

Referrals Gateway

Department of Climate Change, Energy, the Environment and Water

Re. Referral of WSC Marulan Quarry (EPBC 2026/10529)

Friends of Grasslands (**FOG**) and the Conservation Council ACT Region (**Council**) (together, '**we**') welcome the opportunity to comment on the referral of Marulan Quarry (EPBC 2026/10529).

We note the Proponent, acting as part of a trust, considers the proposed action is likely to have a significant impact on matters protected under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*¹ and that, in their view, the action is a controlled action.²

We agree the action should be considered a controlled action. The referral notes 8.84 hectares (ha) of EPBC Act listed White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (**BGW**) will be cleared, including stands of understorey species important to the Gang-gang Cockatoo, *Callocephalon fimbriatum*.³ We note that DCCEEW's Conservation Advice for BGW outlines that, given its highly fragmented and degraded state, all areas should be considered critical to its survival.⁴ The proposed action will reduce the extent of BGW.

The Proponent states the proposed action will have a significant impact on Hoary Sunray, *Leucochrysum albicans* subsp. *tricolor*. We agree with this assessment of significant impact. Habitat critical to this species' survival 'likely includes suitable native grassland and grassy woodland habitat occupied by the species in NSW'.⁵ We note the Proponent's assessment of the impacts considers the Significant Impact Criteria for Vulnerable species. We consider the proposed action is likely to 'lead to a long-term decrease in the size of a population' and 'reduce the area of occupancy' of Hoary Sunray.

The Proponent indicates the proposed action will not have a significant impact on Gang-gang Cockatoo. We disagree with this assessment, including because of the importance of the foraging species found in BGW in the Disturbance Area. As outlined in DCCEEW's Conservation Advice for the species, habitat critical to the species' survival includes 'all foraging habitat during both the breeding and non-breeding season'.⁶ As for Hoary Sunray, the Proponent's assessment of the impacts to Gang-gang Cockatoo considers the Significant Impact Criteria for Vulnerable species. We consider the proposed action is likely to lead to a long-term decrease in the size of a population.

Including for the following reasons, we consider the proposal should be assessed at the level Environmental Impact Statement: We note no hydrological assessment has been provided of the impacts of the proposed action, and that the proposed argues no indirect impacts will affect isolated patches of

¹ Referral, section 4.1.4.4

² Referral, section 4.1.4.7

³ Referral, section 3.2.2 on pdf p. 21

⁴ www.environment.gov.au/biodiversity/threatened/communities/pubs/43-conservation-advice.pdf, p. 20

⁵ www.environment.gov.au/biodiversity/threatened/species/pubs/89104-conservation-advice-20122021.pdf, p. 7

⁶ www.environment.gov.au/biodiversity/threatened/species/pubs/768-conservation-advice-02032022.pdf, p. 6

'retention area'. In the absence of 'the Biodiversity Management Plan that will be prepared for the project', the assertion must be examined in detail.

Sections 4.1.4.5 and 4.1.4.11 of the referral indicate the proponent may be required to retire:

- a) 1,383 credits to compensate for the loss of 8.84 ha of BGW, comprised of 2.89 ha as intact woodland, 2.21 ha as regeneration and 3.74 ha as derived native grassland; and
- b) 15,530 credits Hoary Sunray to compensate for the loss of an estimated 7,765 individual plants.

We are familiar with the EPBC Act [Environmental Offsets Policy 2012 \(Policy\)](#), the offset assessment guide and the [How to Use Guide](#). The Policy provides a framework for transparently evaluating the suitability and adequacy of an offset. Unfortunately, credit obligations calculated under the NSW Biodiversity Offsets Scheme (BOS), such as set out above, convey no information on the extent of the BGW and Hoary Sunray offset areas (**credit area**), credit area condition and ecological values compared to the impact site, the Hoary Sunray population, and the ecological benefits that will be achieved for protected matters at the offset site/s.

If the proposal is found to be a controlled action, we request an appropriate level of detail be published when comment is invited on draft assessment documents. To this end, our reading of assessment documents prepared to satisfy biodiversity offset requirements in NSW fail to explain how the required number of biodiversity offset credits compensate for the associated impacts.

Section 4.1.4.11 of the referral states '*The proposed action proposes to satisfy the credit obligation through purchase of credits or payment into the Biodiversity Conservation Fund in accordance with the BAM*'. We understand this to mean that if credits are not readily available on the market, then the proponent is likely to make payment to the Biodiversity Conservation Fund (BCF) to satisfy the offset requirement.

So that we and the public better understand how the BOS operates to achieve adequate and suitable offsets for protected matters, we request that the Department require the assessment documents address the information specified in [Annexure 1](#), as well as the following:

- **If the credit area start quality is less than the impact site quality:** After what period will the credit area attain the quality of the impact site? What is the evidence base and/or modelling used to predict this outcome? What strategies will be implemented across the credit area to achieve this timebound outcome? How and by whom will the credit area be monitored to detect attainment of that future quality, and who enforces that outcome?
- **If the credit area start quality is the same or greater than the impact site quality:** Using the same assessment method as at the impact site, what will be the future quality of the site in 10 and 20 years? What is the evidence base and/or modelling used to predict this outcome? What strategies will be implemented across the credit area to achieve this timebound outcome? How and by whom will the credit area be monitored to detect attainment of that future quality, and who enforces that outcome?

Yours sincerely,

SIGNED

Prof Jamie Pittock
President, Friends of Grasslands
29 June 2026

SIGNED

Dr Simon Copland
Chief Executive, Conservation Council ACT Region
29 June 2026

About us

FOG is a community group dedicated to conserving grassy ecosystems in south-eastern Australia, including natural and temperate grasslands and grassy woodlands. Our members include professional scientists, landowners, land managers, and members of the public, all committed to protecting these landscapes for the long term.

The Council is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future. We campaign for a safe climate, to protect biodiversity in urban and natural areas, to protect and enhance waterways, reduce waste, and promote sustainable transport and planning for our region.

Annexure 1: Information required to assess the adequacy of biodiversity credits

Under the Policy, Principle 1 is that a suitable offset *must* “deliver an overall conservation outcome that improves or maintains the viability of the aspect of the environment that is protected by national environment law and affected by the proposed action.”

By no later than 1 Dec 2026, compliance with a condition attached to an approval intended to deliver compensation for a residual significant impact must also deliver a net *gain*, i.e., for the proposed action, an outcome that improves the overall viability of BGW and Hoary Sunray.

In the context of the NSW BOS, the following details information requirements that, if satisfied, may provide the reader confidence the proposed credit retirements will improve the viability of BGW and Hoary Sunray.

General

The proponent must:

- a) detail the area and quality of BGW and Hoary Sunray habitat impacted. Habitat quality must be described in terms of ‘Vegetation Integrity’ and, for the Hoary Sunray, the estimated population;
- b) provide evidence that credits are available from landowners selling suitable credits on the market, or provide historical market information supported by advice from the Biodiversity Conservation Trust (**BCT**) that suitable credits are likely to be available to purchase and retire in the short term; and
- c) specify the minimum number and nature of suitable credits it will purchase directly from the market, and/or the suitable credits that will be satisfied by payment to the BCF.

Biodiversity credit information

Option 1: Proponent credit purchase.

If the proponent intends purchasing credits from the market prior to project commencement, the proponent must provide the following information:

- a) stewardship site(s) location, supported by maps and figures;
- b) the area of the stewardship site(s) that will be the ‘credit area’;
- c) evidence of the presence of impacted MNES on the credit area(s);
- d) an assessment of how the impact and credit area/s are like-for-like, i.e. that the MNES values at the credit area/s are the same as that affected by the proposed action;

- e) the quality of BGW and Hoary Sunray habitat on the credit area(s) at commencement of offset management, characterised in terms of 'Vegetation Integrity', and for the Hoary Sunray the estimated population. The credit area details must be supported by up-to-date surveys and baseline data;
- f) the net gain to be achieved for affected MNES at the credit area(s), including improvements to Vegetation Integrity and Hoary Sunray population, that will improve the overall viability of BGW and Hoary Sunray; and
- g) an outline of the management actions and monitoring activities that will be implemented at the credit area(s) to attain, and demonstrate, the net gain for BGW and Hoary Sunray.

Items (b), (e) and (f) must be supported by a worked example of an [Offset Assessment Guide](#), employing evidence-based inputs, that provides greater than 100 per cent direct offset for the credit area(s).

Option 2: BCT credit purchase.

If the proponent decides to make payments to the BCF to satisfy any credit obligations, the proponent must, as a minimum, provide the following information.

On information provided by the BCT, the proponent must:

- a) specify the locality(s) of potential stewardship site(s);
- b) assess the likely presence of impacted MNES at the locality(s) of potential stewardship site(s);
- c) explain how the BCF intends to incentivise establishment of biodiversity agreements, and subsequently purchase and retire like-for-like credits at those stewardship site(s);
- d) based on the quantum of the payments to the BCF:
 - estimate the credit area/s retired to offset affected MNES;
 - the minimum quality on BGW and Hoary Sunray habitat on the credit area(s);
 - estimate the net gain to be achieved for affected MNES at the credit area(s), including improvements to Vegetation Integrity and Hoary Sunray population, that will improve the overall viability of BGW and Hoary Sunray; and
- e) provide the template agreement and template management plan to be implemented at the stewardship site(s) that will attain, and demonstrate, the net gain for BGW and Hoary Sunray.

Item (d) must be supported by a worked example of an [Offset Assessment Guide](#), employing evidence-based inputs, that provides greater than 100 per cent direct offset for the credit area(s).