dwp

design worldwide partnership

23rd September 2020

The Planning Secretary
NSW Department of Planning, Industry & Environment
320 Pitt Street
Sydney, NSW 2000

Attention: Megan Fu
Project: Nihon University Newcastle Campus - SSD 9787
Re: Conditions of Consent D32

Dear Megan,

Reference is made to SSD 9787 Conditions of Consent D32 in relation to the Independent Environmental Audit requirements for the project. Please find attached the Nihon University Independent Environmental Audit [IEA] Construction Audit 2 [Revision 0, dated 22/09/2020] prepared by GHD. The IEA has been prepared in accordance with the Independent Audit Post Approval Requirements [*Department of Planning and Environment, 2018*] and to the audit program identified to the Planning Secretary in our correspondence dated 16th January 2020.

This IEA Construction Audit 2 has been forwarded to the Certifier in accordance with the requirements of the condition of consent. The proponent's response to the IEA Construction Audit 2 addressing corrective action and recommendations will be addressed in separate correspondences.

Notification is given that this IEA Construction Audit 2 will be uploaded to the public information website at least seven days after, and within 60 days of its lodgement with the Planning Secretary.

Should you require further clarification on the independent environmental audit please feel free to contact either Katherine Daunt or Edward Clode at dwp Australia Pty.

Yours sincerely,

Edward Clode
Design Director
Registered Architect – NSW ARBN 4100
Email: edward.c@dwp.com
File: 17-0347_A-d01-20_let
Encl.: Independent Environmental Audit [IEA] Construction Audit 2

Nihon University - Azusa Sekkei Pty Ltd

Nihon University Independent Environmental Audit
Construction Audit 2

September 2020

Executive summary

GHD Pty Ltd (GHD) was engaged by Azusa Sekkei Pty Ltd (Azusa Sekkei) on behalf of Nihon University, to conduct an independent audit of compliance of the Nihon University development, Newcastle, NSW. The Minister for Planning and Public Spaces approved the development pursuant to Section 98E of the *Environmental Planning and Assessment Act 1979* on 11 December 2019 (the Development Consent).

The Nihon University development is located at 9 Church St, Newcastle, NSW. The approved Development consists of:

- **Demolition** of two existing three-story buildings – *completed in June 2020.*
- **Site remediation** (including the management of any resultant contamination, mine workings and/or archaeological findings) – *commenced during the audit period and ongoing.*
- **Restoration and refurbishment** of the retained and State heritage listed Newcastle Courthouse building – *commenced during the audit period and ongoing.*
- **Construction of two new four-story buildings** comprising student accommodation in the eastern building and teaching space\carpark in the western building – *commenced during the audit period and ongoing.*

Schedule 3 Part D – During Construction Condition D29 to D34 of the Development Consent specifies the requirements for independent environmental audits throughout construction and operation. As required by Condition D30, and independent audit program was prepared, this program and Condition D31 required the first independent audit to be undertaken within eight weeks of the notified commencement date of construction. Construction Audit 1 covered the period 21 January 2020 to 26 February 2020. This audit constitutes the second audit for the Development, which was required to be undertaken no later than six months from the data of initial audit. This report presents the findings of the second independent environmental audit and covers the period 27 February to 26 August 2020.

At the time of audit, the proponent demonstrated a high level of compliance with the requirements of Development Consent SSD-9787. The proponent has a good understanding of their obligations under the conditions of consent and were implementing environmental management measures to minimise environmental impacts of construction.

A Construction Environmental Management Plan (CEMP) had been prepared for the Development which included the programs and plans developed in accordance with the Development Consent. These plans provide guidance on the management and monitoring tasks as well as the frequency for these to be undertaken on site. Environmental monitoring specified in these plans was being undertaken on site.

Compliance and improvement opportunities were identified related to administrative items including updating management plans to comply with the conditions of consent and ensuring all required project documentation is on the project website. This report is subject to, and must be read in conjunction with, the limitations set out in Section 1.5, and the assumptions and qualifications contained throughout this report.

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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	L. Taylor	E. Holland	EHolland.	M Kiejda		22/092020

1. Introduction

1.1 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, with the vast majority in Tokyo. It has been actively developing dynamic collaborations with numerous overseas universities and promoting its students to various international exchange programs. 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 has selected the former Newcastle Courthouse as the site on which to open its first international campus.

Nihon's vision for the new campus is to serve as a hub for international language exchange programs, primarily for Japanese students of Nihon University to learn English in an international environment. The Development is located on Lot 1 of DP 1199904 at 9 Church Street, Newcastle.

Nihon are constructing the Development in accordance with the requirements of Development Consent SSD-9787.

GHD Pty Ltd (GHD) was engaged by Azusa Sekkei Pty Ltd (Azusa Sekkei) on behalf of Nihon University, and approved in advance by the Department of Planning, Industry and Environment (DPIE), to undertake Independent Audits of Nihon’s compliance with the requirements of the Development Consent.

This report was prepared in accordance with the Independent Audit Post Approval Requirements (Department of Planning and Environment, 2018) and responds to the audit scope as outlined in Section 1.2. A copy of the completed and signed Independent Audit Declaration Form is provided in Appendix A.

This audit represents Construction Audit 2, with Construction Audit 1 (GHD, 2020) completed in March 2020 covering the period 21 January 2020 to 26 February 2020.

1.2 Scope of the audit

The scope of the audit was defined by Section 3.3 of the Independent Audit Post Approval Requirements (Department of Planning and Environment, 2018), as amended by Condition D31, as follows:

An Independent Audit must include:

1. *an assessment of compliance with:*
    a. *conditions of consent applicable to the phase of the development that is being audited;*
    b. *all post approval documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans;*
    c. *all environmental licences and approvals applicable to the development excluding environmental protection licences issued under the Protection of the Environment Operations Act 1997;*

2. *an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:*

   a. *actual impacts compared to predicted impacts documented in the environmental impact assessment;*

   b. *the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts;*

   c. *incidents, non-compliances and complaints that occurred or were made during the audit period;*

   d. *the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit;*

   e. *feedback received from the Department, and other agencies and stakeholders, including the community or Community Consultative Committee, on the environmental performance of the project during the audit period;*

3. *the status of implementation of previous Independent Audit findings, recommendations and actions (if any);*

4. *a high-level review of the project's environmental management systems (if any), including assessment of any third party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems. It is not expected that an Independent Audit comprises a management system audit, however any key deficiencies identified in the system should be discussed;*

5. *a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate; and*

6. *any other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.*

Independent environmental audit requirements as specified in the Development Consent are outlined in Table 1-1.

Table 1-1 Independent Environmental Audit Requirements under SSD-9787

No.	Condition
D29	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.
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.
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.

No.	Condition
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).
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; (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.
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.

The audit frequency as per the approved audit program developed to satisfy Condition D30 and D31 is provided below (Table 1-2).

Table 1-2 Nihon University Development Audit Frequency

Phase	Frequency
Construction	Within eight weeks of the notified commencement date of construction
Construction >52 weeks	No later than six months from the date of the initial construction independent audit
Operation	Within 52 weeks of the commencement of operation

The methodology of the audit is outlined in Section 2.

1.3 Audit period

This audit assessed the compliance status of the project against SSD-9787 for demolition and construction activities undertaken since the 27 February 2020 to 26 August.

1.4 Audit team

Elliot Holland and Lachy Taylor of GHD undertook the audit at the request of Azusa Sekkei. The audit team were approved by DPIE in a letter dated 29 January 2020 to undertake the program of audits for the Nihon University project (Appendix B).

The participants in the audit were:

- Elliot Holland (GHD) – Lead Auditor
- Lachy Taylor (GHD) – Assistant Auditor
- Michelle Kiejda (GHD) – Technical Review

The following people were interviewed during the audit:

- Junichi Yokobori (Azusa Sekkei) – Senior Architect for Nihon
- Katherine Daunt (dwp) – Architect
- Benjamin Moss (Built) – Project Manager
- Robert McLaughlin (Built) – Construction Manager

1.5 Limitations

This report has been prepared by GHD for Nihon University on behalf of Azusa Sekkei and may only be used and relied on by Azusa Sekkei for the purpose agreed between GHD and Azusa Sekkei as set out in Sections 1.3 and 1.4 of this report.

GHD otherwise disclaims responsibility to any person other than Azusa Sekkei arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

GHD has prepared this report on the basis of information provided by Azusa Sekkei, which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

2. Audit methodology

The audit was carried out in accordance with the requirements of ISO 19011:2018 'Guidelines for auditing management systems' and the *Independent Audit Post Approval Requirements* (Department of Planning and Environment, 2018). In particular, the GHD team conducted the audit considering the following:

- The key principles of auditing including the requirement of auditors to conduct themselves in an ethical manner, report truthfully and accurately, be diligent and have the appropriate competency to conduct the audit, be independent, and apply an evidence-based approach to conducting the audit.
- The audit objectives, scope and criteria were based on the Conditions of Consent. The scope of the audit was limited to the scope specified in Section 1.2.
- An appropriate audit team was selected with skills and experience in environmental auditing to ensure that an adequate assessment of compliance with the Conditions of Consent could be made.
- Relevant documentation (as detailed below) was reviewed prior to the audit to make an initial determination of conformity of the system to the requirements of the Conditions of Consent, and to prepare an audit checklist containing appropriate questions to address during the site audit.
- Audit opening and closing meetings were conducted with the auditee to explain the format of the audit upfront and to highlight preliminary audit findings at the conclusion of the site audit.
- During the site inspection, audit interviews were conducted with dwp and Built personnel and additional documentary evidence was collected. An inspection of the site was conducted to verify relevant compliance aspects of the audit.
- Verifiable evidence was collected and recorded throughout the audit and evaluated against the Conditions of Consent to determine conformity or non-conformity. All evidence was recorded on the Compliance Table (Appendix C).
- A complete and accurate report was prepared and distributed to provide a record of the audit and its findings.

2.1 Document review

GHD reviewed documentation associated with the demolition and construction of the project. dwp and Built provided a number of documents for review including:

- Management plans referenced in SSD-9787 and other instruments
- Monitoring records
- Correspondence with relevant stakeholders including authorities
- Inspection checklists
- Site procedures
- Reports prepared as required in the SSD-9787 and other instruments
- Agendas and minutes of meetings

A document register detailing the main documents and the dates which these documents were provided to GHD is provided in Appendix D.

2.2 Consultation with relevant agencies

As required by the audit scope, GHD consulted with the following agencies prior to the site audit:

- DPIE
- Environment Protection Authority (EPA)
- DPIE (EES Group)
- Heritage NSW
- City of Newcastle (Council)

A letter was sent to each of the abovementioned agencies advising them of the upcoming audit, GHD's role in conducting the audit and invited comment on Nihon's performance with regards to the requirements of the approval that related to their agency. A sample letter is included in Appendix E.

GHD received comment from DPIE (EES Group) and the EPA identifying they had no relevant concerns for the IEA (see Appendix F). Comments from DPIE and Council were not received, while comments from Heritage NSW were not received until after the interviews and site inspection on 26 August 2020.

2.2.1 Council

No response received.

2.2.2 DPIE

No response received.

2.2.3 Environment Protection Authority (EPA)

A response received from the EPA on Thursday, 13 August 2020 indicated no relevant comments in relation to the audit (see Appendix F).

2.2.4 DPIE (EES Group)

A response received from Steven Cox (DPIE (EES Group)) on Friday, 7 August 2020 indicated that there was no specific concerns to raise for the audit (see Appendix F).

2.2.5 Heritage NSW

A response from Heritage NSW was not received until 31 August 2020, after the audit interviews and site inspection (see Appendix F). This response from Dr Siobhán Lavelle OAM indicated:

'…since the Project was approved (SSD 9897) that several matters related to the Conditions of Approval have been the subject of correspondence between the Proponent or their consultants DWP and Heritage NSW.

These have included matters related to the following Conditions:

- *C19 Landscape Plan*
- *C17 Historical Archaeological Assessment & Research Design*
- *C18 Excavation Director (Historical Archaeology)*
- *B05 Pre-Construction Dilapidation Report*

Correspondence issued by HNSW indicates that generally the requirements of the above Conditions have been met.

As yet, other matters, such as the progress of findings from historical archaeological works, are not available to Heritage NSW.'

2.3 Site audit and inspection

The audit was scheduled to run over two days, with audit interviews taking place via teleconference on Tuesday, 25 August 2020. This was undertaken to limit time on-site during the site inspection and reduce the potential risk of participants being exposed to COVID-19, and associated management obligations in association with the site COVID-19 management plan.

Site interviews participants included Junichi Yokobori (Azusa Sekkei), Katherine Daunt (dwp), Ben Moss (Built) and Robert McLaughlin (Built), with interviews conducted by the GHD auditors Elliot Holland and Lachy Taylor. The interviews and site observations were guided by the audit criteria which addressed the conditions of the SSDD-9787.

A detailed site inspection of the Nihon University development (9 Church Street, Newcastle NSW) was undertaken by GHD auditors Elliot Holland and Lachy Taylor on Wednesday, 26 August 2020 in the company of Katherine Daunt (dwp) and Ben Moss (Built).

The following areas were inspected:

- The former Newcastle Courthouse building (heritage courthouse)
- The construction site of the former Administration Building, now Residential building
- The construction site of the former Supreme Court Building, now Education building

A selection of photographs from the site audit are provided in Appendix G. Conditions on the day of the site inspection were noted to be fairly average for August, ranging in temperature from 6.4 °C to 17.1 °C (Bureau of Meteorology, 2020). Winds were calm throughout the day and no rain was recorded (Bureau of Meteorology, 2020).

A closing meeting was held following the audit, where preliminary findings were presented and the process for finalising the audit report were outlined.

Where possible, documents and data collected during the audit process were reviewed prior to the site inspection, including during the site interviews, with some documentation also reviewed whilst on-site. All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and/or via visual observations made during the site inspection.

2.3.1 Opening and closing meeting

The opening meeting was held via teleconference on Tuesday, 25 August 2020, and the closing meeting occurred following the site inspection on Wednesday, 26 August 2020. The list of participants is provided in Table 2-1.

Table 2-1 Opening meeting attendees

Audit team members	Organisation	Role	Presence
Elliot Holland	GHD	Lead Auditor	Opening and closing meeting
Lachy Taylor	GHD	Assistant Auditor	Opening and closing meeting
Junichi Yokobori	Azusa Sekkei	Nihon Project Manager	Opening and closing meeting
Katherine Daunt	dwp	Design Director	Opening and closing meeting
Robert McClaughlin	Built	Construction Manager	Opening and closing meeting
Benjamin Moss	Built	Project Manager	Opening and closing meeting

3. Status of Construction Audit 1 findings

Corrective actions are required to correct matters of compliance identified by the audit. As outlined above, the Construction Audit 1 (GHD, 2020) identified eleven non-compliances. Corrective actions to address these non-compliances are summarised in Table 3-1.

Table 3-1 Summary of corrective actions

Reference No.	Condition	Corrective Action	Construction Audit 2 commentary
Corrective actions			
Compliance Audit 1 CA1	A2	Ensure that the development is carried out in accordance with the conditions of consent.	While dwp and Built are generally carrying out the development in accordance with the requirements of this condition, non-compliances identified during the audit (discussed below) have resulted in a non-compliance with Condition A2(a). Therefore, Compliance Audit 1 CA1 is still relevant and has been updated as ***Construction Audit 2 Corrective Action 1.***
Compliance Audit 1 CA2	A8	dwp and Built to update and finalise plans to include details of consultation as required by Condition A8(b).	Review of available documentation indicates Construction Audit 1 CA2 has been addressed (see Appendix C).
Compliance Audit 1 CA3	C2	Notify the Planning Secretary in writing at least 48 hours before the commencement of each stage including date of commencement and development to be carried out in that stage.	DPIE was notified of the intention to start works associated with CC01 (Audit 1) and CC02(a) (Stage 1 works) 48 hours or more prior to starting works, with notification for CC02(a) (Stage 1 works) provided on 27 May 2020. Notification for works associated with CC02(b) occurred on the 23 July 2020, and works physically commenced 25 July 2020. Therefore, Construction Audit 1 CA3 has been addressed (see Appendix C).
Compliance Audit 1 CA4	C7	Review all management plans required under this consent to ensure that the requirements of Condition C7 are incorporated, and update management plans where required.	The review and resubmission of these plans incorporated the requirements of this condition indicating Construction Audit 1 CA4 has been addressed (see Appendix C).
Compliance Audit 1 CA5	C11	Noise and vibration specialist to review the CNVMP and ensure that it addresses all of the requirements of Conditions C7 and C11 and is adequate to manage the noise and vibration impacts of the development.	The CNVMP was noted to have been reviewed by Noise and Vibration specialist and was found to be compliant with Conditions C7 and C11. Therefore, Compliance Audit 1 CA5 has been addressed. A DPIE email acknowledging receipt of the revised CNVMP and no comments was sighted, dated 16 April 2020. Therefore, Construction Audit 1 CA5 has been addressed (see Appendix C).

Reference No.	Condition	Corrective Action	Construction Audit 2 commentary
Compliance Audit 1 CA6	C24	Include notification that the compliance report shall be uploaded to the public information website seven days after and within 60 days of the lodgement of the report with the Planning Secretary in future correspondence to the Planning Secretary regarding construction compliance reports.	dwp notified DPIE on 29 June 2020 of the intention to publish Pre-Construction Compliance Report to the project website after 10 June 2020. Therefore, Construction Audit 1 CA6 has been addressed (see Appendix C).
Recommendations			
Compliance Audit 1 R1	A28	dwp to include the date that they became aware of any non-compliance in future written notifications to demonstrate compliance with this condition.	dwp and Built have not become aware of any non-compliances prior to the audit being conducted. Non-compliances identified during the audit were communicated to dwp and Built at the conclusion of the site inspection on 26 August 2020. DPIE was notified of the non-compliance on 27 August 2020 via email. Review of available documentation indicates Compliance Audit 1 R1 has been addressed.
Compliance Audit 1 R2	B9	Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) be updated to include the swept path of the longest construction vehicle prior to application for CC02.	Review of documentation indicates Construction Audit 1 R2 has been addressed, with the CTPMSP revised in response to Audit 1 to include the swept path of the longest vehicle and resubmitted to DPIE.
Compliance Audit 1 R3	C17	Ensure that the consultation undertaken in preparation of the Archaeological Research Design and Excavation Methodology is captured in the document.	It is noted that Construction Audit 1 R3 has been partially addressed, while consultation has been undertaken in preparation of the Archaeological Research Design and Excavation Methodology, Nihon has determined appending this consultation to the document is not necessary. Review of available documentation however verifies consultation has been undertaken.
Compliance Audit 1 R4	D3	Update the Demolition Works Plan to include the changes to the demolition methodology.	The Demolition Works Plan was updated on 19/02/2020 to reflect changes in demolition methodology. Revised plans were submitted to DPIE on 05/03/2020, indicating Construction Audit 1 R4 has been addressed.
Compliance Audit 1 R5	D8	Built to ensure that construction of the development is carried out in accordance with the finalised ACHMP.	The finalised ACHMP was submitted to DPIE on 23/03/2020. Construction is generally being carried out in accordance with the approved CEMP (including sub plans), indicating Construction Audit 1 R5 has been closed out.
Compliance Audit 1 R6	D15	Update Construction Noise and Vibration Management Sub-Plan (CNVMSP) to only compare vibration results for structural damage to DIN 4150-3 (1992-02) as required by Condition D15.	The project is being completed under the most recent CNVMSP, which was revised following Audit 1. The revision register in the appendix of the CNVMP identified that vibration criteria has been updated to use DIN 4150-3: 1992-02 and was confirmed on review. Indicating Construction Audit 1 R6 & R7 has been addressed.

Reference No.	Condition	Corrective Action	Construction Audit 2 commentary
Compliance Audit 1 R7	D15	Utilise DIN 4150-3:1999-02 as the criteria for assessing building damage caused by vibration in accordance with Condition D15.	Vibration monitoring for the project indicates vibration levels generated by the project are within criteria established by the CNVMP.
Compliance Audit 1 R8	D23	Ensure that site stormwater can be managed throughout all stages of the project's construction.	Part of the stormwater works were completed early on in the project through the replacement of existing stormwater infrastructure. During the site inspection, it was observed that the stormwater system works completed in the early stage connected with existing stormwater infrastructure on site. These works were conducted so that clean water does not mix with dirty water on site. The site inspection also noted the installation of new stormwater infrastructure, which is under construction and remains to be connected to council assets. The application process to connect new stormwater infrastructure to existing council assets is ongoing. Review of site management practices on-site, including the diversion of all clean water indicates Construction Audit 1 R8 has generally been met.
Compliance Audit 1 R9	Adequacy of strategies / plans / programs	Review and update the CEMP to provide summaries of the project environmental controls, monitoring, limits or performance criteria, applicability of the legal requirements and applications/permits to the project, ensure controls are consistent with the Development Consent and that a site specific ESCP is prepared for the project.	The CEMP was updated following Construction Audit 1 and resubmitted to DPIE on 19 May 2020 and is consistent with the Construction Audit 1 Findings. A DPIE email acknowledging receipt and no comments was sighted and dated 20 May 2020. However, it is noted dwp lodged a request on 06 April 2020 to vary construction hours approved for the development under the implementation of *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* to allow longer working hours on Saturdays and work on Sundays and Public Holidays. DPIE acknowledged the submission on 8 April 2020 and indicated they had no comment. As the CEMP was revised on 27 August 2020 and re-submitted to DPIE, no relevant corrective action has been identified in relation to this non-compliance. However, ***Construction Audit 2, Recommendation 1*** has been made to ensure compliance should *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* be removed during the construction period.

4. Audit findings

4.1 Context of the compliance assessment

The approved Development consists of:

- **Demolition** of two existing three-story buildings – *completed in June 2020.*
- **Site remediation** (including the management of any resultant contamination, mine workings and/or archaeological findings) – *commenced during the audit period and ongoing.*
- **Restoration and refurbishment** of the retained and State heritage listed Newcastle Courthouse building – *commenced during the audit period and ongoing.*
- **Construction of two new four-story buildings** comprising student accommodation in the eastern building and teaching space\carpark in the western building – *commenced during the audit period and ongoing.*

Nihon's Development Consent required the audit to:

- Assess whether the development is being carried out in compliance with the conditions of this consent relevant to the phase of the development that is being audited, all post approval documents prepared to satisfy the conditions of consent, all environmental licences and approvals applicable to the development.
- Assess environmental performance of the development including actual versus predicted impacts from the EIS, physical extent of the development in comparison with the approved boundary and any offsite impacts, incidents non-compliances and complaints that occurred or were made during the audit period, performance of the development having regard to agency policy and any particularly environmental issues identified through consultation and feedback from DPIE other agencies and stakeholders on environmental performance of the project during the audit period.
- Review (high level) of the project's environmental management systems (if any).
- Assess whether environmental management plans are adequate.
- Assess any other matters considered relevant by the auditor or DPIE taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.

The following sections outline the audit's assessment of Nihon's compliance with SSD-9787.

4.2 Summary of environmental performance

Nihon's Principal Contractor, Built demonstrated a high level of environmental performance during the audit, as demonstrated by the comments and photos below. A number of positive measures were observed during the audit that demonstrated compliance with many of the requirements of the Development Consent.

Built have a good understanding of their obligations under the Development Consent, were organised, providing documents promptly and had close attention to detail. Built are managing the demolition works to minimise environmental impacts including watering down exposed surfaces for dust mitigation, segregation of waste and proactive noise and vibration monitoring.

Review of construction reports indicate the project aims to achieve a 90 per cent materials recovery rate of all waste materials collected, with waste recovery percentages achieved during the audit period approximately 95.5 per cent. The general solid waste was observed to be segregated and stockpiled on site, with loads being removed at sufficient intervals to avoid build-up of waste on site. The Construction Waste Management Sub-Plan (CWMSP) is adequately managing the waste issues associated with the construction of the Nihon University project.

Nihon received a number of complaints regarding noise or vibration during the audit period (see Section 4.8). Review of documentation and interviews confirm noise and vibration monitoring was undertaken both routinely and in response to complaints, including at residential properties to confirm concerns of vibration impacts on dwellings. Noise and vibration monitoring reports concluded that noise and vibration levels produced by the project were within criteria outlined in the Construction Noise and Vibration Management Sub-Plan (CNVMSP). This would indicate that the CNVMSP is effective in managing noise and vibration impacts for the construction of the Nihon University project.

As discussed in Section 4.9, non-compliances identified through the audit were related documentary/administrative issues.

4.3 Agency notices / orders / penalty notices or prosecutions

Review of available documentation and conduct of audit interviews indicate that no relevant agency notices, orders, penalty notices or prosecutions have occurred during the audit period.

4.4 Adequacy of strategies/plans/programs

The audit assessed the adequacy of the strategies and management plans prepared for the Development. Adequacy was determined based on inclusion of content in relevant conditions and *DPIE Environmental Management Plan Post Approval Requirements Series* (July 2017), suitability of the plans for the operations and effectiveness in managing environmental impact of the Development.

Plans reviewed included:

- The CEMP
- Environmental Management Plan (EMP)
- Community Consultation Plan
- Demolition Works Plan
- CNVMSP
- Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP)
- CWMSP
- Construction Worker Transportation Strategy

Construction Audit 2 found that management plans were generally compliant with the conditions of consent, with the exception of the CEMP which did not entirely comply with Condition C8 (specifically Condition C8(a)(i)). Further discussion on the CEMP is in Section 4.4.1.

4.4.1 Construction Environmental Management Plan

The CEMP acts as the overarching document for construction of the Development in accordance with SSD-9787. The CEMP has allowed for the construction of the Development in accordance with approvals and without adverse impacts to the local environment.

Review of available documentation indicates the CEMP was updated and resubmitted to DPIE on 19 May 2020 and addressed *Construction Audit 1 Recommendation 9*. A DPIE email acknowledging receipt and no comments was sighted and dated 20 May 2020.

It is noted Nihon lodged a request on 6 April 2020 to vary construction hours approved for the development under the implementation of *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* to allow longer working hours on Saturdays and work on Sundays and Public Holidays. DPIE acknowledged the submission on 8 April 2020 and indicated they had no comment.

However, it is noted the CEMP had not been updated to reflect revised hours resulting in a non-compliance with Conditions A24 and C8 of SSD-9787.

As the CEMP was revised on 27 August 2020 and re-submitted to DPIE, no relevant corrective action has been identified in relation to this non-compliance. However, ***Construction Audit 2, Recommendation 1*** has been made to ensure compliance should *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* be removed during the construction period.

4.5 EMS

As discussed in Construction Audit 1, Built maintain a corporate HSE Management System which is certified to ISO 14001:2015 Environmental Management Systems and ISO 45001:2018 /AS/NZS 4801:2001 Occupational Health and Safety Management Systems. A Certificate of Conformity from David Langton Certification Services (dlcs) international was sighted as part of the audit. The certification scope covers ‘the provision of construction management, refurbishment and fitout services in all major property industry sectors’ which is appropriate for the works being undertaken as part of the Nihon University project.

A corporate HSE Plan and a project HSE Plan for the Nihon University Project were provided by Built for review during Construction Audit 1. The structure of the corporate HSE Plan follows that of ISO 14001. The HSE Plan is appropriate for the type of development and management arrangements specified in the HSE Plan were observed to be implemented during the audit. Review of documentation and conduct of the site inspection indicating:

- No incidents have occurred during the audit period (see Section 4.7).
- Complaints for the audit period were observed to peak in early April 2020, with the last complaint received on 21 May 2020, with a proactive approach to engagement with the local community (see Section 4.8).
- Communication was observed between construction workers and actions implemented to manage environmental impacts of the project, including shovelling and sweeping of the access way to Church Street and watering of the access road to mitigate dust generation (see Appendix G).

4.6 Actual versus predicted environmental impacts

Predicted environmental impacts were detailed in the EIS (City Plan, 2019). Actual environmental impacts were observed during the site inspection and interviews undertaken at the site audit on 26 August 2020. A comparison is provided for predicted environmental impacts and the actual environmental impacts during demolition and construction in Table 4-1. The comparison concluded that actual environmental impacts were consistent with those predicted in the EIS.

The physical extent of the development observed during the site audit on 26 August 2020 appeared to be generally consistent with the site boundary as outlined in the EIS (City Plan, 2019). Offsite impacts did not appear to exceed those as described in the EIS.

Table 4-1 Predicted vs actual impacts during construction

Key issue	Predicted impact	Actual impact
Noise and Vibration	EIS predictions indicated that without mitigation construction noise levels were likely to be above the noise management levels at times during construction activities. The EIS also notes that, given the assessment assumed equipment operating simultaneously and at the nearest locations to the relevant sensitive receivers it is likely that actual construction noise levels would be less than those predicted under worst-case conditions. It is also possible that vibration levels generated at the project site could be above the relevant human comfort and structural vibration criteria.	CNVMSP acknowledges that noise management levels will likely exceed at times during construction. Construction Noise and Vibration Monitoring found that attended observations noted demolition and construction activities ranged from just perceptible to imperceptible depending on the location within surrounding commercial and residential properties. All reasonable and feasible noise mitigation measures appear to be implemented.
Waste	Due to the heritage listing of the former Courthouse building, the alterations and additions have been designed to minimise the demolition and removal of existing fabric. Accordingly, waste generation during the demolition and construction phases will predominately be limited to the demolition of the existing eastern and western buildings. Details of waste management procedures for the demolition and construction phases of the proposed development will be formalised in a Construction Waste Management Plan at the Construction Certificate. At this stage, it is anticipated that the following key procedures will be implemented: • Only minor bulk earthworks are proposed. Any spoil won from cutting will be re-used on site as topsoil or disposed of at a suitable site if required. • Vegetation removed will be mulched onsite and reused or recycled. • In general, demolition and unused building materials will be recycled. Appropriate soil waste classification and disposal requirements will be discussed in the Remediation Action Plan.	The waste generated is pre-classified by the EPA as General Solid Waste (non-putrescible) and Special Waste (Asbestos). Where possible, Building and demolition waste is segregated onsite prior to removal for waste recovery/recycling (e.g. metal, etc.). Unsegregated Building and demolition waste is also pre-classified by the EPA as 'General Solid Waste (non-putrescible)' and transported to Central Waste Services facility at Kurri Kurri where it is then segregated for waste recovery/recycling. Special Waste (Asbestos Waste) is pre-classified by EPA, has been removed by a licenced asbestos removal subcontractor (Drumderg Services) had has been disposed of in accordance with regulatory requirements

Key issue	Predicted impact	Actual impact
Air	Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.	Applicant has taken reasonable steps to minimise dust generation including the use of sprinklers, hand watering using a hose and hose on excavator. Trucks have loads covered. Trucks are not tracking dirt onto the public road network and traffic controls are sweeping the street. No land stabilisation works are required. During the audit, watering of the site access area and cleaning of the road was observed.
Tree Management	An Arboricultural Impact Assessment Report (AIAR) has been prepared for the proposal by Joseph Pidutti (see Appendix 5). The AIAR assessed the potential impacts of the proposed development on the 29 trees within the subject site, the 5 street trees fronting Church Street, as well as several trees within the adjoining James Fletcher site to the west. The AIAR includes an assessment of the health, condition and retention value of those trees. In summary, the report found that, with the exception of the 5 street trees, all trees within the site should be removed to facilitate construction.	Trimming/removal has not yet commenced, except that identified in Construction Audit 1. During the audit it was identified that public domain works are yet to be commenced, and consultation with Council is ongoing Tree protection measures were observed onsite.
Soil Management	As outlined in the Plan, prevention and sediment control measures will be implemented during the construction phase, including sandbag protection filters, sediment barriers, silt fences, control of stockpiles and a temporary contract vehicle access way to prevent sediment being tracked off-site. Erosion and sediment control measures will be carried out in accordance with the 'Blue Book' published by Landcom, Managing urban stormwater: soils and construction - Volume 1, 4th Edition.	Dockets are issued by subcontractors on a weekly basis, with all imported fill is tracked on a material tracking register updated weekly. None of the relevant materials which require approval in writing have been brought onto the site. The site inspection did not identify any issues in relation to erosion and sediment control measures, while the audit has not identified any complaints or incidents to indicate soil management is an issue during construction.

4.7 Incidents

Review of available documentation and conduct of audit interviews indicate that no relevant incidents have occurred during the audit period.

4.8 Complaints

Review of complaints data indicates 14 complaints have been received during the audit period, as detailed in Table 4-2. These complaints related to:

- Noise and vibration:
  - Noise (5)
  - Vibration (4)
- Health and safety (1)
- Revised construction hours (4)
- Traffic (1)[1]

Review of the complaints register and the conduct of site interviews indicate a proactive approach to addressing complaints, with all complaints received during the audit period closed out at the time of the site inspection. Furthermore, complaints for the audit period were observed to peak in early April 2020, with only two complaints received since 6 April 2020 and the last complaint received on 21 May 2020.

This notwithstanding, a general recommendation was made to ensure confidentiality of complainants'; however, this recommendation was addressed prior to the finalisation of the report and is no longer relevant.

[1] This complaint received on 6 April 2020 noted two relevant concerns related to traffic and construction hours. Resulting in an issue count of 15 and complaint count of 14.

Table 4-2 Complaints register review

Date	Description	Response	Closed (Y/N)	Auditor's Comment
27/02/2020 1:20pm	Notified Built via email of cracks appearing within his property at 30 Church Street that were previously not noted. Believes demolition works occurring the past couple of days and vibration are the cause.	Phoned resident to further discuss the issue raised. An inspection of the property has been arranged for 3:00pm 28/02/2020 with the resident, Built Project Manager and Structural Engineer who completed initial Pre- Construction Dilapidation Report. Follow up email sent to resident at 5:26pm confirming details of phone complaint and inspection. Inspection Report submitted to resident on 02/03/20 showing cracks identified and not worsened. Vibration monitor results received on 03/03/20 show compliance with structural levels.	Y	Adequate response to complaint.
09/03/2020 1:50pm	Noise complaint received via phone call to Construction Manager Rob McLaughlin regarding noise prior to approved construction hours.	Built contacted resident on her mobile number to discuss the issue. The resident stated that there was noisy vehicles and concerns of "loading of bricks and things in the morning" approximately between 4:30am to 6:30am. Upon review of CCTV footage, a large skip bin garbage truck and other heavy vehicle was seen on Bolton Street between 5-6:00am and not related to the Nihon Project. Built also spoke with resident's neighbour, who confirmed the workers were related to a project on Bolton Street as he had confronted them that morning	Y	Adequate response to complaint.
10/03/2020 4:06pm	Resident lodged an additional complaint via email related to demolition works causing existing cracks to "enlarge" within his residence.	Built responded via email advising that vibration monitoring to date has shown compliant levels. It was requested that resident submits photos of enlarged cracks for review by Structural Engineer prior to another inspection as it was found that all cracks were existing after his initial complaint. Built conducted 7 days of monitoring at resident's residence between 13/03/2020 & 20/03/2020. Built issued Vibration Monitoring Report to resident on 26/03/2020 showing that vibration results were well under the limits for both structural damage and human comfort.	Y	Adequate response to complaint.
19/03/2020 4:05pm	Architect/Superintendent notified Built of noise complaint lodged directly to DPIE regarding demolition works.	Built contacted JFH main contact, the Corporate Services Manager - Hunter New England Health to discuss the complaint. The resident advised that she was unaware of the issue and had received no internal complaints. Built conducted immediate spot check of demolition noise which showed works were within permissible noise limits. Built engaged acoustic consultant to conduct internal noise monitoring within JFH on 20/03/2020. Results came back compliant with construction noise limits & report was submitted to JFH for their records on 25/03/2020.	Y	Adequate response to complaint.
01/04/2020 12:59pm	Lodged complaint by email to Nihon community liaison address regarding vibration causing discomfort.	Response email sent noting concerns and advising of Built monitoring activities to maintain compliance with vibration criteria and minimise disruptions. Advised the resident to contact if there are any further concerns or structural changes noted.	Y	Adequate response to complaint.

Date	Description	Response	Closed (Y/N)	Auditor’s Comment
03/04/2020 9:24am	Lodged complaint by email to Nihon community liaison address regarding workers being spotted onsite without Hard Hats and not maintaining social distancing.	Response email sent advising that Built takes HSE and social distancing measures seriously and that this concern has been immediately addressed with workers onsite. It must be noted that the workers were completing a pre-start talk and were outdoors in open space.	Y	Adequate response to complaint.
03/04/2020 1:16pm	Lodged complaint in relation to 2004- CN009 Extended Working Hours advising of the Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020 being implemented onsite.	Response sent by email noting concerns and frustration. Also advised that Built is continuing to follow Government advice in response to COVID-19, will continue to monitor the situation and implement required measures. Refer also to Community Notice (2004-CN010) sent on 06 April 2020 Community Response to Extended Construction Hours: Notice issued to surrounding residents, businesses, and organisations advising that in response to community responses received related to 2004-CN009, Built will be extending working hours on Saturday's only in the short term and that any changes will be communicated in advance.	Y	Adequate response to complaint.
03/04/2020 3:15pm	Lodged complaint in relation to 2004-CN009 Extended Working Hours advising of the Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020 being implemented onsite.	Refer to Community Notice (2004- CN010) sent on 06 April 2020: Community Response to Extended Construction Hours: Notice issued to surrounding residents, businesses, and organisations advising that in response to community responses received related to 2004-CN009, Built will be extending working hours on Saturday's only in the short term and that any changes will be communicated in advance.	Y	Adequate response to complaint.
03/04/2020 9:13pm	Lodged complaint in relation to 2004-CN009 Extended Working Hours advising of the Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020 being implemented onsite.	Refer to Community Notice (2004-CN010) sent on 06 April 2020: Community Response to Extended Construction Hours: Notice issued to surrounding residents, businesses, and organisations advising that in response to community responses received related to 2004-CN009, Built will be extending working hours on Saturday's only in the short term and that any changes will be communicated in advance.	Y	Adequate response to complaint.

Date	Description	Response	Closed (Y/N)	Auditor's Comment
6/04/2020 10:04am	Lodged complaint in relation to alleged cracking of their property caused by groundworks onsite.	Built arranged for an inspection of the property to assess claim against conditions noted within Pre-Construction Dilapidation Report. Inspection completed by Structural Engineer on 08 April 2020 Inspection Report issued to the Resident on 09 April 2020 advising that in the Engineer's opinion, the cracks identified by the Resident were noted within the Pre-Construction Dilapidation Report and had not worsened. Resident disputed the findings of one of the identified cracks. Built responded that vibration monitoring of an adjacent property during the same period had demonstrated compliance with vibration criteria and that any disputes will be addressed after the completion and findings of the Final Dilapidation Reports required under the Development Consent Conditions. No further response received.	Y	Adequate response to complaint.
06/04/2020 1:40pm	Lodged complaint by email regarding extended working hours, social distancing, and a traffic management issue on 04 April 2020 (Saturday).	Referred the Resident to Community Notice (2004-CN010) for response to concerns regarding social distancing. Advised that the traffic management issue had been issued to the Site Team and Subcontractors for urgent action. Also requested that for any future issues, the Resident should contact Built PM or SM immediately to ensure matters are actioned quickly. Email received from City of Newcastle Councillor thanking Built for responding to the concerns of residents.		Adequate response to complaint.
8/04/2020 9:48am	Lodged complaint by email regarding noise caused by grinding activities onsite.	Response stated Built's intention to minimise noise and conduct ongoing monitoring during construction, however, elimination of noise is not possible. Advised that structural demolition is nearing completion on the portion of site near his office. Note: Works were a short term activity located behind 2.4m plywood hoarding. No further response received	Y	Adequate response to complaint.
28/04/2020 2:42pm	Email correspondence received from HNE advising of internal complaints related to vibration causing activities and requesting information on construction monitoring activities and methodology mentioned within Community Notice (2004-CN011) Construction Progress Update 02.	Built responded via email advising of the current site activities and their expected completion date of 1st May and that previous monitoring had demonstrated compliance. Built also advised that vibration monitors had been collected on 28/04/20 and that the monitoring report would be submitted to HNE for transparency and their records. Built submitted the monitoring report to HNE on 01 May 2020 showing that the acceptable vibration dose levels for intermittent vibration related to human comfort had not been exceeded. No further issues raised.	Y	Adequate response to complaint.

Date	Description	Response	Closed (Y/N)	Auditor’s Comment
21/05/2020 5:52am	Email sent to Built Design Manager regarding noise when site personnel are arriving to site in the morning around 6:30am to 7:00am. Complaint specifically mentions noise generated by individuals talking as walking past the residence.	Email response sent advising of construction hours commencing at 7:00am and that Built would reinforce the need to be mindful of neighbours when arriving onsite of a morning. Resident responded with no further issues.	Y	Adequate response to complaint.

4.9 Assessment of compliance

Reporting results from Construction Audit 2 were based on *Independent Audit Post –Approval Requirements* (Department of Planning and Environment, 2018). A summary of compliance with the conditions of Development Consent SSD-9787 are provided in Table 4-3.

The review of compliance with SSD-9787 identified four non-compliances. A summary of the non-compliances are detailed in Table 4-4. A summary of the corrective actions to address identified non-compliances is provided in Table 5-1.

Recommendations were identified as part of this audit. A summary of recommendations is detailed in Table 5-2.

Table 4-3 Summary of compliance

Compliance	Details	Number of Compliant Conditions
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.	76
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.	4
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.	18
Note	Condition is noted.	2

Table 4-4 Summary of Non-Compliances

Condition No.	Reason for non-compliance	Corrective Actions
A2	While dwp and Built are generally carrying out the development in accordance with the requirements of this condition, non-compliances identified during the audit (discussed below) have resulted in a non-compliance with Condition A2(a).These conditions are listed in the rows below. The non-compliances identified were minor and administrative in nature and are not considered to pose risk of environmental harm. Further discussion is provided for Conditions A24; C8 and D8 and it is noted that all non-compliances were closed out prior to the completion of the audit. As a result of these (administrative) non-compliances, ***Audit 1 Corrective Action 1*** is still relevant and been updated as ***Audit 2 Corrective Action 1.*** The development is otherwise being constructed in accordance with the EIS and the approved plans, with actual impacts aligning with those predicted.	Corrective Action 1
A24	The May monthly construction report, which provides monitoring results, was not uploaded on the website at the time of the audit; with uploading completed after the site inspection and audit interviews. This notwithstanding, information presented on the website was generally consistent with this condition of consent and both the June and July construction reports were available for review on the website. Furthermore, this non-compliance was reported and rectified on 28 August 2020, two days after being identified during the closing meeting on 26 August 2020. Therefore, no relevant corrective action or recommendation has been made in relation to this non-compliance.	Not applicable.
C8	On 6 April 2020, dwp lodged a request to vary construction hours for the development under the implementation of *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* to allow longer working hours on Saturdays and work on Sundays and Public Holidays. DPIE acknowledged the submission on 8 April 2020 and indicated they had no comment. Documentation was reviewed verifying the revised Work Order-approved construction hours were communicated to construction staff and the local community (i.e. through notices) in advance of these hours being adopted. However, this non-compliance is noted to relate to an administrative non-compliance where the CEMP has not been updated to reflect revised hours in accordance with Condition C8(a)(i). Documentation provided after the closing meeting on 26 August 2020 verified the CEMP had been updated to address this non-compliance and provided to DPIE on Thursday, 27 August 2020. Therefore, no relevant corrective action exists for this non-compliance as it has been closed out; however, a recommendation is provided to ensure compliance once the Work Order is rescinded.	Recommendation 1
D8	While revised construction hours are being undertaken in accordance with *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020,* the CEMP for the Project has not been updated. Therefore, an administrative non-compliance is noted in relation to construction hours being undertaken in a manner inconsistent with what is advised in the approved CEMP. As per Condition 8, no relevant corrective action exists for this non-compliance as it has been closed out; however, a recommendation is provided to ensure compliance once the Work Order is rescinded.	Recommendation 1

5. Recommendations

Detailed audit findings are presented in Appendix C. Section 5.1 summarises the corrective actions and recommendations of the audit.

5.1 Corrective actions

Corrective actions are required to correct matters of compliance identified by the audit. As outlined above, the review of compliance with SSD-9787 identified four non-compliances, non-compliances identified through the audit were related documentary/administrative issues.

All non-compliances were noted to have been closed out by 27 August 2020. However, as discussed in Section 3, while dwp and Built are generally carrying out the development in accordance with the requirements of SSD-9787, the documentary/administrative non-compliances identified during the audit have resulted in a non-compliance with Condition A2(a).

Therefore, Compliance Audit 1 CA1 is still relevant and has been updated as ***Construction Audit 2 Corrective Action 1*** in Table 5-1.

Table 5-1 Summary of corrective actions

Reference No.	Condition(s)	Corrective Action
CA1	A2	Corrective Action 1: Ensure that the development is carried out in accordance with the conditions of consent.

5.2 Recommendations

Recommendations seek to address matters of concern raised by agencies, matters that may lead to a non-compliance or where the elements of the proponents' systems and plans were not found to be effective. The recommendations identified during the audit are summarised in Table 5-2.

Table 5-2 Summary of recommendations

Reference No.	Condition	Recommendation
R1	C8	Should *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* be rescinded during the construction period, ensure the CEMP is updated to reflect construction hours approved by SSD-9787.

6. References

Bureau of Meteorology. (2020). *Newcastle, New South Wales February 2020 Daily Weather Observations*. Retrieved from Bureau of Meteorology: http://www.bom.gov.au/climate/dwo/202002/html/IDCJDW2097.202002.shtml

City Plan. (2019). *Environemntal Impact Statement - Proposed 'Nihon University'.*

Department of Planning and Environment. (2018). *Independant Audit - Post Approval Requirements.* State of NSW, through it's Department of Planning and Environment.

GHD. (2020). *Nihon University Independent Environmental Audit Construction Audit 1.*

Appendices

Appendix A – Independent Audit Declaration Form

Independent Audit Declaration Form

Project Name: Nihon University Newcastle Campus

Consent Number: SSD-9787

Description of Project: Adaptive reuse of the former Newcastle Courthouse to an education establishment with student accommodation, including demolition, tree removal, remediation, construction of two 4-storey buildings, minor internal alterations, parking and landscaping.

Project Address: 9 Church Street Newcastle NSW

Proponent: Nihon University Group

Title of Audit: Construction Audit 2

Date: 27 February – 26 August 2020

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- The audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Post Approval Requirements (Department 2018);
- The findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my 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 Auditor: Elliot Holland

Signature:

Qualification: Bachelor of Environmental Science and Management. Lead Auditor – EMS (number: 115351)

Company: GHD

Company Address: Level 2 & 3, GHD Tower, 24 Honeysuckle Dr, Newcastle NSW 2300

Appendix B – Letter endorsing auditors

Nihon Daigaku Australia Newcastle Pty Ltd
C/- Mr Edward Clode
Design Director
DWP
16 Telford St
NEWCASTLE NSW 2300

Contact: Heidi Watters
Phone: (02) 6575 3401
Email: heidi.watters@planning.nsw.gov.au
compliance@planning.nsw.gov.au
Our ref: SSD 9787

Email: Edward.c@dwp.com

CC: Katherine.d@dwp.com

Dear Mr Clode

NIHON UNIVERSITY NEWCASTLE CAMPUS (SSD 9787) – AGREEMENT OF INDEPENDENT AUDITOR

Reference is made to a submission received on 21 January 2020 seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (the Department) of a suitability of qualified, experienced and independent audit team to undertake independent audits for the Nihon University Newcastle Campus project, as required by Schedule 2, Part D, condition D29 of SSD 9787 (the consent).

In accordance with the consent and the Department's Independent Audit Post Approvals Requirements dated June 2018 (IA PAR), I agree to the following audit team:

- Elliot Holland – Lead Environmental Auditor (GHD Pty Ltd)
- Demelza Scott – Alternate Lead Auditor (GHD Pty Ltd)
- Kate Tierney – Assistant Auditor (GHD Pty Ltd)
- Lachlan Taylor – Alternate Assistant Auditor (GHD Pty Ltd)
- Michelle Kiejda – Technical Reviewer (GHD Pty Ltd)
- Melissa Dunlop – Alternate Technical Reviewer (GHD Pty Ltd)

The Department reserves the right to request an alternate team for future audits.

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the IA PAR. Failure to meet these requirements will require revision and resubmission.

Finally, please ensure all independent audit documents are submitted to compliance@planning.nsw.gov.au by the required dates.

If you wish to discuss this further, please contact me on the details above.

Yours sincerely,

HWatters 29/1/20

Heidi Watters

Team Leader Northern

Compliance, Planning & Assessments

Appendix C – Compliance with Development Consent (SSD-9787)

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Schedule 2 – Part A – Administrative Conditions				
Obligation to Minimise Harm to the Environment				
A1	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.	Compliant	Audit 1 : Construction Environmental Management Plan (CEMP) (17-0347_A-d01-20_let-dpie-200122-03-c08) Site Interviews with Katherine Daunt (Project Manager), Robert McLaughlin (Construction Manager), Ben Moss (Project Manager / Community Liaison), Leif Aleksic (Site Manager) ("Project Team") on 26/02/2020 **Audit 2:** CEMP (Rev 1) (7-0347_A-d01-20_let-dpie-200519-01-c08) Site Interviews with Junichi Yokobori (Senior Architect for Nihon), Katherine Daunt (Architect), Robert McLaughlin (Construction Manager), Ben Moss (Project Manager / Community Liaison) 25/08/2020	**Audit 1 findings:** dwp and Built are implementing all reasonable and feasible measures to prevent and minimise harm resulting from the demolition phase of the development. **Audit 2 findings:** dwp and Built continued to implement all reasonable and feasible measures to prevent and minimise harm resulting from the construction of the project.
Terms of Consent				
A2	The development may only be carried out:	Non-compliant	**Audit 1**: Site Interviews with Project Team on 26/02/2020 Site Inspection **Audit 2**: Site Interviews with Project Team on 25/08/2020	**Audit 1 findings:** dwp and Built are generally carrying out the development in accordance with the requirements of this condition however they are not compliant with all conditions of this consent and are therefore non-compliant with Condition A2(a).
(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;			

<table>
<tr><th>Condition Number</th><th>Requirement</th><th>Compliance Status</th><th>Evidence sighted</th><th>Audit findings</th></tr>
<tr><td>(d)</td><td>in accordance with the approved plans in the table below:
<table>
<tr><td colspan="4">Architectural (or Design) Drawings prepared by Asusa Sekkei Architects</td></tr>
<tr><td>Dwg No.</td><td>Rev</td><td>Name of Plan</td><td>Date</td></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><td colspan="4">Landscape Drawings prepared by Moir Landscape Architects</td></tr>
<tr><td>Dwg No.</td><td>Rev</td><td>Name of Plan</td><td>Date</td></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>
<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>Site Inspection on 26/08/2020</td><td>The non-conformances identified were administrative in nature and do not equate to major non-compliances with the consent or risk of environmental harm.
dwp and Built have not received any written directions from the Planning Secretary.
The development is being constructed in accordance with the EIS and the approved plans, with actual impacts aligning with those predicted.
Audit 1 Corrective Action 1: Ensure that the development is carried out in accordance with the conditions of consent.
Audit 2 findings: dwp and Built are generally carrying out the development in accordance with the requirements of this condition however they are not compliant with all conditions of this consent and are therefore non-compliant with Condition A2(a).
The non-compliances identified were minor and administrative in nature and are not considered to pose risk of environmental harm. Further discussion is provided for Conditions A24; C8 and D8 and it is noted that all non-compliances were closed out prior to the completion of the audit.
As per the findings of Audit 1, dwp and Built have not received any written directions from the planning secretary and the development is being constructed in accordance with the EIS and approved plans.
As a result of these (administrative) non-compliances, Audit 1 Corrective Action 1 is still relevant and been updated as Audit 2 Corrective Action 1: Ensure that the development is carried out in accordance with the conditions of consent.</td></tr>
</table>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	Not triggered	**Audit 1**: NSW DPIE endorsed Green Star / Ecological Sustainable Development - see letter dated 10/02/2020 [File: A_d01-20_200210_Letter DPIE to dwp - Approval of Plan Strategy or Study_10022020_014017] NSW DPIE accepted Staging Report on 18/02/20 - Email Correspondence in file: A_d01- 20_200218_Letter DPIE to dwp - Staging Report_A9 & A10 **Audit 2:** Site Interviews with Project Team on 25/08/2020	**Audit 1 findings**: dwp/Built made applications to DPIE for the alternative green start accreditation process and for staging the construction. These weren't written directions, rather approvals of requests for changes to the project requirements. **Audit 2 findings:** Review of available documentation and conduct of site interviews indicates this condition has not been triggered.
(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.			
A4	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.	Not triggered	Site Interviews with Project Team on 25/08/2020	No inconsistencies, ambiguities or conflicts between the conditions of approval and the documents in A2(c) have been identified.
Limits of Consent				
A5	This consent lapses five years after the date of consent unless work is physically commenced.	Compliant	**Audit 1:** Notification of commencement to the Planning Secretary (Document: 17-0347_A-d01-20_let-dpie-200122-08-c01) dated 22 January 2020 with intention to commence works on 28 January 2020.	**Audit 1 findings**: dwp and Built commenced work within six weeks of the date of the development consent. Demolition commenced on 21 January 2020 with removal of trees on site and the date of the development consent is 11 December 2019. **Audit 2 findings:** As per Audit 1.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Prescribed Conditions				
A6	The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	Compliant	**Audit 1**: Signage sighted during Site visit on 26/02/2020. Insurance for Contract Works provided by QBE, AAL & CGU is valid until 31 May 2020. Insurance for Public Liability ($20M) provided by Allianz is valid until 31 May 2020. Structural Engineer inspections (Cardno –Old Courthouse building) and (Northrop – New buildings). Trent Halvorsen from Cardno inspected heritage building on 7/02/2020. Sighted Demolition Methodology on 26/02/2020. **Audit 2:** Insurance for Contract Works provided by QBE, AAL & CGU is valid until 31 May 2021. Insurance for Public Liability ($20M) provided by Allianz is valid until 31 May 2021.	dwp and Built are complying with all relevant prescribed conditions of development consent as required by this condition. dwp have lodged Construction Certificate 01 (CC01) with the certifier which addressed compliance with the Building Code of Australia. At the time of audit this was undergoing review by the certifier. The auditor sighted copies of insurance certificates for contract works and public liability. dwp and Built advised that Nihon University have insured the heritage building. The auditor sighted signage on the street frontage of the works that included the details of the principal certifier of the work, the principal contractor and restrictions on entry. Built advised that the excavation is restricted to the new buildings and is to be shallow (1-2 meters). Demolition methodology includes protection for heritage courthouse building**.** **Audit 2 findings:** dwp and Built are complying with all relevant prescribed conditions of development consent as required by this condition, as per Audit 1. dwp have been granted Construction Certificates CC01, CC02(a) and CC02(b) which addresses compliance with the building Building Code of Australia. The auditor sighted copies of the current insurance certificates for contract works and public liability. The auditor sighted signage on the street frontage of the works that included the details of the principal certifier of the work, the principal contractor and restrictions on entry.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
				The Demolition Management Plan was implemented during demolition. Demolition was completed in May 2020.
Planning Secretary as Moderator				
A7	In the event of a dispute between the Applicant and a 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.	Not Triggered	**Audit 1:** Site Interviews with Project team on **26/02/2020.** **Audit 2**: Site Interviews with Project team on 25/08/2020.	**Audit 1 findings**: This condition has not been triggered. There have not been any disputes related to the development between the applicant and a public authority. **Audit 2 findings**: Refer to Audit 1 findings. No relevant change.
Evidence of Consultation				
A8	Where conditions of this consent require consultation with an identified party, the Applicant must:	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Construction Traffic and Pedestrian Management Sub-Plan (7-0347_A-d01-20_let-dpie-200122-04-c10) (17-0347_A-d01-20_let-dpie-200122-04-c10 – Evidence of CoN Consultation) Construction Noise and Vibration Management Sub-Plan Door knocks and emails for neighbouring landowners, meetings with Newcastle Police and Hunter New England Health. Draft Aboriginal Cultural Heritage Management Plan (February 2020). Consultation with Council is ongoing (minutes from	**Audit 1 findings:** dwp and Built have undertaken or commenced consultation with identified parties where specified by the conditions of this consent. This consultation has been undertaken prior to submitting the subject document for information or approval. However details of the consultation, as required by condition A8(b), do not appear to be incorporated into the current versions of the documents. Examples of documents include Construction Traffic and Pedestrian Management Sub-Plan and Construction Noise and Vibration Management Sub-Plan. ***Audit 1 Corrective Action 2: dwp and Built to update and finalise plans to include details of consultation as required by Condition A8(b).*** **Audit 2 findings:** Review of available documentation indicates ***Audit 1 Corrective Action 2*** has been addressed with CTPMSP (Rev 01) including a record of consultation with City of Newcastle in Appendix B. This document was resubmitted to DPIE on 16/04/2020. In addition, CNVMSP (Rev 01)
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			meeting, email to Steven Masier, June 2018). **Audit 2**: Site Interviews with Project team on 25/08/2020. Construction Traffic and Pedestrian Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-02-c10) Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11) Ongoing consultation with Heritage NSW (email to Cheryl Brown on 09 March 2020) and Council (email to David Ryner and Steven Masier on 5 August 2020). Community Liaison Register	revised to include details and outcomes from community consultation in section 10.1, 10.2 and 10.3. This document was resubmitted to DPIE on 16/04/2020. Consultation with Heritage NSW and City of Newcastle was ongoing over the audit period. The proponent also kept a Community Liaison Register which included details of complaints, notices and queries.
Staging				
A9	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).	Compliant	**Audit 1**: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10). Initial report rejected on 30/01/2020. New report uploaded 05/02/20 - correspondence from DPIE state the document has been classified as "regular" for assessment 18/02/20 – Email Correspondence from NSW DPIE - Staging Report	**Audit 1 findings**: A Staging Report was not submitted to the Planning Secretary one month prior to commencement of construction (including demolition). Construction works (demolition) commenced on 21 January 2020. A Staging Report was submitted to the Planning Secretary on 30 January 2020. dwp and Built advised that a staged approach to obtaining construction certificates for the work would be adopted. The decision to stage the works was made following confirmation that demolition is part of the definition of

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			accepted file: A_d01-20_200218_Letter DPIE to dwp - Staging Report_A9 & A10 **Audit 2:** Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13) Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report)	construction and works would likely be held up by: • The requirement to finalise the structure of the education and residential buildings through the completion of the geotechnical investigations in consultation with Subsidence Advisory NSW, and • The design and endorsement processes required to address the revised Landscape Plan for the streetscape treatment of the former Newcastle Courthouse. As the Staging Report has been submitted and accepted by DPIE, no further corrective action is required. **Audit 2 findings**: Review of documentation for the audit period indicates a revised staging report/letter was submitted to DPIE on 20 May 2020 and approved on 27 May 2020. Staging was updated following geotechnical investigations undertaken in consultation with Subsidence Advisory NSW and the approval of the Landscape Plans. The revised construction staging reduced the number of construction certificates required from three to two, where construction certificate 3 (CC03) would be incorporated into construction certificate 2 (CC02).
A10	A Staging Report prepared in accordance with condition A9 must:	Compliant	**Audit 1**: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10) Site Interviews with Project team on 26/02/2020. **Audit 2**: Revised Staging Plan (17-0347_A-d01-20_let-dpie-200520-01-a10-a13)	**Audit 1 findings**: The Staging Report prepared for the development generally includes the requirements of Condition A10. The staging is for the construction phase of the development only. The staged approach is for the purpose of breaking down the construction program into construction certificates. Each construction certificates includes details of the
(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 construction of each stage will commence and finish;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(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);		Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report)	work and other activities to be carried out and general timing. Compliance with the conditions of consent is outlined in a Compliance Condition Matrix in the Staging Report. dwp and Built do not anticipate any cumulative impacts arising from the proposed staging of the construction program. **Audit 2 findings**: A Revised Staging Report was submitted to DPIE on 20/05/2020 which removed the requirement for CC03 and includes the requirements of Condition A10.
(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.			
A11	Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.	Compliant	**Audit 1:** Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10) Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13) Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report) Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings:** The project is being staged in accordance with the Staging Report. The Staging Report outlines that the works being undertaken until April 2020 are early works including demolition of existing administration and supreme court buildings and the finalisation of the geotechnical, contamination and archaeological investigations. This was consistent with what was observed to be undertaken on site at the time of the audit. There was no evidence of any works being undertaken outside of the early works proposed in the Staging Report. **Audit 2 findings:** The Revised Staging Report outlines that works being undertaken from May 2020 are: • substructure and foundation work to the education and residential building western and southern boundary and site in-ground services. • Construction of residential and education buildings above the substructure including the structure, facades, external and internal finishes and all building services.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
				• Works in the historic courthouse including the conservation, restoration, structural repairs, external and internal finishes and all building services. • External works and landscaping to the development site including the public domain and the heritage streetscape landscaping works to Church Street. This was consistent with what was observed to be undertaken on site at the time of the audit. There was no evidence of any works being undertaken outside of the works proposed in the Staging Report.
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.	Compliant	**Audit 1:**Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10) Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13) Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings:** The audit concluded that early works are generally being undertaken in accordance with the conditions of consent. **Audit 2 findings:** Refer to Audit 1

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Staging, Combining and Updating Strategies, Plans or Programs				
A13	With the approval of the Planning Secretary, the Applicant may:	Compliant	**Audit 1:** Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10). Initial report rejected on 30/01/2020. New report uploaded 05/02/20 - correspondence from DPIE state the document has been classified as "regular" for assessment 18/02/20 – Email Correspondence from NSW DPIE - Staging Report accepted file: A_d01-20_200218_Letter DPIE to dwp - Staging Report_A9 & A10 **Audit 2**: Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13) Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report) Construction Environmental Management Plan (CEMP) (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) Construction Traffic and Pedestrian Management Sub-Plan (Rev 01) (17-	**Audit 1 findings:** dwp and Built propose to submit the Landscape Plan to the Planning Secretary as part of construction certificate 3 (CC03) to allow sufficient time for consultation with City of Newcastle and Heritage NSW. Landscaping Plan has been prepared, although this is not required and will not be submitted to the Planning Secretary until CC03. **Audit 2 findings:** The Revised Staging report issued to the DPIE on 20 May 2020 and approved by DPIE on 27 May 2020 updated staging of construction. The approval of landscape plans has enabled works originally scheduled to be covered by CC03 to be combined with CC02, thus removing the requirement for CC03. The following plans were updated and resubmitted in response to the Audit 1 Findings: • CEMP • CTPMSP • CNVMSP • CWMSP, inclusive of the Demolition Works Plan In addition, management plans were reviewed in July, which resulted in a revision of the CTPMSP. Additional consultation records with Council and traffic control plans for concrete pours were included in the revised plan. These amendments did not impact the abovementioned management plans. The revised plan was submitted to DPIE on 24/08/2020.
(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 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).			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			0347_A-d01-20_let-dpie-200416-02-c10) Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11) Construction Waste Management Sub-Plan (Rev 02) (17-0347_A-d01-20_let-dpie-200519-02-c12_ Construction Traffic and Pedestrian Management Sub-Plan (Rev 02) Site Interviews with Project team on 25/08/2020.	
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.	Not triggered	**Audit 2**: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020	**Audit 1 findings:** This condition has not been triggered. **Audit 2 findings:** The condition has not been triggered.
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.	Compliant	**Audit 2**: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020	**Audit 1 findings**: This condition has not been triggered. **Audit 2 findings:** The CEMP, CTPMSP and NVMP were updated in response to Audit 1. Site interviews and the site inspection found that these plans are being implemented on-site.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Structural Adequacy				
A16	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.	Compliant	**Audit 1**: Douglas Partners (Michael Harris and Michael Semmler) Mine Subsidence Investigation Report dated 20 January 2020. Douglas Partners (Michael Harris) Grouting and Verification Plan dated 24 January 2020. Ditton Geotechnical Services (Steven Ditton) peer reviewed the Douglas Partners work, dated 20/02/2020 submitted to Subsidence Advisory and awaiting on endorsement. Northrop Structural Certificate (Andrew Abbo) dated 12 February 2020. **Audit 2**: Douglas Partners Grouting and Verification Report (91667.04.R.002) Subsidence Advisory NSW acceptance (20 July 2020)	**Audit 1 findings**: Whilst no new buildings or structures have been constructed to date, the works are being prepared in compliance with the BCA. dwp and Built provided evidence that structural engineers have reviewed the designs and provided design certificates to state that the works comply with the BCA. dwp and Built have consulted with Subsidence Advisory NSW and had geotechnical investigations undertaken and peer reviewed, and a Grouting and Verification Plan prepared for the shallow convict workings. **Audit 2 findings:** Certification of the mines drillings and grouting works is requires Subsidence NSW approval. Subsidence Advisory NSW has granted approval to carry out works associated with CC01. CC documents including final Douglas Partners Grouting and Verification Report & SANSW acceptance to be submitted.
External Walls and Cladding				
A17	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Compliant	**Audit 2**: Letter to DPIE on 1 June 2020 (17-0347_A-d01-20_let-dpie-200601-01-B3)	**Audit 1 findings:** This condition has not been triggered. **Audit 2 findings:** The letter send to DPIE on 1 July 2020 provided evidence that the external wall and cladding types that would be used in construction comply with the requirements of the BCA.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Site Contamination				
A18	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:	Compliant	**Audit 2:** Interim Advice #3 (12519246/12519246-LET-IA3 Review of additional investigations and revised RAP) Interim Advice #4 (12519246/12519246-LET-IA4 Review of revised DSI and RAP) sent to dwp on 28 April 2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200428-01-a18-a19) Report on Detailed Site Investigation (Rev 02) (91667.02.R.003.Rev2) Remediation Action Plan (Rev 01) (Rev 01) (91667.02.R.004.Rev1_RAP_Reduced) DRAFT Long Term Site Management Plan (91667.02.R.005.DftB_Draft SMP) 26 March 2020	**Audit 1 findings**: This clause has not been triggered as demolition works are still underway and are not expected to be completed until April 2020. GHD's Ian Gregson has been engaged as the EPA Site Auditor for the project. Douglas Partners are returning to undertake soil sampling following demolition. **Audit 2 findings:** Additional site investigations were conducted by Douglas Partners GHD's Ian Gregson reviewed the documentation provided by Douglas Partners and provided interim advice on 07/04/2020 that further documentation of conditions within the DSI was required. Interim advice provided by Ian Gregson on 28/04/2020 confirmed that the revised documents satisfactorily addressed the comments of Interim Advice #3 and that they form an appropriate basis on which to proceed with remediation.
(a)	interim advice dated 12 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-thensw-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.			
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 condition A18. The updated remediation action plan must be approved by a NSW EPA Accredited Site Auditor and	Compliant	**Audit 2**: Interim advice #3 (12519246/12519246-LET-IA3 Review of additional investigations and 2 revised RAP) Interim advice #4 (12519246/12519246-LET-IA4 Review of revised DSI and RAP)	**Audit 1 findings:** This clause has not been triggered as demolition works are still underway and are not expected to be completed until April 2020. GHD's Ian Gregson has been engaged as the EPA Site Auditor for the project. **Audit 2 findings:** Ian Gregson reviewed the documentation presented by Douglas Partners and provided interim advice on 7 April 2020

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	submitted to the Planning Secretary prior to the commencement of remediation works.		Remediation Action Plan (Rev 01) (91667.02.R.004.Rev1_RAP _Reduced)	that the approach documented in the RAP is considered appropriate and that meets the requirements of A19. Ian Gregson provided further interim advice on 28 April 2020 that the RAP incorporated the previous interim advice.
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.	Compliant	Email from NSW Accredited Site Auditor (Ian Gregson) (4 June 2020)	**Audit 1 findings:** This clause has not been triggered. **Audit 2 findings**: Site inspections have been completed on an ad-hoc level for the project, with advice generally provided via email after the inspection. Advice included notes on what was observed and areas for improvement.
Applicability of Guidelines				
A21	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
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.	Not Triggered		**Audit 1 findings:** The Planning Secretary has not issued any directions regarding the development. **Audit 2 findings:** as per Audit 1
Monitoring and Environmental Audits				
A23	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, non-compliance notification, Site audit report and independent auditing.			Note

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Access to Information				
A24	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:	Non-compliant	Site Interviews with Project team on 26/02/2020 and 25/08/2020 Documents viewed on website: https://sites.google.com/a/nihon-u.ac.jp/newcastle/ Documents and information viewed on website: https://sites.google.com/a/nihon-u.ac.jp/newcastle/ Architectural (or Design) Drawings and Landscape Drawings. Development consent. Demolition approval. Plans referenced throughout this consent. Pre-Construction Compliance Report 01, 02 and 03, and Compliance Monitoring and Reporting Program. Built Monthly PCG Report 01 January 2020. Contact details for the Project Architect and the Executive Architect. Community Consultation and Complaints register Construction noise monitoring Waste classification statement	**Audit 1 findings:** The project website was not live at least 48hrs before construction (demolition) commenced on 21 January 2020. The website is live although, at the time of audit, it did not satisfy all of the requirements of Condition A24 including contact details for complaints/enquiries and complaints register. Since completion of the site audit, Nihon have updated the contact details to include email address and contact for enquiries/complaints, and the complaints register has been uploaded. No further corrective action is required. **Audit 2 findings:** Information presented on the website was generally consistent with this condition of consent. However, the monthly construction report for May was not uploaded on the website at the time of the audit; with uploading not achieved until after the site inspection and audit interviews. ***Audit 2 Corrective Action 2: Ensure monthly construction reports are uploaded to the project website once finalised.***
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Compliance				
A25	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.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020 Lucidity – register of employee training and licencing. Induction PowerPoint presentation. **Audit 2**: Site Interviews with Project team on 25/08/2020 Lucidity – register of employee training and licencing. Induction PowerPoint presentation – General site induction to cover the whole job.	**Audit 1 findings:** Built ensures that all of its employees, contractors and sub-contractors are made aware of their obligations under the development consent. A variety of methods are used by Built to do this including: • Providing workers with a copy of the consent conditions. • Inductions for new workers to advise them of relevant consent conditions and their obligations to comply and main environmental issues associated with their work e.g. unexpected finds and incident reporting. **Audit 2 findings:** Confirm as per audit 1 in site interviews.
Incident Notification, Reporting and Response				
A26	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.	Not Triggered	**Audit 1:** Site Interviews with Project team on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020.	**Audit 1 findings**: This condition has not been triggered as there have not been any notifiable incidents associated with the development. **Audit 2 findings**: as per Audit 1
A27	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 2.	Not Triggered	**Audit 1:** Site Interviews with Project team on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020.	**Audit 1 findings**: This condition has not been triggered as there have not been any notifiable incidents associated with the development. **Audit 2 findings**: as per Audit 1

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Non-Compliance Notification				
A28	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 Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	Complaint	**Audit 1:** Site Interviews with Project team on 26/02/2020 Applicant advised compliance@planning.nsw.gov.au of non-compliance via email on 24/01/2020 (17-0347_A-d01-20_let-dpie-200124-02-a09-a28). Applicant advised compliance@planning.nsw.gov.au of non-compliance via email on 21/01/2020 (17-0347_A-d01-20_let-dpie-200121-01-a24) **Audit 2:** Site Interviews with Project team on 25/08/2020.	**Audit 1 findings**: dwp have notified the Planning Secretary in writing within seven days of becoming aware of a non-compliance. ***Audit 1 Recommendation 1: dwp to include the date that they became aware of the non-compliance in future written notifications to demonstrate compliance with this condition.*** **Audit 2 findings:** dwp and Built have not become aware of any non-compliances prior to the audit being conducted. Non-compliances identified during the audit were communicated to dwp and Built at the conclusion of the site inspection on 26/08/2020. DPIE was notified of the non-compliance on 27/08/2020 via email. Review of available documentation indicates ***Audit 1 Recommendation 1*** has been addressed.
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.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Applicant advised compliance@planning.nsw.gov.au of non-compliance via email on 24/01/2020 (17-0347_A-d01-20_let-dpie-200124-02-a09-a28). Applicant advised compliance@planning.nsw.gov.au of non-compliance via email on 21/01/2020 (17-0347_A-d01-20_let-dpie-200121-01-a24) **Audit 2:** Site Interviews with Project team on 25/08/2020.	**Audit 1 findings**: dwp included the requirements of Condition A29 in written notifications to the Planning Secretary. **Audit 2 findings:** dwp included the requirements of Condition A29 in written notifications to the Planning Secretary.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
A30	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Not Triggered	**Audit 1**: Site Interviews with Project team on 26/02/2020 and 25/08/2020 HSE Incident Register (Nihon University_Built HSE Incident Register_Jan 20). **Audit 2:** Site Interviews with Project team on 25/08/2020.	**Audit 1 findings:** There have been no incidents to date associated with the development. **Audit 2 findings:** dwp and Built have not become aware of any incidents during the audit period.
Revision of Strategies, Plans and Programs				
A31	Within three months of:	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020 Pre-construction Compliance Report 01 (17-0347_A-d01-20_let-dpie-200122-09-c23) was issued on 22/01/2010. Incident Register (Nihon University_Built HSE Incident Register_Jan 20) was issued on 13/02/2010. Audit 2 : Construction Audit 1 Response (17-0347_A-d01-20_let-dpie-200330-01-d33) sent to DPIE on 30/03/2020. Construction Environmental Management Plan (CEMP) (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) (Rev 01) Construction Traffic and Pedestrian Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-02-c10)	**Audit 1 findings**: This condition has not been triggered. It has not been three months since the submission of either the compliance report or the incident report. The independent audit report is currently under preparation. No modification of the conditions of consent has occurred. No directions have been issued from the Planning Secretary requiring a review to be undertaken for any of the strategies, plans or programs. **Audit 2 findings:** DPIE was notified of a review of the CEMP and sub-plans in the proponent's response to Audit 1 on 30/03/2020. The following plans have been revised and updated following Audit 1: • CEMP (reviewed 13/05/2020; submitted DPIE on 20/05/2020) • CTPMSP (Rev 01) (Reviewed 09/04/2020, submitted to DPIE on 16/04/2020) • CNVMSP (Reviewed 09/04/2020, submitted to DPIE on 16/04/2020) • CWMSP (reviewed 11/05/2020, submitted to DPIE on 19/05/2020) In addition, scheduled reviews of management plans were carried out in July 2020. The
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11) Construction Waste Management Sub-Plan (Rev 02) (17-0347_A-d01-20_let-dpie-200519-02-C12_Construction Waste Management Sub-Plan Rev 2) Construction Traffic and Pedestrian Management Sub-Plan (Rev 02)	following plans have been revised as a result of the internal review: • CTPMSP (Rev 02) (17/08/2020, submitted to DPIE on 24/08/2020)

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Schedule 3 – Part B – Prior to Issue of Construction Certificate				
Certified Drawings				
B1	Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.	Compliant	**Audit 1:** Structural Drawings prepared by Northrop were emailed to Scott O'Donohue (the Certifier) from Dix Gardner Group on 14/02/2020. **Audit 2**: CC01 (Certificate number 18/05620-01) CC02(a) (Certificate number 18/05620-02) CC02(b) (Certificate number 18/05620-03)	**Audit 1 findings:** Construction Certificate 1 (CC01) has not yet been granted. **Audit 2 findings:** CC01, CC02(a) and CC02(b) have been issued by the Principal Certifying Authority
Development Contributions				
B2	Prior to the issue of any Construction Certificate (not including demolition or site remediation works), a Section 7.12 levy totalling $288,992, is to be paid to Council in accordance with Section 7.12 of the EP&A Act and City of Newcastle Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019. Prior to payment Council can provide the value of the indexed levy.	Compliant	**Audit 1**: Invoice for levy (Receipt No: D0011452319).	**Audit 1 findings**: The applicant paid the City of Newcastle levy for $391,627.37 on 12 February 2020. **Audit 2 findings**: Refer to Audit 1 findings

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
External Walls and Cladding				
B3	Prior to the issue of any Construction Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.	Compliant	**Audit 1**:Site Interviews with Project team on 26/02/2020. Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10). **Audit 2**: Letter to DPIE (17-0347_A-d01-20_let-dpie-200601-01-B3) on 01/06/2020	**Audit 1 findings:** CC01 does not include construction of any external walls. Construction Certificate 2 (CC02) will address this requirement however will not be applied for until April 2020. **Audit 2 findings:** The letter send to DPIE on 01/06/2020 provided evidence that the external wall and cladding types that would be used in construction comply with the requirements of the BCA. CC02 was issued on 27/05/2020 and the documentation was provided to the Planning Secretary on 01/06/2020, which was within seven days of the Certifier accepting it.
Protection of Public Infrastructure				
B4	Prior to the issue of the relevant Construction Certificate, the Applicant must:	Compliant	**Audit 1:** Pre Construction Dilapidation Report (17-0347_A-d01-20_let-dpie-200120-01). Pre Construction Dilapidation Report was issued to the Planning Secretary via Planning Portal on 21/01/2020 as well as Council, and sent to Scott O'Donohue (Certifier) via email on 23/01/2020. **Audit 2**: CC01 (Certificate number 18/05620-01)	**Audit 1 findings:** dwp and Built have complied with the requirements of Condition B4. dwp and Built advised that no services are expected to be affected by the development in terms of access to, diversion, protection and support of the affected infrastructure from Site. A Pre-Construction Dilapidation Report was prepared and submitted to DPIE, Certifier and Council. **Audit 2 findings**: Requirements of this condition were met during Audit 1. CC01 was issued on 21/04/2020.
(a)	consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;			
(b)	prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and			
(c)	submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Pre-Construction Dilapidation Report				
B5	Prior to the issue of the relevant Construction Certificate, the Applicant must submit a pre-commencement dilapidation report to Council, NSW Heritage Division and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.	Compliant	**Audit 1 Findings**: Pre Construction Dilapidation Report (17-0347_A-d01-20_let-dpie-200120-01). Pre Construction Dilapidation Report was issued to the Planning Secretary via Planning Portal on 21/01/2020 as well as Council. Pre Construction Dilapidation Report was sent to Scott O'Donohue (Certifier) via email on 23/01/2020. Pre Construction Dilapidation Report was issued to Heritage NSW on 27/02/20 (17-0347_A-d01-20_let-oeh-200227-01-b05). Site Interviews with Project team on 26/02/2020. Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10). **Audit 2:** CC01 (Certificate number 18/05620-01)	**Audit 1 Findings:** dwp submitted a Pre-Construction Dilapidation Report to Council, NSW Heritage Division and the Certifier as required by Condition B5. CC01 was under review at the time of the audit. **Audit 2 Findings:** Requirements of this condition were met during Audit 1. CC01 was issued on 21/04/2020.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Ecologically Sustainable Development				
B6	Prior to the issue of any Construction Certificate, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:	Compliant	**Audit 1**: On 10/02/2020 NSW DPIE endorsed by letter dated 10/02/2020 (File: A_d01-20_200210_Letter DPIE to dwp - Approval of Plan Strategy or Study_10022020_014017). Site Interviews with Project team on 26/02/2020.	**Audit 1 Findings:** dwp successfully sought approval from the Planning Secretary for an alternative certification process for ESD. Letter from DPIE details that the requirements of condition B6 have been satisfied, subject to the nominated experts confirming and providing the relevant evidence of the 48 Green Start credits to the Department. An independent certifier has been engaged to certify 4 star green star rating. **Audit 2 Findings:** As per Audit 1
(a)	registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or			
(b)	seeking approval from the Planning Secretary for an alternative certification process.			
Operational Waste Storage and Processing				
B7	Prior to the issue of the relevant Construction Certificate, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. **Audit 2**: City of Newcastle (CoN) letter dated 26/06/2019 and agreement to edits on 10/10/2020 Email to DPIE (17-0347_A-d01-20_let-dpie-200601-01-B3) on 01/06/2020 Operational Waste Management Plan (Rev B)	**Audit 1 findings:** This condition has not been triggered. The relevant construction certificate (CC02) has not be applied for. The applicant is engaging a private waste removal contractor instead of Council. **Audit 2 findings**: An Operational Waste Management Report (Issue B) was included in documentation sent to DPIE on 01/06/2020, with evidence of consultation with CoN verified during the audit.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Rainwater Harvesting				
B8	Prior to the issue of the relevant Construction Certificate, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.	Compliant	**Audit 1:** Drawing No. 81019007-CI-415 revision A (signed off on by Scott Brisbain, Civil Design Manager, Cardno). **Audit** 2: CC02(a) (Certificate number 18/05620-02) Design certification by McCallum (17 April 2020 – ref 3970-918V1)	**Audit 1 findings:** A rainwater tank has been incorporated into the civil design for the project submitted as part of CC01. The design provides a 50,000L rainwater tank, the design was certified by Scott and issued to the Certifier. **Audit 2 findings:** The rainwater re-use plan was designed by McCallum Plumbing and Fire Consultants.
Operational Car Parking and Service Vehicle Layout				
B9	Prior to the issue of the relevant Construction Certificate, compliance with the following requirements must be submitted to the satisfaction of the Certifier:	Compliant	**Audit 1 findings:** Construction Traffic and Pedestrian Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-04-c10) was provided on 22/12/2020. **Audit 2 findings**: Architects Design Statement 01 dated 23/04/2020 Letter to DPIE– (17-0347_A-d01-20_let-dpie-200601-01-B3) on 01/06/2020	This condition had not been triggered at the time of audit. We understand that Condition B9 is related to CC02 which will not be applied for until April 2020. ***Audit 1 Recommendation 2: Construction Traffic and Pedestrian Management Sub-Plan be updated to include the swept path of the longest construction vehicle prior to application for CC02.*** **Audit 2 findings:** Review of documentation indicates ***Audit 1 Recommendation 2*** has been addressed, with the CTPMSP revised in response to Audit 1 to include the swept path of the longest vehicle and resubmitted to DPIE. Details of compliance with this condition is included in the Architects Design Statement 01.
(a)	all vehicles must enter and leave the Site in a forward direction;			
(b)	a minimum of 20 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;			
(c)	the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2;			
(d)	the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed; and			
(e)	traffic management devices in the form of 'Stop' and 'Give Way to Pedestrian' signs and line			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	marking must be installed at the entry of proposed driveways within the site and constructed in accordance with AS 2890.1:2004: *Parking facilities 0 Off-street car parking*.			
Bicycle Parking and End-of-Trip Facilities				
B10	Prior to the issue of the relevant Construction Certificate, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:	Complaint	**Audit 1 findings:** Construction Traffic and Pedestrian Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-04-c10) was provided to the Planning Secretary on 22/12/2020. **Audit 2 findings**: Architects Design Statement 01 dated 23/04/2020 Letter to DPIE– (17-0347_A-d01-20_let-dpie-200601-01-B3) on 01/06/2020	**Audit 1 findings**: This condition has not been triggered at the time of audit. Condition B10 is related to CC03 will not be applied for until August 2020. **Audit 2 findings**: Details of compliance with this condition is included in the Architects Design Statement 01.
(a)	the provision of a minimum 22 bicycle parking spaces;			
(b)	the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;			
(c)	the provision of end-of-trip facilities for staff;			
(d)	appropriate pedestrian and cyclist advisory signs are to be provided; and			
(e)	all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Schedule 3 – Part C – Prior to Commencement of Construction				
Notification of Commencement				
C1	The Applicant must notify the Planning Secretary in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.	Compliant	**Audit 1:** Notification of Commencement (17-0347_A-d01-20_let-dpie-200122-08-c01). **Audit 2**: Letter to DPIE (17-0347_A-d01-20_let-dpie-200421-02-c01) 0n 21/04/2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200527-01-c01) on 27/05/2020 – CC02(a) (Stage 1 Works) Letter to DPIE (17-0347_A-d01-20_let-dpie-200723-01-c01) on 23/07/2020	**Audit 1 findings**: dwp notified the Planning Secretary in writing on 23/01/2020 of intention to commence physical works on 28/01/2020 however Built advised that construction works (demolition) commenced on 21/01/2020 with removal of site trees. There was some confusion around the activities that triggered commencement of construction, and the removal of site trees was undertaken prior to notification to the Planning Secretary. Given that this was a timing related non-compliance, and the notification was given to the Planning Secretary prior to what was believed at the time to be commencement of construction, no further corrective action is required. **Audit 2 findings:** DPIE was notified of the intention to start works associated with CC01 (Audit 1) and CC02(a) (Stage 1 works) 48 hours or more prior to starting works, with notification for CC02(a) (Stage 1 works) provided on 27/05/ 2020. Notification for works associated with CC02(b) occurred on the 23/07/2020, and works physically commenced 25/07/2020.
C2	If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Compliant	**Audit 1**: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10) **Audit 2:** Letter to DPIE (17-0347_A-d01-20_let-dpie-200421-02-c01) 0n 21/04/2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200527-01-c01) on 07/05/2020	**Audit 1 findings:** The construction of the project is to be staged, as per the staged construction certificates. The Staging Report was provided to the Planning Secretary on 30/01/2020 however early works as per the Staging Report commenced on 21/01/2020. Works being undertaken at the time of audit were within the scope of early works as defined by the Staging Report. Built should ensure that the Planning Secretary is notified in writing at least 48 hours before the commencement of all subsequent stages as per Condition C2.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Letter to DPIE (17-0347_A-d01-20_let-dpie-200723-01-c01) on 23/07/2020	***Audit 1 Corrective Action 3: Notify the Planning Secretary in writing at least 48 hours before the commencement of each stage including date of commencement and development to be carried out in that stage.*** **Audit 2 findings:** DPIE was notified of the intention to start works associated with CC01 (Audit 1) and CC02(a) (Stage 1 works) 48 hours or more prior to starting works, with notification for CC02(a) (Stage 1 works) provided on 27/05/2020. Notification for works associated with CC02(b) occurred on the 23/07/2020, and works physically commenced 25/07/2020. Therefore, ***Audit 1 Corrective Action 3*** has been addressed.
Construction Certificate				
C3	Work must not commence until a Construction Certificate in respect of the work has been issued.	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Letter to DPIE (17-0347_A-d01-20_let-dpie-200421-02-c01) 0n 21/04/2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200527-01-c01) on 07/05/2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200723-01-c01) on 23/07/2020	**Audit 1 findings:** This condition has not been triggered as no construction certificates had been issued at the time of audit. No work relating to CC01, CC02 or CC03 has commenced. **Audit 2 findings**: DPIE was notified of the intention to start works associated with CC01 (Audit 1) and CC02(a) (Stage 1 works) 48 hours or more prior to starting works, with notification for CC02(a) (Stage 1 works) provided on 27/05/2020, with the intention to commence work under these works on 29/05/2020. CC02 (b) was issued on 23/07/2020.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Outdoor Lighting				
C4	Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Northrop certificate of design (13 May 2020)	**Audit 1 findings:** This condition has not been triggered. Outdoor lighting is associated with CC03 which will not be applied for until August 2020. **Audit 2 findings**: Issue of construction certificate (CC02(b)) verifies satisfaction of design requirements.
Demolition				
C5	Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.	Not triggered	**Audit 1**: Demolition work plans (17-0347_A-d01-20_let-dpie-200121-02-co5) Statement of Compliance signed off by Steven Fam (Drumderg)	**Audit 1 findings:** dwp and Built have provided Demolition Work Plans to the Planning Secretary on 21 January 2020. Letter dated 17/01/2020 with Statement of Compliance was sent via email on 20/01/2020 to Certifier and Planning Secretary. **Audit 2 findings:** As per Audit 1 findings.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
C6	Prior to the commencement of internal demolition works within the State heritage listed former Newcastle Courthouse, evidence must be submitted to the satisfaction of the Certifier confirming works planned are required to make the existing building compliant with the fire and Life Safety Upgrade Strategy, prepared by Design Confidence, dated 12 June 2019, and that impacts to areas of high significant fabric have been limited.	Compliant	**Audit 1 findings**: Fire Engineering Report prepared by Design Confidence Site Interviews with Project team on 26/02/2020. **Audit 2**: CC02(a) (Certificate number 18/05620-02) Site Interviews with Project team on 25/02/2020. Fire Engineering Report by Design Confidence (Sydney) Pty Ltd, Ref: P219_068-6 (FER) NH, Dated: 18 May 2020	**Audit 1 findings:** This condition has not been triggered as internal demolition works within the State heritage listed former Newcastle Courthouse have not commenced. These works will be part of CC02 which will not be applied for until April 2020. **Audit 2 findings**: The issue of CC02(a) demonstrates that satisfactory evidence was submitted to the Certifier.
Environmental Management Plan Requirements				
C7	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:	Compliant	**Audit 1:** Environmental Management Plan (17-0347_A-d01-20_let-dpie-200122-02-c07) Community Consultation Plan (17-0347_A-d01-20_let-dpie-200107-01-ao8) Demolition Works Plan (17-0347_A-d01-20_let-dpie-200121-02-co5) CEMP (17-0347_A-d01-20_let-dpie-200122-03-c08)	**Audit 1 findings**: Management plans prepared under the consent do not include all of the requirements under condition C7. Plans that were identified as not including all of the requirements of Condition C7 were Community Consultation Plan, Demolition Works Plan, CEMP, Construction Traffic and Pedestrian Management Sub-Plan Construction Noise and Vibration Management Sub-Plan, Construction Waste Management Sub-Plan, Construction Worker Transportation Strategy and Landscape Plan. Aspects of Condition C7 apply to the entire project, these requirements could be captured in the CEMP including project environmental performance monitoring; contingency planning; improving
(a)	detailed baseline data;			
(b)	details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;			
(c)	a description of the measures to be implemented to comply with the relevant statutory			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	requirements, limits, or performance measures and criteria;		Construction Traffic and Pedestrian Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-04-c10) Construction Noise and Vibration Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-05-c11) Construction Waste Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-06-c12) Construction Worker Transportation Strategy (17-0347_A-d01-20_let-dpie-200122-07-c14) Landscape Plan (Rev C) (17-0347_A-d01-20_let-oeh-200131-01-c19) **Audit 2**: Construction Waste Management Sub-Plan (Rev 02) (17-0347_A-d01-20_let-dpie-200519-02-c12) CEMP (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) Construction Traffic and Pedestrian Management Sub-plan (rev 01) (17-0347_A-d01-20_let-dpie-200416-02-c10)	environmental performance; incident and non-compliance reporting procedures; periodic review. Whereas aspects specific to the identified management plans should be captured herein including baseline noise, vibration and traffic data from the EIS; relevant limits or performance criteria from the EIS and SSD9787; programs of environmental monitoring where applicable. ***Audit 1 Corrective Action 4: Review all management plans required under this consent to ensure that the requirements of Condition C7 are incorporated, and update management plans where required.*** **Audit 2 findings*:*** The following management plans were updated in response to Audit 1 and resubmitted to DPIE: • CWMSP • CEMP • Demolition works plan • CNVMSP • CTPMSP • Landscape Plan The review and resubmission of these plans incorporated the requirements of this condition. Therefore, ***Audit 1 Corrective Action 4*** has been addressed.
(d)	a program to monitor and report on the: (i) impacts and environmental performance of the development; (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;			
(e)	a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;			
(f)	a program to investigate and implement ways to improve the environmental performance of the development over time;			
(g)	a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and			
(h)	a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Construction Traffic and Pedestrian Management Sub-Plan (Rev 02) Construction Noise and Vibration Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11) Demolition Works Plans (17-0347_A-d01-20_let-dpie-200305-02-c05) Landscape Plan (Rev C)(17-0347_A-d01-20_let-dpie-200420-01-c19)	
Construction Environmental Management Plan				
C8	Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:	Non-compliant	**Audit 1:** CEMP (17-0347_A-d01-20_let-dpie-200122-03-c08) EIS – Report on Geotechnical Investigation (prepared by Douglas Partners (December 2019). **Audit 2**: CEMP (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) DPIE response (A-d01-20_200520_email_dpie-Construction Environmental Management Plan) CEMP (Rev 02)	**Audit 1 findings**: A CEMP has been prepared for the development generally in compliance with Condition C8 and was issued to Planning Secretary on 23/01/2020. The CEMP includes the requirements of Condition C8(a) with the exception of a groundwater management plan. A groundwater management plan was not prepared for the CEMP as the Report on Geotechnical Investigation found that groundwater is estimated at 5-9m below ground level. The project proposes excavations to a depth of 3m, therefore groundwater is not expected to be intercepted as part of the project. The sub-plans required by Condition C8(b-g) have been prepared for the development. **Audit 2 findings**: The CEMP was updated following Audit 1 and resubmitted to DPIE on 19/05/2020 and is consistent with the Audit 1 Findings. A DPIE email
(a)	Details of: (i) hours of work; (ii) 24-hour contact details of site manager; (iii) management of dust and odour to protect the amenity of the neighbourhood; (iv) stormwater control and discharge; (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; (vi) groundwater management plan including measures to prevent groundwater contamination;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	(vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; (viii) community consultation and complaints handling;			acknowledging receipt and no comments was sighted and dated 20/05/2020. It is noted dwp lodged a request on 06/04/2020 to vary construction hours approved for the development under the implementation of Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020 to allow longer working hours on Saturdays and work on Sundays and Public Holidays. DPIE acknowledged the submission on 8 April 2020 and indicated they had no comment. However, it is noted the CEMP has not been updated to reflect revised hours. Documentation provided after the closing meeting on 26 August 2020 verified the CEMP had been updated to address this non-compliance and provided to DPIE on Thursday, 27 August 2020. Therefore, no relevant corrective action exists for this non-compliance as it has been closed out; however, a recommendation is provided to ensure compliance once the Work Order is rescinded. ***Audit 2, Recommendation 1: Should Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020 be rescinded during the construction period, ensure the CEMP is updated to reflect construction hours approved by SSD-9787.***
(b)	Construction Traffic and Pedestrian Management Sub-Plan (see condition C10);			
(c)	Construction Noise and Vibration Management Sub-Plan (see condition C11);			
(d)	Construction Waste Management Sub-Plan (see condition C11(g));			
(e)	an unexpected finds protocol for contamination and associated communications procedure;			
(f)	an unexpected finds protocol for non-Aboriginal heritage and associated communications procedure;			
(g)	waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and			
C9	The Applicant must not commence construction of the development until the CEMP is submitted to the Certifier and a copy submitted to the Planning Secretary.	Compliant	**Audit 1**: CEMP (17-0347_A-d01-20_let-dpie-200122-03-c08) DPIE response (A-d01-20_200520_email_dpie-Construction Environmental Management Plan)	**Audit 1 findings:** CEMP was issued to Planning Secretary on 23/01/2020 however construction commenced on 21/01/2020 with the removal of trees on site. There was some confusion around the activities that triggered commencement of construction, and the removal of site trees was undertaken prior to submission of the CEMP to the Certifier and the Planning Secretary.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
				No further corrective action is required. **Audit 2 findings**: The CEMP was updated following Audit 1 and resubmitted to DPIE on 19 May 2020 and is consistent with the Audit 1 Findings. A DPIE email acknowledging receipt and no comments was sighted and dated 20/05/2020. Works under CC02(a) did not commence until after approval of the CEMP.
C10	The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:	Compliant	**Audit 1:** Construction Traffic and Pedestrian Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-04-c10) Evidence of consultation with City of Newcastle Council. **Audit 2**: Construction Traffic and Pedestrian Management Sub-plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-02-c10) DPIE response (A-d01-20_200416_email-dpie-Traffic and Pedestrian Management Sub-Plan)	**Audit 1 findings**: A Construction Traffic and Pedestrian Management Sub-Plan was prepared by Built in conjunction with a qualified traffic consultant, Gateshead Traffic Solutions to address the requirements of Condition C10. **Audit 2 findings:** The CTPMSP was updated during CEMP and sub plan reviews undertaken in response to Audit 1. Updates to the CTPMSP are presented in Appendix A of the document, and are consistent with the requirements of this condition. A DPIE email acknowledging receipt and no comments was sighted, dated 16 April 2020.
(a)	be prepared by a suitably qualified and experienced person(s);			
(b)	be prepared in consultation with Council;			
(c)	detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;			
(d)	detail heavy vehicle routes, access and parking arrangements;			
(e)	include a Driver Code of Conduct to: (i) minimise the impacts of earthworks and construction on the local and regional road network; (ii) minimise conflicts with other road users; (iii) minimise road traffic noise; and (iv) ensure truck drivers use specified routes;			
(f)	include a program to monitor the effectiveness of these measures; and			
(g)	if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
C11	The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:	Compliant	**Audit 1:** Construction Noise and Vibration Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-05-c11). **Audit 2**: Construction Noise and Vibration Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11) DPIE response (A-d01-20_200416_email-dpie-Noise and Vibration Management Sub-Plan)	**Audit 1 findings:** A Construction Noise and Vibration Management Sub-Plan has been prepared for the development which generally includes the requirements of Condition C11 however it was not prepared by a suitably qualified and experienced noise expert. Built advised that the demolition methodology did not include any high noise generating work and therefore strategies for managing high noise generating work has not been included. ***Audit 1 Corrective Action 5: Noise and vibration specialist to review the CNVMP and ensure that it addresses all of the requirements of Conditions C7 and C11 and is adequate to manage the noise and vibration impacts of the development.*** **Audit 2 findings:** The CNVMP was noted to have been reviewed by Noise and Vibration specialist and was found to be compliant with Conditions C7 and C11. Therefore, ***Audit 1 Corrective Action 5*** has been addressed. A DPIE email acknowledging receipt of the revised CNVMP and no comments was sighted, dated 16 April 2020.
(a)	be prepared by a suitably qualified and experienced noise expert;			
(b)	describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);			
(c)	describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;			
(d)	include strategies that have been developed with the community for managing high noise generating works;			
(e)	describe the community consultation undertaken to develop the strategies in condition C11(d);			
(f)	include a complaints management system that would be implemented for the duration of the construction; and			
(g)	include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C7(d). The program should be developed in accordance with the report titled Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting, and included, but not limited: (i) alert triggers where project trigger noise levels are exceeded; and (ii) procedures for respite periods when sensitive receivers become 'highly noise affected' (i.e. noise levels exceed 75 dB(A).			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
C12	The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:	Compliant	**Audit 1**: Construction Waste Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-06-c12) **Audit 2:** Construction Waste Management Sub-Plan (Rev 02) (17-0347_A-d01-20_let-dpie-200519-02-c12) DPIE response (A-d01-20_200520_email_dpie-Construction Waste Management Sub-Plan_	**Audit 1 findings:** A Construction Waste Management Sub-Plan has been prepared for the development in accordance with the requirements of Condition C12. **Audit 2 findings:** Amendments were made to the CWMSP following reviews undertaken after Audit 1. The CWMSP was in accordance with the requirements of condition C12. A DPIE email acknowledging receipt of the revised CWMSP and no comments was sighted, dated 20 May 2020.
(a)	detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and			
(b)	removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.			
Aboriginal Cultural Heritage Management Plan				
C13	Prior to the commencement of construction (excluding demolition works), an Aboriginal Cultural Heritage Management Plan (ACHMP) must be prepared and address, but not be limited to, the following:	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Aboriginal Cultural Heritage Management Plan (ACHMP) (C13_Aboriginal Cultural Heritage Management Plan_AMAC) Site inspection on 26/02/2020. **Audit 2**: Aboriginal Cultural Heritage Management Plan (17-0347_A-d01-20_let-dpie-200323-01-c13) Letter from DPIE confirming assessment of the plan on 16/04/2020 (A-d01-20_200416_email-dpie-Aboriginal Cultural	**Audit 1 findings:** This condition has not been triggered as demolition was still underway at the time of audit. An Aboriginal Cultural Heritage Management Plan (ACHMP) has been drafted by Archaeological Management & Consulting Group and Streat Archaeological Services for the development. The ACHMP is currently undergoing consultation with Registered Aboriginal Parties. **Audit 2 findings:** The ACHMP was submitted to DPIE on 2303/2020 and was endorsed by DPIE on 16/04/2020, which was before the commencement of construction on 24/04/2020. The ACHMP is consistent with the requirements of this condition.
(a)	be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;			
(b)	be endorsed by the Planning Secretary prior to construction (excluding demolition works) of any part of the development;			
(c)	describe the measures to protect any Aboriginal cultural deposits or relics uncovered during sub surface archaeological testing in accordance with the relevant legislation.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Heritage Management Plan) Plan approval from DPIE on 16/04/2020 (A-d01-20_200416_Letterdpie-Approval of Plan Strategy or Study_16042020_094939) & (A -d01-20_200416_email-dpie-Aboriginal Cultural Heritage Management Plan)	
Construction Worker Transportation Strategy				
C14	Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.	Not triggered	**Audit 1:** Constructions Worker Transportation Strategy (17-0347_A-d01-20_let-dpie-200122-07-c14) Site Interviews with Project team on 26/02/2020.	**Audit 1 findings:** A Constructions Worker Transportation Strategy has been prepared and endorsed by the Certifier that satisfies the requirements of Condition C14. **Audit 2 findings**: Refer to Audit 1
Stormwater Management System				
C15	Prior to the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:	Compliant	**Audit 1:** Correspondence with Geoff Mansfield from City of Newcastle (22/02/2020) **Audit 2:** Site interviews undertaken on 25/08/2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200316-01-c15) on 16/03/2020	**Audit 1 findings**: This condition has not been triggered as the operational stormwater management system has been incorporated as part of CC01. dwp and Built are consulting with City of Newcastle (CoN) to resolve engineering conditions related to stormwater, specifically, this is in relation to required diversion of existing CoN drainage assets across the subject site. At the time of audit, CC01 was under review. **Audit 2 findings**: Council was initially consulted regarding the stormwater system during a meeting on
(a)	be designed by a suitably qualified and experienced person(s);			
(b)	be design in consultation with and to the satisfaction of Council;			
(c)	be generally in accordance with the conceptual design in the EIS as amended by the RtS;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(d)	be in accordance with applicable Australian Standards;		Correspondence with from City of Newcastle (22/02/2020) Meeting Minutes from 22/01/2020	22/01/2020. The Engineering Assessment Coordinator (S. Masia) for Council issued a written statement indicating satisfaction with design plans on 15/03/2020 The letter sent to DPIE on 16/03/2020 as part of a package of information related to this condition. This was acknowledge by DPIE on 19/03/2020 who provided no comment.
(e)	ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2019) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;			
(f)	divert existing clean surface water around operational areas of the site;			
(g)	direct all sediment laden water in overland flow away from the leachate management system;			
(h)	prevent cross-contamination of clean and sediment or leachate water;			
(i)	include details of all on-site retention/detention and water quality treatment systems are to be individually signposted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual.			
Operational Noise – Design of Mechanical Plant and Equipment				
C16	Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting.	Compliant	**Audit 1:** Construction Noise and Vibration Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-05-c11). Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site interviews conducted 25/08/2020 Acoustic Review and BCA Compliance Report (April 2020) Design certificate	**Audit 1 findings**: This condition has not been triggered as no mechanical plant and equipment has been installed on site. Built advised that they consider mechanical plant and equipment referred to in this condition to be air conditioning for the final operational buildings. Built advised that a mechanical engineer is incorporating the EMM recommendations into the design of the air conditioning system. **Audit 2 findings**: An Acoustic Review and BCA Compliance (Services) report was prepared by Reverb Acoustics, which found that the development was being constructed in compliance with this condition. Design certificate provided by Northrop Consulting Engineers on 19/05/2020.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
C17	Following the completion of demolition works and prior to the commencement of construction works, all affected historical archaeological deposits are to be subject to professional archaeological excavation and recording. An Archaeological Research Design and Excavation methodology must be prepared to guide the archaeological program. This must be prepared in accordance with Heritage Council of NSW Guidelines and in consultation with Heritage NSW, Department of Premier and Cabinet.	Compliant	**Audit 1:** Email from A_d01 20_200218_Letter DPIE to dwp - Archaeological Research Design & Excavation Method C17 C18 Archaeological Research Design and Excavation methodology Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Revised Assessment Research and Design Methodology (17-0347_A-d01-20_let-dpie-200217-01-c17-c18) Letter to Heritage NSW (17-0347_A-d01-20_let-oeh-200318-c17-c18) on 18/04/2020 Letter to DPIE (17-0347_A-d01-20_let-dpie-200416-01-c17-c18.pdf) on 16/04/2020	**Audit 1 findings**: This condition has not been triggered as demolition works were still underway at the time of audit. An Archaeological Research Design and Excavation methodology has been prepared and issued to the Planning Secretary. ***Audit 1 Recommendation 3: Ensure that the consultation undertaken in preparation of the Archaeological Research Design and Excavation Methodology is captured in the document.*** **Audit 2 findings**: Correspondence from Heritage NSW received on 16 March 2020 states that the *Revised Assessment Research Design and Excavation Methodology: Newcastle Court House* states that the assessment as meeting the requirements of C17. It is noted that ***Audit 1 Recommendation 3*** has been partially addressed, while consultation has been undertaken in preparation of the Archaeological Research Design and Excavation Methodology, Nihon has determined appending this consultation to the document is not necessary. Review of available documentation however verifies consultation has been undertaken.
C18	The Archaeological program must be directed by a suitably qualified and experienced Archaeologist (Excavation Director). The nominated Excavation Director must be able to demonstrate their ability to undertake this work	Compliant	**Audit 1**: Archaeological Research Design and Excavation methodology	**Audit 1 findings**: The Archaeological Research Design and Excavation methodology prepared by AMAC Group nominated Martin Carney and Kevin

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.		Site Interviews with Project team on 25/02/2020. Site inspection on 26/02/2020. **Audit 2:** Letter to Heritage NSW (17-0347_A-d01-20_let-oeh-200318-c17-c18) on 18/03/2020	Hickson of AMAC Group as the alternate or co-excavation directors. **Audit 2 findings**: refer to Audit 1 findings Report prepared by AMAC group notification of relic 17 June 2020 and authored by Martin Carney, identifying what relics have been found.
C19	Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan that provides a streetscape treatment that does not impede on the understanding of the former Newcastle Courthouse and its relationship to its environment and setting, and submit a copy to the Planning Secretary. The plan must	Compliant	**Audit 1**: Landscape Plan (17-0347_A-d01-20_let-oeh-200131-01-c19) **Audit 2:** Letter to DPIE on 20/04/2020 including correspondence from Heritage NSW and Revised Landscape Plans (rev C) (17-0347_A-d01-20_let-dpie-200420-01-c19) Letter to Heritage NSW (17-0347 - Nihon University - SSD 9787 - C19 Landscaping)	**Audit 1 findings**: The Landscape Plan will form part of CC03 which will not be applied for until August 2020. A draft Landscape Plan was prepared and dwp/Built are undergoing consultation with NSW Heritage Council and City of Newcastle. **Audit 2 Findings**: Letter received from Heritage NSW documenting that this condition was mostly satisfied in the *'Nihon University Heritage Landscape Plan'.* Heritage NSW considered that C19 (d) was not satisfied as the planting schedule and positioning of flagpoles was not consistent with the heritage values of the site. Landscape plans were revised be consistent with the recommendations from Heritage NSW and the plans were resubmitted to DPIE on 20/04/2020. The final Landscape Plan was sent to Timothy Olliver (Heritage NSW) on 27/04/2020.
(a)	be prepared by a qualified heritage landscape consultant and submitted to the NSW Heritage Council, or its delegate, for endorsement;			
(b)	provide an analysis of the existing site frontage hardstand, fences and gates, colours and finishes and landscape elements within the precinct;			
(c)	demonstrate the retention of the existing heritage cast iron fence along the site frontage, including the iron palisade fence, sandstone plinth and sandstone piers, unless removal of sections is demonstrated to be essential for the functional requirements of the proposal (e.g. clearance required to establish the approved additional driveway crossover);			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(d)	provide for the planting of eight trees that are sympathetic to the heritage values of the item and ensure no planting grow higher than 1.5 m in directly in front of the former Newcastle Courthouse;			
(e)	detail the location, species, maturity and height at maturity of plants to be planted on-site;			
(f)	include species (trees, shrubs and groundcovers) indigenous to the local area;			
(g)	include the planting of trees with a pot container of 100 litres or greater;			
(h)	include the provision of street tree planting. Species and spacing of trees are to be sympathetic to the heritage values of the item and are to be determined in consultation with Council.			
Public Domain Works				
C20	Prior to the commencement of any footpath or public domain works, the Applicant must engage a suitably qualified practicing engineer to design the following public domain works within the Church Street frontage of the site at no cost to Council and in accordance with the Newcastle City Centre Public Domain Manual guideline, design specifications and relevant Australian Standards:	Compliant	**Audit 1**: Correspondence with Geoff Mansfield from City of Newcastle Council (22/02/2020). **Audit 2:** Site Interviews with Project team on 25/02/2020. Cardno design drawings (11/032020). Application form sighted dated 11/03/2020 Acknowledgement of lodgement from Council (1/04/2020 – RA2020/00157)	**Audit 1 findings:** This condition has not been triggered. Public Domain Works will be undertaken as part of CC03. CC03 will be applied in August 2020. dwp/Built is undergoing consultation with Council to resolve engineering conditions relating public domain works for the development. **Audit 2 findings**: Public domain works are yet to be commenced, and consultation with Council is ongoing.
(a)	new full width footpath and streetscape works and driveway;			
(b)	reconstruct kerb and gutter, including associated road shoulder pavement and any associated drainage works;			
(c)	new street trees and tree planting vaults in accordance with Council's requirement and adjust service pit levels to match new footpath levels;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(d)	kerb blisters and raised pedestrian crossings at the intersection of Bolton Street and Church Street;			
(e)	upgrade street lighting across the frontage of the site to provide P3 Pedestrian Lighting Category in accordance with Australian Standard 1158.1;			
(f)	upgrade of pedestrian crossing lighting to comply with Australian Standard 1158.4;			
(g)	any necessary adjustments to regulatory signage.			
C21	Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the public domain design and treatment, as required by condition C20, meets the Council's requirements, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.	Compliant	Correspondence with Geoff Mansfield from City of Newcastle Council (22/02/2020).	Refer to Condition C20.
Compliance Reporting				
C22	No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.	Not triggered	**Audit 1**: Compliance Monitoring and Reporting Program (17-0347_A-d01-20_let-dpie-200116-02) was emailed to the Planning Secretary on 21/01/2020. Site Interviews with Project team on 26/02/2020.	**Audit 1 findings**: A Compliance Monitoring and Reporting Program was not submitted to the Planning Secretary and Certified at least two weeks prior to commencement of construction on 21 January 2020. dwp and Built advised that the non-compliance arose through a misunderstanding of the staging processes for the construction certificate applications and the impact on the commencement of the construction of the development. The compliance reports submitted to date have reviewed the compliance monitoring and reporting program and updated timing as further information is made available from the construction manager. dwp advised DPIE of this non-compliance.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
				The Compliance Monitoring and Reporting was submitted to the Planning Secretary and Certifier on 21 January 2020. No further action is required to address this non-compliance. **Audit 2 findings**: Addressed in Audit 1. This condition was otherwise not considered in this audit and is considered 'Not Triggered'.
C23	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Compliant	**Audit 1**: Pre-Construction Compliance Report 01 (17-0347_A-d01-20_let-dpie-200122-09-c23) Pre-Construction Compliance Report 02 Construction Certificate CC#01 (17-0347_A-d01-20_compliance-report-02-200218) **Audit 2**: Pre-Construction Compliance Report 03 Revised CC02 (17-0347_A-d01-20_let-dpie-200629-01-c23.) Letter from DPIE received 03/07/2020 (A-d01-20_200703_Email-dpie-Pre-Construction Compliance Report #3 CC#2)	**Audit 1 findings**: The Pre-Construction Compliance Report 01 and Construction Compliance Report 02 were prepared in accordance with Compliance Reporting Post Approval Requirements (Department 2018). **Audit 2 findings**: Review of relevant documentation indicates a Pre-Construction Compliance Report was submitted to DPIE on 29 June 2020, while DPIE issued a letter on 3 June 2020 stating that the Pre-Construction Compliance Report had been reviewed and that it generally satisfies the requirement of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
C24	The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	Compliant	**Audit 1**: Pre-Construction Compliance Report 01 (17-0347_A-d01-20_let-dpie-200122-09-c23) Pre-Construction Compliance Report 02 Construction Certificate CC#01 (17-0347_A-d01-20_compliance-report-02-200218) Compliance Monitoring and Reporting Program (17-0347_A-d01-20_let-dpie-200116-02) **Audit 2:** Pre-Construction Compliance Report 03 Revised CC02 (17-0347_A-d01-20_let-dpie-200629-01-c23.) Letter from DPIE received 03/07/2020 (A-d01-20_200703_Email-dpie-Pre-Construction Compliance Report #3 CC#2)	**Audit 1 findings**: The compliance reports prepared for the development to date have been made publicly available on the project website within 60 days of submission to the Planning Secretary, however the Planning Secretary and Certifier were not notified in writing seven days before publishing. ***Audit 1 Corrective Action 6: Include notification that the compliance report shall be uploaded to the public information website seven days after and within 60 days of the lodgement of the report with the Planning Secretary in future correspondence to the Planning Secretary regarding construction compliance reports.*** **Audit 2 findings*:*** dwp notified DPIE on 29 June 2020 of the intention to publish Pre-Construction Compliance Report 3 revised CC02 to the project website after 10 June 2020. Therefore, Audit 2 has found ***Audit 1 Corrective Action 6*** has been addressed.
C25	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.	Not Triggered	**Audit 1:**Site Interviews with Project team on 26/02/2020. **Audit 2**: Site Interviews with Project team on 25/08/2020.	**Audit 1 findings**: This condition has not been triggered as the development was undergoing demolition at the time of audit. **Audit 2 findings:** As per Audit 1

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Schedule 3 – Part D – During Construction				
Site Notice				
D1	A site notice(s):	Compliant	**Audit 1:** Site inspection on 26/02/2020. **Audit 2**: Site inspection on 26/08/2020.	**Audit 1 findings:** Site notices were observed as being compliant with condition D1 during the site inspection. **Audit 2 findings**: Site notices were observed as being complaint with condition D1 during the site inspection.
(a)	must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;			
(b)	minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;			
(c)	the notice is to be durable and weatherproof and is to be displayed throughout the works period;			
(d)	the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and			
(e)	the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Operation of Plan Equipment				
D2	All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. Mobile Plant Checklist on Lucidity (HSE-050-4). **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Mobile Plant Checklist on Lucidity (HSE-050-4).	**Audit 1 findings**: Built are maintaining and operating plant and equipment in a proper and efficient condition in accordance with Condition D2. Built conduct a number of checks on plant and equipment arriving on site including logbook, maintenance report, rego, manuals, risk assessment, service records and operation manual. Built conduct SWMSs assessments on plant and equipment and conduct daily pre-start checks while on site. **Audit 2 findings:** As per Audit 1 findings.
Demolition				
D3	Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Condition C5.	Compliant	**Audit 1**: Demolition works plans (17-0347_A-d01-20_let-dpie-200121-02-co5) **Audit 2:** Revised demolition work plans (Rev 02) (17-0347_A-d01-20_let-dpie-200305-02-c05.pdf) Site Interviews with Project team on 25/08/2020.	**Audit 1 findings:** dwp submitted Demolition Works Plans to Planning Secretary on 21 January 2020. This included statement of compliance with AS2601-2001. Built advised that the demolition work methodology has changed since the Demolition Works Plan was prepared based on site conditions including safety of workers and changes to methodology for Supreme Court Building. ***Audit 1 Recommendation 4: Update the Demolition Works Plan to include the changes to the demolition methodology.*** **Audit 2 findings**: Demolition Works Plan was updated on 19/02/2020 to reflect changes in demolition methodology. Revised plans were submitted to DPIE on 05/03/2020, indicating ***Audit 1 Recommendation 4*** has been addressed. Demolition on site was finalised in May 2020.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Construction hours				
D4	Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Variation to Construction Hours lodgement (17-0347_A-d01-20_let-dpie-200406-01-d4-d5.) DPIE Receipt (A-d01-20_200408_email-dpie-Nihon University Newcastle Campus - Variation to Construction Hours (COVID-19)) Site Interviews with Project team on 25/08/2020.	**Audit 1 findings:** Built advised that construction work is only being carried out between the nominated hours (7 am and 6 pm, Mondays to Fridays inclusive and between 8 am and 1 pm, Saturdays with no work on Sundays or public holidays) as required by Condition D4. **Audit 2 findings**: dwp lodged a request on 6 April 2020 to vary construction hours approved for the development under the implementation of Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020 to allow longer working hours on Saturdays and work on Sundays and Public Holidays. DPIE acknowledged the submission on 8 April 2020 and indicated they had no comment.
(a)	between 7 am and 6 pm, Mondays to Fridays inclusive; and			
(b)	between 8 am and 1 pm, Saturdays.			
	No work may be carried out on Sundays or public holidays.			
D5	Construction activities may be undertaken outside of the hours in condition D4 if required:	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Variation to Construction Hours lodgement (17-0347_A-d01-20_let-dpie-200406-01-d4-d5.) DPIE Receipt (A-d01-20_200408_email-dpie-Nihon University Newcastle Campus -	**Audit 1 findings**: This condition has not been triggered. No out of hours work as specified in Condition D5 has been required for the development to date. **Audit 2 findings:** See discussion at Condition D4.
(a)	by the Police or a public authority for the delivery of vehicles, plant or materials; or			
(b)	in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or			
(c)	where the works are inaudible at the nearest sensitive receivers; or			
(d)	where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Variation to Construction Hours (COVID-19)) Site Interviews with Project team on 25/08/2020.	
D6	Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Community Consultation and Complaints register. Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Refer to Condition D5. **Audit 2 findings:** Notices of extended working hours were distributed to surrounding residences, businesses and organisations on 3/04/2020. A second community notice was issued on 6/04/2020 in response to community complaints received from the issue of the first notice. Extended working hours were only applied to Saturdays (7:00 am to 6:00 pm).
D7	Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:	Not Triggered	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: This condition has not been triggered. No rock breaking, rock hammering, sheet piling, pile driving and similar activities have been carried out at the time of audit. Built advised that the construction methodology did not include any of the high risk noise activities referenced in Condition D7. **Audit 2 findings**: Refer to audit 1 finding. Adopted CFA piling instead of sheet piling to address requirements of this condition.
(a)	9am to 12pm, Monday to Friday;			
(b)	2pm to 5pm Monday to Friday; and			
(c)	9am to 12pm, Saturday.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Implementation of Management Plans				
D8	The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans) and ACHMP.	Non-compliant	**Audit 1**: CEMP (17-0347_A-d01-20_let-dpie-200122-03-c08) Draft Aboriginal Cultural Heritage Management Plan (ACHMP) (C13_Aboriginal Cultural Heritage Management Plan_AMAC C13_Appendix A_Aboriginal Archaeological Technical Report_AMAC) **Audit 2**: Construction Environmental Management Plan (Rev 1) (17-0347_A-d01-20_let-dpie-200519-01-c08) Aboriginal Cultural Heritage Management Plan (17-0347_A-d01-20_let-dpie-200323-01-c13) Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. CEMP (Rev 02)	**Audit 1 findings**: Construction is generally being carried out in accordance with the approved CEMP (including Sub-Plans). The ACHMP is currently in draft and undergoing consultation with Registered Aboriginal Parties. ***Audit 1 Recommendation 5: Built to ensure that construction of the development is carried out in accordance with the finalised ACHMP.*** **Audit 2 findings:** The finalised ACHMP was submitted to DPIE on 23/03/2020. Construction is generally being carried out in accordance with the approved CEMP (including sub plans), indicating ***Audit 1 Recommendation 5*** has been closed out. While revised construction hours are being undertaken in accordance with *Environmental Planning and Assessment [COVID-19 Development – Construction Work Days] Order 2020* (which was advised by the Proponent and acknowledged by DPIE on 8 April 2020, in which they indicated they had no comment), the CEMP for the Project has not been updated. An administrative non-compliance is therefore noted in relation to construction hours being undertaken in a manner inconsistent with what is advised in the CEMP.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Construction Traffic				
D9	All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.	Compliant	**Audit 1**:Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Complaints register	**Audit 1 findings:** All construction vehicles were contained either wholly within the site, or in the approved on-street work zone as required by Condition D9. Two traffic controllers manage traffic in the approved on-street work zone during construction hours as required. **Audit 2 findings**: Approved on-street work zones are in place and regularly monitored. A complaint was received on 06/04/2020 about a traffic management issue. The complaint was in relation to a truck entering the site with an uncovered load. As the truck was found to be entering the site and not leaving it, the complaint was considered closed and compliant within the conditions of consent.
Hoarding Requirements				
D10	The following hoarding requirements must be complied with:	Compliant	**Audit 1**:Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: The hoarding requirements of Condition D10 are being complied with. No third-party advertising is displayed on and no graffiti was observed on the subject hoarding/ fencing. Audit 2 findings: As per Audit 1
(a)	no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and			
(b)	the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.			
No Obstruction of Public Way				
D11	The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.	Compliant	**Audit 1**:Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.	**Audit 1 findings:** During the site audit, the auditors did not observe anything obstructing the public way outside of the approved construction works zone. **Audit 2 findings**: No obstruction of the public way outside of the approved work zones was observed during the site inspection.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	
Construction Noise Limits				
D12	The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	Compliant	**Audit 1**: Construction Noise and Vibration Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-05-c11) acknowledges that noise management levels will likely exceed at times during construction. Construction Noise Monitoring Report (9 Church Street Newcastle NSW February 2020) prepared by Rapt Consulting. **Audit 2**: Construction Noise and Vibration Management Sub-Plan (Rev 01) (7-0347_A-d01-20_let-dpie-200416-03-c11) Monthly Construction Reports Monitoring result reports Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings:** The development is being constructed generally in accordance with the requirements of Condition D12. The Construction Noise and Vibration Management Sub-Plan acknowledges that noise management levels will likely exceed at times during construction however all reasonable and feasible noise mitigation measures appear to be implemented to manage noise impacts. Construction Noise Monitoring report found that attended observations noted demolition activities ranged from just perceptible to imperceptible depending on location within the call centre. **Audit 2 findings**: The project is being completed under the most recent CNVMP, which was revised following Audit 1. Results from noise monitoring were presented in Construction Reports, which were made publicly available on the project website under condition A24. Monitoring conducted for the project complied with criteria established by the CNVMP.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
D13	The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Built advised that no construction vehicles are arriving at site outside of the construction hours specified in Condition D4. Mobile plant remain onsite overnight. There have been no issues or complaints related to construction vehicle movements. **Audit 2 findings**: As per Audit 1 findings.
D14	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Built have implemented quackers on site plant where practicable. Built advised that 'Quackers' are used on the majority of machinery, particularly Drumderg owned plant and equipment however some hire equipment did not include quackers. **Audit 2 findings:** As per Audit 1 findings.
Vibration Criteria				
D15	Vibration caused by construction at any residence or structure outside the site must be limited to:	Compliant	**Audit 1:** Construction Noise and Vibration Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-05-c11) Construction Noise Monitoring Report (9 Church Street Newcastle NSW February 2020) prepared by Rapt Consulting. Vibration Monitoring (9 Church Street Newcastle NSW February 2020)	**Audit 1 findings**: A construction vibration monitoring report was provided which demonstrated compliance with the vibration criteria for human exposure specified in Condition D15 however the criteria used for assessing vibration impact on buildings was not that specified in Condition D15. RAPT Consulting has been engaged to undertake daylong construction noise and vibration monitoring for Built as part of the development. The first construction vibration monitoring report was provided to Built in February 2020 which reported that vibration levels are within goal levels for assessing potential building damage and protecting human comfort at nearest receivers however the report compared results to the British Standard BS7385.2 - 1993 *Evaluation and*
(a)	for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and			
(b)	for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Construction Noise and Vibration Management Sub-Plan (Rev 01) (7-0347_A-d01-20_let-dpie-200416-03-c11). Monthly Construction Reports	*Measurement for Vibration in Buildings* rather than DIN 4150-3. A review of the vibration results against the guideline values in DIN 4150-3 shows that the results remain within the vibration limits specified in Condition D15. However, for future vibration monitoring, vibration results for structural damage should be compared to DIN 4150-3. ***Audit 1 Recommendation 6: Update Construction Noise and Vibration Management Sub-Plan to only compare vibration results for structural damage to DIN 4150-3 (1992-02) as required by Condition D15.*** ***Recommendation 7: Utilise DIN 4150-3:1999-02 as the criteria for assessing building damage caused by vibration in accordance with Condition D15.*** **Audit 2 findings:** The project is being completed under the most recent CNVMSP, which was revised following Audit 1. The revision register in the appendix of the CNVMP identified that vibration criteria has been updated to use DIN 4150-3: 1992-02 and was confirmed on review. Indicating ***Audit 1 Recommendations 6 & 7*** has been addressed. Vibration monitoring for the project found that vibration levels generated by the project are within criteria established by the CNVMP.
D16	Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Community Consultation and Complaints register	**Audit 1 findings:** This condition has not been triggered. Built advised that the development did not intend to use vibratory compactors. **Audit 2 findings:** Vibratory rollers have been used sparingly during construction, with review of documentation indicating they have been operated at least 30m away from residential buildings. Review of complaints indicates vibration concerns have been registered. Work practices have been modified so that alternatives to vibratory compactors have been used to reduce the impact on surrounding residences.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
D17	The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C11 of this consent.	Not triggered	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings:** This condition has not been triggered. **Audit 2 findings:** Review of the CNVMSP indicates compliance with Conditions D15 and D16 and this condition has otherwise not been triggered.
Tree Protection				
D18	For the duration of the construction works:	Compliant	**Audit 1**: Aboricultural Impact Assessment Report (prepared by Joseph Pidutti on 17 November 2018) Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Email from Council (L. Latham) on 11/03/2020	**Audit 1 findings**: No street trees have been removed or trimmed at the time of audit. Built advised that there may be a requirement to trim street trees throughout the course of the development however prior written approval would be sought from Council. Tree protection measures, including the isolation of Tree Protection Zones from construction disturbance as outlined in the Aboricultural Impact Assessment Report were observed onsite. **Audit 2 findings**: Consultation with Council regarding protection, trimming and removal is ongoing. Tree protection measures were observed to be adequate during the site inspection.
(a)	street trees, with the exception of the one nominated street tree approved for removal to accommodate the new driveway crossover, must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;			
(b)	all street trees to be retained must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;			
(c)	all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the Aboricultural Impact Assessment Report dated 17 November 2019 and prepared by Joseph Pidutti Consulting Arborist; and			
(d)	if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.			
Air Quality				
D19	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings:** Built have taken all reasonable steps to minimise dust generated during demolition works as required by Condition D19. There have been no reported issues with dust to date for the development. Built/Drumderg minimise dust generation through the use of sprinklers and hand watering of exposed soils, sprinklers on excavator, and street sweepers operating in approved construction works zone. **Audit 2 findings:** Dust measures discussed in last audit have remained in place. No complaints have been received regarding dust generated by the site or incidents noted to have occurred.
D20	During construction, the Applicant must ensure that:	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Built have implemented controls for managing dust as required by Condition D20 including the use of sprinklers and hand watering of exposed soils, sprinklers on excavator, street sweepers operating in approved construction works zone, and covering loads leaving site. Trucks were not observed to be tracking dirt onto the public road network and street sweepers are operating to manage any tracked dirt. No land stabilisation works are required as part of the development. **Audit 2 findings**: Measures documented in the Audit 1 findings have been maintained. Site areas, trucks, public roads and footpaths regularly inspected.
(a)	exposed surfaces and stockpiles are suppressed by regular watering;			
(b)	all trucks entering or leaving the site with loads have their loads covered;			
(c)	trucks associated with the development do not track dirt onto the public road network;			
(d)	public roads used by these trucks are kept clean; and			
(e)	land stabilisation works are carried out progressively on site to minimise exposed surfaces.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
				Watering down of the access path and cleaning of public roads were observed during the site inspection.
Erosion and Sediment Control				
D21	All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Erosion and sediment control measures are being carried out on site as appropriate for the site conditions. Observations of the development site showed existing built structures managed sediment movement offsite including brick fence on Church St, boundary fences adjoining hospital and police station, and kerb inlet with sediment protection in accordance with the Blue Book. **Audit 2 findings**: As per audit 1 findings.
Imported Soil				
D22	The Applicant must:	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Materials Tracking register maintained on an active basis (last updated 20/08/2020)	**Audit 1 findings**: This condition has not been triggered. None of the relevant materials which require approval in writing have been brought onto the site. Built have only imported road base to site at the time of the audit. **Audit 2 findings:** Dockets issued by subcontractors on a weekly basis. All imported fill is tracked on a material tracking register updated weekly.
(a)	ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;			
(b)	keep accurate records of the volume and type of fill to be used; and			
(c)	make these records available to the Certifier upon request.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Disposal of Seepage and Stormwater				
D23	Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: dwp and Built advised that they do not anticipate needing to discharge stormwater from site during the construction of the development. The existing buildings currently drain to the existing CoN stormwater drainage system. While this is proving sufficient during demolition, there are other phases of the work where large amounts of sediment laden stormwater may be generated including during excavation for the new residential and education buildings, the project should ensure that it has the capacity to manage site stormwater during all stages of construction. ***Audit 1 Recommendation 8: Ensure that site stormwater can be managed throughout all stages of the project's construction.*** **Audit 2 findings:** Part of the stormwater works were completed early on in the project through the replacement of existing stormwater infrastructure. During the site inspection, it was observed that the stormwater system works completed in the early stage connected with existing stormwater infrastructure on site. These works were conducted so that clean water does not mix with dirty water on site. The site inspection also noted the installation of new stormwater infrastructure, which is under construction and remains to be connected to council assets. The application process to connect new stormwater infrastructure to existing council assets is ongoing. Review of site management practices on-site, including the diversion of all clean water indicates ***Audit 1 Recommendation 8*** has generally been met.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Unexpected Finds protocol – Aboriginal Heritage				
D24	In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.	Not Triggered	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. Draft ACHMP. **Audit 2:** Construction Environmental Management Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) Aboriginal Cultural Heritage Management Plan (7-0347_A-d01-20_let-dpie-200323-01-c13)	**Audit 1 findings:** This condition has not been triggered. No new Aboriginal objects have been identified onsite. The ACHMP includes protocols for uncovering of unexpected finds of Aboriginal objects in compliance with Condition D24. **Audit 2 findings**: AMAC (nominated heritage consultant) have supervised excavations and completed additional excavations. An unexpected finds procedure is included in Section 10.2 of the CEMP. No unexpected finds of Aboriginal Heritage items have been found.
Unexpected Finds Protocol – Historic Heritage				
D25	If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the NSW Heritage Division.	Not Triggered	**Audit 1:** Revised Assessment Research Design & Excavation Methodology prepared by Archaeological Management & Consulting Group on 13 February 2020 Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Construction Environmental Management Plan (Rev	**Audit 1 findings**: This condition has not been triggered. No unexpected archaeological relics have been discovered onsite. The Revised Assessment Research Design & Excavation Methodology details the Unexpected Finds – Call Out Protocol which is consistent with the requirements of Condition D25. **Audit 2 findings**: AMAC have completed a targeted archaeological monitoring program. Works within the archaeological work zones were undertaken under supervision from AMAC. Areas that were not included in the archaeological works zones were subject to an unexpected finds procedure, outlined in section 11.2 of the CEMP. No unexpected finds of Historic Heritage Items were uncovered during the audit period.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			01) (17-0347_A-d01-20_let-dpie-200519-01-c08) Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	
Waste Storage and Processing				
D26	All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Drumderg and Built are generally managing waste generated by the development in accordance with the requirements of Condition D26. Waste generated by the development is segregated on site. Concrete is crushed into rubble on site. Other waste materials including steel, timber and glass are stockpiled on site. Mixed rubbish is stored in a skip. No waste was observed to be leaving the site onto neighbouring properties. Waste is sent to Drumderg's EPA licensed facility at Kurri Kurri. **Audit 2 findings**: Refer to Audit 1 findings.
D27	All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. Email from Ben Moss (28/02/2020; 03/03/2020) with details of waste classification. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: Waste generated by the development is being assessed, classified and managed in accordance with Condition D27. The waste being removed from site is generally pre-classified as General Solid Waste (non-putrescible) as per the NSW EPA Waste Classification Guidelines. This pre-classification covers mixed building and demolition waste that is being removed from site. If material being removed from site does not meet the pre-classification criteria, it is then analysed as per Step 5 of the waste classification guidelines and is chemically assessed for off-site disposal. The Waste Classification process is a requirement not only for

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Statement of compliance from Drumderg Services Pty Ltd on 03/03/2020 (17-0347_A-d01-20_let-dpie-200305-03-d27)	removal off-site, but also for acceptance by the EPA licensed facility. **Audit 2 findings**: Refer to Audit 1 findings.
D28	The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.	Not Triggered	**Audit 1**:Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2:** Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.	**Audit 1 findings**: This condition has not been triggered. Built advised that concrete waste and rinse water are recycled offsite and are never disposed of onsite. **Audit 2 findings**: Refer to Audit 1 findings.
Independent Environmental Audit				
D29	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.	Compliant	**Audit 1:** Approval from the Planning Secretary for proposed independent auditors (17-0347_A-d01-20_let-dpie-200116-03)	**Audit 1 findings**: dwp sought approval for GHD to be the independent auditor as required by Condition D29. Approval from the Planning Secretary for proposed independent auditors was received on 29 January 2020. **Audit 2 findings**: Refer to Audit 1 findings.
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.	Compliant	**Audit 1**:Independent Audit Program was submitted to the Planning Secretary (17-0347_A-d01-20_let-dpie-200116-03) Approval from the Planning Secretary	**Audit 1 findings:** Prior to commencement of construction, an Independent Audit Program was prepared by GHD as part of their fee proposal to dwp. This Independent Audit Program was submitted to the Planning Secretary on 21 January 2020. Approval from the Planning Secretary was received on 29 January 2020. **Audit 2 findings**: Refer to Audit 1 findings.
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:	Compliant	**Audit 1**: Independent Audit Program submitted to the Planning Secretary (17-0347_A-d01-20_let-	**Audit 1 findings:** Independent Audit Program submitted to the Planning Secretary included the audits at the frequency required by Condition D31.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(a)	an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction;		dpie-200116-03) on 21 January 2020.	**Audit 2 findings**: Refer to Audit 1 findings.
(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.			
D32	Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with:	Compliant	**Audit 1**: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Submission of audit to DPIE (17-0347_A-d01-20_let-dpie-200327-01-d32)	**Audit 1 findings**: This condition has not been triggered as this audit report constitutes the first independent audit of the development. **Audit 2 findings**: Construction Audit 1 was submitted to DPIE on 27 March 2020. The audit was also distributed to the Certifier.
(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).			
D33	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:	Compliant	**Audit 1:** Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. **Audit 2**: Construction Audit 1 Response (7-0347_A-d01-20_let-dpie-200330-01-d33)	**Audit 1 findings**: This condition has not been triggered as this audit report constitutes the first independent audit of the development. **Audit 2 findings**: The Construction Audit 1 response reviewed and responded to each of the corrective actions and recommendations that were proposed by Construction Audit 1. The response was distributed to the Certifier.
(a)	review and respond to each Independent Audit Report prepared under condition D30 of this consent;			
(b)	submit the response to the Planning Secretary and the Certifier; and			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(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.		Site Interviews with Project team on 25/08/2020.	Notification was given of the intention to upload Construction Audit 1 response to the project website was included in the response sent to DPIE on 30/03/2020, with upload completed within 60 days.
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.	Not Triggered		**Audit 1 and Audit 2**: This condition has not been triggered as the development is still in the construction phase.

Appendix D – Document Register

dwp

17-0347 Nihon University Newcastle Campus - SSD9787

Revision: J

Document Register [uploads to NSW DPIE Planning Secretary, Agencies & Indepedent Auditor]

Date: 06/08/2020

Instructions for upload:

Website: https://majorprojects.planningportal.nsw.gov.au/prweb/IAC/Cc0BJSdJ6OdBNUpuWBJD7zYCxcJRCjpn*/!STANDARD

Non Compliance email: compliance@planning.nsw.gov.au

Note: amendments since last issue in red text

row no	Department Ref ID	File Name(s)	Condition	Item	Category	Issued to	date of issue	issued by	Endorsed / Accepted by Department	Comments	Nihon Website (Y/N) R = required
14	SSD-9787_PA-1	17-0347_A-d01-20_let-dpie-200107-01-ao8	A08	Community Consultation Plan	Management Plan	Planning Portal Website	07/01/2020	EC	Yes		Y
15	SSD-9787-PA-3	17-0347_A-d01-20_let-dpie-200116-01	B6 & F12	Green Star / Ecological Sustainable Development	Other	Planning Portal Website	16/01/2020	KD	Yes	~~21/01/20 - Department reponding on 21/01/20 advising they have commenced their detailed assessment of the submission. Up to 30 days to receive a response~~ 10/02/2020 - Endorsed by NSW DPIE - see letter dated 10/02/2020 *[File: A_d01-20_200210_Letter DPIE to dwp - Approval of Plan Strategy or Study_10022020_014017]* Condition B6 is met	N
16	SSD-9787-PA-7	17-0347_A-d01-20_let-dpie-200116-02	C22	Compliance Monitoring	Reports	Planning Portal Website	21/01/2020	KD	Yes		N
17	SSD-9787-PA-8	17-0347_A-d01-20_let-dpie-200116-03	C29 & C30	Independent Environmental Audit	Independent Audit	Planning Portal Website	21/01/2020	KD	Yes	Email received from DPIE 29/01/20, with attached letter	N
18	SSD-9787-PA-10	17-0347_A-d01-20_let-dpie-200120-01	B4 & B5	Pre Construction Dilapidation Rerport	Reports	Planning Portal Website	21/01/2020	KD	Yes		Y
19	n/a	17-0347_A-d01-20_let-dpie-200121-01-a24	A24	Non compliance - access to information - website	n/a	compliance@planning.nsw.gov.au	21/01/2020	KD	No		
20	SSD-9787-PA-9	17-0347_A-d01-20_let-dpie-200121-02-co5	C05	Demolition Works Plans	Management Plan	Planning Portal Website	21/01/2020	KD	Yes		Y
21	SSD-9787-PA-12	17-0347_A-d01-20_let-dpie-200122-01-a02	A02	Photographic Archival Recording	Other	Planning Portal Website	23/01/2020	KD	Yes	Email from NSW DPIE 24/01/2020	Y
22	SSD-9787-PA-13	17-0347_A-d01-20_let-dpie-200122-02-c07	C07	Environmental Managment Plan	Management Plan	Planning Portal Website	23/01/2020	KD	Yes	Email from NSW DPIE 24/01/2020	Y
23	SSD-9787-PA-14	17-0347_A-d01-20_let-dpie-200122-03-c08	C08	Construction Environmental Management Plan	Management Plan	Planning Portal Website	23/01/2020	KD	Yes	Email from NSW DPIE 24/01/2020	Y
24	SSD-9787-PA-15	17-0347_A-d01-20_let-dpie-200122-04-c10	C10	Construction Traffic and Pedestrian Management Sub-Plan	Management Plan	Planning Portal Website	12/02/2020	KD	Yes	Email from NSW DPIE 12/02/2020	Y
25	SSD-9787-PA-15	17-0347_A-d01-20_let-dpie-200122-04-c10 - Evidence of CoN Consultation	C10	Construction Traffic and Pedestrian Management Sub-Plan - Consultation Evidence	Management Plan	Planning Portal Website	12/02/2020	KD	Yes	Email from NSW DPIE 12/02/2020	Y
26	SSD-9787-PA-16	17-0347_A-d01-20_let-dpie-200122-05-c11	C11	Construction Noise and Vibration Management Sub-Plan	Management Plan	Planning Portal Website	23/01/2020	KD	Yes	Email from NSW DPIE 24/01/2020	Y
27	SSD-9787-PA-17	17-0347_A-d01-20_let-dpie-200122-06-c12	C12	Construction Waste Management Sub-Plan	Management Plan	Planning Portal Website	23/01/2020	KD	Yes	Email from NSW DPIE 24/01/2020	Y
28	SSD-9787-PA-18	17-0347_A-d01-20_let-dpie-200122-07-c14	C14	Construction Worker Transportation Strategy	Management Plan	Planning Portal Website	23/01/2020	KD	Yes	Email from NSW DPIE 24/01/2020	Y
29	SSD-9787-PA-19	17-0347_A-d01-20_let-dpie-200122-08-c01	C01	Notification of Commencement	Notification	Planning Portal Website	23/01/2020	KD	Yes		
30	SSD-9787-PA-20	17-0347_A-d01-20_let-dpie-200122-09-c23	C23	Pre-Construction Compliance Report 01	Reports	Planning Portal Website	23/01/2020	KD	Yes		Y
31	n/a	17-0347_A-d01-20_let-dpie-200123-01-c31	C31	Condition E31 Definition of relevant part of the site	n/a	Megan.Fu@planning.nsw.gov.au	23/01/2020	KD	No	Further email sent 18/02/2020 File: 17-0347_A-d01-20_let-dpie-200218-01-c31-email	N
32	SSD-9787-PA-21	~~17-0347_A-d01-20_let-dpie-200124-01-a09~~ [rejected] 17-0347_A-d01-20_let-dpie-200130-01-a09-a10	A9 & A10	Staging Report	Other	Planning Portal Website	24/01/2020 31/01/2020	KD	Yes	Initial report rejected on 30/01/2020. New report uploaded 05/02/20 - correspondence from DPIE state the document has been classified as "regular" for assessment 18/02/20 - Email Correspondence from NSW DPIE - Staging Report accepted file: A_d01-20_200218_Letter DPIE to dwp - Staging Report_A9 & A10	Y
33	n/a	17-0347_A-d01-20_let-dpie-200124-02-a09-a28	A9 & A28	Non Compliance - A9 Staging	n/a	compliance@planning.nsw.gov.au	24/01/2020	KD	No		N
34	SSD-9787-PA-22	17-0347_A-d01-20_let-oeh-200131-01-c19	C19	Landscape Plan	Management Plan	Planning Portal Website	03/02/2020	KD	No	Submitted to The Heritage Council via the planning portal [PAE-1980]. Awaiting Endorsement until finalising the item on the planning portal. Heritage Council have until 02/03/2020 to respond. Heritage Council responded on 03/03/2020 File: "SSD 9787 - Nihon University Newcastle Campus - Consent Cond" Our response issued 10/03/2020 - see row 48 below	N
35	SSD-9787-PA-23	17-0347_A-d01-20_let-dpie-200205-01-a24	A24	Access to Information - Website	Other		06/02/2020	KD	Yes	Email from NSW DPIE 06/02/2020	N
36	n/a	Community Consultation Register_20.02.13	A08	Community Consultation Register (including Complaints)	n/a	GHD	13/02/2020	KD	n/a	January 2020 Register updated 22/01/2020	Y

37	n/a	Nihon University_Built HSE Incident Register_Jan 20	A26	HSE Incident Register	n/a	GHD	13/02/2020	KD	n/a	January 2020 Register updated 22/01/2020	N
38	n/a	17-0347_A-d01_Compliance Register_A_200213	A28 & A29	Compliance Register	n/a	GHD	13/02/2020	KD	n/a	February Register - Revision A dated 13/02/2020	N
39	SSD-9787-PA-24	17-0347_A-d01-20_let-dpie-200217-01-c17-c18	C17 & C18	Archaeological Salvage - Historic Archaeology	Other	Planning Portal Website	18/02/2020	KD	Yes	Email from A_d01-20_200218_Letter DPIE to dwp - Archaeological Research Design & Excavation Method C17 C18	Y
40	SSD-9787-PA-25	17-0347_A-d01-20_compliance-report-02-200218	C23	Pre-Construction Compliance Report 02 Construction Certificate CC#01	Reports	Planning Portal Website	20/02/2020	KD	No		Y
41	n/a	17-0347_A-d01-20_let-oeh-200227-01-b05 17-0347_A-d01-20_let-oeh-200227-01-b05 - email Heritage NSW	B05	Pre Construction Dilapidation Rerport	n/a	Heritage NSW	27/02/2020	KD	n/a	Issued to Heritage NSW via email. Response back from Heritage NSW on 23/03/2020 [A-d01-20_200323_letter-Heritage NSW-Nihon University Newcastle Campus - Consent Condition B05 P]	N
42	n/a	C13_Aboriginal Cultural Heritage Management Plan_AMAC C13_Appendix A_Aboriginal Archaeological Technical Report_AMAC	C13	Aboriginal Cultural Heritage Management Plan [DRAFT v2 12/2/2020] Appendix A_Aboriginal Archaeological Technical Report [DRAFT Feb 2020]	n/a	GHD	27/02/2020	KD	n/a	Note: Still in Draft Format, until consultation with RAPs complete. Not issued to NSW DPIE as yet	N
43	n/a	17-0347_A-d01-20_let-dpie-200227-01-a28-a29 17-0347_A-d01-20_let-dpie-200227-01-a28-a29 - Non Compliance Email	A28 & A29	Non Compliance - Compliance Reporting - Condition of Consent C22 & Compliance Reporting - Condition of Consent C24	n/a	compliance@planning.nsw.gov.au	27/02/2020	KD	n/a	Refer to Non-Compliance Register	N
44	SSD-9787-PA-26	17-0347_A-d01-20_let-dpie-200217-01-c17-c18	C17 & C18	Archaeological Salvage - Historic Archaeology"	Management Plan	Planning Portal Website	02/03/2020	KD		Also sent email direct to Heritage NSW see [17-0347_A-d01-20_let-oeh-200302-01-c17-c18-Consultation]	Y
45	SSD-9787-PA-27	17-0347_A-d01-20_let-dpie-200305-01-d12	D12	Construction Noise Limits	Other	Planning Portal Website	05/03/2020	KD	Yes	Email from DPIE 10/03/20	Y
46	SSD-9787-PA-29	17-0347_A-d01-20_let-dpie-200305-02-c05	C05	Demolition Works Plans	Management Plan	Planning Portal Website	05/03/2020	KD	Yes	Email from DPIE 10/03/20	Y
47	SSD-9787-PA-30	17-0347_A-d01-20_let-dpie-200305-03-d27	D27	Waste Storage and Processing	Other	Planning Portal Website	05/03/2020	KD	Yes	Email from DPIE 10/03/20	Y
48	SSD-9787-PA-22	17-0347_A-d01-20_let-oeh-200309-c19	C19	Landsaping	Management Plan	Planning Portal Website - NSW Heritage Council & informal email to Timothy Oliver	10/03/2020	KD	No	Submitted to The Heritage Council via the planning portal [PAE-2342]. Awaiting Endorsement until finalising the item on the planning portal. Hertiage Council have until 06/04/2020 to respond. Response back from Heritage Council received 06/04/2020 [A-d01-20_200406_letter-Heritage NSW-SSD 9787 - Nihon University Newcastle Campus - Consent Con]	N
49	~~SSD-9787-PA-31~~	~~17-0347_A-d01-20_let-dpie-200312-01-c11~~	~~C11~~	~~Construction Noise and Vibration Management Sub-Plan~~	~~Management Plan~~	~~Planning Portal Website~~	~~13/03/2020~~	~~KD~~	~~No~~	~~NSW DPIE Email 13/03/20 - requesting: "Please provide qualifications of noise expert who prepared the document." [A_d01-20_200313_email-dpie - Construction Noise & Vibration Management Sub-Plan - More Information Required C11]~~ ~~WITHDRAWN - SUB PLAN RESUBMITTED AS SEPARATE ITEM - SSD-9787-PA-39~~	N
50	SSD-9787-PA-32	17-0347_A-d01-20_let-dpie-200316-01-c15	C15	Stormwater Management System	Other	Planning Portal Website	16/03/2020	KD	No	Response received from DPIE 19/03/2020 "A_d01-20_20031_email-dpie-Stormwater Management System C15"	N
51	SSD-9787-PA-26 [PAE-2462]	17-0347_A-d01-20_let-oeh-200318-c17-c18	C17 & C18	Archaeological Salvage - Historic Archaeology"	Management Plan	Planning Portal Website	18/03/2020	KD	Yes	Response submitted to The Heritage Council/Heritage NSW via the planning portal [PAE-2462] Response submitted back from Heritage Council [A-d01-20_200407_letter-SSD 9787- C18- Heritage NSW response 2]	N
52	SSD-9787-PA-33	17-0347_A-d01-20_let-dpie-200323-01-c13	C13	Aboriginal Cultural Heritage Management Plan	Management Plan	Planning Portal Website	23/03/2020	KD	Yes	Email from DPIE 23/03/20 [A-d01-20_200323_email-dpie-Aboriginal Cultural Heritage Management Plan - Service Level Agreement] *"The Department has now commenced its detailed assessment of the Aboriginal Cultural Heritage Management Plan for the Nihon University Newcastle Campus. The Department has classified this document as 'Regular'. The Department may ask for additional information to complete its assessment."* APPROVED 16/04/20 [A-d01-20_200416_Letter-dpie-Approval of Plan Strategy or Study_16042020_094939] & [A-d01-20_200416_email-dpie-Aboriginal Cultural Heritage Management Plan]	Y
53	SSD-9787-PA-34	17-0347_A-d01-20_let-dpie-200327-01-d32	D32	Construction Audit 1	Independent Audits & Reviews	Planning Portal Website	27/03/2020	KD	Yes	Email DPIE 27/03/20 - A-d01-20_200327_email-dpie-Construction Audit 1-Post Approval Document Received - (SSD-9787-PA-34) Email DPIE 03/04/20 - A-d01-20_200403_email-dpie-Construction Audit 1 - RAR - Service Level Agreement *"The Department has now commenced its detailed assessment of the Construction Audit 1 - RAR for the Nihon University Newcastle Campus. The Department has classified this document as 'Complex'."* DPIE correspondence 21/04/20 [A-d01-20_200421_Letter-dpie-Audit reports_16042020_095452]	Y
54	SSD-9787-PA-35	17-0347_A-d01-20_let-dpie-200330-01-d33	D33	Construction Audit 1 Response	Independent Audits & Reviews	Planning Portal Website	30/03/2020	KD	Yes	Email DPIE 30/03/20 - A-d01-20_200330_email-dpie-Construction Audit 1 response-Post Approval Document Received - (SSD-9787-PA-35) DPIE correspondence 21/04/20 [A-d01-20_200421_Letter-dpie-Audit reports_16042020_095452]	Y

~~55~~	~~SSD-9787-PA-36~~	~~17-0347_A-d01-20_let-dpie-200403-01-d4-d5~~	~~d4 d5~~	~~Variation to Construction Hours~~	~~Management Plan~~	~~Planning Portal Website~~	~~03/04/2020~~	~~KD~~	~~No~~	~~Email DPIE 03/04/20 - A-d01-20_200403_email-dpie-Post Approval Document Received - (SSD-9787-PA-36)~~ ~~Note: Withdrawn, following discussion with Megan Fu [A-d01-20_200406_email-dpie-Post Approval Document (SSD-9787-PA-36) - Withdrawn]~~	N
56	SSD-9787-PA-37	17-0347_A-d01-20_let-dpie-200406-01-d4-d5	D4 D5	Variation to Construction Hours	Notification	Planning Portal Website	06/04/2020	KD	Yes	Email DPIE 06/04/20 [A-d01-20_200406_email-dpie-Post Approval Document Received - (SSD-9787-PA-37)] Response received 08/04/20 [A-d01-20_200408_email-dpie-Nihon University Newcastle Campus - Variation to Construction Hours (COVID-19)]	N
57	SSD-9787-PA-26	17-0347_A-d01-20_let-oeh-200408-c18	C18	Archaeological Salvage - Historic Archaeology"	Management Plan	Planning Portal Website	08/04/2020	KD	Yes	Response submitted to The Heritage Council/Heritage NSW via the planning portal [PAE-2754] Response received 15/04/20 accepting condition met [A-d01-20_200415_letter-SSD 9787- C18 Heritage NSW response 3]	Y
58	SSD-9787-PA-26	17-0347_A-d01-20_let-dpie-200416-01-c17-c18	C17 C18	Letter Consultation - Archaeological Salvage	Other	Planning Portal Website	16/04/2020	KD	Yes	Email DPIE 16/04/20 [A-d01-20_200416_email-dpie-Post Approval Document Received - (SSD-9787-PA-26)] Email DPIE 16/04/20 [A-d01-20_200416_email-dpie-Evidence of Consultation for C17 and C18]	N
59	SSD-9787-PA-39	17-0347_A-d01-20_let-dpie-200416-03-c11	C11	CNVMSP Rev 1	Management Plan	Planning Portal Website	16/04/2020	KD	Yes		Y
60	SSD-9787-PA-39	Nihon Uni_Built Construction Noise and Vibration Management Sub Plan_Rev 01 FOR APPROVAL (TRACKED CHANGES)	C11	CNVMSP Rev 1 Tracked Changes	Management Plan	Planning Portal Website	16/04/2020	KD	Yes	Email DPIE 16/04/20 [A-d01-20_200416_email-dpie-Post Approval Document Received - (SSD-9787-PA-39)] Email DPIE 16/04/20 [A-d01-20_200416_email-dpie-Noise and Vibration Management Sub-Plan]	N
61	SSD-9787-PA-40	17-0347_A-d01-20_let-dpie-200416-02-c10	C10	CTPMSP Rev 1	Management Plan	Planning Portal Website	16/04/2020	KD	Yes		Y
62	SSD-9787-PA-40	Nihon Uni_Built Construction Traffic and Pedestrian Management Sub Plan_Rev 01 FOR APPROVAL (TRACKED CHANGES)	C10	CTPMSP Rev 1 Tracked Changes	Management Plan	Planning Portal Website	16/04/2020	KD	Yes	Email DPIE 16/04/20 [A-d01-20_200416_email-dpie-Post Approval Document Received - (SSD-9787-PA-40)] Email DPIE 16/04/20 [A-d01-20_200416_email-dpie-Traffic and Pedestrian Management Sub-Plan]	N
63	SSD-9787-PA-22	17-0347_A-d01-20_let-dpie-200420-01-c19	C19	Landsaping	Management Plan	Planning Portal Website	20/04/2020	KD	Yes	Email DPIE 20/04/20 [A-d01-20_200420_Letter-dpie-Post Approval Document Received - (SSD-9787-PA-22)] Email DPIE 24/04/20 [A-d01-20_200424_Email-dpie-Landscape Plan]	Y
64	SSD-9787-PA-41	17-0347_A-d01-20_let-dpie-200421-01-c33	C33	IEA Report & RAR - Project Website	Other	Planning Portal Website	21/04/2020	KD	Yes	Email DPIE 21/04/20 [A-d01-20_200421_Email-dpie-Post Approval Document Received - (SSD-9787-PA-41)] Email DPIE 24/04/2020 [A-d01-20_200424_Email-dpie-IEA Report & RAR website notification]	N
65	SSD-9787-PA-42	17-0347_A-d01-20_let-dpie-200421-02-c01	C1 C2	Commencement of Physical Work CC#01	Notification	Planning Portal Website	22/04/2020	KD	Yes	Email DPIE 22/04/20 [A-d01-20_200421_Email-dpie-Post Approval Document Received - (SSD-9787-PA-42)] Email DPIE 24/04/20 [A-d01-20_200424_Email-dpie-Notification - Commencement of Work CC#01]	N
66	SSD-9787-PA-44	17-0347_A-d01-20_let-dpie-200428-01-a18-a19	A18 A19	Site Contamination Interim Advice 3 & 4	Management Plan	Planning Portal Website	29/04/2020	KD	Yes	Email DPIE 29/04/20 [A-d01-20_200429_Email-dpie-Post Approval Document Received - (SSD-9787-PA-44)] Email DPIE 01/05/20 [A-d01-20_200501_Email-dpie-Remediation Action Plan	Y
67	SSD-9787-PA-44	91667.02.R.003.Rev2_Detailed Site Investigation_Douglas Partners_reduced	A18 A19	Detailed Site Investigation Rev 2	Management Plan	Planning Portal Website	29/04/2020	KD	Yes		Y
68	SSD-9787-PA-44	91667.02.R.004.Rev1_RAP_Reduced	A18 A19	Remediation Action Plan Rev 1	Management Plan	Planning Portal Website	29/04/2020	KD	Yes		Y
69	SSD-9787-PA-44	91667.02.R.005.DftB_Draft SMP	A18 A19	Long-term Site Management Plan Draft	Management Plan	Planning Portal Website	29/04/2020	KD	Yes		Y
70	SSD-9787-PA-45	17-0347_A-d01-20_let-dpie-200519-01-c08	C8	Construction Environmental Management Plan Rev 1	Management Plan	Planning Portal Website	20/05/2020	KD	Yes	Email DPIE 20/05/20 [A-d01-20_200520_email_dpie-Post Approval Document Received - (SSD-9787-PA-46)] Email DPIE 20/05/20 [A-d01-20_200520_email_dpie-Construction Environmental Management Plan]	Y
71	SSD-9787-PA-46	17-0347_A-d01-20_let-dpie-200519-02-c12	C12	Construction Waste Management Sub-Plan Rev 2	Management Plan	Planning Portal Website	20/05/2020	KD	Yes	Email DPIE 20/05/20 [A-d01-20_200520_Email-dpie-Post Approval Document Received - (SSD-9787-PA-46).pdf] Email DPIE 20/05/20 [A-d01-20_200520_email_dpie-Construction Waste Management Sub-Plan]	Y
72	SSD-9787-PA-47	17-0347_A-d01-20_let-dpie-200520-01-a10-a13	A10 A13	Staging Report Update	Other	Planning Portal Website	21/05/2020	KD	Yes	Email DPIE 21/05/20 [A-d01-20_200521_Email-dpie-Post Approval Document Received - (SSD-9787-PA-47)] Email DPIE 27/05/20 [A-d01-20_200527_Email-dpie-Revised Staging Report]	Y
73	SSD-9787-PA-48	17-0347_A-d01-20_let-dpie-200520-02-c23	C23	Pre-Construction Compliance Report 03	Reports	Planning Portal Website	21/05/2020	KD	Yes	Email DPIE 21/05/20 [A-d01-20_200521_Email-dpie-Post Approval Document Received - (SSD-9787-PA-48)] Email DPIE 26/05/20 [A-d01-20_200526_Email-dpie-Pre-Construction Compliance Report #3 CC#2 - Service Level Agreement] Document classed as "Complex" Email DPIE 03/06/20 [A-d01-20_200602_Email-dpie-Pre CC and commencement compliance] Email DPIE 25/06/20 [A-d01-20_200625_Pre-Construction Compliance Report #3 CC#2 SSD-9787-PA-48 - Request for Additional Information] - ADDITIONAL INFORMATION REQUIRED BY 08/07/2020	Y

74	SSD-9787-PA-49	17-0347_A-d01-20_let-dpie-200527-01-c01	C1	Construction Certificate CC#02[a]	Notification	Planning Portal Website	27/05/2020	KD	Yes	Email DPIE 27/05/20 [A-d01-20_200527_Email-dpie-Post Approval Document Received - (SSD-9787-PA-49)] Email DPIE 02/06/20 [A-d01-20_200602_Email-dpie-Construction Certificate CC#02[a]]	Y
75	SSD-9787-PA-50	17-0347_A-d01-20_let-dpie-200601-01-B3	B3	External Walls and Cladding documented evidence	Other	Planning Portal Website	01/06/2020	KD	No	Email DPIE 01/06/20 [A-d01-20_200601_Email-dpie-Post Approval Document Received - (SSD-9787-PA-50)]	N
76	n/a	17-0347_A-d03-10_dwp-ncc-200615	C20	Public Domain Works - Section 138 Assessment	Letter	City of Newcastle - email to D Ryner & S Masier	16/06/2020	KD	n/a		N
77	SSD-9787-PA-51	17-0347_A-d01-20_let-dpie-200629-02-c23-d30	C23 D30	Compliance Reporting & IEA Post Approval	Other	Planning Portal Website	29/06/2020	KD	No	Email DPIE 29/06/20 [A-d01-20_200629_Post Approval Document Received - (SSD-9787-PA-51)] Email DPIE 03/07/20 [A-d01-20_200703_Email-dpie-Notification - continued use of 2018 PAR's]	N
78	SSD-9787-PA-48	17-0347_A-d01-20_let-dpie-200629-01-c23	C23	Pre-Construction Compliance Report 03 revised	Reports	Planning Portal Website	29/06/2020	KD	No	In response to Request for Information (RFI-3776) Email DPIE 03/07/20 [A-d01-20_200703_Email-dpie-Pre-Construction Compliance Report #3 CC#2] - accepted by NSW DPIE	R - to be uploaded after 10/07/20 Requested 27/07/2020
79	SSD-9787-PA-52	17-0347_A-d01-20_let-dpie-200723-01-c01	C1	Construction Certificate CC#02[b]	Notification	Planning Portal Website	23/07/2020	KD	No	Email DPIE 23/07/20 [A-d01-20_200723_Email-dpie-Post Approval Document Received - (SSD-9787-PA-52)] Email DPIE 27/07/2020 [A-d01-20_200727_Email-dpie-Notification - CC#02(b) works]	R Requested 27/07/2020
80	n/a	17-0347_A-d03-10_dwp-ncc-200805	C20	Section 138 Assessment Comments	Letter	City of Newcastle - email to D Ryner	43959	KD	No		N

Appendix E – Sample letter

7 August 2020

Geoff Mansfield
General Manager
City of Newcastle
PO Box 489
Newcastle NSW 2300

Our ref: 12524301-12485-38
Your ref:

Dear Geoff

Nihon University Independent Audit Reporting
Request for comment

GHD Pty Ltd has been engaged by Azusa Sekkei Co Ltd on behalf of Nihon Daigaku Australia Newcastle Pty Ltd (Nihon University) to undertake an independent environmental audit of the Nihon University Newcastle Campus development in accordance with its Developmental Consent granted by the Department of Planning, Industry and Environment (DPIE) (SSD 9787). The scope of this Audit is defined by the *Independent Audit Post Approval Requirements* (DPIE 2018) to:

- Assess compliance with conditions of consent, post approval documents, and environmental licences or approvals applicable to the development
- Assess environmental performance of the development
- Review the project's environmental management system
- Conduct a high level assessment of the adequacy of environmental management plans and subplans, and
- Review any other matters considered relevant by the auditor or DPIE.

Nihon University have auditable obligations to your organisation under the Development Consent SSD 9787 (attached). I am writing to you to invite comment from City of Newcastle in regard to these obligations.

It would be appreciated if you could provide your comments in regard to the performance of Nihon University in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on Nihon University's performance with other requirements, as you may deem appropriate.

The site visit for the audit is scheduled to be conducted on Wednesday, 26 August 2020. We wish to invite you to provide comment on Nihon University's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by Monday, 24 August.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or elliot.holland@ghd.com.

Sincerely

Elliot Holland
Lead Auditor – Environmental Management Systems
Senior Environmental Scientist
+612 4979 9923

Appendix F – Correspondence from agencies

From: Siobhan Lavelle <Siobhan.Lavelle@environment.nsw.gov.au>
Sent: Monday, 31 August 2020 3:57 PM
To: Elliot Holland
Subject: RE: 12524301 - Consultation Letter: Heritage NSW Attention Dr Siobhan Lavelle

Dear Mr Holland,

Thank you for your letter dated 7 August 2020 regarding the audit of the Nihon University Newcastle Campus Development.

I can advise that since the Project was approved (SSD 9897) that several matters related to the Conditions of Approval have been the subject of correspondence between the Proponent or their consultants DWP and Heritage NSW.

These have included matters related to the following Conditions:

- C19 Landscape Plan
- C17 Historical Archaeological Assessment & Research Design
- C18 Excavation Director (Historical Archaeology)
- B05 Pre-Construction Dilapidation Report

Correspondence issued by HNSW indicates that generally the requirements of the above Conditions have been met.

As yet, other matters, such as the progress of findings from historical archaeological works, are not available to Heritage NSW.

Regards,

Dr Siobhán Lavelle OAM | **Senior Team Leader, Specialist Services**
Heritage NSW, Community Engagement, Department of Premier and Cabinet
Level 6, 10 Valentine Avenue, Parramatta Locked Bag 5020 Parramatta 2124
T: (02) 9873 8546 | M: 0455 093962 | E: siobhan.lavelle@environment.nsw.gov.au

M T W T F

Please lodge all Applications to Heritagemailbox@environment.nsw.gov.au Otherwise they will not be processed.

I acknowledge and respect the Traditional Custodians and Ancestors of the land I work across.

Heritage NSW and coronavirus (COVID-19)

Heritage NSW has taken steps to protect the safety, health and wellbeing of our staff, communities and customers. Whilst our offices remain open, we have put in place flexible working arrangements for our teams across NSW and continue to adapt our working arrangements as necessary. Face-to-face meetings and field work/site visits with our customers are subject to rules on gatherings and social distancing measures. We thank you for your patience and understanding at this time.

From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Sunday, 9 August 2020 4:33 AM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>

Subject: FW: 12524301 - Consultation Letter: Heritage NSW Attention Dr Siobhan Lavelle
Importance: High

Attention Dr Siobhan Lavelle

Hi Dr Siobhan,

I am writing to seek your input into the preparation of an audit of Nihon University's Newcastle Campus development.

Please feel free to give myself a call if you have any queries regarding our request.

Regards,
Elliot Holland
(B. Env. Sc. & Mgt.)
Senior Environmental Scientist
Lead Auditor – Environmental Management Systems

GHD
Proudly employee owned
T: +612 4979 9923 | E: elliot.holland@ghd.com
GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300 | www.ghd.com

Connect

WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY& BUILDINGS | TRANSPORTATION

From:	Steven Cox <Steven.Cox@environment.nsw.gov.au>
Sent:	Friday, 7 August 2020 9:28 AM
To:	Elliot Holland
Subject:	RE: 12524301 - Nihon University Audit: EES Group Consultation
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi Elliot,

Thank you for the opportunity to provide input into the audit process, however in this case we don't have any specific concerns to raise for the audit.

From 1 July 2020, the regulation of Aboriginal cultural heritage transferred from the Biodiversity and Conservation Division (Department of Planning, Industry and Environment) to Heritage NSW (Department of Premier and Cabinet). All Aboriginal cultural heritage requests, applications and enquires (such as AHIPs, Integrated Development Applications, planning proposals, audit requests and requests for lists of Aboriginal stakeholders) should be sent to heritagemailbox@environment.nsw.gov.au.

Good luck with the audit.

Regards
Steven

Steven Cox
Senior Team Leader Planning, Hunter Central Coast Branch

Biodiversity and Conservation Division | Department of Planning, Industry and Environment
T 02 4927 3140 | **M** 0472 800 088 | **E** steven.cox@environment.nsw.gov.au
Level 4/26, Honeysuckle Drive Newcastle NSW 2309
Locked Bag 1002, Dangar NSW 2309
www.dpie.nsw.gov.au

From 1 July 2020, the **regulation of Aboriginal cultural heritage transferred** from the Biodiversity and Conservation Division (Department of Planning, Industry and Environment) **to Heritage NSW** (Department of Premier and Cabinet). All Aboriginal cultural heritage requests, applications and enquiries (such as AHIPs, Integrated Development Applications and requests for lists of Aboriginal stakeholders) should be sent to heritagemailbox@environment.nsw.gov.au.

Currently working from home during Covid-19 restrictions and can be contacted on both above phone numbers.

work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Friday, 7 August 2020 6:01 AM
To: OEH ROD Hunter Central Coast Mailbox <rog.hcc@environment.nsw.gov.au>
Cc: Steven Cox <Steven.Cox@environment.nsw.gov.au>; Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Subject: 12524301 - Nihon University Audit: EES Group Consultation
Importance: High

Hi Steven/Nicole,

I am writing to seek your input into the preparation of an audit of Nihon University's Newcastle Campus development.

Please feel free to give myself a call on the details below, or my mobile 0400 551 095, if you have any queries regarding our request.

Regards,

Elliot Holland
(B. Env. Sc. & Mgt.)
Senior Environmental Scientist
Lead Auditor – Environmental Management Systems

GHD
Proudly employee owned
T: +612 4979 9923 | E: elliot.holland@ghd.com
GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300 | www.ghd.com

DOC20/641337-1

Mr E Holland
GHD
Level 3, 24 Honeysuckle Drive
NEWCASTLE NSW 2300

By email: Elliot.Holland@ghd.com

Attention: Elliot Holland

13 August 2020

Dear Mr Holland

Independent Audit Reporting – Nihon University (SSD 9787)

Reference is made to your email dated 7 August 2020 to the Environment Protection Authority (EPA) requesting input into the Independent Environmental Audit for Nihon University (SSD 9787).

The EPA encourages independent audits towards proponents improving their environmental performance. We do not provide input into these audits as our role is to set environmental objectives for environmental / conservation management and manage outcomes.

Accordingly, the EPA offers no comment in relation to this audit.

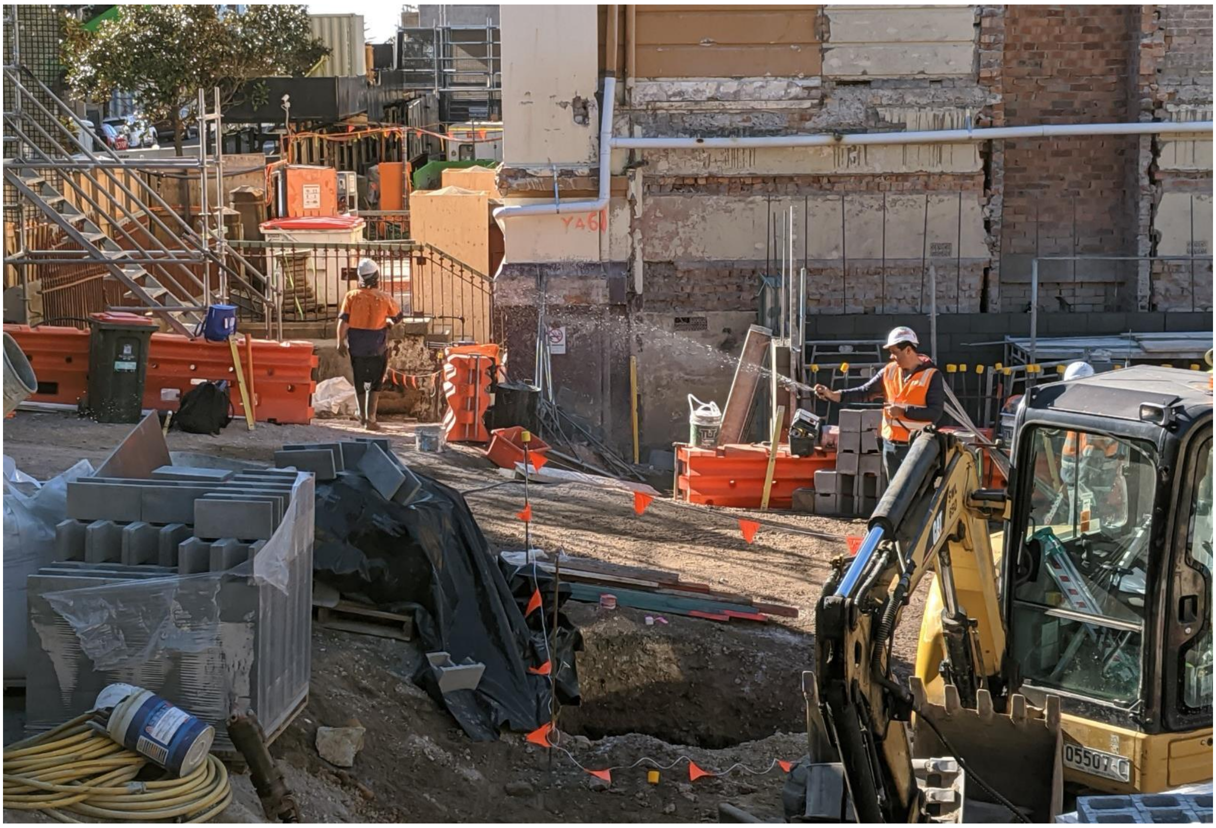
If you have any questions about this matter, please contact Jenny Rushton on 02 6883 5301 or by email to hunter.region@epa.nsw.gov.au

Yours sincerely

JENNY LANGE
A/Unit Head – Regional Operations
Environment Protection Authority

Phone 131 555
Phone 02 4908 6800
Fax 02 4908 6810
TTY 133 677
ABN 43 692 285 758
PO Box 488G
Newcastle
NSW 2300 Australia
117 Bull Street
Newcastle West
NSW 2302 Australia
www.epa.nsw.gov.au
hunter.region@epa.nsw.gov.au

Appendix G – Site inspection photographs



A construction worker spraying the access road to limit the potential for dust generation.

Piping used to divert clean water captured from on-site to existing Council stormwater drainage.

Construction works underway on the Residential building, with waste receptacles observed.

Construction works underway within the Courthouse building.

Construction works underway within the Courthouse building.

Hard-copies of current revisions of site management plans observed to be available to workers on-site.

Spill kit observed to be available during the site inspection on 26 August 2020.

Concrete washout observed during conduct of the site inspection on 26 August 2020. Church Street

Site signage observe red in relation to current Covid-19 restrictions.

Site signage observed in accordance with accordance with SSD-9787

General construction area of the education building, with no dust generation observed as a result of works or stockpiling.

General waste skip bin observed to be available at Church Street entrance to site.

Crane operating on Church Street, with evidence of traffic control being implemented.

Concreting works between the Courthouse building and Residential Building (currently under construction).

GHD
Level 3, GHD Tower
24 Honeysuckle Drive
NEWCASTLE NSW 2300
T: 61 2 4979 9999   F: 61 2 9475 0725   E: ntlmail@ghd.com

12524301-25662-
46/https://projectsportal.ghd.com/sites/pp01_01/nihonuniversityindep/ProjectDocs/12524301-REP_Construction Audit 2.docx

www.ghd.com