



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

## Variation of conditions attached to approval

### Lynwood Quarry, Marulan NSW (EPBC 2012/6560)

This decision to vary conditions of approval is made under section 143(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved action

<b>approval holder</b>	Holcim (Australia) Pty Ltd ACN: 099 732 297
<b>approved action</b>	To establish and operate a quarry pit, construct internal haul roads, and a rail spur and loading facility at Marulan, NSW [see EPBC Act referral 6560].

#### Variation

##### The variation is:


Delete conditions 1 to 13, the definition for **shapefile**, and Schedule 1 attached to the approval and replace them with those specified in the tables below.

Revoke condition 5 attached to the approval.

Add conditions 2A to 2D, 7A, 8A to 8G, 9A to 9G and 13A, and definitions for **Annual Compliance Report period/ACR period, Audit period, Audit report, Auditor, Biodiversity data, Box Gum Woodland, Business day, Clear/Clearing, Compliance records, Compliance report, Conservation advice, Conservation Agreement, EPBC Act, Incident, Independent, Independent audit, Independent Audit and Audit Report Guidelines, Lynwood Quarry Box Gum Woodland Management Plan/LQBGWMP, Offset property, Project area, Sensitive biodiversity data, Shapefile/shapefiles, Suitably qualified ecologist and Website** to the conditions of approval as specified in the tables below.

<b>date of effect</b>	This variation has effect on the date this instrument is signed.
<b>expiry date of approval</b>	This approval has effect until 1 January 2038

#### Person authorised to make decision

<b>name and position</b>	Sam Hush Branch Head (A/g) Compliance and Enforcement Branch
<b>Signature</b>	
<b>date of decision</b>	20 March 2025

## OFFICIAL

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	1. The approval holder must not <b>clear</b> more than 7.9 hectares <b>Box Gum Woodland</b> within the <b>project area</b> .
As varied on the date this instrument was signed	2. The approval holder must implement the <b>Lynwood Quarry Box Gum Woodland Management Plan (LQBGWMP)</b> at least until the expiry of this approval.
As varied on the date this instrument was signed	2A. By 1 May 2025 the approval holder must submit a revised <b>LQBGWMP</b> to the <b>department</b> for the <b>Minister's</b> written approval.
As varied on the date this instrument was signed	<p>2B. The revised <b>LQBGWMP</b> submitted in accordance with condition 2A of this approval, must be prepared by a <b>suitably qualified ecologist</b> and include;</p> <ul style="list-style-type: none"><li>a) maps and a general description of the <b>offset property</b>, including its size and location;</li><li>b) maps that show the following within the <b>offset property</b>:<ul style="list-style-type: none"><li>i. the extent of existing <b>Box Gum Woodland</b>; and</li><li>ii. areas of native pasture that will be regenerated (regeneration areas) to <b>Box Gum Woodland</b>;</li></ul></li><li>c) a table that clearly documents the total area in hectares of:<ul style="list-style-type: none"><li>i. the <b>offset property</b>;</li><li>ii. existing <b>Box Gum Woodland</b> within the <b>offset property</b>; and</li><li>iii. regeneration areas;</li></ul></li><li>d) ecological survey results that document the baseline ecological quality of the existing <b>Box Gum Woodland</b> and regeneration areas, and the extent of <b>Box Gum Woodland</b> within the <b>offset property</b>;</li><li>e) ecological outcomes for <b>Box Gum Woodland</b> within the <b>offset property</b> that:<ul style="list-style-type: none"><li>i. include increasing the extent of <b>Box Gum Woodland</b> within the <b>offset property</b>;</li><li>ii. include achieving a ratio of grassland form <b>Box Gum Woodland</b> to woodland form <b>Box Gum Woodland</b> of 1:14 or greater; and</li><li>iii. are derived from improving the baseline ecological quality of <b>Box Gum Woodland</b> within the <b>offset property</b> from baseline;</li></ul></li><li>f) a commitment to maintain the ecological outcomes for <b>Box Gum Woodland</b> once achieved and for the duration of this approval;</li><li>g) details of management measures, including the timeframes and circumstances for implementing those measures, that will be implemented to achieve the ecological outcomes for <b>Box Gum Woodland</b>;</li></ul>

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> <li>h) details of monitoring measures, including the timeframes and circumstances for implementing those measures, that will: <ul style="list-style-type: none"> <li>i. detect changes in the extent and ecological quality of <b>Box Gum Woodland</b> within the <b>offset property</b>; and</li> <li>ii. demonstrate progress to achieving the ecological outcomes for <b>Box Gum Woodland</b>;</li> </ul> </li> <li>i) details of corrective measures, including timeframes and circumstances for implementing those measures, that will be implemented in the event the ecological outcomes for <b>Box Gum Woodland</b> are not being achieved or maintained;</li> <li>j) a risk management strategy that includes: <ul style="list-style-type: none"> <li>i. an assessment of the events or circumstances (risk events) that may prejudice attainment of the offset outcomes;</li> <li>ii. a risk rating for each identified risk event based on the likelihood and consequence of occurrence;</li> <li>iii. measures that will mitigate identified risk events (mitigation measures) by reducing the likelihood and/or consequence of each risk event;</li> <li>iv. the timeframes and circumstances for implementing mitigation measures; and</li> <li>v. a rating of the residual risk for each risk event, based on the likelihood and consequence of occurrence, assuming mitigation measures are implemented;</li> </ul> </li> <li>k) a table comprised of the time-bound management measures, monitoring activities and corrective measures specified in the BGWMP and a reference to where those measures and activities are detailed in the BGWMP; and</li> <li>l) an assurance statement that includes: <ul style="list-style-type: none"> <li>i. evidence of feasible and effective management actions that, if implemented as a program of actions, are highly likely to achieve the ecological outcomes for <b>Box Gum Woodland</b>, within the specified timeframes;</li> <li>ii. evidence of feasible and scientifically robust monitoring activities that, if implemented as a program of activities, is capable of demonstrating attainment and maintenance of the ecological outcomes for <b>Box Gum Woodland</b>;</li> <li>iii. evidence of adaptive management systems capable of responding to reasonably foreseeable events and circumstance that may prejudice attainment and maintenance of the ecological outcomes for <b>Box Gum Woodland</b>; and</li> <li>iv. a signed statement by an <b>independent suitably qualified ecologist</b> verifying the above actions and activities as being feasible, effective and reliable to achieve the ecological outcomes for <b>Box Gum Woodland</b>.</li> </ul> </li> </ul>
As varied on the date this instrument was signed	<p>2C. Following submission of the revised <b>LQBGWMP</b> for the <b>Minister's</b> written approval in accordance with condition 2A, if the <b>Minister</b> makes a written request to the approval holder to make specified revisions to the submitted <b>LQBGWMP</b>, the approval holder must make the requested changes to the <b>LQBGWMP</b> and resubmit the revised <b>LQBGWMP</b> to the <b>department</b> in accordance with any such request.</p>

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	2D. The approval holder must achieve the ecological outcomes for <b>Box Gum Woodland</b> within the <b>offset property</b> specified in the <b>LQBGWMP</b> by 1 January 2036. Once achieved, the ecological outcomes must be maintained for the duration of this approval.
As varied on the date this instrument was signed	3. The approval holder must secure the <b>offset property</b> through a <b>Conservation Agreement</b> within 24-months of the <b>Minister's</b> approval of the revised <b>LQBGWMP</b> in accordance with condition 2A of this approval.
As varied on the date this instrument was signed	4. The approval holder must provide the following to the <b>department</b> within 20 <b>business days</b> of the <b>Conservation Agreement</b> being executed by the State of NSW: <ul style="list-style-type: none"> <li>a) the executed <b>Conservation Agreement</b>; and</li> <li>b) <b>offset attributes, shapefiles</b>, a textual descriptions and maps to clearly define the location and boundaries of the <b>offset property</b>.</li> </ul>
As varied on the date this instrument was signed	5. <b>Revoked.</b>
As varied on the date this instrument was signed	6. Within 30 days after the <b>commencement</b> of the action, the approval holder must advise the <b>department</b> in writing of the actual date of <b>commencement</b> .
As varied on the date this instrument was signed	7. The approval holder must maintain accurate and complete <b>compliance records</b> and document the procedure for recording and storing <b>compliance records</b> .
As varied on the date this instrument was signed	7A. If the <b>department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>department</b> within the timeframe specified in the request. <p>Note: <b>Compliance records</b> may be subject to audit by the <b>department</b>, or by an <b>independent auditor</b> in accordance with section 458 of the <b>EPBC Act</b>, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the <b>department's</b> website or through the general media.</p>
As varied on the date this instrument was signed	8. The approval holder must prepare a <b>compliance report</b> for each <b>Annual Compliance Report period (ACR period)</b> .
As varied on the date this instrument was signed	8A. The approval holder must ensure each <b>compliance report</b> is consistent with the <i>Annual Compliance Report Guidelines</i> , Commonwealth of Australia 2023, and includes: <ul style="list-style-type: none"> <li>a) accurate and complete details of compliance and any non-compliance with each condition attached to this approval decision and all commitments made in the <b>LQBGWMP</b>;</li> <li>b) accurate and complete details of how the <b>LQBGWMP</b> was implemented during the <b>ACR period</b>; and</li> <li>c) if any <b>incident</b> occurred, accurate and complete details of each <b>incident</b>.</li> </ul>

<b>Date of decision</b>	<b>Conditions attached to approval</b>
As varied on the date this instrument was signed	8B. The approval holder must publish each <b>compliance report</b> on the <b>website</b> in a format that is easily accessible and downloadable within 60 <b>business days</b> following the end of each <b>ACR period</b> .
As varied on the date this instrument was signed	8C. The approval holder must exclude or redact <b>sensitive biodiversity data</b> from each <b>compliance report</b> published on the <b>website</b> or otherwise provided to a member of the public.
As varied on the date this instrument was signed	8D. Within 20 <b>business days</b> of the date each <b>compliance report</b> is published on the <b>website</b> , the approval holder must provide the following to the <b>department</b> : <ul style="list-style-type: none"> <li>a) written notification that the <b>compliance report</b> has been published on the <b>website</b>;</li> <li>b) the web address for the <b>website</b> where the <b>compliance report</b> is published;</li> <li>c) a copy of the full version of the <b>compliance report</b>, if <b>sensitive biodiversity data</b> is excluded or redacted from a version of a <b>compliance report</b> published on the website; and</li> <li>d) a <b>shapefile</b> showing all <b>clearing of Box Gum Woodland</b>, undertaken within the <b>ACR period</b>.</li> </ul>
As varied on the date this instrument was signed	8E. The approval holder must keep each <b>compliance report</b> published on the <b>website</b> from the date each <b>compliance report</b> is published and until the expiry date of this approval.  Note: <b>Compliance reports</b> may be published on the <b>department's</b> website.
As varied on the date this instrument was signed	8F. The approval holder must notify the <b>department</b> electronically within 2 <b>business days</b> of becoming aware of any <b>incident</b> . The approval holder must specify in each notification: <ul style="list-style-type: none"> <li>a) any condition or commitment made in the <b>LQBGWMP</b> which has not been, or may have not been, complied with;</li> <li>b) a short description of the <b>incident</b>; and</li> <li>c) the location (if applicable, including co-ordinates), date and time of the <b>incident</b>.</li> </ul>
As varied on the date this instrument was signed	8G. Within 12 business days of becoming aware of an <b>incident</b> , the approval holder must provide the following details to the <b>department</b> in writing as relevant to that <b>incident</b> : <ul style="list-style-type: none"> <li>a) all corrective measures and investigations which the approval holder has already taken;</li> <li>b) the potential impacts of the <b>incident</b>;</li> <li>c) the method and timing of any corrective measures that the approval holder proposes to undertake; and</li> <li>d) any variation of these conditions or revision of the <b>LQBGWMP</b> that will be required to prevent recurrence of the <b>incident</b> and/or to address its consequences.</li> </ul>
As varied on the date this instrument was signed	9. The approval holder must ensure that an <b>independent audit</b> of compliance with the conditions is conducted for every <b>audit period</b> and as otherwise directed by the <b>Minister</b> .

<b>Date of decision</b>	<b>Conditions attached to approval</b>
As varied on the date this instrument was signed	9A. The approval holder must ensure the scope of each <b>independent audit</b> is sufficient to determine the status of compliance with each condition of approval, and each commitment made in the <b>LQBGWMP</b> for that <b>audit period</b> .
As varied on the date this instrument was signed	9B. The approval holder must ensure the criteria for each <b>independent audit</b> , the undertaking of each <b>independent audit</b> , and each <b>audit report</b> are consistent with the <b>Independent Audit and Audit Report Guidelines</b> .
As varied on the date this instrument was signed	9C. The approval holder must submit details of the proposed <b>independent auditor</b> and their qualifications to the <b>department</b> within 10 <b>business days</b> following the end of each <b>audit period</b> , for the <b>department's</b> written agreement.
As varied on the date this instrument was signed	9D. The approval holder must submit an <b>audit report</b> to the <b>department</b> within 3 months following the date the <b>department</b> agrees to <b>independent auditor</b> , or as otherwise directed by the <b>Minister</b> in writing.
As varied on the date this instrument was signed	9E. The approval holder must publish each <b>audit report</b> on the <b>website</b> in a format that is easily accessible and downloadable within 10 <b>business days</b> following the date the <b>department</b> agrees to that <b>audit report</b> .
As varied on the date this instrument was signed	9F. Within 20 <b>business days</b> of the date each <b>audit report</b> is published on the <b>website</b> , the approval holder must provide the following to the <b>department</b> : <ul style="list-style-type: none"> <li>a) written notification that the <b>audit report</b> has been published on the <b>website</b>; and</li> <li>b) the web address for the <b>website</b> where the <b>audit report</b> is published.</li> </ul>
As varied on the date this instrument was signed	9G. The approval holder must keep each <b>audit report</b> published on the <b>website</b> from the date each <b>audit report</b> is published and until the expiry date of this approval.
As varied on the date this instrument was signed	10. The approval holder may, at any time, apply to the <b>Minister</b> for a variation to the <b>LQBGWMP</b> , by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the <b>Minister</b> approves a revised <b>LQBGWMP</b> then, from the date specified, the approval holder must implement that revision of the <b>LQBGWMP</b> in place of any previous version.
As varied on the date this instrument was signed	11. 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 approval holder make specified revisions to the <b>LQBGWMP</b> and submit a revised <b>LQBGWMP</b> for the <b>Minister's</b> written approval. The approval holder must comply with any such request. If the <b>Minister</b> approves a revised <b>LQBGWMP</b> then, from the date specified, the approval holder must implement that revision of the <b>LQBGWMP</b> in place of any previous version.
As varied on the date this instrument was signed	12. If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the <b>Minister</b> .

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	13. Unless otherwise agreed to in writing by the <b>Minister</b> , the approval holder must publish the <b>LQBGWMP</b> on the <b>website</b> within 1 month of the <b>Minister's</b> approval of the <b>LQBGWMP</b> .
As varied on the date this instrument was signed	13A. The approval holder must keep the <b>LQBGWMP</b> published on the <b>website</b> from the date the <b>LQBGWMP</b> is published and until the expiry date of this approval.

Date of decision	Definitions attached to approval
In these conditions, except where contrary intention is expressed, the following definitions are used:	
As varied on the date this instrument was signed	<b>Annual Compliance Report period</b> or <b>ACR period</b> means each subsequent 12-month period following the date of <b>commencement</b> until the expiry date of this approval.
As varied on the date this instrument was signed	<b>Audit period</b> means each subsequent 5-year period following 20 March 2025 until the expiry date of this approval, and any other period specified by the <b>Minister</b> in writing.
As varied on the date this instrument was signed	<b>Audit report</b> means a written report of an <b>independent audit</b> .
As varied on the date this instrument was signed	<b>Auditor</b> means a person, or firm, who: <ul style="list-style-type: none"> <li>a) has demonstrated experience in undertaking government-regulated environmental compliance audits; and</li> <li>b) holds relevant professional qualifications and accreditations.</li> </ul>
As varied on the date this instrument was signed	<b>Biodiversity data</b> means 'biodiversity data' as described in the Policy on Accessing and Sharing Biodiversity Data, Commonwealth of Australia 2024.
As varied on the date this instrument was signed	<b>Box Gum Woodland</b> means the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland threatened ecological community as described at section 1 of the <b>conservation advice</b> , and meeting the key diagnostic criteria at section 2.1 of the <b>conservation advice</b> and the minimum condition thresholds at section 2.3 of the <b>conservation advice</b> .
As varied on the date this instrument was signed	<b>Business day</b> means a day that is not a Saturday, a Sunday, or a public holiday in the state of Queensland.
As varied on the date this instrument was signed	<b>Clear</b> or <b>clearing</b> means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.
Original dated 13 September 2013	<b>Commencement</b> , means the earthworks, vegetation removal or construction of any infrastructure, excluding fences and signage, associated with the proposed action

<b>Date of decision</b>	<b>Definitions attached to approval</b>
Original dated 13 September 2013	<b>Department</b> , the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
As varied on the date this instrument was signed	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
As varied on the date this instrument was signed	<p><b>Incident</b> means:</p> <ul style="list-style-type: none"> <li>a) any event or circumstance which has the potential to or does cause non-compliance with: <ul style="list-style-type: none"> <li>i. the <b>EPBC Act</b>;</li> <li>ii. the conditions attached to this approval; and/or</li> <li>iii. commitments made in the <b>LQBGWMP</b>; and/or</li> </ul> </li> <li>b) non-compliance with the conditions attached to this approval and/or commitments made in the <b>LQBGWMP</b>.</li> </ul>
As varied on the date this instrument was signed	<p><b>Independent</b> means a person, or firm, who does not have any individual, financial*, employment*, or family affiliation, or any conflicting interests with the action, the approval holder or the approval holder's staff, representatives, or associated persons.</p> <p>*Other than for the purposes of undertaking the role for which an independent person, or firm, is required.</p>
As varied on the date this instrument was signed	<b>Independent audit</b> means an audit, conducted by an <b>independent auditor</b> , of compliance with and fulfilment of these conditions and the commitments made in the <b>LQBGWMP</b> , objectively evaluated against the audit criteria developed by the <b>independent auditor</b> , in accordance with the <b>Independent Audit and Audit Report Guidelines</b> .
As varied on the date this instrument was signed	<b>Independent Audit and Audit Report Guidelines</b> means the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019.
As varied on the date this instrument was signed	<b>Lynwood Quarry Box Gum Woodland Management Plan</b> or <b>LQBGWMP</b> means the <i>Lynwood Quarry – Box Gum Woodland Management Plan</i> , dated September 2013, prepared by Umwelt (Australia) Pty Ltd on behalf of Holcim (Australia) Pty Ltd, or a subsequent revision approved by the <b>Minister</b> .
Original dated 13 September 2013	<b>Minister</b> , the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister.
As varied on the date this instrument was signed	<b>Offset property</b> means the areas coloured light-blue at Schedule 1 of the approval, and identified in the legend at Schedule 1 as "Biodiversity Offset Area".
Original dated 13 September 2013	<b>Offset attributes</b> , mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

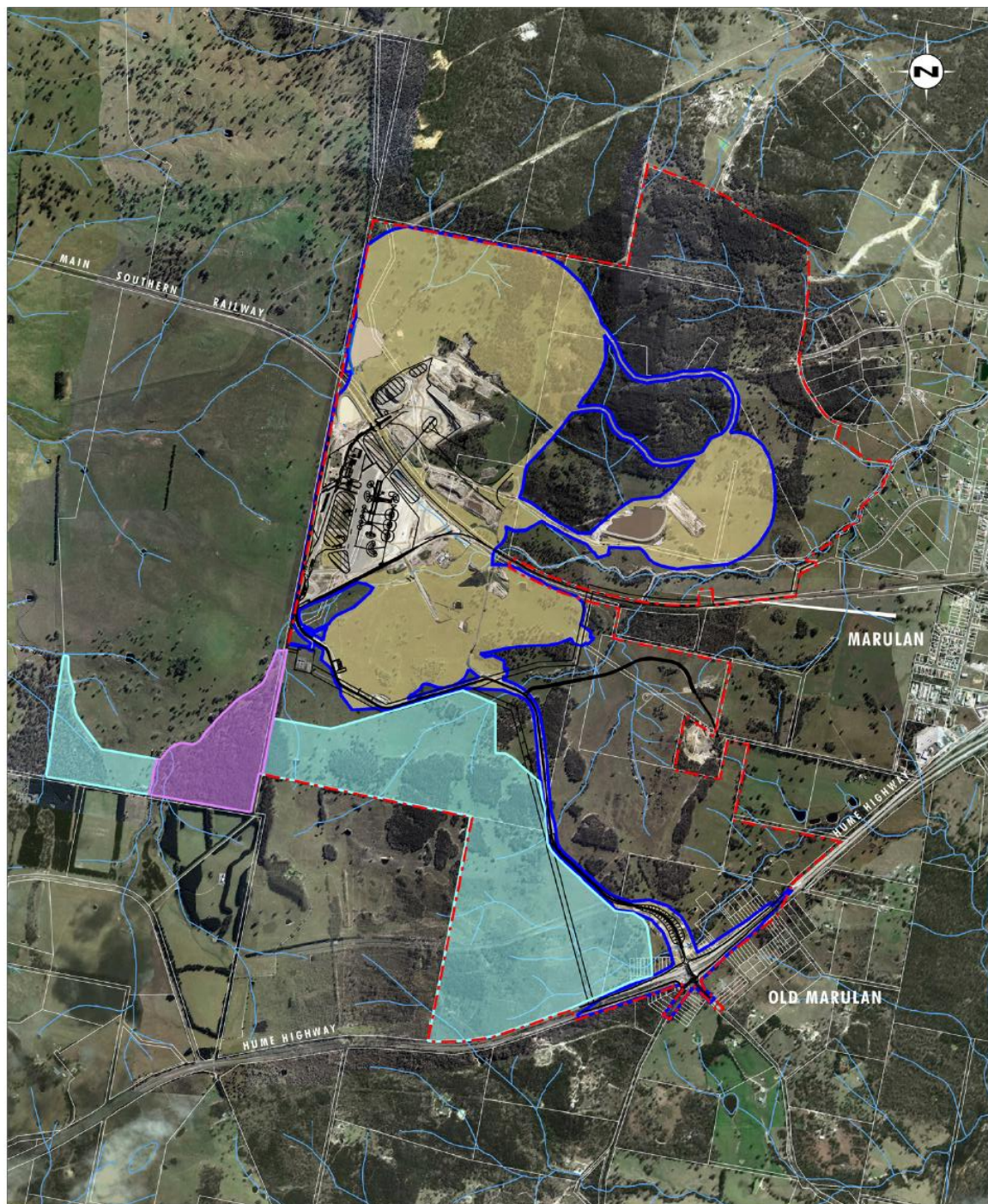


<b>Date of decision</b>	<b>Definitions attached to approval</b>
As varied on the date this instrument was signed	<b>Project area</b> means the area contain within the red coloured dashed-line at Schedule 1 of the approval, and identified in the legend at Schedule 1 as “Project Area”.
As varied on the date this instrument was signed	<b>Sensitive biodiversity data</b> means <b>biodiversity data</b> which, if released, published or otherwise exposed, may result in harm to the relevant protected matter as a result of the intentional or unintentional misuse of that <b>biodiversity data</b> .
As varied on the date this instrument was signed	<p><b>Shapefile</b> or <b>shapefiles</b> means location and attribute information provided in an Esri shapefile format containing:</p> <ul style="list-style-type: none"> <li>a) ‘.shp’, ‘.shx’, ‘.dbf’ files;</li> <li>b) a ‘.prj’ file which specifies the projection or geographic coordinate system used; and</li> <li>c) an ‘.xml’ metadata file that describes the shapefile for discovery and identification purposes.</li> </ul>
As varied on the date this instrument was signed	<p><b>Suitably qualified ecologist means</b> a person or persons who has relevant professional qualifications and:</p> <ul style="list-style-type: none"> <li>a) at least 3 years of work experience writing and implementing management plans for <b>Box Gum Woodland</b>;</li> <li>b) has implemented and reported on management plans for <b>Box Gum Woodland</b>, and can demonstrate the implementation of those plans achieved the desired <b>outcome for Box Gum Woodland</b>; and</li> <li>c) can give authoritative assessment and advice on offset management to improve the ecological quality and extent of <b>Box Gum Woodland</b> using relevant protocols, standards, methods and/or literature.</li> </ul>
As varied on the date this instrument was signed	<b>Website</b> means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision Attachments

As varied on the date this instrument was signed

Schedule 1



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

0 0.5 1 1.5km  
1:30 000

Legend

- Project Area
- NSW EP&A Act Approved Disturbance Area
- EPBC Act Controlled Action Disturbance Area
- Biodiversity Offset Area
- Habitat Management Area
- Drainage