

20 March 2023

Compliance Monitoring Team
Environment Compliance Branch
Compliance & Enforcement Division
Department of Climate Change, Energy, the Environment and Water
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The Poplars, Jerrabomberra, NSW (EPBC 2020/8801)

2023 Annual Compliance Report

Dear EPBC Act Monitoring,

I write to you to satisfy Condition 15 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act) approval of The Poplars, Jerrabomberra, NSW (EPBC 2020/8801), which states the following.

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.*

As outlined in the attached EPBC approval conditions compliance table (Attachment 1), compliance with each Condition of Approval (CoA) has been achieved to date. No non-compliance with a CoA has occurred. A Declaration of Accuracy is provided as Attachment 2.

Please do not hesitate to contact me should you wish to discuss any element of this report or The Poplars project.

Yours sincerely,



Chris Daly
Project Manager

Attachments:

- Attachment 1. 2023 EPBC approval conditions compliance table
- Attachment 2. Declaration of accuracy

Attachment 1. 2023 EPBC approval conditions compliance table

Condition Number/reference E.g. '3(c)'	Condition Include the complete wording of the condition, or sub-condition that is being addressed.	Is the project compliant with this condition? Compliant/ Non-Compliant/Not applicable	Evidence/Comments Evidence to support claims regarding compliance or non-compliance.
Part A – Conditions specific to the action			
1	<i>The approval holder must not clear outside the development footprint.</i>	Compliant	No clearance has occurred outside of the development footprint.
2	<i>The approval holder must not clear inside the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area.</i>	Compliant	No clearance has occurred inside the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland retained area. A fence has been constructed delineating the southern boundary, thereby preventing clearance or other impacts associated with the adjoining development from impacting the retained area.
3	<i>Within the development footprint, the approval holder must not clear more than:</i> <i>a. 13.51 hectares of Golden Sun Moth habitat; and</i> <i>b. 0.42 hectares of White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland.</i>	Compliant	To date the approval holder has cleared 6.1 ha of Golden Sun Moth habitat (4.6 for Stage 1 of the Poplars Innovation Precinct; 1.5 for the Jerrabomberra High School). To date the approval holder has not cleared any White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland.
4	<i>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.</i>	Compliant	Following revision to address the Department's comments on the previously submitted versions, V2.2 of the Poplars EPBC Act Construction Environmental Management Plan (CEMP) (dated 17/10/2021) was submitted to the Department on 17/10/2021,
5	<i>The approval holder must implement the CEMP approved by the Minister within the development footprint.</i>	Compliant	The approval holder has implemented the approved CEMP.
6	<i>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:</i> <i>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;</i> <i>b. Methods, effort, timing and reporting of pre-clearance surveys;</i> <i>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;</i> <i>d. Proposed management methods, effort and timing to exclude, control or eliminate weeds and pathogens;</i> <i>e. Proposed management methods, effort and timing to prevent and address existing erosion and prevent sediments entering watercourses;</i> <i>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;</i> <i>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.</i>	Compliant	The approved CEMP (V2.2) was developed to specifically address and include the items outlined under this condition.
7	<i>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.</i>		The works in accordance with this condition have not commenced.

Condition Number/ reference E.g. '3(c)'	Condition Include the complete wording of the condition, or sub-condition that is being addressed.	Is the project compliant with this condition? Compliant/ Non-Compliant/Not applicable	Evidence/Comments Evidence to support claims regarding compliance or non-compliance.
8	<p>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:</p> <ul style="list-style-type: none"> 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. 	Compliant	<p>To date the following retirement of credits has occurred.</p> <ul style="list-style-type: none"> a. 34 species credits for Golden Sun Moth for Stage 1 of the Innovation Precinct. Evidence of the retirement of these credits was provided to the Department via email and letter dated 10 March 2023. b. 9 species credits for Golden Sun Moth for the Jerrabomberra High School. Evidence of the retirement of these credits was provided to the Department via email and letter dated 10 March 2023.
Part B – Standard administrative conditions			
9	<p>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.</p>	Compliant	<p>Stage 1 of the Innovation Precinct commenced on 15/12/2021 and the Department was notified via email from Mr Chris Daly on 15/12/2021. A signed letter of commencement (signed by Thomas Long and dated 25/01/2022) was received on 25/01/2022.</p>
10	<p>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.</p>	N/A	<p>As above, the action commenced on 15/12/2021.</p>
11	<p>The approval holder must maintain accurate and complete compliance records.</p>	Compliant	<p>The approval holder maintains accurate and complete compliance records.</p>
12	<p>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.</p>	Compliant	<p>The compliance records held by the approval holder will be provided to the Department if requested.</p>
13	<p>The approval holder must:</p> <ul style="list-style-type: none"> 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. 	Compliant	<p>The following plans have been submitted electronically to the department and published on The Poplars website.</p> <ul style="list-style-type: none"> a. V2.2 of the Poplars EPBC Act Construction Environmental Management Plan (CEMP) (dated 17/10/2021) submitted to the Department on 17/10/2021 and placed on the website shortly thereafter. <p>Where applicable, all sensitive ecological data has been excluded/redacted from the versions of plans made publicly available.</p> <p>Each plan published on the website will remain there until the end date of this approval.</p>
14	<p>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.</p>	Compliant	<p>The approval holder will 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.</p>
15	<p>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:</p> <ul style="list-style-type: none"> 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. 	Compliant	<p>This is the compliance report for the period 15/12/2021 to 15/12/2022, and the following is noted.</p> <ul style="list-style-type: none"> a. This compliance report will be published on The Poplars website by 20/03/2023 (60 business days following 15/12/2022). b. The Department will be notified that this report has been published, and provided the weblink, within 5 business days of the date of publication. c. This compliance report will remain on The Poplars website until the approval expires. d. No sensitive ecological data has been included in this compliance reports.

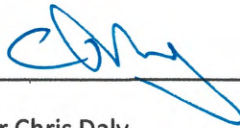
Condition Number/ reference E.g. '3(c)'	Condition Include the complete wording of the condition, or sub-condition that is being addressed.	Is the project compliant with this condition? Compliant/ Non-Compliant/Not applicable	Evidence/Comments Evidence to support claims regarding compliance or non-compliance.
16	<p>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"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and 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. 	Compliant	No incidents, non-compliance with the conditions, or non-compliance with the commitments made in plans have/has occurred during this compliance report period.
17	<p>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> <ol style="list-style-type: none"> any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; the potential impacts of the incident or non-compliance; and the method and timing of any remedial action that will be undertaken by the approval holder. 	N/A	No incidents, non-compliance with the conditions, or non-compliance with the commitments made in plans have/has occurred during this compliance report period.
18	<p>The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>	N/A	The approval holder has not received a request by the Minister for an independent audit of compliance.
19	<p>For each independent audit, the approval holder must:</p> <ol style="list-style-type: none"> provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; only commence the independent audit once the audit criteria have been approved in writing by the Department; and submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	N/A	The approval holder has not received a request by the Minister for an independent audit of compliance.
20	<p>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.</p>	N/A	The approval holder has not received a request by the Minister for an independent audit of compliance.
21	<p>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.</p>	N/A	The approval holder has not applied for a variation to an action management plan during this compliance report period.
22	<p>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.</p>	N/A	The approval holder has not revised an action management plan during this compliance report period.
23	<p>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:</p> <ol style="list-style-type: none"> notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ol style="list-style-type: none"> an electronic copy of the RAMP; an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; an explanation of the differences between the approved action management plan and the RAMP; 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 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. subject to condition 25, implement the RAMP from the RAMP implementation date. 	N/A	The approval holder has not revised an action management plan during this compliance report period.

Condition Number/ reference E.g. '3(c)'	Condition Include the complete wording of the condition, or sub-condition that is being addressed.	Is the project compliant with this condition? Compliant/ Non-Compliant/Not applicable	Evidence/Comments Evidence to support claims regarding compliance or non-compliance.
24	<i>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.</i>	N/A	The approval holder has not revised an action management plan during this compliance report period.
25	<i>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.</i>	N/A	The approval holder has not revised an action management plan during this compliance report period.
26	<i>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.</i>	N/A	The approval holder has not revised an action management plan during this compliance report period.
27	<i>Within 20 business days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.</i>	N/A	The approved action is currently underway and will continue for several years.

Attachment 2. 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)

Mr Chris Daly

Position (please print)

Project Manager

Organisation (please print including ABN/ACN if applicable)

On behalf of
Poplars Developments Pty Ltd

ABN: 97 128 465 887

Date

__20__/3__/2023