



Permit to remediate friable asbestos contamination in Lawson, ACT

PERMIT E2023/0217

This decision is made under 201 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Permitted Action

person to whom the permit is granted (permit holder)	Aztech Services Australia Pty Ltd ABN 76 612 469 084 31-37 Sawmill Cct HUME ACT 2620
Permitted Action	To conduct asbestos remediation works via soil scraping in Lawson, ACT, as outlined in permit application E2023/0217.

Permit decision

	The permit has effect for: <ul style="list-style-type: none">Listed threatened species and ecological communities (section 201)
conditions of permit	This permit is subject to conditions under the EPBC Act as set out in Annexure A.
expiry date of permit	This permit is valid until 31 July 2028.

Person authorised to make decision

name and position	Sarah Reachill Director Environment Assessments NSW and ACT Branch
signature	
date of decision (date of permit commencement)	2 August 2023

Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at Part B – Definitions.

Part A – Conditions attached to the permit

DISTURBANCE LIMITS

- 1) To avoid and mitigate **harm to protected matters**, in taking the Action, the permit holder must not **clear**:
 - a) outside the **Action area**.
 - b) more than 0.055 hectares of **Natural Temperate Grassland**.

SOIL SCRAPING

- 2) To mitigate **harm to protected matters** as a result of **soil scraping**, in taking the **Action**, the permit holder must:
 - a) not undertake **soil scraping** outside of the **Action area**.
 - b) ensure that no **soil scraping** activities exceed a depth of 100mm below the soil surface.
 - c) only undertake **soil scraping** in accordance with the method described in the **permit application**.
- 3) To mitigate **harm to protected matters**, the permit holder must engage a **suitably qualified field ecologist** to monitor works and provide guidance on how to minimise **harm to protected matters** prior to and during **soil scraping**.

STRIPED LEGLESS LIZARD MITIGATION

- 4) To limit harm to **Striped Legless Lizard**, if any **Striped Legless Lizard** individual is found within the **Action area**, the permit holder must:
 - a) Immediately cease all works for the Action in the vicinity.
 - b) Ensure:
 - i) the **Striped Legless Lizard** individual vacates the **Action area** of their **own accord**, or
 - ii) a **suitably qualified field ecologist** captures and safely relocates the **Striped Legless Lizard** individual as specified in the **permit application**.
 - c) Not recommence works for the Action unless all **Striped Legless Lizard** individuals have safely vacated the **Action area** and the vicinity.

REVEGETATION

- 5) To mitigate **harm to protected matters**, the permit holder must:
 - a) Notify the **department** of the date which all **asbestos remediation works** have been completed.
 - b) Commence revegetation of all **cleared Natural Temperate Grassland** within 3 months following the completion of all **asbestos remediation works**.
 - c) Ensure the revegetation of the **cleared Natural Temperate Grassland** is not inconsistent with the requirements of the **NTG criteria**.

OFFICIAL

- 6) The permit holder may give to another person written authority to take, for or on behalf of the permit holder, any activity authorised by the permit. When an authority is given to another person, these permit conditions also apply. The giving of an authority to another person does not prevent the permit holder from undertaking the authorised activity. The permit holder who gives an authority to another person must inform the **department** in writing within 14 days after giving the authority. The permit holder may only give an authority to another person who has sufficient experience and competence in the activities of this permit.

Note: The permit holder remains the party responsible for compliance with the conditions of this permit.

- 7) The permit holder must submit at least three **compliance reports** electronically to the **department**. One of these **compliance reports** must be submitted during the period between 31 December 2023 and 31 March 2024. One of these **compliance reports** must be submitted during the period between 31 October 2025 and 31 January 2026. One of these **compliance reports** must be submitted during the period between 31 October 2027 and 31 January 2028.
- 8) The permit holder must publish each **compliance report** on their **website** within 10 **business days** of providing it to the **department**. The permit holder must ensure each **compliance report** remains published for a minimum of 12 months.
- 9) The permit holder must publish the approved permit on their **website** for the duration that the permit has been approved.

Part B – Definitions

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

Action area means the location of the Action, represented in Attachment A by the zones shaded red and designated 'Soil Scrape Area'.

Asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including actinolite asbestos, grunerite (or amosite) asbestos, anthophyllite asbestos, chrysotile asbestos, crocidolite asbestos, and tremolite asbestos.

Asbestos remediation works means the activities to remediate friable asbestos from within the **Action area** in accordance with this permit.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in the Australian Capital Territory.

Clear, clearing or cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commencement of the Action means the date on which the first instance of any activity associated with the Action (including **clearing**) is undertaken.

Compliance report means a written report which:

- a) provides accurate and complete details demonstrating compliance and any non-compliance with all conditions of this permit, and
- b) is consistent with the *Annual Compliance Report Guidelines, Commonwealth of Australia 2014*.

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

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

Golden Sun Moth means the **EPBC Act** listed threatened species *Synemon plana*.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Natural Temperate Grassland means the **EPBC Act** listed ecological community Natural Temperate Grassland of the South Eastern Highlands.

NTG criteria means the description of the ecological community, key diagnostic criteria and conditions thresholds specific to the **Natural Temperate Grassland**, as described in *Approved Conservation Advice (including listing advice) for the Natural Temperate Grassland of the South Eastern Highlands (EC 152)*, Commonwealth of Australia 2016.

Own accord means to do something without being forced or otherwise persuaded. .

OFFICIAL

Permit application means the **EPBC Act** Part 13 permit application for permit reference number E2023/0217, including all attachments to the permit application.

Note: At the time of this decision, the **permit application** is published and can be viewed on the **department's** website at the following web address: <https://www.dcceew.gov.au/environment/biodiversity/threatened/permits/e2023-0217>.

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

- a) **Golden Sun Moth,**
- b) **Striped Legless Lizard,** and
- c) **Natural Temperate Grassland.**

Soil scraping means the removal of the top layer of earth by scraping the surface of the soil.

Striped Legless Lizard means the **EPBC Act** listed threatened species *Delma impar*.

Suitably qualified field ecologist means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for **Natural Temperate Grassland, Golden Sun Moth** and **Striped Legless Lizard**, and can give an authoritative assessment and advice on the presence of said species and communities using relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the permit holder and available to the public.

Attachments

- 1) Attachment A – Action area

Attachment A – Action area

