part 3A approval. Continuation of enforcement arrangements are provided in the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, Schedule 2, Clause 22.

On 11 May 2022 MQS transferred the Lease (LPI Dealing No. AC928975B) to North Head Sydney Pty Limited (**Purchaser**) with the approval of NPWS. MQS operated the Quarantine station site until March 2022, which is when the lease was purchased by a third party. MQS does not currently operate the Quarantine station site.

An independent audit of the site was completed in February 2022. The findings of the independent audit report is annexure A to this enforceable undertaking.

### **Acknowledgement**

In response to NSW Planning's investigation, MQS acknowledges that its conduct contravened the *Environmental Planning and Assessment Act 1979* (NSW) and offers this Undertaking to NSW Planning.

MQS acknowledges that it may have caused environmental harm through the non-compliances outlined in the independent audit report.

### **Commencement of this Undertaking**

This Undertaking comes into effect when:

- (a) this Undertaking is executed by MQS and
- (b) this Undertaking so executed is accepted by the Planning Secretary of NSW Planning or delegate. (the Commencement Date).

### **Undertaking**

MQS undertakes, on acceptance of this Undertaking, to:

- a) contribute a total sum of \$20,000 towards two nominated North Head enrichment programmes on or before 15 February 2023:
  - o These nominated programmes are the North Head Sanctuary (\$10,000) and the Australian Wildlife Conservancy (\$10,000); and
  - o MQS will provide NSW Planning with a receipt from the programmes on or before 1 March 2023.
- b) prepare a consolidated report and provide it to NSW Planning (draft by March 31, 2023, Final by 31 May 2023). This report will be in a form reasonably acceptable to NSW Planning. The report is intended to:
  - o address the use and care of the Site under MQS tenure in relation to environmental monitoring;
  - o confirm the position of environmental monitoring as at the date of purchase;
  - o include attaching relevant and available documentation held by MQS; and
  - o be valued at approximately \$20,000.

MQS also notes that it has separately been in negotiations with the purchaser of the lease for the Quarantine Station site. In order to ensure the best environmental outcomes for North Head, MQS is paying an amount of \$125,000 to the Purchaser. MQS understands this amount will be used to obtain best practice site-specific environmental outcomes through contributing to new site-wide environmental plans. The payment to the Purchaser does not form part of this Undertaking but is included as an additional outcome of the audit report and NSW Planning's investigation.

### **Acknowledgments**

MQS acknowledges that:

- a) NSW Planning may make this Undertaking publicly available including by publishing it on the department's public register of section 9.5 undertakings on its website
- b) NSW Planning may, from time to time, make public reference to this Undertaking including in news media statements and in department's publications
- c) NSW Planning in no way derogates from the rights and remedies available to any other person arising from the alleged conduct, and

**Executed as an Undertaking**

Executed by

**Mawland Quarantine Station Pty Limited**

ABN 31243913121

pursuant to section 127(1) of the Corporations Act 2001 by:

Signature of director



**Maxwell Player**

Date

10/2/2023

Accepted by the Planning Secretary of the NSW Planning- **Department of Planning and Environment**  
pursuant to Section 9.5 of the Environmental Planning and Assessment Act 1979 on:

Date and signed on behalf of the Department: Planning Secretary or delegate Date

13/02/2023



Deputy Secretary Development Assessment