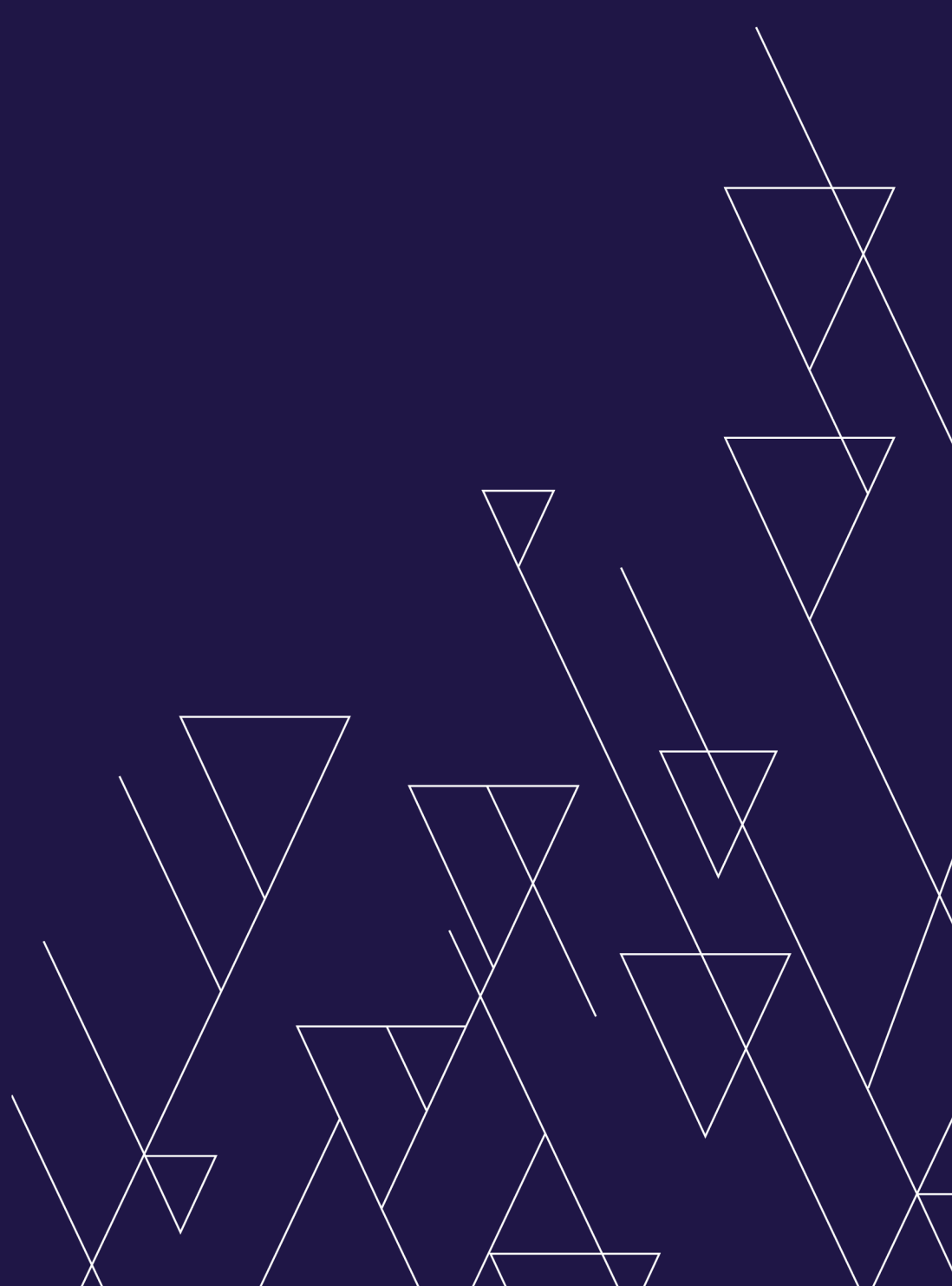


# Compliance Report

7 January 2022 to 6 January 2023 (2022-23)

Cherry Creek Youth Justice Project – EPBC 2017/8049

Community Safety Building Authority





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## 1. Report details

### 1.1 Declaration of Accuracy

I declare that all the information and documentation supporting this completion 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:

Kate Houghton

Position:

Secretary, Department of Justice and Community Safety

Organisation:

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

Date:

27/3/2023

### 1.2 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

## 1.3 Report details

### 1.3.1 Reporting period

This report covers the reporting period from 7 January 2022 to 6 January 2023.

### 1.3.2 Date of report

The date of this report is 4 April 2023.



## 2. Document information

### Document details

Criteria	Details
<b>TRIM ID:</b>	CD/23/153434
<b>Document title:</b>	Cherry Creek Youth Justice Project, EPBC 2017/8049 Compliance Report – 7 January 2023 to 6 January 2023 (2022-23)
<b>Document owner:</b>	Deputy Secretary, Corporate Services and Infrastructure

### Version control

Version	Date	Description	Author
1.0	04 04 23	Final	Akash Samuel, Kym Hilliard

### Document preparation

This document was prepared by the following:

Name	Title	Organisation
Akash Samuel	Advisor, Environment and Planning	Community Safety Building Authority
Kym Hilliard	Senior Project Manager	Community Safety Building Authority

### Document review

This document was reviewed by the following:

Name	Title	Organisation
Jesse Parsons-Jones	Environmental Compliance Advisor	Department of Justice and Community Safety
Samuel Werner	Acting Chief Executive Officer	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, Corporate Services and Infrastructure

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



**Date:** 22 March 2023

### 3. Introduction

#### 3.1 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.

#### 3.2 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.

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 [www.csba.vic.gov.au/project/cherry-creek-youth-justice-centre](http://www.csba.vic.gov.au/project/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 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 an access road, sewage, 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.

### 5.2 Works undertaken in the 2022-23 period

#### 5.2.1 Stage 2 – Main construction works

Following the Christmas 2020 shutdown period (22 December 2021 to 11 January 2022), the construction workforce recommenced on site on 12 January 2022 and continued the works as follows:

- Completed services and internal fit out to all buildings
- Completed testing and commissioning of all services
- Completed installation of Furniture, Fixtures and Equipment (FF&E)
- Completed landscaping and fencing
- Completed carparks.

The MC reached Practical Completion (PC) of the main construction works on 9 August 2022.

#### 5.2.2 Post-PC Works

Due to several late variation requests, the MC was required to undertake Post-PC Works. The Post-PC Works phase commenced on 10 August 2022 with an anticipated completion date of 14 February 2023. These works, that were in an advanced stage of completion by the end of this reporting period, included:

- Construction of a Vehicle Wash facility
- Removal of the construction rock stockpile
- Minor road, car park and fencing alterations
- Installation of additional equipment, joinery and fixtures and fittings
- Additional landscaping.



## 6. Approval conditions compliance

### 6.1 How to interpret this section

Each condition and part are listed with the compliance status 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 this 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	
			Compliant/ Non-compliant	Complete/ Outstanding		
			<b>Part A – Conditions specific to the action</b>			
1	-	Variation dated 17/02/23	The approval holder must:	Compliant	Complete	
1	a	Variation dated 17/02/23	Ensure <b>construction</b> is within the <b>construction area</b> .	Compliant	Complete	This condition was previously reported as non-compliant as construction works had occurred outside the original construction area. A request to adjust the construction area to encompass all works was submitted to the Department in December 2022. DJCS received approval of the variation on 17 February 2023. As such, this condition is now considered compliant.





Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
1	b	Variation dated 17/02/23	Not <b>clear</b> more than 34.867 <del>35.66</del> ha of <b>Golden Sun Moth habitat</b> as shown in <u>Appendix 1</u> and <u>2</u> .	Compliant	Complete	See condition 1a
1	c	Variation dated 17/02/23	Not <b>clear</b> more than 27.923 <del>28.23</del> ha of <b>Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP)</b> as shown in <u>Appendix 1</u> .	Compliant	Complete	See condition 1a
2	-	Original dated 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> .	Compliant	Complete	<p>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 on request.</p> <p>No impacts to Lollypop Creek were observed during the activity.</p> <p>The sewer construction was completed in 2021.</p>



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
3	-	Original dated 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 implement the <b>Stormwater Management Plan</b> .	Compliant	Complete	The Facility Plan includes the approved Stormwater Management Plan. The MC 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	-	Original dated 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	Complete	<p>This condition was previously reported as non-compliant due to works occurring outside the construction area, as the Environmental Management Framework (EMF) required materials, plant, equipment and vehicles to be restricted to the construction area (see Attachment 7 to 2019-21 report).</p> <p>Corrective actions have been undertaken in response to the non-compliance (See comments to conditions 15 and 16 for details).</p> <p>Furthermore, the request to adjust the construction area to encompass all works was submitted to the Department in December 2022. DJCS received approval of the variation on 17 February 2023. As such, this condition is now considered compliant (See comments to condition 1a).</p> <p>For further detail see the 2021-22 Annual Compliance Report.</p>



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
5	-	Variation dated 17/02/23	<b>Environmental Offsets</b> To compensate for the loss of 27.92328-23 hectares of <b>NTGVVP</b> and 34.86735-66 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	Not complete	Condition 5 has been partially met with 76.7% of GSM and 86.6% of NTGVVP offsets secured at the Warrambeen offset site. DJCS are in the process of securing the remaining offsets.
5	a	17/02/23	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	Complete	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 of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
5	b	Variation dated 17/02/23 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	Complete	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)	Variation dated 17/02/23 The arrangements for the provision and expenditure of the funds must be set out in the written <b>bond agreement</b> .	Compliant	Complete	The arrangements for the provision and expenditure of the funds are set out in the bond agreement.
5	(ii)	Variation dated 17/02/23 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.



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
5	(iii)	Variation dated 17/02/23	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> .	Compliant	Complete	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	-	Variation dated 29/04/22	To provide for the conservation and enhancement of <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> the approval holder must:	Compliant	Not complete	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	Variation dated 29/04/22	<del>By 31 August 2021</del> <del>By 30 April 2022</del> By 30 April 2023, execute a <b>Credit Trading Agreement</b> for the provision of <b>Environmental Services</b> at the <b>offset area</b> .	Compliant	Not complete	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"> <li>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.</li> <li>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.</li> </ul>



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
					<ul style="list-style-type: none"> <li>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 was 30 April 2022.</li> <li>CSBA applied for a fourth extension on 22 April 2022 which was granted, and the condition varied on 29 April 2022. The new due date is 30 April 2023.</li> </ul> <p>The Credit Trading Agreement (CTA) for the Warrambeen offset site, providing 144.35ha NTGVVP/GSM, was executed on 19 August 2020.</p> <p>Due to unforeseen restrictions at the Chepstowe offset site, specifically a shortfall of 15.83ha of NTGVVP, CSBA is investigating an alternative offset site where all outstanding EPBC offsets can be met. This proposal will be submitted to the Department for consideration.</p>	
6	b	Variation dated 29/04/22	The <b>Department</b> must be provided with a copy of the signed <b>Credit Trading Agreement</b> within 4 weeks following its execution.	Compliant	Not complete	<p>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.</p> <p>See comment to condition 6a for details about outstanding offsets.</p>
6	c	Variation dated 29/04/22	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> .	Compliant	Not complete	<p>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.</p> <p>See comment to condition 6a for details about outstanding offsets.</p>



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
6	d	Variation dated 29/04/22	The <b>Department</b> must be provided with a copy of the signed <b>conservation covenant</b> within 4 weeks following its execution.	Compliant	Not complete	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. See comment to condition 6a for details about outstanding offsets.
7		Variation dated 17/02/23	Prior to executing the <b>Credit Trading Agreement</b> under condition 6, the approval holder must submit to the <b>Department</b> an <b>Offset Management Plan</b> for the <b>offset area</b> .	Compliant	Not complete	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 the 2020-21 report. See comment to condition 6a for details about outstanding offsets.
7	a	Variation dated 17/02/23	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	Not complete	The Minister's delegate approved the OMPs for both the Warrambeen and Chepstowe offset sites on 4 February 2020. However, due to unforeseen restrictions at the Chepstowe offset site, specifically a shortfall of 15.83ha of NTGVVP, CSBA is investigating an alternative offset site where all outstanding EPBC offsets can be sourced. See comments to condition 6(a).
7	b	Variation dated 17/02/23	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</b>	Compliant	Not complete	The OMPs were prepared by a qualified ecological consultant, Biosis Pty Ltd.



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
			<b>Environmental Offset Policy.</b>			
7	c	Variation dated 17/02/23	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 27.92328.23 hectares of <b>NTGVVP</b> and 34.86735.66 hectares of <b>Golden Sun Moth habitat</b> consistent with the <b>EPBC Act Environmental Offsets Policy.</b>	Compliant	Not complete	Pending submission and the Department's consideration and approval of the new offset site proposal, this will demonstrate how the offset areas and environmental services will compensate for the loss of 27.923ha of NTGVVP and 34.867ha of GSM habitat consistent with the EPBC Act Environmental Offsets Policy.
7	d	Variation dated 17/02.23	The <b>Offset Management Plan</b> must include, but not be limited to:	Compliant	Not complete	See comments to condition 7 above.
7	(i)	Variation dated 17/02/23	A description of the <b>offset area</b> including location, size, condition, environmental values present and surrounding land uses.	Compliant	Not complete	See comments to condition 7 above.





Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
7	(ii)	Variation dated 17/02/23	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	Not complete	See comments to condition 7 above.
7	(iii)	Variation dated 17/02/23	Maps and shapefiles of the <b>offset area</b> .	Compliant	Not complete	See comments to condition 7 above.
7	(iv)	Variation dated 17/02/23	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	Not complete	See comments to condition 7 above.
7	(v)	Variation dated 17/02/23	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	Not complete	See comments to condition 7 above.



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
7	(vi)	Variation dated 17/02/23	Key performance indicators to demonstrate the improvement to the quality of <b>NTGVVP</b> and <b>Golden Sun Moth habitat</b> .	Compliant	Not complete	See comments to condition 7 above.
7	(vii)	Variation dated 17/02/23	The nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators.	Compliant	Not complete	See comments to condition 7 above.
7	(viii)	Variation dated 17/02/23	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	Not complete	See comments to condition 7 above.
7	(ix)	Variation dated 17/02/23	The roles and responsibilities for implementing the management actions.	Compliant	Not complete	See comments to condition 7 above.



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
7	(x)	Variation dated 17/02/23	Evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans.	Compliant	Not complete	See comments to condition 7 above.
7	(xi)	Variation dated 17/02/23	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	Not complete	See comments to condition 7 above.
			<b>Part B – Standard administrative conditions</b>			
8	-	Original dated 20/11/18	<p><b>Notification of date of commencement of the action</b></p> <p>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>.</p>	Compliant	Complete	The Department was notified that the action commenced on 7 January 2019, via email on the 11 January 2019.



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
9	-	Original dated 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	-	Original dated 20/11/18 <b>Compliance records</b> The approval holder must maintain accurate and complete <b>compliance records</b> .	Compliant	Complete	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.
11	-	Original dated 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	Not applicable	Not applicable	



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			in accordance with section 458 of the <b>EPBC Act</b> , and 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	-	Original dated 20/11/18	<b>Preparation and publication of plans</b> The approval holder must:	Not applicable	Not applicable
12	a	Original dated 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	Original dated 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	Not applicable	Not applicable



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			to in writing by the <b>Minister</b> ;		
12	c	Original dated 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	Original dated 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	-	Original dated 20/11/18	The approval holder must ensure that any <b>monitoring data</b> (including <b>sensitive ecological data</b> ), surveys, 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</b> (2018) and submitted electronically to the in accordance with the requirements of the <b>plan</b> .	Not applicable	Not applicable



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
14	-	Original dated 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:	Compliant	Not complete	
14	a	Original dated 20/11/18 Publish each <b>compliance report</b> on the <b>website</b> within 60 <b>business days</b> following the relevant 12 month period;	Compliant	Not complete	All previous annual compliance reports have been published on the CSBA website by within the 60-business day period. This report aims to satisfy the annual compliance report requirement for the 2022-23 period and is on track to be published by the due date which is 4 April 2023.
14	b	Original dated 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	Not complete	The Department will be notified within five business days of the publication.
14	c	Original dated 20/11/18 Keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires;	Compliant	Not complete	All compliance reports will be kept publicly available on the CSBA website until this approval expires.



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
14	d	Original dated 20/11/18	Exclude or redact <b>sensitive ecological data</b> from <b>compliance reports</b> published on the <b>website</b> ; and	Not applicable	Not applicable	
14	e	Original dated 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	-	Original dated 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	Compliant	Complete	





Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
		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:				
15	a	Original dated 20/11/18	The condition which is or may be in breach; and	Compliant	Complete	<p>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.</p> <p>The following non-compliances with the conditions were identified and notified in the 2020-21 reporting period:</p> <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).</li> <li>• Condition 14 – Annual Compliance Report 2019-20 reporting period – CSBA became aware of the noncompliance on 19 October 2020 and notified the Department on 21 October 2020.</li> </ul> <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"> <li>• Condition 1(a) – construction works outside the construction area.</li> <li>• Condition 1(b) – not clear more than 35.66 ha of Golden Sun Moth habitat.</li> </ul>



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
					<ul style="list-style-type: none"> <li>Condition 1(c) – not clear more than 28.23 ha of NTGVVP.</li> <li>Condition 4 – works undertaken in compliance with EMF.</li> <li>Condition 10 – accurate compliance records.</li> </ul>	
15	b	Original dated 20/11/18	A short description of the <b>incident</b> and/or non-compliance.	Compliant	Complete	A short description was provided to the Department for the above identified incidences.
16		Original dated 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:	Compliant	Complete	The details of the non-compliances with the conditions identified were included in the notifications to the Department (see comments to condition 15 above).
16	a	Original dated 20/11/18	Any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;	Compliant	Complete	The details of the non-compliances with the conditions identified were included in the notifications to the Department (see comments to condition 15 above).



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
16	b	Original dated 20/11/18	The potential impacts of the <b>incident</b> or non-compliance; and	Compliant	Not complete	See comment to condition 16 above.
16	c	Original dated 20/11/18	The method and timing of any remedial action that will be undertaken by the approval holder.	Compliant	Not complete	See comment to condition 16 above.
17		Original dated 20/11/18	<b>Independent audit</b> The approval holder must ensure that <b>independent audits</b> of compliance with the conditions are conducted as requested in writing by the <b>Minister</b> .	Not applicable	Not applicable	
18		Original dated 20/11/18	For each <b>independent audit</b> , the approval holder must:	Not applicable	Not applicable	
18	a	Original dated 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	Original dated 20/11/18	Only commence the <b>independent audit</b> once the audit criteria have	Not applicable	Not applicable	



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			been approved in writing by the <b>Department</b> ; and		
18	c	Original dated 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	-	Original dated 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	-	Original dated 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 subsequently revised in accordance with these conditions, by submitting an application in accordance with the	Not applicable	Not applicable



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			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	-	Original dated 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		Original dated 20/11/18	If the approval holder makes the choice under condition 21 to revise an action management plan without submitting it for	Not applicable	Not applicable



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			approval, the approval holder must:		
22	a	Original dated 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)	Original dated 20/11/18	An electronic copy of the RAMP;	Not applicable	Not applicable
22	(ii)	Original dated 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)	Original dated 20/11/18	An explanation of the differences between the approved action management plan and the RAMP;	Not applicable	Not applicable
22	(iv)	Original dated 20/11/18	The reasons the approval holder considers that taking the action in	Not applicable	Not applicable



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			accordance with the RAMP would not be likely to have a <b>new or increased impact</b> ; and		
22	(v)	Original dated 20/11/18	Written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 <b>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	Original dated 20/11/18	Subject to condition 24, implement the RAMP from the RAMP implementation date.	Not applicable	Not applicable
23	-	Original dated 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 <b>Department</b> . If the approval holder revokes the choice under condition 21 the approval holder must implement the	Not applicable	Not applicable



Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments
			Compliant/ Non-compliant	Complete/ Outstanding	
			previous action management plan approved by the <b>Minister</b> .		
24		Original dated 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	Original dated 20/11/18	Condition 21 does not apply, or ceases to apply, in relation to the RAMP; and,	Not applicable	Not applicable
24	b	Original dated 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	-	Original dated 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	Not applicable	Not applicable





Condition no.	Date of condition	Approval condition	Is the project compliant with this condition?		Evidence/Comments	
			Compliant/ Non-compliant	Complete/ Outstanding		
		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 revised action management plan, at any time, to the <b>Minister</b> for approval.				
26	-	Original dated 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> .	Compliant	Complete	The action was completed on 14 February 2023.  The Department was notified of the completion of the action and the completion data submitted via email on 14 March 2023.



## 7. New environmental risks

Not applicable.

## 8. Other information

Not applicable.



## Appendix 1 – Reference material

Attachment #	Description	TRIM ID/Location
N/A		

Acronyms	Description
<b>CCYJP</b>	Cherry Creek Youth Justice Project (formerly Youth Justice Redevelopment Project, YJRP)
<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>MC</b>	Managing Contractor, John Holland Pty Ltd
<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 Climate Change, Energy, the Environment and Water (formerly the Department of the Agriculture, Water and the Environment)