

POPLARS EPBC ACT CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

EPBC No.: 2020/8801

Project Name: The Poplars, Jerrabomberra, NSW

Proponent/Approval Holder: Poplars Developments Pty Ltd

ACN 128 465 887

Approved Action: Mixed-use commercial development

OCTOBER 2021

PROJECT TITLE: *POPLARS EPBC ACT CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN*

PROJECT NUMBER: 7486

Prepared by:	D. Rae	Date:	23/09/2021
Reviewed by:	N. Turnbull	Date:	24/09/2021
Approved by:	N. Turnbull	Date:	24/09/2021

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1. PURPOSE & SCOPE

Indesco Pty Ltd has developed this Construction Environmental Management Plan (CEMP) in conjunction with the Project Managers (Black Mountain Construction Assurance) and Ecologists (Capital Ecology). The plan provides a framework for managing potential environmental impacts associated with the construction of the remaining stages of the Poplars development on adjacent land that is known to support significant ecological values.

The primary purpose of this CEMP is to describe the potential risks and proposed controls that will be implemented to protect the adjacent ecological values. This CEMP is the overarching project document for environmental management throughout the Poplars development's construction phase(s). It will be included as an attachment to each stage-specific CEMP.

2. PROJECT OVERVIEW

The remaining stages of the Poplars development, defined in Figure A by the 'Proposed Action Area – Development Footprint', are located in Lot 1 DP1243031 and portions of Lot 6 DP1246134 and Lot 1 DP1263364, Jerrabomberra, NSW.

As part of the environmental approvals processes, the Poplars development was referred (Referral No. 2020/8801) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Commonwealth Department of Agriculture, Water and the Environment (DAWE). The Poplars development was determined to be a controlled action to be assessed by preliminary documentation. On 13 September 2021, the Poplars development received EPBC Act approval to implement the staged development of the project (included here as Appendix A). Attached to the EPBC Act approval are 27 conditions, including the following three conditions of specific relevance to this CEMP (refer to Part C of Appendix A for text definitions in **bold**).

To assist the reader the relevant section of the CEMP which addresses the condition of approval are also listed below.

4. For the protection of the **protected matters** in areas adjacent to the **development footprint**, the approval holder must submit, before the **commencement of the action**, a Construction Environmental Management Plan (CEMP) for the **Minister's** written approval. The approval holder must not **commence the action** unless the CEMP has been approved in writing by the **Minister**. (Refer Section 4.1.1 Approval Holder)
5. The approval holder must implement the CEMP approved by the **Minister** within the **development footprint**. (Refer Section 4.1.1 Approval Holder)
6. For the protection of the **protected matters** in areas adjacent to the **development footprint**, the CEMP must prevent **impacts** of the action on adjacent areas and be consistent with the **Department's** Environmental Management Plan Guidelines 2014, and must specify full details of:
 - a. Signage, consistent with signage for the **North Poplars BioBanking Agreement**, including to be placed in or adjacent to the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area** to prohibit public access and inform the public of the presence of the **protected matters** (Refer Section 4.8 Signage);
 - b. Methods, effort, timing and reporting of pre-clearance surveys (Refer Section 4.9 Pre-Clearance Surveys);
 - c. Procedures to report and address unexpected finds of **protected matters** including a procedure to determine if **credits** should be **retired** in respect of the **protected matter(s)**, if so how many **credits**, and how the **Department** will be assured that this has happened (Refer Section 4.12 Unexpected Protected Matters Finds);
 - d. Proposed management methods, effort and timing to exclude, control or eliminate **weeds** and pathogens (Refer Section 4.11 Weed and Pathogen Management);
 - e. Proposed management methods, effort and timing to prevent and address existing erosion and prevent sediments entering watercourses (Refer Section 4.5 Sediment and Erosion Control Plan);

- f. Proposed management methods, effort and timing to prevent surface water flows enabling the spread of harmful pollutants, and excessive ponding of water in the **White Box-Yellow Box- Blakely's Red Gum Woodland and Derived Native Grassland retained area** (Refer Section 4.4 Waterway Works (Surrounding Catchment Area));
- g. The site induction program ensures that all persons implementing the action or on the site of the action are aware of the need and how to avoid and protect the **protected matters** (Refer Section 4.3 Site Induction).

3. SITE OVERVIEW

The adjacent land that supports significant ecological values is defined in Figure A by the 'Poplars North BioBanking Site', 'Poplars South BioBanking Site', and 'Open Space Area'. The primary purpose of this CEMP is to protect those areas from impacts associated with the Poplars development.

3.1 POPLARS NORTH AND POPLARS SOUTH BIOBANKING SITES

The Poplars North and Poplars South BioBanking Sites have been established under BioBanking Agreements (Figure A). These agreements provide a formal, legally binding, and audited conservation-focused management regime for the portions of "The Poplars" property recognised as supporting significant biodiversity values. The Poplars North and Poplars South BioBanking Sites protect approximately 50% of "The Poplars" property, including the vast majority of the identified significant biodiversity values. Protected values include:

- 87.42 ha of grassland vegetation, 57.35 ha of which meets the listing criteria for EPBC Act listed *Natural Temperate Grassland of the South Eastern Highlands* (EPBC Act critically endangered);
- 10.65 ha of woodland vegetation, 8.48 ha of which meets the listing criteria for EPBC Act listed *White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (EPBC Act critically endangered);
- 83.48 ha of Golden Sun Moth *Synemon plana* (EPBC Act critically endangered) habitat;
- 61.86 ha of Grassland Earless Dragon *Tympanocryptis pinguicolla* (EPBC Act endangered) habitat;
- 18.63 ha of Pink-tailed Worm-lizard *Aprasia parapulchella* (EPBC Act vulnerable) habitat;
- approximately 4,000 Button Wrinklewort *Rutidosia leptorrhynchoides* (EPBC Act endangered) plants; and
- approximately 3,500 Hoary Sunray *Leucochrysum albicans* var. *tricolor* (EPBC Act endangered) plants.

In addition, the BioBanking Sites protect habitat for NSW *Biodiversity Conservation Act 2016* (BC Act) listed threatened birds (i.e. Dusky Woodswallow *Artamus cyanopterus*, Gang-gang Cockatoo *Callocephalon fimbriatum*, Varied Sitella *Daphoenositta chrysoptera*, Little Eagle *Hieraaetus morphnoides*, Scarlet Robin *Petroica boodang*, Flame Robin *Petroica phoenicea*, Speckled Warbler *Pyrrholaemus sagittatus*, Diamond Firetail *Stagonopleura guttata*, and the migratory White-throated Needletail *Hirundapus caudacutus* and Rainbow Bee-eater *Merops ornatus*), ACT listed species (i.e. Perunga Grasshopper *Perunga ochracea*), and species considered 'rare and uncommon in the region, (i.e. Canberra Raspy Cricket *Cooraboorama canberrae* and Key's Matchstick Grasshopper *Keyacris scurra*).

3.2 OPEN SPACE AREA

The Poplars development includes a 0.52 ha Open Space Area (Figure A). This Open Space Area, which supports 0.18 ha of EPBC Act Box-Gum Woodland, 0.18 of Golden Sun Moth habitat, and approximately 130 Hoary Sunray plants, will be protected and managed in a manner consistent with the Poplars North BioBanking Agreement.

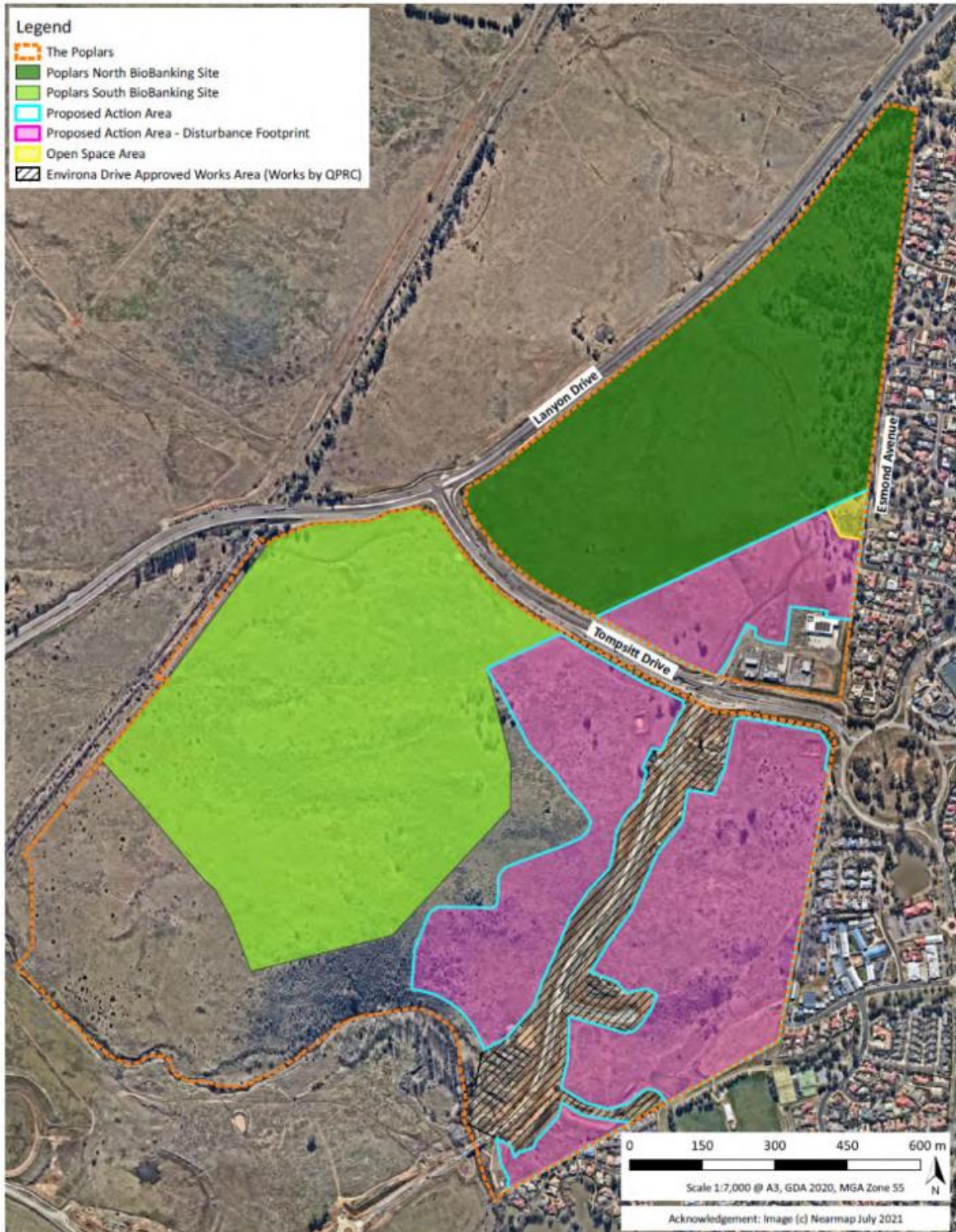


Figure A - Location Map

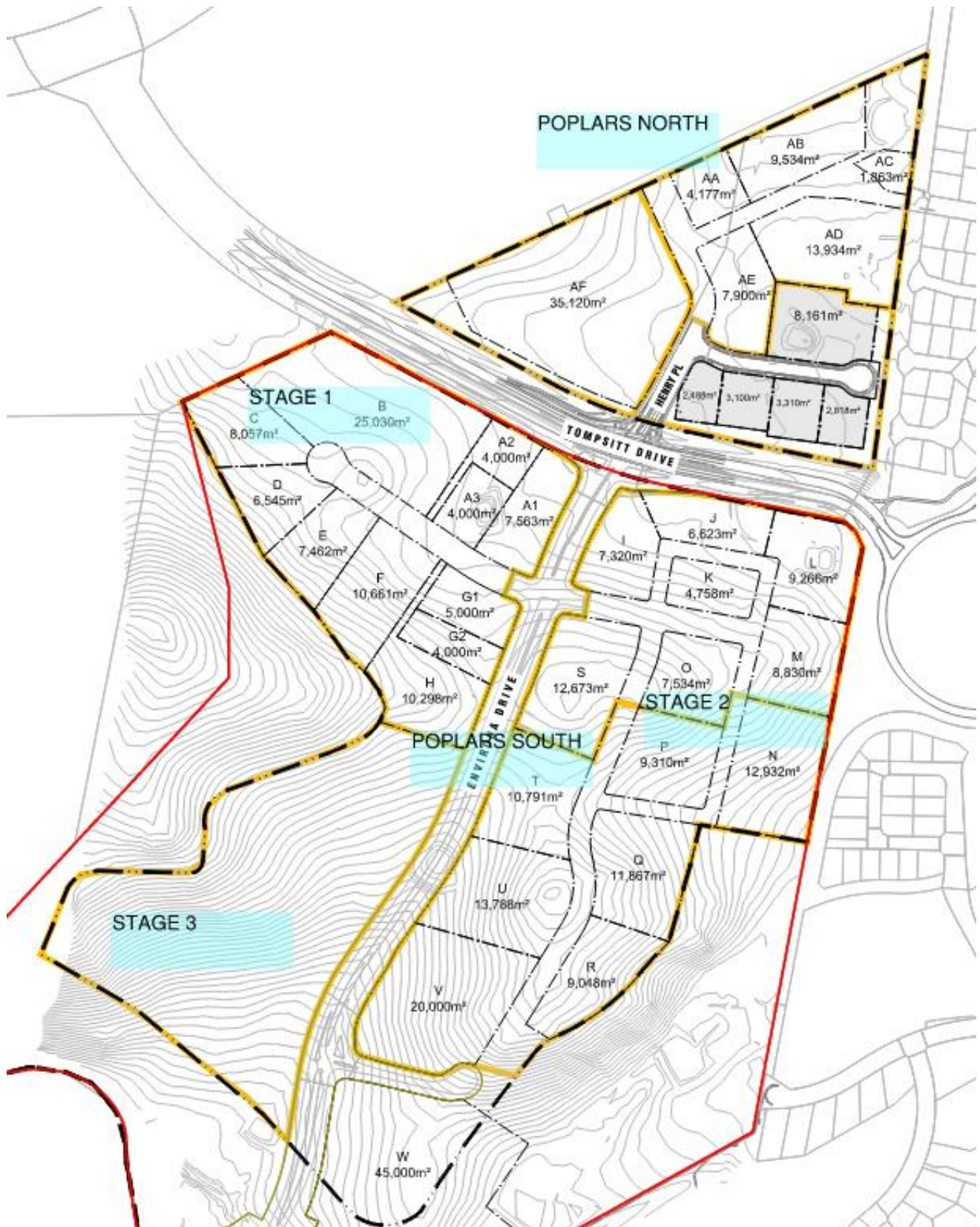


Figure B - Proposed Lot Plan

4. ENVIRONMENTAL IMPACTS AND CONTROL MEASURES

4.1 ROLES AND RESPONSIBILITIES

Unless noted otherwise in the sections below, the following roles and responsibilities apply:

4.1.1 Approval Holder

The Approval Holder is Poplars Developments Pty Ltd (ACN 128 465 887).

The Approval Holder is responsible for:

- the preparation of this CEMP and obtaining approval in writing of the plan by the Minister prior to commencing the action.
- implementing the CEMP approved by the Minister within the development footprint.
- notify DAWE in writing of any incident or non-compliance with this plan.
- advising DAWE of any unexpected finds of protected matters and arranging a suitable number of credits to be retired to offset impacts.

4.1.2 Site Developer

The Site Developer is to engage the following parties to deliver the development and monitor compliance of this CEMP:

- Project Manager;
- Superintendent;
- Principal Contractor; and
- Ecologist

Only suitably experienced parties are to be selected to undertake these roles. It is acknowledged that the development will be delivered in stages with different entities engaged to manage and deliver the works. Regardless of the contracted entities, the roles and responsibilities for the various parties remain as detailed below.

The Site Developer is also responsible for informing the Approval Holder of any non-conformances or Unexpected Protected Matters Finds associated with this plan.

4.1.3 Project Manager

The Project Manager is to attend construction site meetings, review monthly reports and advise the Developer of any non-conformances or unexpected protected matters associated with this CEMP. The Project Manager shall also coordinate the required inputs from the Ecologist to address unexpected protected matters.

4.1.4 Superintendent

The Superintendent shall undertake the following:

- Monitoring on-site construction activities by way of regular inspections by a surveillance officer and report any CEMP non-conformances.
- Meet fortnightly with the Principal Contractor during construction (or at other times as agreed) and review compliance with the CEMP
- The Superintendent shall provide a monthly report to the Developer, which reports on this CEMP and highlights any non-compliances.
- Notify the Project Manager of any non-conformance or the discovery of an unexpected protected matter

4.1.5 Principal Contractor

The Principal Contractor is responsible for the following:

- All site inductions for the Principal contractor site staff and subcontractors;
- Implementation and monitoring of controls listed in this CEMP; and
- Notifying the Superintendent of any non-conformances to this plan.

4.1.6 Ecologist

The Ecologist shall attend the site and provide advice to the Project Manager for the following events:

- Pre-clearance Surveys
- Weed inspections, and
- In the event of finding an unexpected protected matter

4.2 PRINCIPAL CONTRACTOR'S CEMP

Before commencing on-site work, the Principal Contractor shall prepare a site-specific CEMP that details environmental management plans for the particular stage being developed.

The plan shall incorporate all controls detailed in this document. The Superintendent shall review the Contractor's CEMP and confirm that it addresses all controls before granting possession of the site.

A copy of the Contractor's CEMP and this document shall be available on-site at all times during construction.

4.3 SITE INDUCTION

The Principal Contractor is to explain the adjacent ecological values and requirements for protection and exclusion during the construction period as part of the standard site induction.

All on-site staff are to be briefed on the contents of this CEMP.

All on-site staff must be provided with copies of site plans identifying environmentally sensitive areas, approved development areas, and access routes.

Written records are to be kept documenting that site workers have been advised of these requirements.

4.4 WATERWAY WORKS (SURROUNDING CATCHMENT AREA)

Run-off from some of the development areas will continue to discharge into the existing bio-banked areas. To avoid impacts from harmful pollutants on these environmentally sensitive areas, the following measures shall be implemented:

- The Project Manager shall ensure that the Principal Certifying Authority (Queanbeyan Palerang Regional Council) approves permanent stormwater management measures for each stage before commencing work on a stage.
- The Principal Contractor shall install cut-off drains/clearwater diversions before general stripping of topsoil.
- At North Poplars, the existing pond will be retained and upgraded to treat run-off from the developed areas.
- The Principal Contractor shall manage discharges from ponds during construction per the NSW Landcom publication Managing Urban Stormwater - Soils and Construction (4th Edition 2004- "Blue Book"). Where necessary, this shall include dosing the ponds before discharging water.

Stormwater management measures shall be designed and constructed to ensure that excessive ponding of water in the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area does not occur.

During the development of a stage, the Principal Contractor shall check controls immediately following a significant rainfall event.

4.5 SEDIMENT AND EROSION CONTROL PLAN

The Principal Contractor shall prepare a Sediment and Erosion Control Plan (S&ECP) for all site works associated with each stage of development, including road works and access. The plan is to be submitted to the Superintendent for endorsement before lodging with the Principal Certifying Authority (Queanbeyan Palerang Regional Council) for approval. No works shall commence until the Principal Certifying Authority approves the plan.

The plan covers all measures to control erosion and sediment transport per the NSW Landcom publication Managing Urban Stormwater - Soils and Construction (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be installed by the Principal Contractor before the disturbance of any soils on the site and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and entering the surface water system outside of the site. Controls shall address the following:

- Identify any existing causes of erosion and stabilise those areas;
- Divert uncontaminated run-off around cleared or disturbed areas;
- Erect a silt fence to prevent debris escaping into drainage systems or waterways;
- Prevent tracking of sediment by vehicles on roads; and
- Stockpile topsoil, excavated material, construction and landscaping supplies and debris within site.

Where appropriate the following controls shall be implemented:

- Clean water diversion drains – These shall be installed upstream of areas to be disturbed to channel clean water around or through a site
- Silt fences – To be installed downstream of disturbed areas and stockpiles
- Check dams – Check dams shall be installed at intervals within drainage lines to reduce the erosive energy of the flow.
- Sediment ponds – Ponds are to be used where large areas are disturbed and the flow is concentrated to a single location. Prior to discharging from ponds the turbidity should be checked and where required pond dosed to settle sediments.
- Re-vegetation – As the work proceeds, areas should be re-vegetated as soon as practical thereby minimising the potential for wind or water erosion

The S&ECP shall nominate the location(s) for stabilised entries to construction sites. These entrances can either be established with crushed concrete or shaker/cattle grids.

All controls are to be regularly checked and maintained/repared as appropriate by the Principal Contractor. Controls will be checked immediately following a significant rainfall event. Records of inspections shall be kept on-site.

4.6 DUST MANAGEMENT

The Principal Contractor shall detail measures to control dust within the works area and obtain an endorsement of these measures from the Superintendent.

The plan shall specify measures to monitor and manage dust emissions, including dust from stockpiles, blasting, traffic on-site and materials tracking from construction sites onto a public road. Measures shall include:

- All major access tracks to the corridor would be topped with aggregate to minimise erosion and dust potential;
- Water captured in sediment basins and other areas will be reused for dust suppression, compaction, etc. in preference to potable water;
- Controlling dust through progressive revegetation techniques;
- Water truck on-site for dust suppression as required; and
- During periods of high wind, activities that have the potential to cause shall cease.

4.7 SITE FENCING

No site access is permitted through the Poplars North BioBanking Site, Poplars South BioBanking Site, or Open Space Area.

To prevent unauthorised access to environmentally sensitive areas, the following shall apply:

- North Poplars Biobanking Site – A man-proof fence has been installed between the development area and the North Poplars Biobanking site. This fence shall be maintained and the gate between the two areas locked at all times;
- South Poplars Biobanking Site – An existing stock fence separates the development area from the adjacent South Poplars Biobanking site. As development progresses, the Principal Contractor shall replace the stockproof fence with a man-proof fence. During fence replacement, the Head Contractor shall install a temporary fence to prevent unauthorised access;
- North Poplars Retained Area (Hoary Sunray / PCT1334 Conservation Area - Refer Figure C) – To prevent impacts to this area, the Project Manager shall arrange for this area to be fenced off from the remaining lot before commencing works.

4.8 SIGNAGE

The Project Manager shall arrange signage, consistent with the North Poplars Bio-Banking Agreement, to be erected in or adjacent to the Retained Area (Refer Figure C) to prohibit public access and inform the public of the presence of the protected matters. Signage must:

- be the Bio-Banking / Biodiversity Stewardship Site signs available from the NSW Biodiversity Conservation Trust, or contain the same information.
- be installed and maintained along the boundary adjacent to Jerrabomberra suburbs.
- be replaced if the writing or the images on the sign are no longer clearly visible or are illegible.

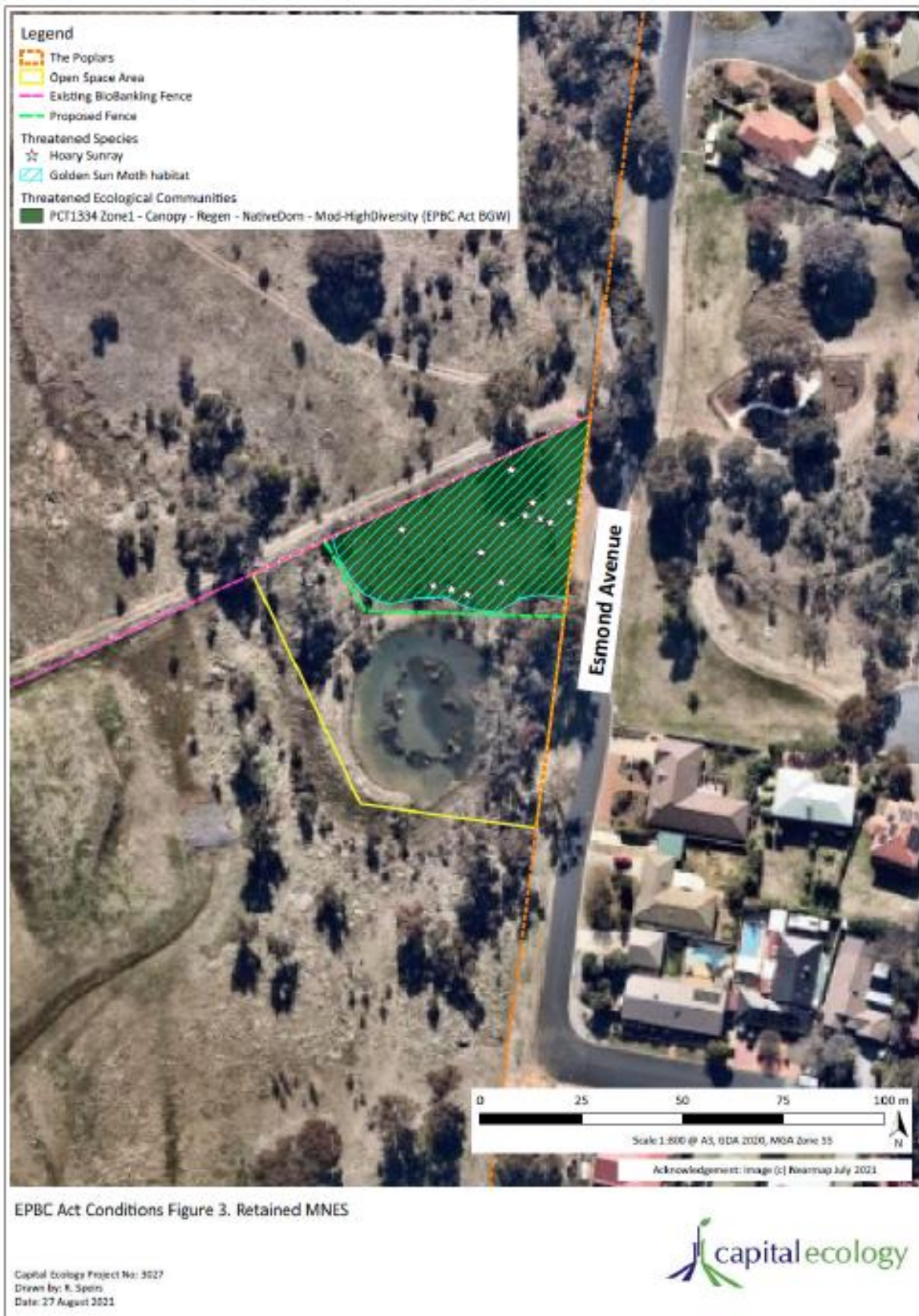


Figure C – North Poplars: Hoary Sunray / PCT1334 Retained Area

4.9 PRE-CLEARANCE SURVEYS

4.9.1 Methods

Prior to clearance the Ecologist will survey all trees identified for removal for fauna habitat features (e.g. functional hollows, fissures, stick nests, etc.). Each tree that supports fauna habitat features will be clearly marked with fluorescent paint and recorded via hand-held GPS. The results of this survey will be recorded in a Pre-clearance Statement.

Each tree identified for removal that supports fauna habitat features will be cleared in the following manner.

- Hollow-bearing limbs will be removed and lowered to the ground. They will be inspected by the Ecologist for fauna. Any fauna present will be removed by the Ecologist and temporarily cared for. The Ecologist will contact WIRES on 1300 094 737 for further instruction and assistance.
- The remainder of the tree will be felled by a chainsaw. The fallen tree will be inspected by The Ecologist for any previously undetected hollows. If present, these hollows will be inspected by the Ecologist for fauna. Any fauna present will be removed by the Ecologist and temporarily cared for. The Ecologist will contact WIRES on 1300 094 737 for further instruction and assistance.
- Any other encountered wildlife in the tree will be temporarily cared for by the Ecologist. The Ecologist will contact WIRES on 1300 094 737 for further instruction and assistance.

4.9.2 Timing

All practicable efforts will be made to schedule clearance of remnant trees to occur outside of the primary breeding season of most locally occurring native birds and other fauna (i.e. August to December). If a tree or trees must be removed during the primary breeding season, then each subject tree will be thoroughly inspected by the Ecologist to determine whether it is currently utilised by native fauna for nesting/breeding purposes. The Ecologist will provide the results of this inspection and the resulting determination in the Pre-clearance Statement. Based on this determination, the allowable action will be the applicable of the following three options.

1. Determination = the subject tree does not currently support native fauna nesting/breeding activity.



Action = proceed with removal in accordance with the methods outlined above.

2. Determination = the subject tree currently supports nesting/breeding activity limited to common native fauna species (e.g. Rosella, Magpie, Brushtail Possum).



Action = proceed with removal under close supervision by the Ecologist who will facilitate appropriate care for the fauna (i.e. relocation to nearby retained tree, transfer to WIRES etc.).

3. Determination = the subject tree currently supports nesting/breeding activity of species listed under the EPBC Act (i.e. MNES), BC Act, or otherwise considered regionally rare or uncommon.



Action = postpone tree removal and leave the tree undisturbed until the Ecologist confirms that the fauna have finished nesting/breeding activity and left under their own volition.

The results of tree removal activities will be recorded in a Post-clearance Statement.

4.9.3 Record Keeping and Reporting

In accordance with Condition 11 of the EPBC Act approval, the Pre-clearance Statements and Post-clearance Statements will be kept on file by the Approval Holder and Site Developer. In accordance with Condition 12, these statements will be provided to the Department upon request.

4.10 ENTRAPMENT OF FLORA AND FAUNA

The Principal Contractor shall mitigate any potential fauna entrapment in open trenches by adopting the following measures:

- a) Open trenches will be kept to a minimum and constructed only when necessary; and
- b) Open trenches will be checked and monitored, particularly after rain events and before backfilling.

In the unlikely event the Principal Contractor discovers fauna entrapped in an open trench, the Principal Contractor will immediately stop construction activities near the trench and contact WIRES on 1300 094 737 for further instruction and assistance.

4.11 WEED AND PATHOGEN MANAGEMENT

Before construction works commence within a stage of the development, a survey of existing vegetation will be undertaken by the Ecologist to identify any weed infestations. The Superintendent and Project Manager will be informed to identify if the Principal Contractor requires any controls before stripping and stockpiling topsoil.

During construction, the site perimeter will be inspected monthly to check that new weeds are not establishing in adjacent or retained areas of environmental value. The inspection will also include checking for weeds in tree protection zones or land not disturbed by earthworks and regrading.

The Principal Contractor will manage weeds in stockpiles by covering, seeding with a sterile cover crop, or undertaking weed control.

During the spreading of topsoiling and landscaping, the Principal Contractor's landscape sub-contractor must submit a consolidation program outlining weed management before completing soft landscape works and handover.

Appropriate vehicle hygiene will be maintained. Vehicles and machinery entering the proposed action area will be clean of weed seed or propagules.

Only sterile materials such as hessian/jute or rice straw will be used for soil stabilisation or similar purposes.

4.12 UNEXPECTED PROTECTED MATTERS FINDS

The following procedures will be implemented to address and report on any unexpected finds of protected matters. Protected matters include the EPBC Act listed species and ecological communities identified in Section 3.1 of this CEMP.

In the event of the unexpected find of a protected matter during a pre-clearance inspection by the Ecologist:

- The Site Supervisor shall be notified;
- Works shall cease in the affected area, and an exclusion zone will be set up;
- The Site Supervisor shall notify the Superintendent and Project Manager;
- The Ecologist shall advise the Site Supervisor, and Project Manager on the potential risk associated with the unexpected find and the need to undertake a further assessment and remedial and validation works;

- The Ecologist shall prepare a report detailing the unexpected find, which will be submitted to the Commonwealth DAWE;
- If required, the report will identify the number and class of NSW Biodiversity Offset Scheme credits that should be retired;
- Depending on the nature of the unexpected find and associated impact, approval from DAWE may be required before works can recommence;
- Works are not to recommence without the approval of the Ecologist and DAWE.

APPENDIX A. EPBC ACT APPROVAL



APPROVAL

The Poplars, Jerrabomberra, NSW (EPBC 2020/8801)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Poplars Developments Pty Ltd
ACN of approval holder	128 465 887
Action	A mixed-use commercial development at The Poplars Jerrabomberra, NSW [See EPBC Act referral 2020/8801, subject to the variation request accepted on 19 November 2020]

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 31 December 2060

Decision-maker

<i>Name and position</i>	Kate Gowland, Acting Assistant Secretary, Environment Assessments (NSW, ACT) Branch
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Signature


Date of decision 13/9/2021

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must not **clear** outside the **development footprint**.
2. The approval holder must not **clear** inside the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area**.
3. Within the **development footprint**, the approval holder must not **clear** more than:
 - a. 13.51 hectares of **Golden Sun Moth habitat**; and
 - b. 0.42 hectares of **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland**.

Mitigation and management measures

4. For the protection of the **protected matters** in areas adjacent to the **development footprint**, the approval holder must submit, prior to the **commencement of the action**, a Construction Environmental Management Plan (CEMP) for the **Minister's** written approval. The approval holder must not **commence the action** unless the CEMP has been approved in writing by the **Minister**.
5. The approval holder must implement the CEMP approved by the **Minister** within the **development footprint**.
6. For the protection of the **protected matters** in areas adjacent to the **development footprint**, the CEMP must prevent **impacts** of the action on adjacent areas and be consistent with the **Department's Environmental Management Plan Guidelines 2014**, and must specify full details of:
 - a. Signage, consistent with signage for the **North Poplars BioBanking Agreement**, including to be placed in or adjacent to the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area** to prohibit public access and inform the public of the presence of the **protected matters**;
 - b. Methods, effort, timing and reporting of pre-clearance surveys;
 - c. Procedures to report and address unexpected finds of **protected matters** including a procedure to determine if **credits** should be **retired** in respect of the **protected matter(s)**, if so how many **credits**, and how the **Department** will be assured that this has happened;
 - d. Proposed management methods, effort and timing to exclude, control or eliminate **weeds** and pathogens;
 - e. Proposed management methods, effort and timing to prevent and address existing erosion and prevent sediments entering watercourses;
 - f. Proposed management methods, effort and timing to prevent surface water flows enabling the spread of harmful pollutants and excessive ponding of water in the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area**;
 - g. The site induction program to ensure that all persons implementing the action or on the site of the action are aware of the need and how to avoid and protect the **protected matters**.

7. For the protection of the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area** the approval holder must undertake on-ground management activities throughout the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area** consistent with those specified in the **North Poplars BioBanking Agreement**.

Compensation measures

8. To compensate for the clearance of **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland** and **Golden Sun Moth habitat**, prior to the **commencement** of each **development stage** the approval holder must provide the **Department** with written **evidence** that it has **retired** the number of **credits** below in respect of that **development stage**:
 - a. 34 species **credits** for **Golden Sun Moth** for **Stage 1 of the Innovation Precinct**;
 - b. 9 species **credits** for **Golden Sun Moth** for the **Jerrabomberra High School**;
 - c. 33 species **credits** for **Golden Sun Moth** for the **remainder of the North Poplars development footprint**;
 - d. 26 species **credits** for **Golden Sun Moth** for the **remainder of the South Poplars development footprint**; and
 - e. 10 ecosystem **credits** for **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland** for the **remainder of the North Poplars development footprint**.

Part B – Standard administrative conditions

Notification of date of commencement of the action

9. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within **10 business days** after the date of **commencement of the action**. The approval holder must notify the **Department** in writing of the date of **commencement** of each **development stage** within **10 business days** after the date of **commencement** of each commenced **development stage**.
10. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

11. The approval holder must maintain accurate and complete **compliance records**.
12. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

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 to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Submission and publication of plans

13. The approval holder must:
 - a. submit **plans** electronically to the **Department** for approval by the **Minister**;
 - b. 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** or the **Department**, unless otherwise agreed to in writing by the **Minister**;

- c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
 - d. keep **plans** published on the **website** until the end date of this approval.
14. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the **Department's Guidelines for biological survey and mapped data** (2018) and submitted electronically to the **Department**.

Annual compliance reporting

15. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been 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** and provide the weblink for the **compliance report** within 5 **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**;
 - 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.

Reporting non-compliance

16. 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:
- a. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
17. 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:
- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

18. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
19. For each **independent audit**, the approval holder must:

- a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
20. 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, or an earlier date agreed to by the **Department** in writing.

Revision of action management plans

21. 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 these conditions, 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.
22. 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 these conditions, 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**.
23. If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must:
- a. notify the **Department** in writing that the approved action management plan has been revised and provide the **Department** with:
 - i. an electronic copy of the RAMP;
 - ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;
 - iii. an explanation of the differences between the approved action management plan and the RAMP;
 - iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**; and
 - v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.
 - b. subject to condition 25, implement the RAMP from the RAMP implementation date.
24. The approval holder may revoke their choice to implement a RAMP under condition 22 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 22, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 22.
25. 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:
- a. condition 22 does not apply, or ceases to apply, in relation to the RAMP; and
 - b. the approval holder must implement the action management plan specified by the **Minister** in the notice.

26. At the time of giving the notice under condition 25, the **Minister** may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.

Note: conditions 22, 23, 24 and 25 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.

Completion of the action

27. Within 20 **business days** after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Clear/Clearing/Cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including **weeds**).

Commencement in relation to commencement of a **development stage**, means the first instance of any specified activity associated with the action, and including **clearing** and **construction**, undertaken within that **development stage**. **Commencement**, in relation to commencement of a **development stage**, does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs in that **development stage**;
- ii. undertake geotechnical investigations or similar tests in that **development stage**;
- iii. install signage and /or temporary fencing to prevent unapproved use of that **development stage**;
- iv. protect environmental and property assets within that **development stage** from fire, **weeds** and feral animals, including installation of temporary fencing, and use of existing surface access tracks;
- v. install temporary site facilities for persons undertaking pre-commencement activities within that **development stage** so long as these are located where they have no impact on the **protected matters**.

Commencement of the action means the first instance of any specified activity associated with the action, and including **clearing** and **construction**.

Commencement of the action does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. undertake geotechnical investigations or similar tests;
- iii. install signage and /or temporary fencing to prevent unapproved use of the **development footprint**;
- iv. protect environmental and property assets from fire, **weeds** and feral animals, including installation of temporary fencing, and use of existing surface access tracks;
- v. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

Commencement of the development stage for the remainder of the North Poplars development footprint means the first instance of any specified activity associated with the **remainder of the North Poplars development footprint**, including **clearing** and **construction**, and does not include minor physical disturbances as described in the definition for **Commencement of the action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means the date on which all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance reports means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**;
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Credits means biodiversity credits under the *Biodiversity Conservation Act 2016 (NSW)*.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Development footprint means the 52.77 hectare area represented as the solid pink area and defined as the 'Proposed Action Area - Disturbance Footprint' in the legend of Attachment 1. The **development footprint** also includes the area within the yellow boundary line and defined as the 'Open Space Area' in the legend of Attachment 3 but with the exclusion of the **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area**.

Development stage means any work associated with one of the following specified stages of the action that will be undertaken sequentially, or concurrently: **Stage 1 of the Innovation Precinct**, the **Jerrabomberra High School**, the **remainder of the North Poplars development footprint** and the **remainder of the South Poplars development footprint**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

Evidence means written certified documentation from the relevant authority.

Golden Sun Moth means the Golden Sun Moth (*Synemon plana*) listed as critically endangered under the **EPBC Act**.

Golden Sun Moth habitat means the areas represented by the shapes with yellow hatching in Attachment 4, described in the legend as 'Golden Sun Moth habitat'.

Hoary Sunray habitat means the 700m² area covering the area represented by star shapes and described in the legend as 'Hoary Sunray' in Attachment 3.

Impact means any measurable direct or indirect disturbance or harmful change as a result of any activity associated with the action.

Incident(s) means any event which has the potential to, or does, impact on one or more **protected matter(s)** other than as authorised under this approval.

Independent audit: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019)*.

Jerrabomberra High School means the 3.25 hectare area within the **development footprint** where the Jerrabomberra High School will be built, enclosed by the light blue line in Attachment 2, identified in the legend as 'Jerrabomberra High School'.

Monitoring data means the data required to be recorded under the conditions of this approval.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

New or increased impact means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the action management plan that has been approved by the **Minister** under condition 4, including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)*.

North Poplars BioBanking Agreement means the BioBanking Agreement ID number BA 310 for Poplars North BioBanking Site, for Robin Pty Ltd, made with the NSW Office of Environment and Heritage.

North Poplars Biobanking Site means the area coloured dark green in Attachment 1 and identified in the legend as 'North Poplars BioBanking Site'.

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and/or published on the **website** in accordance with these conditions (includes action management plans).

Protected matter(s) means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect. Protected matters include **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland** ecological community, Hoary Sunray (*Leucochrysum albicans* subsp. *tricolor*), and **Golden Sun Moth**.

Remainder of the North Poplars development footprint means the 8.71 hectare area of land in North Poplars represented by the solid blue shaded area in Attachment 2 described in the legend as 'Remainder of Development Footprint - North Poplars'.

Remainder of the South Poplars development footprint means the 31.56 hectare area in South Poplars represented by the pink shaded area in Attachment 2 described in the legend as the 'Remainder of Development Footprint - South Poplars'.

Retired means retirement of biodiversity credits under the *Biodiversity Conservation Act 2016 (NSW)*.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

South Poplars BioBanking Agreement means the BioBanking Agreement ID number BA 309 for Poplars South BioBanking Site, for Robin Pty Ltd, made with the NSW Office of Environment and Heritage.

South Poplars BioBanking Site means the area coloured light green in Attachment 1 identified in the legend as 'Poplars South BioBanking Site'.

Stage 1 of the Innovation Precinct means the 8.91 ha area enclosed by the yellow line identified in the legend as 'Stage 1 of the Innovation Precinct' in Attachment 2.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

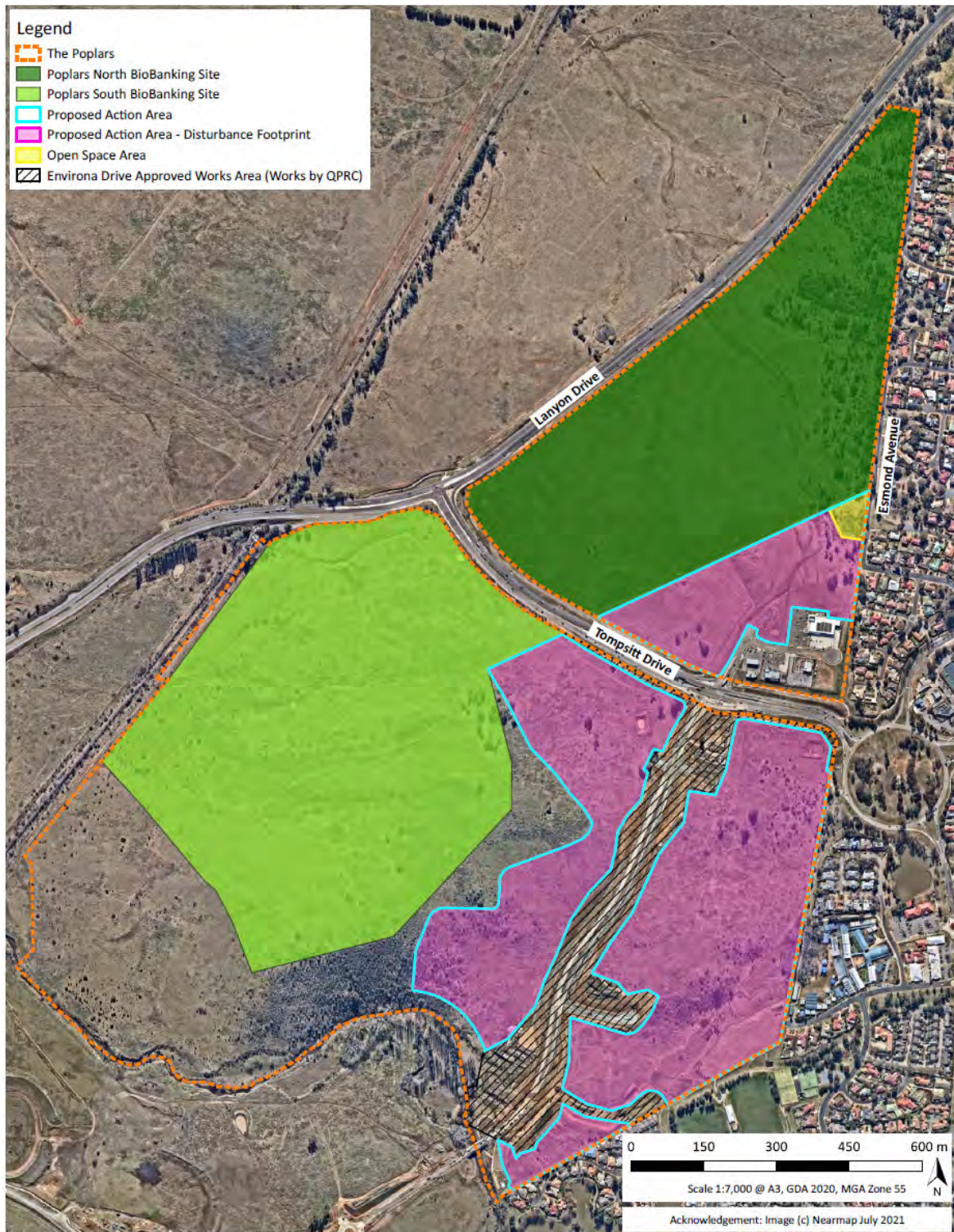
Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Weed(s) means weed as defined in the *Australian weeds strategy 2017 to 2027*.

White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland is the critically endangered threatened ecological community of that name listed under the **EPBC Act** as represented by the two patches of blue hatching shown in Attachment 5 and described in the legend as 'EPBC Act Box-Gum Woodland'.

White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area means the 0.18 hectares of land containing **White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland, Hoary Sunray habitat** and **Golden Sun Moth habitat** represented by the area north of the existing dam with blue hatching and green shading shown in Attachment 3, and described in the legend as 'PCT1334 Zone1 - Canopy - Regen - NativeDom - Mod-HighDiversity (EPBC Act BGW)', 'Golden Sun Moth Habitat' and 'Hoary Sunray'.

Attachment 1. The Poplars action area/development footprint, the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area, biobanking sites, and surrounds.

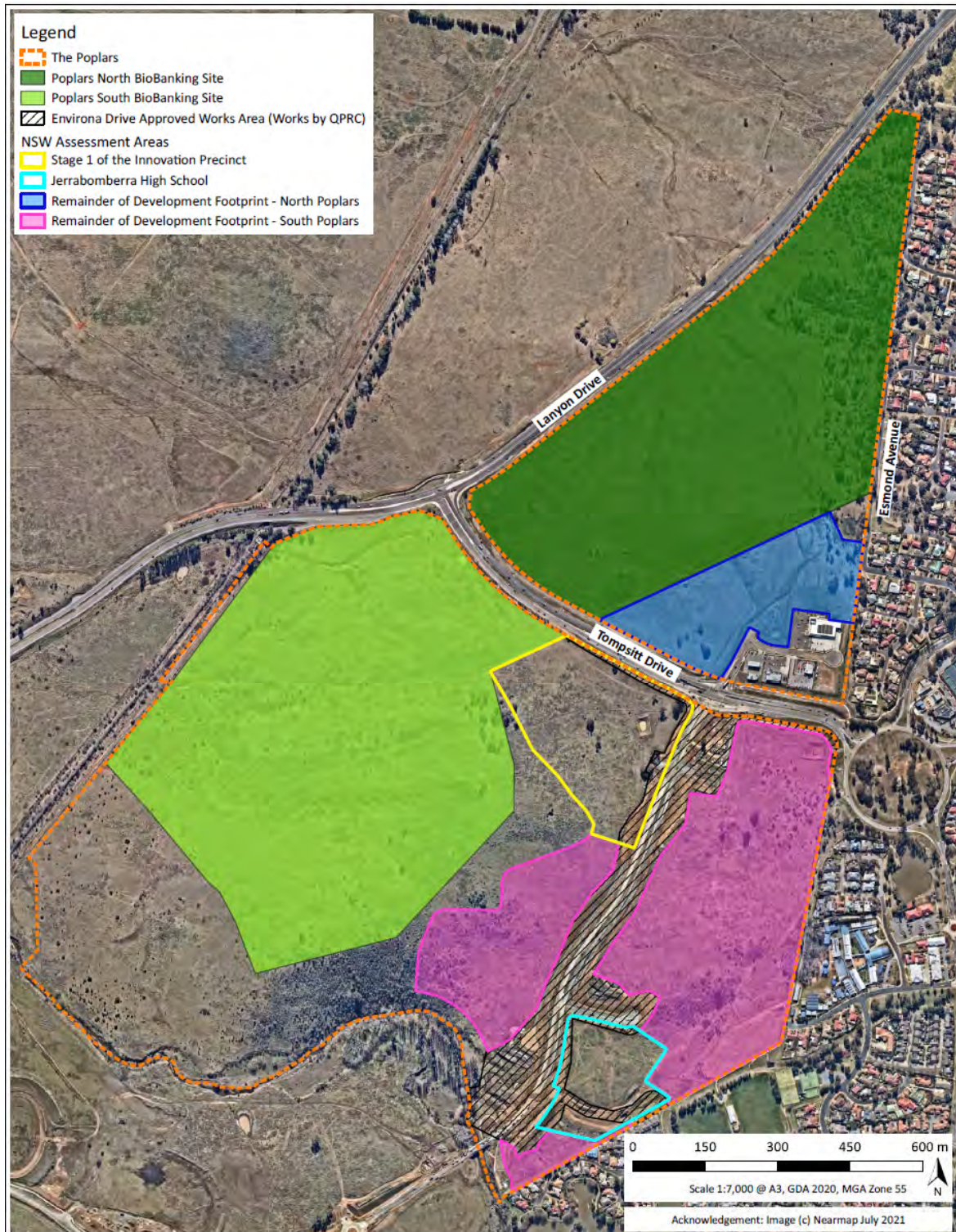


EPBC Act Conditions Figure 1. "The Poplars", Proposed Action Area, and BioBanking Sites

Capital Ecology Project No: 3027
 Drawn by: R. speirs
 Date: 27 August 2021



Attachment 2. Location of the development stages; Jerrabomberra High School, Stage 1 of Innovation Precinct, the remainder of the North Poplars development footprint, the remainder of the South Poplars development footprint.



EPBC Act Conditions Figure 2. NSW Assessment Areas

Capital Ecology Project No: 3027
 Drawn by: R. Speirs
 Date: 27 August 2021



Attachment 3. Location of the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area, Hoary Sunray, Golden Sun Moth habitat and the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland.



Attachment 4. Golden Sun Moth Habitat in the Development Footprint, and the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area.

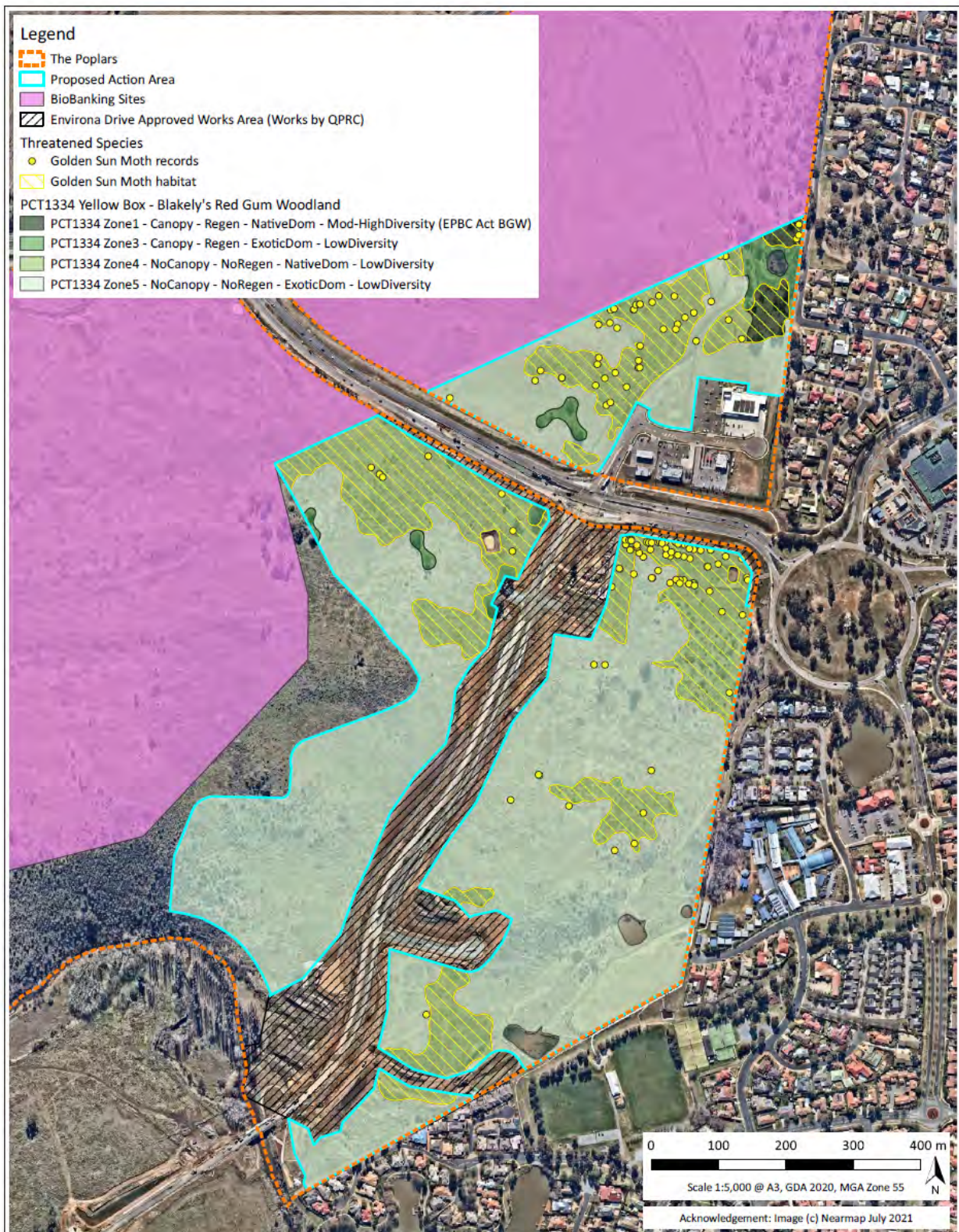


Figure 8. Golden Sun Moth Habitat in the Proposed Action Area

Capital Ecology Project No: 3027
 Drawn by: R. Speirs
 Date: 27 August 2021



Attachment 5. White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland in the Development Footprint, and the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area.

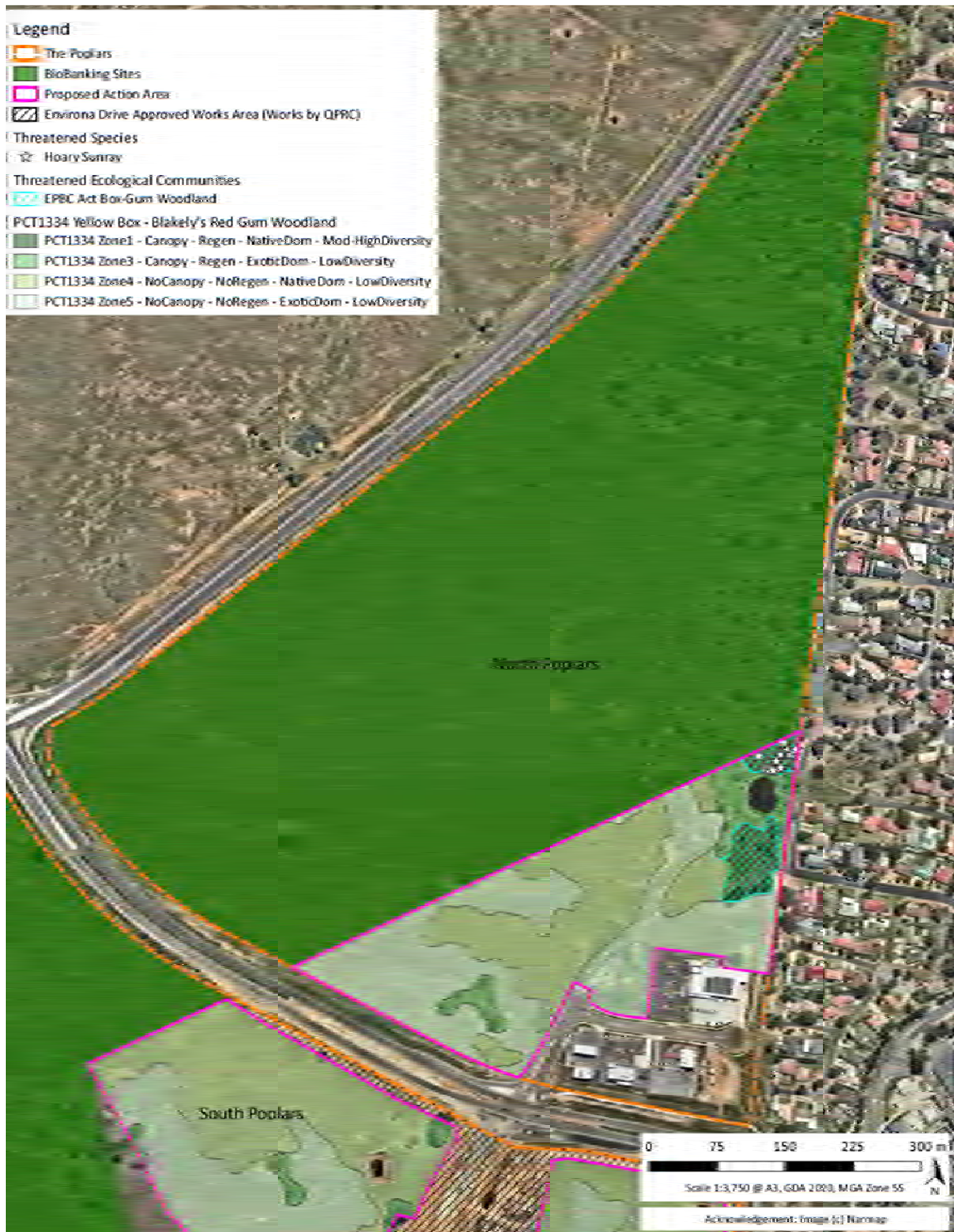


Figure 8. EPBC Act Box-Gum Woodland and Hoary Sunray Habitat in the Proposed Action Area

Capital Ecology Project No: 3027
 Drawn by: S. Reid
 Date: 26 March 2021



APPENDIX B. DECLARATION OF ACCURACY

DECLARATION OF ACCURACY

I declare that:

1. To the best of my knowledge, all the information contained in, or accompanying the *Poplars EPBC Act Construction Environmental Management Plan, V2.2, October 2021* is complete, current and correct.
2. I am duly authorised to sign this declaration on behalf of the approval holder.
3. I am aware that:
 - a. Section 490 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) makes it an offence for an approval holder to provide information in response to an approval condition where the person is reckless as to whether the information is false or misleading.
 - b. Section 491 of the EPBC Act makes it an offence for a person to provide information or documents to specified persons who are known by the person to be performing a duty or carrying out a function under the EPBC Act or the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) where the person knows the information or document is false or misleading.
 - c. The above offences are punishable on conviction by imprisonment, a fine or both.

Signed



Full name

Christopher William Daly

Organisation

Project Manager, Black Mountain Construction Assurance Pty Ltd

Date

17 October 2021