

EPBC Annual Compliance Report 2022
Lynwood Quarry, EPBC 2012/6560

Prepared for Holcim

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Abbreviations

Abbreviation	Description
BGWMP	Box-Gum Woodland Management Plan
CEEC	Critically Endangered Ecological Community
DAWE	Commonwealth Department of Agriculture, Water and the Environment
DCCEEW	Department of Climate Change Energy, the Environment and Water
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	Commonwealth <i>Environmental Protection and Biodiversity Conservation Act 1999</i>
MNES	Matters of National Environmental Significance
RLMP	Rehabilitation and Landscape Management Plan

1. Introduction

Lynwood Quarry (the quarry) is a hard rock quarry owned and operated by Holcim (Australia) Pty Ltd (Holcim) located west of Marulan, New South Wales (NSW). Holcim is the trading name for Holcim (Australia) Pty Ltd which, as a member of the Holcim group, is one of the leading suppliers of heavy construction material products in Australia; operating over 80 quarries, over 200 fixed concrete plants and a fleet of over 900 concrete delivery trucks. Holcim began quarry operations at Lynwood Quarry in 2015 and since this time it has provided high quality sand and aggregates for use in construction and landscaping across the local, regional and Sydney markets.

1.1. Project history

Development consent under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) was originally granted for the quarry in December 2005. The key features of the approved operations are shown in Figure 1 in **Appendix D**.

Consideration of listed matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was undertaken in 2005 as part of the original EPBC Act environmental assessment for the quarry. This assessment did not identify any MNES pertinent to the development. Holcim commenced construction of the quarry in late 2010 with operations commencing in October 2015.

However, MNES were identified part way through construction works as a result of pre-clearance site inspections by environmental personnel. They included the *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) and *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* which is listed as a Critically Endangered Ecological Community (CEEC). The Hoary Sunray is listed as an endangered species under the EPBC Act. At the time of the original ecological assessment in 2005 the *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* community was not listed as threatened under the EPBC Act. The ecological community was subsequently listed under the EPBC Act in May 2006. Approximately 19.6 ha of the CEEC was identified within the Project Area, of which 7.9 hectares was approved to be impacted by the quarry development.

Following the identification of MNES, two referrals were prepared for the quarry and approved under the EPBC Act:

- The first referral (EPBC 2012/6560) related to the impacts of Lynwood Quarry on MNES associated with the NSW approved quarry at the time of the referral. That referral was found to be a controlled action and on 13 September 2013 was granted approval subject to conditions.
- The second referral (EPBC 2016/7653) related to a second quarrying area at Lynwood Quarry referred to as the Granite Pit. The extension of quarrying into the Granite Pit was referred in 2016 and was found to not be a controlled action.

On 10 November 2021, Holcim received a notice of a breach of conditions of their EPBC Act approval from the Commonwealth Department of Agriculture, Water and the Environment (DAWE), now DCCEEW. This notice specified that the Box Gum Woodland Management Plan (BGWMP) had not been

implemented as required and that the monitoring and record keeping of works had not been done as per the conditions of approval.

As a result of the non-compliance, DAWE has specified that Holcim is required to revise and review the BGWMP and the offsets package that was submitted as part of the EPBC Approval 2012/6560. Work towards this has begun and is scheduled to be completed mid-2023.

This document provides an annual compliance report for EPBC Approval 2012/6560 and provides a consolidated review of the compliance actions identified by DAWE in September 2021 along with a description of relevant works program for corrective actions.

1.2. Description of activities

The approved controlled action (2012/6560) comprises aspects of the quarry resulting in surface disturbance as shown in Figure 1.4 in **Appendix A**. Ecological impacts associated with the action include impacts on the identified MNES, specifically, the removal of:

- 7.9 hectares of the EPBC listed White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC (Box Gum Woodland).
- approximately 160 individuals of *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) (refer to Figure 1.3 in Appendix A).

A range of measures to avoid or mitigate impacts on MNES were implemented as part of the Lynwood Quarry development, and a Biodiversity Offset Package has been approved to compensate for residual and unavoidable impacts (refer to Figure 1.4 in **Appendix A** which outlines the Biodiversity Offset Area).

A Box Gum Woodland Management Plan (BGWMP) (**Appendix A**) was prepared and approved in accordance with Condition 2 of the approval, providing a framework for the implementation of ecological management actions, regeneration and revegetation strategies, procedures, controls and monitoring programs for the Biodiversity Offset Area. The Biodiversity Offset Area aims to protect and enhance the extent and condition of critically endangered box gum woodland, provide protection for Hoary Sunray habitat and increase local and regional biodiversity connectivity.

1.3. Purpose

This annual compliance report for January to December 2022 has been prepared to meet the reporting requirements of Condition 8 of the EPBC Approval 2012/6560. Condition 8 of the EPBC Approval 2012/6560 states:

'Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BGWMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. Non-compliances with any of the conditions of this approval must be reported to the Department within 2 business days of becoming aware of the non-compliance.'

Holcim is required to submit an annual report by 20 March of each year.

2. EPBC Approval Conditions and Compliance

The proposed action was granted approval as a controlled action (EPBC 2012/6560) under the EPBC Act subject to conditions to ensure the protection, sustainability and viability of the MNES within the Project Area. The conditions of approval are detailed in Table 1, along with a statement of compliance for the 2022 reporting period.

Table 1: EPBC Approval Conditions – Compliance Status

Condition no./reference	Condition	Compliance status	Evidence/comments
1	The person taking the action must not clear more than 7.9 hectares of the ecological community White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.	Compliant	Less than 7.9 hectares of the ecological community White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland approved to be cleared as part of the controlled action has been removed as of 31 December 2022.
2	To assist in mitigating the impacts of the proposal on White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (box gum woodland (box gum woodland), the person taking the action must prepare and submit a Box Gum Woodland Management Plan (BGWMP) for Minister's written approval prior to commencement of the action. The BGWMP must include:	Compliant	The BGWMP was submitted to the Minister for approval on 24 September 2013 and approval was granted on 11 November 2013. Confirmation of this approval is provided in Appendix B . A copy of the BGWMP is provided in Appendix A .
2 cont.	a. Management actions designed to improve the ecological quality of box gum woodland on the project area (refer to Map at Schedule 1) and proposed biodiversity offset area and protect it from degradation for the duration of the action's impact on box gum woodland.	Compliant	Covered in the BGWMP (Appendix A).
2 cont.	b. Regeneration and revegetation strategies for box gum woodland on the project area and the proposed biodiversity offset area (refer to Map at Schedule 1) to improve the ecological quality of these areas of box gum woodland.	Compliant	Covered in the BGWMP (Appendix A).

Condition no./reference	Condition	Compliance status	Evidence/comments
2 cont.	c. An ecological monitoring program to monitor the success of the management actions in the BGWMP and define measurable targets of management actions, performance indicators, and an adaptive management framework for the duration of the action's impact on box gum woodland.	Compliant	Covered in the BGWMP (Appendix A).
2 cont.	d. Management of the offset site as above from commencement of the action. The action must not commence until the BGWMP is approved by the Minister. The approved BGWMP must be implemented.	Non-Compliant	<p>As noted in Condition 6 below, the date of commencement of the action was 20 December 2013, with approval granted for the BGWMP on 11 November 2013. Therefore, the BGWMP was approved prior to the commencement of the action.</p> <p>The condition also requires the BGWMP to be implemented.</p> <p>Several Regeneration and Revegetation Monitoring Program requirements have not been completed during the reporting period.</p> <p>DAWE consulted with Holcim and issued a non-compliance in September 2021. No further non-compliances were issued during this audit period.</p> <p>These are outlined in Table 2 and Table 3. Corrective actions have been identified and are in progress, these are further outlined in Table 4.</p>

Condition no./reference	Condition	Compliance status	Evidence/comments
3	To compensate for the loss of 7.9 hectares of box gum woodland the person taking the action must secure the lands identified as the 'Proposed Biodiversity Offset Area' in the Map at Schedule 1 of this notice as a biodiversity offset and protect the lands for the duration of the action's impact through a conservation agreement under section 69 of the NSW National Parks and Wildlife Act 1974. The conservation agreement must state; 'This agreement must not be terminated without the written consent of 'The Minister Administering the Commonwealth Environment Protection and Biodiversity Conservation Act 1999'.	Non-Compliant	<p>A section 69 Conservation Agreement application was lodged with then NSW Office of Environment and Heritage (OEH) on 18 November 2013 (now dealt with via the NSW Biodiversity Conservation Trust [BCT]). After processing of the application by the then OEH, a conservation agreement was drafted in 2017 and submitted to OEH. After review by OEH, the draft agreement was provided back to Holcim with comments.</p> <p>The conservation agreement has not yet been finalised, however, Holcim has recently refocussed on progressing the finalisation of the agreement. The final timing of the agreement is unknown and is partly dependent on BCT timeframes.</p> <p>It is planned that the wording within the draft agreement will reflect this condition. Final wording of the approved document is at the discretion of the BCT.</p> <p>The offset has been managed as a conservation area while the agreement is being finalised.</p> <p>A meeting on site with the BCT occurred Friday May 6th 2022. Correspondence is included in Appendix E. The meeting demonstrates that progress has been made towards the finalisation of the Conservation Agreement. As of July 2022, there has been no further correspondence. The status is such that the BCT had discussed the condition wording internally and recommended speaking directly to the Commonwealth. The BCT were also waiting on a new copy of the template for reporting, which they would then forward on to Holcim. The following actions on Holcim are currently outstanding;</p> <ul style="list-style-type: none"> • Provide an email and postal address for the agreement • Provide copy of AHMP for records • Check if any vegetation shapefiles exist for the following yellow area (refer to Appendix E of this report) • Pursue consent from the lessee on Lot 3 of DP1107232 • Look into whether there are latitudes and longitudes for what appear to be two infrastructure points near DD8 <p>This item remains open, in progress and non-compliant.</p>

Condition no./reference	Condition	Compliance status	Evidence/comments
4	<p>Prior to the commencement of the action the person taking the action must provide evidence to the Department of;</p> <ul style="list-style-type: none"> a. Their ownership of the offset lands described in Condition 3 along with offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset sites. b. Lodgement of the section 69 conservation agreement application form with the NSW Office of Environment and Heritage. 	Compliant	<p>Holcim provided evidence of the ownership of the offset lands described in Condition 3 along with offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset sites on 26 November 2013.</p> <p>A section 69 Conservation Agreement was lodged with the then OEH on 18 November 2013. Confirmation of lodgement is provided as Appendix C. As noted in Condition 6 below, the date of commencement of the action was 20 December 2013. The section 69 application was therefore lodged prior to commencement of the action.</p>
5	<p>If the person taking the action is unable to comply with Conditions 3 and 4 above they must propose an alternative offset strategy for box gum woodland 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.</p>	Non-Compliant	<p>Holcim have not complied with Condition 3 and the offset strategy for Box Gum Woodland (BGWMP and Conservation Agreement). Review of whether the strategy meets the current Commonwealth EPBC Act Environmental Offsets Policy is currently being carried out in response to the request from DAWE under Condition 11.</p> <p>If any changes are proposed to the Plan, this will be approved in writing by the Minister.</p> <p>Review and update of the BGWMP is currently in progress.</p>
6	<p>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.</p>	Compliant	<p>Holcim notified the Department on 5 December 2013 the action was scheduled to commence in January 2014. The action was later commenced by Holcim on 20 December 2013. Written notification of the actual commencement date was overlooked due to staffing changes. Formal notification was provided to the Department in the 2014 compliance report, dated May 2015, submitted, and published on Holcim’s website.</p> <p>This is a historical non-compliance, however as it has been addressed previously it has been considered compliant for the purpose of this report and the reporting period it covers.</p>

Condition no./reference	Condition	Compliance status	Evidence/comments
7	<p>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 and BGWMP, 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 the audits may also be publicised through the general media.</p>	Compliant	<p>A compliance register was developed for Lynwood Quarry to maintain all records and evidence to substantiate activities undertaken on the site to implement this approval, the BGWMP and to protect the Biodiversity Offset Area. During the 2021 reporting period, Holcim have maintained records for the Lynwood Quarry.</p> <p>These records substantiate all activities associated with or relevant to these conditions of approval, including measures taken to implement the offset and BGWMP.</p> <p>ELA notes that given the BGWMP has not been implemented, there are no records relevant to this plan.</p>
8	<p>Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BGWMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department within 2 business days of becoming aware of the non-compliance.</p>	Compliant	<p>The 2014, 2015, 2016, 2017, 2018 and 2022 annual compliance reports are published on the Holcim website: http://www.holcim.com.au/lynwood.html</p> <p>The 2019 and 2020 compliance reports were not published in the timeframe specified in the condition, however both were published in July 2021. These are historical non-compliances, however as they have been addressed previously, they have been considered compliant for the purpose of this report and the reporting period it covers.</p> <p>This 2022 compliance report will be published in the timeframe specified in the condition, therefore the condition is assessed as compliant for the 2022 compliance period.</p> <p>The 2023 compliance report is planned to be initiated in January 2024 so that it can be submitted within the required timeframe.</p>
9	<p>Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	N/A	<p>During the 2022 reporting period, an independent audit was not requested. The last independent audit was completed in the 2020 reporting period. The next audit is due in 2023.</p>

Condition no./reference	Condition	Compliance status	Evidence/comments
10	If the person taking the action wishes to carry out any activity otherwise than in accordance with the Plan as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that Plan. The varied activity shall not commence until the Minister has approved the varied Plan in writing. The Minister will not approve a varied Plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.	Compliant	<p>No activity outside the scope of the plan as specified in the conditions have been carried out during the audit period. The plan is currently being reviewed under the guidance of DAWE and will be subject to approval by the Minister once finalised.</p> <p>The intended management practises of the Plan have not occurred during the 2022 reporting period.</p> <p>DAWE consulted with Holcim in September 2021 and the points raised are outlined in Table 2 and Table 3. Corrective actions that have been identified and are in progress are further outlined in Table 4. Depending upon the outcome of the corrective actions there may be changes to the Plan.</p> <p>Management activities will continue to be actioned throughout the next reporting period.</p>
11	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the Plan specified in the conditions and submit the revised Plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved Plan must be implemented. Unless the Minister has approved the revised Plan then the person taking the action must continue to implement the Plan originally approved.	Compliant	<p>DAWE consulted with Holcim in September 2021 and requested that Holcim make specified revisions to the Plan. Holcim are currently taking action to fulfill the requested revisions.</p> <p>These are outlined in Table 2 and Table 3. Corrective actions that have been identified and are in progress are further outlined in Table 4.</p> <p>Management activities will continue to be actioned throughout the next reporting period.</p>
12	If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Compliant	The action was commenced by Holcim on 20 December 2013 and was substantially progressed during 2014. This was within 5 years of the date of the approval.
13	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the Plan and Program referred to in these conditions of approval on their website. The Plan and Program must be published on the website within 1 month of being approved.	Compliant	Completed and reported on in 2014. The BGWMP has been uploaded to the Holcim website and is accessible at http://www.holcim.com.au/lynwood.html . Assessed as compliant for the reporting period as the approved document is published and available.

The BGWMP required by Condition 2 contains management actions designed to improve and protect the condition of Box Gum Woodland in the Conservation Area. These management actions are discussed in Table 2 and Table 3 below. The BGWMP is currently being reviewed and updated.

Table 2: Box Gum Woodland Management Plan – Regeneration and Revegetation Program Requirements

Activity	Description	Timeframe as defined in the BGWMP	Progress in 2021	Compliance status
Fencing	Fence entire Biodiversity Offset Area (offset area).	2013/14	All required fencing has been completed.	Compliant
Natural regeneration of derived native grassland	Exclusion of stock from the offset area.	2013/14	The offset area is free from grazing activities by stock.	Compliant
Seed collection for direct seeding	Seed collection to target box-gum woodland using local provenance. Direct seeding of 5.5 ha of the offset area.	2013/14	Completed	Compliant
Site preparation for direct seeding	Light scarification of the ground if deemed essential to seed germination (i.e. if seeding coincides with very dry conditions)	2014/15	Completed	Compliant
Direct seeding	Direct seeding of 5.5 ha. Seeding to be conducted using a tractor with fertilizer spreader and vermiculate.	2014/15	Completed	Compliant
Planting of tube stock	5.5 ha of the existing native pasture to be revegetated using tube stock at a density of 600 stems per hectare. No deep ripping is to be conducted.	2014/15	Not commenced.	Non-Compliant
Tube stock propagation	Tube stock quantity to be sufficient to revegetate 5.5 ha.	2013/14	Not commenced.	Non-Compliant
Site preparation for tube stock planting	Slashing/mowing of 5.5 ha site prior to planting.	2014/15	Not commenced.	Non-Compliant
Weed management within revegetation/regeneration area	Biannual weed management action to be conducted across 30% (approximately 7 ha) of the offset area. Spraying to occur prior to the flowering of weed species with follow up spraying to be undertaken after the initial round of spraying has taken effect.	6-monthly until 2017/18	The timeframe has now passed however this item was not undertaken.	Non-Compliant

Activity	Description	Timeframe as defined in the BGWMP	Progress in 2021	Compliance status
Monitoring of revegetation/regeneration area	Annual monitoring to be undertaken in order to determine the success or otherwise of revegetation works and the progress of natural regeneration. Permanent monitoring plots to be established during the first year of monitoring.	Yearly	Monitoring has been undertaken by SLR in 2022. The monitoring report was completed in February 2023. The monitoring determined the progress of natural regeneration but did not determine the success or otherwise of revegetation works. Revegetation works are currently being reviewed and potentially revised. Refer to Table 4 for further detail.	Compliant

Table 3: Box Gum Woodland Management Plan – Monitoring Program Requirements

Activity	Description	Timeframe as defined in the BGWMP	Progress in 2021	Compliance status
Weed Management	Weed assessments are to be undertaken by the Environment Officer every six months in the offset area. Outbreaks of weeds are to be controlled using spraying, slashing or manual removal. Where appropriate, the local weeds authority and the Goulburn-Mulwaree Council will be consulted regarding weed control measures.	6-monthly from establishment of offset area	Active weed management has not been carried out in the offset area within the audit period. A preliminary site assessment of the biodiversity offset area was carried out in December 2021 by ELA ecologists. This included an assessment of weeds and control recommendations.	Non-Compliant
Feral animals	Feral fauna species are to be visually monitored during the Environmental Officer's six-monthly inspections and during fauna surveys undertaken once every three years. Measures to control feral species are to be implemented as required and in consultation with the Rural Lands Protection Board, where necessary.	Opportunistic and during scheduled 6-monthly and 3-yearly monitoring.	Feral fauna species were visually monitored for during the fauna surveys of the 2022 ecological monitoring conducted by SLR Consulting Australia Pty Ltd.	Compliant

Activity	Description	Timeframe as defined in the BGWMP	Progress in 2021	Compliance status
Retained vegetation	<p>The condition of retained vegetation is currently monitored once every three years by a qualified ecologist to identify any change in habitat quality. Permanent monitoring plots are located in the northern Habitat Management Area, on Joarimin Creek, and in the Cultural Heritage Management Zone. The permanent monitoring plot in the Cultural Heritage Management Zone in the offset area will form part of the offset monitoring requirements. The following will be recorded:</p> <ul style="list-style-type: none"> • General health of vegetation; • Evidence of natural regeneration; • Occurrence and abundance of weed species; • Signs of disturbance, either by stock or humans; • Evidence of feral animals; and • Any observable impacts of the operation, such as the effectiveness of sediment and erosion control structures. <p>At each vegetation plot, species diversity and structural composition is to be recorded. Photo monitoring will also be undertaken at established photo monitoring points at each monitoring site. Fauna will also be monitored at these sites.</p>	3-yearly	Ecological monitoring was conducted by SLR Consulting Australia Pty Ltd during the 2020 reporting period and is not due again until 2023.	Compliant

Activity	Description	Timeframe as defined in the BGWMP	Progress in 2021	Compliance status
Revegetation areas	<p>Following revegetation works, monitoring is to be undertaken to assess the progress of the revegetation program. The offset area will be included in the existing monitoring schedule for revegetation areas. Specifically, the monitoring inspections will assess:</p> <ul style="list-style-type: none"> • The extent of the vegetation cover and species diversity, and any requirement for additional revegetation works to be undertaken; • The general health of the vegetation • Any occurrence of weed species in the revegetation area and any requirements for weed control • Feral animals and the need for control; • Erosion and the need for repair of eroded areas; • Fire management • Any signs of disturbance, either by animals or humans; and • The success of any management programs implemented following previous monitoring inspections. 	<p>3-monthly for first three years following completion of rehabilitation works. Annually thereafter.</p>	<p>Revegetation has not been completed.</p>	<p>Non-Compliant</p>
Revegetation areas (cont.)	<p>In addition to annual monitoring the Environmental Officer will inspect the offset area revegetated areas every three months for the first three years after the completion of rehabilitation works. This inspection will include:</p> <ul style="list-style-type: none"> • The general health of the vegetation and the need for fertilisation; • The growth of the vegetation and the need to replace any dead plants; • Any erosion and the need for sediment and erosion controls to be implemented; • Any occurrence of weed species in the revegetation area and any requirements for weed control activities: and • Signs of disturbance and the need to access controls. 	<p>3-monthly for first three years following completion of rehabilitation works. Annually thereafter</p>	<p>Rehabilitation works have not been completed</p>	<p>Non-Compliant</p>

Activity		Description	Timeframe as defined in the BGWMP	Progress in 2021	Compliance status
Box Woodland	Gum	Ecological monitoring of retained box gum woodland patches will be undertaken annually against benchmark sites for a period of 5 years with the monitoring frequency to be reassessed after that time. This monitoring will assess the condition and recovery of box gum woodland at the site. Permanent plots and photographic monitoring sites will be established to allow for comparison between monitoring events.	Annually for years 0-5 Following establishment of Offset area, biannually for years 6-11 following successful implementation of rehabilitation.	Ecological monitoring of retained Box Gum Woodland patches against benchmark sites was undertaken by SLR Consulting Australia Pty Ltd in 2022. Final results and reporting are included in Appendix F. Rehabilitation has not been carried out. Actions to rectify this are in progress. Refer to Table 4 .	Compliant

3. Correcting Non-Compliances

Six non-compliances with the conditions of the EPBC approval and nine non-compliances with the BGWMP were recorded for Holcim during the 2021 reporting period. The identified non-compliances and proposed corrective actions and timeframes are presented in Table 4.

Table 4: Correcting Non-compliances

EPBC approval condition/BGWMP requirement	Non-compliance	Date detected	Department notified	Future corrective actions	Tentative timeframe for completion
Condition 11	The offset site being unmanaged for 6 years and associated lost gain of environmental outcomes	September 2021	Holcim and DAWE meeting facilitated by DAWE in September 2021.	DAWE require: <ul style="list-style-type: none"> • Baseline surveys of the site to establish if the offset site described in the Lynwood Quarry Box Gum Woodland Management Plan 2013 still meets the offset policy and principles to determine changes to the original calculations of offset site quality. <ul style="list-style-type: none"> ○ <i>Completed in 2022</i> • The resubmission of the Offset Assessment Guide calculators, including evidence to support the data. <ul style="list-style-type: none"> ○ <i>Ongoing</i> • The extent and quality of the Box Gum Woodland onsite and what other previously identified species are present and viable. <ul style="list-style-type: none"> ○ <i>Completed in 2022 and in the monitoring report.</i> • Mapping of the erosion and sedimentation extent and the impact that it currently has on the protected matters, the condition of the fencing and the fire history on the site. <ul style="list-style-type: none"> ○ <i>To complete in 2023 information available in the 2022 monitoring report</i> • The baseline data to inform the next phase including recalculation of the offset, the viability of the offset, the lost gains and the management of the site. <ul style="list-style-type: none"> ○ <i>Surveys completed 2022</i> 	Baseline surveys completed in Spring 2022. Associated calculations are ongoing.

EPBC approval condition/BGWMP requirement	Non-compliance	Date detected	Department notified	Future corrective actions	Tentative timeframe for completion
				<ul style="list-style-type: none"> • The management plan to be revised and approved prior to Spring 2022. <ul style="list-style-type: none"> ○ <i>Expected completion 2023</i> 	
Condition 2(d)	<p>The condition requires the BGWMP to be implemented.</p> <p>Several Regeneration and Revegetation Monitoring Program requirements have not been completed during the 2020 and 2021 reporting period.</p>	September 2021	Holcim and DAWE meeting September 2021	As for Condition 11	As for Condition 11
Condition 3	<p>The offset has not been managed as a conservation area while the agreement is being finalised.</p> <p>DAWE consulted with Holcim and issued a non-compliance in September 2021.</p>	September 2021	Holcim and DAWE meeting September 2021	As for Condition 11	As for Condition 11
Condition 5	<p>Holcim have not complied with Condition 3 and the offset strategy for Box Gum Woodland (BGWMP and Conservation Agreement). Review of whether the strategy meets the current Commonwealth EPBC Act Environmental Offsets</p>	During preparation of this report.	Within this report	As for Condition 11	Mid 2023

EPBC approval condition/BGWMP requirement	Non-compliance	Date detected	Department notified	Future corrective actions	Tentative timeframe for completion
	<p>Policy is currently being carried out in response to the request from DAWE under Condition 11.</p> <p>If any changes are proposed to the Plan, this will be approved in writing by the Minister.</p>				
Condition 10	<p>There has been no management of the offset area for 6 years.</p> <p>DAWE consulted with Holcim in September 2021.</p> <p>Depending upon the outcome of the corrective actions under Condition 11 there may be changes to the Plan.</p>	September 2021	Holcim and DAWE meeting September 2021	As for Condition 11	Management activities will be commenced throughout the next reporting period
BGWMP Regeneration and Revegetation Program Requirements	Planting of tube stock	September 2021	Holcim and DAWE meeting September 2021	Dates for tube stock planting to be confirmed as part of the review of the BGWMP under Condition 11. These dates will then be incorporated into the compliance register and completed.	31/12/23
BGWMP Regeneration and Revegetation Program Requirements	Tube stock propagation	September 2021	Holcim and DAWE meeting September 2021	Dates for tube stock propagation to be confirmed as part of the review of the BGWMP under Condition 11. These dates will then be incorporated into the compliance register and completed.	31/12/23
BGWMP Regeneration and Revegetation Program Requirements	Site preparation for tube stock planting	September 2021	Holcim and DAWE meeting September 2021	Dates for site preparation to be confirmed as part of the review of the BGWMP under Condition 11. These dates will then be incorporated into the compliance register and completed.	31/12/23

EPBC approval condition/BGWMP requirement	Non-compliance	Date detected	Department notified	Future corrective actions	Tentative timeframe for completion
BGWMP Regeneration and Revegetation Program Requirements	Monitoring of revegetation/ regeneration area	September 2021	Holcim and DAWE meeting September 2021	Monitoring was carried out in 2022, final results were reported February 2023 (Appendix F).	Complete
BGWMP Monitoring Program Requirements	Weed Management	During preparation of this report	Within this report	Active weed management actions to be carried out within the Offset Site in accordance with the condition assessment were not carried out during the 2021 reporting period or the 2022 reporting period.	Prior to Spring 2023
BGWMP Monitoring Program Requirements	Feral animals	During preparation of this report	During preparation of this report	Monitoring was carried out in 2022, final results were reported February 2023 (Appendix F).	Prior to Spring 2023
BGWMP Monitoring Program Requirements	Revegetation Areas	September 2021	Holcim and DAWE meeting September 2021	Following revegetation works, Holcim will re-establish monitoring in the 2023 reporting period as required.	31/12/23
BGWMP Monitoring Program Requirements	Revegetation Areas (cont)	September 2021	Holcim and DAWE meeting September 2021	Following revegetation works, Holcim will re-establish monitoring in the 2023 reporting period as required.	31/12/23
BGWMP Monitoring Program Requirements	Box Gum Woodland	During preparation of this report.	Within this report	Monitoring was carried out in 2022, final results were reported February 2023 (Appendix F). Monitoring of revegetation did not occur during the 2022 period as works had not been completed.	31/12/23

Holcim will endeavour to restore full compliance with the EPBC Act Approval and BGWMP during 2023. As part of improving compliance management as it relates to the EPBC Act Approval and BGWMP, Holcim will continue to update their compliance schedule outlining compliance conditions, actions to be completed, due dates, outcomes and sign off in 2023.

4. New Environmental Risks

No new environmental risks are noted for the next reporting period.

5. Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed



Full name	Andrew Whitford
Position	Manager, Restoration Ecology and Land Management
Organisation	Eco Logical Australia
Date	20 March 2023

Appendix A Box Gum Woodland Management Plan

Appendix B Lynwood Quarry, Marulan NSW EPBC Approval 2012/6560



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

EPBC Ref: 2012/6560

Mr Stephen Mossie
General Manager – NSW & ACT Aggregates
Holcim (Australia) Pty Ltd
PO Box 5697
WEST CHATSWOOD NSW 1515

Dear Mr Mossie

**Decision on Approval
Lynwood Quarry, NSW (EPBC 2012/6560)**

I am writing to you in relation to a proposal to expand and operate an existing quarry pit and construct internal haul roads and rail spur and loading facility located approximately 1km west of the township of Marulan NSW.

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 Holcim (Australia) Pty Ltd. 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.

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

13 September 2013



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Lynwood Quarry, Marulan NSW (EPBC 2012/6560)

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 Holcim (Australia) Pty Ltd

proponent's ACN 099 732 297

proposed action To establish and operate a quarry pit, construct internal haul roads, and a rail spur and loading facility at Marulan, NSW (see EPBC Act referral 2012/6560).

DECISION to approve:

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 January 2038

Decision-maker

name and position

James Tregurtha
 Assistant Secretary
 South-Eastern Australia Environment Assessments

Signature

date of decision 13 September 2013

Proposed Conditions of Approval:

1. The person taking the action must not clear more than 7.9 hectares of the ecological community *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland*.
2. To assist in mitigating the impacts of the proposal on *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (box gum woodland), the person taking the action must prepare and submit a Box Gum Woodland Management Plan (BGWMP) for Minister's written approval prior to commencement of the action. The BGWMP must include:
 - a. Management actions designed to improve the ecological quality of box gum woodland on the project area (refer to Map at Schedule 1) and proposed biodiversity offset area and protect it from degradation for the duration of the action's impact on box gum woodland.
 - b. Regeneration and revegetation strategies for box gum woodland on the project area and the proposed biodiversity offset area (refer to Map at Schedule 1) to improve the ecological quality of these areas of box gum woodland.
 - c. An ecological monitoring program to monitor the success of the management actions in the BGWMP and define measurable targets of management actions, performance indicators, and an adaptive management framework for the duration of the action's impact on box gum woodland.
 - d. Management of the offset site as above from commencement of the action.

The action must not commence until the BGWMP is approved by the Minister. The approved BGWMP must be implemented.

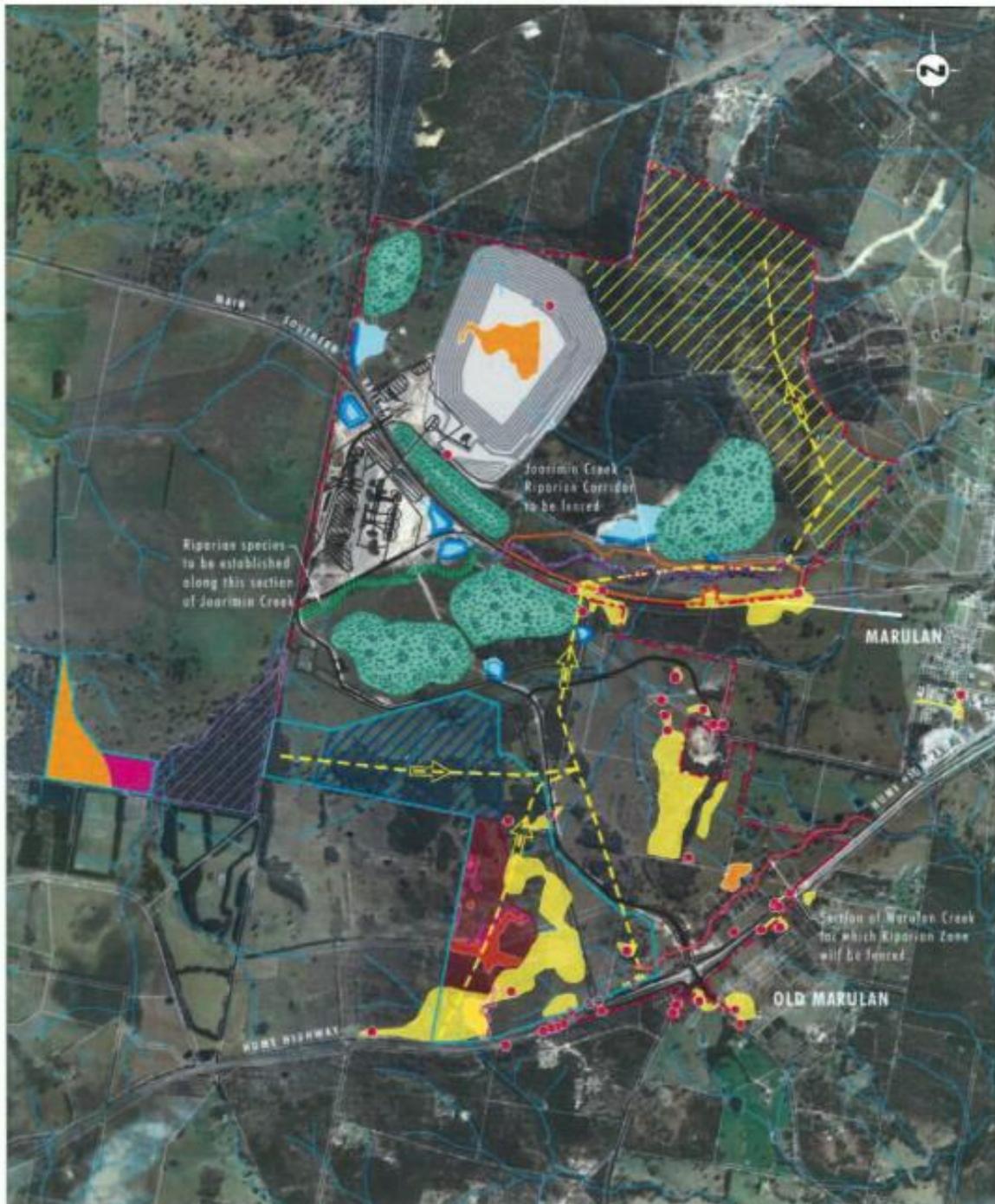
3. To compensate for the loss of 7.9 hectares of box gum woodland the person taking the action must secure the lands identified as the '*Proposed Biodiversity Offset Area*' in the Map at Schedule 1 of this notice as a biodiversity offset and protect the lands for the duration of the action's impact through a conservation agreement under section 69 of the NSW *National Parks and Wildlife Act 1974*. The conservation agreement must state; '*This agreement must not be terminated without the written consent of 'The Minister Administering the Commonwealth Environment Protection and Biodiversity Conservation Act 1999'*'.
4. Prior to the commencement of the action the person taking the action must provide evidence to the Department of,
 - a. Their ownership of the offset lands described in Condition 3 along with offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset sites.
 - b. Lodgement of the section 69 conservation agreement application form with the NSW Office of Environment & Heritage.
5. If the person taking the action is unable to comply with Conditions 3 and 4 above they must propose an alternative offset strategy for box gum woodland 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.

6. 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.
7. 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 and BGWMP, 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.
8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BGWMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department within 2 business days of becoming aware of the non-compliance.
9. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
10. If the person taking the action wishes to carry out any activity otherwise than in accordance with the Plan as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that Plan. The varied activity shall not commence until the Minister has approved the varied Plan in writing. The Minister will not approve a varied Plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.
11. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the Plan specified in the conditions and submit the revised Plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved Plan must be implemented. Unless the Minister has approved the revised Plan then the person taking the action must continue to implement the Plan originally approved.
12. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.
13. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the Plan and Program referred to in these conditions of approval on their website. The Plan and Program must be published on the website within 1 month of being approved.

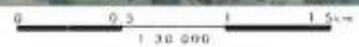
Definitions

- 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, means 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 Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Schedule 1



Source: LPI 2010, Holcim Australia (Aerial Photo May 2012), Google Earth (2011)



Legend

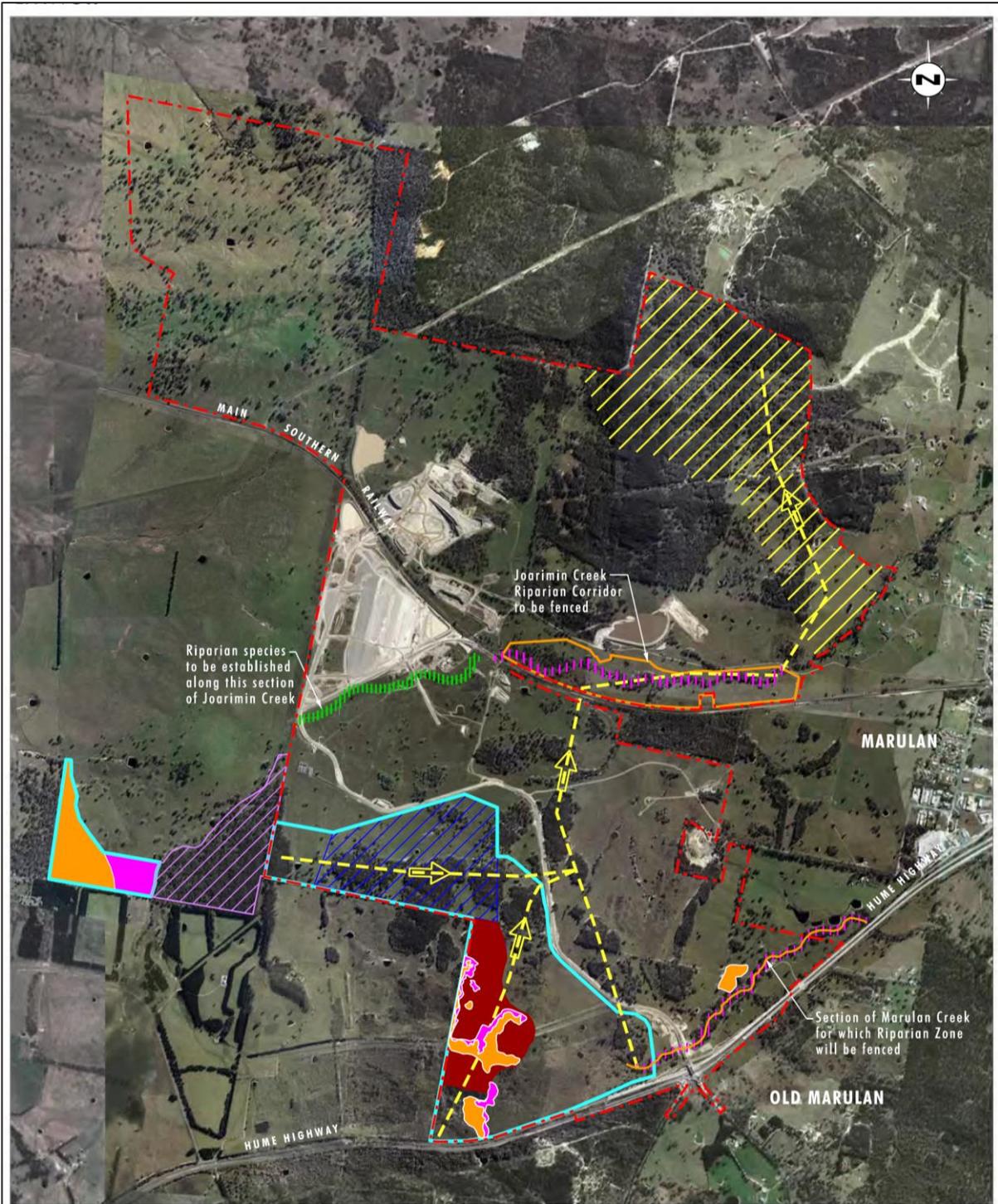
- Project Area
- Existing Approved Habitat Management Area
- Existing Approved Core Riparian Corridor
- Existing Approved Cultural Heritage Management Zone
- Stepping Stone Corridor
- Box Gum Woodland Derived Native Grassland (CEEC)
- Box Gum Woodland (LEEC)
- Moist Sunny Habitat
- Location of Henry Sunny
- Proposed Biodiversity Offset Area
- Proposed Box Gum Woodland CEEC Regeneration
- Proposed Habitat Management Area
- Drainage

FIGURE 3.2

Proposed Biodiversity Offset Area and Habitat Management Features

Appendix C Draft Conservation Agreement Lodgement 2013

Appendix D Site maps



Source: LPI 2010, Holcim Australia (Aerial Photo May 2012), Google Earth (2011)

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Legend

- - - Approved Project Area
- / / / Existing Approved Habitat Management Area
- / / / Existing Approved Core Riparian Corridor
- / / / Existing Approved Cultural Heritage Management Zone
- - - Stepping-Stone Corridor
- Box Gum Woodland Derived Native Grassland (CEEC)
- Box Gum Woodland (CEEC)
- Biodiversity Offset Area
- Box Gum Woodland CEEC Regeneration
- / / / Habitat Management Area

FIGURE 3.5
Existing Lynwood Quarry
Conservation and Management Areas

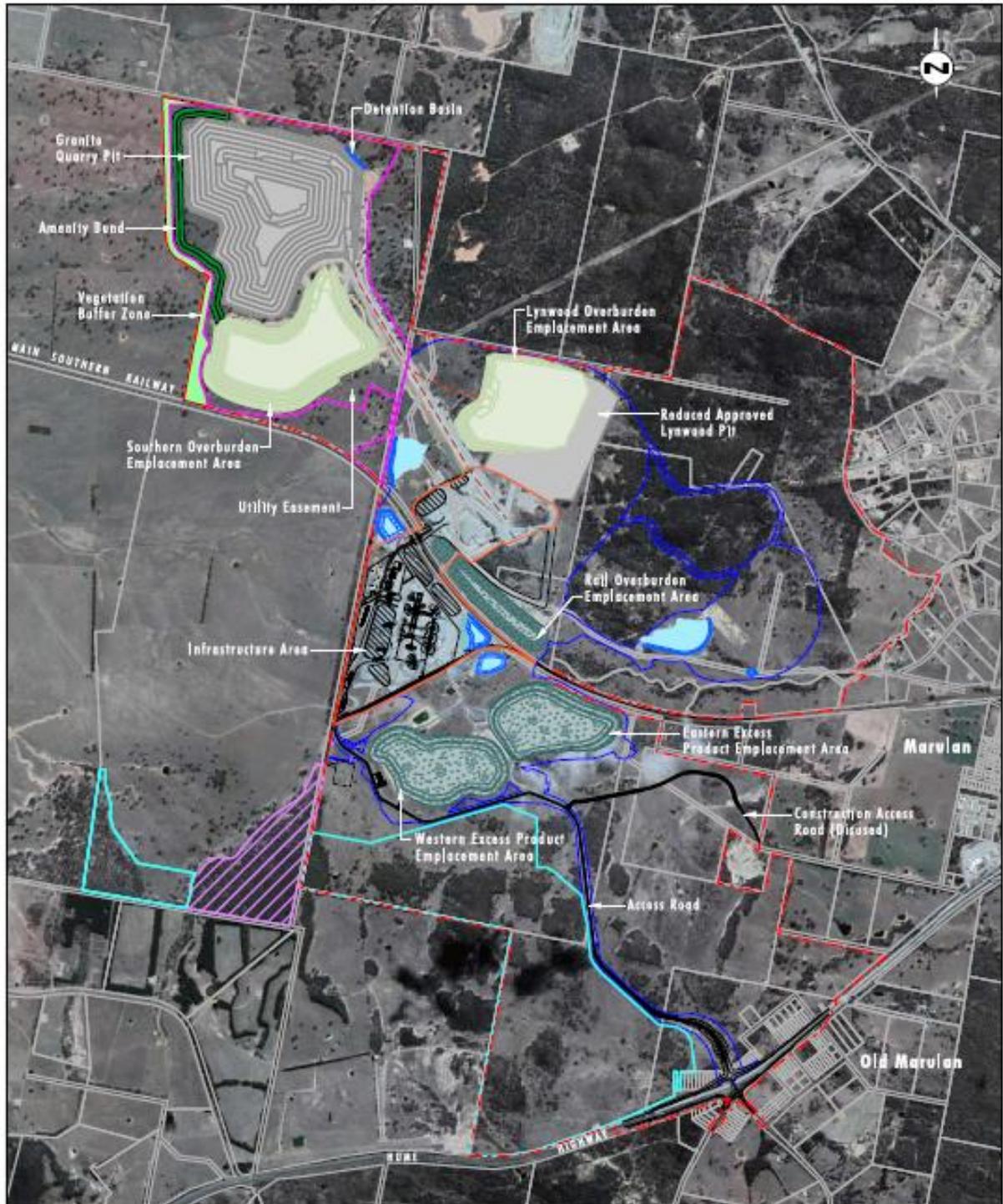


Image Source: Google Earth (2012), Holcim (2012, 2014)
 Data Source: LPI (2014), Holcim Australia (2015)

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Legend

- | | | |
|-----------------------------------|----------------------------|--------------|
| Approved Project Area | Biodiversity Offset Area | Amenity Band |
| Lynwood Infrastructure Area | Quarry Pit | Road Road |
| Approved Disturbance Footprint | Employment Area | |
| Granite Pit Disturbance Footprint | Dam | |
| Lynwood Infrastructure Layout | Overburden Employment Area | |
| Habitat Management Area | Vegetation Buffer Zone | |

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FIGURE 1
Overview of Operations

Appendix E BCT Correspondence

Appendix F Monitoring report

