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EPBC 2018/8151 Mugga Quarry Overburden
Expansion Project
16 June 2023 – 15 June 2024

321 Mugga Lane, Symonston. ACT





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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) _____ Jason McCamish _____

Position (please print) Quarry Manager ACT Quarries

Organisation (please print including ABN/ACN if applicable)
Boral Resources (Country) Pty Ltd _ABN___ 51 000 187 002__

Date ___16___/___07___/___2024



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2.0 Document Control

Document: Annual Compliance Report 16th June 2023 – 15th June 2024, Mugga Quarry Overburden Expansion Project - Year 4 (EPBC 2018/8151), prepared by Boral Resources (Country) Pty Ltd, dated 16th July 2024.

Table 1 - Document Control Register

Rev.	Date	Prepared by	Approved By	Revision Details
1	10/07/24	Chris Brown	Jason McCamish	Draft
2	16/07/24	Chris Brown	Jason McCamish	Final

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3.0 Introduction

This annual compliance report Year 4 (16 June 2023 to 15 June 2024) 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 2023 through to 15 June 2024.

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 60 business days of the 12 month anniversary of the commencement of the action.

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 DCCEEW) on the 10th July 2019, subject to conditions. A variation to the conditions was



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subsequently approved on the 2nd August 2021 that modified the ‘total disturbance area’ and increased the number of Box Gum Woodland Biodiversity credits to be acquired and retired.

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	2 August 2021
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.

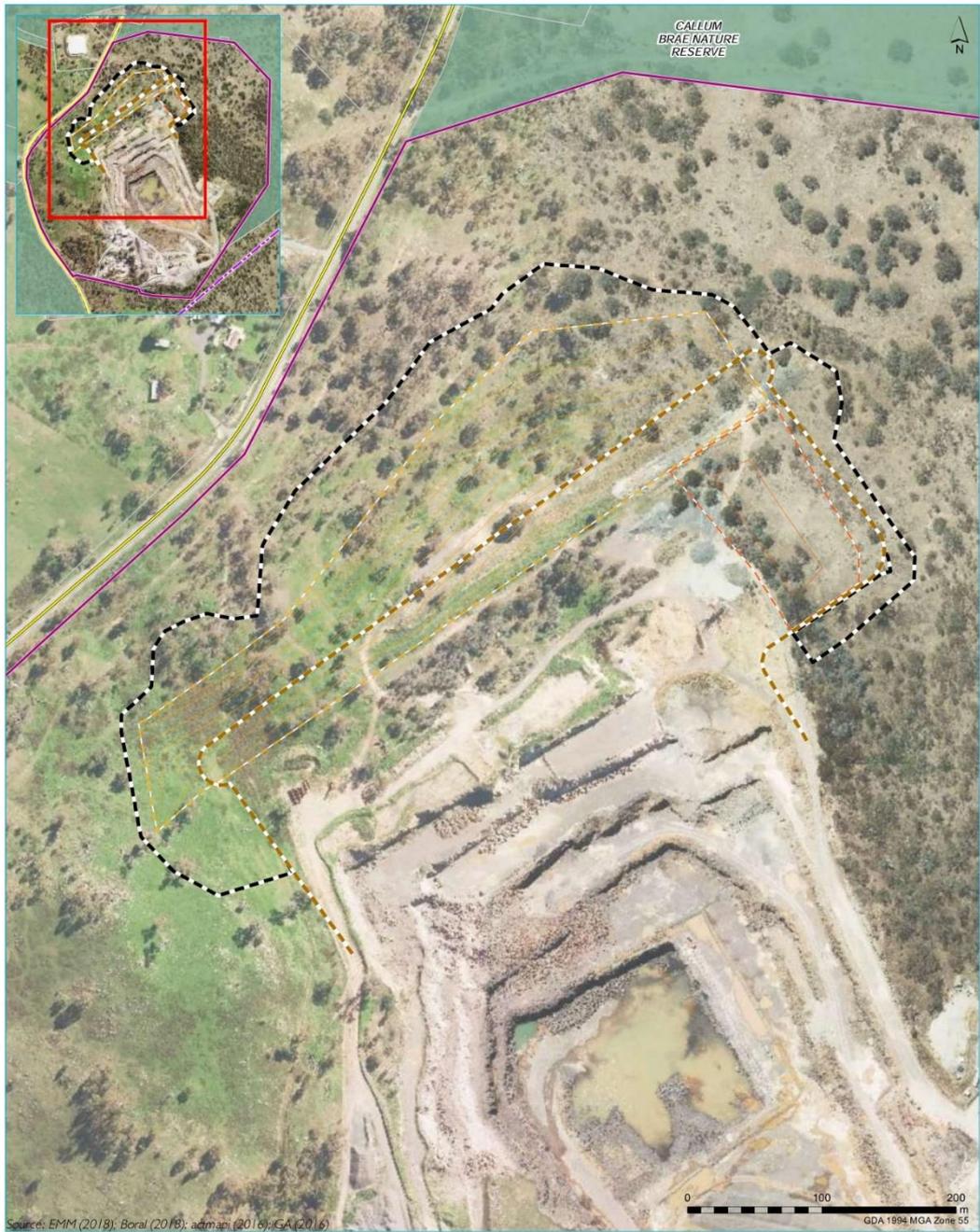
Figure 1 - Site location and immediate surrounds





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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 in 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.

During Year 2, the following development and environmental management activities occurred:

- Hydroseeding was undertaken to provide stabilisation of surfaces and
- Topsoil was spread over the permanent bund and seeded to stabilise.

During Year 3, the following development and environmental management activities occurred:

- Reduction in the volume of the temporary stockpile area.



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- Ongoing water management
-

During Year 4, to which this compliance report refers, the following development and environmental management activities occurred:

- Ongoing water management

Ongoing weed management

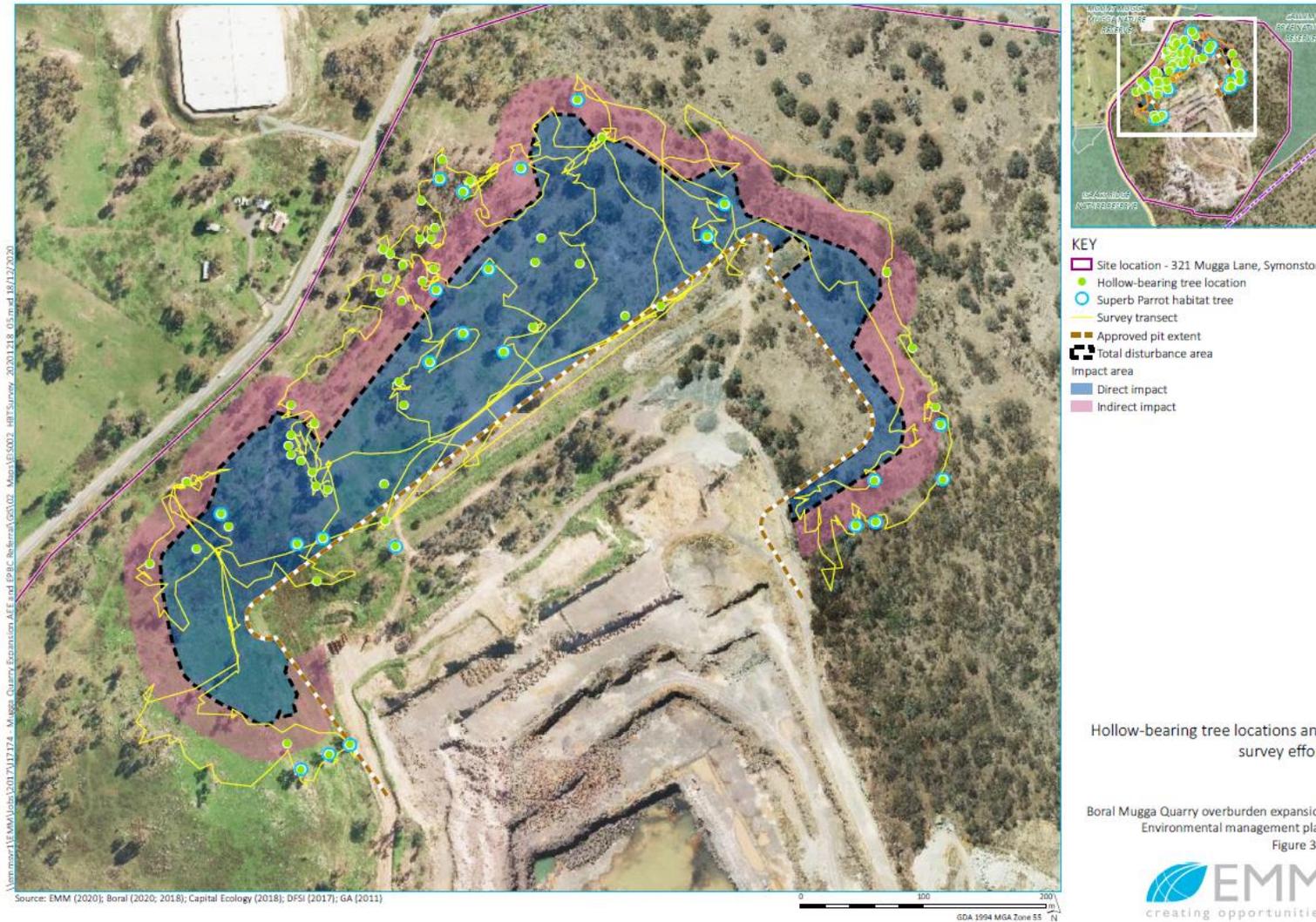
The construction of the project is to be conducted in phases, with indicative details for each phase as follows. Phase 1 and 2 were completed during the Year 1 reporting period:

- 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 was completed during the Year 2 reporting period.

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>	<p>Year 4 Compliant</p> <p>Year 3 Compliant</p> <p>Year 2 Compliant</p> <p>Year 1 Non-compliant</p>	<p>Year 4 - no further clearing and disturbance was undertaken.</p> <p>Year 3 – no further clearing and disturbance was undertaken.</p> <p>Year 2 – no further clearing and disturbance was undertaken.</p> <p>Year 1 - Clearing of vegetation was undertaken in Year 1 and reported that the 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.</p>
<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>	<p>Compliant</p>	<p>Year 4 – No further credits are required to be retired.</p> <p>Year 3 – No further credits are required to be retired.</p> <p>Year 2 – No further credits are required to be retired.</p> <p>Year 1 - 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.</p>
<p>2A. To offset the impacts to 0.79 hectares (ha) of Box Gum Woodland additional to the impacts provided for under condition 2, the approval holder must acquire or retire no less than 28 Biodiversity credits for Box Gum Woodland within 20 business days of the date of the variation notice that adds this condition</p>	<p>Compliant</p>	<p>Year 4 – no further action required</p> <p>Year 3- no further action required</p> <p>Year 2 – 28 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 16 August 2021.</p> <p>Year 1 – N/A</p>
<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>	<p>Compliant</p>	<p>Year 4 – no further action required</p> <p>Year 3 – no further action required</p> <p>Year 2 – evidence provided on the retirement of a further 28 biodiversity credits</p> <p>Year 1 – evidence provided on the retirement of the relevant credits.</p>
<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>	<p>Compliant</p>	<p>Year 4 – implementation of the EMP undertaken.</p> <p>Year 3 – implementation of the EMP undertaken.</p> <p>Year 2 – implementation of the EMP undertaken.</p> <p>Year 1 - Commencement date of the action was 16 June 2020. Environment Management Plan was submitted 10 December 2019 with the final revised plan being approved by the Department 11 February 2020.</p> <p>Environment Management Plan was further revised and submitted to the Department 18 December 2020 with the current EMP being approved by the Department 20 April 2021.</p> <p>No changes have been required to the EMP during the Year 4 reporting period.</p>
<p>5. The approval holder must not commence the action unless the Minister has approved the EMP described in condition 4 in writing.</p>	<p>Compliant</p>	<p>Year 4 – no further action.</p> <p>Year 3 – no further action.</p>

		<p>Year 2 – no further action.</p> <p>Year 1 - Commencement date of the action was 16 June 2020. Environment Management Plan approved 11 February 2020. Environment Management Plan was revised and approved 20 April 2021.</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. 	Compliant	<p>Year 4 – EMP remains in place with no changes.</p> <p>Year 3 – EMP remains in place with no changes.</p> <p>Year 2 – EMP remains in place with no changes.</p> <p>Year 1 - 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/sustainability/environmental-reporting</p>
<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>	Compliant	<p>Year 4 – no further action required.</p> <p>Year 3 – no further action required.</p> <p>Year 2 – no further action required.</p> <p>Year 1 - The action commenced on 16 June 2021. The Department were notified of the commencement of the action on 24 June 2021.</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>	Not applicable	<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>	Compliant	<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</p>	Not applicable	<p>This condition was not triggered during the reporting period.</p>

<p>or through the general media.</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 by the 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 agreed to in writing by the Minister; exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and keep plans published on the website until the end date of this approval. 	<p>Compliant</p>	<ol style="list-style-type: none"> Commencement date of the action was 16 June 2020. Environment Management Plan was submitted 10 December 2019 with the final revised plan being approved by the Department 11 February 2020. Environment Management Plan was further revised and submitted to the Department 18 December 2020 with the current EMP being approved by the Department 20 April 2021 Approved EMP is available on the Boral website, refer to https://www.boral.com.au/sustainability/environmental-reporting No sensitive ecological data contained in the EMP. Approved EMP is available on the Boral website, refer to https://www.boral.com.au/sustainability/environmental-reporting
<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> <ol style="list-style-type: none"> publish each compliance report on the website within 60 business days following the relevant 12 month period; notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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>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>	<ol style="list-style-type: none"> Year 4 - The Annual Compliance Report for Year 4 of the approval was published on the website prior to the 9th September 2024 Year 4 – email provided to the department 22nd July 2024 The Annual Compliance Report for Year 1 – Year 4 of the approval is available as below. <p>The website link for the publication of the compliance report is below: https://www.boral.com.au/sustainability/environmental-reporting - search for Mugga Quarry</p> <ol style="list-style-type: none"> No sensitive ecological data contained in the compliance report. Not applicable
<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> <ol style="list-style-type: none"> the condition which is or may be in breach; and a short description of the incident and/or non-compliance. 	<p>Compliant</p>	<p>Year 4 – no non compliances to report</p> <p>Year 3 – no non compliances to report</p> <p>Year 2 – no non compliances to report</p> <p>Year 1 - 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. 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>Year 4 – no non compliances to report</p> <p>Year 3 – no non compliances to report</p> <p>Year 2 – no non compliances to report</p> <p>Year 1 - 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.</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> <p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	<p>Not applicable</p>	<p>This condition was not triggered during the reporting period.</p>
<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>	<p>Not applicable</p>	<p>This condition was not triggered during the reporting period.</p>
<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>	<p>Compliant</p>	<p>Year 4 – no revisions required to the EMP</p> <p>Year 3 – no revisions required to the EMP</p> <p>Year 2 – no revisions required to the EMP</p> <p>Year 1 - 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. Revised EMP was approved by the Department 20 April 2021.</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>	<p>Not applicable</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> <p>a. notify the Department in writing that the approved action management plan has been revised and provide the Department with:</p> <p>i. an electronic copy of the RAMP;</p> <p>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;</p> <p>iii. an explanation of the differences between the approved action management plan and the RAMP;</p> <p>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</p> <p>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.</p> <p>b. subject to condition 22, implement the RAMP from the RAMP implementation date.</p>	<p>Not applicable</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>	<p>Not applicable</p>	<p>This condition was not triggered during the reporting period.</p>
<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>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>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>Year 4 not applicable</p> <p>Year 3 not applicable</p> <p>Year 2 not applicable</p> <p>Year 1 Compliant</p>	<p>Year 4 – no action required</p> <p>Year 3 – no action required</p> <p>Year 2 – no action required</p> <p>Year 1 - 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.</p>

Attachments

Nil



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5.0 Non-compliances with conditions of EPBC 2018/8151

There have been no non compliances with the Conditions of EPBC 2018/8151 for the Year 4 reporting period – 16 June 2023 – 15 June 2024.