



Australian Government
Department of the Environment

Approval

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

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

Person to whom the approval is granted Karuah East Quarry Pty Ltd

Proponent's ACN 141 505 035

Proposed action To develop a hard rock (andesite) quarry and associated infrastructure in the Lower North Coast, Pacific Highway, 3 km north of Karuah, NSW

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

Conditions of approval

This approval is subject to the conditions specified below.

Expiry date of approval

This approval has effect until 30 March 2045.

Decision-maker

name and position Tim Wyndham
Acting Assistant Secretary
South-Eastern Australia Environment Assessments Branch

signature

Date of decision

20.3.15

Conditions attached to the approval

Proposed project area

1. The person taking the action must not impact on any **Black-eyed Susan** or **Trailing Woodruff** outside the **project area** identified at **Appendix A**.
2. The person taking the action must not impact on any habitat for the **Koala** outside the **project area** identified at **Appendix B**.

Mitigation

3. Prior to the **commencement of construction**, the person taking the action must install fencing around the perimeter of the **project area** and identify signed **no-go areas**. Fencing and **no-go areas** must be maintained for the life of the action.
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**.
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.
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

7. The person taking the action must comply with the offset conditions set out in the **NSW Project Approval**.
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**. In the case that offsets for the **Trailing Woodruff** or habitat for the **Koala** consistent with those set out in the **Karuah East Quarry EPBC Act Assessment Report** cannot be secured, alternative offset sites must be secured, consistent with the **EPBC Act Offsets Policy**.

9. Prior to the **commencement of construction**, the person taking the action must provide the **Minister** with a Biodiversity Area Offset Management Plan for approval. The Biodiversity Area Offset Management Plan must be consistent with the **NSW Project Approval** and include:
- a) **survey information** identifying the number of **Trailing Woodruff** present across all proposed offset sites; and
 - b) details on the management and monitoring of the **Trailing Woodruff**, and corrective actions and **contingency plans** to be implemented where the re-establishment of the **Trailing Woodruff** fails to meet targets specified in the **Karuah East Quarry EPBC Act Assessment Report**.

The approved Biodiversity Area Offset Management Plan must be implemented.

Administrative

10. Within 30 days after the **commencement of construction**, the person taking the action must advise the **Department** in writing of the actual date of **commencement of construction**.
11. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan, and make it available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
12. Within three months of every 12 month anniversary of the **commencement of construction**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months, including implementation of any management plan, as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The compliance reports must remain on the website for 12 months from the date of publishing. Potential or actual contraventions of the conditions of the approval must be reported to the **Department** in writing within 2 business days of the person taking the action becoming aware of the potential or actual contravention. All contraventions must also be included in the compliance reports.
13. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
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 **Minister's** written approval a revised version of that management plan. The varied activity shall not commence until the **Minister** has approved the varied management plan in writing. If the **Minister** approves the revised management plan, that management plan must be implemented in place of the management plan originally.

15. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the **Minister** 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 **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the **Minister** 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.
16. If, at any time after 5 years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not **substantially commence** the action without the written agreement of the **Minister**.
17. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved. The person taking the action must notify the **Department** within 5 business days of publishing the management plan on their website and the management plan must remain on the website for the period this approval has effect.

Definitions:

Black-eyed Susan is the EPBC listed threatened species *Tetralthea juncea*.

Commencement of construction 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.

Contingency plans include compensatory measures such as additional direct offsets which would be required to meet the EPBC Act Offsets Policy.

Department means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act Offsets Policy means the Australian Government policy document titled: *EPBC Act environmental offsets policy Department of the Environment, 2013 Policy guiding the use of offsets under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

Karuah East Quarry EPBC Act Assessment Report means the report prepared by Eco Logical Australia, October 2014.

Koala is the EPBC listed threatened species *Phascolarctos cinereus*.

Minister means the Australian Government Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

No-go areas means areas adjacent to the **project area** containing habitat for EPBC listed threatened species, to be excluded from construction, vehicles, personnel and equipment.

NSW Project Approval means Project Approval number 09_0175, granted under section 75J of the *Environmental Planning and Assessment Act 1979* by the Minister for Planning to Karuah East Quarry Pty Ltd and dated 17 June 2014.

Project area means the Karuah East Hard Rock Quarry identified by the red line at Appendix A and Appendix B.

Salvage and translocation means the relocation of animals or plants from an area adversely affected by development to an area reserved or protected from ongoing impacts.

Substantially commence/d means the installation of any permanent infrastructure associated with the action excluding signage and fences.

Suitably qualified ecologist means an ecologist with relevant tertiary qualifications and at least 2 years of experience in koala surveying and salvage and translocation.

Survey information is data gathered by a **suitably qualified ecologist**.

Trailing Woodruff is the EPBC listed threatened species *Asperula asthenes*.

Wildlife expert means a practicing expert (such as a veterinarian) with qualifications in caring for injured wildlife and access to adequate equipment to provide appropriate care.

Appendix A – locations of the Black-eyed Susan and Trailing Woodruff in the **project area** and surrounding properties.

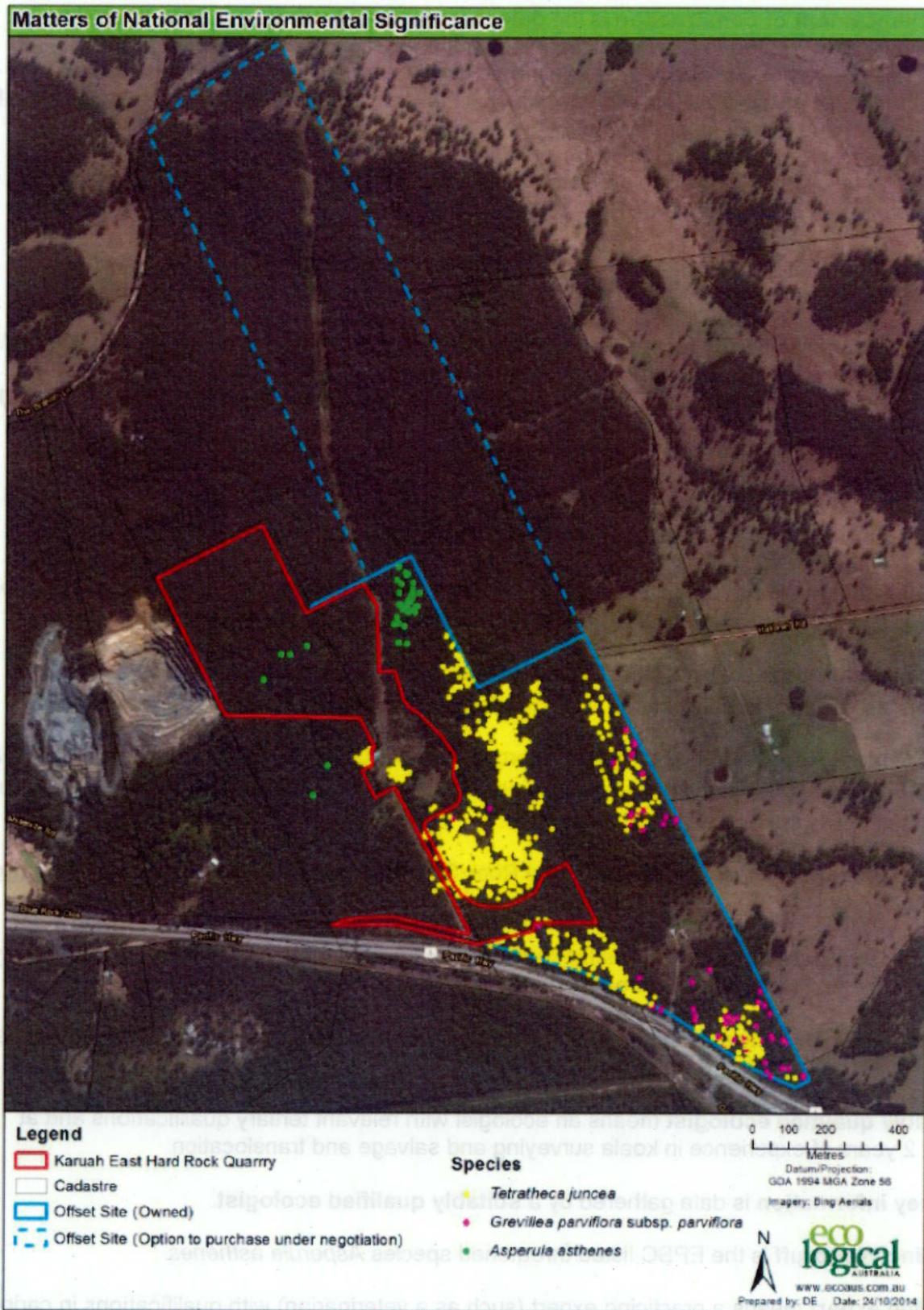


Figure 11 Threatened species recorded within the offset site

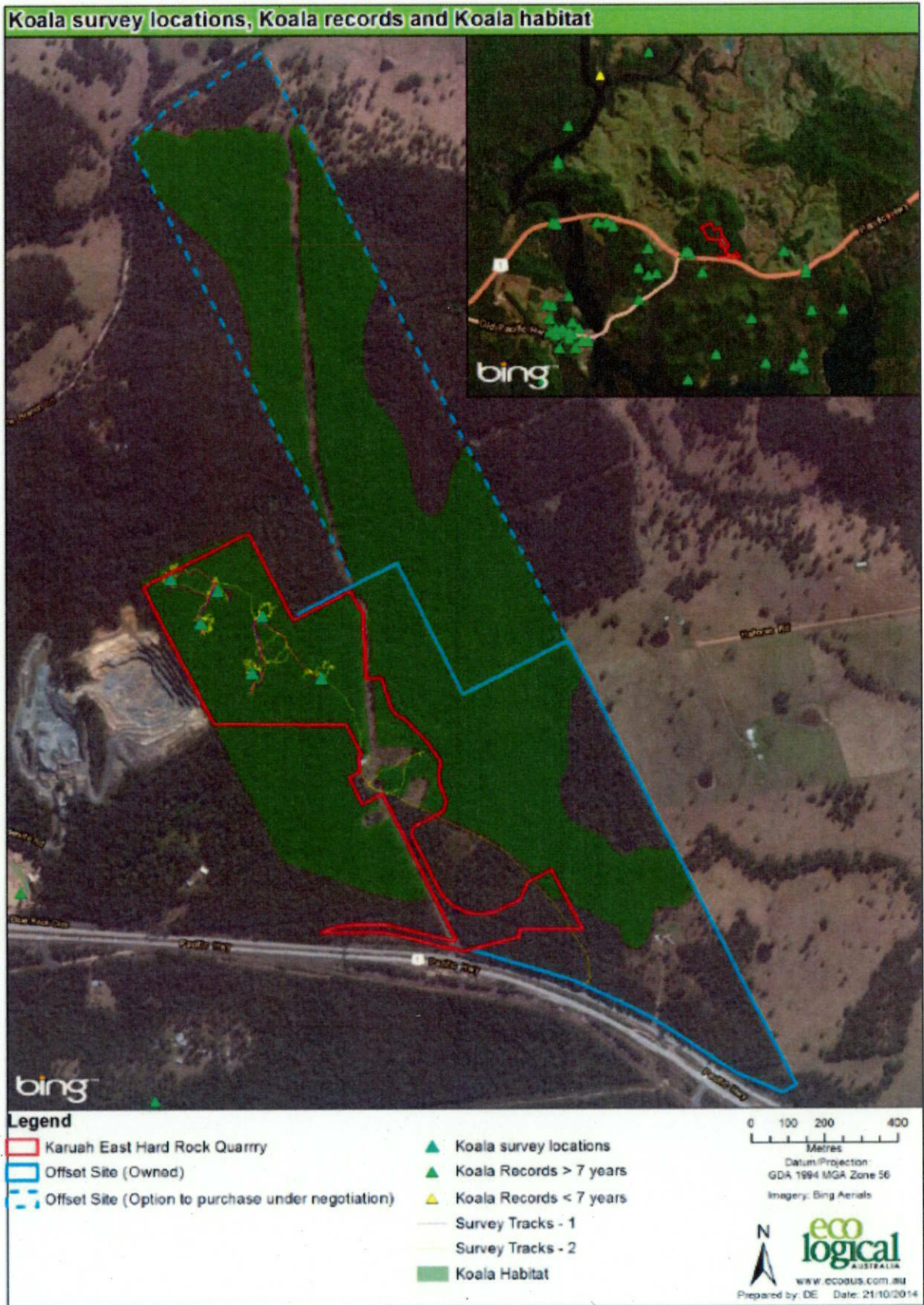


Figure 9 Koala habitat within both the quarry impact area and the adjacent offset areas

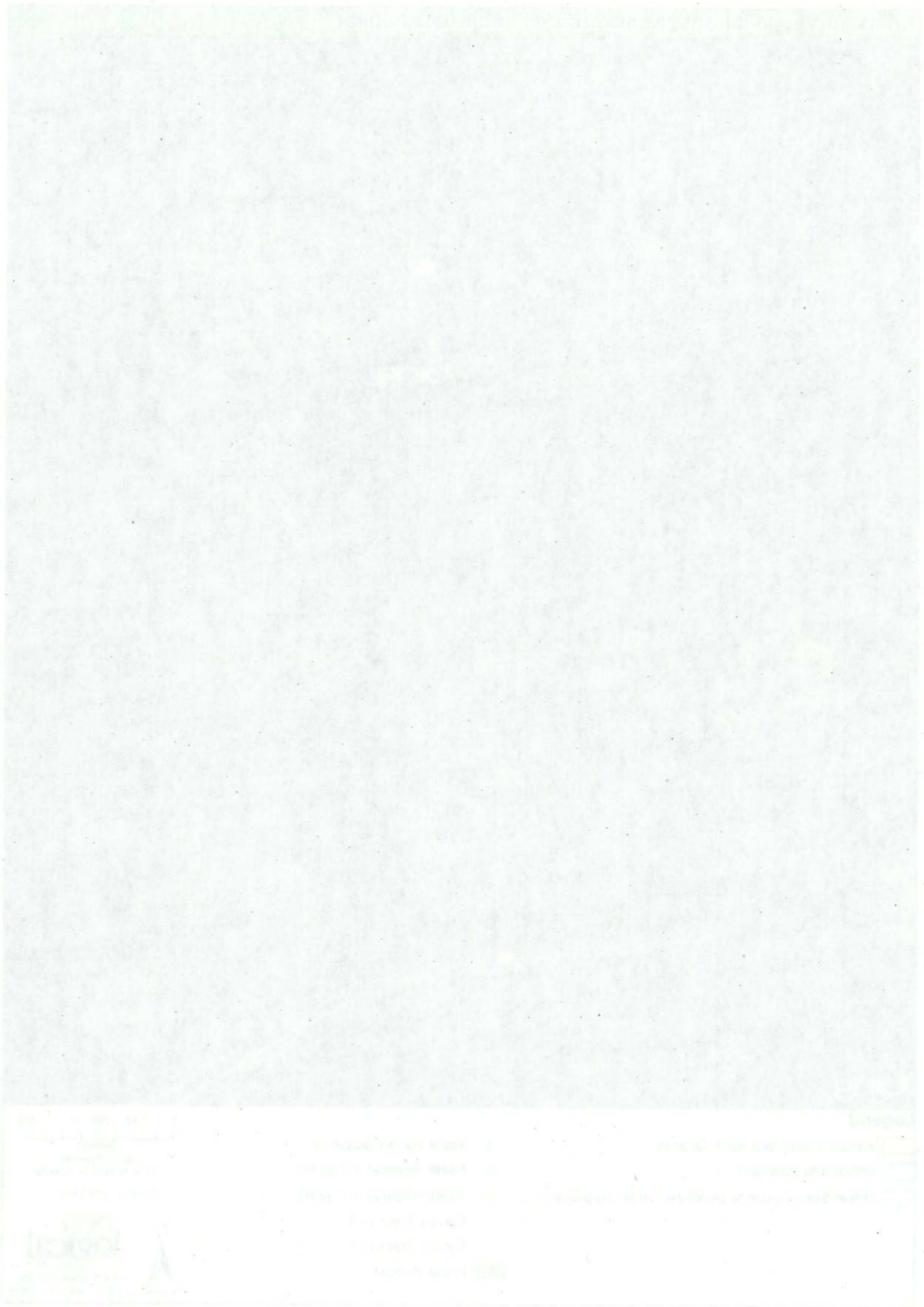


Figure 2 Home Inspection Area and Surrounding Regions

7