

EPBC Ref: 2011/5973

Mr Tony Farrell
City Strategy Director
Lake Macquarie City Council
126-138 Main Road
SPEERS POINT NSW 2284

Dear Mr Farrell

**Decision on approval
Additions to Awaba Waste Disposal Facility, NSW**

I am writing to you in relation to a proposal to expand the existing Awaba Waste Disposal Facility located on Wilton Road, 1.2 km south-east of Awaba, within the Lake Macquarie City Local Government Area.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Lake Macquarie City Council. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to the following parties to advise them of this decision:

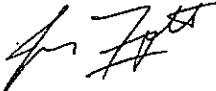
State authority

NSW Department of Planning

The department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about this decision, please contact the project manager, Pat Guinane, by email to Patrick.Guinane@environment.gov.au, or telephone (02) 6275 9010 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments
16 July 2013



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Additions to Awaba Waste Disposal Facility, Lake Macquarie, New South Wales EPBC 2011/5973.

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 Lake Macquarie City Council

proponent's ACN (if applicable) ABN: 81 065 027 868

proposed action To expand the existing operational Awaba Waste Disposal Facility located on Wilton Road, approximately 4 km west of Toronto and 1.2 km south-east of Awaba, within the Lake Macquarie City Local Government Area, NSW, as described in the referral received by the department on 23 May 2011 and the variation to the proposal received by the department on 29 November 2011. [See EPBC Act referral 2011/5973]

Approval decision

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

Proposed conditions of approval

This proposed approval is subject to the proposed conditions specified below.

expiry date of approval

This approval has effect until 31 December 2033

Decision-maker

name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments

signature

date of decision 16 / July / 2013

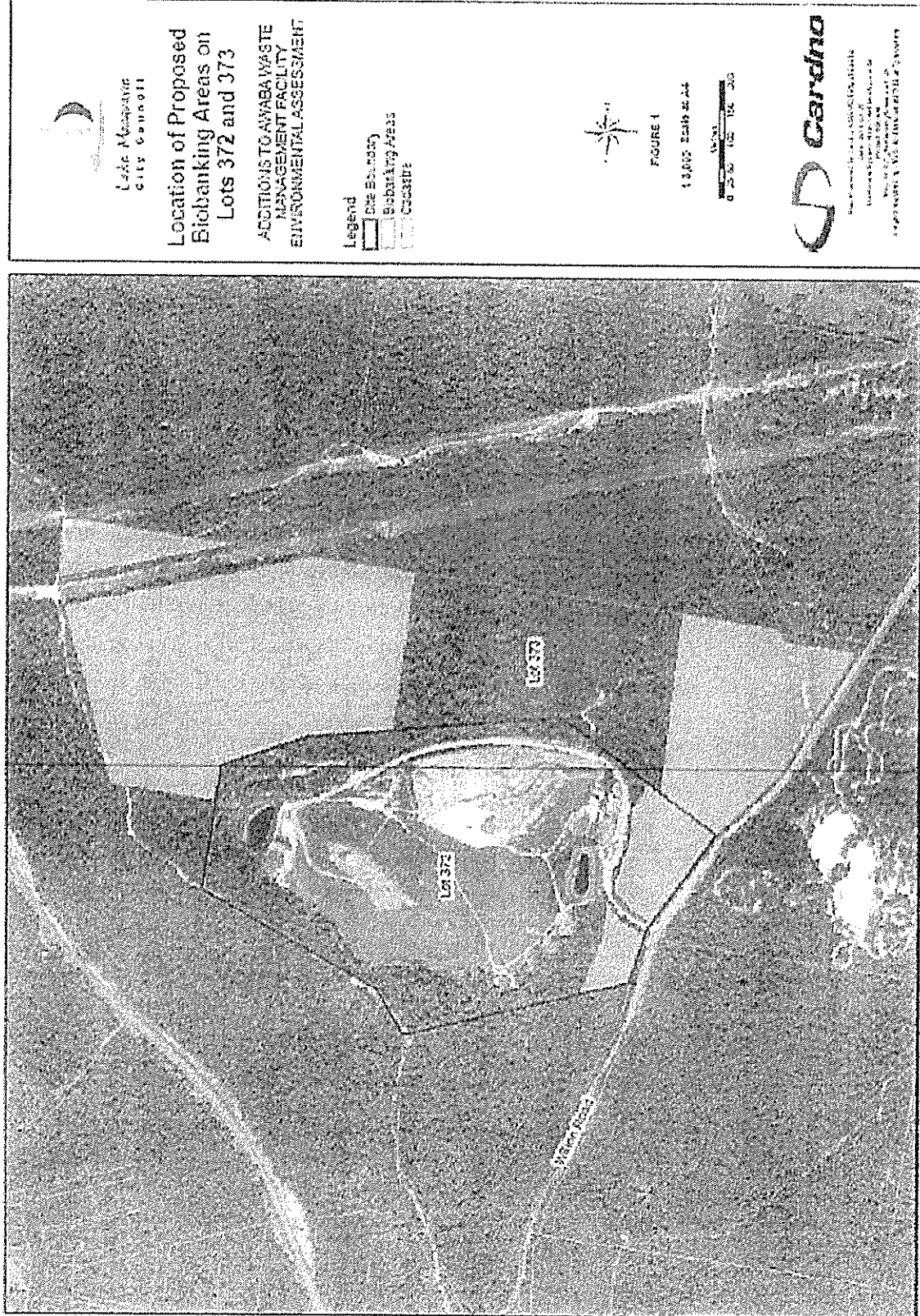
Conditions attached to the approval

1. To compensate for the loss of approximately 2,300 Black-eyed Susan (*Tetradlea juncea*) plants, the person taking the action must provide for the protection and management for conservation the biodiversity offset areas, as shown on the map in Schedule 1 of this notice as 'Biobanking Areas'. The biodiversity offset areas must be protected and managed by a secure and enduring conservation mechanism (for example, a Biobanking Agreement), including legal instrument on the land title, prior to commencement of the action.
2. The person taking the action must provide evidence to the Department of their compliance with Condition 1, along with offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset sites, prior to the commencement of the action.
3. If the person taking the action is unable to comply with Conditions 1 and 2 above they must propose an alternative offset strategy for Black-eyed Susan (*Tetradlea juncea*) that meets the current Commonwealth EPBC Act Environmental Offsets Policy. The proposed action must not commence until the alternative proposed offset has been approved in writing by the Minister.
4. Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.
5. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the offset strategy, 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.
6. Within three months of implementing the above conditions, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval.

Schedule 1

Biobanking land on Lots 372 and 373

APPENDIX 2 – BIOBANKING AREAS ON LOTS 372 & 373



Definitions

- a) Department, the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.
- b) Minister, the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.
- c) Commencement, the earthworks, vegetation removal or construction of any infrastructure, excluding fences and signage, associated with the proposed action.
- d) Offset attributes, mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
- e) Shapefiles, means an ESRI ArcGIS Shapefile, containing '.shp', '.shx.' and '.dbf' files and other files. Shapefiles must include appropriate metadata capturing attributes including but not limited to the EPBC reference number of the approved action and details of the EPBC protected matters present within the offset, covenant or legal protection details, including type and identification. The department prefers shapefiles using the Geocentric Datum of Australia (GDA) 94.
- f) Commonwealth EPBC Act Environmental Offsets Policy, means the Department's policy document titled "*Environment Protection and Biodiversity Conservation Act 1999 environmental offsets Policy*" October 2012 currently available on the Department's website <http://environment.gov.au/epbc/publications/environmental-offsets-policy.html> or subsequent revisions of this policy.