



## Notification of approval decision

### Karuah East Quarry – Modification 10 (EPBC ref 2022/9164)

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.


### Approved Action

<b>person to whom the approval is granted (approval holder)</b>	Karuah East Quarry Pty Limited ACN: 141 505 035
<b>Action</b>	To increase the approved disturbance area of the existing Karuah East Quarry, primarily to establish additional stockpiling areas [See EPBC Act referral 2022/9164].

### Approval decision

<b>decision</b>	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	<b>Controlling Provision</b>	<b>Decision</b>
	Listed threatened species and communities (section 18 and section 18A)	Approved
<b>period for which the approval has effect</b>	This approval has effect until 19 June 2125.	
<b>conditions of approval</b>	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

### Person authorised to make decision

<b>name and position</b>	Sarah Reachill A/g Branch Head Environment Assessments (NSW, ACT)
<b>Signature</b>	
<b>date of decision</b>	2 July 2025

## Annexure A

Note: Words appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

### Part A – Avoidance, mitigations, and compensation conditions

#### CLEARING LIMITS

- 1) In taking the Action, the approval holder must not **clear** outside of the **Action area**.
- 2) In taking the Action, the approval holder must not **clear** more than:
  - a) 6.98 ha of **Koala habitat**
  - b) 6.98 ha of **Black-eyed Susan habitat**
  - c) 6.68 ha of **Small-flower Grevillea habitat**
  - d) 6.98 ha of **Grey-headed Flying-fox habitat**

#### OFFSETS

- 3) To compensate for impacts to **protected matters**, the approval holder must **retire biodiversity credits**, in accordance with Schedule 3, condition 28 and 29 of the **State development consent**, to the extent that these conditions relate to **protected matters**.
- 4) To avoid, mitigate and compensate for impacts to **protected matters**, the approval holder must comply with conditions 30, 31, 32 and 33 of Schedule 3 of the **State development consent** to the extent that they relate to **protected matters**.

### Part B – Administrative conditions

#### NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

- 5) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 6) If the **commencement of the Action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the Action** without the prior written agreement of the **Minister**.

## MODIFICATION TO STATE OR TERRITORY APPROVAL

- 7) The approval holder must notify the **department** in writing of any proposed change to the **state development consent** that may relate to **protected matters** within 2 **business days** of formally lodging an application to modify the **state development consent** with the relevant approval authority.
- 8) The approval holder must notify the **department** in writing of any approved modification to the **state development consent** conditions that may relate to **protected matters** within 5 **business days** of the modification approval being granted. Such notification must include a copy of the modified **state development consent** showing what changes have been made.

## COMPLIANCE RECORDS

- 9) The approval holder must maintain accurate and complete **compliance records**.
- 10) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

**Note:** **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 11) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 12) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 13) The approval holder must submit all **monitoring data** (including **sensitive ecological data**), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 12 months of the approval or in accordance with the requirements outlined in specific conditions of this approval.

## ANNUAL COMPLIANCE REPORTING

- 14) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 15) The approval holder must ensure each **compliance report** includes:
  - a) accurate and complete details of compliance and any non-compliance with:
    - i) each condition attached to this approval decision, and
    - ii) all commitments made in each **plan**,
  - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
  - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
  - d) if any **incident** occurred, accurate and complete details of each incident.

- 16) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 17) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
  - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 18) The approval holder must:
- a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the website or otherwise provided to a member of the public.
  - b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
  - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 19) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 20) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** 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**

- 21) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
  - b) a short description of the **incident**, and
  - c) the location (if applicable, including co-ordinates), date and time of the **incident**.

- 22) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
  - b) the potential impacts of the **incident**,
  - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
  - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

#### INDEPENDENT AUDIT

- 23) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 24) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 25) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 26) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 27) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 28) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.
- 29) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 30) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 31) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

**COMPLETION OF THE ACTION**

- 32) The approval holder must notify the **department** electronically at least 60, but not more than 70 **business days** prior to the expiry date of this approval, that the approval is due to expire.
- 33) Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.

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## Part C – Definitions

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In these conditions any bolded use of a word or term refers to the below definition of that word or term:

**Action area** means the location of the Action, represented in Attachment A by the **zone** shaded blue and designated “Mod 10 Additional Disturbance Area”.

**Annual Compliance Report period** or **ACR period** means from the date of approval to 7 May 2026 and for each subsequent 12-month period until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

**Audit period** means each subsequent five-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

**Audit report** means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

**Biodiversity credits** mean a biodiversity credit created by (and in accordance with) the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016* (NSW).

**Black-eyed Susan habitat** means any area containing habitat which supports **Black-eyed Susan** (*Tetratheca juncea*). Within the **Action area**, the location of identified **Black-eyed Susan habitat** is represented in Attachment B by the zones shaded yellow and brown and designated ‘Black-eyed Susan habitat’.

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in New South Wales.

**Clear, cleared** or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

**Commence the Action** or **Commencement of the Action** means the date on which the first instance of any activity associated with the Action (including **clearing** and **construction**) is undertaken. **Commencement of the Action** does not include minor physical disturbance necessary to:

- a) Undertake pre-clearance surveys or monitoring programs.
- b) Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm** any **protected matter**.
- c) Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d) Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm** any **protected matter**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

**Completion of the Action** means the date on which all activities associated with this approval have permanently ceased and/or been completed.

**Compliance records** mean all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

**Compliance report** means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

**Department** means the Australian Government agency responsible for administering the EPBC Act.

**Environmental Management Plan Guidelines** means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2014.

**Environmental Offsets Policy** means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Grey-headed Flying-fox habitat** means any area containing habitat which supports **Grey-headed Flying-fox** (*Pteropus poliocephalus*). Within the **Action area**, the location of identified **Grey-headed Flying-fox habitat** is represented in Attachment B by the zone shaded orange and designated 'Grey-headed Flying-fox habitat'.

**Harm** means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

**Incident** means any event which has the potential to, or does, **harm** any **protected matter**.

**Independent audit** means an audit conducted by an **independent** and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

**Independent Audit and Audit Report Guidelines** means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

**Independent auditor** means a person, or firm, who:



- 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,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

\*Other than for the purpose of undertaking the role for which an independent person is required

**Koala habitat** means any area containing habitat which supports **Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)** (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT)). Within the **Action area**, the location of identified **Koala habitat** is represented in Attachment B by the zones shaded purple and blue and designated 'Koala habitat'.

**Minister** means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

**New or increased impact** means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

**Plan** means any action management plan or strategy that the approval holder is required by these conditions to implement.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Retire, retired or retiring** means the retirement of **biodiversity credits** in accordance with the Biodiversity Offsets Scheme established under the *Biodiversity Conservation Act 2016* (NSW).

**Sensitive ecological data** means data as defined in the *Sensitive Ecological Data – Access and Management Policy V1.0*, Commonwealth of Australia 2016.

**Shapefile** 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.

**Small-flower Grevillea habitat** means any area containing habitat which supports **Small-flower Grevillea** (*Grevillea parviflora subsp. parviflora*). Within the **Action area**, the location of identified **Small-flower Grevillea habitat** is represented in Attachment B by the zones shaded yellow and brown and designated 'Small-flower Grevillea habitat'.

**State development consent** means the NSW Project Approval (MP 09\_0175) (as amended) granted by the NSW Minister for the Karuah East Quarry under *Environmental Planning and Assessment Act 1979* (NSW).

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.



**MOD 10 DISTURBANCE AREAS**

11 D.P. 1024564

12 D.P. 1024564

13 D.P. 1024564

14 D.P. 1024564

16 D.P. 1024564

17 D.P. 1024564

21 D.P. 1024341

27 D.P. 1024341

QUARRY EXTRACTION AREA

CRUSHING PLANT, PROCESSING & STOCKPILE AREA

DAM 1

STOCKPILE AREA

MOD 10 DISTURBANCE (1660 m²)

MOD 10 DISTURBANCE (4.911 Ha) TOTAL 7.170 Ha

MOD 10 DISTURBANCE (2.093 Ha)

RELOCATED & RESIZED DAM 2

EXISTING DAM 2 TO BE FILLED & STABILISED

STOCKPILE AREA

STOCKPILE AREA

STOCKPILE AREA

RESIZED DAM 3

OFFSET AREA ESTABLISHED UNDER EPBC 2014/7282

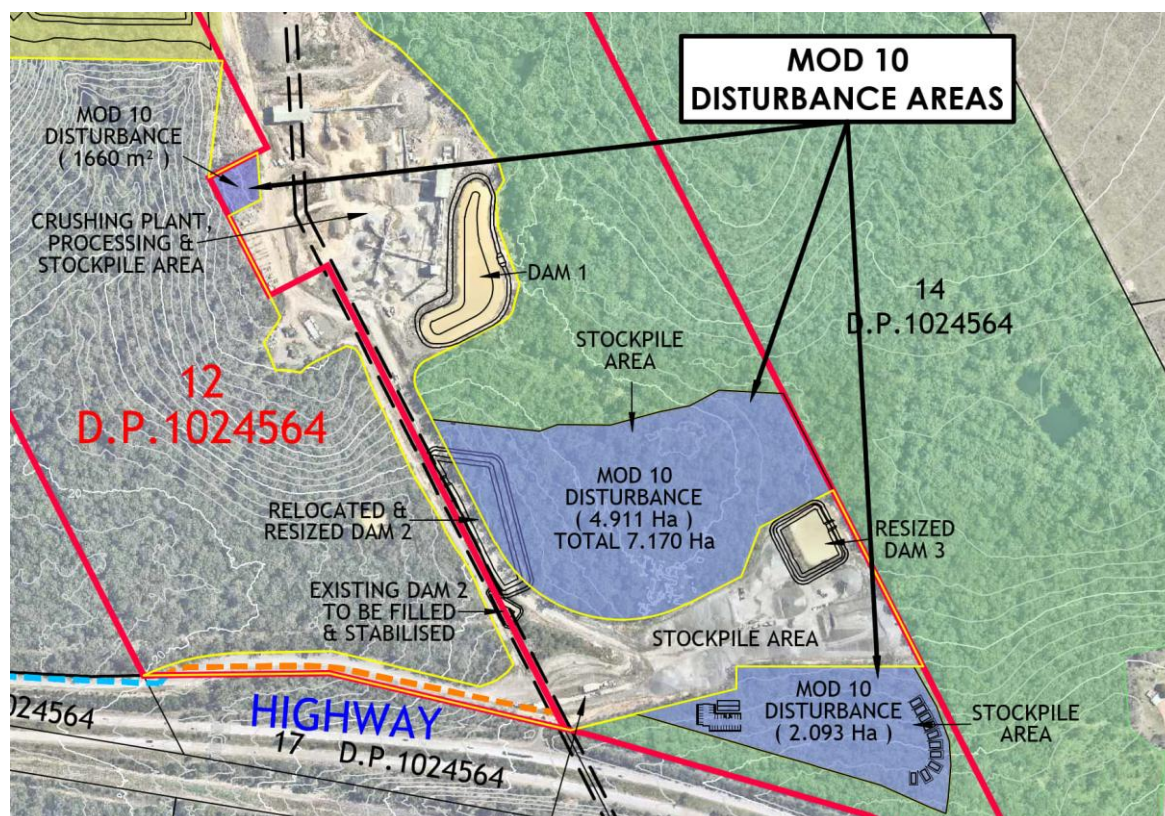
OFFICE - CARPARK & WEIGHBRIDGE AREA (INCLUDING 2 APPROVED WEIGHBRIDGES & WB OFFICE)

HIGHWAY

PACIFIC

**LEGEND**

- EXISTING KARUAH QUARRY ACCESS (ANDERSITE ROAD)
- EXISTING ACCESS ROAD (BLUE ROCK CLOSE)
- EXISTING PRIVATE ACCESS ROAD WITHIN LOT 12
- SUBJECT SITE BOUNDARIES
- ADJACENT BOUNDARIES
- KARUAH EAST QUARRY EXTRACTION AREA
- OFFSET AREA ESTABLISHED UNDER EPBC 2014/7282
- EXISTING KARUAH EAST QUARRY DISTURBANCE AREA
- MOD 10 ADDITIONAL DISTURBANCE AREA - 7.170 ha
- KARUAH EAST QUARRY TOTAL DISTURBANCE AREA - 40.18 ha

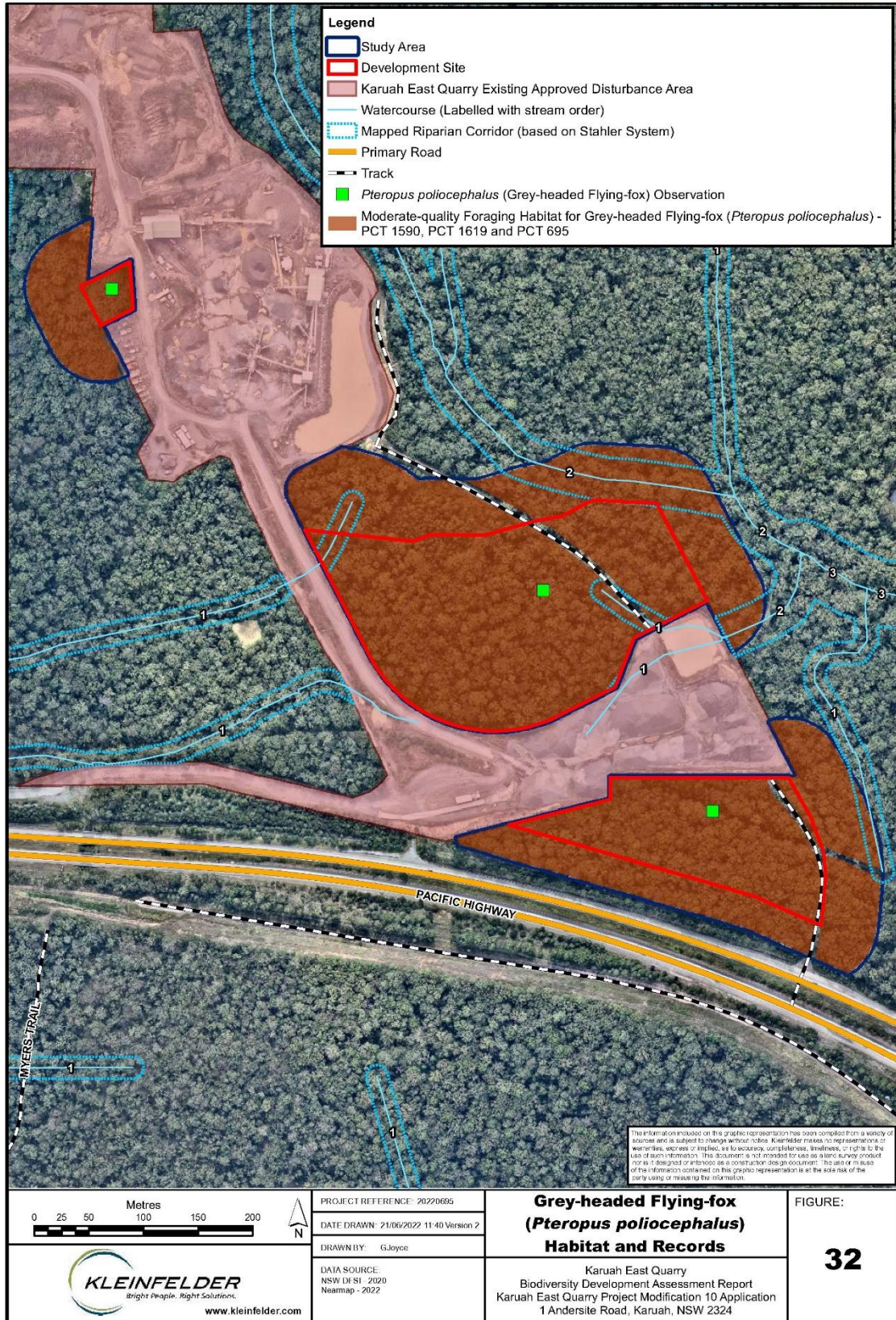




2) Attachment B – Threatened species habitat areas

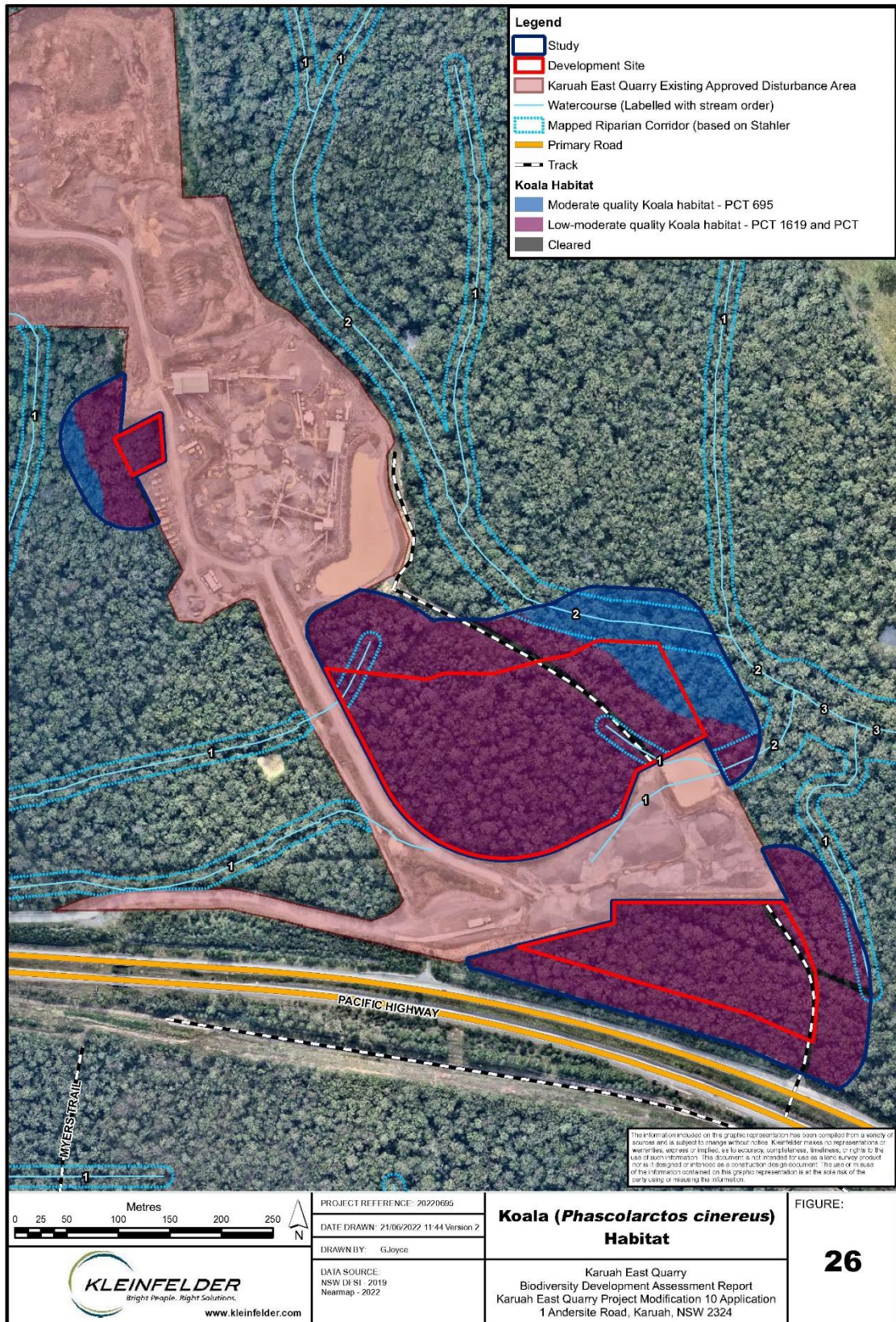






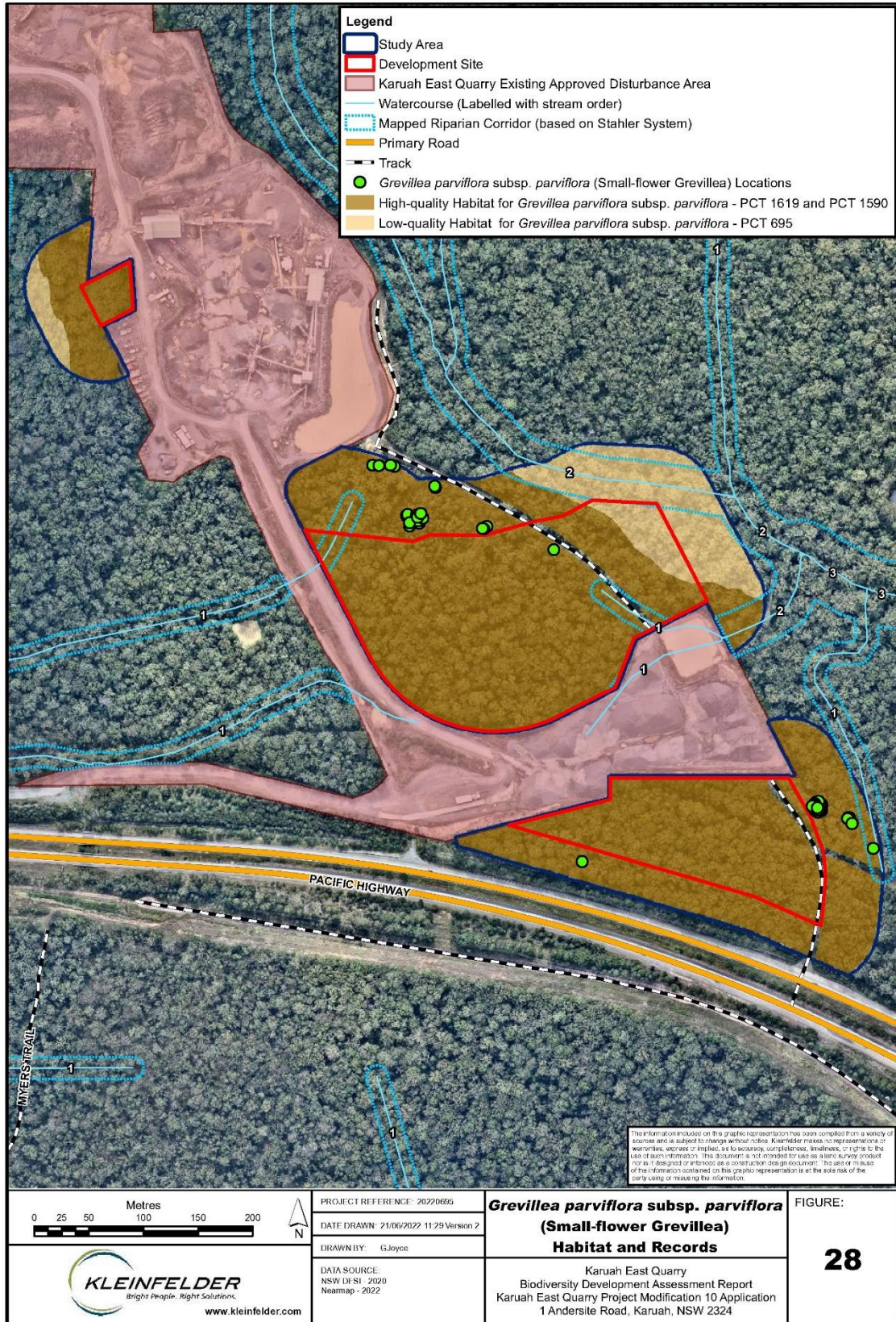
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