

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, ALEXANDRIA RANKIN, Acting First Assistant Secretary, Approvals and Wildlife Division, Department of the Environment and Water Resources (the Department), a delegate of the Minister for the Environment and Water Resources (the Minister) for the purposes of that section, approve the taking of the following action:

To develop the Hunter Economic Zone industrial estate, Hunter Valley, New South Wales (EPBC 2004/1417).

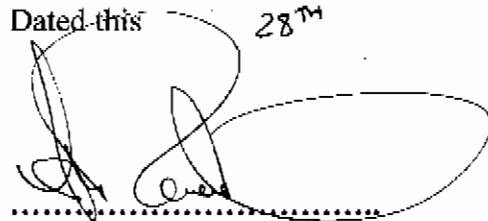
by HEZ Pty Ltd subject to the conditions set out in ANNEXURE 1.

This approval has effect for:

Sections 18 and 18A (Listed threatened species and communities) and Sections 20 and 20A (Listed migratory species) of the *Environment Protection and Biodiversity Conservation Act 1999*

This approval has effect until 30 June 2047.

Dated this 28th day of MAY 2007



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ALEXANDRIA RANKIN

ANNEXURE 1

1. The development and the ongoing operation of the Hunter Economic Zone (HEZ) industrial estate can only occur in accordance with the maps at Schedules 1 to 5 :
 - (a) on land owned, or on sold, by HEZ Pty Ltd within the HEZ Study Area;
or
 - (b) on land on which infrastructure (such as water, sewerage, power and roads) will be constructed.

This approval does not apply, however, to the Pelaw Main By-pass.

2. To ensure the long term conservation and management of EPBC Act listed species and associated habitat, the Conservation Agreement entered into by the Minister and HEZ Pty Ltd under Section 305 of the EPBC Act must be implemented.
3. Despite any other condition of this Approval, clearing of vegetation is permitted on Infrastructure Lands identified in the maps at Schedule 3A (Infrastructure Lands Traversing Conservation Lands) and Schedule 3B (Infrastructure Lands Traversing Development Lands) for the purpose of construction and maintenance of infrastructure, subject to (a) below:
 - (a) The person taking the action must not clear more than 4.87 ha of vegetation on the Infrastructure Lands identified in the map at Schedule 3A.
4. To ensure the long term conservation and management of EPBC Act listed species and associated habitat, the person taking the action must prepare Conservation Management Plans (CMPs) for:
 - (a) the Conservation Lands and Deferred Areas; and
 - (b) the Development Lands.

The CMPs must be prepared and submitted within three (3) months of the date of this approval for approval by the Department. Once approved the CMPs must be implemented. An extension to the three (3) month period referred to in this condition may only be granted by the Department in writing.

5. The Conservation Lands CMP must apply to the Conservation Lands identified in the map at Schedule 1 and the Deferred Areas identified in the map at Schedule 5. The Conservation Lands CMP must set out objectives and specific, measurable, achievable and time-bound actions for the long term management of relevant EPBC Act listed species and associated habitat and vegetation, including the Swift Parrot (*Lathamus discolor*), Regent Honeyeater (*Xanthomyza phrygia*), Grey-headed Flying-fox (*Pteropus poliocephalus*), Bynoe's Wattle (*Acacia bynoeana*), Slaty Red Gum (*Eucalyptus glaucina*) *Grevillea parviflora* subsp. *Parviflora* and *Rutidosia Heterogama*.

Without limiting the scope of these requirements, the Conservation Lands CMP should include provisions which relate to:

- (a) the development of objectives that will ensure the ongoing protection of EPBC listed species and their associated habitat and vegetation;
- (b) actions to identify and ensure the retention for conservation purposes of important populations, associated habitat, vegetation buffers and corridors on each site;
- (c) actions to manage for conservation purposes retained populations, associated habitat, vegetation buffers and corridors on each site;
- (d) regular scheduled reviews of the effectiveness of the management arrangements;
- (e) arrangements for the design and implementation of appropriate adaptive management responses and corrective actions should the reviews indicate these are required; and
- (f) regular reporting arrangements.

The Conservation Lands CMP must also include provisions for weed management in the Infrastructure Lands indicated in the map at Schedule 3A.

6. The Development Lands CMP must apply to the Development Lands identified in the map at Schedule 2. The Development Lands CMP must set out objectives and specific, measurable, achievable and time-bound actions for the long term management of relevant EPBC Act listed species and associated habitat.
 - (a) Without limiting this condition, the Development Lands CMP must provide for:
 - (i) objective criteria for the conservation and management of *Rutidosis Heterogama*;
 - (ii) objective criteria for the conservation and management of mature trees greater than 50 cm diameter at breast height occurring on the Development Lands; and
 - (iii) objective criteria for undertaking an assessment of the impacts of the development on EPBC Act listed flora and fauna species and communities before construction commences on the Development Lands.
7. The person taking the action must include a statement of commitments in any concept plan application made under Part 3A of the EPA Act relating to the land the subject of this approval. The statement of commitments must include a commitment to manage the land in accordance with the CMPs required under this approval.
8. The person taking the action must ensure that a vegetation buffer surrounding the Community Lands is retained in accordance with the map at Schedule 4. The boundaries of the vegetation buffer surrounding Community Lands may only be varied with the agreement of the Department. The width of the vegetation

buffer surrounding Community Lands must at all times be no less than 40 metres in width.

9. To secure the retention of foraging habitat for EPBC listed species, the person taking the action must ensure that not less than 10% of the mature trees greater than 50 cm diameter at breast height occurring on the Development Lands are retained and managed to ensure their ongoing viability.
10. To ensure the protection of habitat for EPBC listed species, the lands identified as Deferred Areas within the Development Lands (identified at Schedule 5) may only be varied or un-deferred with the agreement of the Department.
11. The person taking the action must ensure that arrangements are implemented that require future purchasers of HEZ Pty Ltd land to join the HEZ Association and comply with its requirements and obligations.
12. The person taking the action must establish arrangements to ensure that the Minister is advised before any applications for changes to the zoning arrangements for Development Lands currently owned by HEZ Pty Ltd, and as indicated in the map at Schedule 2, are made.
13. The person taking the action must maintain accurate records of all activities associated with, or relevant to, the above conditions of approval and make them available on request by the Department. Such documents may be subject to audit by the Department, and used to verify compliance with the conditions of approval.
14. If the person taking the action has not commenced construction of the HEZ industrial estate within 5 years of the date of this approval, the construction cannot commence without the Minister's written agreement.

Definitions

Conservation Lands – lands identified as conservation lands on the map at Schedule 1.

Development Lands – lands identified as development lands on the map at Schedule 2.

Infrastructure Lands – lands identified as infrastructure lands on the map at Schedule 3A (Infrastructure Lands Traversing Conservation Lands) and Schedule 3B (Infrastructure Lands Traversing Development Lands).

Community Lands – lands identified as community lands on the map at Schedule 4.

Deferred Areas – lands identified as DEC Deferred Areas on the map at Schedule 5.

HEZ Study Area means land identified as the HEZ Study Area on the maps annexed to these conditions.

Conservation Management Plans means:

The Development Lands Conservation Management Plan; and
The Conservation Lands Conservation Management Plan.