Notification of approval decision

Liverpool Range Quarry Project, Corner of Rotherwood Road and Tangaratta Road, Cassilis NSW (EPBC 2024/09897)

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.

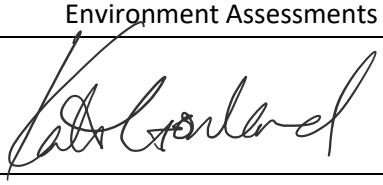
Approved Action

person to whom the approval is granted (approval holder)	ARDG Deans Quarry Pty Limited ACN: 671 476 896
Action	To develop, operate, decommission and rehabilitate a hard rock quarry, located approximately 10 km northwest of Cassilis, NSW (see EPBC 2024/09897).

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 February 2034.	
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	Kate Gowland Branch Head Environment Assessments (NSW, ACT)
Signature	
date of decision	2 February 2026

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

1) The approval holder must not **clear** or **construct** outside of the **development footprint.**

2) The approval holder must comply with conditions B38, B39, B41 and B43 of the **NSW Approval**, to the extent that they relate to **protected matters**.

Part B – Administrative conditions

MODIFICATIONS TO STATE APPROVAL

3) 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

4) 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**.

5) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

COMPLIANCE RECORDS

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

7) 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.

ANNUAL COMPLIANCE REPORTING

8) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period** (**ACR period**).

9) The approval holder must ensure each **compliance report** includes:

a) accurate and complete details of compliance and any non-compliance with:

i) each condition imposed under the **NSW Approval**, if a condition attached to this approval decision requires compliance with that **NSW Approval** condition,

ii) each condition attached to this approval decision, and

b) if any **incident** occurred, accurate and complete details of each **incident**.

10) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.

11) 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**.

12) 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.

13) 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**.

14) 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

15) 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 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**.

16) 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 that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

17) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.

18) 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**.

19) 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**.

20) 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**.

21) 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.

22) 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** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

23) 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.

24) 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**.

25) 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

26) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, 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**.

27) The approval holder must notify the **department** electronically at least 60, but not more than 70, **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:

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**.

Audit period means each subsequent five-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 data means 'biodiversity data' as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Box Gum Grassy Woodland means the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, listed as critically endangered under the **EPBC Act** and associated with PCT 483 – Grey Box x White Box grassy open woodland on basalt hills in the Merriwa region, upper Hunter Valley – Low condition.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in NSW.

Clear, **cleared** 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 minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **development footprint**, so long as the signage and/or temporary fencing is located where it does not **harm** any **protected matter**.
- 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**.
- This definition also does not include other exclusions described under the definition of **Construction** in the **NSW Approval** where it does 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, other than those which provide compensation for the impacts of the 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**).

Construct or construction:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,

- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage.

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

Development footprint means the area of development, represented in Attachment A by the zones enclosed by the red line designated 'Development footprint'.

EIS means the Environmental Impact Statement referred to in the **NSW Approval**.

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

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** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

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 the person, or firm, is required.

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

NSW Approval means the New South Wales (NSW) State Significant Development (SSD) approval for the Liverpool Range Quarry, SSD-68063715, approved by the NSW Independent Planning Commission (IPC) on 25 November 2025. The NSW Approval conditions referred to in this notice are the conditions in the Development Consent which, at the date of this decision, can be accessed on the NSW IPC website at Liverpool Range Quarry | Independent Planning Commission.

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

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.

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

A: Liverpool Range Quarry Development Layout Plan

Attachment A: Liverpool Range Quarry Development Layout Plan



FIGURE 1.2A
Indicative Development Footprint
Quarry and Project Design

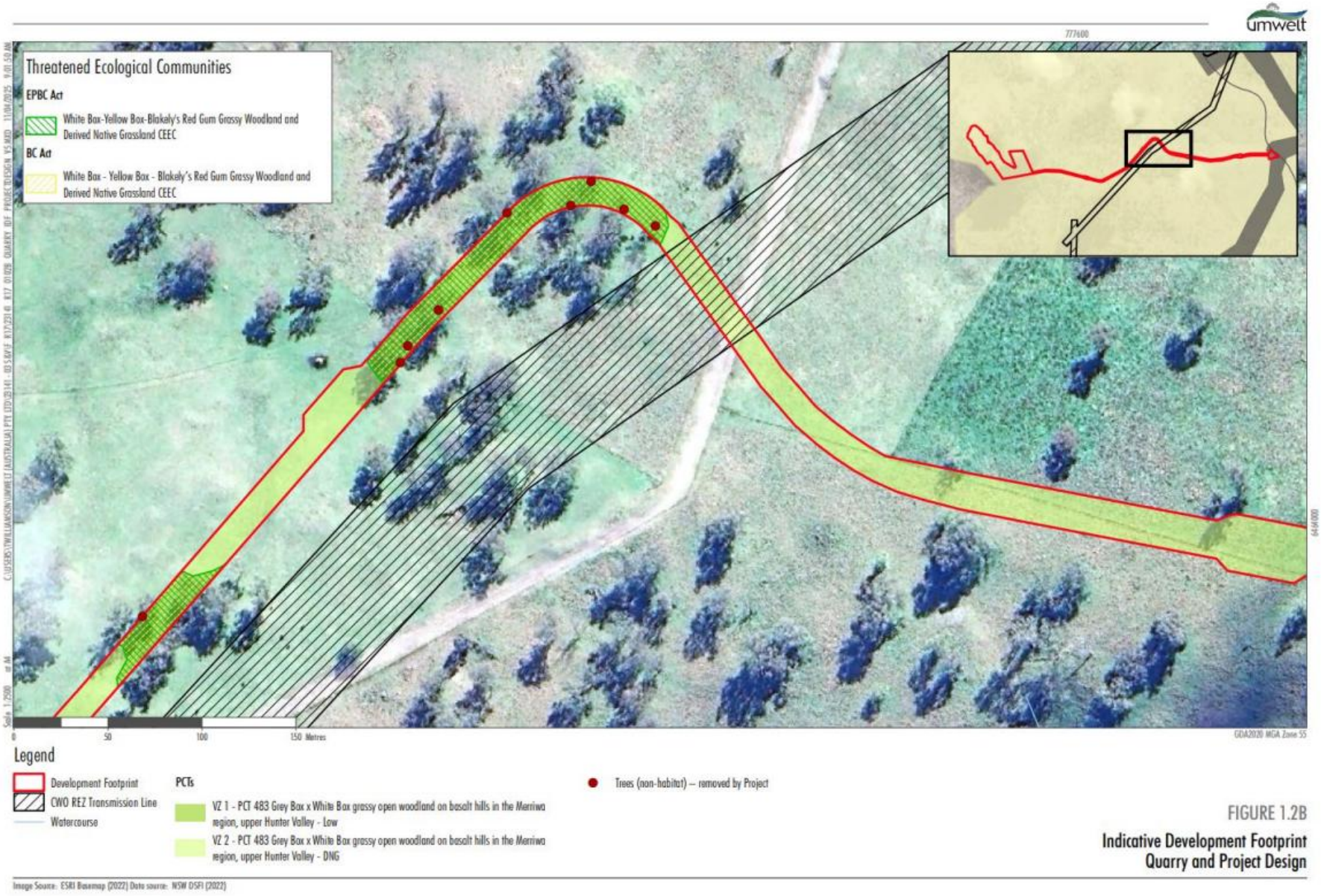
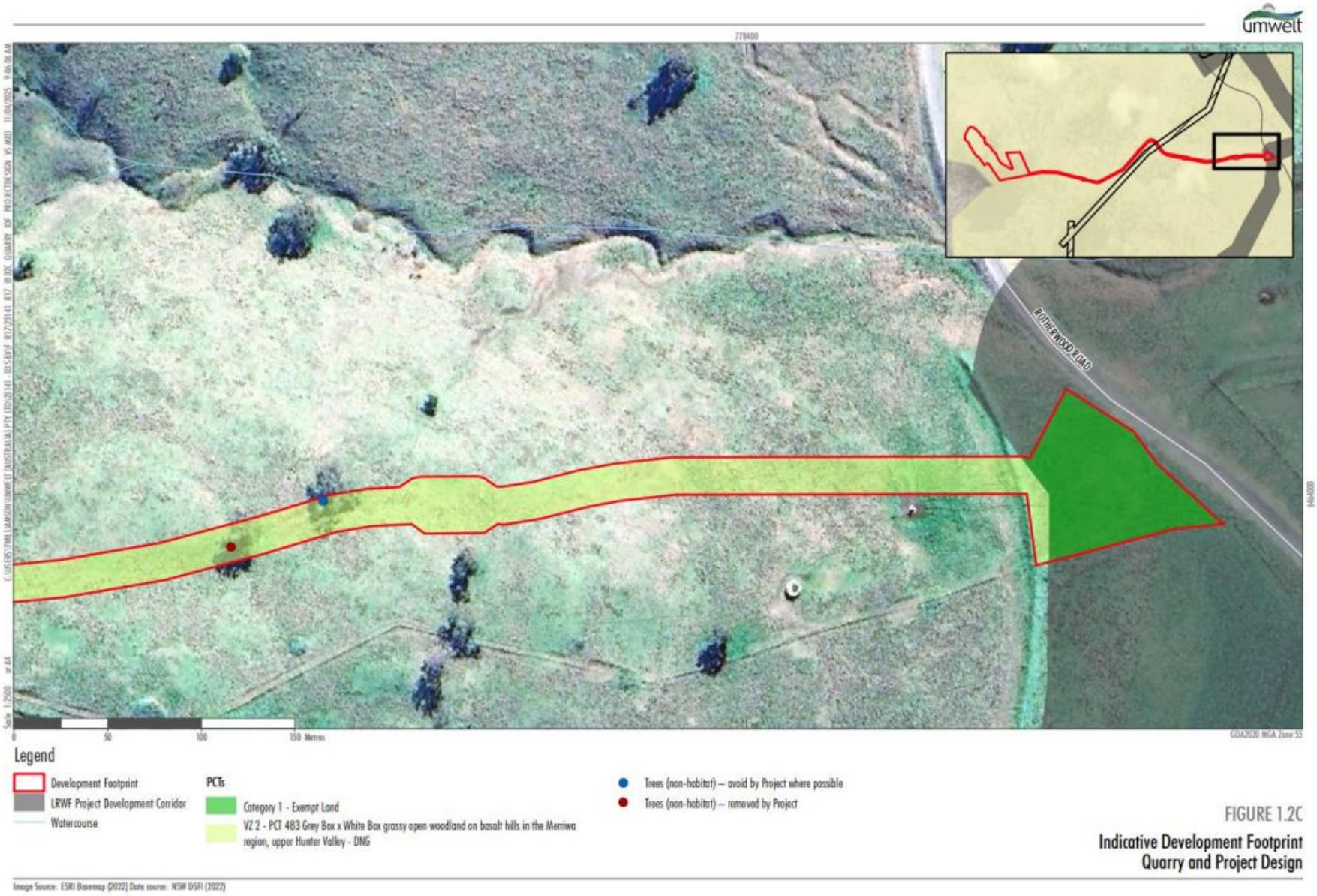


FIGURE 1.2B
Indicative Development Footprint Quarry and Project Design


umwelt
778400
649000
ROTHERWOOD ROAD
0
50
100
150 Metres
GDA2020 MGA Zone 55
Legend
Development Footprint
LRWF Project Development Corridor
Watercourse
PCTs
Category 1 - Exempt Land
VZ 2 - PCT 483 Grey Box x White Box grassy open woodland on basalt hills in the Merriwa region, upper Hunter Valley - DNG
Trees (non-habitat) – avoid by Project where possible
Trees (non-habitat) – removed by Project
FIGURE 1.2C
Indicative Development Footprint
Quarry and Project Design
Image Source: ESRI Basemap (2022) Data source: NSW DSFI (2022)