

# Cherry Creek Youth Justice Project

Annual EPBC Act Approval Compliance Report 2019/20 and 2020/21  
Community Safety Building Authority

## Table of contents

<b>1. Declaration of Accuracy</b>	<b>3</b>
1.1 EPBC Act Approval details	4
1.2 Report details	4
1.2.1 Reporting period	4
1.2.2 Date of report	4
<b>2. Document information</b>	<b>5</b>
<b>3. Introduction</b>	<b>6</b>
3.1.1 Community Safety Building Authority	6
3.1.2 Cherry Creek Youth Justice Project	6
<b>4. Document purpose</b>	<b>7</b>
<b>5. Description of activities</b>	<b>7</b>
5.1.1 Overview of project	7
5.1.2 Works undertaken in the 2019/20 period	7
5.1.3 Works undertaken in the 2020/21 period	8
<b>6. Approval conditions compliance</b>	<b>9</b>
6.1 How to interpret this section	9
6.2 Compliance table	9
<b>7. New environmental risks</b>	<b>27</b>
<b>8. Other information</b>	<b>27</b>
<b>Appendix 1 – Reference material</b>	<b>28</b>

## 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:**

**Rebecca Falkingham**

**Position:**

**Secretary, Department of Justice and Regulation**

**Organisation:**

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

**Date:**

**29/03/2021**

## 1.1 EPBC Act Approval details

<b>Approval number</b>	2017/8049
<b>Approval holder</b>	Department of Justice and Community Safety (DJCS) (formerly Department of Justice and Regulation)
<b>ABN</b>	32 790 228 959
<b>Approved action</b>	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 two reporting periods:

- 7 January 2019 to 6 January 2020 (2019/20)
- 7 January 2020 to 6 January 2021 (2020/21)

### 1.2.2 Date of report

The date of this report is 31 March 2021.

## 2. Document information

### Document details

Criteria	Details
<b>TRIM ID:</b>	CD/21/188429
<b>Document title:</b>	Cherry Creek Youth Justice Project, Annual EPBC Act Approval Compliance Report – 2019/20 and 2020/21
<b>Document owner:</b>	Deputy Secretary, Justice Infrastructure, Chief Executive Officer, Community Safety Building Authority

### Version control

Version	Date	Description	Author
0.1	28 01 21	Draft	Kym Hilliard
1.0	26 03 21	Final	CSBA

### Document preparation

This document was prepared by the following:

Name	Title	Organisation
Kym Hilliard	Senior Project Manager	Community Safety Building Authority

### Document review

This document was reviewed by the following:

Name	Title	Organisation
Samuel Werner	Project Director	Community Safety Building Authority
Jesse Parsons-Jones	Environmental Compliance Advisor	Department of Justice and Community Safety

### 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:** 29 March 2021

## 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, commencing operations later that year.

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 [csba.vic.gov.au/our-projects/cherry-creek-youth-justice-centre](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.

### 5.1.2 Works undertaken in the 2019/20 period

The Managing Contractor (MC) commenced Initial Early Works on site in January 2019. The following works were undertaken in the 2019/20 reporting period:

- construction of the 2.1km Access Road (from Little River Road)
- main site preparatory works, which included:
  - site establishment including construction zone/environmental no-go zones and security
  - main site strip
  - cultural dig in areas subject to the Cultural Heritage Management Plan
  - forming and build-up of carpark to subgrade layer
  - wildlife fence to property boundary
- bulk earthworks to the main site, west retention basin and solar farm
- placement of fill to main site up to 500mm below final level, and solar farm
- rock removal and stockpiling

- formation of north and south berms
- the construction of the Access Road/Little River Road intersection
- commencement of the perimeter wall piling/piers
- commencement of three buildings including civil works, ground slab, and structural steel installation.

### 5.1.3 Works undertaken in the 2020/21 period

Following the Christmas 2019 shutdown period, the construction workforce recommenced on site on 13 January 2020 and continued Early Works, as follows:

- continued construction of the three buildings with structural steel, precast, blockwork, roofing and façade and cladding installation
- continued perimeter wall piling/piers, footings, structural steel, and precast installation
- continued rock removal and stockpiling
- commenced piling/piers and some inground services for further buildings
- carpark expansion (to accommodate Stage 2 workforce)
- stormwater and drainage infrastructure
- internal and external perimeter roads.

On 1 October 2020, Stage 2 main construction works commenced with the following works being undertaken before the Christmas 2019 shutdown period (22 December 2020 to 12 January 2021):

- continued rock removal and stockpiling
- continued stormwater and drainage infrastructure
- commenced high level rough in of the three buildings
- commenced bulk earthworks and placement of balance of fill to main site
- commenced piling/piers, ground slabs and inground services for balance of buildings.



## 6. Approval conditions compliance

### 6.1 How to interpret this section

Each condition and part are listed with the compliance status for both the 2019/20 and 2020/21 reporting periods, 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	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		<b>Part A – Conditions specific to the action</b>				
1	20/11/18	The approval holder must:	Compliant	Compliant		
1	a	20/11/18	Ensure <b>construction</b> is within the <b>construction area</b> .	Compliant	Compliant	No construction has been undertaken outside the construction area. The Construction Management Plan (CMP) and the Environmental Management Plan (EMP) describe how works are managed within the approved construction area. Permanent no go zone barriers have been established to clearly delineate the construction area boundary, and these are actively communicated and enforced to the workforce via the MCs daily pre-start meetings and the Site Environmental Plan (SEP) which identifies all environmental boundaries and

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
					<p>treatments on site and is prominently displayed on site at all times.</p> <p>Attachment 1 and Attachment 2 provide aerial photographs of the main construction site on 17 March 2020 and 12 December 2020 (respectively). Attachment 3 and Attachment 4 provide aerial photographs of the intersection construction site on 17 March 2020 and 12 December 2020 (respectively).</p> <p>Attachment 5 provides an aerial with the environmental no go zones overlayed, demonstrating that the construction boundaries have been adhered to.</p>	
1	b	20/11/18	Not <b>clear</b> more than 35.66 ha of <b>Golden Sun Moth habitat</b> as shown in <u>Appendix 1</u> and <u>2</u> .	Compliant	Compliant	As described above, the approved construction area has been adhered to.
1	c	20/11/18	Not <b>clear</b> more than 28.23 ha of <b>Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP)</b> as shown in <u>Appendix 1</u> .	Compliant	Compliant	See comments to condition 1 (a) and 1 (b) above.
2	-	20/11/18	To avoid impacts to the ecological character of the <b>Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar wetland</b> , the approval holder must avoid modification of the <b>bed and banks</b> of Lollypop Creek, where the sewer alignment crosses the creek as shown in <u>Appendix 3</u> .	Not applicable	Not applicable	The sewer design and construction methodology will avoid modification to the bed and banks of Lollypop Creek. Construction in this area will occur during the next reporting period.
3	-	20/11/18	To minimise impacts to the ecological character of the <b>Port Phillip Bay (Western Shoreline) and Bellarine</b>	Compliant	Compliant	The Facility Plan includes the approved Stormwater Management Plan (Attachment 6). The MC has implemented

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		<b>Peninsula Ramsar wetland</b> , and indirect impacts to <b>Golden Sun Moth habitat</b> and <b>NTGVVP</b> the approval holder must implement the <b>Stormwater Management Plan</b> .			this plan, which is described in further detail in the EMP, the SEP and the Stormwater Environmental Control Plan (ECP).	
4	-	20/11/18	To minimise impacts to the ecological character of the <b>Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar wetland</b> , and indirect impacts to <b>Golden Sun Moth habitat</b> and <b>NTGVVP</b> the approval holder must undertake construction consistent with the <b>Environmental Management Framework</b> .	Compliant	Compliant	The MC has developed the CMP and the EMP with respect to the approved Environmental Management Framework (EMF) (Attachment 7). CSBA has reviewed the plans to ensure they are consistent with the requirements of the EMF, conducted site audits of the construction activities, and confirmed that site practices are consistent with the requirements of the EMF. CSBA will engage an independent auditor to audit EMF compliance in mid-2021 and mid-2022.
5		20/11/18	<b>Environmental Offsets</b> To compensate for the loss of 28.23 hectares of <b>NTGVVP</b> and 35.66 hectares of <b>Golden Sun Moth habitat</b> , at the <b>construction area</b> , prior to <b>commencement</b> of construction, the approval holder must:	Compliant	Compliant	Condition 5 has been completed.
5	a	20/11/18	Enter into a written <b>bond agreement</b> with <b>Trust for Nature</b> requiring <b>Trust for Nature</b> to hold funds in trust for the purpose of securing and managing an <b>offset area</b> . A copy of the <b>bond agreement</b> must be provided to the <b>Department</b> within seven days following execution.	Compliant	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.

Condition No.		Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments
				2019/20	2020/21	
5	b	20/11/18	Provide a sum of \$9,000,000 (excluding GST) to <b>Trust for Nature</b> to be held until such time as the <b>offset area</b> is identified and secured in accordance with condition 6a, at which time that sum will form the basis of the payment to purchase <b>environmental services</b> for the <b>offset area</b> .	Compliant	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.
5	(i)	20/11/18	The arrangements for the provision and expenditure of the funds must be set out in the written <b>bond agreement</b> .	Compliant	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 <b>environmental services</b> is less than \$9,000,000 the surplus funds must be returned to the approval holder as required by the <b>bond agreement</b> .	Not applicable	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 <b>environmental services</b> is greater than \$9,000,000 the approval holder must provide additional funds to <b>Trust for Nature</b> as required by the <b>bond agreement</b> .	Not applicable	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 <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> the approval holder must:	Compliant	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.

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
6	a	02/12/20	By 31 August 2021 <del>Within 18 months of the date of this approval,</del> execute a <b>Credit Trading Agreement</b> for the provision of <b>Environmental Services</b> at the <b>offset area</b> .	Compliant	Compliant	<p>The original due date for condition 6 (a) was 20 November 2019, 12 months following the EPBC Act approval.</p> <p>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.</p> <p>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 and current due date is 31 August 2021.</p> <p>The Credit Trading Agreement (CTA) for the Warrambeen offset site, providing 144.35ha NTGVVP/GSM, was executed on 19 August 2020.</p> <p>CSBA is now working with the landowner/offset broker and TfN to finalise the CTA for the Chepstowe offset site.</p>
6	b	20/11/18	The <b>Department</b> must be provided with a copy of the signed <b>Credit Trading Agreement</b> within 4 weeks following its execution.	Not applicable	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 <b>Credit Trading Agreement</b> , provide written evidence to the <b>Department</b> that the signed <b>conservation covenant</b> for the <b>offset area</b> has been registered on the title of the <b>offset area</b> .	Not applicable	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.
6	d	20/11/18	The <b>Department</b> must be provided with a copy of the signed	Not applicable	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

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		<b>conservation covenant</b> within 4 weeks following its execution.			were executed by TfN on 22 January 2021 and registered on title on 23 February 2021.	
7	20/11/18	Prior to executing the <b>Credit Trading Agreement</b> under condition 6, the approval holder must submit to the Department an <b>Offset Management Plan</b> for the <b>offset area</b> .	Compliant	Compliant	Condition 7 has been completed. The Offset Management Plans (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.	
7	a	20/11/18	The approval holder must obtain the <b>Minister's</b> approval for the <b>Offset Management Plan</b> before executing a <b>Credit Trading Agreement</b> .	Compliant	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 <b>Offset Management Plan</b> must be prepared by a <b>suitably qualified person</b> and be consistent with the <b>Department's Environmental Management Plan Guidelines</b> , and the <b>EPBC Act Environmental Offset Policy</b> .	Compliant	Compliant	The OMPs were prepared by a qualified ecological consultant, Biosis PTY Ltd.
7	c	20/11/18	The <b>Offset Management Plan</b> must demonstrate how the <b>offset area</b> and <b>Environmental Services</b> will compensate for the loss of 28.23 hectares of <b>NTGVVP</b> and 35.66 hectares of <b>Golden Sun Moth habitat</b> consistent with the <b>EPBC Act Environmental Offsets Policy</b> .	Compliant	Compliant	The OMPs demonstrate how the offset areas and environmental services will compensate for the loss of 28.23ha of NTGVVP and 35.66 ha of GSM habitat consistent with the EPBC Act Environmental Offsets Policy. See Attachment 8, approved OMP for the Warrambeen Offset site and Attachment 9, approved OMP for the Chepstowe offset site.
7	d	20/11/18	The <b>Offset Management Plan</b> must include, but not be limited to:	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
7	(i)	20/11/18	A description of the <b>offset area</b> including location, size, condition, environmental values present and surrounding land uses.	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(ii)	20/11/18	Baseline data and other supporting evidence that documents the presence and baseline quality of the <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> within the <b>offset area</b> .	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(iii)	20/11/18	Maps and shapefiles of the <b>offset area</b> .	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(iv)	20/11/18	Specific objectives to demonstrate <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> quality improvement over the period of the <b>Offset Management Plan's</b> implementation.	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) 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 <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> within the <b>offset area</b> .	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(vi)	20/11/18	Key performance indicators to demonstrate the improvement to the quality of <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> .	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
7	(vii)	20/11/18	The nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators.	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) 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	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(ix)	20/11/18	The roles and responsibilities for implementing the management actions.	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(x)	20/11/18	Evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans.	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
7	(xi)	20/11/18	Maintain or improve the extent and quality of habitat and populations of other <b>EPBC Act</b> listed threatened species and ecological communities in the <b>offset area</b> .	Compliant	Compliant	See comments to conditions 7 (a) and 7 (c) above.
			<b>Part B – Standard administrative conditions</b>			
8	-	20/11/18	<b>Notification of date of commencement of the action</b>	Compliant	Not applicable	The Department was notified that the action commenced on 7 January 2019, via email on the 11 January 2019.



Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b> .				
9	-	20/11/18	If the <b>commencement of the action</b> does not occur within 5 years from the date of this approval, then the approval holder must not <b>commence the action</b> without the prior written agreement of the <b>Minister</b> .	Not applicable	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	<b>Compliance records</b> The approval holder must maintain accurate and complete <b>compliance records</b> .	Compliant	Compliant	DJCS maintains accurate and complete 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.
11	-	20/11/18	If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.  <b>Note: Compliance records</b> may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , and	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the <b>Department's</b> website or through the general media.				
12	20/11/18	<b>Preparation and publication of plans</b> The approval holder must:	Not applicable	Not applicable		
12	a	20/11/18	Submit <b>plans</b> electronically to the <b>Department</b> for approval by the <b>Minister</b> ;	Not applicable	Not applicable	
12	b	20/11/18	Publish each <b>plan</b> on the <b>website</b> within 20 <b>business days</b> of the date the <b>plan</b> is approved by the <b>Minister</b> or of the date a revised action management plan is submitted to the <b>Minister</b> , unless otherwise agreed to in writing by the <b>Minister</b> ;	Not applicable	Not applicable	
12	c	20/11/18	Exclude or redact <b>sensitive ecological data</b> from <b>plans</b> published on the <b>website</b> or provided to a member of the public; and	Not applicable	Not applicable	
12	d	20/11/18	Keep <b>plans</b> published on the <b>website</b> until the end date of this approval.	Not applicable	Not applicable	
13	-	20/11/18	The approval holder must ensure that any <b>monitoring data</b> (including <b>sensitive ecological data</b> ), surveys,	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		maps, and other spatial and metadata required under a <b>plan</b> is prepared in accordance with the <b>Department's Guidelines for biological survey and mapped data (2018)</b> and submitted electronically to the in accordance with the requirements of the <b>plan</b> .				
14	20/11/18	<b>Annual compliance reporting</b> The approval holder must prepare a <b>compliance report</b> for each 12 month period following the date of <b>commencement of the action</b> , or as otherwise agreed to in writing by the <b>Minister</b> . The approval holder must:	Non-compliant	Compliant	The annual compliance report for 2019/20 period was not prepared. This came to the attention of CSBA on 19 October 2020; the Department was notified of the non-compliance on 21 October 2020.  This report includes the reports for both the 2019/20 and 2020/21 reporting periods, as agreed by the Department.	
14	a	20/11/18	Publish each <b>compliance report</b> on the <b>website</b> within <b>60 business days</b> following the relevant 12 month period;	Non-compliant	Compliant	The annual compliance report for the 2019/20 and 2020/21 periods (this report) will be published on the CSBA website by 31 March 2021.
14	b	20/11/18	Notify the <b>Department</b> by email that a <b>compliance report</b> has been published on the <b>website</b> within five <b>business days</b> of the date of publication;	Compliant	Compliant	The Department will be notified of the publication within five business days of the publication (i.e. by Friday 9 April 2021).
14	c	20/11/18	Keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires;	Compliant	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 <b>sensitive ecological data</b> from <b>compliance</b>	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		<b>reports</b> published on the <b>website</b> ; and				
14	e	20/11/18	Where any <b>sensitive ecological data</b> has been excluded from the version published, submit the full <b>compliance report</b> to the <b>Department</b> within 5 <b>business days</b> of publication.  <b>Note: Compliance reports</b> may be published on the <b>Department's</b> website.	Not applicable	Not applicable	
15		20/11/18	<b>Reporting non-compliance</b> The approval holder must notify the <b>Department</b> in writing of any: <b>incident</b> ; non-compliance with the conditions; or non-compliance with the commitments made in <b>plans</b> . The notification must be given as soon as practicable, and no later than two <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance. The notification must specify:	Compliant	Compliant	There were no incidents, non-compliances with the conditions or non-compliances with the commitments made in plans identified in the 2019/20 reporting period.  There were no incidents or non-compliances with the commitments made in plans identified in the 2020/21 reporting period.  The following non-compliances with the conditions were identified and notified in the 2020/21 reporting period: <ul style="list-style-type: none"> <li>• Condition 6 (a) – CTA execution – the Department was notified via the second extension request on 12 May 2020 prior to the date of having to comply with condition 6 (a) (see comments to condition 6 (a) above).</li> <li>• Condition 14 – Annual Compliance Report 2019/20 reporting period – CSBA became aware of the non-compliance on 19 October 2020 and notified the Department on 21 October 2020 (see comments to condition 14 above).</li> </ul>

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
15	a	20/11/18	The condition which is or may be in breach; and	Compliant	Compliant	See comments to condition 15 above.
15	b	20/11/18	A short description of the <b>incident</b> and/or non-compliance.	Compliant	Compliant	See comments to condition 15 above.
16		20/11/18	The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:	Not applicable	Compliant	The details of the non-compliances with the conditions identified and notified in the 2020/21 reporting period were included in the notifications (see comments to condition 15 above).
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;	Not applicable	Compliant	The following corrective actions have been taken: <ul style="list-style-type: none"> <li>• Condition 6 (a) – see comments to condition 6 (a) above.</li> <li>• Condition 14 – the Department agreed to the submission of a combined 2019/20 and 2020/21 report, by 31 March 2021.</li> </ul>
16	b	20/11/18	The potential impacts of the <b>incident</b> or non-compliance; and	Not applicable	Compliant	See comments to condition 16 (a) above.
16	c	20/11/18	The method and timing of any remedial action that will be undertaken by the approval holder.	Not applicable	Compliant	See comments to condition 16 (a) above.
17		20/11/18	<b>Independent audit</b> The approval holder must ensure that <b>independent audits</b> of compliance with	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		the conditions are conducted as requested in writing by the <b>Minister</b> .				
18	20/11/18	For each <b>independent audit</b> , the approval holder must:	Not applicable	Not applicable		
18	a	20/11/18	Provide the name and qualifications of the independent auditor and the draft audit criteria to the <b>Department</b> ;	Not applicable	Not applicable	
18	b	20/11/18	Only commence the <b>independent audit</b> once the audit criteria have been approved in writing by the <b>Department</b> ; and	Not applicable	Not applicable	
18	c	20/11/18	Submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria.	Not applicable	Not applicable	
19	-	20/11/18	The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.	Not applicable	Not applicable	
20	-	20/11/18	<b>Revision of action management plans</b>  The approval holder may, at any time, apply to the <b>Minister</b> for a variation to an action management plan approved by the <b>Minister</b> under condition 3, or as	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the <b>EPBC Act</b> . If the <b>Minister</b> 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.				
21	-	20/11/18	The approval holder may choose to revise an action management plan approved by the <b>Minister</b> under condition 3, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the <b>EPBC Act</b> , if the taking of the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b> .	Not applicable	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	Not applicable	
22	a	20/11/18	Notify the <b>Department</b> in writing that the approved action management plan has been revised and provide the <b>Department</b> with:	Not applicable	Not applicable	
22	(i)	20/11/18	An electronic copy of the RAMP;	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
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	Not applicable	
22	(iii)	20/11/18	An explanation of the differences between the approved action management plan and the RAMP;	Not applicable	Not applicable	
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 <b>new or increased impact</b> ; and	Not applicable	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 <b>20 business days</b> after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the <b>Department</b>	Not applicable	Not applicable	
22	b	20/11/18	Subject to condition 24, implement the RAMP from the RAMP implementation date.	Not applicable	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	Not applicable	Not applicable	



Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			2019/20	2020/21		
		written notice to the <b>Department</b> . If the approval holder revokes the choice under condition 21 the approval holder must implement the previous action management plan approved by the <b>Minister</b> .				
24	20/11/18	If the <b>Minister</b> gives a notice to the approval holder that the <b>Minister</b> is satisfied that the taking of the action in accordance with the RAMP would be likely to have a <b>new or increased impact</b> , then:	Not applicable	Not applicable		
24	a	20/11/18	Condition 21 does not apply, or ceases to apply, in relation to the RAMP; and,	Not applicable	Not applicable	
24	b	20/11/18	The approval holder must implement the action management plan specified by the <b>Minister</b> in the notice.	Not applicable	Not applicable	
25	-	20/11/18	At the time of giving the notice under condition 24, the <b>Minister</b> may also notify that for a specified period of time, condition 21 does not apply for one or more specified action management plans.  <b>Note:</b> conditions 21, 22, 23 and 24 are not intended to limit the operation of section 143A of the <b>EPBC Act</b> which allows the approval holder to submit a	Not applicable	Not applicable	

Condition No.	Date	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			2019/20	2020/21	
		revised action management plan, at any time, to the <b>Minister</b> for approval.			
26	-	20/11/18 <b>Completion of the action</b> Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .	Not applicable	Not applicable	

## 7. New environmental risks

Not applicable.

## 8. Other information

Not applicable.

## Appendix 1 – Reference material

Attachment #	Description	TRIM ID/Location
1	Aerial photo – main site – 17 March 2020	CD/21/183833
2	Aerial photo – main site – 12 December 2020	CD/21/183660
3	Aerial photo – intersection – 17 March 2020	CD/21/183831
4	Aerial photo – intersection – 12 December 2020	CD/183655
5	Aerial photo – main site and intersection with environmental overlay (February 2020 and December 2020)	CD/21/183828
6	Stormwater Management Plan (from approved Facility Plan)	CD/19/176865
7	Environmental Management Framework	CD/19/39302
8	Offset Management Plan – Warramben offset area	CD/20/169100
9	Offset Management Plan – Chepstowe offset area	CD/20/169055

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

Terms	Description
<b>Department</b>	The Department of Agriculture, Water and the Environment (formerly the Department of the Environment and Energy)