



Karuah East Quarry  
ABN: 80 141 505 035  
Karuah East Quarry Pty Limited  
Blue Rock Close, Karuah NSW 2324

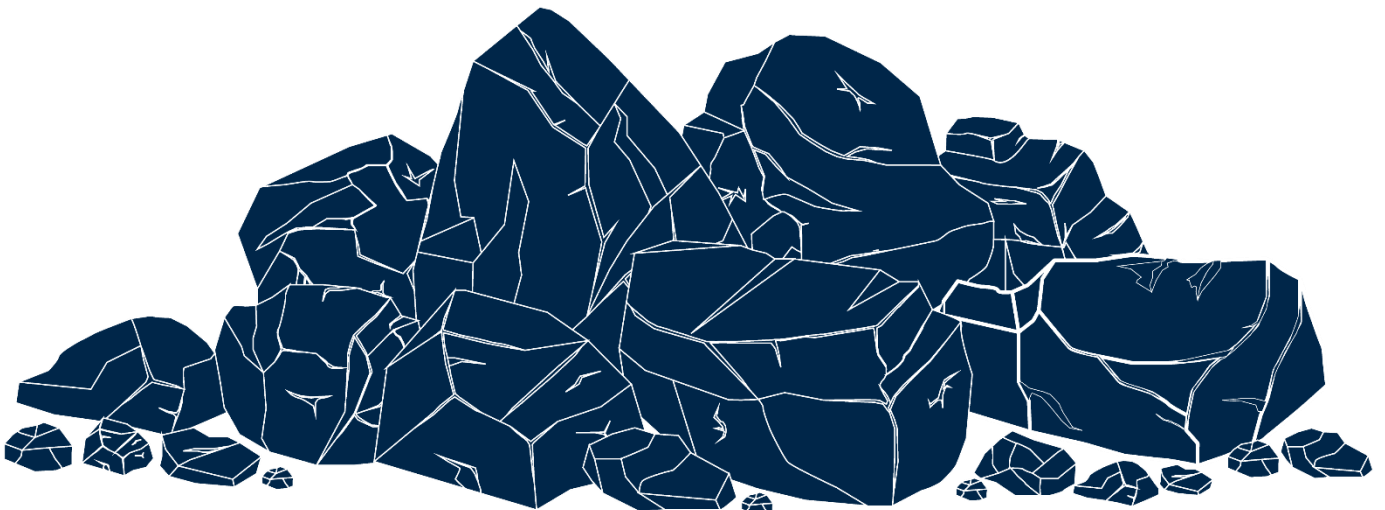
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Karuah East Quarry

## **Annual Compliance Report 2023-24**

## **Commonwealth EPBC Approval 2014/7282**

27 April 2023 to 26 April 2024



## Declaration of Accuracy

**Table 1 Karuah East Quarry Annual Compliance Report 2023-24 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.*

<b>EPBC Approval:</b>	<b>EPBC 2014/7282</b>
<b>Project Name:</b>	<b>Karuah East Quarry Project</b>
<b>Reporting Period:</b>	<b>27 April 2023 to 26 April 2024</b>
<b>Signed:</b>	
<b>Full Name:</b>	<b>Dylan Nagle</b>
<b>Position:</b>	<b>General Manager</b>
<b>Approval Holder:</b>	<b>Karuah East Quarry Pty Limited</b>
<b>Organisation ABN:</b>	<b>80 141 505 035</b>
<b>Date:</b>	<b>20 June 2024</b>

## Revision History

**Table 2** Karuah East Quarry Annual Compliance Report 2023-24 Revision History.

Version	Date Reviewed	Author	Approved	Status	Amendment Details
1A	12/06/2024	Scott Ellerton	–	Draft	Draft ACR for the 2023-24 Reporting Period.
1B	20/06/2024	Scott Ellerton	Dylan Nagle	Final	Final document.

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## Terms, Definitions and Abbreviations

**Table 3 Summary of Terms, Definitions and Abbreviations used in this Annual Compliance Report.**

Abbreviation / Term	Meaning
ACR	Annual Compliance Report
Black-eyed Susan	<i>Tetratheca juncea</i>
BOAMP	Biodiversity Offset Area Management Plan
Commonwealth DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
2014 Commonwealth Approval	Commonwealth EPBC Approval (2014/7282)
2022 Commonwealth Approval	Pending Commonwealth EPBC Approval (2022/9164) associated with Modification 10 to the NSW Project Approval.
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
KEQ	Karuah East Quarry
KEQPL	Karuah East Quarry Pty Limited
Koala	<i>Phascolarctos cinereus</i>
MNES	Matters of National Environmental Significance
MOD1	Modification 1 to the NSW Project Approval (MP-0175 MOD1) approved on the 27 April 2018.
MOD2	Modification 2 to the NSW Project Approval (MP-0175 MOD2) approved on the 19 December 2018.
MOD8	Modification 8 to the NSW Project Approval (MP-0175 MOD8) approved on the 23 December 2020.
MOD9	Modification 9 to the NSW Project Approval (MP-0175 MOD9) approved on the 02 December 2021.
MOD10	Modification 10 to the NSW Project Approval (MP-0175 MOD10) approved on the 18 May 2023.
NSW Approval	NSW Project Approval (MP09-0175)
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
NSW Planning	NSW Department of Planning, Housing and Infrastructure
Project Area	Approved Disturbance Boundary outlined by the NSW Project Approval.
Small-flower Grevillea	<i>Grevillea parviflora subsp. parviflora</i>
the Reporting Period	27 April 2023 to 26 April 2024
TjTP	<i>Tetratheca juncea</i> Translocation Plan
Trailing Woodruff	<i>Asperula asthenes</i>
Variation 1	Variation 1 to the 2014 Commonwealth EPBC Approval (EPBC 2014/7282) approved on 04 October 2018 associated with Modification 1 to the NSW Project Approval.
Variation 2	Pending Approval of Variation 2 to the Commonwealth EPBC Approval (EPBC 2014/7282) associated with Modification 10 to the NSW Project Approval.

## 1.0 Introduction

### 1.1 Overview

KEQPL operate the Karuah East Quarry (KEQ), located approximately 5 km northeast of the township of Karuah, in the Mid Coast Local Government Area. KEQ supplies hard rock quarry products to the construction industry, with markets in the Lower and Upper Hunter, Mid Coast, New England and Greater Sydney Regions.

The NSW Project Approval (MP09\_0175) was granted for the KEQ on 17 June 2014 by the Independent Planning Commission (IPC) (formerly the NSW Planning Assessment Commission) on behalf of the Minister for Planning and Public Spaces (formerly Minister for Planning)

The 2014 Commonwealth Approval (EPBC 2014/7282) was granted for KEQ under the Environment Protection and Biodiversity Conservation Act (EPBC Act 1999) on 20 March 2015.

The KEQ has approval to extract, process, stockpile and transport up to 1.5 million tonnes of andesite material annually until 2034.

### 1.2 Project Site

The KEQ is located off the Pacific Highway (via Blue Rock Close) and is situated on the following lands:

- Lot 12 and 13 DP 1024564 (the KEQ site); and
- Lot 14 and part Lot 13 DP 1024564 and Lot 5 DP 838128 (biodiversity offset area).

The KEQ is well separated from any substantial residential areas and is located adjacent to the existing Karuah Hard Rock Quarry (KHRQ), approved in June 2005 under DA 265-10-2004. The KHRQ is operated by Hunter Quarries Pty Ltd (a company affiliated with KEQPL) however the Karuah East Quarry and the Karuah Hard Rock Quarry are standalone quarry operations.

### 1.3 Summary of Approved Operations

The key features of the Project Approval include the following key elements:

- The extraction (excluding overburden), processing, stockpiling, and transport of quarry products is limited to 1.5 million tonnes in any calendar year;
- Quarrying operation is permitted on the site until 31 December 2034;
- Establishment and use of quarry plant and associated infrastructure;
- Vegetation removal;
- A total permitted disturbance area of 40.18 ha on Lots 12 and 13 DP 1024564;
- Roadworks to secure access to the site including upgrade and extension of Blue Rock Close, realignment of the Andersite Road and Blue Rock Close intersection and adjust road markings at Branch Lane and Andersite Road intersection;
- Establishment of a biodiversity offset area;
- Conditions apply to manage / mitigate potential impacts associated with a range of environmental conditions including noise, blasting, air quality, soil and water, transport, biodiversity, heritage, emergency and hazards management and waste; and
- Progressive rehabilitation of the subject site.

## **Quarry Operations**

Approved quarrying activities undertaken on the site generally include:

- drilling and blasting of rock material within the quarry pit;
- collection and transportation of blasted material to the crushing & processing area using mobile equipment;
- crushing, processing and screening of quarried material is undertaken using fixed and mobile equipment;
- stockpiling of processed material; and
- stockpiled material is loaded onto trucks and exits the site to market via the weighbridge.

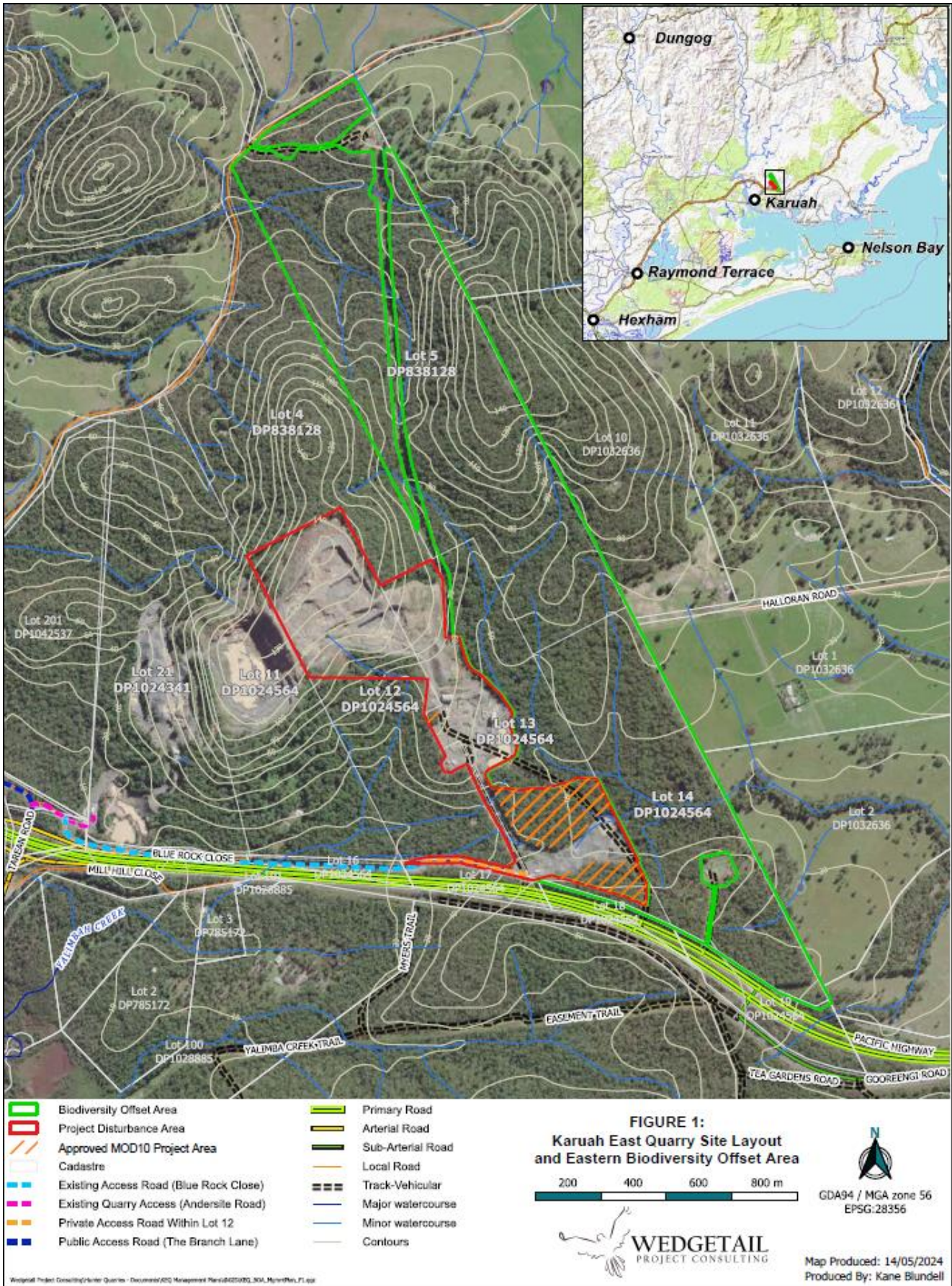
## **Existing and Approved Site Improvements**

Existing and approved site improvements include:

- quarry pit (extraction area);
- crushing plant and processing infrastructure;
- wash plant and workshops;
- stockpiling areas;
- internal haulage roads;
- weighbridge office;
- weighbridge (two weighbridges approved);
- stormwater management infrastructure including three (3) dams;
- parking areas for light and heavy vehicles;
- administration office;
- amenity facilities;
- other minor structures; and
- fencing and access gates.

**Figure 1** illustrates the site layout, approved project disturbance boundary and biodiversity offset area.





**Figure 1** Karuah East Quarry Site Layout and Eastern Biodiversity Offset Area.



## 1.4 NSW Project Approval (MP09\_0175)

The NSW Project Approval has been modified five times as summarised by **Table 4**.

**Table 4 Summary of Modifications to the NSW Project Approval.**

MOD	Approval Date	Description
–	17/06/2014	Original approval granted for the site under NSW <i>Environmental Planning and Assessment Act 1979</i> .
1	27/04/2018	MOD 1 approved a nominal expansion to the approved area of disturbance by 2,500 m <sup>2</sup> to allow for improved vehicle manoeuvring in proximity of the crushing plant and processing area.
2	19/12/2018	MOD 2 approved a 1.133 Ha increase to the site disturbance area to allow for improved environmental management and improved operational safety (for quarry vehicles).
3 – 7 withdrawn		
8	22/12/2020	MOD 8 approved revised operational acoustic criteria in line with the <i>NSW Noise Policy for Industry 2017</i> . MOD 8 also formalised a number of industry best practice acoustic mitigation measures that have been installed at the quarry. No change to disturbance footprint occurred.
9	02/12/2021	MOD 9 extended the approved operating hours of the KEQ. No change to disturbance footprint occurred.
10	18/05/2023	MOD 10 provides approval to increase the disturbance area of the KEQ by 7.17 Ha (bringing the total disturbance area of the KEQ to 40.18 Ha). The purpose of MOD 10 was to increase the approved disturbance area to establish additional stockpiling areas, facilitate improved surface water management, construct a new administrative building and expand the vehicle manoeuvring and parking at site.

## 1.5 Commonwealth EPBC Approval (EPBC 2014/7282 & 2022/9164)

### EPBC 2014/7282

KEQPL received EPBC approval (2014/7282) on 20 March 2015 for the proposed action:

*“To develop a hard rock (andesite) quarry and associated infrastructure in the Lower North Coast, Pacific Highway, 3 km north of Karuah, NSW.”*

EPBC 2014/7282 has been subject to one variation to date, which was granted on 4 October 2018. This variation was required as a result of MOD1 to the NSW Project Approval.

At the time of reporting, EPBC 2014/7282 is subject to a second variation application which is currently being processed by the Commonwealth Department of Climate Change, Energy, the Environment and Water (Commonwealth DCCEEW). The variation application was lodged on 19 December 2023 as a result of MOD10 to the NSW Project Approval.

No other modification approvals to the NSW Project Approval (i.e. MOD2, MOD8 or MOD9) have necessitated an amendment to EPBC 2014/7282. A summary of these matters is provided by **Table 5**.

**Table 5 Summary of Variations to the 2014 Commonwealth EPBC Approval.**

NO.	Approval Date	Description
–	20/03/2015	Original approval granted for the site under Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
1	04/10/2018	Variation 1 was required as a result of MOD1 to the NSW Project Approval which impacted upon 0.25 Ha of native vegetation.
NOTE: MOD2, MOD8 and MOD9 to the NSW Project Approval did not necessitate a variation due to: <ul style="list-style-type: none"> <li>■ MOD2 did not disturb any Matters of National Environmental Significance (MNES);</li> <li>■ MOD8 and MOD9 did not change the KEQ disturbance footprint.</li> </ul>		
2	Pending Approval	Variation 2 was lodged on 19 December 2019 for the KEQ MOD10 Project for impacts to 7.17 Ha of native vegetation.

### **EPBC 2022/9164**

MOD10 to the NSW Project Approval is being progressed under the Bilateral Assessment process between NSW Planning and the Commonwealth DCCEEW following confirmation that the project was a Controlled Action on 13 May 2022. This determination considered the proposed action:

*“To increase the approved disturbance area of the existing Karuah East Quarry, primarily to establish additional stockpiling areas [See EPBC Act referral 2022/9164].”*

As noted above, MOD10 includes an expansion to the KEQ disturbance footprint of 7.17 Ha which also extends into part of the approved biodiversity offset area on Lot 13 DP1024564.

MOD10 was approved by NSW Planning on 18 May 2023. Following NSW state approval, the matter was referred to the Commonwealth DCCEEW to process the approval for EPBC 2022/9164. Prior to issuing approval for EPBC 2022/9164, Commonwealth DCCEEW staff have advised that variation to EPBC 2014/7282 is needed in the first instance. As noted above, the variation application was lodged on 19 December 2023 and this matter is being progressed.

## **1.6 Matters of National Environmental Significance**

The original 2014 project application was determined to be a controlled action due to resulting impacts to “*listed threatened species and ecological communities*” under Section 18 and 18A of the EPBC Act. In particular, four species that were then listed as “vulnerable” under the EPBC Act, including:

- Black-eyed Susan (*Tetratheca juncea*);
- Small-flower Grevillea (*Grevillea parviflora subsp. parviflora*);
- Trailing Woodruff (*Asperula asthenes*); and
- Koala (*Phascolartos cinereus*).

The Black-eyed Susan, Trailing Woodruff and Small-flower Grevillea were identified in previous ecological studies as occurring within the project area (Kleinfelder, 2017) and surrounding vicinity. Koalas were previously identified in adjacent sites, but no individuals had been observed within the project area during the Environmental Assessment (ADWJ, 2013). It was estimated that approximately 24 Ha of Koala habitat was going to be directly impacted and the project was going to create a fragmentation of the adjacent Koala habitat (ELA, 2014).

Mitigation and management measures for the four identified species were considered as part of the assessment and incorporated into the Commonwealth Approval with 17 conditions.

## 2.0 Scope and Purpose

The purpose of this Annual Compliance Report (ACR) is to address the reporting requirements outlined by Condition 12 of the 2014 Commonwealth Approval:

***“Condition 12:***

*Within three months of every 12-month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months, including implementation of any management plan, as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The compliance reports must remain on the website for 12 months from the date of publishing. Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the person taking the action becoming aware of the potential or actual contravention. All contraventions must also be included in the compliance reports.”*

As outlined in **Section 1** further approvals remain pending for the KEQ MOD10 Project consisting of approval of a new EPBC Referral (2022/9164) and Variation 2 to the 2014 Commonwealth Approval. Therefore, this ACR is limited to the 2014 Commonwealth Approval, inclusive of Variation 1 only.

## 3.0 Compliance Assessment

### 3.1 Compliance Status Definitions

The designated definitions for the assessed compliance status are summarised by **Table 6** below.

**Table 6** *Designated Definitions of the Compliance Assessment (Commonwealth DCCEEW, 2023).*

Status	Description
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-Compliant	A designation of 'Non-Compliant' must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not-Applicable	A designation of 'Not-Applicable' must be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition that applies to an activity that has not yet commenced.

### 3.2 Compliance Assessment

Each of the 17 conditions of the 2014 Commonwealth Approval have been assessed as per the Status Definitions provided by **Table 6** and reported in **Table 7** in accordance with the Annual Compliance Report Guidelines (Commonwealth DCCEEW, 2023).

**Table 7 Compliance Assessment of the 2014 Commonwealth Approval for the Reporting Period.**

NO.	Condition	Assessed Status	Assessment Comments
<b>Proposed Project Area</b>			
1	<i>The person taking the action must not impact on any <b>Black-eyed Susan</b> or <b>Trailing Woodruff</b> outside the <b>project area</b> identified at <b>Appendix A</b>.</i>	<b>Compliant</b>	Black-eyed Susan and Trailing Woodruff outside of the Project Area were not impacted during the Reporting Period.
2	<i>The person taking the action must not impact on any habitat for the <b>Koala</b> outside the <b>project area</b> identified at <b>Appendix B</b>.</i>	<b>Compliant</b>	Koala habitat outside of the Project Area was not impacted during the Reporting Period.
<b>Mitigation</b>			
3	<i>Prior to the <b>commencement of construction</b>, the person taking the action must install fencing around the perimeter of the <b>project area</b> and identify signed <b>no-go areas</b>. Fencing and <b>no-go areas</b> must be maintained for the life of the action.</i>	<b>Compliant</b>	<p>Permanent chain wire fauna fencing was installed from August to October 2017 prior to the commencement of quarry operations. “Keep Out Conservation Offset Area” signs were installed along the fencing.</p> <p>Annual fencing inspections of fencing are completed, in accordance with the approved Biodiversity Offset Area Management Plan (BOAMP), with minor maintenance and repairs to be completed as required throughout the reporting period.</p> <p>In January 2024, a section of fencing along the perimeter of Dam 1 was replaced.</p>
4	<i>Prior to the <b>commencement of construction</b> and for the life of the action, all on-site personnel must be inducted on environmental sensitivities in the area, including the risk of <b>Koala</b> vehicle strike. Induction material is to be prepared by a <b>suitably qualified ecologist</b>.</i>	<b>Compliant</b>	A site induction has been prepared addressing environmental matters on site. All personnel are required to be inducted prior to commencing work.

NO.	Condition	Assessed Status	Assessment Comments
5	<p><i>Should injury to Koalas occur, advice from a <b>wildlife expert</b> must be sought and action taken in accordance with that advice. Records of any Koala injury within the <b>project area</b> must be documented and maintained.</i></p>	Compliant	<ul style="list-style-type: none"> <li>■ <u>Karuah Elle</u>            On 19 July 2023, a female koala in poor condition was identified within the Project Area. The Koala was collected and taken to a licensed wildlife rescue and rehabilitation group, Wildlife in Need of Care (WINCs) for assessment.             On 25 July 2023, the care group consisting of WINCs, Nelson Bay Vets and Sydney University Koala Hub, concluded that the koala should be humanly euthanised due to the effects of Pyometra and Urogenital Chlamydial Disease.</li> <li>■ <u>Karuah Bounce</u>            On 03 October 2023, a young female koala was identified within the Project Area. The Koala was collected and taken to WINCs for assessment, concluding she was a healthy adult female Koala weighing 6.81 kg, and subject to microchipping (No. 991003000540246).             On 04 October 2023, the koala was successfully released into the Biodiversity Offset Area.</li> <li>■ KEQPL maintains a wildlife sighting register.</li> </ul>
6	<p><i>Within 48 hours before the clearing of vegetation, pre-clearance surveys must be undertaken by a <b>suitably qualified ecologist</b> to ensure the absence of the <b>Koala</b> in the <b>project area</b>. If any Koalas are found to be present, <b>salvage and translocation</b> must be undertaken by a <b>suitably qualified ecologist</b>.</i></p>	Not Applicable	<p>No new clearing was undertaken during the Reporting Period.</p>

NO.	Condition	Assessed Status	Assessment Comments
<b>Offsets</b>			
7	The person taking the action must comply with the offset conditions set out in the <b>NSW Project Approval</b> .	<b>Refer to Table 8 for details regarding offset conditions of the NSW Project Approval.</b>	
		<b>Not Applicable</b>	Schedule 3, Condition 27 – Tetratheca juncea Translocation Schedule 3, Condition 34 – Conservation & Rehabilitation Bond
		<b>Compliant</b>	Schedule 3, Condition 28 – Biodiversity Offset Strategy Schedule 3, Condition 29 – Long-Term Security of Offsets Schedule 3, Condition 33 – Biodiversity Offset Area Management Plan Schedule 3, Condition 35 – Conservation & Rehabilitation Bond Revisions
8	Prior to the <b>commencement of construction</b> , to compensate for the impact to the <b>Trailing Woodruff</b> and habitat for the <b>Koala</b> , the person taking the action must secure suitable offset sites consistent with the <b>Karuah East Quarry EPBC Act Assessment Report</b> . In the case that offsets for the <b>Trailing Woodruff</b> or habitat for the <b>Koala</b> consistent with those set out in the <b>Karuah East Quarry EPBC Act Assessment Report</b> cannot be secured, alternative offset sites must be secured, consistent with the <b>EPBC Act Offsets Policy</b> .	<b>Compliant</b>	As outlined in Section 7 of the KEQ EPBC Assessment Report, the biodiversity offset area consists of Part Lot 13, Lot 14 and Lot 5.  Consultation with NSW Planning continued during the Reporting Period regarding the mechanism to secure the offset areas. On 13 September 2023, confirmed that offsets must be secured as a Biodiversity Stewardship Agreement rather than the previously approved Conservation Agreement.  The offsets will be formally secured following receipt of the two outstanding EPBC Approvals.
9	Prior to the <b>commencement of construction</b> , the person taking the action must provide the <b>Minister</b> with a Biodiversity Area Offset Management Plan for approval. The Biodiversity Area Offset Management Plan must be consistent with the <b>NSW Project Approval</b> and include: (a) <b>survey information</b> identifying the number of <b>Trailing Woodruff</b> present across all proposed offset sites; and (b) <b>details on the management and monitoring of the Trailing Woodruff</b> , and corrective actions and <b>contingency plans</b> to be implemented where the re establishment of the <b>Trailing Woodruff</b> fails to meet targets specified in the <b>Karuah East Quarry EPBC Act Assessment Report</b> .	<b>Not Applicable</b>	No updates to the approved Biodiversity Offset Area Management Plan was undertaken during the Reporting Period.  A comprehensive revision to the BOAMP will be undertaken upon receipt of the two outstanding EPBC Approvals, accounting for the KEQ MOD10 Project. The revised BOAMP will then be submitted to the NSW Planning Secretary and Commonwealth Minister for the Environment and Water for approval.



NO.	Condition	Assessed Status	Assessment Comments
	<i>The approved Biodiversity Area Offset Management Plan must be implemented.</i>		
<b>Administrative</b>			
10	<i>Within 30 days after the <b>commencement of construction</b>, the person taking the action must advise the <b>Department</b> in writing of the actual date of <b>commencement of construction</b>.</i>	Not Applicable	Construction of the project commenced on 27 April 2016, and the Commonwealth DCCEEW was notified, within 30x days, by email on 23 May 2016.
11	<i>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 management plan, and make it available upon request to the <b>Department</b>. Such records may be subject to audit by the <b>Department</b> 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 <b>Department's</b> website. The results of audits may also be publicised through the general media.</i>	Compliant	KEQPL maintains records of key actions relating to the 2014 EPBC Approval and its associated conditions.  KEQPL did not receive any requests for information or audit directions from the Commonwealth DCCEEW during the Reporting Period.
12	<i>Within three months of every 12-month anniversary of the <b>commencement of construction</b>, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months, including implementation of any management plan, as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the <b>Department</b> at the same time as the compliance report is published. The compliance reports must remain on the website for 12 months from the date of publishing. Potential or actual contraventions of the conditions of the approval must be reported to the <b>Department</b> in writing within 2 business days of the person taking the action becoming aware of the potential or actual contravention. All contraventions must also be included in the compliance reports.</i>	Compliant	The Annual Compliance Report for the 2022-2023 Reporting Period was uploaded to the Hunter Quarries' (KEQPL parent company) on 25 July 2023.

NO.	Condition	Assessed Status	Assessment Comments
13	<p><i>Upon the direction of the <b>Minister</b>, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b>. The independent auditor must be approved by the <b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b>.</i></p>	Not Applicable	<p>KEQPL has not received any directions from the Commonwealth Minister for the Environment and Water to undertake any independent compliance audits.</p>
14	<p><i>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan as specified in the conditions, the person taking the action must submit to the Department for the <b>Minister's</b> written approval a revised version of that management plan. The varied activity shall not commence until the <b>Minister</b> has approved the varied management plan in writing. If the <b>Minister</b> approves the revised management plan, that management plan must be implemented in place of the management plan originally.</i></p>	Compliant	<p>No revisions to the Biodiversity Offset Area Management Plan (BOAMP) were undertaken during the Reporting Period.</p> <p>A comprehensive revision to the BOAMP will be undertaken upon receipt of the two outstanding EPBC Approvals, accounting for the KEQ MOD10 Project. The revised BOAMP will then be submitted to the NSW Planning Secretary and Commonwealth Minister for the Environment and Water for approval.</p>
15	<p><i>If the <b>Minister</b> believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the <b>Minister</b> may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the <b>Minister's</b> written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the <b>Minister</b> has approved the revised management plan then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.</i></p>	Not Applicable	<p>KEQPL has not received any directions from the Commonwealth Minister for the Environment and Water to undertake any revisions to the BOAMP.</p>

NO.	Condition	Assessed Status	Assessment Comments
16	<p><i>If, at any time after 5 years from the date of this approval, the person taking the action has not <b>substantially commenced</b> the action, then the person taking the action must not <b>substantially commence</b> the action without the written agreement of the <b>Minister</b>.</i></p>	<p><b>Not Applicable</b></p>	<p>The action was approved on 20 March 2015, with the commencement of construction on 27 April 2016.</p>
17	<p><i>Unless otherwise agreed to in writing by the <b>Minister</b>, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved. The person taking the action must notify the Department within 5 business days of publishing the management plan on their website and the management plan must remain on the website for the period this approval has effect.</i></p>	<p><b>Not Applicable</b></p>	<p>No revisions to the Biodiversity Offset Area Management Plan (BOAMP) were undertaken during the Reporting Period.</p> <p>A comprehensive revision to the BOAMP will be undertaken upon receipt of the two outstanding EPBC Approvals, accounting for the KEQ MOD10 Project. The revised BOAMP will then be uploaded to the Hunter Quarries' website.</p>

**Table 8** *Compliance Assessment of the NSW Offset Conditions for the Reporting Period.*

NO.	Condition	Assessed Status	Assessment Comments
<b><i>Offset Conditions of the NSW Project Approval</i></b>			
S3, C27	<p><b><i>Tetratheca Juncea Translocation</i></b>  <i>The Applicant must develop a translocation program for Tetratheca juncea to the satisfaction of the Planning Secretary. This program must: ...</i></p>	<b>Not Applicable</b>	<p>The site’s <i>Tetratheca juncea</i> Translocation Program (TjTP) was implemented in accordance with the NSW Project Approval, the Biodiversity Offset Area Management Plan (BOAMP) and the TjTP for the original project in May 2016. In April 2019, a further 13x individuals were translocated for the KEQ MOD1 Project. The TjTP ceased in 2020; and no further actions are proposed.</p> <p>Legal review of the matter sought in February 2024 has confirmed that the condition has been complied with and has no on-going effect.</p>

NO.	Condition	Assessed Status	Assessment Comments																												
S3, C28	<p><b>Biodiversity Offset Strategy</b>            The Applicant must, prior to the commencement of vegetation clearing activities for Modification 10, finalise the Biodiversity Offset Strategy, as described in documents listed in condition 2 of Schedule 2, summarised in Table 10 and Table 11 and shown conceptually in Figure 1 of Appendix 4, in consultation with BCD and Council, and to the satisfaction of the Planning Secretary.</p> <p>Table 10: Biodiversity Offset Strategy – land-based offsets</p> <table border="1" data-bbox="197 507 1397 587"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size (Ha)</th> </tr> </thead> <tbody> <tr> <td>Offset Area</td> <td>Existing vegetation to be managed and enhanced</td> <td>130.36 Ha</td> </tr> </tbody> </table> <p>Table 11: Biodiversity Offset Strategy – ecosystem and species credit requirements</p> <table border="1" data-bbox="197 587 1397 1086"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Ecosystem Credits</b></td> </tr> <tr> <td>PCT1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of the coastal lowlands.</td> <td>188</td> </tr> <tr> <td>PCT695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion</td> <td>7</td> </tr> <tr> <td><b>TOTAL:</b></td> <td><b>195</b></td> </tr> <tr> <td colspan="2"><b>Species Credits</b></td> </tr> <tr> <td><i>Tetratheca juncea</i> (Black-eyed Susan)</td> <td>260</td> </tr> <tr> <td><i>Grevillea parviflora subsp. parviflora</i> (Small-flower Grevillea)</td> <td>250</td> </tr> <tr> <td>Squirrel Glider (<i>Petaurus norfolcensis</i>)</td> <td>260</td> </tr> <tr> <td>Southern Myotis (<i>Myotis Macropus</i>)</td> <td>107</td> </tr> <tr> <td><b>TOTAL:</b></td> <td><b>877</b></td> </tr> </tbody> </table> <p>Notes:            1. The Biodiversity Offset Strategy must direct that the land proposed as the Offset Area must be free of any dwelling-houses and associated sheds, bushfire asset protection zones and other related utilities or structures so as to preserve the integrity and function of that offset area. The Biodiversity Offset Strategy must also provide details of the revegetation of any parts of the offset area that are cleared of native vegetation or are in an otherwise substantially modified state, other than required management trails and boundary fencing buffer distances.            2. Credits required for impacts to EPBC Act listed species and associated habitats must be like-for-like.</p> <p>The Applicant must implement the strategy as approved by the Planning Secretary.</p>	Area	Offset Type	Minimum Size (Ha)	Offset Area	Existing vegetation to be managed and enhanced	130.36 Ha	Credit Type	Credits Required	<b>Ecosystem Credits</b>		PCT1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of the coastal lowlands.	188	PCT695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion	7	<b>TOTAL:</b>	<b>195</b>	<b>Species Credits</b>		<i>Tetratheca juncea</i> (Black-eyed Susan)	260	<i>Grevillea parviflora subsp. parviflora</i> (Small-flower Grevillea)	250	Squirrel Glider ( <i>Petaurus norfolcensis</i> )	260	Southern Myotis ( <i>Myotis Macropus</i> )	107	<b>TOTAL:</b>	<b>877</b>	Compliant	<p><u>Biodiversity Offset Strategy</u>            The Biodiversity Offset Strategy (BOS) was completed by in 2013 by Ecological Australia (ELA, 2013).</p> <p>A comprehensive revision to the BOS will be undertaken upon receipt of the two outstanding EPBC Approvals, accounting for the KEQ MOD10 Project.</p> <p><u>Land Based Offsets</u>            For land-based offsets the obligation will be met by the existing Eastern Biodiversity Offset Area (EBOA) consisting of Part Lot 13, Lot 14, and Lot 5; along with a new Western Biodiversity Offset Area (WBOA) to replace the impacted area of the EBOA by the KEQ MOD10 Project. The exact location of the WBOA on Lot 21 or 201 is yet to be determined in consultation with relevant agencies.</p> <p><u>Credit Based Offsets</u>            For credit-based offsets, during the Reporting Period ecosystem credits were acquired, and a purchase agreement with the NSW Credit Supply Taskforce was completed for Squirrel Glider credits.</p>
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NO.	Condition	Assessed Status	Assessment Comments
S3, C29	<p><b>Long-term Security of Offsets</b>  <i>The long-term security of the offset area listed in Table 10 and the retirement of the credits listed in Table 11 must be carried out prior to the commencement of vegetation clearing activities for Modification 10, in consultation with BCD and in accordance with the Biodiversity Offset Scheme of the BC Act, or other agreed security mechanism, to the satisfaction of the BCT.</i></p>	Compliant	<p>Consultation with NSW Planning continued during the Reporting Period regarding the mechanism to secure the offset areas. On 13 September 2023, confirmed that offsets must be secured as a Biodiversity Stewardship Agreement rather than the previously approved Conservation Agreement.</p> <p>The offsets will be formally secured following receipt of the two outstanding EPBC Approvals.</p>
S3, C33	<p><b>Biodiversity Offset Area Management Plan</b>  <i>The Applicant must prepare a Biodiversity Offset Area Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the Biodiversity Offset Area required in these conditions. This plan must: ...</i></p>	Compliant	<p>A Biodiversity Offset Area Management Plan (BOAMP) addressing all the requirements of this condition had been prepared and implemented. The BOAMP was updated (April 2018) and approved by NSW Planning on 4 October 2018.</p> <p>A comprehensive revision to the BOAMP will be undertaken upon receipt of the two outstanding EPBC Approvals, accounting for the KEQ MOD10 Project.</p>

NO.	Condition	Assessed Status	Assessment Comments
<p><b>S3, C34</b></p>	<p><b>Conservation &amp; Rehabilitation Bond</b>  <i>The Applicant must lodge a Conservation and Rehabilitation Bond with the Department to ensure that the Biodiversity Offset Strategy and the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Landscape and Rehabilitation Management Plan. The sum of the bond must be determined by:</i></p> <ul style="list-style-type: none"> <li><i>(a) calculating the cost of implementing the Biodiversity Offset Strategy over the next 3 years;</i></li> <li><i>(b) calculating the cost of rehabilitating disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and</i></li> <li><i>(c) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Planning Secretary.</i></li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li><i>▪ If capital and other expenditure required by the Landscape and Rehabilitation Management Plan is largely complete, the Planning Secretary may waive the requirement for the lodgement of a bond in respect of the remaining expenditure.</i></li> <li><i>▪ If the Biodiversity Offset Strategy and rehabilitation of the site area are completed to the satisfaction of the Planning Secretary, then the Planning Secretary will release the bond. If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the Planning Secretary, then the Planning Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.</i></li> <li><i>▪ The component of the bond relating to the implementation of the Biodiversity Offset Strategy may be waived, if a separate arrangement is entered into between the Applicant and BCD which satisfactorily replaces that component, to the satisfaction of the Planning Secretary.</i></li> </ul>	<p><b>Not Applicable</b></p>	<p>A Conservation Bond was established, via Bank Guarantee, to manage the Biodiversity Offset Area on 7 July 2016.</p> <p>The 2023 KEQ IEA was submitted to NSW Planning on 31 January 2024 and therefore a revised Rehabilitation Bond was submitted on 10 March 2024 and subsequently approved on 22 April 2024.</p> <p>During the submission process, NSW Planning was advised of KEQPL's intent to seek approval to extinguish the existing Conservation Bond as it would be replaced by the Total Fund Deposit (TFD) upon establishment of the Biodiversity Stewardship Agreements. No concerns were raised with this approach.</p>
<p><b>S3, C35</b></p>	<p><i>Within 3 months of each Independent Environmental Audit (see condition 9 of Schedule 5), the Applicant must review, and if necessary, revise the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Planning Secretary. This review must:</i></p> <ul style="list-style-type: none"> <li><i>(a) consider the performance of the implementation of the Biodiversity Offset Strategy and rehabilitation of the site to date;</i></li> <li><i>(b) consider the effects of inflation; and</i></li> <li><i>(c) calculate the cost of implementing the Biodiversity Offset Strategy and rehabilitating the disturbed areas of the site (taking into account the likely surface disturbance over the next 3 years of quarrying operations).</i></li> </ul>	<p><b>Compliant</b></p>	