

## Variation of conditions attached to approval

Karuah East Quarry, Pacific Highway, 3km from Karuah, NSW (EPBC ref 2014/7282)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### Approved action

approval holder	Karuah East Quarry Pty Ltd ACN: 141 505 035
approved action	To develop a hard rock (andesite) quarry and associated infrastructure in the Lower North Coast, Pacific Highway, 3 km north of Karuah, NSW. See EPBC Act referral 2014/7282.
period for which the approval has effect	This approval has effect until 30 March 2045

### Variation

variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 1, 2, 3, 8, 9, 11, 12, 13 and 17 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Add new conditions 9A, 9B, 11A, 11B, 11C, 11D, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, 14A, 14B, 14C, 17A, 17B, 17C as specified in the table below.</p> <p>Delete definitions of <b>EPBC Act Offsets Policy, Department, No-go areas, NSW Project Approval</b> and <b>Project area</b> attached to the approval and substitute with the definitions specified in the table below.</p> <p>Add new definitions for <b>Annual Compliance Report period, Audit period, Audit report, Biodiversity data, Completion data, Completion of the Action, Compliance records, Compliance report, Environmental Management Plan Guidelines, EPBC Act, Habitat quality, Harm, Incident, Independent audit, Independent Audit and Audit Report Guidelines, Independent auditor, Plan, Protected matter, Secure and Website</b> specified in the table below.</p> <p>Delete <u>Attachments A</u> and <u>B</u> attached to the approval and substitute with the attachments specified in the table below.</p>
date of effect	This variation has effect on the date this instrument is signed.

### Person authorised to make decision

name and position	Rachel Short Branch Head
-------------------	-----------------------------

---

Environment Assessments (Vic and Tas) and Post Approvals Branch

---

signature



date of decision

7 May 2025

---

date of decision

conditions attached to approval

**Proposed project area**

*As varied on the date  
this instrument was  
signed*

1) The person taking the action must not impact any **Black-eyed Susan** or **Trailing Woodruff** outside the **project area**.

*As varied on the date  
this instrument was  
signed*

2) The person taking the action must not impact any habitat for the **Koala** outside the **project area**.

**Mitigation**

*As varied on the date  
this instrument was  
signed*

3) The person taking the action must, install a fence along the perimeter of the **project area** to ensure that unauthorised people do not enter the offset site provided in accordance with condition 8) or **no-go areas**. The person taking the action must attach to the fence prominent signs advising that entry to the offset site and the **no-go areas** is prohibited. The person taking the action must maintain the fencing, signage and restricted access to **no-go areas** for the life of the action.

*Original dated  
20/03/2015*

4) Prior to the **commencement of construction** and for the life of the action, all on-site personnel must be inducted on environmental sensitivities in the area, including the risk of **Koala** vehicle strike. Induction material is to be prepared by a **suitably qualified ecologist**.

*Original dated  
20/03/2015*

5) Should injury to Koalas occur, advice from a **wildlife expert** must be sought and action taken in accordance with that advice. Records of any Koala injury within the **project area** must be documented and maintained.

*Original dated  
20/03/2015*

6) Within 48 hours before the clearing of vegetation, pre-clearance surveys must be undertaken by a **suitably qualified ecologist** to ensure the absence of the **Koala** in the **project area**. If any **Koalas** are found to be present, **salvage and translocation** must be undertaken by a **suitably qualified ecologist**.

**Offsets**

*Original dated  
20/03/2015*

7) The person taking the action must comply with the offset conditions set out in the **NSW Project Approval**.

*As varied on the date  
this instrument was  
signed*

8) Prior to the **commencement of construction**, to compensate for the impact to the **Trailing Woodruff** and habitat for the **Koala**, the person taking the action must **secure** suitable offset sites consistent with the **Karuah East Quarry EPBC Act Assessment Report**. The

---

	<p>person taking the action may, after the date of this variation decision, excise a part of the offset site in accordance with condition 9A).</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>9) Prior to the <b>commencement of construction</b>, the person taking the action must provide the <b>Minister</b> with a Biodiversity Area Offset Management Plan for approval. The Biodiversity Area Offset Management Plan must be consistent with the <b>NSW Project Approval</b> and include:</p> <ul style="list-style-type: none"> <li>a) <b>survey information</b> identifying the number of <b>Trailing Woodruff</b> present across all proposed offset sites; and</li> <li>b) details on the management and monitoring of <b>Trailing Woodruff</b>, and corrective actions and <b>contingency plans</b> to be implemented where the re-establishment of <b>Trailing Woodruff</b> fails to meet targets specified in the <b>Karuah East Quarry EPBC Act Assessment Report</b>.</li> </ul> <p>The approved Biodiversity Area Offset Management Plan must be implemented.</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>9A) To compensate for the excised area, in accordance with the Memo at <u>Annexure B</u>, of part of the offset site provided in accordance with condition 8), the person taking the Action must within 24 months of the date of this variation decision, <b>secure</b> a replacement offset site (the 'western offset site') in accordance with the terms of the Memo at <u>Annexure B</u> and meeting the requirements of the <b>EPBC Act Offsets Policy</b> to the satisfaction of the <b>Minister</b>. The person taking the Action must not excise any part of the offset site provided in accordance with condition 8), unless the <b>Minister</b> has advised in writing that the western offset site meets the requirements of the <b>EPBC Act Offsets Policy</b> to the satisfaction of the <b>Minister</b>.</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>9B) The person taking the Action must, within 24 months of the date of this variation decision, submit to the <b>department</b> for the <b>Minister's</b> approval, an additional Biodiversity Offset Area Management Plan (Western BOAMP) for the western offset site that meets the requirements of the <b>EPBC Act Offsets Policy</b> and the <b>Environmental Management Plan Guidelines</b> to the satisfaction of the <b>Minister</b>. All commitments, including environmental outcomes, management measures, corrective actions, trigger values and performance indicators in the Western BOAMP must be <b>SMART</b> and based on referenced or included evidence of effectiveness. The Western BOAMP must be prepared by a <b>suitably qualified ecologist</b> and must include:</p> <ul style="list-style-type: none"> <li>a) <b>detailed</b> information on the residual impacts to <b>protected matters</b> that will be compensated for by the offset (comprising both the <b>securement</b> of the western offset site and the <b>habitat quality</b> improvements to be achieved at the western offset site), including all areas of habitat, and the <b>habitat quality</b>,</li> </ul>

---

for **protected matters** at all locations impacted by the Action which the offset is to address,

- b) **the relevant protected matters** and a reference to the **EPBC Act** approval conditions to which the OMP refers,
  - c) **detailed** information and a **shapefile** specifying the location, area and boundaries of the western offset site,
  - d) **detailed** baseline information on the areas of the habitat, and the **habitat quality**, for **protected matters** on at the western offset site,
  - e) **achievable** offset outcomes, relevant to the conservation of **Koala** habitat and **Trailing Woodruff**, for the alternative offset site and the timeframes in which they will be achieved,
  - f) a **table** summarising all commitments to achieve the offset outcomes for **protected matters** at the alternative offset site and a reference to where each commitment is detailed in the Western BOAMP,
  - g) **reporting** and review mechanisms to inform the **department** annually regarding compliance with the implementation of management measures and the attainment and maintenance of the offset outcomes,
  - h) an **assessment** of risks to achieving each offset outcome and what risk management measures and/or strategies will be applied to address these, a monitoring program, which must specify:
    - i. measurable performance indicators and the timeframes for their achievement to gauge attainment of each offset outcome for the **protected matters**.
    - ii. trigger values for corrective actions, and
    - iii. the proposed timing (including season/time of day/frequency) methods and effort, and an explanation of how these will be effective for this purpose, of monitoring to detect trigger values, changes in the performance indicators and to gather evidence that effectively demonstrates actual progress towards, attainment of and maintenance of all offset outcomes for the **protected matters**,
  - i) corrective measures to be implemented to ensure all offset outcomes for the **protected matters** are achieved or maintained if trigger values are reached or performance indicators not achieved in the specified timeframes,
  - j) **references** to related plans and conditions of approval (including state approval conditions), and
  - k) how the western offset site will be protected, including **securement**, and all offset outcomes maintained or improved, at least until the expiry of the approval.
-

	The person taking the Action must not remove any part of the offset site provided in accordance with condition 8), unless the <b>Minister</b> has approved the Western BOAMP in writing.
<b>Administrative</b>	
<i>Original dated 20/03/2015</i>	10) Within 30 days after the <b>commencement of construction</b> , the person taking the action must advise the <b>Department</b> in writing of the actual date of <b>commencement of construction</b> .
<i>As varied on the date this instrument was signed</i>	11) The approval holder must maintain accurate and complete <b>compliance records</b> and document the procedure for recording and storing <b>compliance records</b> .
<i>As varied on the date this instrument was signed</i>	11A) If the <b>department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>department</b> within the timeframe specified in the request. <b>Note: Compliance records</b> may be subject to audit by the <b>department</b> , or by an <b>independent auditor</b> in accordance with section 458 of the <b>EPBC Act</b> , and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the <b>department's</b> website or through the general media.
<i>As varied on the date this instrument was signed</i>	11B) The approval holder must ensure that any <b>monitoring data</b> , surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the <i>Guidelines for biological survey and mapped data</i> , Commonwealth of Australia 2018, or as otherwise specified by the <b>Minister</b> in writing.
<i>As varied on the date this instrument was signed</i>	11C) The approval holder must ensure that any <b>monitoring data</b> , surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the <i>Guide to providing maps and boundary data for EPBC Act projects</i> , Commonwealth of Australia 2021, or as otherwise specified by the <b>Minister</b> in writing.
<i>As varied on the date this instrument was signed</i>	11D) The approval holder must submit all <b>monitoring data</b> , surveys, maps, other spatial and metadata and all species occurrence record data (sighting and evidence of presence) electronically to the <b>department</b> within 20 <b>business days</b> of the next anniversary of the date of this decision except where otherwise specified in a <b>plan</b> .
<i>As varied on the date this instrument was signed</i>	12) The approval holder must prepare a <b>compliance report</b> for each <b>Annual Compliance Report period (ACR period)</b> .
<i>As varied on the date this instrument was signed</i>	12A) The approval holder must ensure each <b>compliance report</b> includes: <ul style="list-style-type: none"> <li>a) Accurate and complete details of compliance and any non-compliance with: <ul style="list-style-type: none"> <li>Each condition imposed under the <b>NSW Project Approval</b>, if a condition attached to this approval decision requires compliance with the <b>NSW Project Approval</b>,</li> <li>Each condition attached to this approval decision, and</li> </ul> </li> </ul>

	<p>All commitments made in each <b>plan</b>,</p> <p>b) A schedule of plans in effect in relation to these conditions during the <b>ACR period</b>,</p> <p>c) Accurate and complete details of how each <b>plan</b> was implemented during the <b>ACR period</b>, and</p> <p>d) If any <b>incident</b> occurred, accurate and complete details of each <b>incident</b>.</p>
<i>As varied on the date this instrument was signed</i>	12B) The approval holder must ensure each <b>compliance report</b> is completed to the satisfaction of the <b>Minister</b> and is consistent with the <i>Annual Compliance Report Guidelines</i> , Commonwealth of Australia 2023.
<i>As varied on the date this instrument was signed</i>	<p>12C) The approval holder must, within 20 <b>business days</b> following the end of each <b>ACR period</b>, in a format that is easily accessible and downloadable, publish on the <b>website</b>:</p> <p>a) each <b>compliance report</b>, and</p> <p>b) a <b>shapefile</b> showing all <b>clearing of protected matters</b>, and their habitat, undertaken within the <b>ACR period</b>.</p>
<i>As varied on the date this instrument was signed</i>	<p>12D) The approval holder must:</p> <p>a) Exclude or redact <b>sensitive biodiversity data</b> from each <b>compliance report</b> and <b>shapefile</b> published on the <b>website</b> or otherwise provided to a member of the public.</p> <p>b) If <b>sensitive biodiversity data</b> is excluded or redacted from a version of a <b>compliance report</b> published or otherwise provided to a member of the public, submit the full <b>compliance report</b> to the <b>department</b> within 5 <b>business days</b> of its publication on the <b>website</b> and notify the <b>department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> or otherwise provided to a member of the public.</p> <p>c) If <b>sensitive biodiversity data</b> is excluded or redacted from a version of a <b>shapefile</b> published or otherwise provided to a member of the public, submit the full <b>shapefile</b> to the <b>department</b> within 5 <b>business days</b> of its publication on the <b>website</b> and notify the <b>department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> or otherwise provided to a member of the public.</p>
<i>As varied on the date this instrument was signed</i>	12E) The approval holder must notify the <b>department</b> electronically, within 5 <b>business days</b> of each date of publication that the <b>compliance report</b> has been published on the <b>website</b> . In this notification, the approval holder must provide the <b>department</b> with the web address for where the <b>compliance report</b> and related <b>shapefile</b> are published on the <b>website</b> .
<i>As varied on the date this instrument was signed</i>	12F) The approval holder must keep each <b>compliance report</b> and related <b>shapefile</b> published on the <b>website</b> from the first date which that <b>compliance report</b> must be published and until the expiry date of this approval.

---

**Note: Compliance reports** may be published on the **department's** website.

---

#### **Reporting non-compliance**

---

- |   |   |
|---|---|
| <i>As varied on the date this instrument was signed</i> | 12G) The approval holder must notify the <b>department</b> electronically, within 2 <b>business days</b> of becoming aware of any <b>incident</b> . The approval holder must specify in each notification: <ul style="list-style-type: none"><li>a) any condition or commitment made in a <b>plan</b> which has not been, or may have not been, complied with,</li><li>b) a short description of the <b>incident</b>, and</li><li>c) the location (if applicable, including co-ordinates), date and time of the <b>incident</b>.</li></ul>  |
| <i>As varied on the date this instrument was signed</i> | 12H) The approval holder must provide to the <b>department</b> in writing, within 12 <b>business days</b> of becoming aware of an <b>incident</b> , the details of that <b>incident</b> . The approval holder must specify: <ul style="list-style-type: none"><li>a) all corrective measures and investigations which the approval holder has already taken in respect of the <b>incident</b>,</li><li>b) the potential impacts of the <b>incident</b>,</li><li>c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the <b>incident</b>, and</li><li>d) any variation of these conditions or revision of a <b>plan</b> that will be required to prevent recurrence of the <b>incident</b> and/or to address its consequences.</li></ul> |
- 

#### **Independent Audit**

---

- |   |   |
|---|---|
| <i>As varied on the date this instrument was signed</i> | 13) The approval holder must ensure that an <b>independent audit</b> of compliance with the conditions is conducted for every <b>audit period</b> .   |
| <i>As varied on the date this instrument was signed</i> | 13A) The approval holder must submit details of the proposed <b>independent auditor</b> and their qualifications to the <b>department</b> within 10 <b>business days</b> following the end of each <b>audit period</b> .  |
| <i>As varied on the date this instrument was signed</i> | 13B) The approval holder must ensure the scope of each <b>independent audit</b> is sufficient to determine the compliance status for each condition of approval, and each commitment made in each <b>plan</b> .   |
| <i>As varied on the date this instrument was signed</i> | 13C) The approval holder must ensure the criteria for each <b>independent audit</b> and the undertaking of each <b>independent audit</b> are consistent with the <b>Independent Audit and Audit Report Guidelines</b> .   |
| <i>As varied on the date this instrument was signed</i> | 13D) The approval holder must submit an <b>audit report</b> to the <b>department</b> for written agreement from the <b>department</b> within 3 months following the end of each <b>audit period</b> , or as otherwise directed by the <b>Minister</b> in writing. |
| <i>As varied on the date this instrument was signed</i> | 13E) The approval holder must ensure each <b>audit report</b> is completed to the satisfaction of the <b>Minister</b> and is consistent with the <b>Independent Audit and Audit Report Guidelines</b> .   |
-

<i>As varied on the date this instrument was signed</i>	13F) The approval holder must publish each <b>audit report</b> on the <b>website</b> , in a format that is easily accessible and downloadable, within 10 <b>business days</b> of the date the <b>department</b> accepts the <b>audit report</b> in writing.
<i>As varied on the date this instrument was signed</i>	13G) The approval holder must notify the <b>department</b> within 5 <b>business days</b> of the date the <b>audit report</b> is published on the <b>website</b> . In this notification, the approval holder must provide the <b>department</b> with the web address for where the <b>audit report</b> is published on the <b>website</b> .
<i>As varied on the date this instrument was signed</i>	13H) The approval holder must keep each <b>audit report</b> published on the <b>website</b> from the first date which that <b>audit report</b> must be published and until the expiry date of this approval.
<b>Revision of Action Management Plans</b>	
<i>Original dated 20/03/2015</i>	14) If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan as specified in the conditions, the person taking the action must submit to the Department for the <b>Minister's</b> written approval a revised version of that management plan. The varied activity shall not commence until the <b>Minister</b> has approved the varied management plan in writing. If the <b>Minister</b> approves the revised management plan, that management plan must be implemented in place of the management plan originally.
<i>As varied on the date this instrument was signed</i>	14A) The approval holder may, at any time, apply to the <b>Minister</b> for a variation to an action management plan approved by the <b>Minister</b> , by submitting an application in accordance with the requirements of section 143A of the <b>EPBC Act</b> .
<i>As varied on the date this instrument was signed</i>	14B) The approval holder must notify the <b>department</b> in writing of any proposed change to the <b>NSW Project Approval</b> that may relate to <b>protected matters</b> within 2 <b>business days</b> of formally lodging an application to modify the NSW Project Approval.
<i>As varied on the date this instrument was signed</i>	14C) The approval holder must notify the <b>department</b> in writing of any approved modification to the <b>NSW Project Approval</b> that may relate to <b>protected matters</b> , within 5 <b>business days</b> of the modification approval being granted. Such notification must include a copy of the modified <b>NSW Project Approval</b> conditions showing what changes have been made.
<i>Original dated 20/03/2015</i>	15) If the <b>Minister</b> believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the <b>Minister</b> may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the <b>Minister's</b> written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the <b>Minister</b> has

	approved the revised management plan then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.
<b>Completion of the Action</b>	
<i>Original dated 20/03/2015</i>	16) If, at any time after 5 years from the date of this approval, the person taking the action has not <b>substantially commenced</b> the action, then the person taking the action must not <b>substantially commence</b> the action without the written agreement of the <b>Minister</b> .
<i>As varied on the date this instrument was signed</i>	17) Wherever these conditions require the approval holder to submit any <b>plans</b> to the <b>department</b> , all such <b>plans</b> must be submitted to the <b>department</b> electronically.
<i>As varied on the date this instrument was signed</i>	17A) Unless otherwise agreed to in writing by the <b>Minister</b> , the approval holder must publish each <b>plan</b> on the <b>website</b> within 15 <b>business days</b> of the date. The <b>plan</b> is approved by the <b>Minister</b> in writing, if the plan requires the approval of the <b>Minister</b> .
<i>As varied on the date this instrument was signed</i>	17B) The approval holder must keep all current <b>plans</b> published on the <b>website</b> , in a format that is easily accessible and downloadable, from the first date which that <b>plan</b> must be published and until the expiry date of this approval.
<i>As varied on the date this instrument was signed</i>	17C) The approval holder is required to exclude or redact <b>sensitive biodiversity data</b> from any version of a <b>plan</b> before that <b>plan</b> is published on the <b>website</b> or otherwise provided to a member of the public. If <b>sensitive biodiversity data</b> is excluded or redacted from a <b>plan</b> , the approval holder must notify the <b>department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> .

<b>date of decision</b>	<b>definitions attached to approval</b>
<i>As varied on the date this instrument was signed</i>	<b>Annual Compliance Report period</b> or <b>ACR period</b> means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the <b>Minister</b> .
<i>As varied on the date this instrument was signed</i>	<b>Audit period</b> means each subsequent 5-year period following this variation decision until the expiry date of this approval unless otherwise specified in writing by the <b>Minister</b> .
<i>As varied on the date this instrument was signed</i>	<b>Audit report</b> means a written report of an <b>independent audit</b> .
<i>As varied on the date this instrument was signed</i>	<b>Biodiversity data</b> means 'biodiversity data' as described in the <i>Policy on Accessing and Sharing Biodiversity Data</i> , Commonwealth of Australia 2024.
<i>Original dated 20/03/2015</i>	<b>Black-eyed Susan</b> is the EPBC listed threatened species <i>Tetratheca juncea</i> .
<i>Original dated 20/03/2015</i>	<b>Commencement of construction</b> is the date that preparatory works are first undertaken, including but not limited to clearing of vegetation, the

	erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for infrastructure or earthworks. This does not include investigative activities such as accessing the site for surveying or planning purposes.
<i>As varied on the date this instrument was signed</i>	<b>Completion data</b> means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.
<i>As varied on the date this instrument was signed</i>	<b>Completion of the Action</b> means the date on which all activities associated with the approved Action have permanently ceased and/or been completed.
<i>As varied on the date this instrument was signed</i>	<b>Compliance records</b> mean all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in <b>plans</b> ) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.
<i>As varied on the date this instrument was signed</i>	<b>Compliance report</b> means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in <b>plans</b> ).
<i>Original dated 20/03/2015</i>	<b>Contingency plans</b> include compensatory measures such as additional direct offsets which would be required to meet the <b>EPBC Act Offsets Policy</b> .
<i>As varied on the date this instrument was signed</i>	<b>Department</b> means the Australian Government Department administering the <b>EPBC Act</b> .
<i>As varied on the date this instrument was signed</i>	<b>Environmental Management Plan Guidelines</b> means the <i>Environmental Management Plan Guidelines</i> , Commonwealth of Australia 2024.
<i>As varied on the date this instrument was signed</i>	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<i>As varied on the date this instrument was signed</i>	<b>EPBC Act Offsets Policy</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> , Commonwealth of Australia 2012.
<i>As varied on the date this instrument was signed</i>	<b>Habitat quality</b> means a measure of the overall viability of a site and its capacity to support <b>protected matters</b> , with respect to site condition, site context and species stocking rate and/or composition.
<i>As varied on the date this instrument was signed</i>	<b>Harm</b> means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.
<i>As varied on the date this instrument was signed</i>	<b>Incident</b> means any: event which has the potential to, or does, <b>harm any protected matter</b> ,

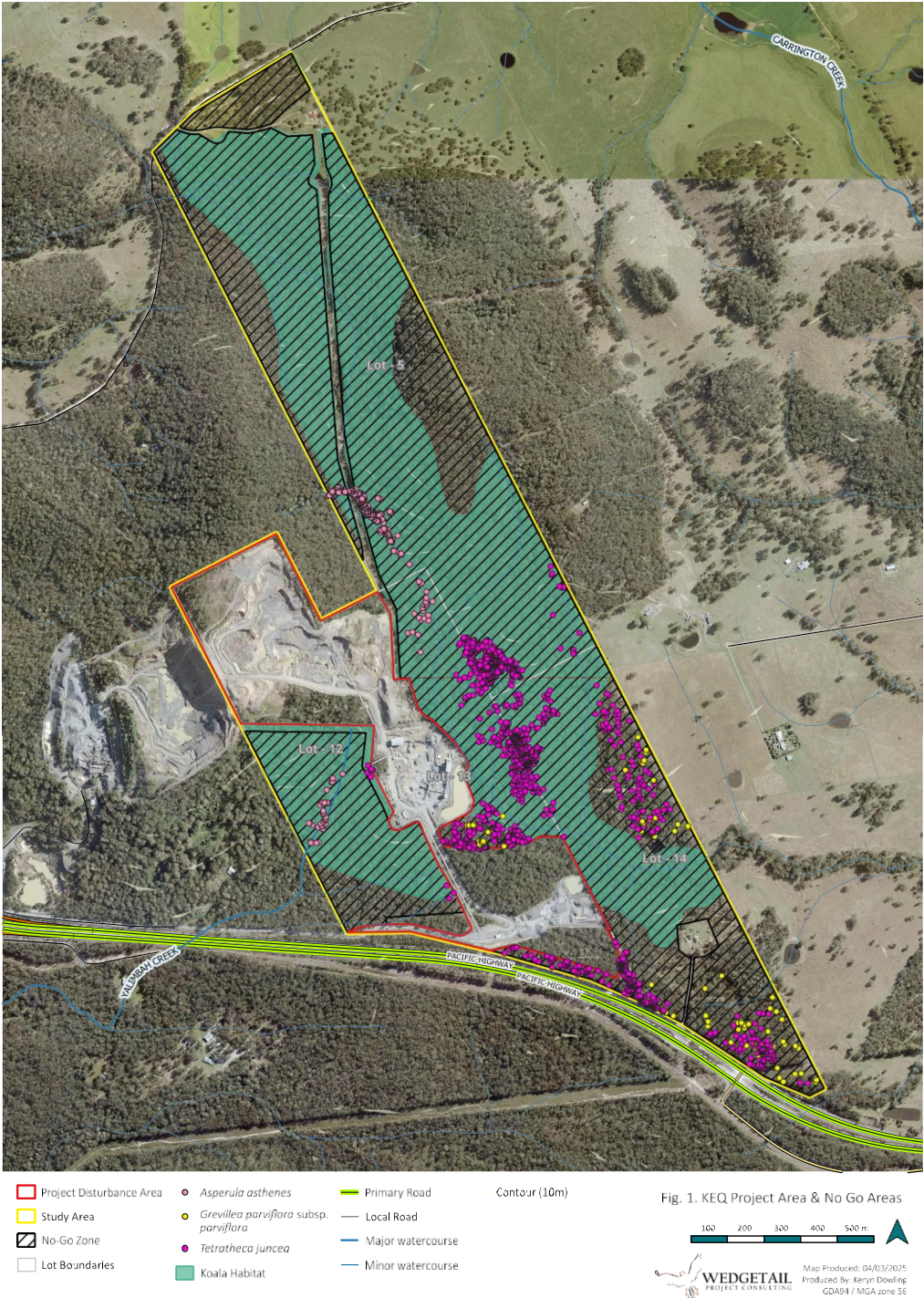
	<p>potential non-compliance with these conditions, including the administrative requirements,</p> <p>actual non-compliance with these conditions, including the administrative requirements,</p> <p>potential non-compliance with one or more commitment made in a <b>plan</b>, and/or</p> <p>actual non-compliance with one or more commitment made in a <b>plan</b>.</p>
<i>As varied on the date this instrument was signed</i>	<b>Independent audit</b> means an audit, conducted by an <b>independent auditor</b> , of compliance with and fulfilment of these conditions and the commitments made in <b>plans</b> , objectively evaluated against the audit criteria developed by the <b>independent auditor</b> , in accordance with the <b>Independent Audit and Audit Report Guidelines</b> .
<i>As varied on the date this instrument was signed</i>	<b>Independent Audit and Audit Report Guidelines</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> , Commonwealth of Australia 2019.
<i>As varied on the date this instrument was signed</i>	<p><b>Independent auditor</b> means a person, or firm, who:</p> <ul style="list-style-type: none"> <li>does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,</li> <li>has demonstrated experience in undertaking government-regulated environmental compliance audits, and</li> <li>holds relevant professional qualifications and accreditations.</li> </ul> <p>*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.</p>
<i>As varied on the date this instrument was signed</i>	<b>Karuah East Quarry EPBC Act Assessment Report</b> means the report prepared by Eco Logical Australia, October 2014.
<i>Original dated 20/03/2015</i>	<b>Koala</b> is the EPBC listed threatened species <i>Phascolarctos cinereus</i> .
<i>Original dated 20/03/2015</i>	<b>Minister</b> means the Australian Government Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister.
<i>As varied on the date this instrument was signed</i>	<b>No-go areas</b> means the locations of particular sensitivity represented in <u>Annexure A</u> by the cross-hatched zones designated 'No-go areas'.
<i>As varied on the date this instrument was signed</i>	<b>NSW Project Approval</b> means Project Approval number 09_0175 (as amended), granted under section 75J of the <i>Environmental Planning and Assessment Act 1979</i> by the Minister for Planning to Karuah East Quarry Pty Limited.

<i>As varied on the date this instrument was signed</i>	<b>Plan</b> means any action management plan or strategy that the approval holder is required by these conditions to implement.
<i>As varied on the date this instrument was signed</i>	<b>Project area</b> means the location of the Action, represented in <u>Annexure A</u> the zone enclosed by the red line designated 'Project Disturbance Area'.
<i>As varied on the date this instrument was signed</i>	<b>Protected matter</b> means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect.
<i>Original dated 20/03/2015</i>	<b>Salvage and translocation</b> means the relocation of animals or plants from an area adversely affected by development to an area reserved or protected from ongoing impacts.
<i>As varied on the date this instrument was signed</i>	<b>Secure</b> means to provide enduring conservation protection on the title of land under a mechanism or another enduring protection mechanism agreed to in writing by the <b>department</b> , to provide protection for the site against development incompatible with conservation.
<i>As varied on the date this instrument was signed</i>	<b>Sensitive biodiversity data</b> means <b>biodiversity data</b> which, if released, published or otherwise exposed, may result in <b>harm</b> to the relevant <b>protected matter</b> as a result of the intentional or unintentional misuse of that <b>biodiversity data</b> .
<i>As varied on the date this instrument was signed</i>	<b>Shapefile</b> means location and attribute information about the Action provided in an Esri shapefile format containing: '.shp', '.shx', '.dbf' files, a '.prj' file which specifies the projection or geographic coordinate system used, and an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
<i>As varied on the date this instrument was signed</i>	<b>SMART</b> means specific, measurable, achievable, relevant and time bound.
<i>Original dated 20/03/2015</i>	<b>Substantially commence/d</b> means the installation of any permanent infrastructure associated with the action excluding signage and fences.
<i>As varied on the date this instrument was signed</i>	<b>Suitably qualified ecologist</b> (for the purpose of preparing and implementing environmental management plans) means a person who has at least 5 years of work experience designing and implementing conservation land management for <b>Koala</b> habitat and <b>Trailing Woodruff</b> and has demonstrated their capability in achieving specified environmental outcomes and <b>habitat quality</b> improvement through conservation land management.
<i>Original dated 20/03/2015</i>	<b>Survey information</b> is data gathered by a <b>suitably qualified ecologist</b> .

<i>Original dated 20/03/2015</i>	<b>Trailing Woodruff</b> is the EPBC listed threatened species <i>Asperula asthenes</i> .
<i>As varied on the date this instrument was signed</i>	<b>Website</b> means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
<i>As varied on the date this instrument was signed</i>	<b>Wildlife expert</b> means a practicing expert (such as a veterinarian) with qualifications in caring for injured wildlife and access to adequate equipment to provide appropriate care.

date of decision  
Annexure A

As varied  
on the date  
this  
instrument  
was signed



date of decision

As varied on the date  
this instrument was  
signed

Annexure B - Memo-Confirmation of EPBC Act replacement offsets  
(Attached)

## KARUAH EAST QUARRY PROJECT HISTORY

The original Commonwealth EPBC Approval (2014/7282) for the Karuah East Quarry (KEQ) was granted on 20 March 2015, following DCCEEW's assessment of the Karuah East Quarry EPBC Act Assessment Report (ELA, October 2014). This approval included a condition (Condition 7) requiring the proponent to comply with the offset conditions in the NSW Project Approval (MP09\_0175) and conditions (Condition 8 and 9) for the provision of a Biodiversity Offset Area (BOA) across part Lot 13 DP 1024564, Lot 14 DP 1024564 and Lot 5 DP 838128, and Biodiversity Area Offset Management Plan (BOAMP).

The intent of this BOA was to provide conservation of protected matters that was to be impacted by the KEQ Project. In their EPBC Act Assessment Report, EcoLogical Australia (ELA 2014) identified impacts to the following protected matters:

- Koala (*Phascolarctos cinereus*).
- *Tetralthea juncea* (Black-eyed Susan).
- *Asperula asthenes* (Trailing Woodruff).
- *Grevillea parviflora* subsp. *parviflora* (Small-Flowered Grevillea) (note: no Small-Flowered Grevillea were identified within the original KEQ footprint – indirect impact only).

As per Condition 9 of the EPBC Approval the preparation and implementation of a BOAMP was required. As part of this Baseline Ecological Surveys and Monitoring (KLF, 2016) was conducted in 2015. These surveys resulted in an increase in the number of threatened flora species within the BOA (**Table 1**).

**Table 1: Summary of EPBC Protected Matters within BOA**

Species	Lot 13 (part) & Lot 14 (ELA, 2014)	Lot 5 (KLF 2016)	Total within BOA
<i>Tetralthea juncea</i> (Black-eyed Susan)	6,324 clumps	583 clumps	6,907 clumps
<i>Grevillea parviflora</i> subsp. <i>parviflora</i> (Small-flower Grevillea)	At least 100 stems	No change	At least 100 stems
<i>Asperula asthenes</i> (Trailing Woodruff)	120 individuals	279 individuals	399 individuals
<i>Phascolarctos cinereus</i> (Koala)	86.29 ha of potential habitat	No change	86.29 ha of potential habitat

On 27 April 2018, the NSW Department of Planning, Housing and Infrastructure (NSW Planning) (formerly DPE) approved the KEQ MOD1 Project, which consisted of a nominal increase in disturbance of approximately 2,500 m<sup>2</sup>. The modification was to allow for improved safety of quarry operations in the proximity of the quarry crushing plant. The MOD 1 Project necessitated Variation 1 to the Commonwealth EPBC Approval as a result of minor increased impacts to protected matters. Kleinfelder (2017) completed revised offset calculations to support the EPBC 2014/7282 Variation 1 Application showing that offsetting rations set out in the EPBC Act Assessment Report (ELA, 2014) were maintained. The variation was subsequently approved on 04 October 2018.

## KARUAH EAST QUARRY MOD 10 & REPLACEMENT OFFSET AREA

The KEQ MOD 10 Project will occur within a portion of the BOA with impacts to previously conserved Commonwealth protected matters, as summarised by **Table 2** and illustrated by **Figures 1 to 4**, respectively. These biodiversity values form the basis of the component of the total offsets package assessed that is considered by this Variation Application. Karuah East Quarry will provide like-for-like replacement offsets for those EPBC Act matters that were conserved within the impacted portion of the BOA.

The summary provided in **Table 2** outlines an assessment of impacts within the BOA using the data and information detailed in the EPBC Act Assessment Report (ELA, 2014). As per the Biodiversity Development Assessment Report (BDAR) (KLF, 2023) prepared for the MOD 10 project, the replacement offset area is proposed within part Lot 201 DP 1042537 and part Lot 21 DP 1024341. The distribution of relevant protected matters identified within Lot 201 & Lot 21 is shown in **Figure 5** and summarised in **Table 2**. This demonstrates the proposed replacement BOA contains sufficient biodiversity values to maintain the impact to offsetting ratio of the EPBC Approval (as per **Table 1**).

**Table 2: Summary of Commonwealth EPBC Offset Commitments to be replaced.**

Species	Proportion of EPBC Offset Commitments Impacted by the KEQ MOD 10 Project Requiring Replacement (ELA, 2014)	Protected Matters within Proposed Replacement BOA (Lot 201 & 21)	Sufficient Replacement Values Identified
<i>Tetratheca juncea</i> (Black-eyed Susan)	2,730 clumps	10,001 clumps	Yes
<i>Grevillea parviflora</i> subsp. <i>parviflora</i> (Small-flower Grevillea)	18 individuals.	318 individuals	Yes
<i>Asperula asthenes</i> (Trailing Woodruff)	No individuals. Impacts to 0.03 ha of low to moderate potential habitat.	No change to offsetting arrangements required (no direct impact to any plants).	
<i>Phascolarctos cinereus</i> (Koala)	0.82 ha of potential habitat.	4.83 ha of habitat	Yes

## SECURITY MECHANISM FOR REPLACEMENT BOA

The replacement BOA will be provided by utilising the mechanisms available under the BOS and secured accordingly through the establishment of a Biodiversity Stewardship Agreement (BSA). Through this process, the exact boundaries of the BOA will be determined in consultation with, and subject to approval by, the Nature Markets and Offsets Division within the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW).

Security for completion of this process is provided through the inclusion of Condition 7 of the Commonwealth EPBC Approval requiring the proponent to comply with the offset conditions of the NSW Project Approval which includes two requirements for secondary approvals to be gained prior to the commencement of any vegetation clearing activities for the KEQ MOD 10 Project, including:

- **Schedule 3, Condition 28 – Biodiversity Offset Strategy.**

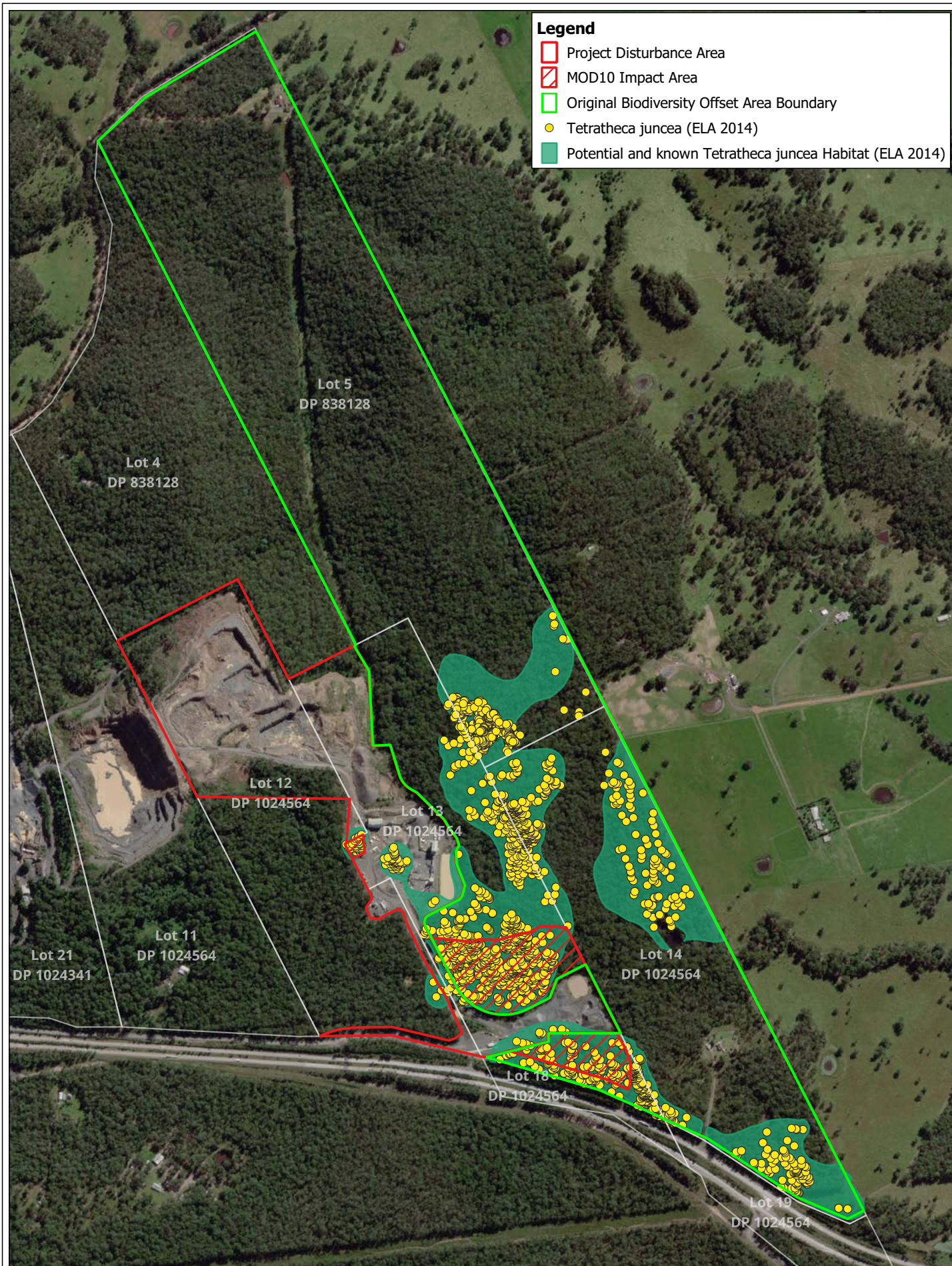
Requiring approval of the offset strategy (total offset package) by NSW Planning.

- ***Schedule 3, Condition 29 – Long-Term Security of Offsets.***

Requiring approval of the final position of the Replacement BOA by NSW DCCEEW.

## **CONCLUSION**

It is considered that the contents of this submission adequately respond to DCCEEW's request for information dated 9 September 2024. In particular, this submission has clarified the MOD 10 impacts on the approved BOA and demonstrated that the replacement offset on part Lot 201 DP 1042537 and part Lot 21 DP 1024341 contains appropriate and sufficient biodiversity offset values to maintain approved Commonwealth conservation outcomes.



100 200 300 400 500 m

Drawn: Samara Schulz, 26/09/2024  
GDA94 / MGA zone 56

© State of New South Wales (Spatial  
Services, DCS). © Google 2015

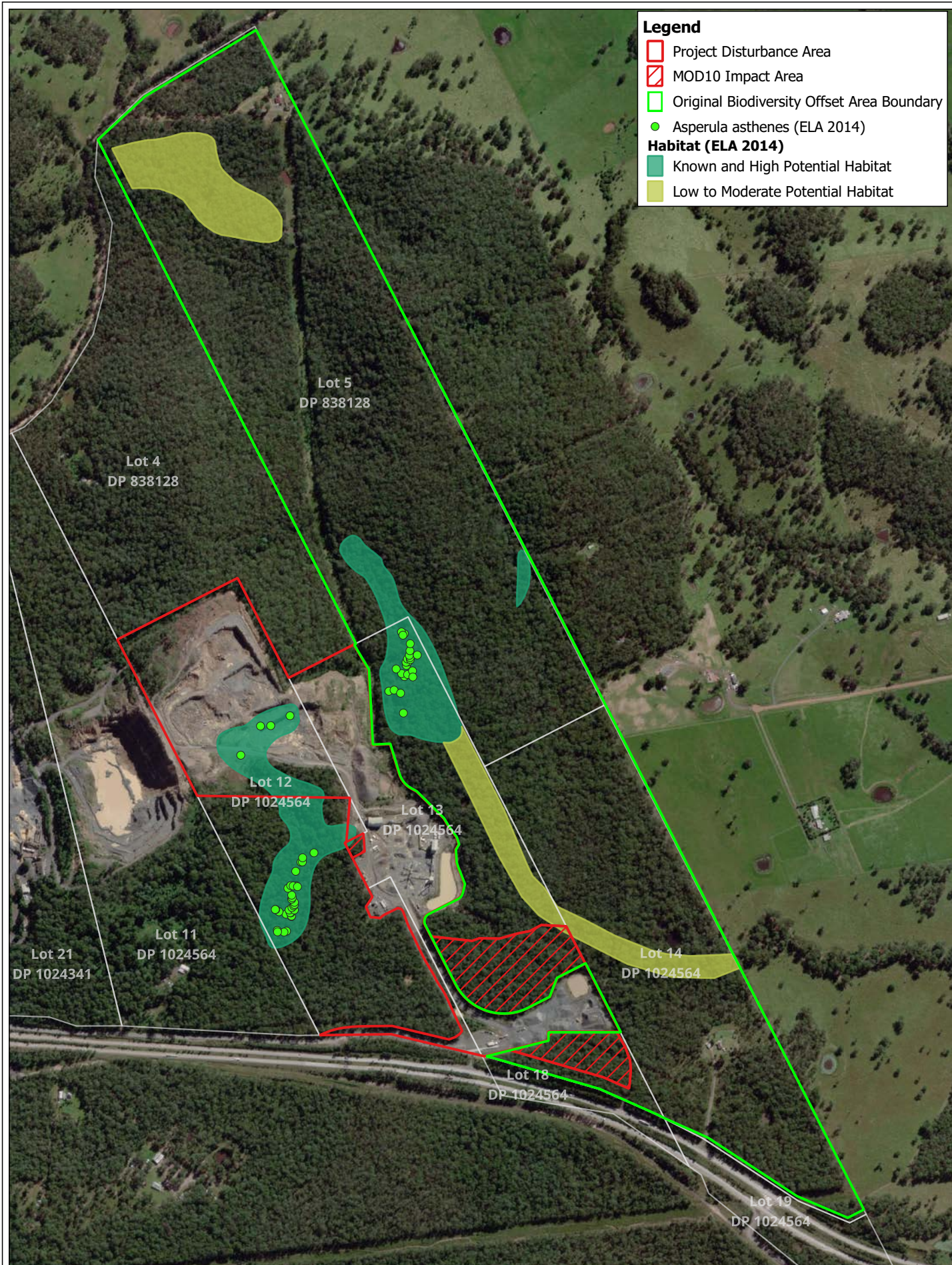
WARNING:  
The information included on this graphic representation has been compiled from a variety of sources  
and is subject to change without notice. Wedgetail Project Consulting makes no representations or  
warranties, express or implied, as to accuracy, completeness, timeliness or rights to the use of such  
information. This document is not intended for use as a land survey product nor is it designed or  
intended as a construction design document. The use or misuse of the information contained on this  
graphic representation is at the sole risk of the party using or misusing the information.

## Tetratheca juncea - MOD10 Impacts

Karuah East Quarry Pty Ltd  
EPBC Offset Strategy  
Karuah East Quarry Project

Figure:

1



100 200 300 400 500 m

Drawn: Samara Schulz, 26/09/2024  
GDA94 / MGA zone 56

© State of New South Wales (Spatial Services, DCS). © Google 2015

WARNING:  
The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Wedgetail Project Consulting makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness or rights to the use of such information. This document is not intended for use as a land survey product nor is it designed or intended as a construction design document. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.

## Asperula asthenes - MOD10 Impacts

Karuah East Quarry Pty Ltd  
EPBC Offset Strategy  
Karuah East Quarry Project

Figure:

2



100 200 300 400 500 m

Drawn: Samara Schulz, 26/09/2024  
GDA94 / MGA zone 56

© State of New South Wales (Spatial  
Services, DCS). © Google 2015

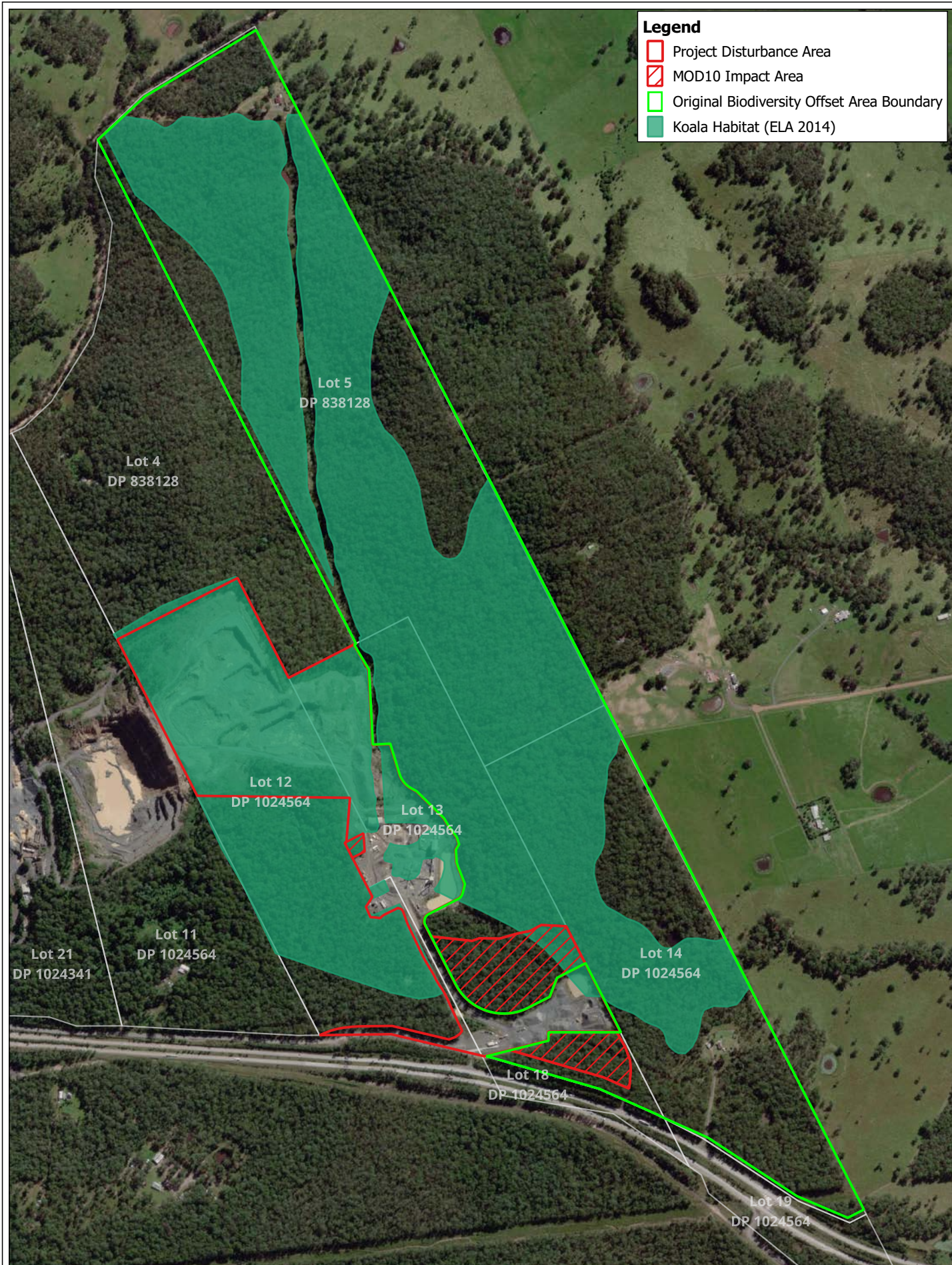
WARNING:  
The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Wedgetail Project Consulting makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness or rights to the use of such information. This document is not intended for use as a land survey product nor is it designed or intended as a construction design document. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.

## Grevillea parviflora subsp. parviflora - MOD10 Impacts

Karuah East Quarry Pty Ltd  
EPBC Offset Strategy  
Karuah East Quarry Project

Figure:

**3**



100 200 300 400 500 m

Drawn: Samara Schulz, 26/09/2024  
GDA94 / MGA zone 56

© State of New South Wales (Spatial Services, DCS). © Google 2015

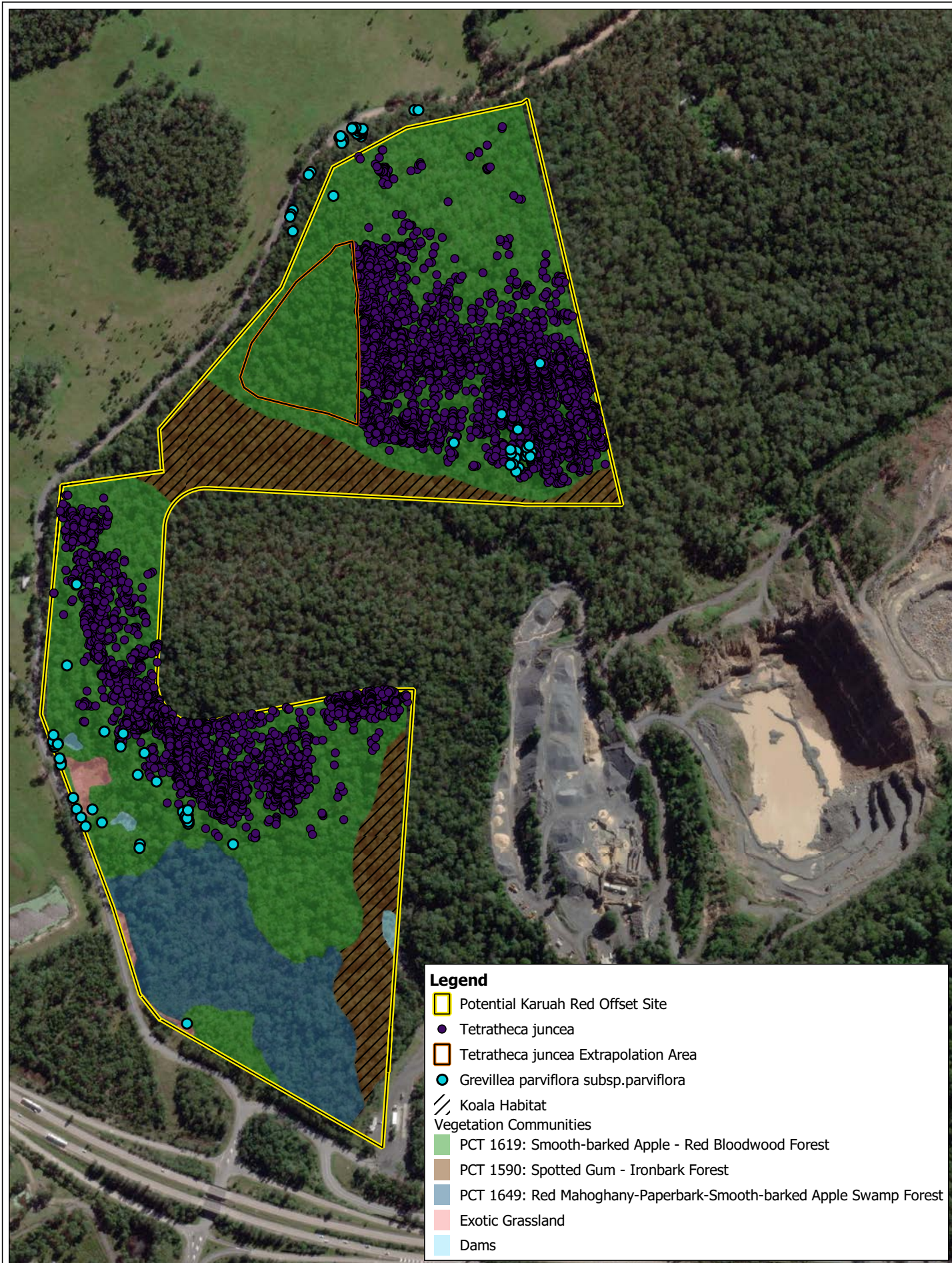
WARNING:  
The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Wedgetail Project Consulting makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness or rights to the use of such information. This document is not intended for use as a land survey product nor is it designed or intended as a construction design document. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.

## Koala Habitat - MOD10 Impacts

Karuah East Quarry Pty Ltd  
EPBC Offset Strategy  
Karuah East Quarry Project

Figure:

4



100 200 300 m

Drawn: Samara Schulz, 10/10/2024  
GDA94 / MGA zone 56

© State of New South Wales (Spatial  
Services, DCS). © Google 2015

WARNING:  
The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Wedgetail Project Consulting makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness or rights to the use of such information. This document is not intended for use as a land survey product nor is it designed or intended as a construction design document. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.

## Protected Matters within Proposed Replacement BOA

Karuah East Quarry Pty Ltd  
EPBC Offset Strategy  
Karuah East Quarry Project

Figure:

**5**

## REFERENCES

---

Eco Logical Australia (2014). *Karuah East Quarry EPBC 2014/7282 – EPBC Act Assessment report*. Prepared for Karuah East Quarry Pty Ltd, 31 October 2014.

Kleinfelder (2017). *Flora and Fauna Impact Assessment. Karuah East Quarry Project – Modification Application*. Prepared for Karuah East Quarry Pty Ltd.

Kleinfelder (2023). *Biodiversity Development Assessment Report – Karuah East Quarry – MP 09\_0175 Modification 10 Application*. Report prepared for Karuah East Quarry, 5 May 2023.