

Cherry Creek Youth Justice Project

EPBC 2017/8049 Compliance Report

7 January 2021 to 6 January 2022 (2021/22)

Community Safety Building Authority

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1. Declaration of Accuracy

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.

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.

Signed:  _____

Full Name:

Position: **Secretary, Department of Justice and Regulation**

Organisation: **Department of Justice and Community Safety (ABN 32 790 228 959)**

Date: **04/04/2022** _____

1.1 EPBC Act Approval details

Approval number	2017/8049
Approval holder	Department of Justice and Community Safety (DJCS) (formerly Department of Justice and Regulation)
ABN	32 790 228 959
Approved action	To construct a new Youth Justice Centre, as well as an access road link to existing road infrastructure and ancillary infrastructure, approximately 10 km south-west of Werribee, Victoria

1.2 Report details

1.2.1 Reporting period

This report covers the following reporting period:

- 7 January 2021 to 6 January 2022 (2021/22).

1.2.2 Date of report

The date of this report is 5 April 2022.

2. Document information

Document details

Criteria	Details
TRIM ID:	CD/22/138023
Document title:	Cherry Creek Youth Justice Project, EPBC 2017/8049 Compliance Report – 7 January 2021 to 6 January 2022 (2021/22)
Document owner:	Deputy Secretary, Justice Infrastructure, Chief Executive Officer, Community Safety Building Authority

Version control

Version	Date	Description	Author
0.1	07 03 22	Draft	Kym Hilliard
1.0	05 04 22	Final	CSBA

Document preparation

This document was prepared by the following:

Name	Title	Organisation
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Document review

This document was reviewed by the following:

Name	Title	Organisation
Samuel Werner	Project Director	Community Safety Building Authority

Declaration

I declare that all the information and documentation supporting this compliance report is true and correct in every particular.

Signed:



Full Name: Corinne Cadilhac
Position: Deputy Secretary, Justice Infrastructure, Chief Executive Officer, Community Safety Building Authority
Organisation: Department of Justice and Community Safety (ABN 32 790 228 959)
Date: 31/03/2022

3. Introduction

3.1.1 Community Safety Building Authority

Formed on 1 July 2019, the Community Safety Building Authority (CSBA) designs, procures, builds, and upgrades the infrastructure needed to keep the Victorian community safe, on behalf of the Department of Justice and Community Safety (DJCS).

The primary focus of our work is to provide the end-to-end project management and delivery of Victoria's new prisons, youth justice centres and court and custody facilities, in addition to emergency services facilities and public safety features. Additionally, we modernise, expand, and upgrade existing infrastructure within the corrections, youth justice and emergency services portfolios.

As well as keeping the community safe, our projects are constructed in a way that maximises benefit to the Victorian community by creating jobs and providing opportunities for apprentices, trainees, cadets, Aboriginal and Torres Strait Islanders, disadvantaged Victorians, and people with a disability.

An essential part of our work is consulting with Traditional Owners, local councils, local community members and other key stakeholders across the Victorian Government.

We support three Ministers across five portfolios and have projects across metropolitan and regional Victoria.

3.1.2 Cherry Creek Youth Justice Project

This report relates to the Cherry Creek Youth Justice Project (CCYJP) (formerly the Youth Justice Redevelopment Project (YJRP)). Located west of Werribee, the new 140-bed youth justice centre will cater for future demand, provide enhanced safety and security, and have the capacity to deliver rehabilitative services for young people.

The project commenced onsite early works in 2019 and is expected to be completed by mid-2022.

The project is expected to be constructed with 90 per cent local materials and be primarily built by Victorian contractors, with 19 per cent of the 930,000 hours of work projected to be completed by apprentices and trainees.

Once operational, the facility will require more than 250 ongoing staff across a range of roles including youth justice custodial officers, psychologists, teachers, health workers, administration, and maintenance staff.

For additional information about the CCYJP, see the project website at <https://csba.vic.gov.au/our-projects/cherry-creek-youth-justice-centre>

4. Document purpose

The purpose of this document is to demonstrate compliance with the conditions of the approval 2017/8049 granted under the *Environment Protection and Biodiversity Conservation Act 1999* and to satisfy Condition 14 of that 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 action commenced on 7 January 2019.

5. Description of activities

5.1.1 Overview of project

In 2017, the Victorian Government announced the construction of a new fit-for-purpose youth justice facility at Cherry Creek (located west of Werribee). The 140-bed facility will cater for remand and sentenced youth custody. The project includes the development of supporting infrastructure such as access road, waste and potable water, electricity, and other utilities.

The Managing Contractor (MC) commenced Initial Early Works on site in January 2019. Stage 2 main construction works commenced on 1 October 2020.

5.1.2 Works undertaken in the 2021/22 period

Following the Christmas 2020 shutdown period (22 December 2020 to 12 January 2021), the construction workforce recommenced on site on 13 January 2021 and continued the works as follows:

- Completed sewer rising main
- Completed stormwater and drainage infrastructure
- Completed bulk earthworks and placement of balance of fill to main site
- Completed piling/piers, ground slabs and inground services for all buildings
- Completed structural elements for all buildings, including roofing
- Nearing completion of services and internal fit out to all buildings
- 32 of 37 buildings energised and services commissioning well advanced
- Commenced installation of Furniture, Fixtures and Equipment (FF&E)

- Commenced landscaping and fencing
- Commenced carparks.

6. Approval conditions compliance

6.1 How to interpret this section

Each condition and part are listed with the compliance status for the 2021/22 reporting period, and evidence/comments provided. The statuses are:

- Compliant – the requirements of the condition have been met
- Non-compliant – the requirements of the condition have not been met
- Not applicable – the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period.

6.2 Compliance table

Table 1: Approval conditions compliance

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
		Part A – Conditions specific to the action		
1	20/11/18	The approval holder must:		
1	a	20/11/18 Ensure construction is within the construction area .	Non-compliant	This was incorrectly reported as compliant in last year's report. Construction works have occurred outside the construction area. <u>Attachment 1</u> shows the areas where construction works occurred outside the construction area. See comments to conditions 15 and 16 for details.
1	b	20/11/18 Not clear more than 35.66 ha of Golden Sun Moth habitat as shown in <u>Appendix 1</u> and <u>2</u> .	Non-compliant	This was incorrectly reported as compliant in last year's report. Construction works have occurred outside the construction area.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
				While a total of 34.322 hectares of GSM has been cleared for the Project (which is less than the maximum permitted by condition 1(b)), 1.079 hectares has been cleared outside the construction area. See comments to conditions 15 and 16 for details.
1	c	20/11/18	Not clear more than 28.23 ha of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) as shown in Appendix 1 .	Non-compliant This was incorrectly reported as compliant in last year's report. Construction works have occurred outside the construction area. While a total of 27.528 hectares of NTGVVP has been cleared for the Project (which is less than the maximum permitted by condition 1(c)), 1.052 hectares has been cleared outside the construction area. See comments to conditions 15 and 16 for details.
2	-	20/11/18	To avoid impacts to the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar wetland , the approval holder must avoid modification of the bed and banks of Lollypop Creek, where the sewer alignment crosses the creek as shown in Appendix 3 .	Compliant The construction methodology (under boring) avoided modification of the creek bed and banks, and sediment fencing prevented impacts from vehicles in this area. Monthly inspections were undertaken by an independent consultant who verified and documented the controls during the sewer construction. The monthly inspection reports are available to the Department on request. The sewer construction was completed in 2021.
3	-	20/11/18	To minimise impacts to the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar wetland , and indirect impacts to Golden Sun Moth habitat and NTGVVP the approval holder must implement the Stormwater Management Plan .	Compliant The Facility Plan includes the approved Stormwater Management Plan (see Attachment 6 to last year's report). The MC has implemented this plan, which is described in further detail in their Environmental Management Plan (EMP), the Site Environmental Plan (SEP) and the Stormwater Environmental Control Plan (ECP).
4	-	20/11/18	To minimise impacts to the ecological character of the Port Phillip Bay	Non-compliant This was incorrectly reported as compliant in last year's report.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments	
		(Western Shoreline) and Bellarine Peninsula Ramsar wetland , and indirect impacts to Golden Sun Moth habitat and NTGVVP the approval holder must undertake construction consistent with the Environmental Management Framework .		This condition is non-compliant due to works occurring outside the construction area, as the Environmental Management Framework (EMF) (see Attachment 7 to last year's report) required materials, plant, equipment and vehicles to be restricted to the construction area.	
5	20/11/18	Environmental Offsets To compensate for the loss of 28.23 hectares of NTGVVP and 35.66 hectares of Golden Sun Moth habitat , at the construction area , prior to commencement of construction, the approval holder must:	Compliant	Condition 5 has been completed.	
5	a	20/11/18	Enter into a written bond agreement with Trust for Nature requiring Trust for Nature to hold funds in trust for the purpose of securing and managing an offset area . A copy of the bond agreement must be provided to the Department within seven days following execution.	Compliant	The bond agreement was executed by DJCS on 21 November 2018, and Trust for Nature (TfN) on 12 December 2018. A copy of the executed bond agreement was sent to the Department on 17 December 2018.
5	b	20/11/18	Provide a sum of \$9,000,000 (excluding GST) to Trust for Nature to be held until such time as the offset area is identified and secured in accordance with condition 6a, at which time that sum will form the basis of the payment to purchase	Compliant	DJCS paid the sum of \$9,000,000 (excluding GST) to TfN on 17 December 2018, which TfN held in trust for the duration of the period specified.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments	
		environmental services for the offset area .			
5	(i)	20/11/18	The arrangements for the provision and expenditure of the funds must be set out in the written bond agreement .	Compliant	The arrangements for the provision and expenditure of the funds are set out in the bond agreement.
5	(ii)	20/11/18	If the cost of purchasing environmental services is less than \$9,000,000 the surplus funds must be returned to the approval holder as required by the bond agreement .	Not applicable	The cost of purchasing the environmental services exceeded \$9,000,000 (excluding GST), therefore this condition is not applicable.
5	(iii)	20/11/18	If the cost of purchasing environmental services is greater than \$9,000,000 the approval holder must provide additional funds to Trust for Nature as required by the bond agreement .	Compliant	As the cost exceeded \$9,000,000 (excluding GST), TfN issued an invoice for the balance owed and the GST on 26 February 2021. DJCS paid the additional funds required on 5 March 2021.
6		20/11/18	To provide for the conservation and enhancement of NTGVVP and Golden Sun Moth habitat the approval holder must:	Compliant	Based on conditions at the Warrambeen and Chepstowe offset sites, the project must provide 166.68ha of Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) and 188.18ha of Golden Sun Moth (GSM) habitat.
6	a	30/04/22	By 31 August 2021 By 30 April 2022, execute a Credit Trading Agreement for the provision of Environmental Services at the offset area .	Compliant	The original due date for condition 6(a) was 20 November 2019, 12 months following the EPBC Act approval. Due to delays caused by sourcing and negotiating the offsets, the following extensions have occurred: <ul style="list-style-type: none"> CSBA applied for a six -month extension on 14 October 2019 which was granted, and the condition was varied on 14 November 2019 with a new due date of 20 May 2020.

Condition No.		Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
					<ul style="list-style-type: none"> CSBA applied for a second extension on 12 May 2020 however this was not approved until 2 December 2020 meaning that CSBA was technically non-compliant with this condition from 21 May 2020 to 1 December 2020. The new due date was 31 August 2021. CSBA applied for a third extension on 18 August 2021 which was granted, and the condition varied on 31 August 2021. The new due date is 30 April 2022. <p>The Credit Trading Agreement (CTA) for the Warrambeen offset site, providing 144.35ha NTGVVP/GSM, was executed on 19 August 2020. CSBA is now working with the landowner/offset broker and TfN to finalise the CTA for the Chepstowe offset site, which has undergone changes due to new restrictions on the available area at the property discovered in July 2021. Preparation of the documentation is in progress, and currently on target for submission to TfN in April 2022.</p> <p>Due to the restrictions on the available area, there is now a shortfall of 15.83ha of NTGVVP for which CSBA will propose 'Other Compensatory Measures'. This proposal will be submitted to the Department for consideration with the updated Offset Management Plan (OMP) (as requested by the Department, 17 September 2021) which is currently under review.</p>
6	b	20/11/18	The Department must be provided with a copy of the signed Credit Trading Agreement within 4 weeks following its execution.	Compliant	The CTA for the Warrambeen offset site, providing 144.35ha NTGVVP/GSM, was sent to the Department within 4 weeks following its execution, on 25 August 2020.
6	c	20/11/18	Within 12 months of the date of signing the Credit Trading Agreement , provide written evidence to the Department that the signed conservation covenant for	Compliant	The conservation covenants and Register Search Statements for the Warrambeen offset site were sent to the Department within 12 months of the date of signing the CTA, on 16 March 2021.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments	
		the offset area has been registered on the title of the offset area .			
6	d	20/11/18	The Department must be provided with a copy of the signed conservation covenant within 4 weeks following its execution.	Compliant	CSBA received the executed copy of the conservation covenants for the Warrambeen offset site on 16 March 2021, and immediately sent these to the Department. The covenants were executed by TfN on 22 January 2021 and registered on title on 23 February 2021.
7		20/11/18	Prior to executing the Credit Trading Agreement under condition 6, the approval holder must submit to the Department an Offset Management Plan for the offset area .	Compliant	The OMPs for the Warrambeen and Chepstowe offset sites were submitted on 1 November 2019 and 15 November 2019, respectively. The Department reviewed and provided comments to both. The updated Final versions were submitted on 24 January 2020. See Attachments 8 and 9 to last year's report. The Chepstowe OMP is currently under review due to changes to the available area and will be resubmitted to the Department for approval. See comments to condition 6(a).
7	a	20/11/18	The approval holder must obtain the Minister's approval for the Offset Management Plan before executing a Credit Trading Agreement .	Compliant	The Minister's delegate approved the OMPs for both the Warrambeen and Chepstowe offset sites on 4 February 2020.
7	b	20/11/18	The Offset Management Plan must be prepared by a suitably qualified person and be consistent with the Department's Environmental Management Plan Guidelines , and the EPBC Act Environmental Offset Policy .	Compliant	The OMPs were prepared by a qualified ecological consultant, Biosis Pty Ltd.
7	c	20/11/18	The Offset Management Plan must demonstrate how the offset area and Environmental Services will compensate for the loss of 28.23	Compliant	Pending the Department's consideration and approval of the updated Chepstowe OMP and the 'Other Compensatory Measures' proposal, the OMPs and 'Other Compensatory Measures' proposal will demonstrate how the offset areas and environmental services will compensate for the loss of

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments	
		hectares of NTGVVP and 35.66 hectares of Golden Sun Moth habitat consistent with the EPBC Act Environmental Offsets Policy .		28.23ha of NTGVVP and 35.66 ha of GSM habitat consistent with the EPBC Act Environmental Offsets Policy.	
7	d	20/11/18	The Offset Management Plan must include, but not be limited to:	Compliant	See comments to condition 7 above.
7	(i)	20/11/18	A description of the offset area including location, size, condition, environmental values present and surrounding land uses.	Compliant	See comments to condition 7 above.
7	(ii)	20/11/18	Baseline data and other supporting evidence that documents the presence and baseline quality of the NTGVVP and Golden Sun Moth habitat within the offset area .	Compliant	See comments to condition 7 above.
7	(iii)	20/11/18	Maps and shapefiles of the offset area .	Compliant	See comments to condition 7 above.
7	(iv)	20/11/18	Specific objectives to demonstrate NTGVVP and Golden Sun Moth habitat quality improvement over the period of the Offset Management Plan's implementation.	Compliant	See comments to condition 7 above.
7	(v)	20/11/18	Specific management actions, and timeframes for implementation, to be carried out to meet specific objectives to improve the quality of the	Compliant	See comments to condition 7 above.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments	
		NTGVVP and Golden Sun Moth habitat within the offset area.			
7	(vi)	20/11/18	Key performance indicators to demonstrate the improvement to the quality of NTGVVP and Golden Sun Moth habitat .	Compliant	See comments to condition 7 above.
7	(vii)	20/11/18	The nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators.	Compliant	See comments to condition 7 above.
7	(viii)	20/11/18	indicative corrective actions that will be implemented in the event monitoring activities indicate key performance indicators are not or are unlikely to be achieved.	Compliant	See comments to condition 7 above.
7	(ix)	20/11/18	The roles and responsibilities for implementing the management actions.	Compliant	See comments to condition 7 above.
7	(x)	20/11/18	Evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans.	Compliant	See comments to condition 7 above.
7	(xi)	20/11/18	Maintain or improve the extent and quality of habitat and populations of other EPBC Act listed threatened species and ecological communities in the offset area .	Compliant	See comments to condition 7 above.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
		Part B – Standard administrative conditions		
8	-	20/11/18 Notification of date of commencement of the action 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 .	Compliant	The Department was notified that the action commenced on 7 January 2019, via email on the 11 January 2019.
9	-	20/11/18 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 .	Not applicable	The action was commenced within five years from the date of this approval; therefore, this condition is not applicable.
10	-	20/11/18 Compliance records The approval holder must maintain accurate and complete compliance records .	Non-compliant	This was incorrectly reported as compliant in last year’s report. As the compliance records reference the approved construction area (condition 1(a)) which was found to be non-compliant in this reporting period, this condition is non-compliant. DJCS has updated the compliance records with the correct status. DJCS maintains compliance records in the DJCS electronic document management system. The EPBC Act approval conditions register contains the compliance status of each condition for each reporting period, including references to supporting documentation and records. The CSBA responsible officer maintains the compliance records, which are available to the Department on request. DJCS also uses an Environmental Management System to track the compliance of all projects.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
11	-	20/11/18 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.	Not applicable	
12		20/11/18 <i>Preparation and publication of plans</i> The approval holder must:	Not applicable	
12	a	20/11/18 Submit plans electronically to the Department for approval by the Minister ;	Not applicable	
12	b	20/11/18 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 ;	Not applicable	
12	c	20/11/18 Exclude or redact sensitive ecological data from plans	Not applicable	

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
		published on the website or provided to a member of the public; and		
12	d	20/11/18	Keep plans published on the website until the end date of this approval.	Not applicable
13	-	20/11/18	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the in accordance with the requirements of the plan .	Not applicable
14		20/11/18	Annual compliance reporting 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:	Compliant
14	a	20/11/18	Publish each compliance report on the website within 60 business days following the relevant 12 month period;	Compliant The annual compliance report for the 2021/22 period (this report) will be published on the CSBA website by 5 April 2022.

Condition No.		Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
14	b	20/11/18	Notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;	Compliant	The Department will be notified of the publication within five business days of the publication (i.e., by 12 April 2022).
14	c	20/11/18	Keep all compliance reports publicly available on the website until this approval expires;	Compliant	All compliance reports will be kept publicly available on the CSBA website until this approval expires.
14	d	20/11/18	Exclude or redact sensitive ecological data from compliance reports published on the website ; and	Not applicable	
14	e	20/11/18	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.	Not applicable	
15		20/11/18	Reporting non-compliance 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	Non-compliant	Potential non-compliance with condition 1(a) was identified in December 2021. To investigate the extent and details of the non-compliance, and noting the construction shut down period over the Christmas period, formal notification to the Department occurred in January 2022.

Condition No.		Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
			later than two business days after becoming aware of the incident or non-compliance. The notification must specify:		
15	a	20/11/18	The condition which is or may be in breach; and	Compliant	<p>The following conditions were identified as breached (or potentially breached) and notified to the Department on 21 January 2022:</p> <ul style="list-style-type: none"> • Condition 1(a) – construction works outside the construction area • Condition 1(b) – not clear more than 35.66 ha of Golden Sun Moth habitat • Condition 1(c) – not clear more than 28.23 ha of NTGVVP. • Condition 4 – works undertaken in compliance with EMF (subject to investigation) • Condition 10 – accurate compliance records (subject to investigation).
15	b	20/11/18	A short description of the incident and/or non-compliance.	Compliant	<p>Condition 1(a) – construction works outside the construction area Works outside the construction area were identified in several locations and have been subject to separate letters to the Department dated 21 January 2022, 3 February 2022 and 31 March 2022. These incidents have also been investigated by Biosis Pty Ltd in their report dated 18 March 2022.</p> <p>Condition 1(b) – not clear more than 35.66 ha of Golden Sun Moth habitat At the time of notification, impact to GSM habitat likely but extent of impact unknown.</p> <p>Condition 1(c) – not clear more than 28.23 ha of NTGVVP At the time of notification, impact to NTGVVP likely but extent of impact unknown.</p> <p>Condition 4 – works undertaken in compliance with EMF</p>

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
				EMF references the construction area. Condition 10 – accurate compliance records Compliance records reference the construction area.
16	20/11/18	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:	Compliant	Further information was provided to the Department on 3 February 2022. Works outside the construction area were identified in six locations: <ul style="list-style-type: none"> • Sediment fencing and access to northern berm • Portion of north-western retention basin • Eastern services alignment • Little River Road/Kangaroo Drive intersection • Sewer discharge point • Historical incident (see Attachment 1). A further update was provided to the Department on 31 March 2022 including the conclusions of the investigation and corrective actions taken. Conclusions <ul style="list-style-type: none"> • 1.079 hectares of GSM habitat and 1.052 hectares of NTGVVP was removed outside of the permitted construction area (see Attachment 2). • 2.301 hectares of GSM habitat and 1.762 hectares of NTGVVP was retained within the construction area (see Attachment 2). • There were unlikely to be any measurable effects on downstream ecological values within Lollypop Creek. Corrective actions <ul style="list-style-type: none"> • DJCS is in correspondence with the Department regarding an amendment to the construction area.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
				<ul style="list-style-type: none"> • DJCS has undertaken the following corrective actions: <ul style="list-style-type: none"> ○ Completed detailed incident investigation including Ecologist’s survey and impact analysis. The Ecologist’s report has been provided to the Department. ○ Increased site presence and environmental compliance inspections. The inspection reports are available to the Department on request. ○ As required by the EMF, engaged an independent environmental auditor to audit compliance with the EMF. ○ Engaged a specialist Grassland Management contractor to increase environmental values via pest plant and animal control within grassland areas. ○ Reviewed and updated compliance records (see comments to condition 10). • At the direction of DJCS, the MC has undertaken the following corrective actions: <ul style="list-style-type: none"> ○ Reinstated the construction area fencing/flagging to the correct alignment (where possible), as per the survey control plan. ○ Maintained flagging to area retained. ○ Increased focus on construction area and statutory approvals compliance in the site induction process. ○ Commenced toolbox and work pre-start meetings on Environmental Issues and Campaigns. ○ Established a survey control plan for the site boundary including monthly control checks by Northpoint Survey.

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments	
				<p>Monthly control checks are available to the Department on request.</p> <ul style="list-style-type: none"> Proposed a landscaping plan for the impacted retention basin area. This has been provided to the Department for comment. 	
16	a	20/11/18	Any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;	Compliant	See comment to condition 16 above.
16	b	20/11/18	The potential impacts of the incident or non-compliance; and	Compliant	See comment to condition 16 above.
16	c	20/11/18	The method and timing of any remedial action that will be undertaken by the approval holder.	Compliant	See comment to condition 16 above.
17		20/11/18	Independent audit The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister .	Not applicable	
18		20/11/18	For each independent audit , the approval holder must:	Not applicable	
18	a	20/11/18	Provide the name and qualifications of the independent auditor and the draft audit criteria to the Department ;	Not applicable	
18	b	20/11/18	Only commence the independent audit once the audit criteria have	Not applicable	

Condition No.		Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
			been approved in writing by the Department ; and		
18	c	20/11/18	Submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not applicable	
19	-	20/11/18	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.	Not applicable	
20	-	20/11/18	Revision of action management plans 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 3, 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.	Not applicable	

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
21	-	20/11/18	The approval holder may choose to revise an action management plan approved by the Minister under condition 3, 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 .	Not applicable
22		20/11/18	If the approval holder makes the choice under condition 21 to revise an action management plan without submitting it for approval, the approval holder must:	Not applicable
22	a	20/11/18	Notify the Department in writing that the approved action management plan has been revised and provide the Department with:	Not applicable
22	(i)	20/11/18	An electronic copy of the RAMP;	Not applicable
22	(ii)	20/11/18	An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;	Not applicable
22	(iii)	20/11/18	An explanation of the differences between the approved action management plan and the RAMP;	Not applicable

Condition No.		Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
22	(iv)	20/11/18	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	Not applicable	
22	(v)	20/11/18	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	Not applicable	
22	b	20/11/18	Subject to condition 24, implement the RAMP from the RAMP implementation date.	Not applicable	
23	-	20/11/18	The approval holder may revoke their choice to implement a RAMP under condition 21 at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 21 the approval holder must implement the previous action management plan approved by the Minister .	Not applicable	
24		20/11/18	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in	Not applicable	

Condition No.	Date of condition	Approval condition	Is the project compliant with this condition?	Evidence/Comments
		accordance with the RAMP would be likely to have a new or increased impact , then:		
24	a	20/11/18	Condition 21 does not apply, or ceases to apply, in relation to the RAMP; and,	Not applicable
24	b	20/11/18	The approval holder must implement the action management plan specified by the Minister in the notice.	Not applicable
25	-	20/11/18	At the time of giving the notice under condition 24, the Minister may also notify that for a specified period of time, condition 21 does not apply for one or more specified action management plans. Note: conditions 21, 22, 23 and 24 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.	Not applicable
26	-	20/11/18	Completion of the action Within 30 days after the completion of the action , the approval holder must notify the Department in writing and provide completion data .	Not applicable

7. New environmental risks

Not applicable.

8. Other information

Not applicable.

Appendix 1 – Reference material

Attachment #	Description	TRIM ID/Location
1	Map – Works outside the construction area	CD/22/192844
2	Survey – Impacted and retained GSM and NTGVVP areas (YJRP-NPT-DRG-SV-AA-033)	CD/22/192861

Acronyms	Description
CCYJP	Cherry Creek Youth Justice Project (formerly Youth Justice Redevelopment Project, YJRP)
CSBA	Community Safety Building Authority
CTA	Credit Trading Agreement
DJCS	Department of Justice and Community Safety
ECP	Environmental Control Plan
EMF	Environmental Management Framework
EMP	Environmental Management Plan
EPBC	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act)
GSM	Golden Sun Moth
MC	Managing Contractor, John Holland Pty Ltd
NTGVVP	Natural Temperate Grassland of the Victorian Volcanic Plain
OMP	Offset Management Plan
SEP	Site Environmental Plan
TfN	Trust for Nature
YJ	Youth Justice
YJRP	Youth Justice Redevelopment Project (now Cherry Creek Youth Justice Project, CCYJP)

Terms	Description
Department	The Department of Agriculture, Water and the Environment (formerly the Department of the Environment and Energy)