

Gunlake Quarry



***Compliance Report
Gunlake Extension Project
EPBC 2015/7557***

September 2023

Table of Contents

1. Introduction	1
1.1 Background	1
1.2 Approval Details	1
<hr/>	
2. Compliance Statement	2
2.1 Reporting Period 1/7/2022 – 30/6/2023	2
<hr/>	
3. Non-compliance Summary	7

Appendices

Appendix A – EPBC Approval Document

Appendix B – Management Plan

1. Introduction

1.1 Background

The Gunlake Quarry Extension Project was approved by the NSW Land and Environment Court on 30 June 2017 (File 2017/108663). Prior to the NSW State approval, the Gunlake Extension Project was referred to the Federal Department of Environment and Energy and it was determined that the project comprised a controlled action with impact to threatened species and communities listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Specifically, impact to White Box Yellow Box Red Gum Grassy Woodland and Derived Native Grasslands ecological community and the Regent Honeyeater (*Anthochaera phrygia*), listed as critically endangered entities, was identified as a potential outcome of the action.

The controlled action was subsequently approved under the EPBC Act on 17th November 2017.

Compliance status with conditions of approval is detailed in Section 2.

1.2 Approval Details

Approval of the controlled action was granted under sections 130(1) and 133 of the EPBC Act. Further information relating to the approval is detailed in Table 1 below.

Table 1 – EPBC 2015/7557 Approval Details

Approval Details	
EPBC Number	EPBC 2015/7557
Project Name	Gunlake Extension Project
Approval Date	17/11/2017
Expiry Date of Approval	31/12/2042
Approval Holder	Gunlake Quarries Pty Limited ACN 118 686 963
Approved Action	To extend the existing hard rock quarry operated by Gunlake Quarries Pty Limited, and undertake road upgrades along the primary transport route
Controlling Provision	Listed threatened species and communities
Project Location	Gunlake Quarry - 7km north west of Marulan NSW
Reporting Period	First reporting period 5/2/2018 – 4/2/2019 and annually thereafter. The reporting period has now been aligned with the Annual Review financial year reporting Period with the first period ending 30/06/2021. This report covers the period ending 30/6/2023.

2. Compliance Statement

2.1 Reporting Period 1/7/2022 – 30/6/2023

The compliance status for the reporting period to June 30 2023 is detailed in Table 2.1 below. The EPBC reporting period has now been aligned with the Annual Review financial year reporting Period. This report was lodged on 30/09/2023.

Table 4 – EPBC Approval Conditions Compliance Status: 1/7/2022 – 30/6/2023

Referral Condition Number	Relevant SSD Consent Condition	Condition Particulars	Compliance Status	Comments / Evidence
1		For the protection of listed threatened species and communities, the person taking the action must not impact more than 16.06 hectares of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland as a result of the proposed action.	Compliant	<p>The referral of the Gunlake Extension Project to the Department related to unavoidable impacts on up to 16.06 hectares of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland as determined from ecological surveys of the project's disturbance area. This included removal of this particular vegetation community in the approved pit extension area as well as impacts to this vegetation community resulting from road upgrades required by the Gunlake Extension Project LEC Consent.</p> <p>Clearing of vegetation is undertaken progressively ahead of pit development within the approved disturbance areas as detailed in the referral to the Department and therefore no greater than 16.06 hectares has or will be disturbed.</p>

Referral Condition Number	Relevant SSD Consent Condition	Condition Particulars	Compliance Status	Comments / Evidence
2	1, Schedule 2 2, Schedule 2 31(b), Schedule 3	<p>For the protection of listed threatened species and communities, the person taking the action must comply with the NSW conditions of consent below, as in force or existing from time to time, where those conditions relate to avoiding, mitigating, offsetting, managing, recording or reporting on impacts to listed threatened species and communities.</p> <p>General obligation to prevent environmental harm.</p> <p>Requirement to undertake the action generally in accordance with the Gunlake Extension Project EIS.</p> <p>Requirement to implement the Biodiversity Offset Strategy, including retirement of biodiversity credits</p>	Compliant Compliant Compliant	<p>Monitoring and reporting of impacts from the development are reported each year in the Annual Review. No significant environmental harm has been reported.</p> <p>Ongoing requirement which is reported each year in the Annual Review.</p> <p>The Biodiversity and Rehabilitation Management Plan (BRMP) incorporating the Biodiversity Offset Strategy was finalised following the determination of Mod 1 and submitted to DPE for approval in April 2023. The BioBanking Agreement was approved and executed on 25/5/2019.</p>

Referral Condition Number	Relevant SSD Consent Condition	Condition Particulars	Compliance Status	Comments / Evidence
	34, Schedule 3	Requirement to retire the specific number of biodiversity credits	Compliant	BioBanking credit report prepared and lodged in February 2018. BioBanking Agreement approved on 25/5/2019. A total of 1,466 credits have been generated by the BioBank area subject of the BioBank Agreement which exceeds the development consent conditions.
	35, Schedule 3	Requirement to retire credits through a BioBanking Agreement	Compliant	BioBanking Agreement Application lodged February 2018 and approved and executed in May 2019.
	38, Schedule 3	Requirement to prepare and implement an approved Biodiversity and Rehabilitation Management Plan	Compliant	A Biodiversity and Rehabilitation Management Plan (BRMP) was lodged with DPIE in February 2018. Following the determination of Mod 1, the BRMP was updated and submitted to DPE for approval in April 2023.
3		Within 20 business days after commencement of the action, the person taking the action must advise the Department in writing of actual date of commencement	Not applicable	Action commenced prior to previous reporting period.
4		The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Biodiversity Offset Strategy, Biodiversity and Rehabilitation Management Plan, and Environmental Management Plan required by	Compliant	Vegetation disturbance, rehabilitation and maintenance of rehabilitation and vegetation within offset areas are reported on in the Annual Review.

Referral Condition Number	Relevant SSD Consent Condition	Condition Particulars	Compliance Status	Comments / Evidence
		<p>this approval, 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.</p>		
5		<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 any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. Reports must remain published for the life of the approval. The approval holder must continue to publish reports until otherwise advised by the Minister in writing.</p>	Compliant	<p>Reporting was undertaken through the Quarry's Annual Review. Compliance report covering all reporting periods available on the company's website.</p>

Referral Condition Number	Relevant SSD Consent Condition	Condition Particulars	Compliance Status	Comments / Evidence
6		The person taking the action must advise the Department of any potential non-compliance with any of these conditions of approval in writing within seven days of becoming aware of the potential non-compliance.	Compliant	
7		If, at any time after five years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister.	Compliant	Commencement occurred on 5 th February 2018
8		Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management documents referred to in these conditions of approval on their website. This includes documents required indirectly through the NSW conditions of consent.	Compliant	All approved Management Plans applicable to this approval and the NSW conditions of consent are available via the company's website.

3. Non-compliance Summary

There were no non-compliances during the reporting period.

Appendix A – EPBC Approval Document



Approval
Gunlake Extension Project, Brayton, NSW (EPBC 2015/7557)

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	Gunlake Quarries Pty Limited
proponent's ACN	118 686 963
proposed action	To extend the existing hard rock quarry operated by Gunlake Quarries Pty Limited, and undertake road upgrades along the primary transport route, approximately 7 km north-west of Marulan, NSW. [See EPBC Act referral 2015/7557 and request for variation received 8 and 10 August 2017].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2042.

Decision-maker

name and position	Dane Roberts Acting Assistant Secretary Assessments (ACT, NSW) & Waste Branch
--------------------------	---

signature

date of decision	17/11/17
-------------------------	----------

Conditions attached to the approval

1. For the protection of **listed threatened species and communities**, the person taking the action must not impact more than 16.06 hectares of White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland as a result of the proposed action.
2. For the protection of **listed threatened species and communities**, the person taking the action must comply with the following conditions of the **NSW conditions of consent**, as in force or existing from time to time, where those conditions relate to avoiding, mitigating, offsetting, managing, recording or reporting on impacts to **listed threatened species and communities**:

Schedule	Condition	Subject
Administrative conditions		
2	1	general obligation to prevent environmental harm
	2	requirement to undertake the action generally in accordance with the Gunlake Extension Project Environmental Impact Statement and conditions of consent
Biodiversity and rehabilitation		
3	31(b)	requirement to implement the Biodiversity Offset Strategy, including retirement of biodiversity credits
	34	requirement to retire the specified number of biodiversity credits
	35	requirement to retire credits through a BioBanking Agreement
	38	requirement to prepare and implement an approved Biodiversity and Rehabilitation Management Plan

3. Within 20 business days after **commencement** of the action, the person taking the action must advise **the Department** in writing of the actual date of **commencement**.
4. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Biodiversity Offset Strategy, Biodiversity and Rehabilitation Management Plan, and Environmental Management Plan required by this approval, 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.
5. Within three (3) months of every twelve (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 any management plans as specified in the conditions. Documentary evidence providing proof of

the date of publication and non-compliance with any of the conditions of this approval must be provided to **the Department** at the same time as the compliance report is published. Reports must remain published for the life of the approval. The approval holder must continue to publish reports until otherwise advised by **the Minister** in writing.

6. The person taking the action must advise **the Department** of any potential non-compliance with any of these conditions of approval in writing within seven (7) days of becoming aware of the potential non-compliance.
7. If, at any time after five (5) years from the date of this approval, the person taking the action has not **commenced** the action, then the person taking the action must not **commence** the action without the written agreement of **the Minister**.
8. Unless otherwise agreed to in writing by **the Minister**, the person taking the action must publish all management documents referred to in these conditions of approval on their website. This includes documents required indirectly through the **NSW conditions of consent**.

Definitions

Commencement (also commence the action etc.) is the first instance of an activity described as part of the proposed action, excluding the erection of fences and signage.

The Department is the Australian Government department responsible for administration of **the EPBC Act**.

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

Listed threatened species and communities are flora and fauna species and ecological communities that are listed as threatened under **the EPBC Act** that may be impacted by the proposed action, including White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

The Minister is the Australian Government minister responsible for administering **the EPBC Act**, and includes a delegate of **the Minister**.

NSW conditions of consent is the document recording the decision of the Land and Environment Court of NSW in the case *Gunlake Quarries Pty Limited v The Minister for Planning*, entitled "Annexure 'A' of S34 Agreement filed 30 June 2017 in proceedings no: 108663 of 2017 – conditions of consent", under the *Land and Environment Court Act 1979* (NSW).

Appendix B – Management Plan

All approved Management Plans and Annual Reports can be found on the Gunlake website www.gunlake.com.au

Table A1 – Vegetation Management

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
Degradation from over grazing of stock	Prevent uncontrolled movement of stock into Biodiversity Offset Areas.	Fence off Biodiversity Offset Areas	1). To be completed as soon as practicable following approval of this Plan. 2). Type of fencing to be determined by Gunlake, however where new fences are constructed, the use of plain wire rather than barbed wire is generally used. If barbed wire is necessary, at least the top strand will be plain wire (to prevent wildlife entanglement). 3). Fencing to be maintained in good condition to exclude stock. In particular, fences in gullies/creek lines are to be checked after rain for damage and to remove debris.	BioBanking areas fenced off in August 2019. Fencing is checked on a quarterly basis as a minimum and following heavy rain and/or high wind conditions.
Existing vegetation - Biodiversity Offset Areas	Maintain sustainable Box Gum Woodland EEC and riparian vegetation communities within nominated Biodiversity Offset Areas.	1). Establish structure and floristics of final target vegetation community 2). Source local provenance seed either by collecting seed on site or from local supplier. 3). Establish vegetation monitoring plots. Recorded monitoring data will	1). The following performance criteria apply: <ul style="list-style-type: none"> □ Key indicator species present in equivalent density to target EEC or riparian vegetation. 	Target vegetation community structure and florists established. Photographs are taken at 10 photographic monitoring location in the BioBanking Area

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
		<p>include percentage canopy cover, germination rate, percentage erosion/bare patches, seed development, and photographs.</p> <p>4). Supplementary planting or direct seeding in areas with low natural regenerative capacity</p> <p>5). Monitor natural regeneration & planting/direct seeding areas and review success of natural regeneration and any revegetation measures.</p> <p>6). Identify areas requiring infill planting or specific management tasks.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Indicator species successfully seed in two consecutive years. <input type="checkbox"/> Canopy density greater than 30% <p>2). Seed collection is undertaken in consultation with a qualified/experienced person (e.g. bush regeneration contractor or local native nursery staff). Seed collection is undertaken when needed and when available.</p> <p>3). Monitoring plots established and mapped.</p> <p>4). Additional planting/seed sowing as required (determined by success of previous activities and natural regeneration) to be undertaken in consultation with a qualified/experienced person.</p> <p>5). The results from the monitoring plots will be reported</p>	<p>on an annual basis and two monitoring sites in the Biodiversity Conservation Areas which are reported in the Annual Review.</p>

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
			in the Annual Review submitted to the DP&E in accordance with the Project Approval.	
Passive Regeneration areas - past clearing and disturbance (loss of native tree, shrub and ground cover)	Create sustainable Box Gum Woodland EEC and riparian vegetation communities within nominated Biodiversity Offset Areas.	1). Establish structure and floristics of final target vegetation community 2). Source local provenance seed either by collecting seed on site or from local supplier. 3). Establish vegetation monitoring plots. Recorded monitoring data will include percentage canopy cover, germination rate, percentage erosion/bare patches, seed development, and photographs. 4). Supplementary planting or direct seeding in areas with low natural regenerative capacity 5). Monitor natural regeneration & planting/direct seeding areas and review success of natural regeneration and any revegetation measures. 6). Identify areas requiring infill planting or specific management tasks.	1). The following performance criteria apply: <ul style="list-style-type: none"> ❑ Key indicator species present in equivalent density to target EEC or riparian vegetation. ❑ Indicator species successfully seed in two consecutive years. ❑ Canopy density greater than 30% 2). Seed collection is undertaken in consultation with a qualified/experienced person (e.g. bush regeneration contractor or local native nursery staff). Seed collection is undertaken when needed and when available. 3). Monitoring plots established and mapped. 4). Additional planting/seed sowing as required (determined	Target vegetation community structure and florists established. Photographs are taken at 10 photographic monitoring location in the BioBanking Area on an annual basis and two monitoring sites in the Biodiversity Conservation Areas which are reported in the Annual Review.

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
			by success of previous activities and natural regeneration) to be undertaken in consultation with a qualified/experienced person. 5). The results from the monitoring plots to be reported in the Annual Review submitted to the DP&E in accordance with the Project Approval.	
Rehabilitated Areas	Areas where quarrying or overburden emplacement are completed are quickly shaped and vegetated to provide a stable landform with sustainable vegetation cover.	1). Following overburden emplacement, shaping, subsoil and topsoil replacement, contour banks are progressively installed prior to sowing with either a mixture of pasture species or native species mix depending on final land use. 2). Establish structure and floristics of final target vegetation community 3). Recorded monitoring data will include percentage canopy cover, germination rate, percentage erosion/bare patches, seed development, and photographs. 4). Monitor rehabilitation areas and review success of natural	1). Direct transfer of topsoil is maximised and the area of land remaining to be rehabilitated at the end of quarry life is minimised. Final land use may comprise areas for agriculture and areas of native habitat. 2). The following performance criteria apply: <ul style="list-style-type: none"> ❑ Key indicator species present in equivalent density to target vegetation community. ❑ Indicator species successfully seed in two consecutive years. 	Rehabilitation of disturbed areas is presently limited to the completed sections of both the noise bund overburden emplacement to the north east of the processing area and the Western Overburden Emplacement area. Rehabilitation commenced on the noise bund in 2014 with maintenance being undertaken annually including weed spraying, erosion control, and infill planting.

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
		regeneration and any revegetation measures.	3). The results from the monitoring to be reported in the Annual Review submitted to the DP&E in accordance with the Project Approval.	<p>Rehabilitation of the first two tiers of the northern extent of the Western Overburden Emplacement was undertaken in mid 2020 with the planting of native tube stock sourced from a local nursery. Further rehabilitation with tube stock was undertaken in spring 2021 on the next completed batter. Spray grass seeding of the next two completed batters in this area was scheduled for autumn and spring 2022 but had to be delayed due to prolonged wet weather. Rehabilitation of this area is scheduled for spring 2023.</p> <p>The progress of this rehabilitation is reported in the Annual Review.</p>
Weeds	Control and/or reduce weeds, particularly Serrated Tussock.	1). All weed control activities will be undertaken by suitably qualified contractors. Weed control activities will be subject to, and augment,	1). All weed control and reduction activity will be undertaken in accordance with the requirements of the	Gunlake implements weed control in accordance with the Goulburn-Mulwaree Council

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
		<p>revegetation work being undertaken by the bush regeneration specialist.</p> <p>2). Weed control will be monitored</p> <p>3). Gunlake will encourage neighbours to participate in a weed control program in the Chapman's creek catchment area. The level of neighbour participation and commitment will contribute significantly to the degree of success. There are populations of blackberry and serrated tussock on neighbouring properties that will need to be controlled for Gunlake's weed control program to be efficient and effective in the medium to long term</p>	<p>Goulburn Mulwaree Shire Council.</p> <p>2). Results of weed control program and monitoring included in the Annual Review. The reporting will review the success of weed control/removal measures.</p> <p>3). Results of community activities associated with weed control reported in the Annual Review.</p>	<p>policy publications <i>Management Plan for the Enforcement of Class 4 Noxious Weeds</i> and <i>Noxious Weed Management Program Guidelines</i>. This program involves experienced weed control contractors undertaking targeted spraying exercises.</p> <p>Aerial spraying of Tussock was undertaken in December 2022.</p> <p>Targeted spraying of blackberry scheduled for May and November 2022 was postponed due to prolonged wet conditions. Spraying was undertaken in May 2023 when conditions were favourable.</p> <p>Details of weed control measures are detailed in the annual review.</p>

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
Degradation and erosion within creeks/drainage lines.	To stabilise stream banks and gullies and to improve or restore riparian vegetation within the Gunlake property.	<ol style="list-style-type: none"> 1). Identify areas of instability and erosion within the nominated section of creek line. 2). Maintenance – design and undertake streambed and bank rehabilitation measures. 3). Infill planting and passive regeneration. 4). Monitoring and review 5). Gunlake will liaise with adjacent land owners and attempt to get participation in creek management. 	<ol style="list-style-type: none"> 1). Identified areas and regeneration progress to be mapped 2). Records kept of all erosion control structures or works undertaken 3). Additional planting/seed sowing as required (determined by success of previous activities and natural regeneration) to be undertaken in consultation with a qualified/experienced person. 4). Results of revegetation and monitoring included in the Annual Review. The reporting will review the success of remediation works, including review of the relative success of bank stabilisation, erosion control and riparian strip rehabilitation/revegetation measures, as well as outcomes of neighbour liaison. 	<p>Quarterly monitoring of the Chapmans Creek Riparian Zone within the Conservation Area has been undertaken since July 2018. A detailed report is prepared annually and appended to the Annual Review. To date no erosion control works or stream bed remediation has been undertaken as monitoring has indicated that no further significant erosion is occurring. Rather, infill planting of native species will be undertaken in the riparian zones to further stabilise the areas adjacent to the creek lines and prevent erosion progressing in future.</p> <p>This work was scheduled for autumn and spring 2022 but was further delayed due to saturated ground conditions being unsuitable for tube stock.</p>

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
				Planting will be undertaken in Spring 2023.
Feral animals	Maintain or reduce feral animal activity	1). Continue current management practices in consultation with Council and local pest animal management strategy.	1). To be undertaken by the proponent (or contractor) for the life of the project.	<p>The primary feral animal on site is the rabbit however there have been no infestations identified requiring specific controls. There are also regular sightings of goats and foxes however these are transient and are not known to breed on the Gunlake properties.</p> <p>No feral animal control was undertaken during the reporting period due to abundant groundcover making visibility difficult.</p>
Vehicle/ pedestrian access to Vegetation Offset Areas	Vehicle and pedestrian access to be controlled	1). Fencing. 2). Education and awareness. 3). Signage.	1). As described previously above. To be undertaken by proponent (ongoing). 2). All staff and contractors to be made aware of the location	Signs have been erected at key points along the perimeter of the BioBanking and Conservation Areas.

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
			<p>of the Biodiversity Offset Areas and the need to limit access.</p> <p>3). Clear and simple signs saying “Biodiversity Offset Area – Sensitive Environmental Site” should be attached at various points along the boundary fence of the Biodiversity Offset Areas (particularly on gates).</p> <p>4). To be completed by proponent within 1 month of completing fencing.</p>	<p>Designated access tracks within these areas.</p>
<p>Bushfire</p>	<p>Minimise the risk of bush fires occurring on, or spreading from the Gunlake property.</p>	<p>1). Maintain firebreaks around key infrastructure areas including the office and main access road to the site.</p> <p>2). Maintain the agricultural component of the property to avoid significant quantities of long dry grass</p> <p>3). Extinguish fires or notify fire fighting authorities immediately in the event of a fire.</p> <p>4). Inform Rural Fire Service (RFS), staff and contractors of the need to restrict burning activities.</p> <p>5). Monitor and Review.</p>	<p>1). To be inspected annually and maintained as required.</p> <p>2). Active grazing or slashing as required</p> <p>3). Keep a record of fire events (to be undertaken by proponent).</p> <p>4). Review frequency of fire events and the effect on native vegetation as part of the vegetation monitoring program.</p>	<p>Bushfire management plan and practices reviewed annually in consultation with RFS. Severe drought conditions during 2018, 2019 and early 2020 meant that no vegetation management was required in relation to maintaining low-grass firebreaks. Subsequent heavy rain over the past two periods has led to abundance of pasture improved species and native grasses. Sheep have been</p>

Management Issues	Objective	Actions	Performance and/or Completion Criteria	Comments
				used to lower the fuel load by selective grazing in these areas.