



**APPROVAL**

**Hartley (Austen) Quarry Stage Two, Hartley, NSW (EPBC 2013/6967)**

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** Hy-Tec Industries Pty Ltd

**proponent's ACN** 070 100 702

**proposed action** Extension of rhyolite extraction area and overburden emplacement and continuation of processing operations at the Austen Quarry (referred to as the Stage 2 Extension) located adjacent to the Coxs River approx 3.5 km south-southwest of the village of Hartley and 10 km south of Lithgow, NSW (see EPBC Act 2013/6967).

**Approval decision**

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

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 30 June 2050.

**Decision-maker**

**name and position** Dr Simon Banks  
Assistant Secretary  
Assessments (NSW and ACT) and Fuel Branch

**signature**

**date of decision**

19 October 2015

**Conditions of approval:**

1. The **approval holder** must not remove more than 721 individuals of **Silver-leaved Mountain Gum** within the Austen Quarry Boundary depicted at Schedule 1.
2. To mitigate the impacts of the action on the **Silver-leaved Mountain Gum**, the **approval holder** must prepare and submit at least three (3) months prior to the **commencement** of the action, a mine site **Silver-leaved Mountain Gum** Management Plan (SLMGMP) for the **Minister's** approval. The SLMGMP must contain:
  - a. Baseline data on the local **Silver-leaved Mountain Gum** population within the Austen Quarry Boundary, **Disturbance area** and **Offset Area**;
  - b. Measures to mitigate and manage impacts on the **Silver-leaved Mountain Gum** in the **Disturbance area** and **Offset area** that:
    - a. are for the life of the approval;
    - b. are complementary with the offsetting objectives and targets within the **Biodiversity Offset Management Plan** and other rehabilitation and offsetting activities within and adjacent to the Austen Quarry Boundary;
    - c. is in accordance with the approved **Conservation Advice**.

The SLMGMP should discuss, as a minimum, measures to avoid or manage impacts to **Silver-leaved Mountain Gum** relating to habitat loss, edge effects, disease prevention, feral pests, weed incursion, fire ecology and grazing; and actions promoting regeneration.

- c. A program to monitor **Silver-leaved Mountain Gum** distribution and population size in the **Offset Area**;
- d. Details of remedial actions where objectives and targets are not being achieved; and
- e. Details of who will be responsible for monitoring, reviewing and implementing the SLMGMP.

The **approval holder** must not **commence** the action until the SLMGMP is approved by the **Minister** in writing. The approved SLMGMP must be implemented.

3. To compensate for the loss of 721 individuals of **Silver-leaved Mountain Gum**, the **approval holder** must prepare and submit at least three (3) months prior to the **commencement** of the action, a **Biodiversity Offset Management Plan (BOMP)** for the proposed **Offset Area**, for the **Minister's** approval. The BOMP must be prepared by a **suitably qualified person** and:
  - a. Identify the land described as the **Offset Area** at Schedule 2 of this notice that is necessary to achieve the outcomes required by the **Environmental Offsets Policy 2012**. This must include **offset attributes, shapefiles**, textual descriptions and maps to clearly define the location and boundaries of the **Offset Area**.
  - b. Provide a survey and description of the current condition (prior to any management activities) of the **Offset Area** identified in Condition 3a.

- c. Detail management actions and regeneration and revegetation strategies to be undertaken on the **Offset Area** to increase the population of **Silver-leaved Mountain Gum** in this area, including:
  - i. a description and timeframe of measures that would be implemented to improve the condition of the ecological communities on the site;
  - ii. performance and completion criteria for evaluating the management of the Offset Area, and criteria for triggering remedial action;
  - iii. a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
  - iv. a description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise; and
  - v. details of who would be responsible for monitoring, reviewing, and implementing the plan.

The **approval holder** must not **commence** the action until the BOMP is approved by the **Minister** in writing. The approved BOMP must be implemented.

4. To compensate for the loss of 721 individuals of **Silver-leaved Mountain Gum**, and ensure the ongoing conservation of a viable population of **Silver-leaved Mountain Gum** in the **Offset Area**, within 18 months of the date of this approval, the **approval holder** must secure the land(s) identified as the **Offset Area** as a biodiversity offset by a legal instrument under relevant nature conservation legislation on the title of the land. This instrument must:
  - a. provide enduring protection for the land that will survive transfer of ownership;
  - b. prevent any future development activities, including mining and mineral extraction;
  - c. ensure the active management of the land to achieve the outcomes identified; and
  - d. be provided to the **Department** within three (3) months of it being issued, as evidence of compliance with this condition.
5. Within 30 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement** of the action.
6. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the BOMP and SLMGMP, and make them 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.
7. Within 3 months of every 12 month anniversary of the **commencement** of the action, the **approval holder** must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of the BOMP and SLMGMP 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.

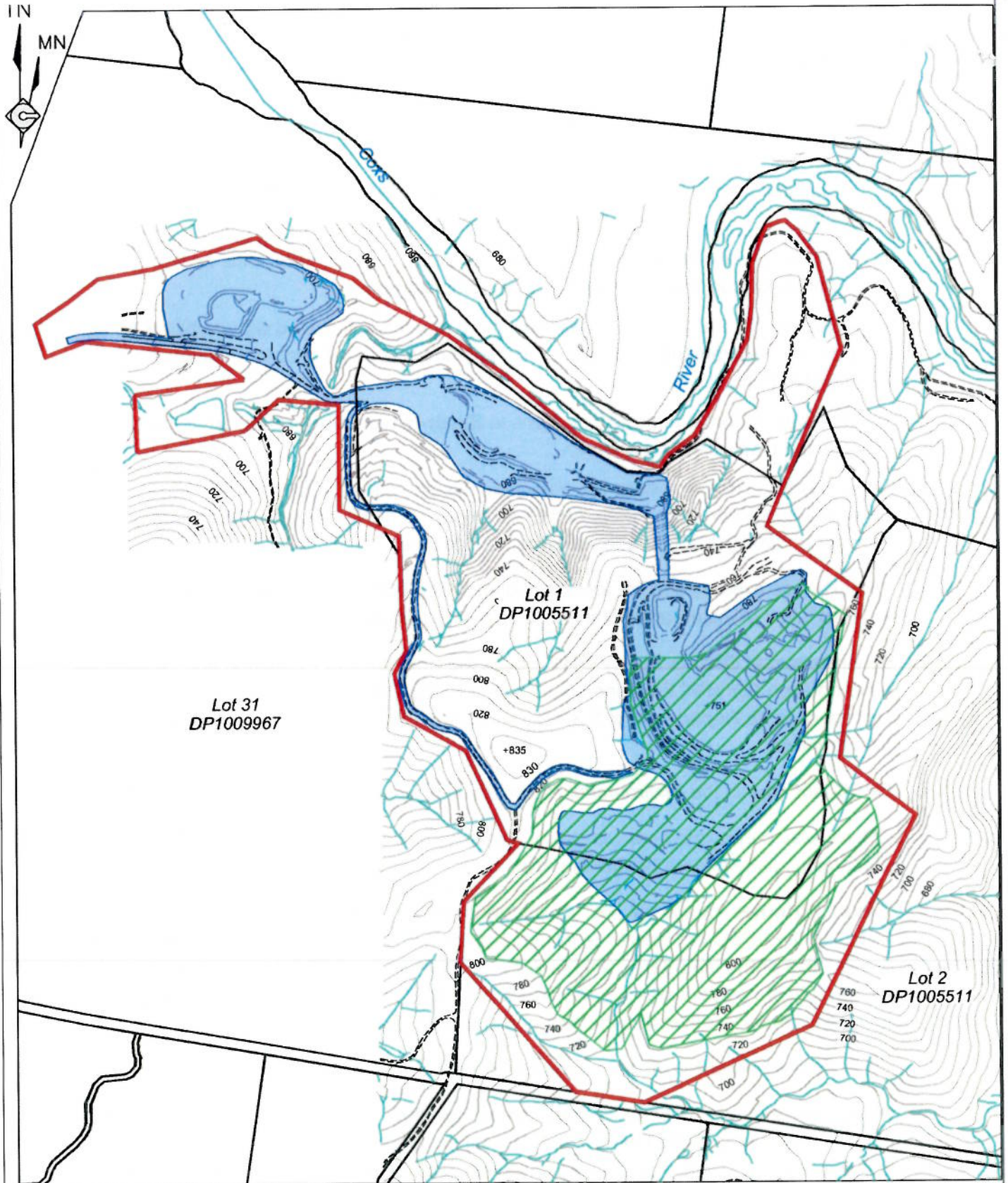
8. Non-compliance with any of the conditions of this approval must be reported to the **Department** within two (2) business days of becoming aware of the non-compliance.
9. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The audit must not commence until the independent auditor and audit criteria have been approved by the **Minister**. The audit report must address the approved criteria to the satisfaction of the **Minister**.
10. If the **approval holder** wishes to carry out any activity otherwise than in accordance with the Plans as specified in the conditions, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of that Plan. The **approval holder** must not commence the varied activity until the **Minister** has approved the varied Plan in writing. The **Minister** will not approve a varied plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised Plan, that Plan must be implemented in place of the Plan previously approved.
11. 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 **approval holder** make specified revisions to the Plan specified in the conditions and submit the revised Plan for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved Plan must be implemented. Unless the **Minister** has approved the revised Plan then the **approval holder** must continue to implement the Plan previously approved.
12. If, at any time after five (5) years from the date of this approval, the **approval holder** has not **substantially commenced** the action, then the **approval holder** must not **substantially commence** the action without the written agreement of the **Minister**.
13. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish, and maintain for the life of the approval, all management plans referred to in these conditions of approval on its website. Each management plan must be published on the website within one (1) month of being approved.

### **Definitions**

- a) **Approval Holder** means the person to whom the approval is granted or any person acting on their behalf, or to whom the approval is transferred under section 145B of the EPBC Act.
- b) **Biodiversity Offset Management Plan** means a biodiversity offset management plan as required by condition three of this approval.
- c) **Department** means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.
- d) **Minister** means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.
- e) **Commence/ment** means the earthworks, vegetation removal or construction of any infrastructure associated with the proposed action. Commencement does not include the

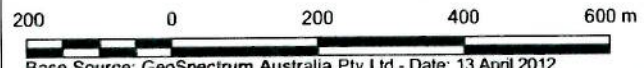
following activities to the extent that they will have no adverse impact on matters of national environmental significance:

- installation and maintenance of fences and signage to protect **Silver-leaved Mountain Gum**;
  - minor physical disturbance necessary to undertake pre-clearance surveys or establish monitoring programs or geotechnical investigations;
  - activities that are critical to commencement that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of development
  - undertaking threat abatement actions to **Silver-leaved Mountain Gum** in accordance with the **Conservation advice**.
- f) **Conservation Advice** means the 'Approved Conservation Advice for *Eucalyptus pulverulenta* (Silver-leaved Mountain Gum) approved by the **Minister** / Delegate of the Minister on 3/07/2008' (as amended from time to time)
- g) **Disturbance area** means the area, including a 10m buffer (area of indirect impact), labelled 'Limit of disturbance Stage 2' shown at Schedule 2
- h) **Environmental Offsets Policy 2012** means the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy October 2012 published by the then Commonwealth Department of Sustainability Environment Water Population and Communities.
- i) **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999*.
- j) **Offset Area** means the area within the 'Proposed biodiversity offset boundary' and the '*Eucalyptus pulverulenta* Replanting Area' area 2 shown at Schedule 2.
- k) **Offset attributes** means an '.xls' file capturing relevant attributes of the **Offset Area**, including the EPBC Act reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC Act protected matters that the offset compensates for, any additional EPBC Act protected matters that are benefiting from the offset and the size of the offset in hectares.
- l) **Silver-leaved Mountain Gum** means *Eucalyptus pulverulenta*.
- m) **Shapefiles** means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the **Offset Area**, including the shape, EPBC Act reference ID number and EPBC Act protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
- n) **Suitably qualified person** means an individual or individuals holding relevant tertiary qualifications and a minimum of eight (8) years of direct or related experience in the conduct of the required service and against whom there are no allegations or findings of professional, civil or criminal misconduct or malpractice.
- o) **Substantially commenced** means the commencement of earthworks and vegetation removal and/or construction of any infrastructure.



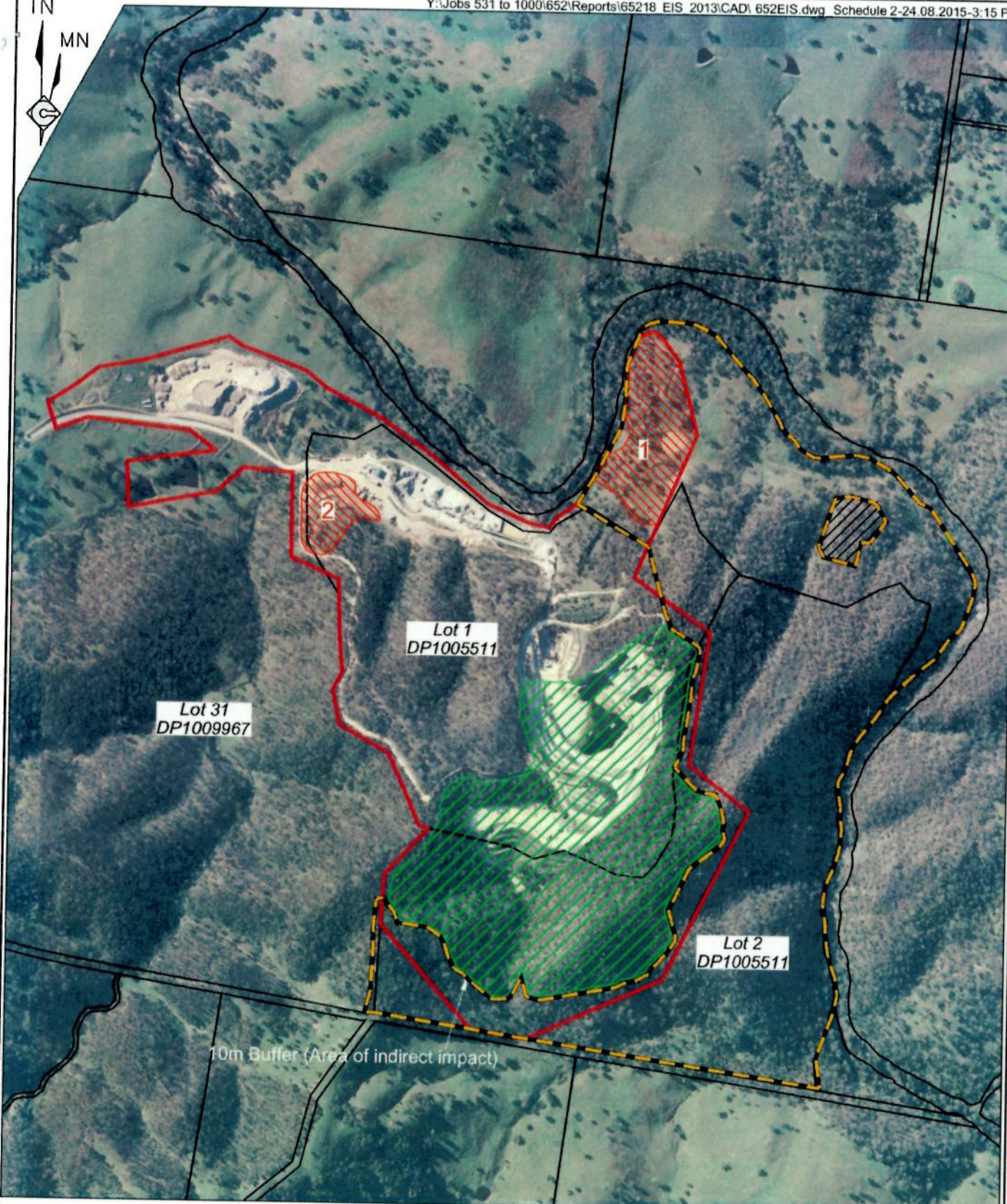
- REFERENCE
- Austen Quarry Boundary
  - Cadastral Boundary
  - Limit of Disturbance Stage 1
  - Limit of Disturbance Stage 2
  - 820 Existing Contour (m AHD)(Interval = 10m)
  - +835 Spot Height (m AHD)
  - Watercourse / Drainage Line
  - Unsealed Road / Track

SCALE 1:12 000 (A4)









Base Source: GeoSpectrum Australia Pty Ltd - Date: 13 April 2012

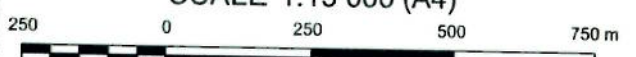
Schedule 1  
**DEVELOPMENT FOOTPRINT**  
**AUSTEN QUARRY EPBC 2013/6967**



REFERENCE

-  Austen Quarry Boundary
-  Cadastral Boundary
-  Limit of Disturbance Stage 2
-  Proposed Biodiversity Offset Boundary
-  Existing Easement for Conservation Maintenance Work (Excluded from Offset)
-  *Eucalyptus pulverulenta* Replanting Area

SCALE 1:15 000 (A4)



Base Photograph Source: GeoSpectrum Australia Pty Ltd - Date: 13 April 2012

Schedule 2  
OFFSET AREA AUSTEN QUARRY  
EPBC 2013/6967

