

25th August 2021

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 3 [Revision 0, dated 20/08/2021] 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 3 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 3 addressing corrective action and recommendations will be addressed in separate correspondences.

Notification is given that this IEA Construction Audit 3 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,



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Registered Architect – NSW ARBN 4100
Email: edward.c@dwp.com
File: 17-0347_A-d01-20_let
Encl.: Independent Environmental Audit [IEA] Construction Audit 3



Nihon University Independent Environmental Audit

Construction Audit 3

Azusa Sekkei Pty Ltd

20 August 2021



→ The Power of Commitment

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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:

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).
- **Restoration and refurbishment** of the retained and State heritage listed Newcastle Courthouse building.
- **Construction of two new four-story buildings** comprising student accommodation in the eastern building and teaching space\carpark in the western building.

Work completed during the audit period include:

- Completion of:
 - Shoring works, including removal of HAZMAT/contaminated materials in accordance with the Remediation Action Plan (RAP).
 - Mine subsidence works to Subsidence Advisory NSW requirements.
 - Civil and piling works in accordance with the RAP.
- Ongoing archaeological investigations and monitoring.
- Ongoing internal fit-out works.
- Ongoing civil and landscaping works.
- Relocation of existing services impacted by approved section 138 works (completed by relevant authorities).
- Commencement of section 138 works.
- Execution of electrical easement.

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 (GHD, 2020a) was completed in March 2020 covering the period 21 January 2020 to 26 February 2020, and Construction Audit 2 (GHD, 2020b) was completed in August 2020, covering the period from 27 February to 26 August 2020.

This audit represents Construction Audit 3 covering from 27 August 2020 to 27 July 2021.

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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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.

Construction Audit 1 (GHD, 2020a) was completed in March 2020 covering the period 21 January 2020 to 26 February 2020, and Construction Audit 2 (GHD, 2020b) was completed in August 2020, covering the period from 27 February to 26 August 2020.

This audit represents Construction Audit 3 covering from 27 August 2020 to 27 July 2021.

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 of Planning and Environment, 2018) must be submitted to the Planning Secretary and the Certifier.
D31	<p>Table 1 of the Independent Audit Post Approval Requirements (Department of Planning and Environment, 2018) is amended so that the frequency of audits required in the construction phase is:</p> <p>(a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction;</p> <p>(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</p> <p>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.</p>
D32	<p>Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with:</p> <p>(a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D30 of this consent; and</p>

No.	Condition
	(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department of Planning and Environment, 2018).
D33	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department of Planning and Environment, 2018), the Applicant must:</p> <p>(a) review and respond to each Independent Audit Report prepared under condition D30 of this consent;</p> <p>(b) submit the response to the Planning Secretary and the Certifier; and</p> <p>(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.</p>
D34	Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department of Planning and Environment, 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 August 2020 to 27 July 2021.

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

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) (i.e. Biodiversity Conservation Division (BCD))
- Heritage NSW
- City of Newcastle

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 on 7 July 2021
- EPA on 9 July 2021
- Heritage NSW on 19 July 2021
- BCD on 22 July 2021
- City of Newcastle 27 July and 3 August 2021

Copies of correspondence to/from agencies are provided in Appendix F.

2.2.1 City of Newcastle

Comments from City of Newcastle were not received until after the interviews and site inspection on 27 July 2021, on 3 August 2021. Queries received were related to stage of construction and expected completion date, which were provided 5 August 2021.

2.2.2 DPIE

Response received on 7 July 2021. DPIE advised that the project has shown a high level of compliance throughout pre-construction and construction phases. DPIE asked GHD to confirm the audit team for the project, which was confirmed on 7 July 2021.

2.2.3 Environment Protection Authority (EPA)

A response received from the EPA on 9 July 2021 identifying no relevant comments in relation to the audit.

2.2.4 DPIE (EES Group) (BCD)

A response received from BCD on 22 July 2021 identifying no relevant issues for the audit.

2.2.5 Heritage NSW

A response from Heritage NSW was received on 19 July 2021 identifying relevant conditions that can be met under the consent have been, while other aspects of the consent cannot be satisfied until the building is occupied.

2.3 Site audit and inspection

The audit was scheduled to take place on 27 July 2021. Site interviews participants included Junichi Yokobori (Azusa Sekkei), Katherine Daunt (dwp), and Ben Moss (Built), with interviews conducted by the GHD Lead auditor Elliot Holland.

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 in the company of Katherine Daunt (dwp) and Ben Moss (Built).

The following areas were inspected:

- Public building (i.e. former Newcastle Courthouse building (heritage courthouse), conserved and adaptively reused as part of approved works)
- Residential building (i.e. former Administration Building, demolished as part of approved works)
- Education building (i.e. former Supreme Court Building, demolished as part of approved works)
- Landscaping, open space and public domain works

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 12°C to 20°C. Winds were calm throughout the day and no rain was recorded (Bureau of Meteorology, 2021).

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.

2.4 Opening and closing meeting

The opening audit was undertaken on, 27 July 2021. The list of participants is provided in Table 2.1.

Table 2.1 Meeting attendees

Audit team members	Organisation	Role	Presence
Elliot Holland	GHD	Lead 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
Benjamin Moss	Built	Project Manager	Opening and closing meeting

3. Status of Construction Audit 2 findings

Corrective actions are required to correct matters of compliance identified by the audit. As outlined above, the Construction Audit 2 (GHD, 2020) identified four 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 3 commentary
Corrective actions			
Construction Audit 2 Corrective Action 1	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, Construction Audit 1 CA1 and Construction Audit 2 CA1 is still relevant and has been updated as Construction Audit 3 Corrective Action 1 .
Recommendations			
Construction Audit 2 Recommendation 1	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.	This recommendation has been addressed via updates to the CEMP made in June 2021 to reference the EP&A COVID-19 Development—Construction Work Days) Order (No 2) 2021, which replaced the COVID-19 Development – Construction Work Days] Order 2020. The 2021 Work Order allows construction on Sundays, which was the only change from the previous allowances at the time of Construction Audit 2. However, it is noted construction has not been undertaken on Sundays. If this is to change a new notification should be provided to the local community, as identified in Construction Audit 3 Recommendation 2 .

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).
- **Restoration and refurbishment** of the retained and State heritage listed Newcastle Courthouse building.
- **Construction of two new four-story buildings** comprising student accommodation in the eastern building and teaching space\carpark in the western building.

Work completed during the audit period include:

- Completion of:
 - Shoring works, including removal of HAZMAT/contaminated materials in accordance with the Remediation Action Plan (RAP).
 - Mine subsidence works to Subsidence Advisory NSW requirements.
 - Civil and piling works in accordance with the RAP.
- Ongoing archaeological investigations and monitoring.
- Ongoing internal fit-out works.
- Ongoing civil and landscaping works.
- Relocation of existing services impacted by approved section 138 works (completed by relevant authorities).
- Commencement of section 138 works.
- Execution of electrical easement.

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. Due to the stage of construction at which the audit site inspection was completed (i.e. within weeks of construction completion), most construction activities were generally limited to

- Internal fit-out works
- Ongoing civil and landscaping works, including open space and public domain works.

The potential for impacts and incidents as a result of activities being undertaken at this stage was observed to be limited. However, it is noted that document review and conduct of the site inspection verify a proactive approach to minimising environmental and social impacts of the project's construction.

Review of complaints data (see Section 4.8) indicates noise and vibration complaints (five) were the primary cause of the minor number of complaints (nine) received during the audit period. Review of documentation and interviews confirm noise and vibration monitoring was undertaken both routinely and in response to complaints, including spot-checks at residential properties.

As discussed in Section 4.9, non-compliances identified through the audit were related to 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
- Construction Noise and Vibration Management Sub-Plan (CNVMSP)
- Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP)
- Construction Waste Management Sub-Plan (CWMSP)
- Construction Worker Transportation Strategy
- Heritage Interpretation Plan¹
- Operational Transport and Access Management Plan²
- Operational Waste Management Plan³:
- Operational Landscape Management Plan⁴

Construction Audit 3 found that management plans were compliant with the conditions of consent.

4.5 EMS

As discussed in Construction Audit 1 and 2, 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 indicate:

- No incidents have occurred during the audit period (see Section 4.7).
- Complaints for the audit period were less than one complaint per month, including the three week Christmas shutdown period. Furthermore, two of the five noise complaints were noted to have been received soon after re-commencement of construction following the Christmas shutdown, when receivers are more likely to be sensitive to construction noise. Review of Built response to complaints was noted to be proactive and in consultation with complainants (see Section 4.8).
- The project has limited potential for environmental impacts due to its current stage of construction, with current works generally having potential for negligible to minor impact.

¹ The Heritage Interpretation Plan was prepared by CityPlan and submitted to Heritage NSW on 08/03/2021. dwp received correspondence from Heritage NSW on 30/03/2021 that the plan satisfied the requirements of this condition. The Heritage Interpretation Plan otherwise satisfies the requirements of Condition E11. Implementation of the plan is unable to be observed due to the project still being in construction.

² The OTAMP was completed by Seca Solution Pty Ltd and submitted to DPIE on 7 July 2021 and was accepted by DPIE on 14 July 2021. The OTAMP was prepared in consultation with City of Newcastle, who verified satisfaction on 21 June 2021. The OTAMP otherwise satisfies the requirements of Condition E14. Implementation of the plan is unable to be observed due to the project still being in construction.

³ The associated condition for this plan has not been triggered as the development is still in the construction phase. However, the Operational Waste Management Plan (Rev F – 21 July 2021) was available during the audit in its final format, but waiting for submission to certified. Review of this plan otherwise verifies compliance with the requirements of Condition E29.

⁴ The associated condition for this plan has not been triggered as the development is still in the construction phase. However it is noted a final Operational Landscape Management Plan has been submitted to the PCA, with evidence of satisfaction not been received during the audit period. This notwithstanding, review of the Operational Landscape Management Plan (dated 7 July 2021) otherwise verified compliance with the requirements of Condition E35.

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 27 July 2021. 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 27 July 2021 was consistent with the site boundary as outlined in the EIS (City Plan, 2019).

Table 4.1 Predicted vs actual impacts during construction

Key issue	Predicted impact	Actual impact
Noise and Vibration	<p>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.</p> <p>It is also possible that vibration levels generated at the project site could be above the relevant human comfort and structural vibration criteria.</p>	<p>CNVMSp acknowledges that noise management levels will likely exceed at times during construction.</p> <p>All reasonable and feasible noise mitigation measures appear to be implemented, with five complaints received in the audit period (i.e. 11 month).</p> <p>As previously discussed, current works generally have potential for negligible to minor impacts only and as such noise and vibration observed during the site inspection was not negligible</p>
Waste	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> – 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. 	<p>At the time of the site inspection, the waste generated by the project was generally limited to minor quantities of General Solid Waste (non-putrescible). Waste is segregated onsite prior to removal for waste recovery/recycling (e.g. metal, etc.), with a total recovery percentage of 91.23%.</p>

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.	N/A at the stage of construction at which the site inspection was completed. However, review of complaints data indicates no dust or air quality related concerns were raised by the surrounding community during the audit period.
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.	Conduct of the site inspection verifies compliance with the requirements of the section 138 approval for the project with City of Newcastle.
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.	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 nine complaints have been received during the audit period, as detailed in Table 4.2. These complaints related to:

- Noise (5)
- Health and safety (1)
- Traffic and access (3).

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 noted to be less than one complaint per month of construction, with two noise complaints noted to have been received within days of construction re-commencement after the Christmas shutdown period when residents are likely to be more sensitive to construction noise impacts.

Table 4.2 Complaints register review

Date	Description	Response	Closed (Y/N)	Auditor's Comment
17/10/2020	Received noise complaint from resident via text message and email on 17/10/2020 in relation to being woken by a worker opening the site access gate for personnel arriving to work.	Built PM provided apology and advised that whilst no construction activities or material deliveries were occurring at the time (in compliance with consent conditions), personnel would be reminded to be mindful of neighbours and noise when arriving to site of a morning. No further response received.	Y	Adequate response to complaint.
23/11/2020	Safework Inspector attended site to follow up on a complaint received last week. Complaint received was around loads being lifted over the road in front of the works zone. The inspector reviewed the traffic management and traffic control plans, SWMS, crane crew and traffic controller competencies, road permits. No issues raised from documentation. Toolbox will be undertaken with crane crew and traffic control to reinforce controls around lifting from the works zone. All observed lifts have been completed in accordance with required controls and traffic stopped. NOTE: No complaint was received on this matter	Nil	Y	Adequate response to complaint.
20/01/2021	Complaint received via email regarding construction noise at 6:52 am.	Site personnel addressed on construction working hours and apology issued to the resident.	Y	Adequate response to complaint.
21/01/2021	Complaint received via email regarding construction noise at 6:50 am.	Site personnel responsible were specifically tool boxed on construction working hours and apology issued to the resident.	Y	Adequate response to complaint.
29/01/2021	Complaint received via email from Hunter New England Health (Hunter NEH) regarding unauthorised parking in hospital driveway and staff being subject to abuse when directions were given to remove vehicle. Initial details cannot confirm whether person(s) involved were related to the project.	Built Project Manager contacted Hunter NEH Corporate Services Manager by phone to discuss the incident and offer assistance in identifying those responsible. Investigations ongoing. Subcontractor identified and immediately removed from site. HNE advised of no further issues.	Y	Adequate response to complaint.

Date	Description	Response	Closed (Y/N)	Auditor's Comment
26/03/2021	Complaint received via email from Resident regarding works in relation to the tower crane removal commencing prior to 7:00 am.	Email response to the resident with apologies and an explanation that the tower crane removal involved a full road closure and significant amount of high risk activity including major plant travelling from Wollongong. This major operation within a busy street/business district requires the implementation of all necessary control measures and traffic management to be in place to prior to works commencing to ensure the safety of the public and site personnel. Further to this, with several delays due to recent inclement weather and ongoing unpredictable forecasts, we required the works to proceed this morning in the interest of safety. The aim of the works being to complete them safely and as soon as possible to minimise further disruptions across the entire weekend and leading up to Easter. Project Superintendent notified DPIE who acknowledged the incident with no further action necessary.	Y	Adequate response to complaint.
8/05/2021 9:53 am	Complaint received regarding noise and vibration from vehicle ('sucker truck') being operated onsite to conduct non-destructive service locating for Service Authority works along Church Street footpath. Resident also complained about the use of pressure hoses to clean footpath and work zone due to wastage of water resources.	Response provided to Resident explaining that the vehicle involved was completing non-destructive testing near live services to mitigate safety and infrastructure damage risks as per industry standard, and that these works were within approved construction working hours. Built also advised that trigger nozzle high-pressure hoses have greater water efficiency than normal garden hoses as suggested by the Resident. No further response received.	Y	Adequate response to complaint.
13/05/2021 9:15 am	Complaint received regarding construction vehicles parking in Work Zone established by the business outside of their premises for upcoming refurbishment works.	Built PM responded with advice that subcontractors had been notified of the work zone and instructed to immediately remove vehicles. Subcontractors were also reminded that parking along Church Street is prohibited. Response received thanking Built and advising that refurbishment of their property commences the following week. No further issues.	Y	Adequate response to complaint.
24/05/2021 3:08pm	Advice received from City of Newcastle that Built's work zone on Church Street exceeded the approved length. Option to reduce work zone or pay additional fees.	Built provided apology and agreed to additional fees for extension. No further issues. Note: Work zone was extended due to assumption that it was permitted between boundaries.	Y	Adequate response to complaint.

4.9 Assessment of compliance

Reporting results from Construction Audit 3 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.	70
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.	59
Note	Condition is noted.	2

Table 4.4 *Summary of Non-Compliances*

Condition No.	Reason for non-compliance	Corrective Actions
A2	<p>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.</p> <p>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 D9 and D31 and it is noted that all non-compliances were closed out prior to the completion of the audit.</p> <p>As a result of these (administrative) non-compliances, <i>Construction Audit 1 Corrective Action 1 / Construction Audit 2 Corrective Action 1</i> is still relevant and been updated as <i>Construction Audit 3 Corrective Action 1</i>. This notwithstanding, the development is otherwise being constructed in accordance with the EIS and the approved plans, with actual impacts aligning with those predicted.</p>	Corrective Action 1
D9	<p>City of Newcastle provided advice on 24/05/2021 that Built's work zone on Church Street exceeded the approved length identified in plans submitted as part of the Section 138 approval. As a result, Built rectified the exceedance on the same day (24/05/2021) by agreeing to additional fees to extend the work zone. The cause of this minor non-compliance was due to the misunderstanding that the approved work zone extended and was a result of a miscalculation of the length of the site street boundary.</p> <p>Therefore, while an administrative non-compliance has been found with this condition, no corrective actions is proposed as the issue was rectified the next day in consultation with City of Newcastle. Furthermore, consultation with the City of Newcastle did not identify any relevant concerns.</p>	Not applicable (N/A)
D31	<p>On 23/06/2021, DPIE informed dwp a third construction audit for the project is required, and was due to be submitted on 27/03/2021. DPIE advised that the revised due date for Construction Audit 3 would be 23/09/2021.</p> <p>Therefore, due to the timing of the audit being later than required by Condition D31, an administrative non-compliance has been identified. No corrective action is otherwise identified. Based on the potential delay in actual commencement of operation until at least May 2022, <i>Audit 3 Recommendation 3</i> has been made; to ensure a similar non-compliance does not occur in the future.</p>	N/A; however, refer to associated Audit 3 Recommendation 3.

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 at the time of the audit site inspection on 27 July 2021; with relevant notifications to DPIE for non-compliances identified at this time provided by 29 July 2021. 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, Construction Audit 1 Corrective Action 1 / Construction Audit 2 Corrective Action 1 is still relevant and has been updated as **Construction Audit 3 Corrective Action 1** in Table 5.1.

Table 5.1 Summary of corrective actions

Reference No.	Condition(s)	Corrective Action
CA1	A2	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	C1	If the anticipated date of operation changes, ensure that DPIE are notified at least 48 hours prior to the amended date.
R2	D6	Should construction be undertaken on a Sunday, in accordance with EP&A COVID-19 Development—Construction Work Days) Order (No 2) 2021, ensure that the community is notified of amendments to working hours.
R3	D31	As practical commencement of operation will not occur until May 2022 at the earliest (despite construction completion being in late August 2021), consultation with DPIE should be undertaken to confirm an appropriate timing for the completion of the first operational audit.
R4	E12	Regularity of reviews for ensuring wayfinding signage and security measures are managed and maintained should be accurately defined, with a 'living' checklist prepared to cover these reviews and address documentary evidence requirements.

6. References

Bureau of Meteorology. (2021). Past Weather in Newcastle, New South Wales, Australia — Yesterday and Last 2 Weeks from Nobbys AWS: <https://www.timeanddate.com/weather/australia/newcastle/historic>

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

GHD. (2020a). *Nihon University Independent Environmental Audit Construction Audit 1*. Report prepared for Azusa Sekkei Pty Ltd.

GHD. (2020). *Nihon University Independent Environmental Audit Construction Audit 2*. Report prepared for Azusa Sekkei Pty Ltd.

Department of Planning and Environment. (2018). *Independent Audit Post Approval Requirements*.

Appendix A

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 3

Date: 27 August 2020 – 27 July 2021

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,

Heidi Watters 29/1/20

Heidi Watters

Team Leader Northern

Compliance, Planning & Assessments

Appendix C

**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	<p>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.</p>	Compliant	<p>Audit 1 : Construction Environnemental Management Plan (CEMP) (17-0347_A-d01-20_let-dpie-200122-03-c08)</p> <p>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</p> <p>Audit 2: CEMP (Rev 1) (7-0347_A-d01-20_let-dpie-200519-01-c08)</p> <p>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</p> <p>Audit 3: Construction Environmental Management Plan (CEMP) (Rev 03) (17-0347_A-d01-20_let-dpie-210628-01-c08)</p> <p>Site Interviews with Junichi Yokobori (Senior Architect for Nihon), Katherine Daunt (Project Manager), and Ben Moss (Project Manager / Community Liaison) on 27/07/2021</p>	<p>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.</p> <p>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.</p> <p>Audit 3 findings: dwp and Built continued to implement all reasonable and feasible measures to prevent and minimise harm resulting from the construction of the project.</p>

Terms of Consent

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings																																																																																																																					
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 Site Inspection on 26/08/2020 Audit 3: Site Interviews and inspection with Project Team on 27/07/2021	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). 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.																																																																																																																					
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(b)	in accordance with all written directions of the Planning Secretary;																																																																																																																								
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(d)	in accordance with the approved plans in the table below:																																																																																																																								
Architectural (or Design) Drawings prepared by Azusa Sekkei Architects <table border="1"> <thead> <tr> <th>Dwg No.</th> <th>Rev</th> <th>Name of Plan</th> <th>Date</th> </tr> </thead> <tbody> <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> </tbody> </table> Landscape Drawings prepared by Moir Landscape Architects <table border="1"> <thead> <tr> <th>Dwg No.</th> <th>Rev</th> <th>Name of Plan</th> <th>Date</th> </tr> </thead> <tbody> <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> </tbody> </table>	Dwg No.	Rev	Name of Plan	Date	A - 008	0	Conservation Plan	14.12.2018	A	N/A	Demolition Plan	14.12.2018	A - 010	0	Conservation Plan	14.12.2018	A - 101	02	Car Circulation Diagram & Services	30.10.2019	A - 102	0	Site Analysis Plan	14.12.2018	A - 103	N/A	Northeast Perspective	14.12.2018	A - 104	N/A	Northwest Perspective	14.12.2018	A - 105	N/A	Southeast/Southwest Perspective	14.12.2018	A - 106	N/A	Aerial Perspective	14.12.2018	A - 107	02	Site Plan	30.10.2019	A - 108	02	1st Floor Plan	30.10.2019	A - 109	0	2nd Floor Plan	14.12.2018	A - 110	0	3rd Floor Plan	14.12.2018	A - 111	0	4th Floor Plan	14.12.2018	A - 112	0	Roof Floor Plan	14.12.2018	A - 114	01	North and South Elevations	30.10.2019	A - 115	01	East and West Elevations	November 2018	A - 116	0	Courthouse Elevations & Section	14.12.2018	A - 117	0	Sections – 1	14.12.2018	A - 118	0	Sections – 2	14.12.2018	A - 119	0	Amenity Planning	14.12.2018	Dwg No.	Rev	Name of Plan	Date	LP01	E	Cover Sheet	19.11.2019	LP02	D	Site Analysis	27.11.2018	LP03	D	Site Photography	27.11.2018	LP04	D	Design Statement	27.11.2018	LP05	E	Landscape Plan – 1st Floor	19.11.2019	LP06	E	Landscape Plan – 4th Floor + Street Elevation	19.11.2019	LP07	E	Planting & Theming Palette	19.11.2019	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). 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.
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A - 102	0	Site Analysis Plan	14.12.2018																																																																																																																						
A - 103	N/A	Northeast Perspective	14.12.2018																																																																																																																						
A - 104	N/A	Northwest Perspective	14.12.2018																																																																																																																						
A - 105	N/A	Southeast/Southwest Perspective	14.12.2018																																																																																																																						
A - 106	N/A	Aerial Perspective	14.12.2018																																																																																																																						
A - 107	02	Site Plan	30.10.2019																																																																																																																						
A - 108	02	1st Floor Plan	30.10.2019																																																																																																																						
A - 109	0	2nd Floor Plan	14.12.2018																																																																																																																						
A - 110	0	3rd Floor Plan	14.12.2018																																																																																																																						
A - 111	0	4th Floor Plan	14.12.2018																																																																																																																						
A - 112	0	Roof Floor Plan	14.12.2018																																																																																																																						
A - 114	01	North and South Elevations	30.10.2019																																																																																																																						
A - 115	01	East and West Elevations	November 2018																																																																																																																						
A - 116	0	Courthouse Elevations & Section	14.12.2018																																																																																																																						
A - 117	0	Sections – 1	14.12.2018																																																																																																																						
A - 118	0	Sections – 2	14.12.2018																																																																																																																						
A - 119	0	Amenity Planning	14.12.2018																																																																																																																						
Dwg No.	Rev	Name of Plan	Date																																																																																																																						
LP01	E	Cover Sheet	19.11.2019																																																																																																																						
LP02	D	Site Analysis	27.11.2018																																																																																																																						
LP03	D	Site Photography	27.11.2018																																																																																																																						
LP04	D	Design Statement	27.11.2018																																																																																																																						
LP05	E	Landscape Plan – 1st Floor	19.11.2019																																																																																																																						
LP06	E	Landscape Plan – 4th Floor + Street Elevation	19.11.2019																																																																																																																						
LP07	E	Planting & Theming Palette	19.11.2019																																																																																																																						
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.																																																																																																																									
Audit 3 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).																																																																																																																									

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
				<p>The non-compliances identified were minor and not considered to pose risk of environmental harm. Further discussion is provided for Conditions A8; A31; C24; D6; D9; D12 and D31</p> <p>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.</p> <p>As a result of these non-compliances, Audit 1 Corrective Action 1 is still relevant and been updated as:</p> <p><i>Construction Audit 3 Corrective Action 1: Ensure that the development is carried out in accordance with the conditions of consent.</i></p>
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	Not triggered	<p>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]</p> <p>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</p> <p>Audit 2: Site Interviews with Project Team on 25/08/2020</p> <p>Audit 3: Letter from DPIE (A-d01-20_210521_Email-dpie-Construction Compliance Report 2) dated 21/05/2021</p> <p>Letter from DPIE (A-d01-20_210625_Email-dpie-Independent Audit 3 Letter) dated 23/06/2021</p> <p>Site Interviews with Project Team on 27/07/2021</p>	<p>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.</p> <p>Audit 2 findings: Review of available documentation and conduct of site interviews indicates this condition has not been triggered.</p> <p>Audit 3 findings: Upon receipt of the Construction Compliance Report 2, dwp were instructed by the DPIE that the report generally satisfies the reporting requirements and must be uploaded to the project website as required by Condition A24. This had been completed prior to the audit date.</p> <p>dwp submitted a letter to DPIE on 21/06/2021 to advise a third construction audit would not be required due to completion of project being estimated to be less than 52 weeks since the last audit. DPIE responded on 23/06/2021 directing that a third construction audit would be required in accordance with condition D31 of the development consent. This audit was undertaken to satisfy the requirement of the direction.</p>
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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 27/07/2021	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. Audit 3 findings: As per Audit 1.
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.	Audit 1 findings: 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.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			<p>Insurance for Public Liability (\$20M) provided by Allianz is valid until 31 May 2021.</p> <p>Audit 3: Insurance for Contract Works provided by QBE, AAL & CGU is valid until 31 May 2022.</p> <p>Insurance for Public Liability (\$20M) provided by Allianz is valid until 31 May 2022.</p> <p>Amended Construction Certificate CC3 – Modified CC (18/0562-4) issued on 17/09/2020</p>	<p>dwp have been granted Construction Certificates CC01, CC02(a) and CC02(b) which addresses compliance with the building Building Code of Australia.</p> <p>The auditor sighted copies of the current insurance certificates for contract works and public liability.</p> <p>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.</p> <p>The Demolition Management Plan was implemented during demolition. Demolition was completed in May 2020.</p> <p>Audit 3 findings: dwp and Built are complying with all relevant prescribed conditions of development consent as required by this condition, as per Audit 1.</p> <p>Due to product supply and product warranty issues, a suitable alternative to the nominated cladding was sought. This was approved by the Principal Certifying Authority (PCA) through the issue of CC3. This was an amended construction certificate to capture the modification to the Fire Engineering Report and new cladding material which did not change works or staging approved under CC01, CC02(a) and CC02(b). CC3 was issued on 17/09/20.</p> <p>Relevant site signage was verified as compliant with approval requirements, including details for principal certifier of the work, the principal contractor and restrictions on entry.</p>
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020</p> <p>Audit 3: Site Interviews with Project team on 27/07/2021</p>	<p>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.</p> <p>Audit 2 findings: Refer to Audit 1 findings. No relevant change.</p> <p>Audit 3 findings: Refer to Audit 1 findings. No relevant change.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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 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	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, CNVMS (Rev 01) 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. Audit 3 findings: 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.
(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
			<p>David Ryner and Steven Masier on 5 August 2020).</p> <p>Community Liaison Register</p> <p>Audit 3: Site Interviews with Project team on 27/07/2021.</p> <p>Community liaison register.</p> <p>Ongoing consultation with Heritage NSW and Council over the audit period</p>	
Staging				
A9	<p>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).</p>	Compliant	<p>Audit 1: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10).</p> <p>Initial report rejected on 30/01/2020.</p> <p>New report uploaded 05/02/20 - correspondence from DPIE state the document has been classified as "regular" for assessment</p> <p>18/02/20 – Email Correspondence from NSW DPIE - Staging Report accepted file: A_d01-20_200218_Letter DPIE to dwp - Staging Report_A9 & A10</p> <p>Audit 2: Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13)</p> <p>Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report)</p> <p>Audit 3: Site interviews with Project Team on 27/07/2021</p>	<p>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.</p> <p>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 construction and works would likely be held up by:</p> <ul style="list-style-type: none"> – 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. <p>As the Staging Report has been submitted and accepted by DPIE, no further corrective action is required.</p> <p>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.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
				<p>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).</p> <p>Audit 3 findings: The staging report has not been amended since last audit. CC3 was issued in response to alternative building materials being used, however no changes to the staging of the project occurred. The audit confirmed construction works are being implemented in accordance with the Revised Staging Report.</p>
A10	A Staging Report prepared in accordance with condition A9 must:	Compliant	<p>Audit 1: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10)</p> <p>Site Interviews with Project team on 26/02/2020.</p> <p>Audit 2: Revised Staging Plan (17-0347_A-d01-20_let-dpie-200520-01-a10-a13)</p> <p>Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report)</p> <p>Audit 3: Site interviews with Project Team on 27/07/2021</p>	<p>Audit 1 findings: The Staging Report prepared for the development generally includes the requirements of Condition A10.</p> <p>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 work and other activities to be carried out and general timing.</p> <p>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.</p> <p>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.</p> <p>Audit 3 findings: The staging report has not been amended since last audit. CC3 was issued in response to alternative building materials being used, however no changes to the staging of the project occurred. The audit confirmed construction works are being implemented in accordance with the Revised Staging Report.</p>
(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;			
(b)	if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);			
(c)	specify how compliance with conditions will be achieved across and between each of the stages of the project; and			
(d)	set out mechanisms for managing any cumulative impacts arising from the proposed staging.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
A11	Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.	Compliant	<p>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.</p> <p>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.</p> <p>Audit 3: Interviews with Project Team and site inspection on 27/07/2021</p>	<p>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.</p> <p>Audit 2 findings: The Revised Staging Report outlines that works being undertaken from May 2020 are:</p> <ul style="list-style-type: none"> 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. 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. <p>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.</p> <p>Audit 3 findings: The audit site inspection and documentary review confirmed construction works are being implemented in accordance with the Revised Staging Report.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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	<p>Audit 1: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10)</p> <p>Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13)</p> <p>Site Interviews with Project team on 25/08/2020.</p> <p>Site inspection on 26/08/2020.</p>	<p>Audit 1 findings: The audit concluded that early works are generally being undertaken in accordance with the conditions of consent.</p> <p>Audit 2 findings: Refer to Audit 1</p> <p>Audit 3 findings: The audit site inspection and documentary review confirmed construction works are being implemented in accordance with the Revised Staging Report.</p>
Staging, Combining and Updating Strategies, Plans or Programs				
A13	With the approval of the Planning Secretary, the Applicant may:	Compliant	<p>Audit 1: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10).</p> <p>Initial report rejected on 30/01/2020.</p> <p>New report uploaded 05/02/20 - correspondence from DPIE state the document has been classified as "regular" for assessment</p> <p>18/02/20 – Email Correspondence from NSW DPIE - Staging Report accepted file: A_d01-20_200218_Letter DPIE to dwp - Staging Report_A9 & A10</p> <p>Audit 2: Revised Staging Report (17-0347_A-d01-20_let-dpie-200520-01-a10-a13)</p> <p>Receipt from NSW DPIE on 27/05/2020 (A-d01-20_200527_Email-dpie-Revised Staging Report)</p> <p>Construction Environment Management Plan (CEMP)</p>	<p>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.</p> <p>Landscape Plan has been prepared, although this is not required and will not be submitted to the Planning Secretary until CC03.</p> <p>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.</p> <p>The following plans were updated and resubmitted in response to the Audit 1 Findings:</p> <ul style="list-style-type: none"> – CEMP – CTPMSP – CNVMSP – CWMSP, inclusive of the Demolition Works Plan
(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
			<p>(Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08)</p> <p>Construction Traffic and Pedestrian Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-02-c10)</p> <p>Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11)</p> <p>Construction Waste Management Sub-Plan (Rev 02) (17-0347_A-d01-20_let-dpie-200519-02-c12_</p> <p>Construction Traffic and Pedestrian Management Sub-Plan (Rev 02)</p> <p>Site Interviews with Project team on 25/08/2020.</p> <p>Audit 3: Construction Environmental Management Plan (CEMP) (Rev 03); Construction Traffic and Pedestrian Management Sub-Plan (Rev 03); Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-210628-01-c08)</p> <p>Site Interviews with Project team on 27/07/2021.</p>	<p>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.</p> <p>Audit 3 findings: The following plans were updated during the audit period:</p> <ul style="list-style-type: none"> – CEMP (Rev 03) – CTPMSP (Rev 03) – CNVMSP (Rev 02) <p>The updated plans were submitted to DPIE on 28 June 2021.</p>
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	<p>Audit 2: Site Interviews with Project team on 25/08/2020.</p> <p>Site inspection on 26/08/2020</p> <p>Audit 3: Site Interviews and inspection with Project team on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered.</p> <p>Audit 2 findings: The condition has not been triggered.</p> <p>Audit 3 findings: The condition has not been triggered.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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 3: Site Interviews and inspection with Project team on 27/07/2021	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. Audit 3 Findings: Conduct of the site interviews and the site inspection found that the most currently approved plans are being implemented on-site.
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.	Not Triggered	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. Audit 3 findings: Not triggered, refer to Audit 2 findings.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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	<p>Audit 2: Letter to DPIE on 1 June 2020 (17-0347_A-d01-20_let-dpie-200601-01-B3)</p> <p>Audit 3: Amended Construction Certificate CC3 – Modified CC (18/0562-4) issued on 17/09/2020.</p>	<p>Audit 1 findings: This condition has not been triggered.</p> <p>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.</p> <p>Audit 3 findings: Due to supply and product warranty issues, an alternative metal finished external cladding was required. This material was referred to the PCA who issued CC3 on 17/09/20 to demonstrate compliance with the BCA.</p> <p>Site interviews confirmed the modification required due to supply chainage requirements due to unavailability (i.e. company who would have provided no longer exist).</p>
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:	Not triggered	<p>Audit 2: Interim Advice #3 (12519246/12519246-LET-IA3 Review of additional investigations and revised RAP)</p> <p>Interim Advice #4 (12519246/12519246-LET-IA4 Review of revised DS1 and RAP) sent to dwp on 28 April 2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200428-01-a18-a19)</p> <p>Report on Detailed Site Investigation (Rev 02) (91667.02.R.003.Rev2)</p> <p>Remediation Action Plan (Rev 01) (Rev 01) (91667.02.R.004.Rev1_RAP_Reduced)</p>	<p>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.</p> <p>GHD's Ian Gregson has been engaged as the EPA Site Auditor for the project.</p> <p>Douglas Partners are returning to undertake soil sampling following demolition.</p> <p>Audit 2 findings: Additional site investigations were conducted by Douglas Partners</p> <p>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 DS1 was required.</p> <p>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.</p> <p>Audit 3 findings: Not triggered, refer to Audit 2 findings</p>
(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-the-nsw-site-auditor-scheme-third-edition ;			
(e)	Guidelines for Consultants Reporting on Contaminated Sites, 2011 www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf ;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(f)	The National Environment Protection (assessment of contamination) Measures 2013 as amended; and		DRAFT Long Term Site Management Plan (91667.02.R.005.DftB_Draft SMP) 26 March 2020	
(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 submitted to the Planning Secretary prior to the commencement of remediation works.	Not triggered	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 DS1 and RAP) Remediation Action Plan (Rev 01) (91667.02.R.004.Rev1_RAP_Reduced)	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 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. Audit 3 findings: Not triggered, refer to Audit 2 findings. LTEMP and Validation Report being completed in the next couple weeks (prior to practical completion of construction).
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	Audit 2: 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. Audit 3 findings: Remediation works are ongoing with final capping to external pavement and landscaping in progress. Refer to audit 2 findings. Site interviews indicate NSW Accredited Site Auditor (Ian Gregson) has been involved in development of the Landscape Architect Plan, which needed to comply with the requirements of the RAP for the site. Furthermore, Douglas Partners are noted to complete regular inspections to ensure works are been undertaken in accordance with relevant requirements.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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		<p>Audit 1 findings: The Planning Secretary has not issued any directions regarding the development.</p> <p>Audit 2 findings: as per Audit 1</p> <p>Audit 3 findings: as per Audit 1</p>
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
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:	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/	<p>Audit 1 findings: The project website was not live at least 48hrs before construction (demolition) commenced on 21/01/2020.</p> <p>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.</p> <p>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.</p> <p>No further corrective action is required.</p>
(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;		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.	<p>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;</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	<p>(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;</p> <p>(vi) a summary of the current stage and progress of the development;</p> <p>(vii) contact details to enquire about the development or to make a complaint;</p> <p>(viii) a complaints register, updated monthly;</p> <p>(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;</p> <p>(x) any other matter required by the Planning Secretary; and</p>		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	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. Audit 3 findings: A review of the project website on 26/07/2021 found the development was being undertaken in compliance with this condition.
(b)	keep such information up to date, to the satisfaction of the Planning Secretary.			
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 3: Site Interviews with Project team on 27/07/2021	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: <ul style="list-style-type: none"> – 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: As per Audit 1 Audit 3 findings: As per Audit 1

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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 3: Site Interviews with Project team on 27/07/2021.	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 Audit 3 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 3: Site Interviews with Project team on 27/07/2021	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 Audit 3 findings: as per Audit 1
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). Audit 2: Site Interviews with Project team on 25/08/2020. Audit 3 findings: Letter to DPIE on 27/08/2021 (17-0347_A-d01-20_let-dpie-200827-C8_A24) Site interviews with Project team on 27/07/2021	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: <i>dwp to include the date that they became aware of the non-compliance in future written notifications to demonstrate compliance with this condition.</i> 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. Audit 3 findings: dwp were made aware of non-compliances relating to condition A24 and C8 in on 27/07/21 during the audit 3 site inspection. A notification was served to DPIE notifying them of the non-compliance as well as demonstrating corrective actions being implemented on 29/07/2021. No non-compliances related to non-compliance reporting were noted.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>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).</p> <p>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)</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020.</p> <p>Audit 3 findings: Letter to DPIE on 27/08/2021 (17-0347_A-d01-20_let-dpie-200827-C8_A24)</p> <p>Site interviews with Project team on 27/07/2021</p>	<p>Audit 1 findings: dwp included the requirements of Condition A29 in written notifications to the Planning Secretary.</p> <p>Audit 2 findings: dwp included the requirements of Condition A29 in written notifications to the Planning Secretary.</p> <p>Audit 3 findings: dwp included the requirements of Condition A29 in written notifications to the Planning Secretary.</p>
A30	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Not Triggered	<p>Audit 1: Site Interviews with Project team on 26/02/2020 and 25/08/2020</p> <p>HSE Incident Register (Nihon University_Built HSE Incident Register_Jan 20).</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020.</p> <p>Audit 3: Site interviews with Project team on 27/07/2021</p>	<p>Audit 1 findings: There have been no incidents to date associated with the development.</p> <p>Audit 2 findings: dwp and Built have not become aware of any incidents during the audit period.</p> <p>Audit 3 findings: dwp and Built have not become aware of any incidents during the audit period.</p>
Revision of Strategies, Plans and Programs				
A31	Within three months of:	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020</p> <p>Pre-construction Compliance Report 01 (17-0347_A-d01-</p>	<p>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.</p>
(a)	the submission of a compliance report under condition C22;			
(b)	the submission of an incident report under condition A27;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(c)	the submission of an Independent Audit under condition D32;		20_let-dpie-200122-09-c23) was issued on 22/01/2010.	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.
(d)	the approval of any modification of the conditions of this consent; or		Incident Register (Nihon University_Built HSE Incident Register_Jan 20) was issued on 13/02/2010.	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.
(e)	<p>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.</p> <p>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.</p>		<p>Audit 2: Construction Audit 1 Response (17-0347_A-d01-20_let-dpie-200330-01-d33) sent to DPIE on 30/03/2020.</p> <p>Construction Environmental Management Plan (CEMP) (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) (Rev 01)</p> <p>Construction Traffic and Pedestrian Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-02-c10)</p> <p>Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20_let-dpie-200416-03-c11)</p> <p>Construction Waste Management Sub-Plan (Rev 02) (17-0347_A-d01-20_let-dpie-200519-02-C12_Construction Waste Management Sub-Plan Rev 2)</p> <p>Construction Traffic and Pedestrian Management Sub-Plan (Rev 02)</p> <p>Audit 3: Construction Environmental Management Plan (CEMP) (Rev 03); Construction Traffic and Pedestrian Management Sub-Plan (Rev 03); Construction Noise and Vibration Management Sub-Plan (Rev</p>	<p>The following plans have been revised and updated following Audit 1:</p> <ul style="list-style-type: none"> 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) CNVMS (Reviewed 09/04/2020, submitted to DPIE on 16/04/2020) CWMSP (reviewed 11/05/2020, submitted to DPIE on 19/05/2020) <p>In addition, scheduled reviews of management plans were carried out in July 2020. The following plans have been revised as a result of the internal review:</p> <p>CTPMSP (Rev 02) (17/08/2020, submitted to DPIE on 24/08/2020)</p> <p>Audit 3 findings: The following plans were updated during the audit period:</p> <ul style="list-style-type: none"> CEMP (Rev 03) (reviewed on 21/06/2021) CTPMSP (Rev 03) (reviewed on 21/06/2021) CNVMS (Rev 02) (reviewed on 21/06/2021) <p>The updated plans were submitted to the PCA on 21/06/2021 and DPIE on 28/06/2021.</p> <p>As previously noted relevant plans identified during Audit 2 as requiring update were closed out prior to the completion of Audit 2. Review of compliance reporting indicates updates as a result of compliance issues etc. were not required for relevant plans. Furthermore, review of data indicates no incidents have occurred during the audit period.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			<p>01) (17-0347_A-d01-20_let-dpie-210628-01-c08)</p> <p>Submission of documents to PCA via Aconex (Aconex_BUILT-GCOR-004512_Updated Management Plans) on 21/06/2021</p> <p>Site Interviews with Project team on 27/07/2021.</p>	

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	<p>Audit 1: Structural Drawings prepared by Northrop were emailed to Scott O'Donohue (the Certifier) from Dix Gardner Group on 14/02/2020.</p> <p>Audit 2: CC01 (Certificate number 18/05620-01) CC02(a) (Certificate number 18/05620-02) CC02(b) (Certificate number 18/05620-03)</p> <p>Audit 3: Amended Construction Certificate CC3 – Modified CC (18/0562-4) issued on 17/09/2020 Architects Design Statement 01 revision 03 (02/09/2020)</p>	<p>Audit 1 findings: Construction Certificate 1 (CC01) has not yet been granted.</p> <p>Audit 2 findings: CC01, CC02(a) and CC02(b) have been issued by the Principal Certifying Authority</p> <p>Audit 3 findings: Due to product supply and product warranty issues, a suitable alternative to the nominated cladding was sought. Architect's Design Statement 01 revision 3 (along with supporting documentation) was submitted to the PCA on 02/09/20. This change was approved by the PCA on 18/09/20 by the issue of CC3 – Modified CC.</p>
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	<p>Audit 1: Invoice for levy (Receipt No: D0011452319).</p>	<p>Audit 1 findings: The applicant paid the City of Newcastle levy for \$391,627.37 on 12 February 2020.</p> <p>Audit 2 findings: Refer to Audit 1 findings</p> <p>Audit 3 findings: Refer to Audit 1 findings</p>
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10).</p> <p>Audit 2: Letter to DPIE (17-0347_A-d01-20_let-dpie-200601-01-B3) on 01/06/2020</p> <p>Audit 3: Amended Construction Certificate CC3 – Modified CC (18/0562-4) issued on 17/09/2020 Architects Design Statement 01 revision 03 (02/09/2020) Letter to DPIE on 22/09/2020 (17-0347_A-d01-20_let-dpie-200922-01-b03)</p>	<p>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.</p> <p>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.</p> <p>Audit 3 findings: Due to product supply and product warranty issues, a suitable alternative to the nominated cladding was sought. Architect's Design Statement 01 revision 3 (along with supporting documentation) was submitted to the PCA on 02/09/20. This change was approved by the PCA on 18/09/20 by the issue of CC3. DPIE was provided with the documentation above in a letter on 22/09/20. DPIE provided acknowledgement of the submission via a letter dated 25/09/2020</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
			Letter from DPIE on 25/09/2020 (A-d01-20_200925 – External Walls and Cladding Details)	
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 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. Audit 3 findings: As per Audit 2
(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.		Audit 2: CC01 (Certificate number 18/05620-01)	
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. Audit 3 findings: As per Audit 2
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		

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(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		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 Audit 3 Findings: As per Audit 1
(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.	Not triggered	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. Audit 3 findings: Not triggered, refer to Audit 2 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.	Not triggered	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. Audit 3 findings: Not triggered, refer to Audit 2 findings.
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:		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. Audit 3 findings: Not triggered, refer to Audit 2 findings.
(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			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(e)	traffic management devices in the form of 'Stop' and 'Give Way to Pedestrian' signs and line marking must be installed at the entry of proposed driveways within the site and constructed in accordance with AS 2890.1:2004: <i>Parking facilities 0 Off-street car parking.</i>			
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:	Not triggered	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. Audit 3 findings: Not triggered, refer to Audit 2 findings.
(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	<p>Audit 1: Notification of Commencement (17-0347_A-d01-20_let-dpie-200122-08-c01).</p> <p>Audit 2: Letter to DPIE (17-0347_A-d01-20_let-dpie-200421-02-c01) On 21/04/2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200527-01-c01) on 27/05/2020 – CC02(a) (Stage 1 Works)</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200723-01-c01) on 23/07/2020</p> <p>Audit 3: Letter to DPIE (17-0347_A-d01-20_let-dpie-210713-e01) on 13/07/2021</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Audit 3 findings: dwp advised DPIE that commencement of operation was anticipated to be on or around 15/08/2021 on 13/07/2021.</p> <p>Audit 3 Recommendation 1: <i>If the anticipated date of operation changes, ensure that DPIE are notified at least 48 hours prior to the amended date.</i></p>
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.	Not triggered	<p>Audit 1: Staging Report (17-0347_A-d01-20_let-dpie-200130-01-a09-a10)</p> <p>Audit 2: Letter to DPIE (17-0347_A-d01-20_let-dpie-200421-02-c01) On 21/04/2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200527-01-c01) on 07/05/2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200723-01-c01) on 23/07/2020</p> <p>Audit 3: Site interviews with Project Team on 27/07/2021</p>	<p>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.</p> <p>Works being undertaken at the time of audit were within the scope of early works as defined by the Staging Report.</p> <p>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.</p> <p>Audit 1 Corrective Action 3: <i>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.</i></p> <p>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.</p> <p>Audit 3 findings: Works associated with CC02(b) were being undertaken during the audit period and therefore no notification was required.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Construction Certificate				
C3	Work must not commence until a Construction Certificate in respect of the work has been issued.	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Letter to DPIE (17-0347_A-d01-20_let-dpie-200421-02-c01) on 21/04/2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200527-01-c01) on 07/05/2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200723-01-c01) on 23/07/2020</p> <p>Audit 3: Site interviews on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered as no construction certificates had been issued at the time of audit.</p> <p>No work relating to CC01, CC02 or CC03 has commenced.</p> <p>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.</p> <p>Audit 3 findings: This condition was satisfied during the previous audit period. CC3 was issued during the period of Audit 3, however it was in relation to a modification to the Fire Engineering Report and is not applicable to this condition.</p>
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2:</p> <p>Site Interviews with Project team on 25/08/2020.</p> <p>Site inspection on 26/08/2020.</p> <p>Northrop certificate of design (13 May 2020)</p>	<p>Audit 1 findings: This condition has not been triggered.</p> <p>Outdoor lighting is associated with CC03 which will not be applied for until August 2020.</p> <p>Audit 2 findings: Issue of construction certificate (CC02(b)) verifies satisfaction of design requirements.</p> <p>Audit 3 findings: The requirements of this condition were satisfied in Audit 2.</p>
Demolition				
C5	Prior to the commencement of construction, demolition work plans required by AS 2601-2001 <i>The demolition of structures</i> (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	<p>Audit 1: Demolition work plans (17-0347_A-d01-20_let-dpie-200121-02-c05)</p> <p>Statement of Compliance signed off by Steven Fam (Drumderg)</p>	<p>Audit 1 findings: dwp and Built have provided Demolition Work Plans to the Planning Secretary on 21 January 2020.</p> <p>Letter dated 17/01/2020 with Statement of Compliance was sent via email on 20/01/2020 to Certifier and Planning Secretary.</p> <p>Audit 2 findings: Not triggered, refer to Audit 1 findings.</p> <p>Audit 3 findings: Not triggered, refer to Audit 1 findings.</p>
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	Compliant	<p>Audit 1: Fire Engineering Report prepared by Design Confidence</p>	<p>Audit 1 findings: This condition has not been triggered as internal demolition works within the State heritage listed former Newcastle Courthouse have not commenced.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	Safety Upgrade Strategy, prepared by Design Confidence, dated 12 June 2019, and that impacts to areas of high significant fabric have been limited.		<p>Site Interviews with Project team on 26/02/2020.</p> <p>Audit 2: CC02(a) (Certificate number 18/05620-02)</p> <p>Site Interviews with Project team on 25/02/2020.</p> <p>Fire Engineering Report by Design Confidence (Sydney) Pty Ltd, Ref: P219_068-6 (FER) NH, Dated: 18 May 2020</p>	<p>These works will be part of CC02 which will not be applied for until April 2020.</p> <p>Audit 2 findings: The issue of CC02(a) demonstrates that satisfactory evidence was submitted to the Certifier.</p> <p>Audit 3 findings: Not triggered, refer to Audit 2 findings.</p>
Environmental Management Plan Requirements				
C7	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:	Compliant	<p>Audit 1: Environmental Management Plan (17-0347_A-d01-20_let-dpie-200122-02-c07)</p> <p>Community Consultation Plan (17-0347_A-d01-20_let-dpie-200107-01-a08)</p> <p>Demolition Works Plan (17-0347_A-d01-20_let-dpie-200121-02-c05)</p> <p>CEMP (17-0347_A-d01-20_let-dpie-200122-03-c08)</p> <p>Construction Traffic and Pedestrian Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-04-c10)</p> <p>Construction Noise and Vibration Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-05-c11)</p> <p>Construction Waste Management Sub-Plan (17-0347_A-d01-20_let-dpie-200122-06-c12)</p> <p>Construction Worker Transportation Strategy (17-0347_A-d01-20_let-dpie-200122-07-c14)</p> <p>Landscape Plan (Rev C) (17-0347_A-d01-20_let-oeh-200131-01-c19)</p>	<p>Audit 1 findings: Management plans prepared under the consent do not include all of the requirements under condition C7.</p> <p>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.</p> <p>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 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.</p> <p>Audit 1 Corrective Action 4: <i>Review all management plans required under this consent to ensure that the requirements of Condition C7 are incorporated, and update management plans where required.</i></p> <p>Audit 2 findings: The following management plans were updated in response to Audit 1 and resubmitted to DPIE:</p> <ul style="list-style-type: none"> - CWMSP - CEMP - Demolition works plan - CNVMS - CTPMS - Landscape Plan <p>The review and resubmission of these plans incorporated the requirements of this condition. Therefore, Audit 1 Corrective Action 4 has been addressed.</p>
(a)	detailed baseline data;			
(b)	details of: <ul style="list-style-type: none"> (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 requirements, limits, or performance measures and criteria;			
(d)	a program to monitor and report on the: <ul style="list-style-type: none"> (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;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
(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		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) 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) Audit 3: Construction Environmental Management Plan (CEMP) (Rev 03); Construction Traffic and Pedestrian Management Sub-Plan (Rev 03); Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20	Audit 3 findings: The following plans were updated during the audit period: - CEMP (Rev 03) - CTPMSP (Rev 03) - CNVMSP (Rev 02) The review and resubmission of these plans incorporated the requirements of this condition and are compliant with requirements of Condition C7.
(h)	a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.			
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:	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 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
(a)	Details of: (i) hours of work;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
	<ul style="list-style-type: none"> (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; (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; (viii) community consultation and complaints handling; 		<p>Audit 2: CEMP (Rev 01) (17-0347_A-d01-20_let-dpie-200519-01-c08) DPIE response (A-d01-20_200520_email_dpie-Construction Environnemental Management Plan) CEMP (Rev 02)</p> <p>Audit 3: CEMP (Rev 03) (17-0347_A-d01-20)</p>	<p>proposes excavations to a depth of 3m, therefore groundwater is not expected to be intercepted as part of the project.</p> <p>The sub-plans required by Condition C8(b-g) have been prepared for the development.</p> <p>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 acknowledging receipt and no comments was sighted and dated 20/05/2020.</p> <p>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.</p> <p>However, it is noted the CEMP has not been updated to reflect revised hours.</p>
(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			<p>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.</p> <p>Audit 3 findings: As discussed in the Audit 2 findings, the CEMP was updated following the outcome of Audit 2. The CEMP was revised on 21/06/2021 to address staff changes; updated erosion and sediment drawings and other minor changes. The CEMP was also updated to reflect the project's permissible working hours under Environmental Planning and Assessment (COVID-19 Development - Construction Working Days) Order (No 2) 2021, which was a recommendation of Audit 2.</p> <p>The CEMP addresses all the requirements of condition C8.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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 3: Construction Environmental Management Plan (CEMP) (Rev 03) (17-0347_A-d01-20_let-dpie-210628-01-c08)	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. 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. Audit 3 findings: The CEMP was updated on the 21/06/2021 and submitted to the PCA on 21/06/2021 and DPIE on 28/06/2021.
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 3: Construction Traffic and Pedestrian Management Plan (CTPMSP) (Rev 03) (17-0347_A-d01-20_let-dpie-210628-01-c08)	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. Audit 3 findings: The CTPMSP was updated (Rev 03) to reflect the current stage of construction works and the road opening permit to complete road and footpath work along Church Street. Construction work hours were also updated. The CTPMSP was submitted to the PCA on 21/06/2021 and DPIE on 28/06/2021 and satisfies the requirements of this condition.
(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 3: Construction Noise and Vibration Management Plan (CNVMSP) (Rev 02) (17-0347_A-d01-20_let-dpie-210628-01-c08) Heritage NSW response to audit on 19 July 2021	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 CNVMSP 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 CNVMSP 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 CNVMSP and no comments was sighted, dated 16 April 2020. Audit 3 findings: The CNVMSP was updated to reflect changes in the construction working hours under EP&A (COVID-19 Development – Construction Work Days) Order (No 2) 2021. The revised CNVMSP was submitted to DPIE on 28/06/2021. Consultation with Heritage NSW indicates their view that compliance with this condition has been met.
(a)	be prepared by a suitably qualified and experienced noise expert;			
(b)	describe procedures for achieving the noise management levels in EPA's <i>Interim Construction Noise Guideline</i> (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).			
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 20/05/2020
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Aboriginal Cultural Heritage Management Plan (ACHMP) (C13_Aboriginal Cultural Heritage Management Plan_AMAC)</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Aboriginal Cultural Heritage Management Plan (17-0347_A-d01-20_let-dpie-200323-01-c13)</p> <p>Letter from DPIE confirming assessment of the plan on 16/04/2020 (A-d01-20_200416_email-dpie-Aboriginal Cultural Heritage Management Plan)</p> <p>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)</p>	<p>Audit 1 findings: This condition has not been triggered as demolition was still underway at the time of audit.</p> <p>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.</p> <p>Audit 2 findings: The ACHMP was submitted to DPIE on 23/03/2020 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.</p> <p>Audit 3 findings: As per Audit 2</p>
(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.			
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	<p>Audit 1: Constructions Worker Transportation Strategy (17-0347_A-d01-20_let-dpie-200122-07-c14)</p> <p>Site Interviews with Project team on 26/02/2020.</p>	<p>Audit 1 findings: A Construction Worker Transportation Strategy has been prepared and endorsed by the Certifier that satisfies the requirements of Condition C14.</p> <p>Audit 2 findings: As per Audit 1</p> <p>Audit 3 findings: As per Audit 1</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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 Correspondence with from City of Newcastle (22/02/2020) Meeting Minutes from 22/01/2020	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 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 acknowledged by DPIE on 19/03/2020 who provided no comment. Audit 3 findings: As per Audit 2.
(a)	be designed by a suitably qualified and experienced person(s);			
(b)	be designed 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;			
(d)	be in accordance with applicable Australian Standards;			
(e)	ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2019) and <i>Managing Urban Stormwater: Council Handbook</i> (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 laden 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.	Not triggered	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. Audit 3 findings: Not triggered, refer to Audit 2 findings

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
C17	<p>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.</p>	Compliant	<p>Audit 1: Email from A_d01 20_200218_Letter DPIE to dwp -Archaeological Research Design & Excavation Method C17 C18</p> <p>Archaeological Research Design and Excavation methodology</p> <p>Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020.</p> <p>Revised Assessment Research and Design Methodology (17-0347_A-d01-20_let-dpie-200217-01-c17-c18)</p> <p>Letter to Heritage NSW (17-0347_A-d01-20_let-oeh-200318-c17-c18) on 18/04/2020</p> <p>Letter to DPIE (17-0347_A-d01-20_let-dpie-200416-01-c17-c18.pdf) on 16/04/2020</p>	<p>Audit 1 findings: This condition has not been triggered as demolition works were still underway at the time of audit.</p> <p>An Archaeological Research Design and Excavation methodology has been prepared and issued to the Planning Secretary.</p> <p>Audit 1 Recommendation 3: Ensure that the consultation undertaken in preparation of the Archaeological Research Design and Excavation Methodology is captured in the document.</p> <p>Audit 2 findings: Correspondence from Heritage NSW received on 16 March 2020 states that the <i>Revised Assessment Research Design and Excavation Methodology: Newcastle Court House</i> states that the assessment as meeting the requirements of C17.</p> <p>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.</p> <p>Audit 3 findings: As per Audit 2</p>
C18	<p>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 through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.</p>	Compliant	<p>Audit 1: Archaeological Research Design and Excavation methodology</p> <p>Site Interviews with Project team on 25/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Letter to Heritage NSW (17-0347_A-d01-20_let-oeh-200318-c17-c18) on 18/03/2020</p>	<p>Audit 1 findings: The Archaeological Research Design and Excavation methodology prepared by AMAC Group nominated Martin Carney and Kevin Hickson of AMAC Group as the alternate or co-excavation directors.</p> <p>Audit 2 findings: refer to Audit 1 findings</p> <p>Report prepared by AMAC group notification of relic 17 June 2020 and authored by Martin Carney, identifying what relics have been found.</p> <p>Audit 3 findings: As per Audit 1 and 2 findings.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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 3 findings: Letter to Heritage NSW on 26/04/2021 (17-0347_A-d01-20_let-oeh-210426) Heritage NSW response dated 19 July 2021	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 ' <i>Nihon University Heritage Landscape Plan</i> '. 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 Oliver (Heritage NSW) on 27/04/2020. Audit 3 findings: As discussed in the Audit 2 findings, the final Landscape Plan was sent to Heritage NSW on 27/04/2020. No comment has been received from Heritage NSW during the period of this Audit. Heritage NSW representatives met with the project team on 21/04/2021 to discuss the palisade fencing on the street frontage to the former Courthouse. dwp provided final frontage designs to Heritage NSW in a letter dated 26/04/2021, verifying components agreed in the meeting had been addressed. Consultation with Heritage NSW during the preparation of this audit did not identify any concerns in relation to Condition C19.
(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);			
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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	<p>Audit 1: Correspondence with Geoff Mansfield from City of Newcastle Council (22/02/2020).</p> <p>Audit 2: Site Interviews with Project team on 25/02/2020. Cardno design drawings (11/03/2020). Application form sighted dated 11/03/2020. Acknowledgement of lodgement from Council (1/04/2020 – RA2020/00157)</p> <p>Audit 3: s.138 Road Opening Permit (RA2020/00157)</p> <p>Meeting minutes from Risk Workshop 08/04/2021</p>	<p>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.</p> <p>dwp/Built is undergoing consultation with Council to resolve engineering conditions relating public domain works for the development.</p> <p>Audit 2 findings: Public domain works are yet to be commenced, and consultation with Council is ongoing.</p> <p>Audit 3 findings: A risk workshop for the s.138 Road Opening Permit occurred on 08/04/2021. Council were represented at this meeting by Andrew Way.</p> <p>Council issued the project a Road Opening Permit (RA2020/00157), approving the design drawings and landscape architecture plan.</p>
(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;			
(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.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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. 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'. Audit 3 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 3: Construction Compliance Report 01 (17-0347_A-d01-20_let-dpie-201116-01-c23) Construction Compliance Report 02 (17-0347_A-d01-20_let-dpie-210517-01-c23)	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 29/06/2020, while DPIE issued a letter on 3/06/2020 stating that the Pre-Construction Compliance Report had been reviewed and that it generally satisfies the requirement of this condition. Audit 3 findings: Construction Compliance Report 01 was completed and submitted to DPIE on 16/11/2020. DPIE issued a letter on 21/12/2020 stating that the Construction Compliance Report had been reviewed and that it generally satisfies the requirement of this condition. Construction Compliance Report 02 was completed and submitted to DPIE on 17/05/2021. DPIE issued a letter on 21/05/2021 stating that the 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
			Correspondence from DPIE on 21/12/2020 (CCR 01) and 21/05/2021 (CCR 02)	
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	<p>Audit 1: Pre-Construction Compliance Report 01 (17-0347_A-d01-20_let-dpie-200122-09-c23)</p> <p>Pre-Construction Compliance Report 02 Construction Certificate CC#01 (17-0347_A-d01-20_compliance-report-02-200218)</p> <p>Compliance Monitoring and Reporting Program (17-0347_A-d01-20_let-dpie-200116-02)</p> <p>Audit 2: Pre-Construction Compliance Report 03 Revised CC02 (17-0347_A-d01-20_let-dpie-200629-01-c23.)</p> <p>Letter from DPIE received 03/07/2020 (A-d01-20_200703_Email-dpie-Pre-Construction Compliance Report #3 CC#2)</p> <p>Audit 3: Construction Compliance Report 01 (17-0347_A-d01-20_let-dpie-201116-01-c23)</p> <p>Construction Compliance Report 02 (17-0347_A-d01-20_let-dpie-210517-01-c23)</p>	<p>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.</p> <p>Audit 1 Corrective Action 6: <i>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.</i></p> <p>Audit 2 findings: dwp notified DPIE on 29/06/2020 of the intention to publish Pre-Construction Compliance Report 3 revised CC02 to the project website after 10/06/2020.</p> <p>Therefore, Audit 2 has found Audit 1 Corrective Action 6 has been addressed.</p> <p>Audit 3 findings: Construction Compliance Report 01 was completed and submitted to DPIE on 16/11/2020. The submission included a notification of intention to publish after 30/11/2020. A review of the project website indicated that this report was published on 11/02/2021, greater than 60 days after submission to DPIE and would therefore be considered an administrative non-compliance. However, conduct of audit has determined a finding of compliant more appropriate due to:</p> <ul style="list-style-type: none"> - Response from DPIE approving the report was not received until 35 days into the 60 day period. - All relevant works on the project, including construction, was shut down between 23/12/2020 to 18 January 2021, with the report uploaded within 24 days on 11/02/2021. - Prior and later compliance reporting comply with the requirements of this condition, with Construction Compliance Report 02 completed and submitted to DPIE on 17/05/2021. The submission included a notification of intention to publish after 31/05/2021. No A review of the project website indicated that this report was published on 07/07/2021, which was within 60 days of the report being submitted to DPIE.
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020.</p> <p>Audit 2: Site Interviews with Project team on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered as the development was undergoing demolition at the time of audit.</p> <p>Audit 2 findings: Not triggered, refer to Audit 1 findings.</p> <p>Audit 3 findings: Not triggered, refer to Audit 1 findings.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Schedule 3 – Part D – During Construction				
Site Notice				
D1	A site notice(s):	Compliant	<p>Audit 1: Site inspection on 26/02/2020.</p> <p>Audit 2: Site inspection on 26/08/2020.</p> <p>Audit 3: Site inspection on 27/07/2021</p>	<p>Audit 1 findings: Site notices were observed as being compliant with condition D1 during the site inspection.</p> <p>Audit 2 findings: Site notices were observed as being compliant with condition D1 during the site inspection.</p> <p>Audit 3 findings: Site notices were observed as being compliant with condition D1 during the site inspection on 27/07/2021.</p>
(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.			
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Mobile Plant Checklist on Lucidity (HSE-050-4).</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020.</p> <p>Site inspection on 26/08/2020.</p> <p>Mobile Plant Checklist on Lucidity (HSE-050-4).</p> <p>Audit 2: Site Interviews and inspection with Project team on 27/07/2021.</p> <p>Mobile Plant Checklist on Lucidity (HSE-050-4) – includes consideration of any required updates to guides on handling/operation</p>	<p>Audit 1 findings: Built are maintaining and operating plant and equipment in a proper and efficient condition in accordance with Condition D2.</p> <p>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.</p> <p>Built conduct SWMSs assessments on plant and equipment and conduct daily pre-start checks while on site.</p> <p>Audit 2 findings: As per Audit 1 findings.</p> <p>Audit 3 findings: As per Audit 1 findings.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Demolition				
D3	Demolition work must comply with the demolition work plans required by <i>Australian Standard AS 2601-2001 The demolition of structures</i> (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Condition C5.	Compliant	<p>Audit 1: Demolition works plans (17-0347_A-d01-20_let-dpie-200121-02-c05)</p> <p>Audit 2: Revised demolition work plans (Rev 02) (17-0347_A-d01-20_let-dpie-200305-02-c05.pdf)</p> <p>Site Interviews with Project team on 25/08/2020.</p>	<p>Audit 1 findings: dwp submitted Demolition Works Plans to Planning Secretary on 21 January 2020. This included statement of compliance with AS2601-2001.</p> <p>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.</p> <p>Audit 1 Recommendation 4: Update the Demolition Works Plan to include the changes to the demolition methodology.</p> <p>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.</p> <p>Demolition on site was finalised in May 2020.</p> <p>Audit 3 findings: The requirements of this condition were satisfied during Audit 2.</p>
Construction hours				
D4	Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p>	<p>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.</p>
(a)	between 7 am and 6 pm, Mondays to Fridays inclusive; and		<p>Audit 2: Variation to Construction Hours lodgement (17-0347_A-d01-20_let-dpie-200406-01-d4-d5.)</p> <p>DPIE Receipt (A-d01-20_200408_email-dpie-Nihon University Newcastle Campus - Variation to Construction Hours (COVID-19))</p> <p>Site Interviews with Project team on 25/08/2020.</p>	<p>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.</p>
(b)	between 8 am and 1 pm, Saturdays.		<p>Audit 3: Letter to DPIE 21/06/2021 (17-0347_A-d01-20_let-dpie-210621-01-d04)</p> <p>Letter from DPIE on 25/06/2021 (17-0347_A-d01-20_let-dpie-210625_Email-dpie-Construction hours – COVID-19 Order No2)</p>	<p>Audit 3 findings: dwp notified DPIE that the construction hours had been amended to be consistent with the EP&A COVID-19 Development—Construction Work Days) Order (No 2) 2021, which permits work on a Saturday between the hours of 7 am and 5pm and specified works on a Sunday between the hours of 9 am and 5 pm. This notification was accepted by DPIE on 25/06/2021.</p>
	No work may be carried out on Sundays or public holidays.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
D5	Construction activities may be undertaken outside of the hours in condition D4 if required:	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Variation to Construction Hours lodgement (17-0347_A-d01-20_let-dpie-200406-01-d4-d5.)</p> <p>DPIE Receipt (A-d01-20_200408_email-dpie-Nihon University Newcastle Campus - Variation to Construction Hours (COVID-19))</p> <p>Site Interviews with Project team on 25/08/2020.</p> <p>Audit 3: Letter to DPIE 21/06/2021 (17-0347_A-d01-20_let-dpie-210621-01-d04)</p> <p>Letter from DPIE on 25/06/2021 (17-0347_A-d01-20_let-dpie-210625_Email-dpie-Construction hours – COVID-19 Order No2)</p>	<p>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.</p> <p>Audit 2 findings: See discussion at Condition D4.</p> <p>Audit 3 findings: See discussion at Condition D4.</p>
(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.			
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Community Consultation and Complaints register.</p> <p>Site Interviews with Project team on 25/08/2020.</p> <p>Site inspection on 26/08/2020.</p> <p>Audit 3: Community Consultation and Complaints register.</p> <p>Site Interviews with Project team on 27/07/2021.</p>	<p>Audit 1 findings: Refer to Condition D5.</p> <p>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).</p> <p>Audit 3 findings: The change to EP&A COVID-19 Development—Construction Work Days) Order (No 2) 2021 from the 2020 Work Order allowed construction on Sundays, which was the only change from the previous allowances at the time of Audit 2. However, it is noted construction has not been undertaken on Sundays as allowed by the 2021 Work Order. If this is to change a new notification should be provided to the local community.</p> <p>Construction Audit 3 Recommendation 2: Ensure that the community is notified of amendments to working hours, should construction be undertaken on a Sunday in accordance with EP&A COVID-19 Development—Construction Work Days) Order (No 2) 2021.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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 3: Site inspection and interviews with Project team on 27/07/2021.	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. Audit 3 findings: This condition has not been triggered. See Audit 2 findings.
(a)	9am to 12pm, Monday to Friday;			
(b)	2pm to 5pm Monday to Friday; and			
(c)	9am to 12pm, Saturday.			
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.	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 3: Construction Environmental Management Plan (CEMP) (Rev 03); Construction Traffic and Pedestrian Management Sub-Plan (Rev 03); Construction Noise and Vibration Management Sub-Plan (Rev 01) (17-0347_A-d01-20) Aboriginal Cultural Heritage Management Plan (17-0347_A-d01-20_let-dpie-200323-01-c13) Letters from DPIE on 29/06/2021 (A-d01-20_200828_Construction Environmental Management Plan) ; (A-d01-20_200828_Construction Noise and Vibration Mgmt Sub Plan) ; (A-d01-20_200828_Construction Traffic and Pedestrian Mgmt Sub Plan)	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 <i>Environmental Planning and Assessment /COVID-19 Development – Construction Work Days] Order 2020</i> (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. Audit 3 findings: The following plans were updated during the audit period: <ul style="list-style-type: none"> - CEMP (Rev 03) - CTPMSP (Rev 03) - CNVMS (Rev 02) These revised plans were approved by DPIE on 29/06/2021. The ACHMP was submitted to DPIE during the previous audit period. It was endorsed by DPIE on 16/04/2020 and has not required revision during this audit period. Project members informed of location of plans during inductions.

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.	Non-compliance (Administrative)	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Complaints register</p> <p>Audit 3: Site Inspection and Interviews with Project team on 27/07/2021 Complaints register</p>	<p>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.</p> <p>Two traffic controllers manage traffic in the approved on-street work zone during construction hours as required.</p> <p>Audit 2 findings: Approved on-street work zones are in place and regularly monitored.</p> <p>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.</p> <p>Audit 3 findings: A complaint was received from Newcastle Business Chamber regarding construction vehicles parking in the work zone established by the business outside their premises for upcoming refurbishment work. This was communicated with subcontractors and the vehicle was removed.</p> <p>City of Newcastle provided advice on 24/05/2021 that Built's work zone on Church Street exceeded the approved length identified in plans submitted as part of the Section 138 approval. As a result, Built rectified the exceedance on the same day (24/05/2021) by agreeing to additional fees to extend the work zone. Therefore, while an administrative non-compliance has been found with this condition, no corrective actions are proposed as the issue was rectified the same day it was identified and in consultation with City of Newcastle.</p>
Hoarding Requirements				
D10	The following hoarding requirements must be complied with:	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Audit 3: Site Inspection and Interviews with Project team on 27/07/2021</p>	<p>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.</p> <p>Audit 2 findings: As per Audit 1</p> <p>Audit 3 findings: As per Audit 1.</p>
(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.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Audit 3: Site Inspection and Interviews with Project team on 27/07/2021</p>	<p>Audit 1 findings: During the site audit, the auditors did not observe anything obstructing the public way outside of the approved construction works zone.</p> <p>Audit 2 findings: No obstruction of the public way outside of the approved work zones was observed during the site inspection.</p> <p>Audit 3 findings: No obstruction of the public way outside of the approved work zones was observed during the site inspection.</p>
Construction Noise Limits				
D12	The development must be constructed to achieve the construction noise management levels detailed in <i>the Interim Construction Noise Guideline</i> (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	<p>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.</p> <p>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.</p> <p>Audit 3: Construction Noise and Vibration Management Plan (CNVMS) (Rev 02) (17-0347_A-d01-20_let-dpie-210628-01-c08) Monthly Construction Reports Monitoring result reports Site inspection and interviews with Project team on 27/07/2021</p>	<p>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.</p> <p>Audit 2 findings: The project is being completed under the most recent CNVMS, 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 CNVMS.</p> <p>Audit 3 findings: Noise level spot checks were undertaken by Built's HSE Project Officer in September; October; November and December of 2020 and February 2021. Results from noise level spot checks were included in the monthly construction reports, except for the February 2021 spot check. All results were within criteria established in the CNVMS. The site inspection identified that the current revision of the CNVMS (Rev 02) was being implemented on site.</p>

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 3: Site inspection and interviews with Project team on 27/07/2021	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 Audit 3 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 3: Site Inspection and Interviews with Project team on 27/07/2021	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. Audit 3 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) 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 Audit 3: Construction Noise and Vibration Management Plan (CNVMSP) (Rev 02) (17-0347_A-d01-20_let-dpie-210628-01-c08) Complaints Register Site inspection and interviews with Project Team on 27/07/2021	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 <i>Evaluation and Measurement for Vibration in Buildings</i> 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. Audit 1 Recommendation 7: Utilise DIN 4150-3:1999-02 as the criteria for assessing building damage caused by vibration in accordance with Condition D15.
(a)	for structural damage, the latest version of DIN 4150-3 (1992-02) <i>Structural vibration - Effects of vibration on structures</i> (German Institute for Standardisation, 1999); and			
(b)	for human exposure, the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: a technical guideline</i> (DEC, 2006) (as may be updated or replaced from time to time).			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
				<p>Audit 2 findings: The project is being completed under the most recent CNVMS, which was revised following Audit 1. The revision register in the appendix of the CNVMS 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.</p> <p>Vibration monitoring for the project found that vibration levels generated by the project are within criteria established by the CNVMS.</p> <p>Audit 3 findings: No activities producing significant vibration have been undertaken during the audit period, and therefore no vibration monitoring was required. One complaint was received in relation to vibration over the audit period on 08/05/2021. This complaint was in relation to noise and vibration generated from a vehicle being operated on site conducting non-destructive service location. Built advised the resident that the vehicle was involved in non-destructive testing near live services to mitigate safety and infrastructure damage as per industry standard. Vibration monitoring was not deemed an appropriate response to the complaint, as sucker-truck does not constitute intensive vibration.</p> <p>The site inspection identified that the current revision of the CNVMS (Rev 02) was being implemented on site.</p>
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.	Not triggered	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020. Community Consultation and Complaints register</p> <p>Audit 3: Site inspection and interviews with Project Team on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered. Built advised that the development did not intend to use vibratory compactors.</p> <p>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.</p> <p>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.</p> <p>Audit 3 findings: There were no vibratory compactors used over the audit period, and therefore this condition is not triggered.</p>
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Audit 3: Site inspection and interviews with Project Team on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered.</p> <p>Audit 2 findings: Review of the CNVMS indicates compliance with Conditions D15 and D16 and this condition has otherwise not been triggered.</p> <p>Audit 3 findings: There were no significant vibration activities undertaken over the audit period, and therefore this condition is not triggered.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Tree Protection				
D18	For the duration of the construction works:	Compliant	Audit 1: Aborigultural 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 Letter from City Greening Services dated 27/05/2020 Audit 3: Site inspection and interviews with Project team on 27/07/2021. (DRYNER20200612021532465270_\$P1RAMAP_Dy1ipqhdR0qlf3SVvRYY7w.docx)	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 Aborigultural Impact Assessment Report were observed onsite. Audit 2 findings: Footpath works associated with the approved s.138 approval require the five Magnolia trees along the street frontage to be removed. A letter from Council's City Greening Service supported the removal of the trees. Consultation with Council regarding protection, trimming and removal is ongoing. Tree protection measures were observed to be adequate during the site inspection. Audit 3 findings: The site inspection verified clearing in accordance with Condition D18.
(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 Aborigultural 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 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 3: Site inspection and interviews on 27/07/2021 Complaints register.	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. Audit 3 findings: No complaints have been received related to dust generated from the site during the audit period. The site inspection did not identify dust generation as a relevant issue

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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 3: Site inspection and interviews on 27/07/2021	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. Watering down of the access path and cleaning of public roads were observed during the site inspection. Audit 3 findings: The site inspection confirmed compliance with the requirements of Condition D20, but also noted a number of these measures were not required based on the stage of construction progress.
(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.			
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 3: Site inspection and interviews on 27/07/2021	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. Audit 3 findings: The site inspection confirmed compliance with the requirements of Condition D21, primarily in relation to protecting from erosion and sedimentation at curb and guttering being done out the front/on the road.
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 3: Site inspection and interviews on 27/07/2021 Imported Materials Tracking register	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. Audit 3 findings: The Imported Materials Tracking register was reviewed. Imported materials were adequately tracked, and included supplier details, docket numbers and quantities of material imported. The register also included a VENM certificate reference for each delivery provided.
(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	<p>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.</p>	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Audit 3: Site inspection and interviews on 27/07/2021 s.138 Road Opening Permit (RA2020/00157) Stamped plan – Church Street Public Domain Works Stormwater Detail Plan (Rev 5, 81019007-CI-555) Document transfer record of Work-as-Executed Plans and Stormwater CCTV Inspection provided to Council on 18/11/2020 (Nihon University - 9 Church Street Newcastle - Stormwater WAE & CCTV)</p>	<p>Audit 1 findings: dwp and Built advised that they do not anticipate needing to discharge stormwater from site during the construction of the development.</p> <p>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.</p> <p>Audit 1 Recommendation 8: <i>Ensure that site stormwater can be managed throughout all stages of the project's construction.</i></p> <p>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.</p> <p>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.</p> <p>Review of site management practices on-site, including the diversion of all clean water indicates Audit 1 Recommendation 8 has generally been met.</p> <p>Audit 3 findings: The stormwater plans were assessed by Council during the s.138 application process. These plans were approved 9/10/2020 on through the issue of the approval. Works-as-Executed plans and the Stormwater CCTV inspection were provided to Council on 18/11/2020.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
Unexpected Finds protocol – Aboriginal Heritage				
D24	<p>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.</p>	Not Triggered	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020. Draft ACHMP.</p> <p>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)</p> <p>Audit 3: Site inspection and interviews on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered. No new Aboriginal objects have been identified onsite.</p> <p>The ACHMP includes protocols for uncovering of unexpected finds of Aboriginal objects in compliance with Condition D24.</p> <p>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.</p> <p>Audit 3 findings: no unexpected finds of Aboriginal Heritage items have occurred during the audit period.</p>
Unexpected Finds Protocol – Historic Heritage				
D25	<p>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.</p>	Not Triggered	<p>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.</p> <p>Audit 2: Construction Environmental Management Plan (Rev 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.</p> <p>Audit 3: Site inspection and interviews on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered. No unexpected archaeological relics have been discovered onsite.</p> <p>The Revised Assessment Research Design & Excavation Methodology details the Unexpected Finds – Call Out Protocol which is consistent with the requirements of Condition D25.</p> <p>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 work 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.</p> <p>Audit 3 findings: no unexpected finds of Historic Heritage items have occurred during the audit period</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Audit 3: Site inspection and interviews on 27/07/2021</p>	<p>Audit 1 findings: Drumderg and Built are generally managing waste generated by the development in accordance with the requirements of Condition D26.</p> <p>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.</p> <p>No waste was observed to be leaving the site onto neighbouring properties.</p> <p>Waste is sent to Drumderg's EPA licensed facility at Kurri Kurri.</p> <p>Audit 2 findings: Refer to Audit 1 findings.</p> <p>Audit 3 findings: Refer to Audit 1 findings. Audit 3 noted a significant reduction in waste generation and waste disposal requirements, a reflection of the stage of construction program being undertaken at the time.</p>
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Email from Ben Moss (28/02/2020; 03/03/2020) with details of waste classification.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Statement of compliance from Drumderg Services Pty Ltd on 03/03/2020 (17-0347_A-d01-20_let-dpie-200305-03-d27)</p> <p>Audit 3: Site inspection and interviews on 27/07/2021 Exported Material Tracking Register</p>	<p>Audit 1 findings: Waste generated by the development is being assessed, classified and managed in accordance with Condition D27.</p> <p>The waste being removed from site is generally pre-classified as General Solid Waste (non-putrescible) as per the NSW EPA Waste Classification Guidelines.</p> <p>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 removal off-site, but also for acceptance by the EPA licensed facility.</p> <p>Audit 2 findings: Refer to Audit 1 findings.</p> <p>Audit 3 findings: Waste leaving site is tracked on the Exported Materials Tracking Register. The Register includes details of waste classification; the receiving facility; docket numbers; descriptions and quantities of waste disposed.</p>
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	<p>Audit 1: Site Interviews with Project team on 26/02/2020. Site inspection on 26/02/2020.</p> <p>Audit 2: Site Interviews with Project team on 25/08/2020. Site inspection on 26/08/2020.</p> <p>Audit 3: Site inspection and interviews on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered.</p> <p>Built advised that concrete waste and rinse water are recycled offsite and are never disposed of onsite.</p> <p>Audit 2 findings: Refer to Audit 1 findings.</p> <p>Audit 3 findings: Refer to Audit 1 findings.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit 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. Audit 3 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. Audit 3 findings: Refer to Audit 1 findings.
D31	Table 1 of the Independent Audit Post Approval Requirements (Department 2020) is amended so that the frequency of audits required in the construction phase is:	Non-compliance (administrative)	Audit 1: Independent Audit Program submitted to the Planning Secretary (17-0347_A-d01-20_let-dpie-200116-03) on 21 January 2020.	Audit 1 findings: Independent Audit Program submitted to the Planning Secretary included the audits at the frequency required by Condition D31.
(a)	an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction;		Audit 3: Letter to DPIE (17-0347_A-d01-20_let-dpie-210621-02-d30-d31) dated 21/06/2021	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		Letter from DPIE (A-d01-20_210625_Email-dpie-Independent Audit 3 Letter) on 23/06/2021	Audit 3 findings: dwp wrote to DPIE to advise that the third construction audit would not be required as the planned date of completion was within 52 weeks from the previous audit. DPIE responded on 23/06/2021 informing dwp that it is required, and that it was due to be submitted on 27/03/2021. DPIE identified that this condition allows for "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". DPIE advised that this audit is due by 23/09/2021. Therefore, due to the timing of the audit being later than required, an administrative non-compliance has been identified. No corrective action is otherwise identified; however, based on the potential delay in actual commencement of operation until at least May 2022, <i>Audit 3 Recommendation 3</i> has been made.
	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.			Construction Audit 3 Recommendation 3: As practical commencement of operation will not be undertaken until at least May 2022 (despite construction completion being in late August 2021), consultation with DPIE should be undertaken to confirm an appropriate timing for the completion of the first operational audit.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit Findings
D32	Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with:	Compliant	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Submission of audit to DPIE (17-0347_A-d01-20_let-dpie-200327-01-d32)</p> <p>Audit 3: Submission of audit to DPIE (17-0347_A-d01-20_let-dpie-200928-01-D32)</p>	<p>Audit 1 findings: This condition has not been triggered as this audit report constitutes the first independent audit of the development.</p> <p>Audit 2 findings: Construction Audit 1 was submitted to DPIE on 27/03/2020. The audit was also distributed to the Certifier.</p> <p>Audit 3 findings: Construction Audit 2 was submitted to DPIE on 23/09/2020. The audit was also distributed to the PCA on 29 September 2020.</p>
(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	<p>Audit 1: Site Interviews with Project team on 26/02/2020.</p> <p>Site inspection on 26/02/2020.</p> <p>Audit 2: Construction Audit 1 Response (7-0347_A-d01-20_let-dpie-200330-01-d33)</p> <p>Site Interviews with Project team on 25/08/2020.</p> <p>Audit 3: Construction Audit 2 Response (17-0347_A-d01-20_let-dpie-200928-02-D33)</p> <p>Site Interviews with Project team on 27/07/2021</p>	<p>Audit 1 findings: This condition has not been triggered as this audit report constitutes the first independent audit of the development.</p> <p>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.</p> <p>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.</p> <p>Audit 3 findings: The findings of Construction Audit 2 were reviewed following the completion of the audit. A letter was sent to DPIE on 28/09/2021 and distributed to the PCA on 29 September 2020 to outline how the proponent would respond to the findings and corrective actions suggested by the audit. Department comments were forwarded to PCA on 4 November 2020. The letter also included a notification of intention to publish on the project website 60 days from the date on the letter. At the time of Audit 3, Construction Audit 2 had been uploaded to the project website.</p>
(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.	Not Triggered		<p>Audit 1 findings: This condition has not been triggered as the development is still in the construction phase.</p> <p>Audit 2 findings: As per Audit 1 findings.</p> <p>Audit 3 findings: As per Audit 1 findings.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Schedule 3 – Part E – During Construction				
Notification of Occupancy				
E1	At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Compliant	Audit 3: Letter to DPIE (17-0347_A-d01-20_let-dpie-210713-e01) on 13/07/2021	Audit 3 findings: On 13/07/2021, dwp notified DPIE that the commencement of operation was anticipated to be on or around 15/08/2021. The notification included a caveat that COVID-19 lockdowns and access restrictions may impact the commencement of operations beyond the current planned date.
External Walls and Cladding				
E2	Prior to issue of an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems 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	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
E3	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.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Post-construction Dilapidation Report				
E4	Prior to issue of an Occupation Certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
(a)	to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;			
(b)	to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:			
	<ul style="list-style-type: none"> i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads. 			
(c)	to be forwarded to Council.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Public Domain Works				
E5	Prior to issue of an Occupation Certificate, the public domain works, and footpath works required by condition C20 must be completed to Council's satisfaction.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: Works within the public domain are currently underway, however had not been completed at the time of the audit.
Protection of Public Infrastructure				
E6	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered
(a)	repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and			
(b)	relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.			
Note	This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition B2 of this consent			
Easements				
E7	Prior to issue of an Occupation Certificate, an easement under section 88A and/or restriction or public positive covenant under section 88E of the Conveyancing Act 1919 naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for the drainage of water must be registered on title of Lot 1 DP 1199904. The easement must be a minimum three metres in width and must be centered over the new stormwater pipeline.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: Survey works and discussion with Council regarding this easement has been undertaken. As the development is still in the construction phase, and the easement has not been registered, this condition remains not triggered.
Utilities and services				
E8	Prior to issue of an Occupation Certificate, a compliance certificate under the section 50 of the Hunter Water Act 1991 must be obtained from Hunter Water and submitted to the Certifier.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Works as Executed Plans				
E9	Prior to issue of an Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021 Document transfer record of Work-as-Executed Plans and Stormwater CCTV Inspection provided to Council on 18/11/2020 (Nihon University - 9 Church Street Newcastle - Stormwater WAE & CCTV)	Audit 3 findings: The Works-as-Executed plans were provided to Council and PCA on 18/11/2020.

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Green Travel Plan				
E10	Prior to issue of an Occupation Certificate, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:	Not triggered	Audit 3: Green Travel Plan (Ver02) (17-0347_A-d01-20_let-dpie-210707-01-e10)	Audit 3 findings: The Green Travel Plan was prepared by Seca Solution Pty Ltd and submitted to DPIE on 07/07/2021 Still being assessed by DPIE at the time of the site inspection.
(a)	be prepared by a suitably qualified traffic consultant in consultation with Council;			
(b)	include objectives and modes share targets . (i.e site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP			
(c)	include specific tools and actions to help achieve the objectives and mode share targets;			
(d)	include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and			
(e)	include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.			
Heritage Interpretation Plan				
E11	Prior to issue of an Occupation Certificate, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the Planning Secretary. The plan must:	Compliant	Audit 3: Heritage Interpretation Plan (Rev 02) (17-0347_A-d01-20_let-oeh-210305-e11-f04_Interpretation Plan) Letter to Heritage NSW (17-0347_A-d01-20_let-oeh-210305-e11-f04) on 08/03/2021 Letter from Heritage NSW (A-d01-20_210330_letter-HNSW Response to Consent Conditions E11 and F4) on 30/03/2021	Audit 3: The Heritage Interpretation Plan was prepared by CityPlan and submitted to Heritage NSW on 08/03/2021. dwp received correspondence from Heritage NSW on 30/03/2021 that the plan satisfied the requirements of this condition.
(a)	be prepared by a suitably qualified and experienced expert in consultation with the NSW Heritage Division and Council			
(b)	outline the Stage 1 heritage interpretation strategy			
(c)	include provision for naming elements within the development that acknowledges the site's heritage;			
(d)	incorporates interpretive information in to the site of the former legal and court functions of the former Newcastle Courthouse.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Operational Management Plan				
E12	Prior to issue of an Occupation Certificate, the Applicant must prepare an Operational Management Plan for the site. The plan must:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021 Draft Operational Management Plan (dated 20/05/2021)	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase. The Operational Management Plan is noted to still be in preparation, with the draft (dated 20/05/2021) reviewed during the audit. This review identified general compliance, but has made Construction Audit 3, Recommendation 4 . Construction Audit 3, Recommendation 4: Regularity of reviews for ensuring wayfinding signage and security measures are managed and maintained should be accurately defined, with a 'living' checklist prepared to cover these reviews and address documentary evidence requirements.
(a)	include measures to ensure all wayfinding signage, security measures, and landscaping is managed to maintain their effectiveness; and			
(b)	include measures to manage the operation and use of rooftop terraces and ground level café terrace; and			
(c)	prohibit use of the rooftop terraces for events or formal teaching; and			
(d)	restrict the use of the rooftop terraces to no later than 9pm daily; and			
(e)	ensure the use of the rooftop terraces does not result in exceedances of the project noise trigger levels in the report titled Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting			
E13	The Operational Management Plan must be submitted to the satisfaction of the Certifier and implemented for the life of the approved development.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Operational Transport and Access Management Plan (OTAMP)				
E14	Prior to issue of an Occupation Certificate, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council and submitted to the Planning Secretary. The OTAMP must address the following:	Compliant	Audit 3: Operational Transport and Access Management Plan, contained in letter to DPIE (17-0347_A-d01-20_let-dpie-210707-01-e14) on 07/07/2021	Audit 3 findings: The OTAMP was completed by Seca Solution Pty Ltd and submitted to DPIE on 07/07/2021 and was accepted by DPIE on 14 July 2021. The OTAMP was prepared in consultation with Council and satisfies the requirements of this condition.
(a)	detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure students and staff are able to access and leave the Site in a safe and efficient manner at all times;			
(b)	the location of all car parking spaces on the campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.)			
(c)	delivery and services vehicle management arrangements;			
(d)	use of the services zone limited to: (i) 7am to 8am and 7pm to 8pm Monday to Friday; (ii) 7am to 8am Saturday; (iii) no use on Sundays or Public Holidays;			
(e)	management of approved access arrangements;			
(f)	potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing the car parking spaces or services zone;			
(g)	a monitoring and review program			

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Mechanical Ventilation				
E15	Prior to issue of an Occupation Certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
(a)	<i>AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and</i>			
(b)	<i>any dispensation granted by Fire and Rescue NSW.</i>			
Operational Noise – Design of Mechanical Plant and Equipment				
E16	Prior to issue of an Occupation Certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
E17	Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered.
Fire Safety Certificate				
E18	Prior to issue of an Occupation Certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Structural Inspection Certificate				
E19	Prior to occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council	Compliant	Audit 3: Site Interviews with Project team on 27/07/2021 Northrop certificate Cardno certificate	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.] Certificates received from Cardno and Northrop. Cardno submitted 26 July 2021 to PCA and Northrop submitted 15 July 2021.
(a)	the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and			
(b)	the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s			

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Compliance with Food Code				
E20	Prior to issue of an Occupation Certificate, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 Design, construction and fit-out of food premises and provide evidence of receipt of the certificate to the satisfaction of the Certifier.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Stormwater Quality Management Plan				
E21	Prior to issue of an Occupation Certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021 Draft Stormwater Quality Management Plan (07/07/2021)	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase. Draft Stormwater Quality Management Plan (07/07/2021) was reviewed, but is noted to still be in draft format.
(a)	maintenance schedule of all stormwater quality treatment devices that addresses Council's Technical Manual: Stormwater and Water Efficiency for Development (updated April 2019);			
(b)	record and reporting details;			
(c)	relevant contact information; and			
(d)	Work Health and Safety requirements			
Rainwater Harvesting				
E22	Prior to issue of an Occupation Certificate, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifier	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Warm Water Systems and Cooling Systems				
E23	The installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021 Accepted by PCA 12 July 2021 Provided to PCA on 8 July 2021 Northrop design certificate (#NL192317/00 – 1 April 2020)	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase. Warm water systems not relevant to project.

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Outdoor Lighting				
E24	Prior to issue of an Occupation Certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
(a)	complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and			
(b)	has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.			
Archaeological Salvage – Historic Archaeology				
E25	The Applicant must prepare an archaeological report of the salvage excavation undertaken in accordance with condition C17. An interim report of the salvage excavation must be provided for the information of the Heritage Council of NSW and Council within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work or within another timeframe agreed with the Planning Secretary. Copies of the report must also be provided to the NSW Heritage Division and Council	Compliant	Audit 3: Site Interviews with Project team on 27/07/2021 Evidence of submission of Heritage NSW and City of Newcastle on 29 July 2021	Audit 3 findings: Salvage works were completed in June 2021. The interim report was provided to Heritage NSW and City of Newcastle on 29 July 2021 for comment.
Signage				
E26	Prior to issue of an Occupation Certificate, way-finding signage and signage identifying the location of staff car parking must be installed.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
E27	Prior to issue of an Occupation Certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
E28	Prior to issue of an Occupation Certificate, 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Operational Waste Management Plan				
E29	Prior to issue of an Occupation Certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021 Operational Waste Management Plan (Rev F – 21 July 2021)	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase. However, the Operational Waste Management Plan (Rev F – 21 July 2021) was available during the audit in its final format, but waiting for submission to certified. Review of this plan otherwise verifies compliance with the requirements of Condition E29.
(a)	detail the type and quantity of waste to be generated during operation of the development;			
(b)	the location and operational management procedures of the services zone located within the front setback of the Residential Building, including management/traffic controller arrangements;			
(c)	describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);			
(d)	detail the materials to be reused or recycled, either on or off site; and			
(e)	include the Management and Mitigation Measures included in EIS, as amended by the RTs			
Site Contamination				
E30	The Applicant must prepare a Validation Report, where required by the remediation action plan approved by a NSW EPA Accredited Site Auditor pursuant to condition A19, for the development. The Validation Report must:	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
(a)	be prepared by a Certified Contaminated Land Consultant;			
(b)	be submitted to the Site Auditor, the Planning Secretary and the Certifier for information within one month after the completion of remediation works; and			
(c)	be prepared in accordance with the remediation action plan approved by a NSW EPA Accredited Site Auditor pursuant to condition A19.			
Site Audit Statement				
E31	Prior to issue of an Occupation Certificate, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the educational establishment land use and be provided for the information of the Planning Secretary and the Certifier	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.

Condition Number	Requirement	Compliance Status	Evidence sighted	Comment
Long Term Environmental Management Plan				
E32	<p>The Applicant must prepare a LTEMP, where identified as required by the remediation action plan approved by a NSW EPA Accredited Site Auditor pursuant to condition A19, and submit a copy to the Planning Secretary. The plan must:</p> <p>(a) be prepared by a certified Contaminated Land Consultant;</p> <p>(b) be submitted to the Planning Secretary within one month of the completion of remediation works, unless otherwise agreed by the Planning Secretary; and</p> <p>(c) include, but not be limited to:</p> <ul style="list-style-type: none"> (i) a description of the nature and location of any contamination remaining on site; (ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell; (iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/or disposal; (iv) a description of the procedures for monitoring the integrity of the containment cell; (v) a surface and groundwater monitoring program; (vi) mechanisms to report results to relevant agencies; (vii) triggers that would indicate if further remediation is required; and (viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination. 	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
E33	The approved LTEMP must be provided to Council within once month for notation of the section 10.7 certificate for the site.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
E34	Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP.	Not triggered		Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.
Landscaping				
E35	<p>Prior to issue of an Occupation Certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:</p> <p>(a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and</p> <p>(b) be consistent with the Applicant's Management and Mitigation Measures at Chapter 10 in the EIS and as updated by the RtS;</p>	Not triggered	<p>Audit 3: Site Interviews with Project team on 27/07/2021</p> <p>Operational Landscape Management Plan (Final – 07/07/2021)</p>	<p>Audit 3 findings: While a final Operational Landscape Management Plan has been submitted to the PCA, evidence of satisfaction has not been received during the audit period.</p> <p>Review of the Operational Landscape Management Plan (dated 07/07/2021) otherwise verified compliance with the requirements of Condition E35.</p>
E36	The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.	Not triggered	Audit 3: Site Interviews with Project team on 27/07/2021	Audit 3 findings: This condition has not been triggered as the development is still in the construction phase.

Appendix D

Document Register

**17-0347 Nihon University Newcastle Campus - SSD9787**[uploads to NSW DPIE Planning Secretary, Agencies & Document Register
Independent Auditor]Revision: **M**Date: **05/07/2021****Instructions for upload:**Website: https://majorprojects.planningportal.nsw.gov.au/prweb/IA/Cc0BJSdJ6OdBNUpuWBD7zYCxcJRCjpn*/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	21/01/20 - Department responding on 21/01/20 advising they have commenced their detailed assessment of the submission. Up to 30 days to receive a response	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	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 Report	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-c05	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 Management 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	47-0347_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"	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 Report	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]
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
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
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]
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
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
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
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. Heritage 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]
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
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"
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]
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]
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)
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]
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]
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)]
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]
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]

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	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]	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		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	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]	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 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]	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 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]	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		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)]	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	Email DPIE 01/05/20 [A-d01-20_200501_Email-dpie- Remediation Action Plan]	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	Email DPIE 20/05/20 [A-d01-20_200520_email_dpie-Post Approval Document Received - (SSD-9787-PA-46)]	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- 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 21/05/20 [A-d01-20_200521_Email-dpie-Post Approval Document Received - (SSD-9787-PA-47)]	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-48)] Email DPIE 26/05/20 [A-d01-20_200526_Email-dpie-Pre- Construction Compliance Report #3 CC#2 - Service Level Agreement]	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_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
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		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 Masia	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	Yes	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	Yes	In response to Request for Information (RFI-3776)	
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 03/07/20 [A-d01-20_200703_Email-dpie-Pre- Construction Compliance Report #3 CC#2] - accepted by NSW DPIE	Y
80	n/a	17-0347_A-d03-10_dwp-ncc-200805	C20	Section 138 Assessment Comments	Letter	City of Newcastle - email to D Ryner	05/08/2020	KD	No	Email DPIE 23/07/2020 [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]	Y
81	n/a	17-0347_A-d01-20_let-ncc-200811	C15	Stormwater Diversion	Letter	City of Newcastle - email to S Masia	11/08/2020	KD	No	Email response back from CoN [17-0347_A_d01-20-200813_Email Nihon - Stormwater Diversion Status Update]	N
82	SSD-9787-PA-53	17-0347_A-d01-20_let-dpie-200824-01-c10 Nihon Uni_Built Construction Traffic and Pedestrian Management Sub Plan_Rev 02 TRACKED CHANGES	C10	CTPMSP Rev 02 CTPMSP Rev 02 Tracked Changes	Letter	Planning Portal Website	24/08/2020	KD	Yes	Email DPIE 24/08/20 [A-d01-20_200824_Email-dpie-Post Approval Document Received - (SSD-9787-PA-53)] Email DPIE 24/08/20 [A-d01-20_200824_Email-dpie-Traffic & Pedestrian Management Sub-Plan]	Y

83	SSD-9787-PA-54	17-0347_A-d01-20_let-dpie-200827-01-c08 Nihon University_Construction EMP_Rev 02_TRACKED CHANGES	C8	CEMP Rev 02 CEMP Rev 02 Tracked Changes	Letter	Planning Portal Website	27/08/2020 KD	Yes	Email DPIE 27/08/20 [A-d01-20_200824_Email-dpie-Post Approval Document Received - (SSD-9787-PA-54)] Email DPIE 28/08/2020 [A-d01-20_200828_Construction Environmental Management Plan]	Y
84	n/a	17-0347_A-d01-20_let-dpie-200827-C8&A24	C8 & A24	Non Compliance	n/a	compliance@planning.nsw.gov.au	27/08/2020 KD	No	Refer to Non-Compliance Register	N
85	SSD-9787-PA-55	17-0347_A-d01-20_let-dpie-200922-01-b03	B3	External Walls and Cladding documented evidence	Other	Planning Portal Website	24/09/2020 KD	Yes	Email DPIE 24/09/20 [A-d01-20_200924_Email-dpie-Post Approval Document Received - (SSD-9787-PA-55)] Email DPIE 25/09/20 [A-d01-20_200925_Email-dpie-(SSD- 9787-PA-55)] Email DPIE 25/09/20 [A-d01-20_200925_Email-dpie-External Walls and Cladding Details]	N
86	SSD-9787-PA-56	17-0347_A-d01-20_let-dpie-200928-01-D32	D32	IEA Construction Audit 2	Independent Review or Audit	Planning Portal Website	28/09/2020 KD	Yes	Email DPIE 28/09/20 [A-d01-20_200928_Email-dpie-Post Approval Document Received - (SSD-9787-PA-56)] Email DPIE 04/11/20 [A-d01-20_201104_Email-dpie- Independent Audit 2 and RAR] Letter DPIE 04/11/20 [A-d01-20_201104_Letter-dpie-Audit reports_03112020_042709]	Y
87	SSD-9787-PA-56	17-0347_A-d01-20_let-dpie-200928-02-D33	D33	IEA Construction Audit 2 Response	Independent Review or Audit	Planning Portal Website	28/09/2020 KD	Yes	Email DPIE 28/09/20 [A-d01-20_200928_Email-dpie-Post Approval Document Received - (SSD-9787-PA-57)] Email DPIE 04/11/20 [A-d01-20_201104_Email-dpie- Independent Audit 2 and RAR] Letter DPIE 04/11/20 [A-d01-20_201104_Letter-dpie-Audit reports_03112020_042709]	Y
88	SSD-9787-PA-57	WITHDRAWN AT REQUEST OF NSW DPIE								
89	SSD-9787-PA-58	17-0347_A-d01-20_let-dpie-201116-01-c23	C23 C24	Construction Compliance Report 01	Reports	Planning Portal Website	16/11/2020 KD	Yes	Email DPIE 21/12/20 [A-d01-20_201221_Email-dpie- Construction Compliance Report 1]	Y
90	SSD-9787-PA-59	17-0347_A-d01-20_let-oeh-210305-e11-f04	E11 F4	Heritage Interpretation Plan Letter	Management Plan	Planning Portal Website	08/03/2021 KD	No	Email DPIE 30/03/21 [A-d01-20_210330_Email-dpie-Heritage Interpretation Plan - Response from Heritage NSW – HERITAGE COUNCIL OF NSW] Letter Heritage NSW 30/03/21 [A-d01-20_210330_letter-HNSW Response to Consent Conditions E11 and F4]	N
91	SSD-9787-PA-59	17-0347_A-d01-20_let-oeh-210305-e11-f04_Interpretation Plan	E11 F4	Heritage Interpretation Plan Report	Management Plan	Planning Portal Website	08/03/2021 KD	No		N
92	SSD-9787-PA-59	17-0347_A-d01-20_let-dpie-210401-01-E11-f04	E11 F4	Heritage Interpretation Plan Letter	Management Plan	Planning Portal Website	01/04/2021 KD	Yes	Email DPIE 01/04/21 [A-d01-20_210401_Email-dpie-Post Approval Document Received - (SSD-9787-PA-59)]	N
93	SSD-9787-PA-59	17-0347_A-d01-20_let-oeh-210401-e11-f04_Interpretation Plan	E11 F4	Heritage Interpretation Plan	Management Plan	Planning Portal Website	01/04/2021 KD	Yes	Email DPIE 07/04/21 [A-d01-20_210407_Email-dpie-Heritage Interpretation Plan]	Y
94	SSD-9787-PA-60	17-0347_A-d01-20_let-dpie-210401-02-d04-d05	D4 D5	Construction Hours Letter Notification 2	Notification	Planning Portal Website	01/04/2021 KD	Yes	Email DPIE 01/04/21 [A-d01-20_210401_Email-dpie-Post Approval Document Received - (SSD-9787-PA-60)] Email DPIE 06/04/21 [A-d01-20_210406_Email-dpie- Construction Hours Letter Notification]	N
95	n/a	17-0347_A-d01-20_let-ncc-210513 17-0347_A-d01-20_let-oeh-210401-e11-f04_Interpretation Plan	E11 F4	Heritage Interpretation Plan	Letter	City of Newcastle - email to Isabelle Rowlett	13/05/2021 KD	No	Email CoN 03/06/21 [17-0347_A-d03-210603_RE_17-0347 - Nihon University - Heritage Interpretation Plan]	N
96	SSD-9787-PA-61	17-0347_A-d01-20_construction-compliance-report-02- 210517 17-0347_A-d01-20_let-dpie-210517-01-c23	C23 C24	Construction Compliance Report 02	Reports	Planning Portal Website	17/05/2021 KD	Yes	Email DPIE 17/05/21 [A-d01-20_210517_Email-dpie-Post Approval Document Received - (SSD-9787-PA-61) (1)] Email DPIE 18/05/21 [A-d01-20_210518_Email-dpie- Construction Compliance Report 2 - Service Level Agreement] - document classified as "Regular" - under assessment A-d01-20_210521_Email-dpie-Construction Compliance Report 2	R - to be uploaded after 31/05/21 but before 17/07/21 Requested 28/06/21
97	SSD-9787-PA-62	17-0347_A-d01-20_let-dpie-210604-01-d4-d5	D4 D5	Construction Hours Letter Notification	Notification	Planning Portal Website	04/06/2021 KD	Yes	Email DPIE 08/06/21 [A-d01-20_210608_Email-dpie-Nih University Newcastle Campus - Notification - Construction hours]	N
98	SSD-9787-PA-63	17-0347_A-d01-20_let-dpie-210621-01-d04	D4	Construction Hours Letter Notification 2	Notification	Planning Portal Website	22/06/2021 KD	Yes	Email DPIE 22/06/21 [A-d01-20_210622_Email-dpie-Post Approval Document Received - (SSD-9787-PA-63)]	N
99	SSD-9787-PA-64	17-0347_A-d01-20_let-dpie-210621-02-d30-d31 17-0347_A-d01-20_let-dpie-210628-01-c08 Nihon University_Construction EMP_Rev 03 Nihon University_Construction EMP_Rev 03_TRACKED CHANGES	D30 D31	IEA programme Letter Notification	Independent Review or Audit	Planning Portal Website	22/06/2021 KD	No	Email DPIE 22/06/21 [A-d01-20_210625_Email-dpie-Audit Schedule_23062021_113703] 3rd construction audit required no later than 23 September 2021	N
100	SSD-9787-PA-65	17-0347_A-d01-20_let-dpie-210628-01-c08 Nihon Uni_Built Construction Traffic and Pedestrian Management Sub Plan_Rev 03 Nihon Uni_Built Construction Traffic and Pedestrian Management Sub Plan_Rev 03_TRACKED CHANGES	C8	Letter 03 CEMP Rev 03 CEMP Rev 03 Tracked Changes	Management Plan	Planning Portal Website	29/06/2021 KD	Yes	Email DPIE 29/06/21 [A-d01-20_210629_Email-dpie-Post Approval Document Received - (SSD-9787-PA-65)] Email DPIE 30/06/21 [A-d01-20_210630_Email-dpie- Construction Environmental Management Plan]	R Requested 30/06/21
101	SSD-9787-PA-66	17-0347_A-d01-20_let-dpie-210628-01-c08 Nihon Uni_Built Construction Traffic and Pedestrian Management Sub Plan_Rev 02 Nihon Uni_Built Construction Traffic and Pedestrian Management Sub Plan_Rev 03_TRACKED CHANGES	C10	CTPMSP Rev 03 CTPMSP Rev 03 Tracked Changes	Management Plan	Planning Portal Website	29/06/2021 KD	Yes	Email DPIE 29/06/21 [A-d01-20_210629_Email-dpie-Post Approval Document Received - (SSD-9787-PA-66)] Email DPIE 30/06/21 [A-d01-20_210630_Email-dpie- Construction Traffic and Pedestrian Mgmt Sub Plan]	R Requested 30/06/21
102	SSD-9787-PA-67	17-0347_A-d01-20_let-dpie-210628-01-c08 Nihon Uni_Built Construction Noise and Vibration Management Sub Plan_Rev 02 Nihon Uni_Built Construction Noise and Vibration Management Sub Plan_Rev 02_TRACKED CHANGES	C10	CNVMSMSP Rev 2 CNVMSMSP Rev 2 Tracked Changes	Management Plan	Planning Portal Website	29/06/2021 KD	Yes	Email DPIE 29/06/21 [A-d01-20_210629_Email-dpie-Post Approval Document Received - (SSD-9787-PA-67)] Email DPIE 30/06/21 [A-d01-20_210630_Email-dpie- Construction Noise and Vibration Mgmt Sub Plan]	R Requested 30/06/21

Appendix E

Sample Letter

Your ref:
Our ref: 12524301

7 July 2021

**Dr Siobhan Lavelle OAM
Senior Team Leader, Specialist Services
Heritage NSW
Department of Premier and Cabinet
Locked Bag 5020
Parramatta NSW 2124**

Nihon University Independent Audit Reporting – Request for comment

Dear Siobhan

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 under the Development Consent (attached). I am writing to you to invite comment from Heritage Division 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 Tuesday, 27 July 2021. 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, 26 July.

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

Regards



Elliot Holland
Senior Environmental Scientist / Lead Auditor - EMS

+612 4979 9923
Elliot.holland@ghd.com

Appendix F

Correspondence from Agencies

From: Katrina Stankowski <Katrina.Stankowski@environment.nsw.gov.au>
Sent: Monday, 19 July 2021 12:52 PM
To: Elliot Holland
Cc: James Quoyle
Subject: Amended DOC21/563442 - SSD 9787 - Nihon University Newcastle - Audit - Due 26 July 21

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from katrina.stankowski@environment.nsw.gov.au. [Learn why this is important](#)

Dear Mr Holland,

Further to your telephone conversation on 15 July 2021, with James Quoyle, Senior Heritage Assessments Officer, at HNSW, it is noted an error was made regarding the historical archaeology advice provided in our initial response to you. This email rectifies that error and now includes the correct advice related to historical archaeology. Can you please amend your records accordingly.

Thank you for your letter dated 7 July 2021 regarding the audit of the Nihon University Newcastle Campus Development.

The following is an update to assist GHD in the undertaking of an independent 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)

Since the previous audit Heritage NSW (HNSW) advises that our records indicate only one matter related to the Conditions of Approval has been the subject of correspondence between the Proponent or their consultants DWP and HNSW. This correspondence included matters related to the following Conditions:

- C11 Heritage Interpretation Plan
- F4 Updated Heritage Interpretation Plan

HNSW advises that correspondence issued indicates the requirements of Condition C11 has been met. However, Condition E4 cannot be satisfied until the building has been occupied, after which an updated Heritage Interpretation Plan, or evidence of the implementation and media approved in condition C11 and F4, must be submitted to the Planning Secretary within three months of the commencement of use.

Advice was also provided with the previous Audit that, *other matters, such as the progress of findings from historical archaeological works, are not available to Heritage NSW.*

Historical Archaeology (Specialist Services)

Heritage NSW has not yet seen any archaeology reports for this project. It may be appropriate for the audit to follow the requirements up with the proponent.

If you have any questions regarding this Audit please contact James Quoyle, Senior Heritage Assessment Officer, Heritage NSW, Department of Premier and Cabinet, on 9873 8612 or by email at james.quoyle@environment.nsw.gov.au

Regards,

Katrina Stankowski



Premier
& Cabinet

Katrina Stankowski, STL, Regional Heritage Assessments North
Heritage NSW, Community Engagement, Department of Premier and Cabinet
Level 6, 10 Valentine Avenue, Parramatta, 2150 | Locked Bag 5020, Parramatta,
2124
T: 9873 8569 | Katrina.Stankowski@environment.nsw.gov.au

M T W T F

The Heritage Management System is **live** from 31 May. More information is available [here](#)

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authority states them to be the views of the NSW Office of Environment, Energy and Science.

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From: Steven Crick <Steven.Crick@environment.nsw.gov.au>
Sent: Thursday, 22 July 2021 1:45 PM
To: Elliot Holland
Subject: RE: HPE CM: 12524301 - Nihon University Audit: EES Group Consultation

You don't often get email from steven.crick@environment.nsw.gov.au. [Learn why this is important](#)

Hi Elliot

I have consulted with others in our branch and we have no issues to raise regarding this project.

Regards

Steven Crick
Senior Team Leader – Planning
Hunter Central Coast Branch
Biodiversity & Conservation Division
Department of Planning, Industry & Environment
6 Stewart Avenue, Newcastle, 2300
Locked Bag 1002, Dangar, 2309
T 02 4927 3248
M 0402 279 129

From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Wednesday, 7 July 2021 6:10 AM
To: OEH ROD Hunter Central Coast Mailbox <huntercentralcoast@environment.nsw.gov.au>
Cc: Steven Cox <Steven.Cox@environment.nsw.gov.au>; Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Subject: HPE CM: 12524301 - Nihon University Audit: EES Group Consultation

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.
Exemplar Global – Lead Auditor: EMS
Senior Environmental Scientist

GHD
Proudly employee-owned | ghd.com
24 Honeysuckle Drive Newcastle NSW 2300 Australia
D +612 4979 9923 E elliot.holland@ghd.com

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Our ref: DOC21/566103-1

Mr E Holland
GHD
Level 3, 24 Honeysuckle Drive
NEWCASTLE NSW 2300
Via Email: elliot.holland@ghd.com

9 July 2021

Dear Mr Holland

Independent Audit Reporting – Nihon University (SSD 9787)

Reference is made to your email dated 7 July 2021 to the Environment Protection Authority (EPA) requesting input into the Independent Environmental Audit for Nihon University's Newcastle Campus Development (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. This is consistent with the EPA's previous advice dated 13 August 2020.

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

If you have any questions about this matter, please contact Lucy Dunton on (02) 4908 6863 or by email to RegOps.MetroRegulation@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads 'megan'.

MEGAN WHELAN
Manager Regional Operations

From: Joel Curran <Joel.Curran@planning.nsw.gov.au>
Sent: Wednesday, 7 July 2021 8:48 AM
To: Elliot Holland
Subject: RE: 12524301 - Nihon University Audi: DPIE Consultation

Thanks Elliot.

Regards

Joel Curran
Senior Compliance Officer

Energy, Industry & Compliance | Planning & Assessment
T 02 4904 2702 | **M** 0412 323 331 | **E** joel.curran@planning.nsw.gov.au
PO Box 1226 | Newcastle NSW 2300
Please direct all email correspondence to compliance@planning.nsw.gov.au
www.dpie.nsw.gov.au



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

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has recently upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Wednesday, 7 July 2021 8:46 AM
To: Joel Curran <Joel.Curran@planning.nsw.gov.au>
Subject: RE: 12524301 - Nihon University Audi: DPIE Consultation

Hi Joel,

The same team as Construction Audit 2 (myself and Lachlan Taylor), different to Construction Audit 1 (Demelza Scott and Kate Tierney).

Regards
Elliot Holland
B Env. Sc. & Mgt.
Exemplar Global – Lead Auditor: EMS
Senior Environmental Scientist

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24 Honeysuckle Drive Newcastle NSW 2300 Australia
D +612 4979 9923 **E** elliot.holland@ghd.com

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From: Joel Curran <Joel.Curran@planning.nsw.gov.au>

Sent: Wednesday, 7 July 2021 8:43 AM

To: Elliot Holland <Elliot.Holland@ghd.com>

Subject: RE: 12524301 - Nihon University Audi: DPIE Consultation

Good morning Elliot

I don't have any specific concerns or comments regarding this project. The project has shown a high level of compliance with consent conditions throughout the pre-construction and construction phases.

Can you please advise if the audit team will be the same as for previous audits?

Regards

Joel Curran
Senior Compliance Officer

Energy, Industry & Compliance | Planning & Assessment

T 02 4904 2702 | M 0412 323 331 | E joel.curran@planning.nsw.gov.au

PO Box 1226 | Newcastle NSW 2300

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From: Elliot Holland <Elliot.Holland@ghd.com>

Sent: Wednesday, 7 July 2021 6:11 AM

To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>

Cc: Joel Curran <Joel.Curran@planning.nsw.gov.au>

Subject: 12524301 - Nihon University Audi: DPIE Consultation

Hi Joel,

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.
Exemplar Global – Lead Auditor: EMS
Senior Environmental Scientist

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From: Elliot Holland
Sent: Thursday, 5 August 2021 7:29 AM
To: 'Geof Mansfield'
Subject: RE: 12524301 - Nihon University Audit: City of Newcastle Consultation

Hi Geof,

The project is still at the construction stage, with practical completion expected ~27 August. As I understand, official commencement of operation may be delayed until Q1/Q2 of 2022 due to Covid restrictions delaying the operational team from getting into Australia to take possession of the site.

Regards,
Elliot Holland
B Env. Sc. & Mgt.
Exemplar Global – Lead Auditor: EMS
Senior Environmental Scientist

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From: Geof Mansfield <gmansfield@ncc.nsw.gov.au>
Sent: Tuesday, 3 August 2021 8:33 AM
To: Elliot Holland <Elliot.Holland@ghd.com>
Subject: FW: 12524301 - Nihon University Audit: City of Newcastle Consultation

Good Morning Elliot

Can you provide a response to the question posed below by our Assets Coordinator Ben Lovell?

Regards

Geof Mansfield | Principal Planner
City of Newcastle | Governance
Regulatory, Planning & Assessment | Development Assessment
T: [+61249742767](tel:+61249742767) | M: [+61407286899](tel:+61407286899) | E: gmansfield@ncc.nsw.gov.au



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From: Ben Lovell <blovell@ncc.nsw.gov.au>
Sent: Tuesday, 3 August 2021 7:46 AM
To: Geof Mansfield <gmansfield@ncc.nsw.gov.au>
Cc: Daniel O'Brien <dobrien@ncc.nsw.gov.au>; Samantha Cross <scross@ncc.nsw.gov.au>
Subject: RE: 12524301 - Nihon University Audit: City of Newcastle Consultation

Hi Geof,

What stage is the development at? I am still waiting for WAE/asset handover deliverables.

Kind Regards,
Ben

Ben Lovell | Assets Coordinator - Stormwater
City of Newcastle | Infrastructure & Property
Assets & Projects | Asset Services
T: +61249742237 | E: blovell@ncc.nsw.gov.au
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From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Wednesday, 7 July 2021 6:12 AM
To: Geof Mansfield <gmansfield@ncc.nsw.gov.au>
Subject: 12524301 - Nihon University Audit: City of Newcastle Consultation

[EXTERNAL] This email originated from outside of the organisation.

Hi Geoff,

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 if you have any queries regarding our request.

Regards,
Elliot Holland
B Env. Sc. & Mgt.
Exemplar Global – Lead Auditor: EMS
Senior Environmental Scientist

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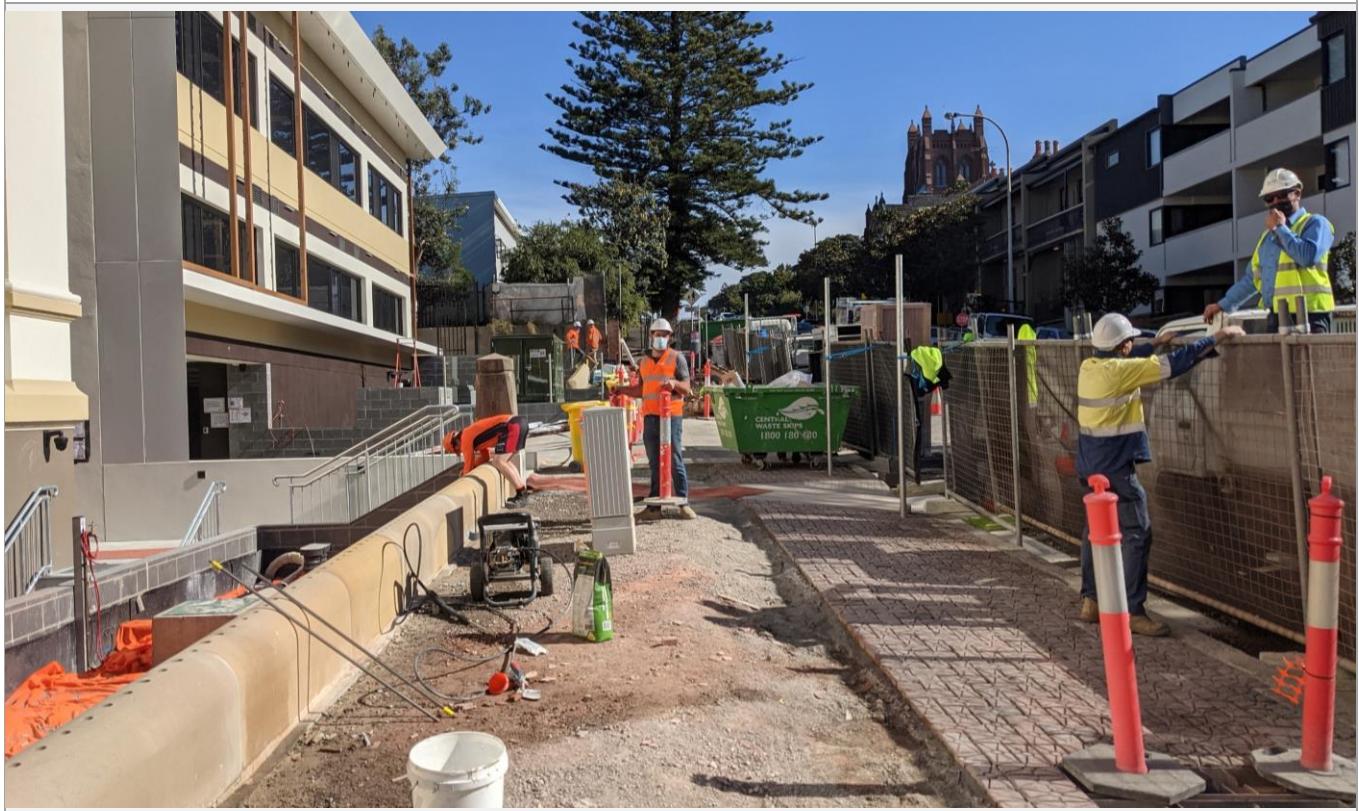
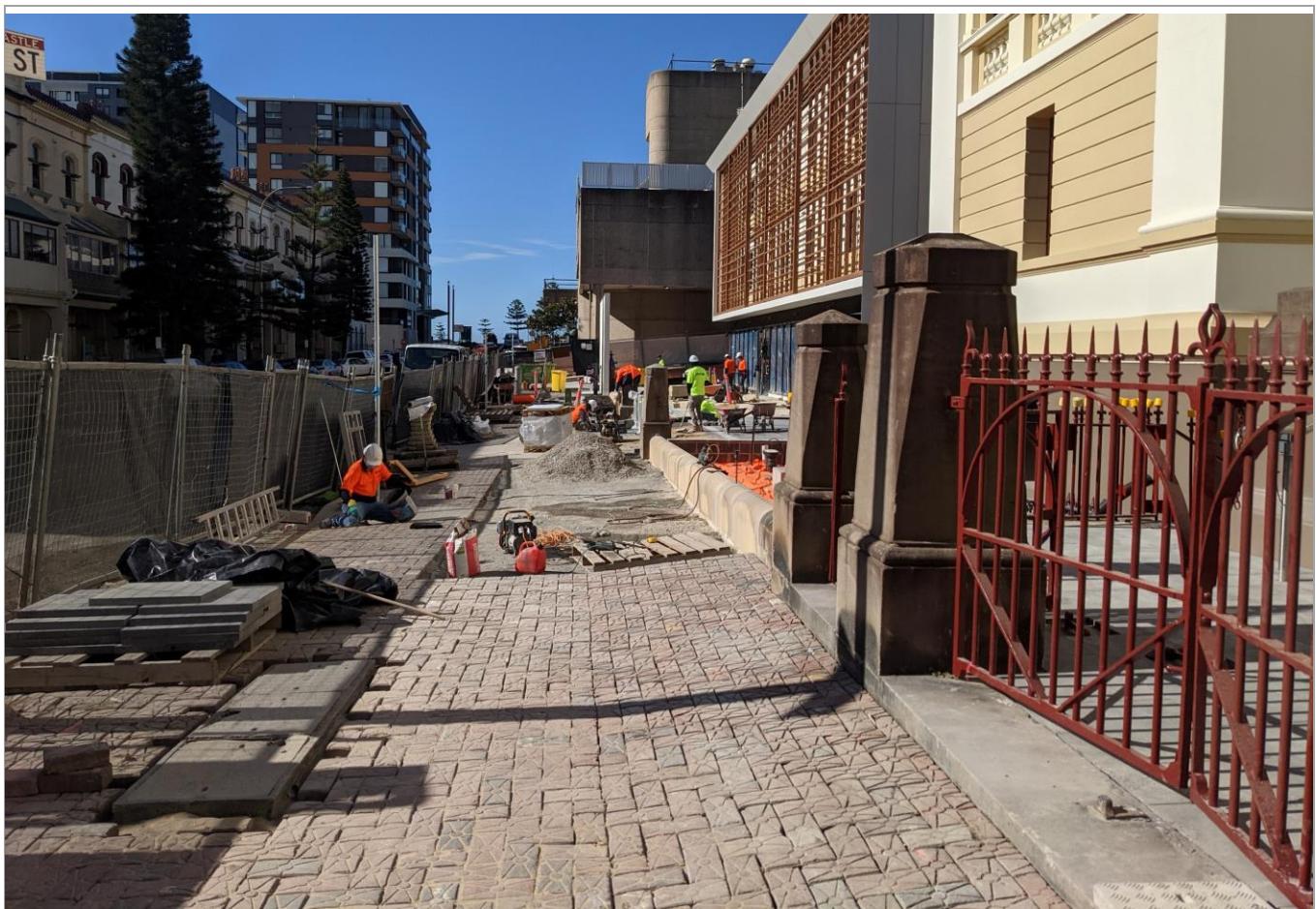
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Appendix G

Site Inspection Photographs

















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