



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of approval decision

Deep Creek Quarry, The Bucketts Way Road, Limeburner's Creek, NSW (EPBC 2020/8823)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also 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

person to whom the approval is granted (approval holder)	Ironstone Developments Pty Ltd. ACN: 097 575 669
Action	To develop a hard rock quarry and construct associated ancillary infrastructure near Karuah, NSW. [See EPBC Act referral 2020/8823].

Approval decision

decision	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.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
period for which the approval has effect	This approval has effect until 1 July 2060.	
conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

name and position	Jennifer Pearson A/g Branch Head Environment Assessments NSW and ACT
signature	
date of decision	7 November 2024

Annexure A

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

Part A – Avoidance, mitigation, and compensation conditions

CONSTRUCTION AND CLEARING LIMITS

- 1) To avoid and mitigate **harm** to **protected matters**, the approval holder must not:
 - a) **clear** outside of the **Action area**
 - b) **construct** outside of the **Action area**.

IMPLEMENTATION OF NSW APPROVAL CONDITIONS

Compensatory Habitat Provisions

- 2) In taking the action, to avoid and mitigate **harm** to **protected matters**, the approval holder must implement and comply with condition B45 of the **NSW Approval**, to the extent that it relates to **protected matters**.

ACTION MANAGEMENT PLANS

Biodiversity Management Plan

- 3) To avoid and mitigate **harm** as a result of the Action on **protected matters**, from the **commencement of the Action** until the expiry date of this approval, the approval holder must implement conditions B48 to B50 inclusive of the **NSW Approval**, to the extent that they relate to **protected matters**.

Black-Eyed Susan Plan of Management

- 4) The approval holder must submit the Black-eyed Susan (BES) Plan of Management required under condition B48(d)(i) of the **NSW approval** to the **department** for the **Minister's** approval. The BES Plan of Management must be prepared in accordance with the **Environmental Management Plan Guidelines** and the requirements of condition B48 of the **NSW approval**, and must include the following:
 - a) an updated map of the **Black-eyed Susan habitat** areas and **area of occupancy** within the **BES monitoring area** and within the **Biodiversity Stewardship Site (BSS)**,
 - b) the manner in which impacts to known populations of **Black-eyed Susan** within the **BES Monitoring Area** are to be avoided, mitigated or repaired and the timing of those measures,
 - c) details of the priority recovery and threat abatement actions recommended in the **Conservation Advice for *Tetratheca juncea*** to be implemented within the **BES Monitoring Area** to support the recovery of Black-eyed Susan, and

- d) a monitoring program for the **Black-eyed Susan** population within the **BES Monitoring Area**, capable of detecting changes in the health and extent of the **Black-eyed Susan** population within that area. The monitoring program must include:
 - i) performance indicators,
 - ii) trigger values for corrective measures,
 - iii) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators,
 - iv) proposed corrective measures if trigger values are reached.
 - e) reporting and review mechanisms to demonstrate compliance with the commitments made in the plan.
- 5) By implementing the BES Plan of Management, the approval holder must achieve the following outcomes:
- a) Key threats to established and retained populations of **Black-eyed Susan** within the **BES Monitoring Area** are identified and managed.
 - b) The introduction and / or spread of **Black-eyed Susan dieback** within and surrounding the **Action area** is prevented through the successful implementation of hygiene protocols for the duration of this approval.
 - c) Invasive weed species that may threaten **Black-eyed Susan** populations within the **BES Monitoring Area** are successfully and appropriately controlled.
 - d) Established populations of **Black-eyed Susan** are free of **disturbance** and evidence of **dieback** and the **area of occupancy** within the mapped habitat area (as per condition 4a)) is stable or increasing for the duration of this approval.
- 6) The approval holder must not **commence the Action** unless the **Minister** has approved the BES Plan of Management in writing. The approval holder must implement the BES Plan of Management approved by the **Minister** in writing from the **commencement of the Action** until the expiry date of this approval.

BSA Management Plan

- 7) The approval holder must prepare and implement a **BSA Management Plan** for the **BSS**. The **BSA Management Plan** must include monitoring and management actions for **Black-eyed Susan** and **New Holland Mouse**.

OFFSETS

- 8) To compensate for the residual significant impacts of the Action on **protected matters**, the approval holder must, prior to undertaking **clearing** in the **Action area**, **retire** the numbers and types of **biodiversity credits** as specified in condition B44 of the **NSW approval** to the extent that they relate to **protected matters**.

- 9) To compensate for the residual significant impacts of the Action on **protected matters**, the approval holder must implement conditions B44, B46 and B47 of the **NSW approval** to the extent that they relate to **protected matters**.
- 10) Within 10 **business days** of **retiring biodiversity credits** in accordance with condition B44 of the **NSW approval** the approval holder must submit written evidence to the **department** of the **biodiversity credits** that have been **retired**.

OTHER CONSERVATION MEASURES

New Holland Mouse Translocation Plan

- 11) If translocation of **New Holland Mouse** is determined to be feasible through a preliminary trapping program, prior to **clearing** or **construction** within **New Holland Mouse habitat**, the approval holder must submit a New Holland Mouse (NHM) Translocation Plan to the **department** for the **Minister's** approval.
- 12) The NHM Translocation Plan must be prepared and implemented by research officers from the Australian National University's (ANU) Coexistence Conservation Lab (CCL), or other **suitably qualified persons** as agreed by the **Minister**.
- 13) The NHM Translocation Plan must include a summary of relevant background or baseline data for the Deep Creek Quarry site and details of:
 - a) The aim of the translocation, being to capture the genetics of the Deep Creek Quarry population through translocations of individuals into the ANU Pookila (New Holland Mouse) program, or another captive breeding colony or translocation area as agreed by the **Minister**.
 - b) The methodology used to estimate the size of the **New Holland Mouse** population within the **action area**.
 - c) Target number of individuals proposed for capture as a 'representative sample' of the **New Holland Mouse** population within the **Action area**.
 - d) Translocation objectives, relevant limits, contingency plans, procedures and performance measures and criteria for the project, including metapopulation management for the **New Holland Mouse** at the translocation site.
 - e) Relevant statutory requirements (including any relevant approval, licence, or lease conditions).
 - f) A description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria.
 - g) A revised map demonstrating up to date survey results of the current extent of **New Holland Mouse** occurrence within and immediately surrounding the **Action area**.

- 14) If translocation of **New Holland Mouse** is determined to be feasible, the approval holder must not commence any **clearing** or **construction** within, or otherwise **disturb** any **New Holland Mouse habitat**, unless the NHM Translocation Plan has been approved by the **Minister**.
- 15) The approval holder must not commence translocation of **New Holland Mouse** unless the NHM Translocation Plan is approved by the **Minister**.
- 16) Prior to commencement of any translocation, the approval holder must submit to the **department** copies of all licences and permits necessary to enable the translocation and ongoing captivity of the **New Holland Mouse**.

Part B – Administrative conditions

REVISION OF ACTION MANAGEMENT PLANS

- 17) The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister**, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. The BES Plan of Management required under conditions 4-6 is an action management plan for the purposes of this condition. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
- 18) The approval holder may choose to revise an action management plan approved by the **Minister** under condition 4 or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
- 19) If the approval holder makes the choice under condition 18 to revise an action management plan without submitting it for approval, the approval holder must:
 - a) Notify the **department** electronically that the approved action management plan has been revised and provide the **department** with:
 - i) An electronic copy of the RAMP.
 - ii) An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP.
 - iii) An explanation of the differences between the approved action management plan and the RAMP.
 - iv) The reasons the approval holder considers that taking the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
 - v) Written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **department**.

- b) Subject to condition 21, implement the RAMP from the RAMP implementation date.
- 20) The approval holder may revoke its choice to implement a RAMP under condition 18 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 18, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 18.
- 21) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
 - a) Condition 18 does not apply, or ceases to apply, in relation to the RAMP.
 - b) The approval holder must implement the action management plan specified by the **Minister** in the notice.
- 22) At the time of giving the notice under condition 21 the **Minister** may also notify that for a specified period of time, condition 18 does not apply for one or more specified action management plans.

Note: Conditions 18-22 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

SUBMISSION AND PUBLICATION OF PLANS

- 23) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 24) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
 - a) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**, or
 - b) the **plan** is approved by the **NSW state Planning Secretary** as required under **NSW Approval** conditions which must be complied with in accordance with these **EPBC Act** conditions.
- 25) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 26) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

MODIFICATIONS TO STATE OR TERRITORY APPROVAL

- 27) The approval holder must notify the **department** in writing of any proposed change to the **NSW approval** that may relate to **protected matters** within 2 **business days** of formally proposing such a change and within 5 **business days** of becoming aware of any proposed change.
- 28) The approval holder must notify the **department** in writing of any change to the **NSW approval** conditions that may relate to **protected matters**, within 5 **business days** of such a change to conditions coming into effect. Such notification must include a copy of the changed **NSW approval** conditions showing what changes have been made.

COMMENCEMENT OF THE ACTION

- 29) 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**.
- 30) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.
- 31) The approval holder must notify the **department** electronically of the date when **clearing or construction** commences within the **new intersection area** within 5 **business** following when **clearing or construction** commences within the **new intersection area**.

COMPLIANCE RECORDS

- 32) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 33) 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.

- 34) The approval holder must ensure that any **monitoring 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.
- 35) The approval holder must ensure that any **monitoring 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.
- 36) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of each anniversary of the date of this approval decision unless otherwise specified in the Biodiversity Management Plan mentioned in condition B48 of the **NSW Approval** and condition 4 of this approval.

ANNUAL COMPLIANCE REPORTING

- 37) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 38) 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,
 - ii) each condition imposed under NSW approval, if a condition attached to this approval decision requires compliance with that NSW approval condition, and
 - iii) 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**.
- 39) The approval holder must ensure each **compliance report** is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 40) 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.
- 41) 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.
- 42) 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**.

- 43) 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

- 44) 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**.
- 45) 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

- 46) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 47) 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**.
- 48) 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**.
- 49) 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**

- 50) 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.
- 51) 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**.
- 52) 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.
- 53) 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**.
- 54) 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

- 55) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** 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**.
- 56) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Action area means the location of the Action, represented in Figure 1 of Attachment A by the orange zone enclosed by the solid black line designated ‘action area’ in the legend.

Annual Compliance Report period or **ACR period** 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 **Minister**.

Area of occupancy is defined as the area within a taxon’s **Extent of Occurrence** which is occupied by the taxon, as shown on Attachment A-Figure 2 and Figure 3.

Audit period means each subsequent three-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 an **independent audit**.

Biodiversity credits means biodiversity credits, the unit of measure for offsets in accordance with the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016 (NSW)*.

Biodiversity data means 'biodiversity data' as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Biodiversity Stewardship Agreement means a legal agreement between the owner of the land and the Minister responsible for the *Biodiversity Conservation Act 2016 (NSW)*. The agreement establishes the **Biodiversity Stewardship Site** and creates **biodiversity credits**.

Biodiversity Stewardship Site or **BSS** means the Biodiversity Stewardship Site represented in Figure 1 of Attachment A by the red shaded area enclosed by the dashed red line designated 'Land for inclusion within the Biodiversity Stewardship Site (BSS)' in the legend.

Black-eyed Susan means the threatened flora species Black-eyed Susan (*Tetratheca juncea*), listed as vulnerable under the EPBC Act.

Black-eyed Susan habitat means any area of habitat which supports the **Black-eyed Susan**. The location of **Black-eyed Susan habitat** identified within the **Action area** at the time of this approval is represented in Figure 2 of Attachment A by the green hatch area designated 'BES Habitat (within impact area)' in the legend.

BES monitoring area means the area within 200 metres of the **Action area** within the **subject site**, excluding the **Biodiversity Stewardship Site** and represented in Figure 2 of Attachment A by the blue dotted area designated 'BES Monitoring Area' in the legend.

BSA Management Plan means a document detailing the ongoing management obligations and actions to be implemented by the landholder under a **Biodiversity Stewardship Agreement**.

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

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

Commence the Action or **commences the Action** means the first instance of any on-site **clearing**, **construction** or other physical activity associated with the Action, but does not include:

- **Clearing, construction** or other physical activity required for the **new intersection area**,

or minor physical **disturbance** necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- 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**.
- Undertake works required under Condition B45 of the **NSW Approval**.

- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- 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**.

Commencement of the Action means the date on which the approval holder **commences the Action**.

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 the approved Action have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these 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, these conditions (including compliance with commitments made in **plans**).

Conservation Advice for *Tetratheca juncea* means the Approved EPBC Conservation Advice for the listed species **Black-eyed Susan**, dated 1 October 2008.

Construction has the same meaning as "Construction" as defined in the **NSW approval**.

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

Dieback means the destructive plant disease caused by the pathogen *Phytophthora cinnamomi* and other *Phytophthora* species.

Disturb, disturbance or disturbed means to cause any short-term or long-term damage, or harmful change as a result of any activity associated with taking the Action. **Disturbance** includes **clearing**.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

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

Extent of Occurrence means the area contained within the shortest continuous imaginary boundary which can be drawn to encompass all the known sites of present occurrence of **Black-eyed Susan**, excluding cases of vagrancy.

Habitat quality means a measure of the overall viability of a site and its capacity to support **protected matters**, with respect to site condition, site context and species stocking rate and/or composition.

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**,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines**.

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, or firm, is required.

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, including **sensitive biodiversity data**.

New Holland Mouse means the threatened fauna species *Pseudomys novaehollandiae* listed as vulnerable under the **EPBC Act**.

New Holland Mouse habitat means any area of woody vegetation in high to moderate condition which supports the **New Holland Mouse**. The location of **New Holland Mouse habitat** identified within the **Action area** at the time of this approval is represented in Figure 3 of Attachment A by the purple shaded area designated 'New Holland Mouse Habitat (within action area)' in the legend.

New intersection area means the area incorporating the roadway to be upgraded and the associated temporary construction compound represented in Figure 4 of Attachment A by the zone enclosed by the black cross-hatched area designated 'Action Area-New Intersection Area' in the legend.

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.

NSW approval means the Development Consent for application number SSD-11591659 dated 24 January 2024. The **NSW approval** conditions referred to in this notice are the conditions in the Development Consent. At the date of this decision, all **NSW approval** documents for the Deep Creek Quarry project (SSD-11591659) can be accessed at the NSW Major Projects Portal website at [Deep Creek Quarry | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/deep-creek-quarry/planning-portal).

NSW state Planning Secretary means the Planning Secretary as defined in the **NSW Approval**.

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 retirement of **biodiversity credits** in accordance with the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* (NSW), such that the **biodiversity credits** can no longer be bought or sold.

Sensitive biodiversity data means **biodiversity data** which, if released, published, or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

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.

Subject site means the area represented in Figure 1 of Attachment A by the zone enclosed by the yellow line designated 'Subject Site' in the legend.

Suitably qualified ecologist (for the purpose of preparing and implementing action management plans) means a person who has at least 5 years of work experience designing and implementing conservation land management for threatened flora and fauna. **Suitably qualified person** (for the purpose of designing and implementing a translocation program for New Holland Mice) means a person who has relevant professional qualifications and:

- at least 3 years of professional experience in the capture and care of small terrestrial mammals,
- can demonstrate compliance with the Australian code for the care and use of animals for scientific purposes (NHMRC, 2013) in conducting previous and similar projects in south-eastern Australia.
- holds all relevant licences and permits to undertake research on protected matters in accordance with NSW animal welfare legislation
- can give authoritative assessment and advice on **habitat quality** of the habitat of protected matters using relevant protocols, standards, methods and/or literature.

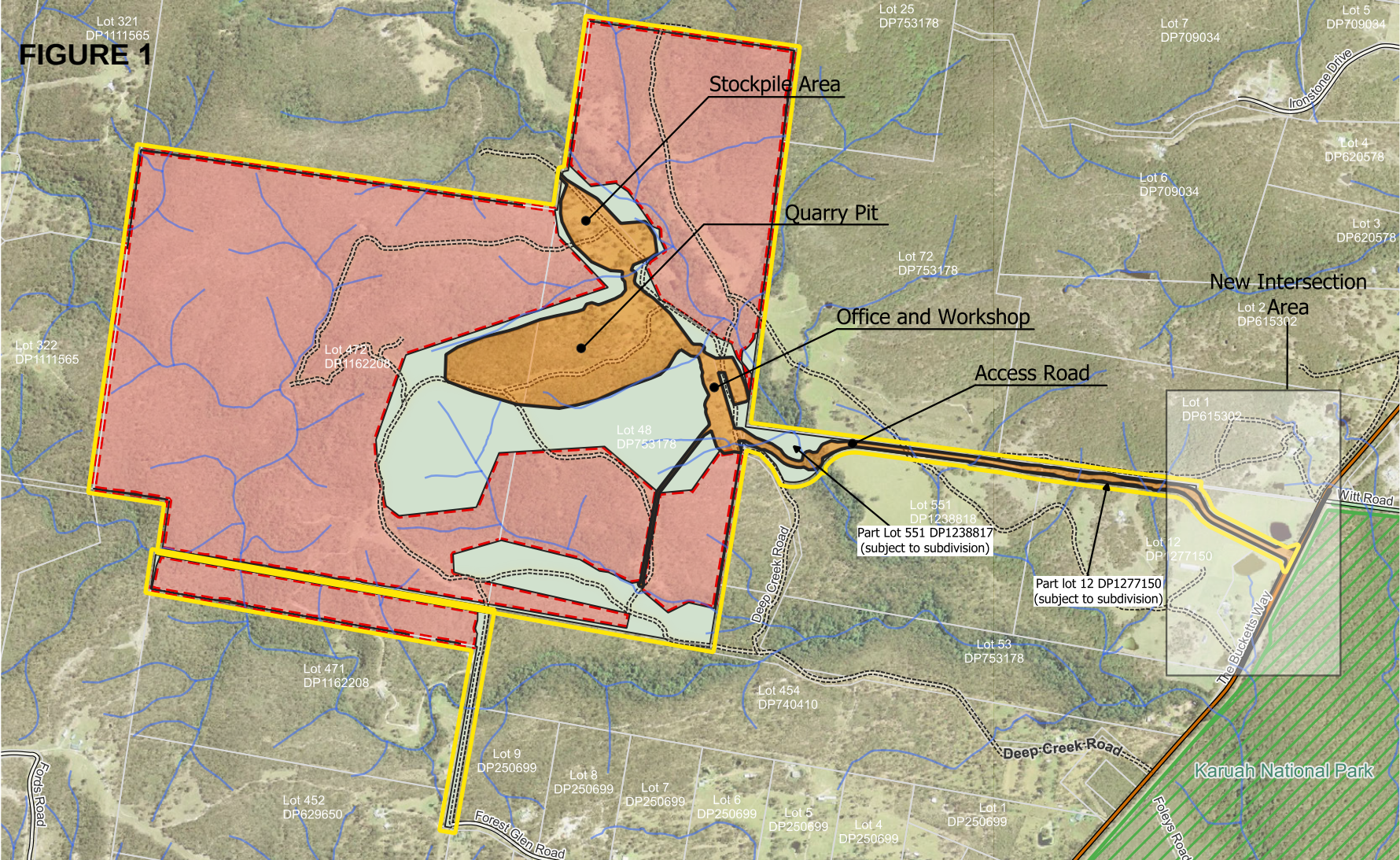
Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Attachments

Attachment A - Figures 1-4

- Figure 1 - Subject Site and Action Area
- Figure 2 – Black-eyed Susan (*Tetralthea juncea*) AoO and Habitat area
- Figure 3 - New Holland Mouse Habitat area
- Figure 4 - New Intersection and associated infrastructure.

FIGURE 1



- Subject Site
- Action Area
- Land for inclusion within the Biodiversity Stewardship Site (BSS)
- Residual Land (within subject site)
- Property Boundary
- Watercourse
- Arterial Road
- Local Road
- Vehicle Tracks
- National Park

Figure 2: Subject Site and Action Area

WEDGETAIL
PROJECT CONSULTING PTY LTD

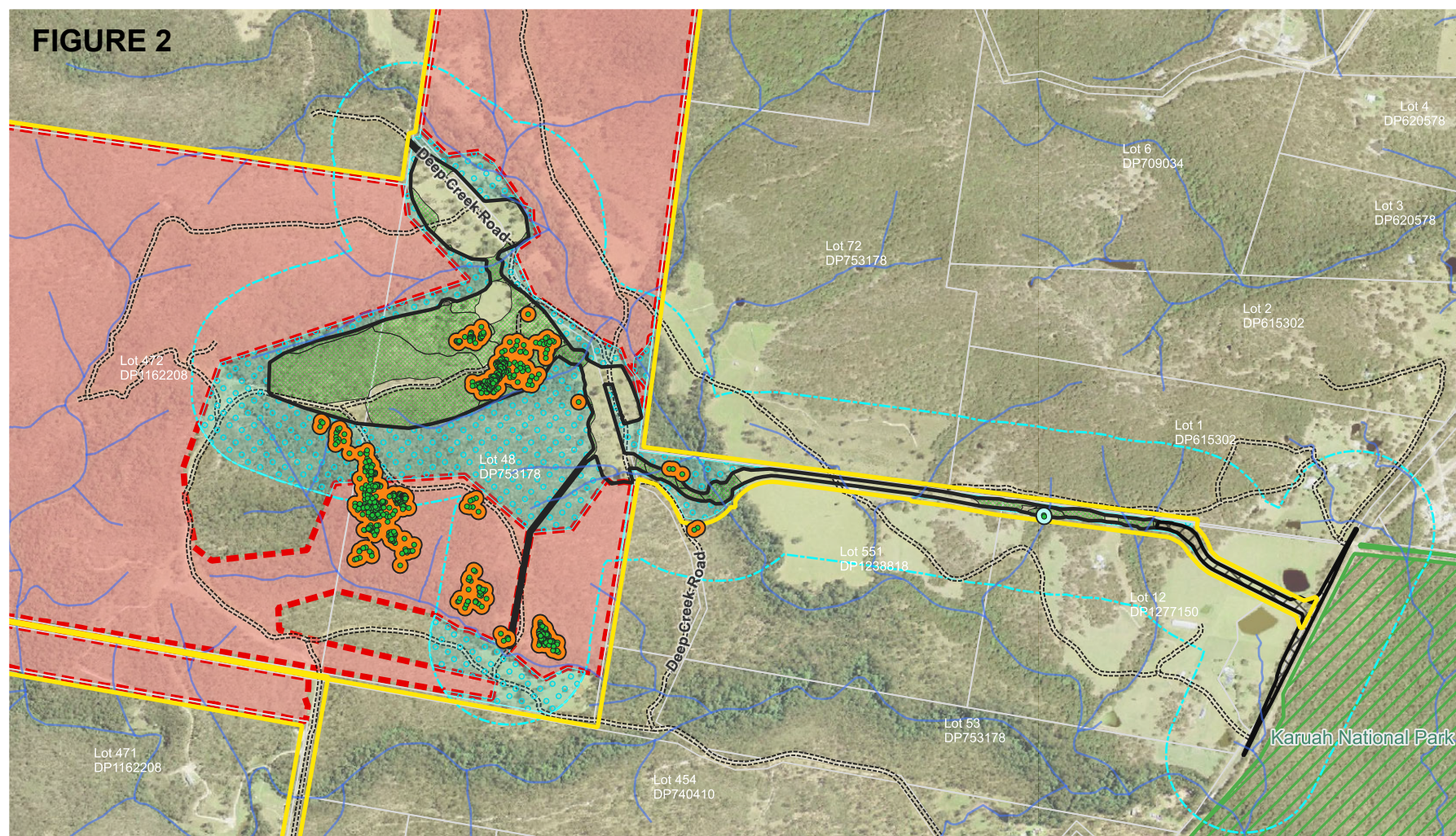
GDA94 / MGA zone 56
EPSG:28356

Map Produced: 16/09/2024
Produced By: Keryn Dowling

100 200 300 400 500 m

Wedgetail Project Consulting\DCQ - Documents\General\Mapping\DCQ_EPBC_Draft_Approval_Requirements_Figures_240902

FIGURE 2



- Subject Site
- Action Area
- 200m Buffer from Action Area
- Action Area - New Intersection Area
- Property Boundary
- Land for inclusion within the Biodiversity Stewardship Site (BSS)

- National Park
- Watercourse
- Vehicle Tracks

Black-eyed Susan (BES)

- BES Observation
- BES - 2019 Area of Occupancy, Sub-population (A) (observation +20m buffer)
- BES - 2019 Area of Occupancy, Sub-population (B) (observation +20m buffer)
- BES Habitat (within impact area)
- BES Monitoring Area

Figure 3: Black-eyed Susan Habitat Area



GDA94 / MGA zone 56

100 200 300 400 500 m

Map Produced: 17/09/2024
Produced By: Administrator

FIGURE 3

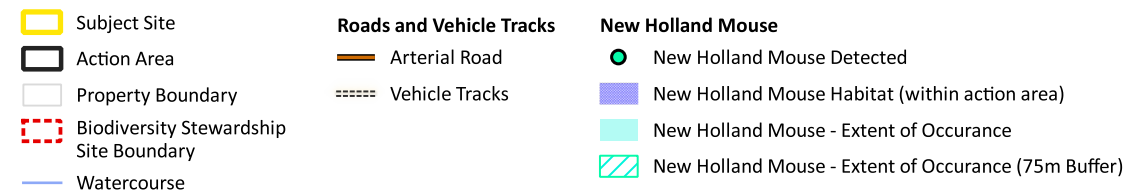
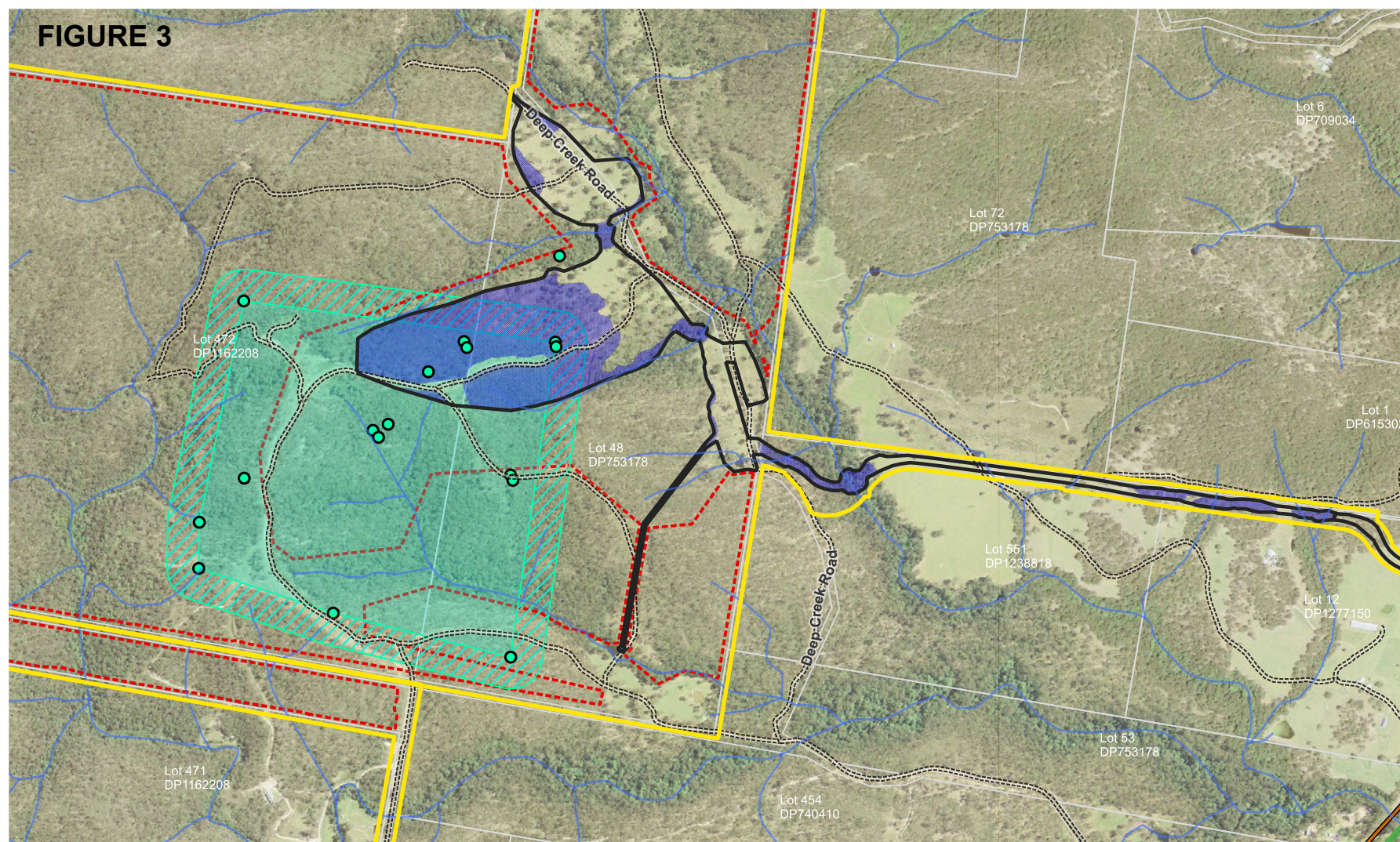


Figure 4: New Holland Mouse Habitat Area



FIGURE 4

Quarry Access Road (Sealed)

Fauna Underpass

Start of Koala Exclusion Fencing

New Intersection Area

Temporary Construction Compound

New Intersection

Lot 11
DP1277150

Karuah National Park

- Subject Site
- Action Area
- Action area - New Intersection Area

- Property Boundary
- Road Corridor

- Watercourse
- Arterial Road
- Local Road

- Vehicle Tracks
- National Park

Figure 5: New Intersection Area



50 100 150 200 m

Map Produced: 16/09/2024
Produced By: Keryn Dowling