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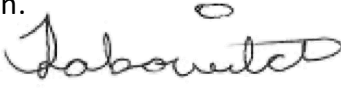
EPBC 2018/8151 Mugga Quarry Overburden Expansion Project 16 June 2020 – 15 June 2021

321 Mugga Lane, Symonston. ACT



1.0 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 (please print) __Shoanne Labowitch_____

Position (please print) __Environment Manager NSW/ACT_____

Organisation (please print including ABN/ACN if applicable) _Boral Resources

(Country) Pty Ltd _____ ABN __51 000 187 002_____

Date __07 __/ __09 __/ _2021_____

2.0 Document Control

Document: Annual Compliance Report 16th June 2020 – 15th June 2021, Mugga Quarry Overburden Expansion Project - Year 1 (EPBC 2018/8151), prepared by Boral Resources (Country) Pty Ltd, dated 9th September 2021

Table 1 - Document Control Register

Rev.	Date	Prepared by	Approved By	Revision Details
0		Shoanne Labowitch	Sharon Makin	

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1	1	Boral website	7 September 2021

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Table of Contents

1.0	Declaration of Accuracy	2
2.0	Document Control.....	3
3.0	Introduction	6
3.1	Reporting Period	6
3.2	EPBC Approval.....	6
3.3	Project Description.....	7
3.4	Overview of Key Activities and Achievements.....	10
4.0	EPBC 2018/8151 Approval conditions compliance table.....	14
5.0	Non-compliances with conditions of EPBC 2018/8151	20
5.1	EPBC 2018/8151 – Condition 1	20
5.2	EPBC 2018/8151 – Environment Management Plan (EMP) requirements	21

Table of Figure

Figure 1	- Site location and immediate surrounds.....	8
Figure 2	- Site layout	9
Figure 3	– Actual native Vegetation and threatened ecological communities, including flora survey effort.....	12
Figure 4	- Actual hollow-bearing tree locations and survey effort.....	13

Table of Tables

Table 1	- Document Control Register.....	3
Table 2	– Approval Details	7

Table of Appendices

Appendix 1 - EPBC 2018_8151 - notice of non-compliance

Appendix 2 - BioBanking Credit Report 202006-RT-535_Boral

Appendix 3 - Email Request to retire credits - Boral Resources

Appendix 4 - Mugga Quarry Overburden Expansion Project - EMP submission

Appendix 5 - 2018-8151 - Mugga Quarry EMP - Approval Letter

Appendix 6 - RE_ EPBC 2018_8151 - Revised EMP submission

Appendix 7 - 2018-8151-20210420-Approval of Revised EMP

Appendix 8 - Boral.MuggaQuarry.Pre-ClearanceStatement.V1.202006157

Appendix 9 - 2969.2.Boral.MuggaQuarry.PostClearanceStatement.V2.20210903

Appendix 10 - 20200706 EPBC 2018_8151 Condition 14 report Mugga Quarry

Appendix 11 - EPBC 2018_8151 - Condition 24_ Completion of action

3.0 Introduction

This annual compliance report Year 1 (16 June 2020 to 15 June 2021) has been prepared to satisfy the requirements of EPBC 2018/8151 (the Approval) granted 10 July 2019 for the Mugga Overburden Expansion Project, Symonston, ACT (the Project).

In accordance with the approval granted on 10 July 2019 under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, this annual compliance report has been prepared to satisfy Condition 12 of the Approval, which states:

“The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:

- a. publish each compliance report on the website within 60 business days following the relevant 12 month period;*
- b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;*
- c. keep all compliance reports publicly available on the website until this approval expires;*
- d. exclude or redact sensitive ecological data from compliance reports published on the website; and*
- e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

Note: Compliance reports may be published on the Department’s website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state/territory approval.”

3.1 Reporting Period

This annual compliance report details the status and compliance of the Project for the 12-month reporting period spanning 16 June 2020 through to 15 June 2021.

The annual compliance report must be published on Boral’s public website and notification provided to the Department of the Environment and Energy (now the Department of Agriculture, Water and the Environment, DAWE) within 90 business days of the 12 month anniversary of the commencement of the action (09th September).

3.2 EPBC Approval

Boral Resources (Country) Pty Ltd, as the Proponent of the Project (EPBC Act Referral 2018/8151) was issued with an approval by the Department of the Environment and Energy (now DAWE) on the 10th July 2019, subject to conditions.

The patches of Yellow Box – Red Gum Grassy Woodland in low and moderate condition met the description of the community of the same name listed under the ACT *Nature Conservation Act 2014* (NC Act) and White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived

Native Grasslands listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Key details related to the EPBC 2018/8151 approval are provided in Table 2 below.

Table 2 – Approval Details

Commonwealth Reference	EPBC 2018/8151
Approval Holder	Boral Resources (Country) Pty Ltd
ACN	000 187 002
Project Name on Approval	Mugga Overburden Expansion Project, Symonston, ACT
Approved Action	To extend the existing Mugga Quarry to create a new permanent bund and temporary stockpile area at Symonston, ACT.
Controlling Provision(s)	Listed threatened species and communities (sections 18 & 18A)
Approval Date	10 July 2019
Variation to Conditions of Approval Date	N/A
Expiry Date of The Approval	31 March 2039
Date of Commencement of The Action	16 June 2020
Address	321 Mugga Lane, Symonston. ACT
Government Area	ACT Government

3.3 Project Description

Boral Resources (Country) Pty Ltd (Boral), a wholly owned subsidiary of Boral Limited, constructed a new permanent overburden bund and temporary emplacement area in order to store quarried overburden and weathered rock material (the Project) commencing 16 June 2020. The overburden and unsuitable weathered rock was removed from within Boral's existing Mugga Quarry approved quarry footprint to enable the extraction of higher quality hard rock beneath.

The Mugga quarry site is Territory land, leased by Boral, identified as Jerrabomberra Block 2031 on Deposited Plan 5976 (CT2028/22; Crown Lease DCL 1798496), located approximately 10 kilometres (km) to the south-east of Canberra Central.

The site is generally known as 321 Mugga Lane, Symonston (**Figure 1**).

The new bund and emplacement area is located to the north and east of the approved quarry pit extent between Mugga Lane and Callum Brae Nature Reserve, within the approved extractive industry lease area of 106.4 hectares (ha). **Figure 2** shows the extent of the project in relation to the proposed expansion activities

Figure 1 - Site location and immediate surrounds



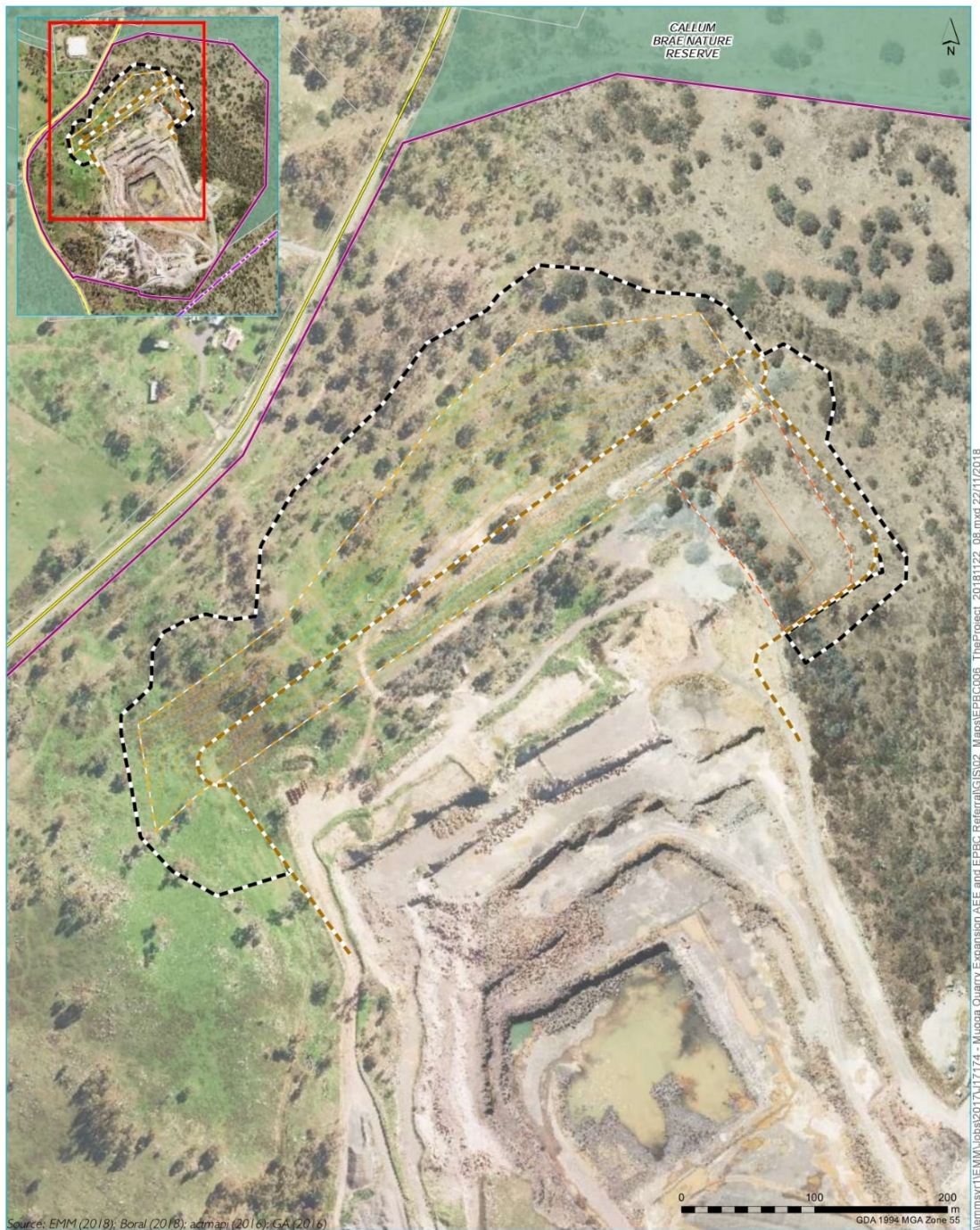
Project plan
Boral - Mugga Quarry overburden expansion
Environmental management plan
Figure 1.1

KEY

<ul style="list-style-type: none"> Site location - 321 Mugga Lane, Symonston Total disturbance area Approved pit extent Proposed new permanent overburden bund Proposed temporary emplacement area 	<ul style="list-style-type: none"> 1 Asphalt plant 2 Concrete batching plant 3 Quarry 4 Recycling facility — Electricity transmission line — Main road 	<ul style="list-style-type: none"> Local Road Block boundary ACT reserve
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Figure 2 - Site layout



KEY

- Site location - 321 Mugga Lane, Symonston
- Total disturbance area
- Approved pit extent
- Proposed new permanent overburden bund
- Proposed temporary emplacement area
- Electricity transmission line
- Main road
- Block boundary
- ACT reserve

The project area



3.4 Overview of Key Activities and Achievements

During Year 1 of compliance reporting, the following development and environmental management activities occurred:

- Clearing of 8.17 ha of native vegetation (Figure 3). The actual clearing of native vegetation increased to 8.17 ha (from the proposed 7.28 ha) due to the re-designed sediment basins and stormwater controls requiring a larger ground disturbance, comprising:
 - Clearing of 5.52 ha of Yellow Box – Red Gum Grassy Woodland (NC Act)/Box Gum Woodland (EPBC Act) (Figure 4). Note that this area increased from 4.73 ha due to re-designed sediment basins and surface water controls increasing the actual ground disturbance area.
- Removal of topsoil and emplaced for use as the top layer of the permanent overburden bund.
- Construction of a new access road and surface water infrastructure (i.e. surface drains, sedimentation dams) to manage runoff.
- Haulage and unloading of excavated overburden and weathered rock material from the approved quarry footprint at the project area.
- Progressive emplacement of overburden material by bulldozer and excavator to establish a new permanent bund.
- Reporting of an incident regarding increased clearing of native vegetation due to re-designed sediment basins and stormwater controls,
- Revision of the Environment Management Plan in accordance with Condition 18 of the Approval to address the above incident. Any reference to the compliance with the commitments of the EMP in this report is made in reference to the revised EMP, which reflects the actual impacts arising from the Project.
- Offsetting vegetation removal through the retirement of 170 credits from a BioBank site located northwest of Crookwell in the Murrumbateman Interim Biogeographic Regionalisation for Australia (IBRA) sub sub-region in the South East Highlands IBRA region, and
- Quarterly weed management activities.

In subsequent reporting years the following activities will be conducted:

- Hydroseeding to provide stabilisation of surfaces.
- Topsoil will be spread over the permanent bund and seeded to stabilise and blend the final landform with the surrounding landscape.
- Progressive rehabilitation.

The construction of the project is to be conducted in phases, with indicative details for each phase as follows. Phase 1 and 2 were completed during the Year 1 reporting period:

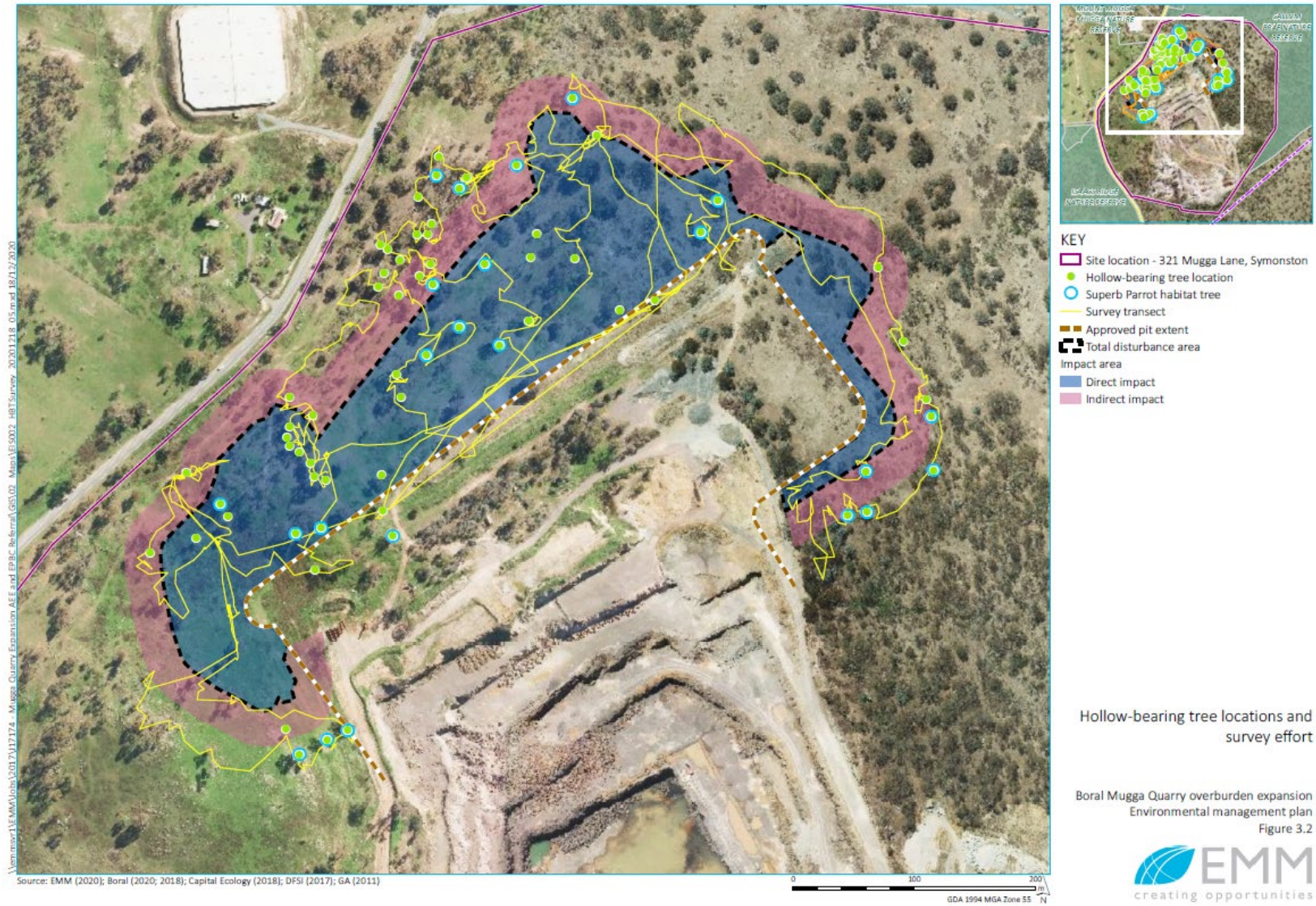
- Phase 1: Site preparation/early works to include, clearing of vegetation, construction of internal access tracks and drainage/surface water management devices and clearing/stockpiling topsoil – completed during Year 1.

- Phase 2: Excavation of overburden and weather rock material – stockpiling and construction of permanent bund and temporary emplacement area – completed during Year 1; and
- Phase 3: Stabilisation of permanent bund to include emplacement of topsoil, seeding and planting.

Figure 3 – Actual native Vegetation and threatened ecological communities, including flora survey effort



Figure 4 - Actual hollow-bearing tree locations and survey effort.



4.0 EPBC 2018/8151 Approval conditions compliance table

Conditions attached to approval	Compliance Status	
<p>Impacts</p> <p>1. The approval holder must ensure that clearing of Box Gum Woodland is limited to the area marked as 'total disturbance area' in Attachment 1.</p> <p>Note: This condition does not preclude the approval holder from continuing operations within the area marked as 'Approved Pit Extent' in Attachment 1.</p>	Non-compliant	Actual total disturbance area did not conform with area illustrated in Attachment 1 of EPBC 2018/8151 issued 10 July 2019. Non-compliance arose from the re-design of the sediment basins and stormwater controls requiring a larger disturbance footprint. Refer to Section 5 and Appendix 1 for further details.
<p>Compensation measures</p> <p>2. To offset the impacts to 4.73 hectares (ha) of Box Gum Woodland, the approval holder must acquire or retire no less than 170 Biodiversity credits for Box Gum Woodland prior to the commencement of the action.</p>	Compliant	170 biodiversity credits for the LA276/Yellow Box - Blakely's Red Gum >70% >100 ha grassy woodland on the tablelands, South Eastern Highlands Bioregion were retired 02 June 2020. Refer to Credit(s) retirement report; BioBanking Biodiversity Banking and Offsets Scheme, refer to Appendix 2.
<p>3. As evidence that Biodiversity credits as required by Condition 2 have been retired, the approval holder must submit a Bio Banking Credit Retirement Report to the Department, within 10 business days of retiring the Biodiversity credits.</p>	Compliant	Refer to email advising of the submission of the application to retire the relevant credits, refer to Appendix 3.
<p>Environmental management plan</p> <p>4. At least 30 business days prior to the commencement of the action, the approval holder must submit an environmental management plan (EMP) for the Minister's approval to avoid and mitigate potential indirect impacts on Box Gum Woodland as a result of construction. If the Minister approves the EMP, then the approved EMP must be implemented.</p>	Compliant	<p>Commencement date of the action was 16 June 2020. Environment Management Plan was submitted 10 December 2019. Departmental comments were addressed and the final revised EMP submitted 30 January 2020, refer to Appendix 4. EMP was approved by the Department 11 February 2020, refer to Appendix 5 for approval letter.</p> <p>Environment Management Plan was revised and submitted to the Department 18 December 2020. Departmental comments were addressed and the final revised EMP submitted 07 April 2021, refer to Appendix 6. Revised EMP was approved by the Department 20 April 2021, refer to Appendix 7 for approval letter.</p> <p>Supporting activities to demonstrate compliance with the approved EMP are as follows:</p> <ul style="list-style-type: none"> • Pre-clearance survey undertaken 16 June 2020 and issued 17 June 2020, refer to Appendix 8 • Final survey produced to show actual disturbance area and location of hollow bearing trees, refer to revised EMP Figure 3.1 and 3.2: https://www.boral.com.au/sites/default/files/media/field_document/H17174_MuggaQuarryEMP_V7.0_20210401.pdf • Completion of internal 'Ground Disturbance and Vegetation Clearing Request Form' to be undertaken for future ground disturbance works, refer to Appendix E of the revised EMP. • Post clearance inspection undertaken to confirm actual disturbance works, refer to Appendix 9 and the revised EMP. • Silt fence placed around boundary of approved clearance area to delineate limits of clearing and prevent movement beyond the approved clearance boundary. Silt fence remains in place to function as a no-go zone beyond the limits of the fence. • Trunks and large branches from felled trees were placed amongst the remaining woodland on the leased area to provide fauna habitat. • Quarterly weed management conducted within the Project area.
<p>5. The approval holder must not commence the action unless the Minister has approved the EMP described in condition 4 in writing.</p>	Compliant	<p>Commencement date of the action was 16 June 2020.</p> <p>Environment Management Plan approved 11 February 2020, refer to Appendix 5</p> <p>Environment Management Plan was revised and approved 20 April 2021, refer to Appendix 7.</p>

<p>6. The EMP described in condition 4 must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ol style="list-style-type: none"> The EMP environmental objectives, relevant to Box Gum Woodland and areference to EPBC Act approval conditions to which the EMP refers; A table of commitments made in the EMP to achieve the objectives, and a referenceto where the commitments are detailed in the EMP; Details of the parties responsible for undertaking management actions; A description of management actions that will be implemented pre, during and postconstruction, including for stormwater discharge and road runoff, sediment and erosion control, invasion by exotic species and weeds, and fencing and access; Hygiene protocols to minimise the risk of spread of <i>Phytophthora cinnamomi</i>; Reporting and review mechanisms, and documentation standards to demonstratecompliance with the EMP; An assessment of risks to achieving the EMP environmental objectives and riskmanagement strategies that will be applied; Impact avoidance, mitigation and/or repair measures, and their timing; and A monitoring program, which must include: <ol style="list-style-type: none"> measurable performance indicators; trigger values for corrective actions; the timing and frequency of monitoring to detect changes in the performanceindicators and timely detection of trigger values; and proposed corrective actions, if trigger values are reached. 	<p>Compliant</p>	<p>The approved EMP has been prepared in accordance with the Department's <i>Environmental Management Plan Guidelines</i>, and the Condition 6 of the EPBC Approval 2018/8151, refer to approved EMP document at https://www.boral.com.au/sites/default/files/media/field_document/H17174_MuggaQuarryEMP_V7.0_20210401.pdf</p> <ol style="list-style-type: none"> The Objectives of the EMP are provided in Section 1 of the approved EMP. Environmental management measures are detailed throughout Section 4.0 of the approved EMP Roles and Responsibilities are detailed Table 5.1 of the approved EMP Environmental management measures are described in Section 4 of the approved EMP Pathogen management is described in Section 4.4 of the approved EMP Compliance management, including training, auditing and reporting processes is detailed in Section 6.0 of the approved EMP The various risk assessments completed as part of the project EIS are detailed in Section 4.1 of the approved EMP. A discussion of the predicted impacts prior to the utilisation of impact avoidance, minimisation and mitigation measures through project design phase and incorporated in the project EIS are described Section 3.0 of the approved EMP. The monitoring program is described in Section 5 of the approved EMP. Corrective action requirements in the event of noncompliance or incident are detailed in Section 6.7 of the approved EMP.
<p>Notification of date of commencement of the action</p> <p>7. The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the dateof commencement of the action.</p>	<p>Compliant</p>	<p>The action commenced on 16 June 2021.</p> <p>The Department were notified of the commencement of the action on 24 June 2021 via email when a notification was made concerning the non-compliance with Condition 1 of EPBC 2018/8151, whereby the extent of clearing was found to have extended beyond the boundary shown in Attachment 1 of the Approval document in some locations, refer to Appendix 1.</p>
<p>8. If the commencement of the action does not occur within 5 years from the date of thisapproval, then the approval holder must not commence the action without the prior written agreement of the Minister.</p>	<p>Not applicable</p>	<p>This condition has not been triggered. The commencement of the action commenced 16 June 2021.</p>
<p>Compliance records</p> <p>9. The approval holder must maintain accurate and complete compliance records.</p>	<p>Compliant</p>	<p>Boral has maintained records in accordance with this condition.</p>
<p>10. If the Department makes a request in writing, the approval holder must provideelectronic copies of compliance records to the Department within the timeframe specified in the request.</p> <p>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used toverify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</p>	<p>Not applicable</p>	<p>This condition was not triggered during the reporting period.</p>
<p>Preparation and publication of plans</p> <p>11. The approval holder must:</p> <ol style="list-style-type: none"> submit plans electronically to the Department for approval bythe Minister; publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister, unless otherwise 	<p>Compliant</p>	<p>The commencement date of the action was 16 June 2020. Environment Management Plan was submitted 10 December 2020. Departmental comments were addressed and the final revised EMP submitted 30 January 2021, refer to Appendix 4.</p> <ol style="list-style-type: none"> Environment Management Plan was revised and submitted to the Department 18 December 2020 via email. Departmental comments were addressed and the final revised EMP submitted 07 April 2021, refer to Appendix 6. Revised EMP was approved by the Department 20 April 2021. Approved EMP is available on the Boral website, refer to

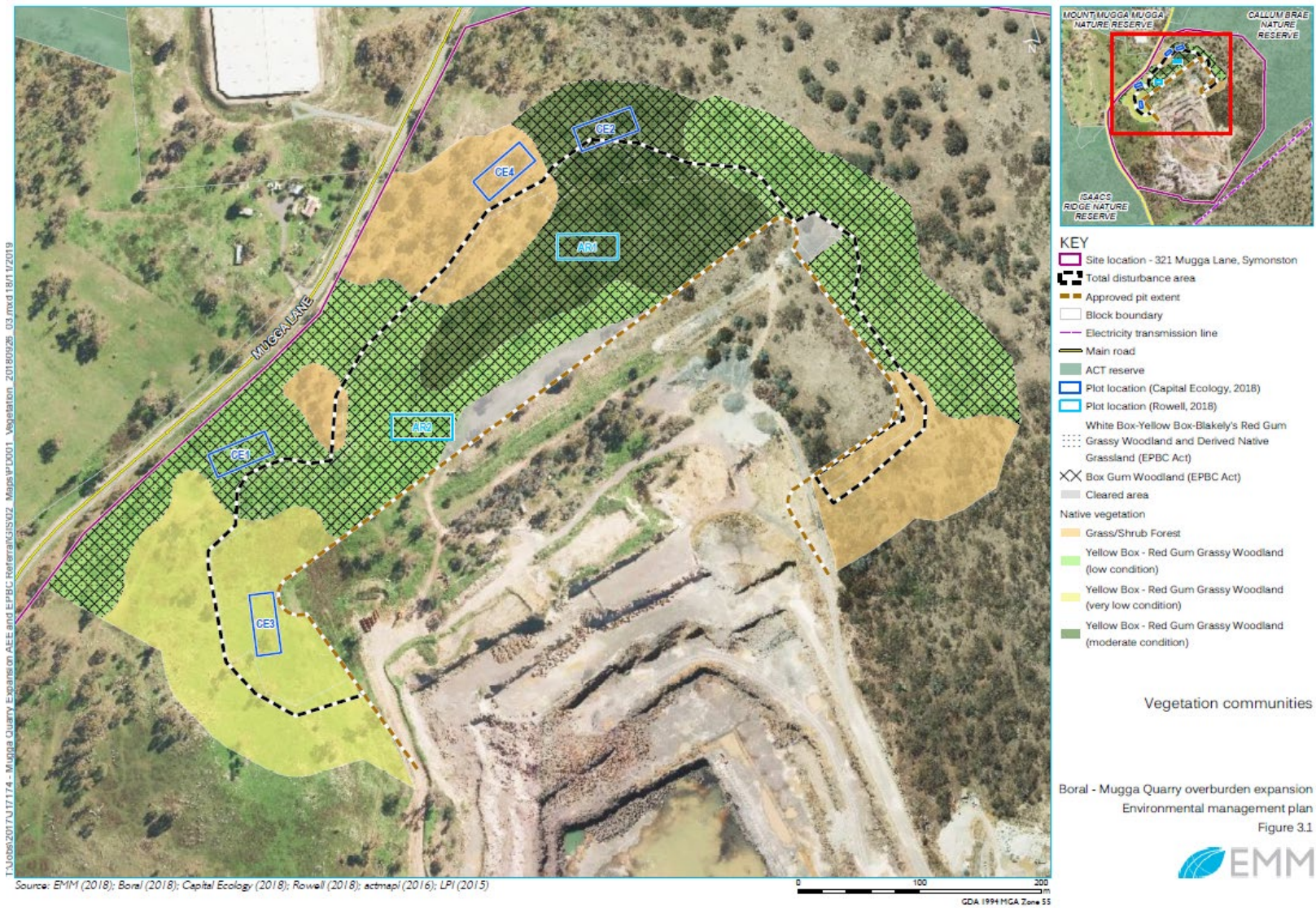
<p>agreed to in writing by the Minister;</p> <p>c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and</p> <p>d. keep plans published on the website until the end date of this approval.</p>		<p>https://www.boral.com.au/sites/default/files/media/field_document/H17174_MuggaQuarryEMP_V7.0_20210401.pdf</p> <p>c. No sensitive ecological data contained in the EMP.</p> <p>d. Approved EMP is available on the Boral website, refer to https://www.boral.com.au/sites/default/files/media/field_document/H17174_MuggaQuarryEMP_V7.0_20210401.pdf</p>
<p>Annual compliance reporting</p> <p>12. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <p>a. publish each compliance report on the website within 60 business days following the relevant 12 month period;</p> <p>b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;</p> <p>c. keep all compliance reports publicly available on the website until this approval expires;</p> <p>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p> <p>Note: Compliance reports may be published on the Department's website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state/territory approval.</p>	<p>Compliant</p>	<p>The Annual Compliance Report for Year 1 of the approval was published on the website prior to 8th September 2021.</p> <p>As this is the first year, no previous compliance report is applicable for condition.</p> <p>The website link for the publication of the compliance report is below: https://www.boral.com.au/locations/</p>
<p>Reporting non-compliance</p> <p>13. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a. the condition which is or may be in breach; and</p> <p>b. a short description of the incident and/or non-compliance.</p>	<p>Compliant</p>	<p>The Department were notified of a non-compliance with Condition 1 of EPBC 2018/8151 on 24 June 2021 via email whereby the extent of clearing was found to have extended beyond the boundary shown in Attachment 1 of the Approval document in some locations, refer to Appendix 1. The notification was made within two business days of becoming aware of the incident.</p>
<p>14. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b. the potential impacts of the incident or non-compliance; and</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>	<p>Compliant</p>	<p>In accordance with condition 14 of the approval, Boral provided the Department with a detailed incident report and proposed remedial action on 6 July 2020, refer to Appendix 10.</p> <p>Refer to Section 5 for further details on the non-compliance.</p>
<p>Independent audit</p> <p>15. The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>	<p>Not applicable</p>	<p>This condition was not triggered during the reporting period.</p>

<p>16. For each independent audit, the approval holder must:</p> <ol style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Not applicable	This condition was not triggered during the reporting period.
<p>17. The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.</p>	Not applicable	This condition was not triggered during the reporting period.
<p>Revision of action management plans</p> <p>18. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under condition 4, or as subsequently revised in accordance with this condition, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</p>	Compliant	<p>Part of the remedial action identified by Boral as part of the non-compliance report produced in accordance with Condition 14 of EPBC 2018/8151 included Boral submitting a revised Environment Management Plan (EMP) to the Department in accordance with condition 18 of the Approval.</p> <p>The revised EMP was submitted to the Department 18 December 2020. Departmental comments were addressed and the final revised EMP submitted 07 April 2021, refer to Appendix 7. Revised EMP was approved by the Department 20 April 2021, refer to Appendix 8 for the approval letter.</p>
<p>19. The approval holder may choose to revise an action management plan approved by the Minister under condition 4, or as subsequently revised in accordance with this condition, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>	Not applicable	<p>The EMP was revised in accordance with Condition 18 and submitted to the Department on 18 December 2020.</p> <p>This condition was not triggered during the reporting period.</p>
<p>20. If the approval holder makes the choice under condition 19 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ol style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ol style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 22, implement the RAMP from the RAMP implementation date. 	Not applicable	<p>The EMP was revised in accordance with Condition 18 and submitted to the Department on 18 December 2020.</p> <p>This condition was not triggered during the reporting period.</p>
<p>21. The approval holder may revoke its choice to implement a RAMP under condition 19 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 19, the approval holder must implement the previous action management plan approved by the Minister.</p>	Not applicable	This condition was not triggered during the reporting period.

<p>22. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <p>a. condition 19 does not apply, or ceases to apply, in relation to the RAMP; and</p> <p>b. the approval holder must implement the action management plan specified by the Minister in the notice.</p>	<p>Not applicable</p>	<p>The EMP was revised in accordance with Condition 18.</p> <p>This condition was not triggered during the reporting period.</p>
<p>23. At the time of giving the notice under condition 22, the Minister may also notify that for a specified period of time, condition 19 does not apply for one or more specified action management plans.</p> <p>Note: conditions 19, 20, 21 and 22 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>	<p>Not applicable</p>	<p>The EMP was revised in accordance with Condition 18.</p> <p>This condition was not triggered during the reporting period.</p>
<p>24. Completion of the action</p> <p>Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.</p>	<p>Compliant</p>	<p>The Department were notified on 29 April 2021 via email regarding the completion of the action, with the completion date triggered by the submission of the revised EMP, as per Condition 18 of EPBC 2018/8151, refer to Appendix 11.</p>

<p>Attachments</p>
<p>Attachment 1 – Map showing total disturbance area</p>

Attachment 1 – Map showing proposed action area (marked as total disturbance area).



5.0 Non-compliances with conditions of EPBC 2018/8151

5.1 EPBC 2018/8151 – Condition 1

On 24 June 2020, in accordance with condition 13 of the EPBC Act approval, Boral notified the Department of Agriculture, Water and the Environment (the Department) of a potential compliance incident related to condition 1 of EPBC 2018/8151 (the Approval). Condition 1 specifies that clearing of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community is limited to the 'total disturbance area' as specified in Attachment 1 of the approval. During clearing works, it was detected that some clearing had occurred outside of the area defined in Attachment 1 of EPBC 2018/8151. As a result of the incident, all clearing work ceased immediately, and an investigation was instigated by Boral. Following this, in accordance with condition 14 of the approval, Boral provided the Department with a detailed incident report and proposed remedial action on 6 July 2020, refer to Appendix 10.

Part of the remedial action included Boral submitting a revised Environment Management Plan (EMP) to the Department in accordance with condition 18 of the Approval to address the actual total disturbance area. Boral sought an extension of time on 7 October 2020 and a further extension of time on 27 November 2020. The Environmental Audit Section agreed to the extension of time for Boral to submit the EMP due to requirements to 'ground truth' the EMP prior to submission to the Department.

The revised EMP addressed the increased disturbance footprint to White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland that occurred during construction works due to the re-designed sediment basins and surface water controls required 8.17 ha of vegetation clearing, an increase of 0.89 ha over the original proposed clearing of 7.28 ha of YBRGGW/Box Gum Woodland vegetation. As a result, the change to the clearing of YBRGGW/Box Gum Woodland, comprising patches in moderate and low condition (EPBC condition 2) was 5.52 ha an increase of 0.79 ha over the approved 4.73 ha.

Boral conducted detailed surveys of the disturbance footprint, as required in Section 4, Table 4.6 of the approved EMP. Based on the survey data supplied, the result showed that impacts to Red Stringybark Tableland Grass/Shrub Forest was reduced by 0.2 ha with impacts on the YBRGGW/Box Gum Woodland of moderate and low value increased by 0.79 ha. The final disturbance footprint and its impacts on the vegetation community is shown in **Figure 3** of the revised EMP, which also reflects the updated Attachment 1 under EPBC 2018/8151 issued 02 August 2021. The location updated habitat features associated with the constructed works is shown in **Figure 4** of the revised EMP.

A site inspection was conducted by the Department's compliance and post-approvals representatives to inspect the location of the incident and to observe the implementation of the remediation works on 5 March 2021.

A finalised revised EMP was approved by the delegate of the Minister of the Environment on 20 April 2021. Any reference to the compliance with the commitments of the EMP is regarding

the revised EMP, which reflects the actual impacts arising from the Project. For the applicable reporting period for this compliance report, a revised EPBC 2018/8151 approval had not been issued (issued 02 August 2021). The conditions of the revised approval will be referenced in the compliance report issued for the 16 June 2021 to 15 June 2022 reporting period.

5.2 EPBC 2018/8151 – Environment Management Plan (EMP) requirements

Arising from the non-compliance detailed in Section 5.1 above, non-compliances with the original approved EMP (V5, January 2020) also arose.

As per Table 4.6 'Risk assessment and management' contained within the original approved EMP (V5, January 2020), non-compliances with the following trigger values occurred as a consequence of the trees being located outside of the original 'total disturbance area'. A small number of trees were not marked with tape by the ecologist, which caused non-compliances with the following trigger values to occur; B.1.2.3 "Habitat trees felled without knocking first" and B1.2.4 "Habitat tree felled less than 5 minutes after knocking". These non-compliances were limited to a small number of trees (maximum 2-3).

Appendix 1

From: [Shoanne Labowitch](#)
To: jamie.machin@environment.gov.au
Cc: [Rod Wallace](#); [David Bolton](#); compliance@environment.gov.au
Subject: EPBC 2018/8151 - notice of non-compliance with Condition 1
Date: Wednesday, 24 June 2020 12:08:32 PM
Attachments: [Att C EPBC Approval Decision Notice SIGNED.pdf](#)

To whom it may concern,

In accordance with Condition 13 of the EPBC Approval EPBC 2018/8151 for the Mugga Quarry Overburden Expansion Project, Symonston, ACT, Boral Resources (Country) Pty. Limited hereby notifies the Australian Government Department of Agriculture, Water and the Environment of a non-compliance with Condition 1 of the Approval. During the approved works for the extension of the existing Mugga Quarry to create a new permanent bund and temporary stockpile area, the extent of clearing has extended beyond the boundary shown in Attachment 1 of the Approval document in some locations.

In response to the non-compliance, all clearing works ceased immediately and further investigations into the cause of the non-compliance have been initiated.

In accordance with Condition 14 of EPBC 2018/8151, the details of the non-compliance with the conditions or commitments made in plans along with corrective actions, potential impacts and any remedial actions will be provided within 10 business days.

For further details, please contact the undersigned on the below details:

SHOANNE LABOWITCH
Environment Manager NSW/ACT

Telephone: 02 9033 5019
Mobile: 0401 895 827
Email: Shoanne.Labowitch@boral.com.au



Boral Australia HSE - Lv 5 - Trinita 2, 39 Delhi Road, North Ryde NSW
www.boral.com.au

Appendix 2

Credit retirement report

Effective date: 02-June-2020

Transaction number: 202006-RT-535

Credit owners' details

Credit owner ID: 668

Name of credit holder: Boral Resources (Country) Pty Ltd

Other owner(s):
No other owners

Reason for retirement: comply with EPBC 2018/8151

Ecosystem credit(s) retired

Number of credits	Credit profile ID	Agreement ID	Vegetation code	Vegetation type	CMA subregion	% surrounding vegetation	Patch size	Vegetation formation(see key)
170	2,900	353	LA276	LA276/Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion	Murrumbateman - Lachlan	>70%	>100 ha	GRW

Key to vegetation formations

Code	Vegetation formation
ALP	Alpine complex
ASA	Arid shrublands (Acacia)
ASC	Arid shrublands (Chenopod)
DSG	Dry sclerophyll forests (shrub/grass)
DSS	Dry sclerophyll forests (shrubby)
FRW	Forested wetlands
FWW	Freshwater wetlands
GLD	Grasslands
GRW	Grassy woodlands
HLD	Heathlands
MES	Miscellaneous ecosystems
RFT	Rainforests
SAW	Saline wetlands
SWG	Semi-arid woodlands (grassy)
SWS	Semi-arid woodlands (shrubby)
WSG	Wet sclerophyll forests (grassy)
WSS	Wet sclerophyll forests (shrubby)

The credit register provides further information about credit holdings and reports about credit trading activity. To view this information, please visit the public register website at www.environment.nsw.gov.au/bimspr/index.htm

For more information, please contact the BioBanking Scheme Manager - phone (02) 9995 6753; email biobanking@environment.nsw.gov.au

Appendix 3

From: [Rachael Snape](#)
To: [Shoanne Labowitch](#)
Subject: Fw: Request to retire credits - Boral Resources (Country) Pty Ltd
Date: Monday, 23 August 2021 3:36:47 PM
Attachments: [NSW Govt. Office of Environment & Heritage Mugga Credit Retirement Bio Banking Scheme ID 668 25 May 2020.pdf](#)
[Credit Retirement Report completed.pdf](#)
[200305 ASIC - Current & Historical Extract - BORAL RESOURCES \(COUNTRY\) PTY. LIMITED.pdf](#)
[202006-RT-535 Boral.pdf](#)

Below is my original email and the OEH response attaching the finalised report.

From: Denise Wallace <Denise.Wallace@environment.nsw.gov.au> on behalf of OEH ROGH
BioBanking Mailbox <biobanking@environment.nsw.gov.au>
Sent: Tuesday, 9 June 2020 9:19 AM
To: Rachael Snape <Rachael.Snape@boral.com.au>
Cc: OEH ROGH BioBanking Mailbox <biobanking@environment.nsw.gov.au>
Subject: FW: Request to retire credits - Boral Resources (Country) Pty Ltd

Hi Rachael

The confirmation email went to the incorrect email account (my apologies).

Denise

From: Denise Wallace **On Behalf Of** OEH ROGH BioBanking Mailbox
Sent: Wednesday, 3 June 2020 10:35 AM
To: rachel.snape@boral.com.au; Tara Murphy <Tara.Murphy@environment.nsw.gov.au>
Cc: OEH ROGH BioBanking Mailbox <biobanking@environment.nsw.gov.au>
Subject: FW: Request to retire credits - Boral Resources (Country) Pty Ltd

Hi Rachel

Please find attached completed retirement report. The invoice for the application fee of \$1545 for the retirement of the credits will issued shortly.

Tara – please issue the invoice for **Credit Retirement** for BA353 using EX-6589-S10353.

Thank you
Denise

From: Snape, Rachael <rachael.snape@boral.com.au>
Sent: Wednesday, 27 May 2020 10:09 AM
To: OEH ROGH BioBanking Mailbox <biobanking@environment.nsw.gov.au>
Subject: Request to retire credits - Boral Resources (Country) Pty Ltd

Good morning Biobanking team,

Please find attached a request to retire credits which includes:

1. the relevant completed and signed form;
2. the credit retirement report; and
3. ASIC company search information demonstrating that the signatories to the form are a Director and Company Secretary for Boral Resources (Country) Pty Ltd.

If the invoice for the payment of fees is issued to this email I can direct to the appropriate person within Boral to process the payment.

Please let me know if anything further is required, my best contact number at the moment is 0401 894 110. Alternatively, I can be reached via return email.

Kind regards

--

RACHAEL SNAPE

Planning and Development Manager NSW/ACT



Telephone: (02) 9033 4401

Mobile: + 61 401 894 110

Fax: (02) 9033 5305

Email: Rachael.Snape@boral.com.au

Boral Land & Property Group

Trinity T2 Level 5

39 Delhi Road, North Ryde NSW 2113

www.boral.com.au

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Appendix 4

From: [Paul Gibbons](#)
To: [Tony Dowd](#)
Cc: [Vaughn Cox](#); [Rod Wallace](#); [Brendan Rice](#); [Brett McLennan](#)
Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan - Updated V4.0 (EPBC 2018/8151) [SEC=OFFICIAL]
Date: Thursday, 30 January 2020 5:26:28 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Tony

Further to your email last Friday (25/1), please see below link to download a copy of the Mugga Quarry Overburden Expansion Project EMP v5 (file size 88MB) - addressing your final comments/recommendations – which is now formally submitted in accordance with EPBC approval 2018/8151.

https://emmconsult-my.sharepoint.com/:f/g/personal/pgibbons_emmconsulting_com_au/EsVpuAo7nkJliX6Zs2bk64YBPxbqSveipkLM3X4-ZzjU1Q?e=DjQdUZ

I trust this meets your requirements.

Please do not hesitate to contact me on 0477 702 413 to discuss any questions or queries.

Kind regards

Paul

Paul Gibbons

Associate Director – Environmental Assessment and Management & South Australian Regional Manager



T 08 8232 2253

M 0477 702 413

Connect with us

ADELAIDE | Level 1, 70 Pirie Street, Adelaide 5000

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From: Paul Gibbons

Sent: Friday, 24 January 2020 3:18 PM

To: Tony Dowd <Tony.Dowd@environment.gov.au>

Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>; Brendan Rice <brice@emmconsulting.com.au>

Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan - Updated V4.0 (EPBC 2018/8151) [SEC=OFFICIAL]

Thanks Tony

I appreciate your feedback and will work with the team to address the comments / resubmit as a final EMP version for DoEE approval early next week.

Have a nice long weekend.

Kind regards

Paul

From: Tony Dowd <Tony.Dowd@environment.gov.au>

Sent: Friday, 24 January 2020 3:07 PM

To: Paul Gibbons <pgibbons@emmconsulting.com.au>

Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>; Brendan Rice <brice@emmconsulting.com.au>

Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan - Updated V4.0 (EPBC 2018/8151) [SEC=OFFICIAL]

Hi Paul,

See attached feedback on the updated Mugga Quarry EMP (V4.0), summarised as follows:

Table 4.8 Risk assessment and management

- Inclusion of trigger values will provide a clear link between objectives/risks/management measures and monitoring/corrective actions, i.e., it will provide clarity on what specific, measurable events will trigger a specific and measurable response.
- See suggested trigger values **Table 5.4.2** (described below) for data that could be transferred to **Table 4.8**.

5.4.2 Performance Indicators and trigger values

- Propose new **Table 5.4.2** to replace dot points and provide stronger and clearer links between risks and corrective actions.
- Data from **Table 5.4.2** can be transferred to **Table 4.8** (as indicated above) to meet requirements of condition 6(i)(ii) “A monitoring program, which includes: trigger values for corrective actions”.

Otherwise, the updated Mugga Quarry EMP (V4.0) addresses my comments/recommendations and I have no further questions or queries.

Kind regards,
Tony

Tony Dowd | Senior Assessment Officer
Post Approvals Section | Environment Approvals Division
Department of the Environment and Energy | GPO Box 787 | CANBERRA ACT 2601
02 6274 1769 | tony.dowd@environment.gov.au | www.environment.gov.au/epbc

From: Paul Gibbons <pgibbons@emmconsulting.com.au>
Sent: Thursday, 19 December 2019 4:22 PM
To: Tony Dowd <Tony.Dowd@environment.gov.au>
Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>; Brendan Rice <brice@emmconsulting.com.au>
Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan - Updated V4.0 (EPBC 2018/8151) [SEC=OFFICIAL]

Tony

Further to discussions, please find attached a copy of the updated Mugga Quarry EMP (V4.0) to address your comments/recommendations (risk assessment, monitoring, etc...).

Please note that I've attached a copy of the Word version report and left track changes on to highlight where edits/amendments have been made to the document for the purpose of your review/assessment.

I trust this meets your requirements.

Should you have any questions or queries please do not hesitate to contact me on 0477 702 413.

Kind regards

Paul

Paul Gibbons

Associate Director – Environmental Assessment and Management & South Australian Regional Manager



T 08 8232 2253

M 0477 702 413

Connect with us

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From: Tony Dowd <Tony.Dowd@environment.gov.au>
Sent: Tuesday, 17 December 2019 10:21 AM
To: Paul Gibbons <pgibbons@emmconsulting.com.au>
Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>
Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151) [SEC=OFFICIAL]

Paul

When the revised plan is ready, Vaughn Cox and I would welcome a site visit with you and/or your project team, to discuss any review comments and/or issues, in preparation for any further EMP revisions that may be required.

We are located in Canberra and available from and including Wednesday 8 January 2020 (excluding 22 Jan).

Kind regards

Tony

From: Paul Gibbons [<mailto:pgibbons@emmconsulting.com.au>]
Sent: Tuesday, 17 December 2019 10:37 AM
To: Tony Dowd <Tony.Dowd@environment.gov.au>
Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>
Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151) [SEC=OFFICIAL]

Tony

Thank you for providing a copy of your EMP review comments so quickly – I'll work with Boral and Team to update the document to address your requirements/recommendations and resubmit as soon as possible for approval.

In the interim, should you have any questions or queries please do not hesitate to contact me on 0477 702 413.

Kind regards

Paul

From: Tony Dowd <Tony.Dowd@environment.gov.au>
Sent: Tuesday, 17 December 2019 9:59 AM
To: Paul Gibbons <pgibbons@emmconsulting.com.au>
Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>
Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151) [SEC=OFFICIAL]

Hi Paul

Please find attached EMP with review comments and recommendations for your consideration.

Kind regards

Tony

From: Paul Gibbons [<mailto:pgibbons@emmconsulting.com.au>]

Sent: Thursday, 12 December 2019 1:24 PM

To: Tony Dowd <Tony.Dowd@environment.gov.au>

Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>; Wallace, Rod <rod.wallace@boral.com.au>

Subject: RE: Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151) [SEC=OFFICIAL]

Tony

Further to your email and phone message, please find attached a copy of the Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151) in a Word format to facilitate your review of the document, as requested. Should you have any questions or queries please do not hesitate to contact me on 0477 702 413.

Kind regards

Paul

From: Tony Dowd <Tony.Dowd@environment.gov.au>

Sent: Thursday, 12 December 2019 12:23 PM

To: Paul Gibbons <pgibbons@emmconsulting.com.au>

Cc: Vaughn Cox <Vaughn.Cox@environment.gov.au>

Subject: FW: Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151) [SEC=OFFICIAL]

Hi Paul

As per my phone message, I'll be reviewing the EMP for this project and I would be very grateful if you could send me a word version of it please, to facilitate my review of the document.

Please feel free to call me to discuss further.

Kind regards

Tony Dowd | Senior Assessment Officer

Post Approvals Section | Environment Approvals Division

Department of the Environment and Energy | GPO Box 787 | CANBERRA ACT 2601

02 6274 1769 | tony.dowd@environment.gov.au | www.environment.gov.au/epbc

Reconciliation%20Email%20Footer



From: Paul Gibbons [<mailto:pgibbons@emmconsulting.com.au>]

Sent: Tuesday, 10 December 2019 2:55 PM

To: Post Approval <PostApproval@environment.gov.au>

Cc: Wallace, Rod <rod.wallace@boral.com.au>; Brett McLennan <bmclennan@emmconsulting.com.au>; Brendan Rice <brice@emmconsulting.com.au>

Subject: Mugga Quarry Overburden Expansion Project - Environmental Management Plan (EPBC 2018/8151)

Dear Sir / Madam

Boral Resources (Country) Pty Ltd (Boral) submit the enclosed Environmental Management Plan (EMP) for the Minister's approval for the Mugga Quarry Overburden Expansion Project [EPBC 2018/8151] (the project) at 321 Mugga Lane, Symonston, Australian Capital Territory (ACT).

<https://emmconsult->

[my.sharepoint.com/:b:/g/personal/pgibbons_emmconsulting_com_au/EbKdCv1uupZCuXvP63xR6vMBDWTkc8vZOa7zj7tr26E8TW?e=X3sK9M](https://emmconsult-my.sharepoint.com/:b:/g/personal/pgibbons_emmconsulting_com_au/EbKdCv1uupZCuXvP63xR6vMBDWTkc8vZOa7zj7tr26E8TW?e=X3sK9M)

This EMP has been prepared to:

- address the requirements of Conditions 6a to 6j of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act) Approval (EPBC 2018/8151);
- describe the mitigation and management measures for Box Gum Woodland as a result of construction required for the project;
- seek the Minister's approval at least 30 business days prior to the commencement of the action in accordance with Condition 4 of the EPBC Act Approval.

Specifically, the project involves the establishment of a new permanent overburden bund and temporary emplacement area to store quarried overburden and weathered rock material. Overburden and unsuitable weathered rock would be removed from within Boral's existing Mugga Quarry approved quarry footprint to enable extraction of higher quality hard rock beneath. The overburden material will be used to construct a permanent bund, while the weathered rock material will be stored in a temporary emplacement area and progressively blended into other quarry products to produce concrete and asphalt aggregates.

I trust this meets the requirements of the Department of the Environment and Energy (DoEE).

Should you have any questions or queries please do not hesitate to contact me on 0477 702 413.

Kind regards

Paul

Appendix 5



Australian Government

Department of Agriculture, Water and the Environment

Rod Wallace
National Environment & Sustainability Manager
Boral Australia
Trinity - T2, 39 Delhi Road
PO Box 6041, North Ryde NSW 2113

EPBC 2018/8151, Mugga Quarry Environmental Management Plan - Mugga Quarry Overburden Expansion Project

Dear Mr Wallace

Thank you for submitting the above management plan for approval in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Officers of the Department have advised me on the plan and on the requirements of the EPBC Act conditions of approval for this project. On this basis, and as a delegate of the Minister for the Environment, I have decided to approve the *Mugga Quarry Environmental Management Plan - Mugga Quarry Overburden Expansion Project, Version 5, 29 January 2020*. The approved plan must now be implemented.

Please note that, if you wish to vary the approved plan, you must either submit for the Minister's approval a revised version of the plan in accordance with Condition 18 of EPBC 2018/8151, or, if the revised plan does not represent a new or increased impact, notify the Department in writing in accordance with the requirements of Condition 19 of EPBC 2018/8151.

Should you require any further information please contact Tony Dowd on (02) 6274 1769 or postapproval@environment.gov.au.

Yours sincerely

Declan O'Connor-Cox, Acting Assistant Secretary
Environment Approvals Division

11/2/2020

Cc: Mr Paul Gibbons, EMM Consulting Pty. Ltd.

Appendix 6

From: [Shoanne Labowitch](#)
To: [Nicholas Scholar](#)
Cc: [EPBC Monitoring](#); [David Bolton](#)
Bcc: [Rod Wallace](#); [Amy Jackson](#)
Subject: RE: EPBC 2018/8151 - notice of non-compliance with Condition 1 [SEC=OFFICIAL] - Revised EMP
Date: Friday, 18 December 2020 4:16:00 PM
Attachments: [20201218 EPBC 2018 8151 Mugga Quarry Revised EMP.pdf](#)
[H17174_MuggaQuarryEMP_V6.0_Final_Clearing_201218.pdf](#)

Good afternoon Nick,

As discussed, please find attached the Revised Environmental Management Plan (EMP) for the Mugga Quarry (EPBC 2018/8151), together with an accompanying letter to outline some of the changes presented in the rEMP,

Kind regards

SHOANNE LABOWITCH

Environment Manager NSW/ACT

Telephone: 02 9033 5019

Mobile: 0401 895 827

Email: Shoanne.Labowitch@boral.com.au



Boral Australia HSE - Lv 5 - Trinita 2, 39 Delhi Road, North Ryde NSW
www.boral.com.au

From: Nicholas Scholar <Nicholas.Scholar@awe.gov.au>
Sent: Thursday, 17 December 2020 4:09 PM
To: Shoanne Labowitch <Shoanne.Labowitch@boral.com.au>
Cc: EPBC Monitoring <EPBCMonitoring@environment.gov.au>
Subject: RE: EPBC 2018/8151 - notice of non-compliance with Condition 1 [SEC=OFFICIAL]

Good afternoon Shoanne,

Please find attached a letter outlining the current status of the compliance review process.

I will be in touch in January to discuss the logistics of the proposed site visit.

Regards

Nicholas Scholar

A/g Assistant Director | Environmental Audit Section

Environment Compliance Branch

Compliance Division

Department of Agriculture, Water and the Environment

P: 02 6274 1284 | M: 0427 786 515

E: nicholas.scholar@environment.gov.au

Appendix 7



Ms Shoanne Labowitch
Environment Manager NSW/ACT
Boral Resources (Country) Pty Ltd
Level 5, Triniti 2, 39 Delhi Road
NORTH RYDE NSW 2113

Dear Ms Labowitch

**EPBC 2018/8151: Mugga Quarry Overburden Expansion Project –
Environmental Management Plan**

Thank you for your email dated 18 December 2020 to the Department of the Agriculture, Water and the Environment, seeking approval of the Environmental Management Plan, in accordance with condition 18 of the above project under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Officers of the Department have advised me on the plan and the requirements of the conditions of the approval for this project. On this basis, and as a delegate of the Minister for the Environment, I have decided to approve the *Mugga Quarry Environmental Management Plan, Version 7, 6 April 2021*. This plan must now be implemented.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Emily Wheatley on (02) 6274 1470 or emily.wheatley@awe.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. McMaugh', written over a horizontal line.

Dwaine McMaugh
Director
Post Approvals Section
Environment Approvals Division

20 April 2021

Appendix 8



17 June 2020

Mr Mitch Ryan
Project Engineer - National Resources
Triniti 2, 39 Delhi Road, NSW 2113
M: 0401 893 023
E: mitch.ryan@boral.com.au

Pre-clearance statement for the Mugga Quarry overburden emplacement project

Capital Ecology project no. 2969

Dear Mr Ryan,

This letter outlines the required pre-clearance surveys and works completed on 16 June 2020 prior to the vegetation clearance of the Mugga Quarry overburden emplacement extension (the 'project area').

As outlined in Section 4.2.11.1 of the Construction Environmental Management Plan¹ (CEMP), a qualified ecologist is required to complete several tasks prior to the vegetation clearance associated with the project. The following tasks were completed as outlined in the CEMP.

- *Marking and recording of all habitat trees within the clearing zone for removal and confirmation that no previously unidentified threatened species (or target species) are present.*
- *Targeted surveys for the Superb Parrot, including searching of hollow bearing trees for nesting parrots and observation of understorey for feeding parrots. The location of any Superb Parrot nests will be marked for further work during clearing.*
- *Identification of the species and location of any weeds growing within the area to be cleared and grubbed.*
- *Identify and note the location of other threatened flora species, endangered ecological communities (EECs), threatened species habitat and trees which have been marked or otherwise identified for preservation.*

¹ Boral (2020). *Construction Environmental Management Plan – Mugga Quarry Overburden Expansion Project*. May 2020.

Marking of hollow-bearing trees within the clearance area

Capital Ecology (2018) conducted a hollow-bearing tree assessment to identify potential habitat trees in the project area². A total of 19 hollow-bearing trees were identified in the CEMP to be directly impacted, and therefore removed, by the overburden emplacement extension (Figure 1). Each of these trees was marked with high-vis tape around the trunk and/or a branch near breast height. The removal of these trees will be conducted in accordance with Section 4.2.11.2 of the CEMP.

It is noted that four hollow-bearing trees (Tree 12, 13, 14 and 51) identified by Capital Ecology occur in the existing Mugga Quarry approved quarry footprint and will also be removed as part of the overburden emplacement extension. The felling of these trees should be conducted in accordance with the removal of hollow-bearing trees as outlined in Section 4.2.11.2 of the CEMP.

Three additional hollow-bearing trees were identified during pre-clearance surveys. These trees have been marked with high-vis tape and are shown on Figure 1. Tree A1 is a Blakely's Red Gum *Eucalyptus blakelyi*, Trees A2 and A3 are both stags.

Trees 6, 17, 18, 19, 26, 35 and 36 occur immediately adjacent to or within the boundary of the total disturbance area (refer Figure 2) but will not be removed as part of the clearance works. Each of these trees has also been marked with high-vis tape.

Targeted Superb Parrot Survey

A 2-hour targeted Superb Parrot *Polytelis swainsonii* survey was conducted in the project area between 9:40 – 11:40 am on 15 June 2020. All hollow-bearing trees in the project area and immediately surrounding area were searched for the presence of Superb Parrot individuals. No Superb Parrots or other threatened bird species were recorded.

A total of 17 bird species were recorded during the survey. Additionally, the native Eastern Grey Kangaroo *Macropus giganteus* and exotic Brown Hare *Lepus capensis*, European Rabbit *Oryctolagus cuniculus*, and Red Fox *Vulpes vulpes* were recorded. A list of recorded fauna species is provided in Appendix A.

Table 1. Survey weather conditions. (Source - Bureau of Meteorology)

Date	Temperature Min-Max	Wind @ 3pm	Cloud (8 th)	Rain
15/06/2020	6.4 – 13.5°C	24 km/h	6	0 mm

Weed identification and mapping

The project area was surveyed for significant weed infestations. The majority of the project area supports a substantial cover of common agricultural weed species (Paterson's Curse *Echium plantagineum*, Buchan Weed *Hirschfeld incana*, and Scotch Thistle *Onopordum acanthium*). Significant weed species (i.e. Weeds of National Significance or NC Act listed species) were restricted to a single Blackberry *Rubus fruticosus* plant, the location of which is shown on Figure 2.

² Capital Ecology (2018). *Supplementary ecological surveys for the Mugga Quarry overburden emplacement project*. Authors: R. Speirs, S. Thompson, and S. Reid. Project no. 2969.

Conclusion

The pre-clearance surveys and activities were completed in accordance with Section 4.2.11.1 of the CEMP. All hollow-bearing trees in the project area, including those to be retained, have been marked with high-vis tape prior to any clearance in the project area. No Superb Parrots or other threatened species were recorded in the project area and the locations of significant weed species were recorded.

We trust that this letter-report provides the information required. However, please do not hesitate to contact us should you have any questions relating to this letter or the works completed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Robert Speirs".

Robert Speirs

Director / Principal Ecologist

Accredited BAM Assessor (No: BAAS17089)

A handwritten signature in black ink, appearing to read "Shannon Thompson".

Shannon Thompson

Field Ecologist

Attachments:

Figure 1. Hollow-bearing Trees to be Removed

Figure 2. Direct Impact Area

Appendix 1. Fauna Species Recorded

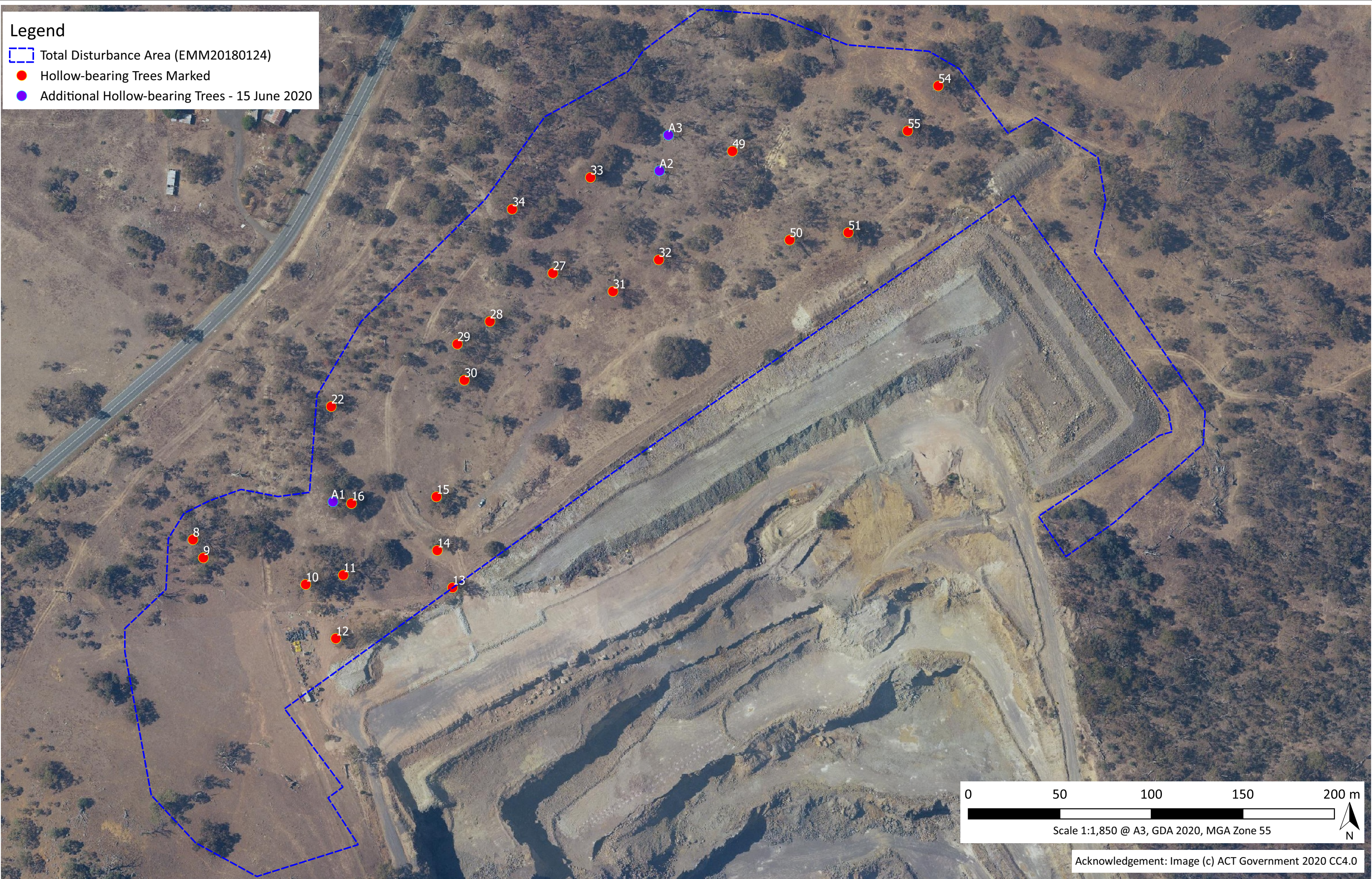


Figure 1. Hollow-bearing Trees to be Removed

Capital Ecology Project No: 2969
 Drawn by: S. Thompson
 Date: 16 June 2020

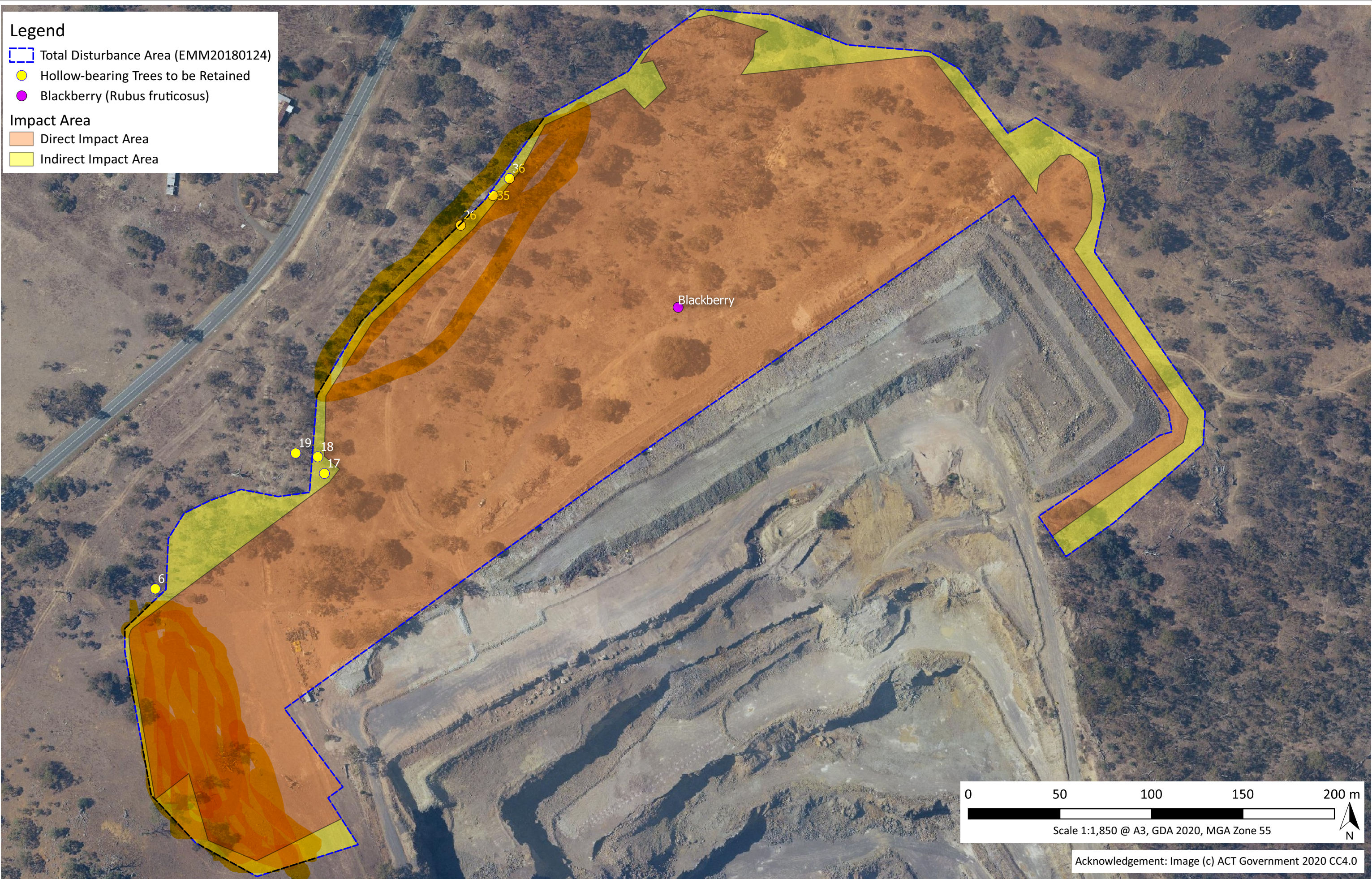


Figure 2. Direct and Indirect Impact Area

Capital Ecology Project No: 2969
 Drawn by: S. Thompson
 Date: 16 June 2020

Appendix A. Fauna Species Recorded

Class	Common name	Scientific name	Native/Exotic
Aves	Australian Magpie	<i>Gymnorhina tibicen</i>	Native
Aves	Australian Raven	<i>Corvus coronoides</i>	Native
Aves	Crimson Rosella	<i>Platycercus elegans</i>	Native
Aves	Eastern Rosella	<i>Platycercus eximius</i>	Native
Aves	Galah	<i>Eolophus roseicapilla</i>	Native
Aves	Golden Whistler	<i>Pachycephala pectoralis</i>	Native
Aves	Grey Fantail	<i>Rhipidura albiscapa</i>	Native
Aves	Grey Shrike-thrush	<i>Colluricincla harmonica</i>	Native
Aves	Magpie-lark	<i>Grallina cyanoleuca</i>	Native
Aves	Noisy Miner	<i>Manorina melanocephala</i>	Native
Aves	Red Wattlebird	<i>Anthochaera carunculata</i>	Native
Aves	Rufous Whistler	<i>Pachycephala rufiventris</i>	Native
Aves	Sulphur-crested Cockatoo	<i>Cacatua galerita</i>	Native
Aves	Superb Fairy-wren	<i>Malurus cyaneus</i>	Native
Aves	Wedge-tail Eagle	<i>Aquila audax</i>	Native
Aves	Yellow-rumped Thornbill	<i>Acanthiza chrysorrhoa</i>	Native
Aves	Yellow-tailed Black-cockatoo	<i>Calyptorhynchus funereus</i>	Native
Mammalia	Brown Hare	<i>Lepus capensis</i>	Exotic
Mammalia	Eastern Grey Kangaroo	<i>Macropus giganteus</i>	Native
Mammalia	European Rabbit	<i>Oryctolagus cuniculus</i>	Exotic
Mammalia	Red Fox	<i>Vulpes vulpes</i>	Exotic

Appendix 9



3 September 2021

Ms Shoanne Labowitch
Environment Manager NSW/ACT
Trinity 2, 39 Delhi Road, NSW 2113
M: 0401 895 827
E: Shoanne.Labowitch@boral.com.au

Post-clearance statement for the Mugga Quarry overburden emplacement project

Capital Ecology project no. 2969.2

Dear Ms Labowitch,

This post clearance statement reports on Capital Ecology's monitoring of vegetation clearance completed on 17 and 18 June 2020 associated with the Mugga Quarry overburden emplacement extension (the 'project').

The emplacement extension area will be located to the north and east of the approved quarry pit extent for Mugga Quarry which is located between Mugga Lane and Callum Brae Nature Reserve within the approved extractive industry lease area of 106.4 ha. The project was referred to the Commonwealth Department of the Environment and Energy for assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The project was approved under the Department's Mugga Quarry Overburden Expansion Project Approval Decision Notice (EPBC 2018 /8151)¹. The approved clearance extent totalled 9.16 ha (EMM Consulting, 2019²).

As outlined in Section 4.2.11.1 of the Construction Environmental Management Plan³ (CEMP) which was prepared in accordance with the Commonwealth approval, a qualified ecologist was required to complete several tasks prior to the vegetation clearance associated with the project. Accordingly, the following tasks were completed as outlined in the CEMP.

¹ Department of the Environment and Energy, 2019. *Mugga Quarry Overburden Expansion Project Approval Decision Notice* (EPBC 2018 /8151)

² EMM Consulting (2019). *Environmental Impact Statement Mugga Quarry Overburden Expansion Project*. EMM Consulting Pty Ltd, Sydney.

³ Boral (2020). *Construction Environmental Management Plan – Mugga Quarry Overburden Expansion Project*. May 2020.

Capital Ecology Pty Ltd

PO Box 854
Gungahlin ACT 2912

ACN: 607 364 358
ABN: 50 607 364 358

Phone: 0412 474 415
Email: admin@capitalecology.com.au

www.capitalecology.com.au

We acknowledge the Traditional Custodians of the land on which we work. We pay our respects to Elders past and present.

- *Marking and recording of all habitat trees within the clearing zone for removal and confirmation that no previously unidentified threatened species (or target species) are present.*
- *Targeted surveys for the Superb Parrot, including searching of hollow bearing trees for nesting parrots and observation of understorey for feeding parrots. The location of any Superb Parrot nests will be marked for further work during clearing.*
- *Identification of the species and location of any weeds growing within the area to be cleared and grubbed.*
- *Identify and note the location of other threatened flora species, endangered ecological communities (EECs), threatened species habitat and trees which have been marked or otherwise identified for preservation.*

Additionally, Section 4.2.11.4 of the CEMP requires a post clearance statement from a qualified ecologist following the completion of clearance works. Accordingly, the following tasks were completed as outlined in the CEMP.

- *The presence of any fauna species (threatened or otherwise) observed during clearance activities and actions taken to relocate or protect fauna; and*
- *Details of the habitat trees that have been felled, including actions taken to relocate or salvage the hollow bearing trees.*

Figure 1 shows the location of each hollow-bearing tree on 2020 aerial imagery. Figure 2 shows the total extent of clearance works on April 2021 aerial imagery. Figure 3 shows the trees subject to clearance or retention following clearance works.

Pre-Clearance Survey⁴

Marking of hollow-bearing trees within the clearance area

Capital Ecology (2018⁵) conducted vegetation mapping and a hollow-bearing tree assessment to identify potential habitat trees in the project area. The below is a summary of the results of the pre-clearance statement.

A total of 19 hollow-bearing trees were identified in the CEMP to be directly impacted, and therefore removed, by the overburden emplacement extension (Figure 1). Each of these trees was marked with high-vis tape around the trunk and/or a branch near breast height. The removal of these trees will be conducted in accordance with Section 4.2.11.2 of the CEMP.

It is noted that four hollow-bearing trees (Tree 12, 13, 14 and 51) identified by Capital Ecology occur in the existing Mugga Quarry approved quarry footprint and will also be removed as part of the overburden emplacement extension. The felling of these trees should be conducted in accordance with the removal of hollow-bearing trees as outlined in Section 4.2.11.2 of the CEMP.

⁴ Capital Ecology (2020). *Pre-clearance statement for the Mugga Quarry overburden emplacement project*. Authors: R. Speirs, and S. Thompson. Project no. 2969.

⁵ Capital Ecology (2018). *Supplementary ecological surveys for the Mugga Quarry overburden emplacement project*. Authors: R. Speirs, S. Thompson, and S. Reid. Project no. 2811.

Three additional hollow-bearing trees were identified during pre-clearance surveys. These trees have been marked with high-vis tape and are shown on Figure 1. Tree A1 is a Blakely’s Red Gum *Eucalyptus blakelyi*, Trees A2 and A3 are both stags.

Trees 6, 17, 18, 19, 26, 35 and 36 occur immediately adjacent to or within the boundary of the approved total disturbance area (refer Figure 2) but will not be removed as part of the clearance works. Each of these trees has also been marked with high-vis tape.

Targeted Superb Parrot Survey

A 2-hour targeted Superb Parrot *Polytelis swainsonii* survey was conducted in the project area between 9:40 – 11:40 am on 15 June 2020. The below is a summary of the results from the pre-clearance statement regarding the targeted Superb Parrot survey.

All hollow-bearing trees in the project area and immediately surrounding area were searched for the presence of Superb Parrot individuals. No Superb Parrots or other threatened bird species were recorded.

A total of 17 bird species were recorded during the survey. Additionally, the native Eastern Grey Kangaroo *Macropus giganteus* and exotic Brown Hare *Lepus capensis*, European Rabbit *Oryctolagus cuniculus*, and Red Fox *Vulpes vulpes* were recorded. A list of recorded fauna species is provided in Appendix A.

Table 1. Survey weather conditions. (Source - Bureau of Meteorology)

Date	Temperature Min-Max	Wind @ 3pm	Cloud (8 th)	Rain
15/06/2020	6.4 – 13.5°C	24 km/h	6	0 mm

Post-Clearance Statement

On-site Monitoring of Clearance Works

It was observed that Stage 1 clearance works were completed on 17 June 2020 without on-site supervision by a qualified ecologist. Stage 1 clearance involved the removal of all vegetation within the clearance area, including the removal of all trees not marked with high-vis tape. Hollow bearing trees marked with high-vis tape were retained until a qualified ecologist was present to oversee the removal of these trees.

The on-site ecologist (Shannon Thompson, Ecologist, Capital Ecology) observed on the morning of 18 June 2020 that Stage 1 clearance works extended outside of the approved area, resulting in an increase in the clearance extent. Following the observation of the increased clearance extent, the boundary of the Stage 1 clearance extent was mapped using a hand-held GPS (Figure 2). As shown of Figure 2 and Figure 3, the additional clearance increased the total area of clearance to 9.82 ha. A patch along the northern boundary of the clearance that was approved for clearance as per the CEMP was instead retained during the clearance works, resulting in a reduction of 0.58 ha of clearance extent. Patches to the east and west were cleared during the Stage 1 clearance beyond the A. F. Legler drawings and the area approved by the Commonwealth approval, resulting in an increase in clearance extent of 1.23 ha. The combined alterations to the clearance extent resulted in a total net increase in the clearance footprint of 0.65 ha over the approved clearance extent.

It is noted that the sediment fence was erected approximately 2-3 m further than the marked extent of clearance. Much of this area, extending from the marked clearance footprint to the sediment fence, has been cleared or heavily disturbed. This area contributes to and therefore increases the total area cleared and has been included in the final clearance area.

Trees 6, 19 and 20 (refer Figure 3) were removed without supervision as they were located outside the approved disturbance area and therefore were not marked with high-vis tape. Trees 12, 13, and 14 were removed without supervision as they were not marked with high-vis tape because they were located within the previous Mugga Quarry footprint and were therefore not the subject of the recent approvals. An additional Apple Box *Eucalyptus bridgesiana* in the east of the approved clearance extent was removed during the Stage 1 clearance (refer Tree B1, Figure 3).

Stage 2 clearance works (i.e. the removal of marked hollow-bearing trees) was conducted on 18 June 2020 in the presence of the on-site ecologist. Stage 2 of clearance involved the felling of each of the remaining trees within the clearance extent using a large excavator. Each tree to be felled was disturbed by knocking the trunk with the excavator with a 2-minute break to allow for any fauna within a hollow to vacate the tree. The tree was then felled with the excavator. Following the felling of each tree all hollows and fissures were inspected for the presence of remaining fauna.

Tree 8 was removed with supervision and no fauna was found following inspection of the tree post felling.

During the pre-felling procedure of knocking the trunk of Tree 9, an Australian Owlet-nightjar *Aegotheles cristatus* flew into the large hollow at the top of the tree. The tree was then knocked again, and the Australian Owlet-nightjar vacated the tree and flew to an adjacent tree outside of the clearance area. This tree was then felled and inspected. No evidence of remaining fauna was observed.

The remaining 13 hollow-bearing trees were removed and inspected. A Flame Robin *Petroica phoenicea* was observed perched in and around Tree 55 but had relocated prior to the felling of the surrounding trees. No other fauna was observed following the inspection of the felled trees.

Tree 22 was to be removed as per the approved design but was retained in the final clearance footprint.

Tree 18 was to be retained as per the EPBC Act referral but was retained following Stage 1 and 2 clearance works. This tree is within the updated expansion area, and as such was disturbed around its base. As shown in Appendix D of the CEMP, this tree fell over during a high wind event subsequent to the clearance works and has now been removed.

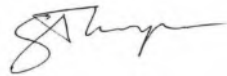
Conclusion

A total area of 9.82 ha was cleared during the clearance works, resulting in a net increase in clearance footprint of 0.65 ha over the approved area outlined in the EPBC Act approval and the CEMP. The Stage 1 clearance works cleared a total of 1.23 ha greater than the approved clearance extent, however a 0.58 ha patch of vegetation approved for clearance was retained along the northern boundary of the clearance works. Additionally, three trees were felled without approval, two of which had confirmed tree hollows. One tree (Tree 18) was indirectly impacted by the earth works and fell over during a subsequent high weather event and has now been removed.

One Australian Owlet-nightjar was recorded in a hollow of a tree to be removed but left the hollow prior to the felling of the tree. No other fauna was observed in any of the cleared trees prior to or following the clearance works.

We trust that this letter-report provides the information required. However, please do not hesitate to contact us should you have any questions relating to this letter or the works completed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "S. Thompson".

Shannon Thompson
Ecologist

A handwritten signature in black ink, appearing to read "R. Speirs".

Robert Speirs
Director / Principal Ecologist

Attachments:

Figure 1. Hollow-bearing Trees on 2020 Aerial Imagery

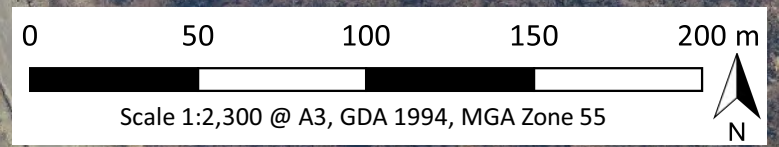
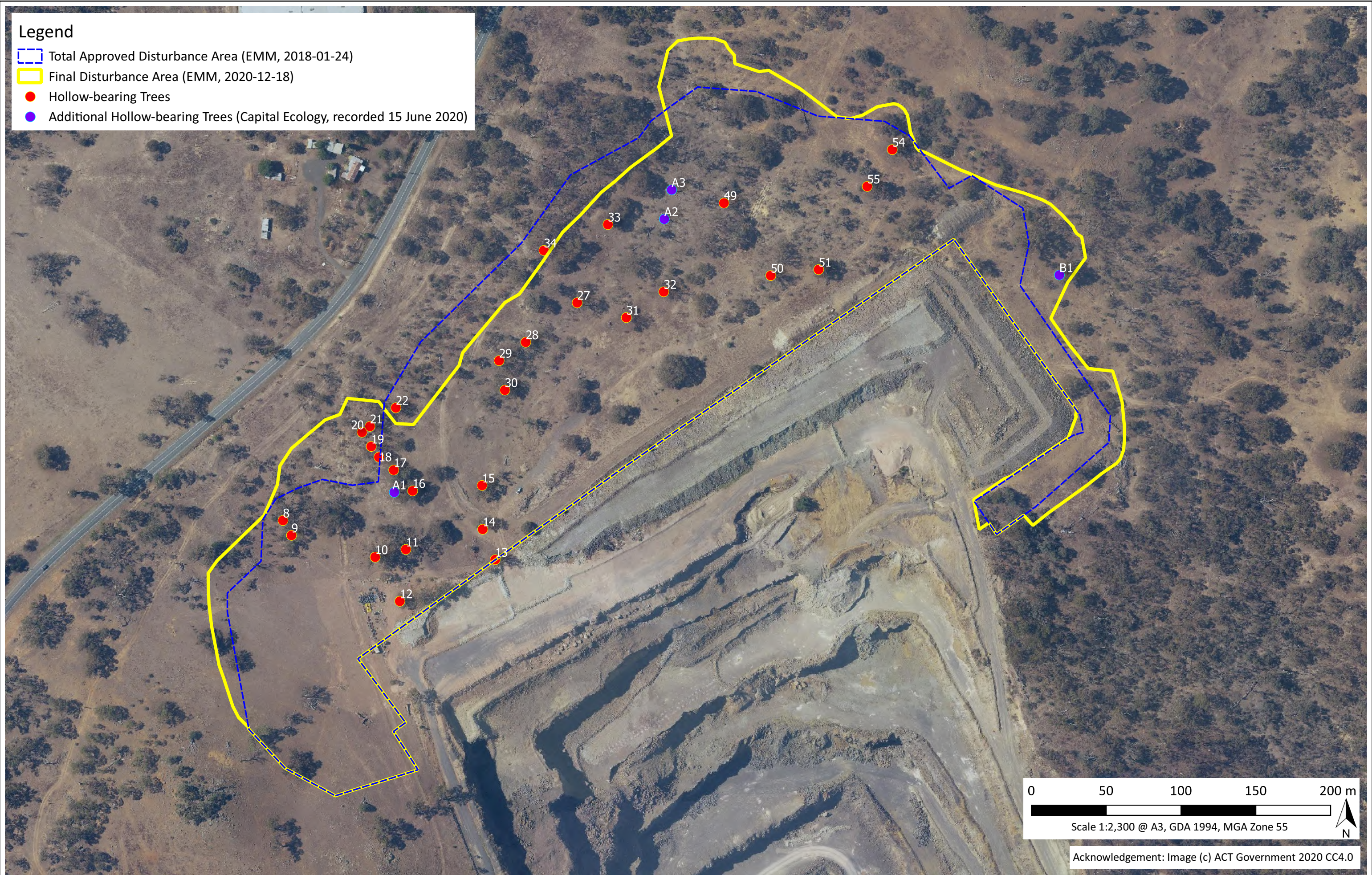
Figure 2. Clearance Extent on April 2021 Aerial Imagery

Figure 3. Modification to Clearance Extent with Relevant Hollow-bearing Trees on April 2021 Aerial Imagery

Appendix 1. Fauna Species Recorded

Legend

- Total Approved Disturbance Area (EMM, 2018-01-24)
- Final Disturbance Area (EMM, 2020-12-18)
- Hollow-bearing Trees
- Additional Hollow-bearing Trees (Capital Ecology, recorded 15 June 2020)



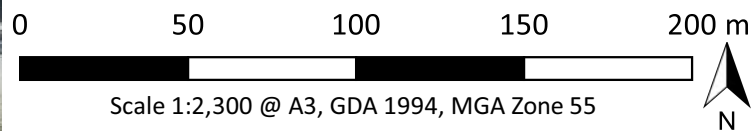
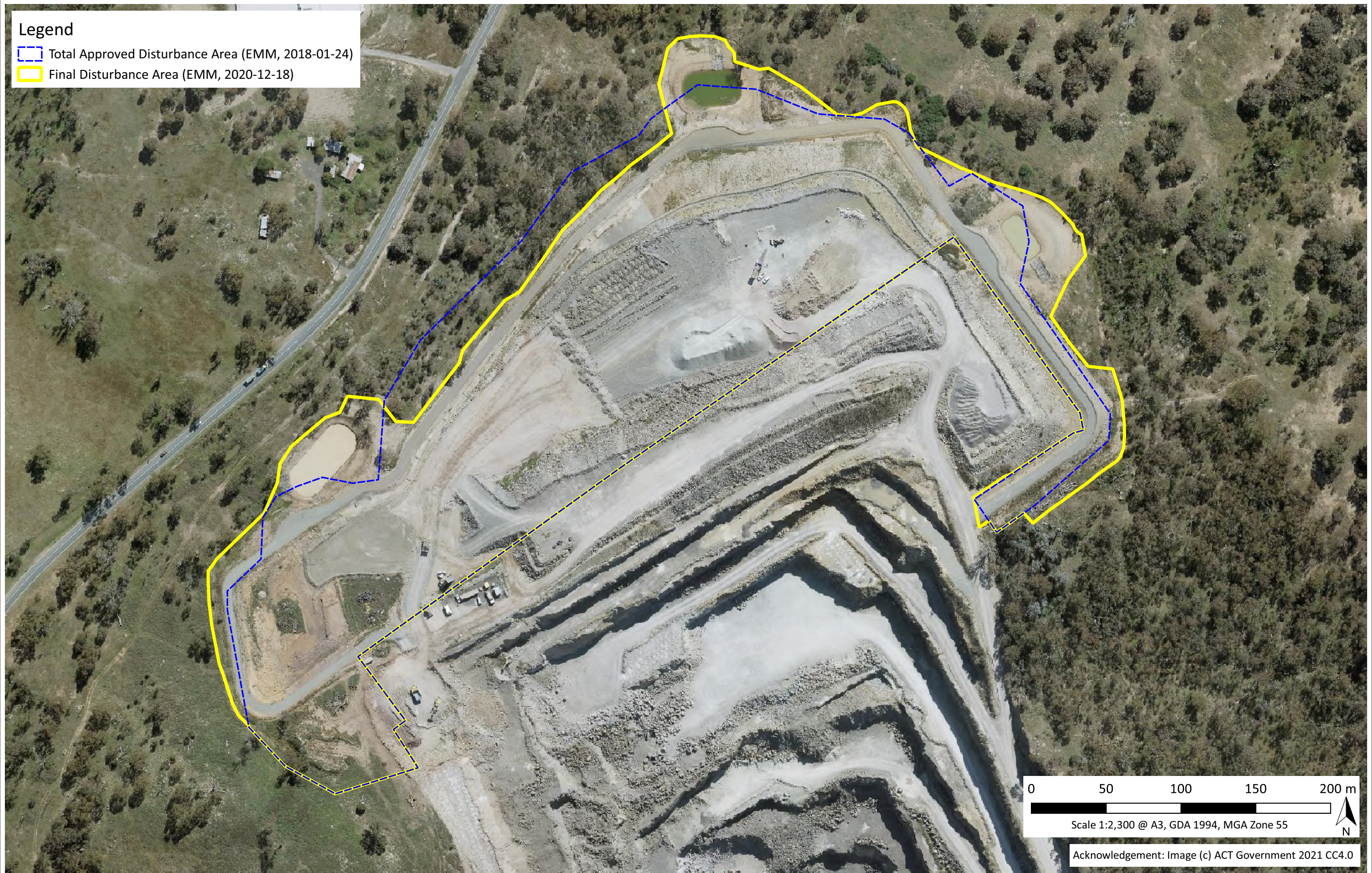
Acknowledgement: Image (c) ACT Government 2020 CC4.0

Figure 1. Hollow-bearing Trees on 2020 aerial imagery

Capital Ecology Project No: 2969.2
 Drawn by: S. Thompson
 Date: 1 Spetember 2021



Legend
[Blue dashed line] Total Approved Disturbance Area (EMM, 2018-01-24)
[Yellow solid line] Final Disturbance Area (EMM, 2020-12-18)



Acknowledgement: Image (c) ACT Government 2021 CC4.0

Figure 2. Clearance Extent on April 2021 aerial imagery

Capital Ecology Project No: 2969.2
Drawn by: S. Thompson
Date: 1 Spetember 2021



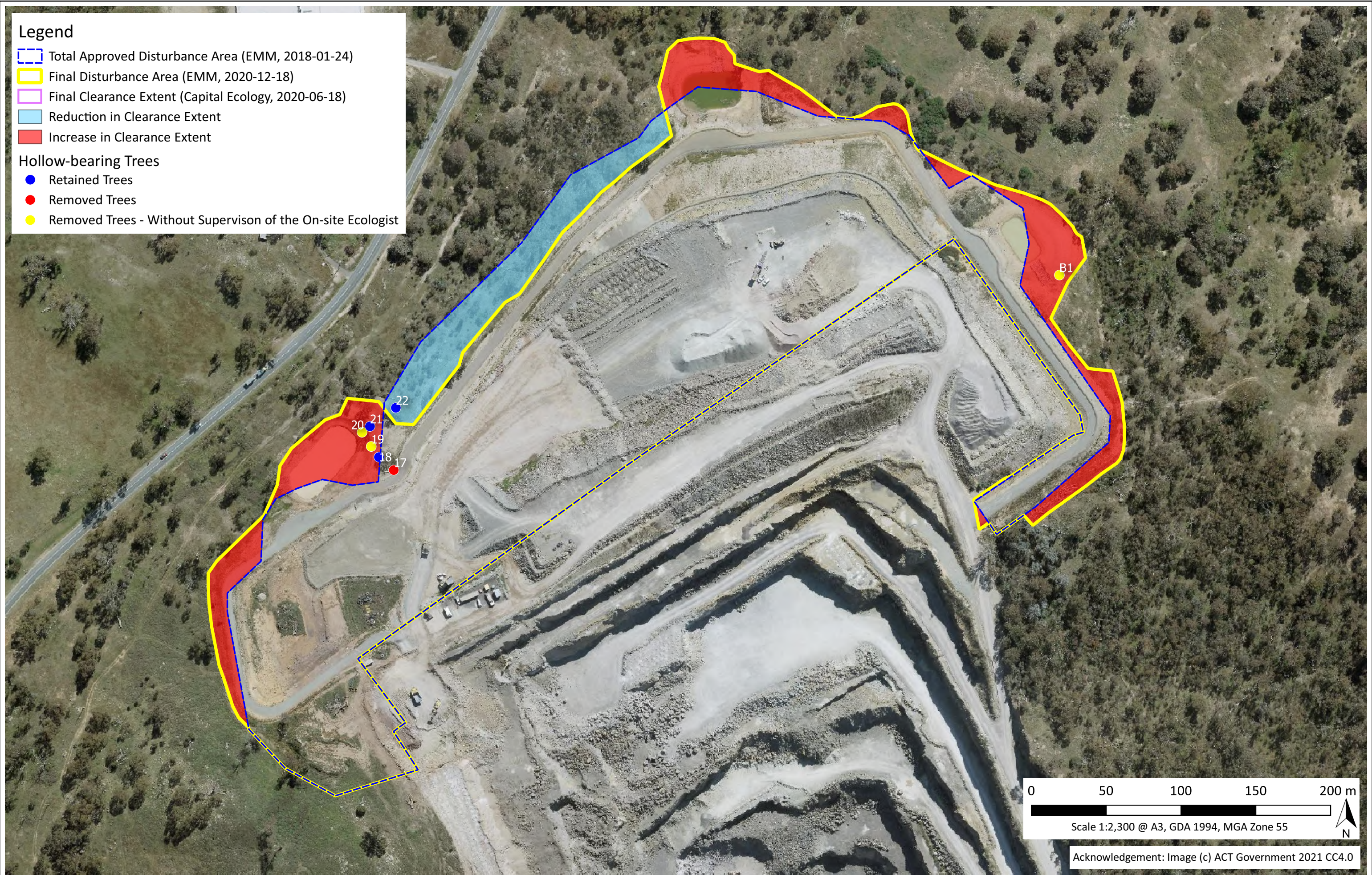


Figure 3. Modification to Clearance Extent with Relevant Hollow-bearing Trees on April 2021 Aerial Imagery

Capital Ecology Project No: 2969.2
 Drawn by: S. Thompson
 Date: 1 Spetember 2021

Appendix A. Fauna Species Recorded

Recorded during the 15 June 2020 pre-clearance survey.

Class	Common name	Scientific name	Native/Exotic
Aves	# Australian Magpie	<i>Gymnorhina tibicen</i>	Native
Aves	# Australian Raven	<i>Corvus coronoides</i>	Native
Aves	# Crimson Rosella	<i>Platycercus elegans</i>	Native
Aves	# Eastern Rosella	<i>Platycercus eximius</i>	Native
Aves	<i>Petroica phoenicea</i>	<i>Petroica phoenicea</i>	Native
Aves	# Galah	<i>Eolophus roseicapilla</i>	Native
Aves	# Golden Whistler	<i>Pachycephala pectoralis</i>	Native
Aves	# Grey Fantail	<i>Rhipidura albiscapa</i>	Native
Aves	# Grey Shrike-thrush	<i>Colluricincla harmonica</i>	Native
Aves	# Magpie-lark	<i>Grallina cyanoleuca</i>	Native
Aves	# Noisy Miner	<i>Manorina melanocephala</i>	Native
Aves	Australian Owlet-nightjar	<i>Aegotheles cristatus</i>	Native
Aves	# Red Wattlebird	<i>Anthochaera carunculata</i>	Native
Aves	# Rufous Whistler	<i>Pachycephala rufiventris</i>	Native
Aves	# Sulphur-crested Cockatoo	<i>Cacatua galerita</i>	Native
Aves	# Superb Fairy-wren	<i>Malurus cyaneus</i>	Native
Aves	# Wedge-tail Eagle	<i>Aquila audax</i>	Native
Aves	# Yellow-rumped Thornbill	<i>Acanthiza chrysorrhoa</i>	Native
Aves	# Yellow-tailed Black-cockatoo	<i>Calyptorhynchus funereus</i>	Native
Mammalia	# Brown Hare	<i>Lepus capensis</i>	Exotic
Mammalia	# Eastern Grey Kangaroo	<i>Macropus giganteus</i>	Native
Mammalia	# European Rabbit	<i>Oryctolagus cuniculus</i>	Exotic
Mammalia	# Red Fox	<i>Vulpes vulpes</i>	Exotic

Appendix 10



6 July 2020

Department of Agriculture, Water and the Environment
GPO Box 858
Canberra City ACT 2601
Australia
EPBCMonitoring@awe.gov.au

Boral Resources
(Country) Pty Ltd
Level 18, 15 Blue
Street North Sydney
NSW 2060

To Whom It May Concern:

EPBC 2018/8151 – Condition 14 report: Mugga Quarry

This investigation report is being submitted in relation to construction phase impacts associated with the Mugga Quarry Overburden Expansion Project (the project) at 321 Mugga Lane, Symonston, Australian Capital Territory (ACT). The project involves the establishment of a new permanent overburden bund and temporary emplacement area to store quarried overburden and weathered rock material. The overburden and unsuitable weathered rock is to be removed from within Boral's existing Mugga Quarry approved quarry footprint to enable the extraction of higher quality hard rock beneath. The overburden material is intended to be used to construct a permanent bund, while the weathered rock material will be stored in a temporary emplacement area and progressively blended into other quarry products to produce concrete and asphalt aggregates. The new bund and emplacement area is located to the north and east of the approved quarry pit extent between Mugga Lane and Callum Brae Nature Reserve within the approved extractive industry lease area of 106.4 hectares (ha).

In accordance with Condition 13 of the EPBC 2018/8151 (the **EPBC Approval**) for the Mugga Quarry Overburden Expansion Project, Symonston, ACT, (the Project) Boral Resources (Country) Pty. Limited (Boral) notified the Australian Government Department of Agriculture, Water and the Environment (the Department) of a non-compliance with Condition 1 of the EPBC Approval via email on the 24 June 2020. The notification related to the fact of Boral becoming aware that, during the approved works for the extension of the existing Mugga Quarry to create a new permanent bund and temporary stockpile area, the extent of ground disturbance had extended in some locations beyond the boundary shown in Attachment 1 of the EPBC Approval. The incident also caused Boral to be in non-compliance with relevant aspects of the Environmental Management Plan (EMP) that is endorsed as a Plan under Condition 4 of the EPBC Approval.

After becoming aware of this non-compliance, Boral ceased all clearing works in the area and commenced further investigations into the cause of the non-compliance.

Reporting requirements – Condition 14

In accordance with Condition 14 of EPBC 2018/8151, the details of the non-compliance with the conditions or commitments made in the relevant plans along with corrective actions, potential impacts and any remedial actions is presented below. The conditions are reproduced in ***bold italics***, and Boral's responses in plain text.

Corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;

After becoming aware of the non-compliance, Boral ceased all clearing and ground disturbance works in the area immediately and conducted an assessment of the scope and extent of the potential non-compliance.

Upon investigation, Boral discovered that there was an inconsistency between (i) the EPBC Approval Attachment 1 total disturbance area and (ii) the disturbance required for the final emplacement and stormwater basin design that was developed prior to the commencement of works following geotechnical assessment and final road, emplacement and basing design activities.

The Environmental Management Plan (EMP) submitted to support EPBC Approval EPBC 2018/8151 contained a preliminary emplacement and stormwater design that was developed to +/- 30% level of confidence. As a result, a contingency was allowed for in the total proposed action area (refer to Figure 4.1 of the EMP). The contingency areas shown in Figure 4.1 are denoted as Project Contingency Area 1 and Project Contingency Area 2.

However, during the subsequent geotechnical assessment and final design of the emplacement and stormwater management for the proposed action area, it was found that the size of the sediment basins developed in the EMP were inadequate. Specifically, it was found that the dams approved under the EMP were sized to capture 12.5mm of runoff from their respective catchments. However, in order to catch a 1 in 1 year 24 hour rainfall event the dams were required to be approximately twice the size as those detailed in the EMP.

The 30% contingency, as allowed for in the original stormwater management design detailed in the EMP, was utilised at a location that was inconsistent with the contingency area allocated in the approved proposed action area described in the EPBC Approval and the EMP. Furthermore, the Project Contingency Areas 1 and 2 marked for disturbance in the EMP have remained largely untouched, and as such, the total area disturbed during the actual works has been reduced relative to the area detailed under the EPBC Approval and illustrated under the EMP.

The potential impacts of the incident or non-compliance

Boral has assessed the extent of Box Gum Woodland Ecologically Endangered Community (EEC) that was actually disturbed as a consequence of the identified non-



compliance versus what would have been disturbed in the proposed action area described under the EPBC Approval.

Boral has identified that the total Box Gum Woodland EEC area disturbed under the recent works (being 4.65 ha) is less than the 4.73 ha area stipulated in the EPBC Approval and the EMP.

In light of this, Boral considers the area of the actual total disturbance that has occurred outside the boundary shown in Attachment 1 of the EPBC Approval has not changed the measureable direct or indirect impacts to the EEC in the total disturbance area. This statement is made in consideration of the type, quality and extent of the vegetation community (EEC or otherwise) that has been disturbed as part of the actual ground disturbance work, which is generally of lower quality and of lesser extent than what was approved under the EMP.

For those area where the disturbance has extended beyond the disturbance boundary approved in the EMP, which has occurred predominantly at the three sediment basin locations described in the EPBC Approval (due to the larger sediment basin design associated with the improved stormwater design), the actual disturbance has been limited to impacting those areas that were already subject to indirect impacts. The relevant indirect impacts identified in the EMP as occurring proximate to the affected sediment basin locations include; decreased viability of retained vegetation due to edge effects, and impacts to the use of retained areas of native vegetation due to disturbance and degradation of habitat, including erosion and/or compaction of soils, as well as damage to seedlings and new growth.

In consideration of the above, Boral does not consider the action that has been taken, as a consequence of the administrative non-compliance, as meeting the test of having a new or increased impact on the EEC.

The method and timing of any remedial action that will be undertaken by the approval holder

Boral is currently working with the civil works contractor to further mitigate any encroachment outside of the total disturbance area described in the EMP, including retaining potential habitat trees that have remained standing in the area just outside of the EPBC Approval proposed action area, which are now located within the larger basin area. Protection of the trees has required Boral to make a slight adjustment to the shape of the north-west sediment basin to avoid the trees.

In the next 3 months, or within such longer time period agreed to by the Department, Boral will update the EMP to reflect the improved design parameters, which incorporate the larger sediment basin sizing and submit in accordance with the EPBC Approval requirements. The revised EMP will then be implemented within 20 business days in accordance with Condition 20 (v) of the EPBC Approval. The amended proposed action area, reflecting the new disturbance boundary, will be overlaid on the existing vegetation mapping survey in the revised EMP to demonstrate that the disturbed area is within the total EEC approved disturbance

area described in Condition 2 of the EPBC Approval, and that the biodiversity credits retired for the work are appropriate for the disturbed EEC area. For the reasons set out in this investigation report, Boral does not consider that the actions taken (as will be reflected in the revised action management plan) have a new or increased impact and so Boral is not intending to submit the revised action management plan for approval.

An internal review of the change and project management protocol will also occur within the next 2 months as a consequence of the incident, to ensure that when design features are required to change due to final design considerations, the approval documents are checked to ensure they are consistent with the proposed change.

Shoanne Labowitch

Environment Manager NSW/ACT

Appendix 11

From: [Shoanne Labowitch](#)
To: [EPBC Monitoring](#)
Cc: [Peter Scioscia](#); [Nicholas Scholar](#)
Subject: EPBC 2018/8151 - Condition 24: Completion of action
Date: Thursday, 29 April 2021 10:18:00 AM
Attachments: [2018-8151-20210420-Approval of Revised EMP.pdf](#)
[Att C EPBC Approval Decision Notice SIGNED.pdf](#)

Good morning,

In accordance with condition 24 of EPBC 2018/8151 approval, please be advised of the completion of the action described in the attached approval has occurred,

This has been detailed via the revised EMP that has been approved by the Department reflecting the final disturbance area (refer to attachment),

Kind regards

SHOANNE LABOWITCH

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