



Australian Government

Department of the Environment, Water, Heritage and the Arts

Mr Michael Heath
Project Director, New Chiltern Quarry
CEMEX Australia Pty Ltd
Tower B, Level 8, 799 Pacific Hwy
CHATSWOOD NSW 2067

Date: 8 May 2009
EPBC Ref: 2009/4849
EPBC contact: Mr Tim Kahn
(02) 6274 1933
timothy.kahn@environment.gov.au

Dear Mr Heath

Decision on referral CEMEX Hard Rock Quarry, Chiltern Victoria

This proposed action, to develop and operate a new hard rock quarry, has now been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

We have decided that the proposed action is a controlled action and, as such, requires assessment and approval by the Minister for the Environment, Heritage and the Arts before it can proceed.

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 & 18A)
- Migratory Species (s20 & s20A)

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because:

- It involves the clearing of approximately 32 hectares of the critically endangered ecological community White Box – Yellow Box – Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands.
- It involves the clearing of 39 mature trees known to provide high quality feeding and breeding habitat for the threatened and migratory species, the Regent Honeyeater (*anthochaera phrygia*).

Please note that this decision only relates to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 4 of the EPBC Act.

We have also decided that the project will need to be assessed by preliminary documentation.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment will include a public consultation phase, *in which any third parties can comment on the proposed action.*

Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the Department's website, at www.environment.gov.au/epbc.

A copy of the document recording these decisions is enclosed.

The assessment officer will contact you shortly to discuss the assessment process.

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

Referring party	Mr Stephen Jenkins, Director EnviroRisk Management Pty Ltd
State authority	Mr Jeff Gilmore, Executive Director, Planning Policy and Reform, Department of Planning and Community Development, Victoria
Local authority	The CEO, Indigo Shire Council

If you have any questions about the referral process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Michelle Wicks
A/g Assistant Secretary
Environment Assessment Branch



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Date: May 2009
EPBC Ref: 2009/4849
EPBC contact: Annie Shumaker
02 6274 1023
annie.shumaker@environment.gov.au

Dear Mr Heath

Further information required

CEMEX Hard Rock Quarry, Chiltern Victoria (EPBC 2009/4849)

On 8 May 2009 we decided that your proposed action to develop and operate a hard rock quarry and associated infrastructure in the Indigo Shire, Victoria required assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

While we have determined that the project will be assessed by preliminary documentation, we require some further information to be able to assess the relevant impacts of the action. In particular we require information on:

- the potential impact from the action on the critically endangered EPBC ecological community White Box –Yellow Box – Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands including an assessment on accidental clearing, increased risk of fire, dust and introduction of weeds;
- detailed strategies to avoid, mitigate or offset impacts on this ecological community;
- details regarding boundaries of any proposed off-sets and how vegetation set aside in off-sets will be managed in perpetuity;
- the potential impacts from the action on listed threatened species, in particular the impact on populations of the endangered Regent Honeyeater (*Anthochaera Phrygia*) and the endangered Swift Parrot (*Lathamus discolor*), including an assessment of potential impacts from dust, noise and vibrations;
- strategies to avoid, mitigate or offset impacts on these listed threatened species.

Details on the assessment process and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department’s website, at www.environment.gov.au/epbc.

If you have any questions about the assessment process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Tim Kahn
A/g Assistant Secretary
Environment Assessment Branch