Independent Environmental Audit (Operational) – Nihon University

Assessment of compliance in accordance with SSD-9787

Audit Reference:	14276-01
Audit Organisation:	Nihon University
Auditor:	Grant Brown, APP (Lead Auditor)
Date of Audit:	13 November 2024
Draft Report Submitted:	29 November 2024
Final Report Submitted:	10 December 2024
Final Report V1 Submitted:	28 January 2025

The APP Group

Distribution and Authorisation Record

Revision No.	Date	Issued to	Comments
Draft 1	29 November 2024	Mathew Watson	Initial draft for review
Final V0	10 December 2024	Mathew Watson	Final report
Final V1	28 January 2025	Mathew Watson	DPHI RFI response

This report has been prepared and reviewed in accordance with our quality control system.

This report has been prepared by:

Grant Brown
Lead Auditor
Date: 28 January 2025

The APP Group

Contents

1. Executive Summary

The APP Group (**APP**) were engaged by Nihon University (**Nihon**) to complete an Independent Environmental Audit (IEA) of SSD9787 for the operational phase of the project. This report summarises the findings of the audit and compliance against the conditions of SSD9787.

The SSD9787 conditions of approval require the Proponent to undertake Independent Environmental Audits throughout the construction and post-occupation phases of the project in accordance with the *Independent Audit Post Approval Requirements 2018* ***(IAPAR 2018)***. The IAPAR 2018 require that an operations phase IEA is undertaken within 52 weeks of the commencement of operations. APP have been advised that the date of commencement of operation of the Nihon facility was the 1 February 2024, therefore requiring the operations IEA to be undertaken prior to 1 February 2025.

This IEA covers the period from 1 February 2024 to 13 November 2024.

The audit and site inspection was conducted by The APP Group – HSEQ Systems and Auditing on 13 November 2024.The audit assessed the operation of the site against the conditions contained within the approval – relevant conditions of Schedule 2 Part A, Part C, Part D & Part E, and all conditions of Schedule 2 Part F.

The Independent Environmental Audit assessed a total of 56 conditions, comprising of a review of documents and records from both the construction and operational phases. The IEA did not identify any non-compliances and one Opportunity for Improvement. The outcome of the audit demonstrates that Nihon University are fully compliant with the relevant conditions of consent in relation to the operations phase.

2. Findings

A summary of the findings identified during this audit are as follows:

- OFI01 – **Schedule 2 Part F Condition F15 - Dangerous Goods**: During the site inspection, it was noted that minor quantities of paint were stored in some of the storage areas. These do not pose an environmental risk as quantities are minor with no pathway to the environment, however best practice would be to store all hazardous substances in one location as per Australian Standard AS1940.

Refer to Appendix B for further detail and status of this finding.

3. Introduction

3.1 Background

Nihon University (Nihon) is a privately-operated tertiary institution within Japan, offering a multi-disciplinary array of educational courses and research projects. Nihon has many campuses across Japan, and as a commemorative activity to celebrate Nihon's 130th Anniversary, and as part of the Japanese Government's New Growth Strategy: Internationalisation of Japanese Universities, Nihon selected the former Newcastle Courthouse as the site on which to open its first international campus. Nihon's Newcastle campus will provide a hub for international language exchange programs, primarily for Japanese students to learn English in an international environment.

The Development is located on Lot 1 of DP 1199904 at 9 Church Street, Newcastle. Nihon have constructed the Development in accordance with the requirements of Development Consent SSD-9787. Construction was completed mid-2021, however due to the Covid pandemic and ultimate restrictions put in force to control the pandemic, the facility entered into a caretaker mode, with the University of Newcastle appointed facility manager. In preparation for operational handover, The APP Group were appointed to assist Nihon University in meeting obligations for commencement of occupation on 01 February 2024. The University has received approximately 50 international students since March 2024, with a planned increase in numbers in the coming months into 2025.

The APP HSEQ team was engaged on behalf of Nihon University, and approved in advance by the Department of Planning, Housing and Infrastructure (DPHI), to undertake the Operational Independent Audit of compliance with the requirements of the Development Consent.

There are no known modifications to consent SSD 9787.

3.2 Project Details

Project Name	Nihon University
Project Approval No.:	SSD9787
Project Address:	Newcastle University Campus, 9 Church Street, Newcastle
Project Phase:	Operation
Project Activity Summary:	Higher Education campus and accommodation

3.3 Audit Team

Details of The APP Group independent environmental auditing team as approved by the Department of Planning, Housing, and Infrastructure (DPHI) is below.

Name	Company	Position	Certification
Grant Brown	APP	Lead Environmental Auditor	Exemplar Global Lead Environmental Auditor – Certificate No. C461697

The auditor approval letter from DPHI for this audit is attached as Appendix D. Independent Audit declaration forms are included as Appendix E.

4. Audit Objectives and Scope

4.1 Audit Objectives

The objective of this audit was to undertake the scheduled operational Independent Environmental Audit of the facility in accordance with the requirements for an independent audit methodology and independent audit report in the *Independent Audit Post Approval Requirements (2018).*

4.2 Audit Scope

The scope of this audit comprised a review of the compliance with SSD9787, including the following:

- Review of implementation of operational management plans
- Site inspection conducted on the 13 November 2024
- Review of the environmental performance on the project
- Review of environmental records
- Interviews with site personnel

4.3 Audit Period

This was the first Operational Independent Environmental Audit for the project, covering a review of environmental documentation and records for the period 01 February 2024 to 13 November 2024.

5. Audit Methodology

5.1 Approval of Auditors

Correspondence from the Planning Secretary approving the nominated auditors is included under Appendix D.

5.2 Audit Scope Development

APP developed the audit scope, and a checklist based on the Project Requirements set out in consent SSD9787. The checklist includes all conditions relevant to the operational phase of the project, namely selected conditions of Schedule 2 Part A, Part C, Part D & Part E, and Schedule 2 Part F.

5.3 Audit Process

5.3.1 Opening Meeting

An opening meeting was held with personnel from APP as per the Audit Attendance Sheet (Appendix A) on 13 November 2024 at 10:30am. Note that the site inspection preceded the opening meeting having been conducted from 8:30am to 10:00am on 13 November 2024.

Key items were discussed as follows:

- Confirmation of the purpose and scope of the audit
- Overview of the Project and status of the works
- Occurrence of environmental incidents and non-compliances, if applicable
- Overview of the audit process in accordance with the consent conditions and the *Independent Audit Post Approval Requirements (2018)*.

5.3.2 Conduct of Audit

Audit activities included the following:

- Review of the project management plans, monitoring results and other applicable documentation to verify compliance with the SSD9787 administration and operational conditions;
- Site inspection of the facility and interview with the Nihon University Facility Manager;

- Conduct of the audit based on the checklist with the Conditions of Consent, interviews with personnel and review of records provided as evidence of compliance; and
- Discussion of any identified findings and actions noted during the site inspection.

5.3.3 Closing Meeting

The closing meeting was held on 13 November 2024 at 1:00pm with representatives of APP. General feedback and the audit findings were discussed during the closing meeting.

The APP auditor acknowledged the efforts made in preparing for the audit, cooperation, and openness of University of Newcastle and APP personnel during the conduct of this audit.

5.4 Interviewed Persons

Name and position of persons interviewed:

Table 1 - Personnel Interviewed

Name	Organisation	Position
Mathew Watson	APP	Project Director
Bailey Trigg	APP	Project Manager
Anthony Glover	Newcastle University	Nihon University caretaker

5.5 Site Inspection

A site inspection was carried out on 13 November 2024 from 08:30am – 10:00am with representatives of APP and Newcastle University. Refer to details of the inspection in Section 7.2 of this report and site photos included under Appendix F.

5.6 Consultation

Consultation was undertaken post-audit as per the Independent Audit Post Approval Requirements (IAPAR 2018). Consultation was sought from DPHI, Newcastle City Council, NSW Biodiversity, Conservation and Science (BCS), NSW Heritage, and NSW EPA.

DPHI responded stating particular interest in the assessment of compliance with Part F of the consent, ensuring photographic evidence is taken during the site inspection for discussion on any incidents, non-compliance matters, and opportunities for improvement. As this audit is the Operational IEA the focus has been on Schedule F of the conditions of consent in particular with photographic evidence provided as required.

Heritage NSW noted conditions C8, C13 and D24 should be considered in respect to Aboriginal Cultural Heritage. The auditor notes that these conditions relate to the construction phase of this project and are therefore not within the scope of the Operational IEA.

The NSW EPA, NSW DCCEEW and Newcastle City Council had no matters to raise in respect of the audit, and no response was received from BCS.

A copy of the correspondence is available in Appendix C.

5.7 Audit Criteria

The following audit criteria were used for the rating of audit findings.

Table 2 - Audit Criteria

Rating	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-Compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not Triggered	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

In addition to the above descriptors, there was the option to raise Opportunities of Improvement (OFI) during this audit.

6. Document Review

- Conditions of Consent SSD9787
- Project Management Plans:
  - Long Term Environmental Management Plan
  - Landscaping Management Plan
  - The Operational Transport and Access Management Plan
  - Noise and Vibration Assessment – Operational and Construction report
- Environmental records
- Incident register
- Complaints register
- Previous IEA's
- Previous Annual Compliance Reports.

7. Audit Findings

7.1 Assessment of Compliance

This audit was completed to assess the implementation of management plans, monitoring and other environmental controls established by Nihon University building against Consent SSD97887. Overall, Nihon University achieved a high level of compliance with the requirements of the IEA. Of the 56 conditions assessed, 29 were found to be compliant (52%), a further 26 were deemed to be not triggered (46%), and one opportunity for improvement (2%). No non-compliances have been identified.

The following table summarises the audit findings by rating category:

Table 3 - Summary of Findings

Findings Rating	Findings
Compliant	29
Non-Compliant	0
Opportunity for Improvement	1
Not Triggered	26
Total	**56**

7.2 Notices, Incidents and Complaints

7.2.1. Notices

No enforcement notices were issued to the project during the audit period.

7.2.2. Incidents

No environmental incidents were recorded for the project during the audit period. Only one minor non-reportable WHS incident occurred on site during the audit period.

7.2.3. Complaints

One verbal complaint was received by the project during the audit period. Built PTY LTD were on site under warranty of building works to complete repairs to the water proofing of external wall of the Residence Building (as requested by Nihon University). A jack hammer was being used during general hours of construction and building works and a verbal complaint was made that it was noisy and a request for extent of works was made by staff member of James Fletcher. The staff member did not provide any details and engaged directly with the Built foreman who explained extent of work and that was occurring during general workplace hours.

7.3 Audit Site Inspection

A site inspection was conducted of the facility along with representatives from APP and the University of Newcastle. Observations of the site inspection included:

- HVAC systems in good working condition, with areas kept neat and tidy
- Fire extinguishers kept clear for access
- Interpretive heritage signage throughout the facility
- External lighting is directed away from sensitive receivers
- Fire suppression systems appear to be in good condition
- Access in front of facility is being kept clear
- Front service area also being kept clear
- Bin storage area is well kept
- Landscaping is maintained in good condition.

No major issues were raised during the inspection. Photos of the site inspection are included in Appendix F.

7.4 Audit Findings and Recommendations

Implementation of Nihon University's operational Management Plans were verified to be in compliance with Consent SSD9787.

Refer to the attached Appendix B for full details of the completed audit checklist.

7.5 Previous Audit Recommendations

During the audit, a review of the previous IEA findings was undertaken. It is noted that all outstanding items from the construction audits have been closed out ahead of operations and granting of the Occupation Certificate.

7.6 Management Plan Compliance

Nihon University operates under the following management plans which are adequate:

- Long Term Environmental Management Plan
- Landscaping Management Plan
- The Operational Transport and Access Management Plan
- Noise and Vibration Assessment – Operational and Construction report

The approved management plans required by SSD9787 that were reviewed as part of this audit are assessed in Appendix B.

Table 4 - Findings

Reference	Condition	Audit Findings / Recommendation	Applicant's response to findings	Status of finding
OFI01	***Schedule 2 Part F Condition F15 - Dangerous Goods*** Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; for liquids, (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) he Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997*).	During the site inspection, it was noted that minor quantities of paint were stored in some of the storage areas. These do not pose an environmental risk as quantities are minor with no pathway to the environment, however best practice would be to store all hazardous substances in one location as per Australian Standard AS1940. **REC01.** Recommend installing a hazardous substance cabinet in a well-ventilated area within the facility. Discussions on site during the site inspection suggested a secure area at the rear of the underground car park would be suitable.		

Appendix A – Audit Attendance

Audit Attendance Sheet

Project	Nihon University Operational IEA	**Audit No.**	1414501
Auditee	Anthony Glover	**Lead Auditor**	Grant Brown
Location	Newcastle		
Opening Meeting Date	13/11/24		
Closing Meeting Date	13/11/24		

Name	Organisation	Position	Signature
Anthony Glover	University of Newcastle	Facilities Technical Officer – Nihon	
Mathew Watson	The APP Group	Project Director	Mathew Watson
Bailey Trigg	The APP Group	Project Manger	
Grant Brown	APP HSEQ	Lead Auditor	Grant Brown

Appendix B – Audit Checklist

<table>
<tr><th>ID No.</th><th>SSD Part & Req. No.</th><th>SSD Requirement</th><th>Audit Findings</th><th>Evidence</th><th>Compliance Rating</th></tr>
<tr><td>1.</td><td colspan="5">SCHEDULE 2 PART A: ADMINISTRATIVE CONDITIONS</td></tr>
<tr><td>1.</td><td>A1</td><td>Obligation to Minimise Harm to the Environment
In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.</td><td>The project continues to be compliant with the obligation to minimise harm to the environment into the operational phase. Refer to compliance assessment Part F checklist below.</td><td>NA</td><td>C</td></tr>
<tr><td>2.</td><td>A2</td><td>Terms of Consent
The development may only be carried out:
(a) in compliance with the conditions of this consent;
(b) in accordance with all written directions of the Planning Secretary;
(c) generally in accordance with the EIS and Response to Submissions;
(d) in accordance with the approved plans in the table below:
<table>
<tr><th colspan="4">Architectural (or Design) Drawings prepared by Asusa Sekkei Architects</th></tr>
<tr><th>Dwg No.</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr>
<tr><td>A – 008</td><td>0</td><td>Conservation Plan</td><td>14.12.2018</td></tr>
<tr><td>A</td><td>N/A</td><td>Demolition Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 010</td><td>0</td><td>Conservation Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 101</td><td>02</td><td>Car Circulation Diagram & Services</td><td>30.10.2019</td></tr>
<tr><td>A – 102</td><td>0</td><td>Site Analysis Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 103</td><td>N/A</td><td>Northeast Perspective</td><td>14.12.2018</td></tr>
<tr><td>A – 104</td><td>N/A</td><td>Northwest Perspective</td><td>14.12.2018</td></tr>
<tr><td>A – 105</td><td>N/A</td><td>Southeast/Southwest Perspective</td><td>14.12.2018</td></tr>
<tr><td>A – 106</td><td>N/A</td><td>Aerial Perspective</td><td>14.12.2018</td></tr>
<tr><td>A – 107</td><td>02</td><td>Site Plan</td><td>30.10.2019</td></tr>
<tr><td>A – 108</td><td>02</td><td>1st Floor Plan</td><td>30.10.2019</td></tr>
<tr><td>A – 109</td><td>0</td><td>2nd Floor Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 110</td><td>0</td><td>3rd Floor Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 111</td><td>0</td><td>4th Floor Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 112</td><td>0</td><td>Roof Floor Plan</td><td>14.12.2018</td></tr>
<tr><td>A – 114</td><td>01</td><td>North and South Elevations</td><td>30.10.2019</td></tr>
<tr><td>A – 115</td><td>01</td><td>East and West Elevations</td><td>November 2018</td></tr>
<tr><td>A – 116</td><td>0</td><td>Courthouse Elevations & Section</td><td>14.12.2018</td></tr>
<tr><td>A – 117</td><td>0</td><td>Sections – 1</td><td>14.12.2018</td></tr>
<tr><td>A – 118</td><td>0</td><td>Sections – 2</td><td>14.12.2018</td></tr>
<tr><td>A – 119</td><td>0</td><td>Amenity Planning</td><td>14.12.2018</td></tr>
<tr><th colspan="4">Landscape Drawings prepared by Moir Landscape Architects</th></tr>
<tr><th>Dwg No.</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr>
<tr><td>LP01</td><td>E</td><td>Cover Sheet</td><td>19.11.2019</td></tr>
<tr><td>LP02</td><td>D</td><td>Site Analysis</td><td>27.11.2018</td></tr>
</table></td><td>The development has been carried out generally in line with the following:

(a) in compliance with the conditions of this consent;
(b) in accordance with all written directions of the Planning Secretary;
(c) generally in accordance with the EIS and Response to Submissions;
(d) in accordance with the approved plans in the table

This audit acknowledges that the project is in the operational phase and that this condition has been assessed during construction phase previously. The project has been provided with an occupation certificate and this condition has therefore been met in order to receive the occupational certificate.</td><td>NA</td><td>C</td></tr>
</table>

<table>
<tr><th>ID No.</th><th>SSD Part & Req. No.</th><th>SSD Requirement</th><th>Audit Findings</th><th>Evidence</th><th>Compliance Rating</th></tr>
<tr><td></td><td></td><td><table>
<tr><td>LP03</td><td>D</td><td>Site Photography</td><td>27.11.2018</td></tr>
<tr><td>LP04</td><td>D</td><td>Design Statement</td><td>27.11.2018</td></tr>
<tr><td>LP05</td><td>E</td><td>Landscape Plan – 1st Floor</td><td>19.11.2019</td></tr>
<tr><td>LP06</td><td>E</td><td>Landscape Plan – 4th Floor + Street Elevation</td><td>19.11.2019</td></tr>
<tr><td>LP07</td><td>E</td><td>Planting & Theming Palette</td><td>19.11.2019</td></tr>
</table></td><td></td><td></td><td></td></tr>
<tr><td>3.</td><td>A3</td><td>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
(b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
(c) the implementation of any actions or measures contained in any such document referred to in (a) above.</td><td>NA</td><td>NA</td><td>NT</td></tr>
<tr><td>4.</td><td>A4</td><td>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</td><td>NA</td><td>NA</td><td>NT</td></tr>
<tr><td>5.</td><td>A5</td><td>Limits of Consent
This consent lapses five years after the date of consent unless work is physically commenced.</td><td>NA</td><td>NA</td><td>NT</td></tr>
<tr><td>6.</td><td>A6</td><td>Prescribed Conditions
The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.</td><td>NA for Operational phase</td><td>NA</td><td>NT</td></tr>
<tr><td>7.</td><td>A7</td><td>Planning Secretary as Moderator
In the event of a dispute between the Applicant and a</td><td>There have been no disputes between the Applicant and a public authority during the audit period.</td><td>NA</td><td>NT</td></tr>
</table>

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.			
8.	**A8**	**Evidence of Consultation** Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document for information or approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	NA for Operational phase	NA	**NT**
9.	**A9**	**Staging** The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the information of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	NA for Operational phase	NA	**NT**
10.	**A10**	A Staging Report prepared in accordance with condition A9 must: (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when	NA for Operational phase	NA	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		construction of each stage will commence and finish; (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.			
11.	**A11**	Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.	NA for Operational phase	NA	**NT**
12.	**A12**	Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.	NA for Operational phase	NA	**NT**
13.	**A13**	**Staging, Combining and Updating Strategies, Plans or Programs** With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program); (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated	NA for Operational phase	NA	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).			
14.	**A14**	If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	NA for Operational phase	NA	**NT**
15.	**A15**	If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.	NA for Operational phase	NA	**NT**
16.	**A16**	**Structural Adequacy** All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District. Notes: • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. • Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's	NA for Operational phase	NA	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		approval before carrying out certain development in a Mine Subsidence District.			
17.	**A17**	**External Walls and Cladding** The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	NA	NA	**NT**
18.	**A18**	**Site Contamination** Following the completion of demolition works and prior to the commencement of all other construction, additional site investigations of previously untested or inaccessible areas of the site must be undertaken in accordance with: (a) interim advice dated12 November 2019 and prepared by NSW EPA Accredited Site Auditor Ian Gregson, Principal Environmental Consultant, GHD; (b) the recommendations provided in the Phase 1 Environmental Site Assessment – Technical Note dated 29 April 2019 and prepared by Cardno; (c) NSW EPA Sampling Design Guidelines; (d) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017 https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for- the nsw-site-auditor-scheme-third-edition; (e) Guidelines for Consultants Reporting on Contaminated Sites, 2011 www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf; (f) The National Environment Protection (assessment of contamination) Measures 2013 as amended; and (g) testing must include assessment of both the soil and groundwater profile.	NA for Operational phase	NA	**NT**
19.	**A19**	The additional site investigations report must be reviewed by a NSW EPA Accredited Site Auditor and the Conceptual Remediation Action Plan dated 28 May 2019, prepared by Cardno must be updated to reflect the findings of the additional site investigations required by	NA for Operational phase	NA	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		condition A18. The updated remediation action plan must be approved by a NSW EPA Accredited Site Auditor and submitted to the Planning Secretary prior to the commencement of remediation works.			
20.	**A20**	Remediation works approved as part of this development consent must be carried out in accordance with the remediation action plan approved by a NSW EPA Accredited Site Auditor pursuant to condition A19.	NA for Operational phase	NA	**NT**
21.	**A21**	**Applicability of Guidelines** References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	Note	NA	**C**
22.	**A22**	Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	The Planning Secretary has not issued any directions regarding the development.	NA	**NT**
23.	**A23**	**Monitoring and Environmental Audits** Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, noncompliance notification, Site audit report and independent auditing. *Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide*	Note	NA	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		information on compliance with the consent or the environmental management or impact of the development.			
24.	**A24**	**Access to Information** At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; (x) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	A review of the project website on 13/11/24 found the development was being undertaken in compliance with this condition.	Viewed website at Nihon University Newcastle Campus https://www.nihon-u.ac.jp/en/dev-newcastle/	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
25.	**A25**	**Compliance** The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	The facility has completed construction and is now being operated in caretaker mode under the facilitation of Newcastle University. There are minor works still ongoing and as such, still a small number of workers and sub-contractors are on site.	Sighted a copy of the site-specific induction and a sample of the visitor log from the BEAKON check-in kiosk for the date range 14/11/24 to 18/11/24.	**C**
26.	**A26**	**Incident Notification, Reporting and Response** The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.	In discussion with the University of Newcastle Facilities Manager (in their role as caretaker on behalf of Nihon), no incidents have occurred on site during the audit period.	NA	**NT**
27.	**A27**	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2.**	No environmental incidents within the audit period	NA	**NT**
28.	**A28**	**Non-Compliance Notification** The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	In discussion with the University of Newcastle Facilities Manager, no non-compliances have occurred on site during the audit period.	NA	**NT**
29.	**A29**	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	No non-compliances within the audit period	NA	**NT**
30.	**A30**	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Note	NA	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
31.	**A31**	**Revision Strategies, Plans and Programs** Within three months of: (a) the submission of a compliance report under condition C22; (b) the submission of an incident report under condition A27; (c) the submission of an Independent Audit under condition D32; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and/or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and/or Certifier for approval and/or information (where relevant) within six weeks of the review. *Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*	(a) No Compliance Report submitted under condition C22 during the audit period (b) No Incident Reports submitted under condition A27 during the audit period (c) No Independent Audit submitted under condition D32 during the audit period (d) No modification of the conditions of this consent during the audit period (e) No directions from the Planning Secretary under condition A2 during the audit period	NA	**NT**
2.	***SCHEDULE 2 PART D: DURING CONSTRUCTION***				
32.	**D29**	**Independent Environmental Audit** Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.	Agreement to the audit team for this audit was received from DPHI on 03/10/24. A copy of the correspondence is included in Appendix D of this report.	Correspondence from DPHI 03/10/24	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
33.	**D30**	Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.	Historical condition.	NA	**NT**
34.	**D31**	Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is: (a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; (b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit; and In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice to the applicant of the date upon which the audit must be commenced.	Historical condition, noting that construction audits have been completed. This operational audit is being undertaken within the timeframe determined within Table 1 of the *Independent Audit Post Approval Requirements (2018).*	NA	**C**
35.	**D32**	Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with: (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D30 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Construction Audit 1 was submitted to DPIE on 27/03/2020 and distributed to the Certifier. Construction Audit 2 was submitted to DPIE on 23/09/2020 and distributed to the PCA on 29 September 2020. Construction Audit 3 was submitted to DPIE on 25/08/2021 and distributed to the certifier.	Review of the following previous audits: • Construction Audit 1 (GHD, March 2020) • Construction Audit 2 (GHD, September 2020) • Construction Audit 3 (GHD, August 2021)	**C**
36.	**D33**	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition D30 of this consent;	Construction Audit 1 and Audit 2 responses documented in previous IEA Reports. Construction Audit 3 response was sent to DPIE 25/08/21 and a copy forwarded to the Certifier.	Review of the following previous audits: • Construction Audit 1 (GHD, March 2020)	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		(b) submit the response to the Planning Secretary and the Certifier; and (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	Sighted correspondence 17-0347_A-d01-20_let dated 25/08/21.	• Construction Audit 2 (GHD, September 2020) • Construction Audit 3 (GHD, August 2021)	
37.	**D34**	Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.	Noted	NA	**C**
3.	***SCHEDULE 2 PART F: POST OCCUPATION***				
38.	**F1**	**Operation of Plant and Equipment** All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.	Plant and equipment is regularly maintained and serviced.	Evidence provided includes: • HVAC inspection, Precise Air, 18/06/24 • HVAC inspection, Precise Air, 16/07/24 • HVAC inspection, Precise Air, 28/10/24 • HVAC service docket, Precise Air, 16/08/23 • Fire Damper (x5) inspection report, Precise Air, 11/10/24 • Fire Damper (x26) inspection report, Precise Air, 08/11/24 Nihon Preventative maintenance schedule (19/11/24)	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
39.	**F2**	**Warm Water Systems and Cooling Systems** The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.	As above. HVAC systems have been operational for a number of years since completion of construction.	As above	**C**
40.	**F3**	**Community Communication Strategy** The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.	The Community Communication Strategy continued until mid-2023. This requirement was implemented >12 months beyond the date of construction completion.	Evidence provided includes the monthly Community Liaison Register (administered by Built Constructions), up to 26/07/23, with all actions closed out. Auditor sighted these records on 13/11/24.	**C**
41.	**F4**	**Heritage interpretation Plan** Within three months of the commencement of use, the Applicant must submit an updated Heritage Interpretation Plan to acknowledge the heritage of the site to the Planning Secretary. The plan must: (a) be prepared by a suitably qualified and experienced expert in consultation with the NSW Heritage Division and Council; (b) incorporate the Stage 2 heritage interpretation strategy (c) include provision for naming elements within the development that acknowledges the site's heritage; (d) include a strategy detailing how movable heritage items and any archaeological findings will be interpreted (e) incorporates interpretive information in to the site of the	On 30/04/24, APP submitted the updated Heritage Interpretation Plan to the Planning Secretary. The notification noted that occupation of the facility commenced on 01/02/24, acknowledging that notification under condition F4 had previously been provided on 01/04/21, which was accepted by DPHI on 30/03/21 (DOC21/169415-3). The notification by APP on 30/04/24 advised that the Stage 2 Heritage Implementation Plan, as reviewed by City Plan as the suitably qualified person, had been incorporated into the operation of the facility. City Plan provided certification of the plan.	Evidence provided to support compliance includes: • APP letter dated 30/04/24 • DPHI letter dated 30/03/21 • Statement of Compliance from City Plan dated 24/04/224 • A copy of the heritage brochure	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		former legal and court functions of the former Newcastle Courthouse.			
42.	**F5**	The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under conditions E11 and F4.	As above	As above	**C**
43.	**F6**	**Operational Transport and Access Management Plan (OTAMP)** The OTAMP(s) approved under condition E14 as revised from time to time) must be implemented by the Applicant for the life of the development.	The Operational Transport and Access Management Plan (OTAMP), as submitted to DPIE 07/07/21, is being implemented on site. A review has not been triggered.	NA	**C**
44.	**F7**	**Long Term Environmental Management Plan** Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP approved under condition E32, or an updated version where approved by a NSW EPA Accredited Site Auditor. Any revisions must be submitted to Council within one month of the update.	The Long Term Environmental Management Plan was submitted to DPIE on 10/09/21. The plan was developed by Douglas Partners in September 2021 (Project 91667.03) As confirmed by the Facility Manager, currently the University of Newcastle (as facility manager), administers and implements the LTEMP as follows: • An approved UON contractor logs into Beakon system (check-in program) and lodges a Permit to Work for the necessary works. • If the works involve excavation, this triggers a further permit for excavation works which must be completed. • Once lodged, the permits are sent to the relevant University Subject Matter Experts (SME) for review and approval. At this point a UON SME will flag any site relevant LTEMP's to the contractor and provide a copy for the contractor to review ahead of	Evidence of submission sighted by auditor Evidence of LTMP implementation as per on site discussions with the Facility Manager	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
			the works and comply with during the works.		
45.	**F8**	**Operational Noise Limits** The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting.	One verbal complaint regarding noise was received by the facility on 16/07/24. The complaint was regarding the use of a jackhammer and excavation during the day (documented in the Facilities Management Agreement Monthly Report, July 2024). However, the works were being undertaken during approved working hours as per the Noise and Vibration Assessment – Operational and Construction report. No other complaints have been received regarding operational noise at the facility.	Project Complaints Register and interview with Facility Manager	**C**
46.	**F9**	The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry within two months following the commencement use. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the report titled Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting. Should the noise monitoring program identify any exceedance of the recommended noise levels or internal amenity noise levels for building occupants, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.	Short term noise monitoring was undertaken at the facility on 13 & 14/03/24 by RAPT Consulting. The report confirmed compliance with the criteria within the Noise and Vibration Assessment – Operational and Construction. The report was sent to DPHI on 18/03/24, and the Department responded on 19/03/24 confirming that it considers the report to *"generally satisfy the conditions of consent in relation to monitoring reports."*	Evidence sighted includes the *Noise Monitoring Report – Nihon University Newcastle, March 2024 (RAPT Consulting)* and supporting correspondence from APP (18/03/24) and DPHI (19/03/24).	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
47.	**F10**	**Unobstructed Driveways and Parking Areas** All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.	Site inspection 13/11/24 confirmed that all driveways, footpaths and parking areas were free from obstruction. Refer photos in Appendix F.	Site inspection/photos	**C**
48.	**F11**	**Green Travel Plan** The Green Travel Plan required by condition E10 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.	Not triggered yet.	NA	**NT**
49.	**F12**	**Ecologically Sustainable Development** Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B6, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.	APP notified DPHI on 15/05/24 that the 4-star Green Star Design had been certified by Stantec. This notification was made within the required six month timeframe. DPHI subsequently confirmed receipt of the notification on 20/05/24 with no comments on the documents provided.	Evidence sighted includes: • APP letter dated 15/05/24 • DPHI letter dated 20/05/21 Statement of Certification from Stantec dated 08/05/24	**C**
50.	**F13**	**Outdoor Lighting** Notwithstanding condition E24, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must	There have been no complaints regarding obtrusive lighting. The site inspection noted that all external lighting is downward facing to ensure no light affects nearby sensitive receivers. Refer to photos in Appendix F.	Project Complaints Register and interview with Facility Manager	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
		provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.			
51.	**F14**	**Landscaping** The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E35 for the duration of occupation of the development.	Landscaping is being managed and maintained in accordance with the approved Landscape Management Plan. Refer to photos in Appendix F.	Site inspection and Property Service Reports for October 2023 and January, June & October 2024.	**C**
52.	**F15**	**Dangerous Goods** Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997*).	Spotless are the contracted cleaning provider and maintain a cleaners store on site. Copies of SDS's are kept in the store. During the site inspection, it was noted that minor quantities of paint were stored in some of the storage areas. These do not pose an environmental risk as quantities are minor with no pathway to the environment, however best practice would be to store all hazardous substances in one location as per Australian Standard AS1940. OFI. Recommend installing a hazardous substance cabinet in a well-ventilated area within the facility. Discussions on site during the site inspection suggested a secure area at the rear of the underground car park would be suitable.	Site inspection/photos	**OFI01**
53.	**F16**	In the event of an inconsistency between the requirements F15(a) to F15(c), the most stringent requirement must prevail to the extent of the inconsistency.	Note.	NA	**C**
54.	**F17**	**Discharge Limits** The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.	There have been no reported pollution of waters with regards to section 120 of the POEO Act, nor have there been any complaints regarding water pollution from the facility.	Project Incident Register Interview with site Facility Manager Drawing OC 18-0562-06	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Audit Findings	Evidence	Compliance Rating
			The kitchen grease trap/separator has been installed as per design drawing OC 18-0562-06 (sighted 13/11/24) and facility's hydraulic system (including sewer and trade waste drainage) was signed off by Murphy Plumbing on 05/08/21. (Certificate of Compliance dated 05/08/21 sighted on 13/11/24).	Certificate of Compliance dated 05/08/21	
55.	**F18**	**Services Zone** Garbage bins (recyclable and non-recyclable) must be collected and serviced from within the site.	Confirmed during the site inspection that bins are stored in a specific bin location and are brought into the service lane for emptying on scheduled collection days. Bins are not left on the main street for collection. Refer to photos in Appendix F.	Site inspection/photos	**C**
56.	**F19**	The operation of the services zone located within the front setback of the Residential Building is to only operate between 7am to 8am and 7pm to 8pm Monday to Friday, 7am to 8am Saturday and no service vehicle access permitted on Sunday and public holidays.	Confirmed during the site inspection that the services zone is operated only during the allocated timeframes. There was no activity in this area at the time of inspection. Refer to photos in Appendix F.		**C**

Appendix C – Consultation

Outlook

Re: Nihon University IEA Consultation - SSD-9787

From Joel Fleming <joel.fleming@planning.nsw.gov.au>
Date Fri 1/24/2025 9:57 AM
To Grant Brown <Grant.Brown@app.com.au>

EXTERNAL

Good morning Grant,

Thank you for contacting NSW Planning for retrospective consultation on the Nihon University Newcastle Campus (SSD-9787) independent audit for period 1 February 2024 to 13 November 2024.

While I do not have any particular comments for this audit, given the stage of this development, I will have particular interest in the assessment of compliance with Part F of the consent. Please ensure to include photographic evidence taken during the site inspection for discussion on any incidents, non-compliance matters, and opportunities for improvement.

If you have any questions, please feel free to contact me.

Thanks

Joel Fleming
Senior Compliance Officer

Development Assessment and Sustainability | Department of Planning, Housing and Infrastructure
T 02 6575 3416 | **M** 0467 715 429 | **E** joel.fleming@planning.nsw.gov.au
The Store, 6 Stewart Avenue, Newcastle West NSW 2302
www.dphi.nsw.gov.au

NSW GOVERNMENT

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Grant Brown <Grant.Brown@app.com.au>
Sent: Friday, January 24, 2025 8:58 AM
To: Joel Fleming <joel.fleming@planning.nsw.gov.au>
Subject: Re: Nihon University IEA Consultation - SSD-9787

Hi Joel,

I hope you're well. Did this request make it's way to you eventually or should I be following up through the compliance mailbox?

Best Regards,

Grant Brown
Senior Environmental Consultant

The APP Group
A Bureau Veritas Company

0499 978 339 | grant.brown@app.com.au | app.com.au
Turrbal and Jagera Country | 29B, 10 Eagle Street Brisbane 4000

From: Grant Brown <Grant.Brown@app.com.au>
Sent: Thursday, January 16, 2025 11:21 AM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Cc: joel.fleming@planning.nsw.gov.au <joel.fleming@planning.nsw.gov.au>
Subject: Nihon University IEA Consultation - SSD-9787

To Whom it May Concern,

I am writing to seek consultation with the Department on the development project for the Nihon University (SSD-9787).

As the independent environmental auditor for the project, APP are required to seek consultation with the DPHI with regards to the project.

Can you please advise whether the Department has any items of concern regarding the development that APP can assess as part of the audit scope?

A response by 22 January 2025 would be very much appreciated.

Any further correspondence and/or questions can be directed to Grant Brown at grant.brown@app.com.au.

Our ref: HMS ID 8781

Grant Brown
Senior Environmental Consultant
APP Group
grant.brown@app.com.au

Letter provided via email

Independent Environmental Audit – State Significant Development

Proposal: Nihon University Newcastle Campus

Major Project reference: SSD-9787

Received: 16 January 2025

Dear Grant,

Thank you for your referral seeking comment from Heritage NSW on the scope for the Independent Environmental Audit for the above Development. Thank you for the continued opportunity to comment on the project.

In respect to the scope of the audit for Aboriginal cultural heritage, Heritage NSW notes Conditions C8, C13, and D24. It is recommended that the Department of Climate Change, Energy, the Environment and Water Compliance Team be contacted via info@environment.nsw.gov.au to determine if there is any non-compliance with Conditions of Consent for the project.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact James Cole, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Alison Lamond

Alison Lamond
A/Strategic Manager – Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
22 January 2024

Outlook

RE: Nihon University IEA Consultation - SSD-9787

From Michael Howat <Michael.Howat@epa.nsw.gov.au>
Date Wed 1/22/2025 8:28 AM
To Grant Brown <Grant.Brown@app.com.au>

EXTERNAL

Grant,

I have reviewed the consultation request below and have looked at the Nihon University approval. In short there are no key issues or matters that the EPA recommends to be included in the environmental audit.

Consistent with our submissions through the development application process for Nihon University SSD-9787, we suggest you consult with Newcastle City Council regarding the site as the proposal did not appear to be a scheduled activity requiring licensing by the EPA under the Protection of the Environment Operations Act 1997, and Newcastle City Council is the appropriate regulatory authority for the site.

If you would like to discuss this matter please contact me on the details below, but please note I will be on leave from this Friday 24 Jan and returning Tuesday 11 Feb. If you need to contact the EPA in that time please email info@epa.nsw.gov.au

Kind regards

Michael Howat
A/Unit Head – Operations
NSW Environment Protection Authority
Ph: (02) 4908 6819   Mob: 0407 262 553
michael.howat@epa.nsw.gov.au www.epa.nsw.gov.au

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555

From: Grant Brown <Grant.Brown@app.com.au>
Sent: Thursday, January 16, 2025 1:30 PM
To: EPA Delivery Hub Mailbox <EPA.DeliveryHub@epa.nsw.gov.au>
Subject: Nihon University IEA Consultation - SSD-9787

To Whom it May Concern,
I am writing to seek consultation with the EPA on the development project for the Nihon University (SSD-9787).

As the independent environmental auditor for the project, APP are required to seek consultation with regards to the project.
Can you please advise whether the EPA has any items of concern regarding the development that APP can assess as part of the audit scope?

A response by 22 January 2025 would be very much appreciated.
Any further correspondence and/or questions can be directed to Grant Brown at grant.brown@app.com.au.
Best Regards,

Grant Brown

Senior Environmental Consultant

The APP Group
A Bureau Veritas Company

0499 978 339 | grant.brown@app.com.au | app.com.au

Turrbal and Jagera Country | 29B, 10 Eagle Street Brisbane 4000

A Leader in Property and Infrastructure

The APP Group acknowledges Aboriginal and Torres Strait Islander Peoples as the Traditional Custodians of the Land, Rivers and Sea. We acknowledge and pay our respects to the Elders past, present and emerging of all Nations.

Outlook

RE: Nihon University IEA Consultation - SSD-9787

From Geof Mansfield <gmansfield@ncc.nsw.gov.au>
Date Wed 1/22/2025 10:19 AM
To Grant Brown <Grant.Brown@app.com.au>
Cc Elle Durrant <edurrant@ncc.nsw.gov.au>

EXTERNAL

Hi Grant

It is advised that City of Newcastle has no matters to raise in respect of the proposed audit.

Regards

Geof Mansfield | Principal Development Officer (Planning)
City of Newcastle | Planning & Environment
Planning, Transport & Regulation | City Significant & Strategic Planning
E: gmansfield@ncc.nsw.gov.au | T: +61249742767 | M: +61407286899

City of Newcastle acknowledges the Traditional Custodians of the land of the Newcastle LGA, the Awabakal and Worimi peoples.

From: Grant Brown <Grant.Brown@app.com.au>
Sent: Thursday, 16 January 2025 1:16 PM
To: Geof Mansfield <gmansfield@ncc.nsw.gov.au>
Subject: Nihon University IEA Consultation - SSD-9787

You don't often get email from grant.brown@app.com.au. Learn why this is important

Hi Geof,

Thanks for taking my call earlier today.

I am writing to seek consultation with the City of Newcastle on the development project for the Nihon University (SSD-9787) which is now in the Operational phase.

As the independent environmental auditor for the project, APP are required to seek consultation with council with regards to the project.

Can you please advise whether the council has any items of concern regarding the development that APP can assess as part of the audit scope?

A response by 22 January 2025 would be very much appreciated.

Appendix D – Audit Team Approval

NSW Planning ref: SSD-9787-PA-95

Julie Meehan
Nihon Daigaku Australia Newcastle Pty Ltd
C/- The University of Newcastle
Awabakal Country

03/10/2024

Sent via the Major Projects Portal only

Subject: Nihon University Newcastle Campus - Independent Audit - Appointment of Auditors

Dear Mrs Meehan

I refer to the request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to conduct an Independent Audit of the Nihon University Newcastle Campus, submitted as required by condition D29 of development consent SSD-9787 as modified (the consent) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 24 September 2024.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

Consequently, as nominee of the Planning Secretary, I approve the appointment of Barbara Pater and Grant Brown to prepare the Operational Independent Audit due to be submitted in February 2025.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of consent and the *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact me on 02 65753401 or email compliance@planning.nsw.gov.au

Yours sincerely

HWatters

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Appendix E – Declarations of Independence

The APP Group

Declaration of Independence Form

Declaration of Independence – Auditor	
Project Name:	Nihon University Newcastle Campus
Consent Number:	SSD-9787
Description of Project:	Operational phase of Nihon University, including: • Defect rectification and minor works • Maintenance of operational systems and services. • Maintenance of landscaping and other associated public domain and infrastructure works
Project Address:	9 Church Street, Newcastle, NSW
Proponent:	Nihon University
Date:	19 June 2024

I declare that:

- I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- I am not an Environmental Representative for the project; and
- I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, $1 million and for an individual, $250,000; and

b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of the Auditor:	Grant Brown
Signature:	
Qualification:	Lead Environmental Auditor
Company:	APP Corporation Pty Ltd
Company Address:	Level 14, 10 Spring Street, Sydney NSW 2000

The APP Group

Declaration of Independence Form

Declaration of Independence – Auditor	
Project Name:	Nihon University Newcastle Campus
Consent Number:	SSD-9787
Description of Project:	Operational phase of Nihon University, including: • Defect rectification and minor works • Maintenance of operational systems and services. • Maintenance of landscaping and other associated public domain and infrastructure works
Project Address:	9 Church Street, Newcastle, NSW
Proponent:	Nihon University
Date:	29 November 2024

I declare that:

- I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- I am not an Environmental Representative for the project; and
- I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, $1 million and for an individual, $250,000; and

b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of the Auditor:	Grant Brown
Signature:	
Qualification:	Lead Environmental Auditor
Company:	APP Corporation Pty Ltd
Company Address:	Level 14, 10 Spring Street, Sydney NSW 2000

Appendix F – Photos

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Ducted air conditioning

Ducted air contitioning

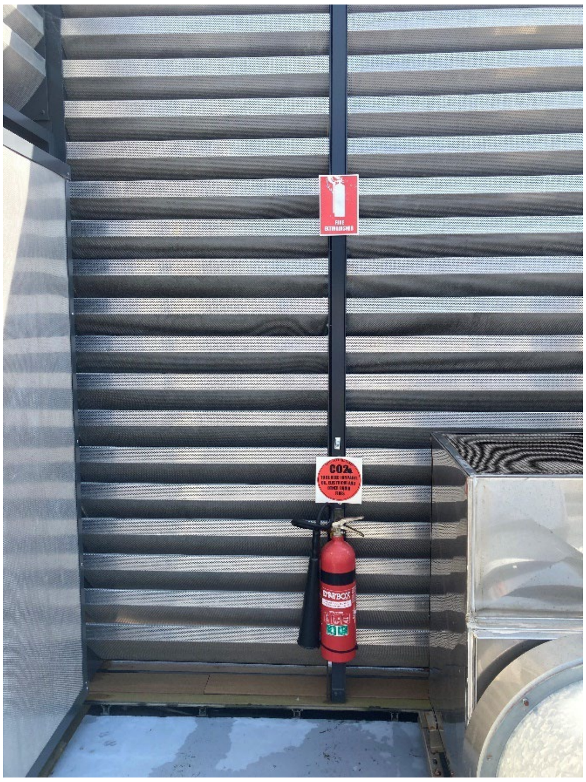
Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Exterior of rooftop HVAC area, noting downward facing lights

Rooftop area, noting downward facing lights

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Rooftop emergency exit



Noise softening panels and unobstructed fire extinguisher, rooftop HVAC area

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Noise softening panels, rooftop HVAC area

Rooftop HVAC area

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Fire watermain

Front streetscape, noting no obstructions

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Front façade & streetscape

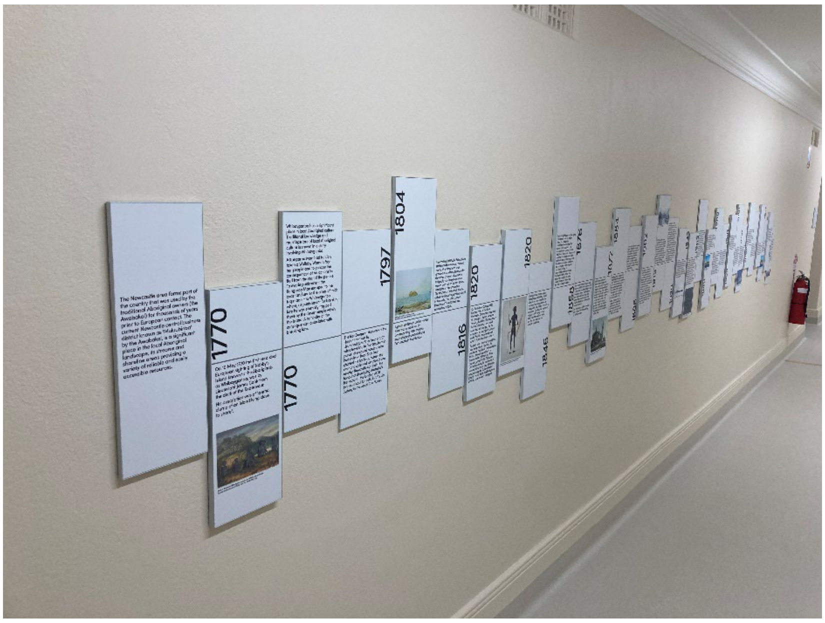
Waste storage room

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Front façade of building and service area

Side access

Audit Photos – 9 Church Street, Newcastle - 13 November 2024



Interpretive heritage signage - internal

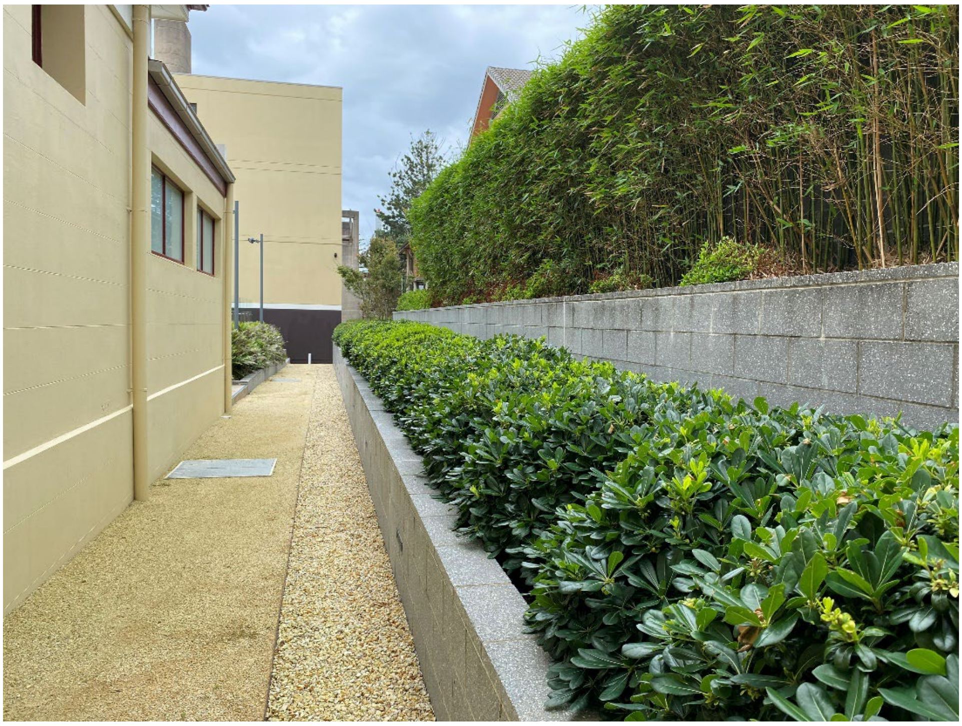
Front landscaping and interpretive heritage signage

Audit Photos – 9 Church Street, Newcastle - 13 November 2024

Rear landscaping

Rear landscaping

Audit Photos – 9 Church Street, Newcastle - 13 November 2024



Rear landscaping

Rear landscaping

The APP Group

app.com.au