



APPROVAL

**Holcim Colac Quarry Extension – Stage 5 and Stage 6, 75 Potters Road, Ondit, Victoria
 (EPBC 2019/8530)**

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval, which 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 condition.

Details

Person to whom the approval is granted (approval holder)	HOLCIM (AUSTRALIA) PTY LTD
ACN or ABN of approval holder	ACN: 099 732 297
Action	To extend a quarry for extraction of basalt, at Holcim Colac Quarry, 75 Potters Road, Ondit, Victoria [See EPBC Act referral 2019/8530].

Proposed Approval 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.

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 30 June 2046.

Decision-maker

<i>Name and position</i>	Kim Farrant Assistant Secretary Environment Assessments (Vic, Tas) and Post Approvals Branch
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Signature

<i>Date of decision</i>	9 June 2021
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Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. In the **action area**, the approval holder must not **remove** more than 0.32 ha of **Corangamite Water Skink habitat** from the **action area**. The approval holder must not **remove Corangamite Water Skink habitat** outside the **action area**.
2. The approval holder must ensure that water levels within the **Northern Pits** do not exceed 118 mAHD.
3. Prior to commencing the action in any **Stage**, the approval holder must implement the **Corangamite Water Skink Management Plan** in respect of that **Stage**, and must continue to implement the **Corangamite Water Skink Management Plan** in that **Stage** for the remainder of the duration of the approval.
4. Prior to the **commencement of the action**, the approval holder must **secure** the **offset area**.
5. Within 10 **business days** of the **offset area** being **secured**, the approval holder must provide the **department** with:
 - written evidence demonstrating that the **offset area** has been **secured**; and
 - **shapefiles** and the **offset attributes** for the **offset area**.
6. Prior to commencing the action in any **Stage**, the approval holder must implement the **Offset Management Plan** for the **offset area**, and must continue to implement the **Offset Management Plan** for the duration of the approval.
7. If the approval holder wishes to carry out any activity within the **offset area** other than in accordance with the **Offset Management Plan**, the approval holder must submit a revised version of the **Offset Management Plan** to the **department** for the **Minister's** written approval. A revised **Offset Management Plan** must not result in a reduced environmental outcome for the **Corangamite Water Skink**. The approval holder must not commence the varied activity until the **Minister** has approved the revised **Offset Management Plan** in writing. If the **Minister** approves the revised **Offset Management Plan**, the revised version must be implemented.

Part B – Standard administrative conditions

Notification of date of commencement of the action

8. The approval holder must notify the **department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.
9. 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**.

Compliance records

10. The approval holder must maintain accurate and complete **compliance records**.
11. 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 an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **department's** website or through the general media.

Submission and publication of plans

12. The approval holder must:
- a. unless otherwise agreed to in writing by the **Minister**, publish each **plan** on the **website** within 20 **business days** of the date:
 - i. of this approval, if the version of the **plan** to be implemented is specified in these conditions; or
 - ii. that the **plan** is submitted to the **Minister** or the **Department** if the **plan** does not require the approval of the **Minister** but was not finalised before the date of this approval; or
 - iii. that the **plan** was approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**;
 - b. exclude or redact **sensitive ecological data** from **plans** that are to be published on the **website** or provided to a member of the public; and
13. The approval holder must keep **plans** published on the **website** for the period for which this approval has effect.

Annual compliance reporting

14. The approval holder must prepare a **compliance report** addressing each condition of this approval for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period
 - b. notify the **department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within 5 **business days** of the date of publication
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **department** within 5 **business days** of publication.

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

Reporting non-compliance

15. The approval holder must notify the **department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than 2 **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- a. any condition which is or may be in breach
 - b. a short description of the **incident** and/or non-compliance
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
16. The approval holder must provide to the **department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:

- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future
- b. the potential impacts of the **incident** or non-compliance
- c. the method and timing of any remedial action that will be undertaken by the approval holder
- d. the measures put in place to prevent a reoccurrence of the **incident** of non-compliance.

Independent audit

17. The approval holder must ensure that an **independent audit** of compliance with the conditions of approval is conducted for the three year period starting from the **commencement of the action**, and that an **independent audit** of compliance with the conditions of approval is then conducted for each subsequent three year period until the **completion of the action**.
18. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the proposed **independent** auditor and the draft audit criteria to the **department** before the end of the subject three year period;
 - b. only commence the **independent audit** once the audit criteria and auditor have been approved in writing by the **department**; and
 - c. submit an audit report to the **department** within the timeframe specified in the approved audit criteria.
19. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

20. Within 30 **business days** after whichever is the earlier of
 - a. the **completion of the action** or
 - b. 60 **business days** before the end date of the period for which the approval has effect, the approval holder must notify the **department** in writing of the date of the **completion of the action** and submit all **completion data** to the **department**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Action area means the location of the proposed action, at Colac Quarry, 75-95 Potters Road, Ondit, Victoria, as shown enclosed by the red line labelled 'Stages 5 and 6 Extraction Areas' in Attachment A.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Commencement of the action means the first instance of any specified activity associated with the action. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area
- iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met, including the actual total area of **Corangamite Water**

Skink habitat and individuals surveyed within the **offset area** at the **completion of the action**. The **department's** preferred spatial data format is **shapefile**.

Completion of the action means the date on which all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance report (also, **compliance reports**) means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**
- ii. consistent with the **department's** *Annual Compliance Report Guidelines* (2014)
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Corangamite Water Skink means the **EPBC Act** listed threatened species *Eulamprus tympanum marnieae*.

Corangamite Water Skink habitat means areas with ecological conditions supporting the **Corangamite Water Skink**, as established by ecological surveys or described in the document Peterson, G., & P. Robertson (2011). *Recovery Plan for Corangamite Water Skink Eulamprus tympanum marnieae*. Department of Sustainability and Environment, Melbourne.

Corangamite Water Skink Management Plan means the following document, publicly exhibited between 24 March and 8 April 2021: *Corangamite Water Skink Management Plan - Stage 5 and Stage 6 - Colac Quarry Extension (WA158)*, Victoria, AECOM Services, 1 February 2021; or a subsequent version currently approved in writing by the **Minister**.

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

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

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)** other than as authorised by this approval.

Independent means a person(s) that does not have any individual, or by employment or family affiliation, conflicting or competing interest(s) with the approval holder; the approval holder's staff, representatives or associated persons; or the action, including any personal, financial, business or employment relationship, other than receiving payment for undertaking the role for which the condition requires an independent person.

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* (2019).

mAHD means elevation in metres with respect to the Australian Height Datum.

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

Northern Pits means the areas at Colac Quarry, 75-95 Potters Road, Ondit, Victoria, shaded blue (designated 'Waterbody' in the Legend) and labelled Basins 1 to 6 and 'Northern Pits' in Attachment A.

Offset attributes means relevant features of the **offset area**, including the **EPBC Act** reference number, the physical address of the **offset area**, coordinates of the boundary points in decimal degrees, and the **protected matter(s)** present at the **offset area**.

Offset area means the location of the offset which must be secured under condition 4 as enclosed by the blue line labelled 'Habitat Offset created for habitat loss (to extent above 188 mAHD)' in [Attachment B](#).

Offset Management Plan means the following document, publicly exhibited between 24 March and 8 April 2021: *Corangamite Water Skink EPBC Act Offset Strategy & Management Plan - Colac Quarry Extension – Stage 5 and Stage 6 (WA158)*, AECOM Services, 19 February 2021; or a subsequent version currently approved in writing by the **Minister**.

Plans means the **Offset Management Plan** and the **Corangamite Water Skink Management Plan**.

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

Remove means change, including through excavation and inundation, an area of **Corangamite Water Skink habitat** to the extent that it is no longer suitable habitat for the **Corangamite Water Skink**.

Secure (also **secured**) means to establish, register and maintain a covenant for the long-term protection of the property for the conservation of the relevant **protected matters**, under Section 173 of the *Planning and Environment Act 1987*.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Stage means **Stage 5** and/or **Stage 6** of the action.

Stage 5 means any part of the action undertaken in any of the parts of the **action area** marked as 'Stage 5a' and 'Stage 5b' in [Attachment A](#).

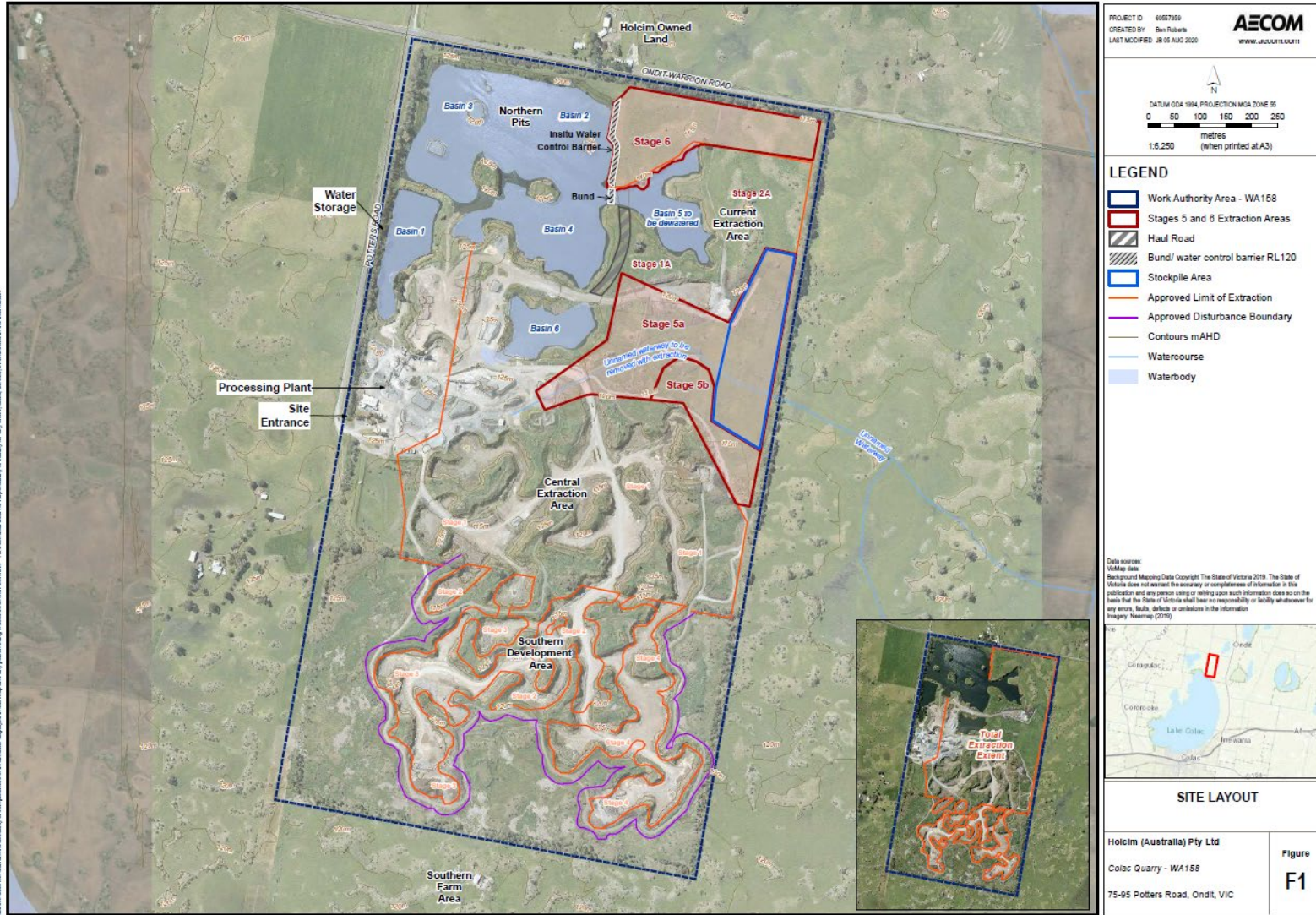
Stage 6 means any part of the action undertaken in any of the parts of the **action area** marked as 'Stage 6' in [Attachment A](#).

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.

ATTACHMENTS

1. Attachment A - Action Area and Stages



2. Attachment B – Offset Areas

