

11 December 2025

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

Attention: Joel Flemming (or whom it may concern)
Project: Nihon University Newcastle Campus, SSD-9787
Re: Condition D29 to D34 Independent Environmental Audit

Dear Joel,

As per the requirements of the Nihon University Newcastle Campus (SSD-9787) an Independent Environmental Audit (IEA) was recently completed mid-November 2025.

In accordance with the relevant conditions of consent we note the following:

Condition	Description	Comment
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.	Auditor approval SSD-9787-PA-98 5/09/2025
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.	Audit Program previously developed ahead of the initial Audit in March 2020. A revised program was developed and issued to DPHI 13/02/2025 as per Condition A31 Revision of Strategies, Plans and Programs.
D31	Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is: (a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; (b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit; and In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.	Audit Program previously developed ahead of the initial Audit in March 2020. A revised program was developed and issued to DPHI 13/02/2025 as per Condition A31 Revision of Strategies, Plans and Programs.

D32	Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with: (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D30 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Previous Audits were conducted. Audit scope definition request 28/10/2025 The Operational Audit was conducted on 13 November 2025 – refer to Attachment A for Independent Environmental Audit report.
D33	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition D30 of this consent; (b) submit the response to the Planning Secretary and the Certifier; and (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	Nil non-compliances or recommendations were identified via the audit. As such in response to Condition D33(a) - nil responses are provided. This letter acts as a cover letter to the audit report. This will be issued concurrently to the Department and the Certifier to appease Condition D33(b). Following submission the audit report will be uploaded onto the Nihon University's website at the following link. This will be completed within 10-business days following issuance to the DPHI portal. Notice of this upload is provided as part of this cover letter, as such no further notice will be provided unless otherwise requested by DPHI. https://www.nihon-u.ac.jp/en/dev-newcastle/consent-compliance/audit-reports/
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.	Following a successful audit with nil non-compliances, a separate letter is expected to be issued to DPHI requesting for ongoing operational audits to cease.

Should you require further clarification, please feel free to contact the undersigned. We look forward to hearing your response on this matter.

Yours sincerely,

Mathew Watson
Consulting Project Manager
On behalf of Nihon University
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Attachment A: Operational Independent Environmental Audit – 13 November 2025

Nihon University Newcastle Campus

Independent Environmental Audit

Prepared for Nihon Daigaku Australia Newcastle Pty Ltd

December 2025

Nihon University Newcastle Campus

Independent Environmental Audit

Nihon Daigaku Australia Newcastle Pty Ltd

E250607 RP1

December 2025

Version	Date	Prepared by	Reviewed by	Comments
0.1	9/12/2025	David Bone	David Bone	Draft for review
1.0	10/12/25	David Bone	David Bone	Final

Approved by



David Bone

Associate Director

December 2025

Level 3 175 Scott Street

Newcastle NSW 2300

ABN: 28 141 736 558

This report has been prepared in accordance with the brief provided by Nihon Daigaku Australia Newcastle Pty Ltd and, in its preparation, EMM has relied upon the information collected at the times and under the conditions specified in this report. All findings, conclusions or recommendations contained in this report are based on those aforementioned circumstances. This report is to only be used for the purpose for which it has been provided. Except as permitted by the Copyright Act 1968 (Cth) and only to the extent incapable of exclusion, any other use (including use or reproduction of this report for resale or other commercial purposes) is prohibited without EMM's prior written consent. Except where expressly agreed to by EMM in writing, and to the extent permitted by law, EMM will have no liability (and assumes no duty of care) to any person in relation to this document, other than to Nihon Daigaku Australia Newcastle Pty Ltd (and subject to the terms of EMM's agreement with Nihon Daigaku Australia Newcastle Pty Ltd).

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ABN: 28 141 736 558

Independent Audit Report Declaration

Independent Audit Report Declaration Form

Project name	Nihon University
Consent number	SSD-9787
Description of project	Construction and operation of an education facility
Project address	Lot 1 DP1199904, 9 Church Street Newcastle
Proponent	Nihon Daigaku Australia Newcastle Pty Ltd
Title of audit	Independent Environmental Audit Operation
Date	10/11/2025
I declare that have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge: i) the audit has been undertaken in accordance with relevant condition(s) of consent and the <i>Independent Audit Compliance Requirements (Department 2019)</i>; ii) the findings of the audit are reported truthfully, accurately and completely; iii) I have exercised due diligence and professional judgement in conducting the audit; iv) I have acted professionally, objectively and in an unbiased manner; v) 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; vi) 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; vii) 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 viii) 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. Note: a) Under section 10.6 of the <i>Environmental Planning and Assessment Act 1979</i> 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 <i>Crimes Act 1900</i> 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 proposed auditor	David Bone
Signature	
Qualification	ADAS Resources Management 1986 CENVP Lead Environmental Auditor #137
Company	EMM Consulting Pty Limited
Company address	Level 3, 175 Scott Street, Newcastle, NSW 2300

Executive Summary

This independent environmental audit was conducted in accordance with development consent SSD-9787 granted 11 December 2019. The objective of the audit was to assess compliance with SSD approval in relation to operation of the Project. The audit period was from 14 November 2024 to 12 November 2025. This is the second operational audit for the project under the approval.

No modifications were approved during the audit period.

At the time of the audit, the education facility was operating.

The findings of this audit are that the operation of the approved project is considered compliant with the SSD-9787 conditions. No non-compliances were identified.

The management programs in place were found to be adequate in scope and applied in practice Nihon University for the stage of the development audited.

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1.3 Audit objectives

The key objective of the independent environmental audit (IEA) is to determine the project's compliance with SSD-9787 conditions relevant to the phase of the project underway at the time of the audit. The independent audit requirements are detailed in the following subsections.

The IEA determined compliance with the requirements of the project's supporting documentation for operational aspects.

Finally, the IEA assesses the overall effectiveness of environmental management at the Project through the site-based component of the audit.

1.4 Audit scope

The scope of the IEA is to assess the project's compliance with SSD-9787 and any strategy, plan or program required under the consent for the operation of the facility. The documents audited are included in Table 1.1.

Table 1.1 Management plans and monitoring programs required by SSD - 9787

Condition	Requirement
A1	Obligation to minimise harm to the environment
A2	Terms of Consent, Final layout plans
A3	DPHI written directions
A8	Consultation evidence
A9-A12	Staging
A16-A17	BCA requirements
A18, A20	Site contamination
A31	Revision of strategies, plans and programs
F1	Operation of plant and equipment
F2	Warm water systems and cooling
F3	Community Communication Strategy
F4, F5, E11	Heritage Interpretation Plan
F6, E14	Operational Transport and Access Management Plan
F7, E32	Long Term Environmental Management Plan
F8, F9	Operational Noise Limits
F10	Unobstructed driveways and parking areas
F11, E10	Green Travel Plan
F12	Ecologically Sustainable Development
F13, E24	Outdoor lighting
F14, E35	Landscaping
F15, F16	Dangerous goods

Condition	Requirement
F17	Discharge limits
F18, F19	Services zone

The audit also included assessment of post approval and compliance documentation prepared to satisfy the conditions of consent including the implementation of the Operational Environmental Management Plans (and associated sub-plans).

The audit reviewed the environmental performance of the project via assessment of:

- actual impacts compared to predicted impacts documented in the environmental impact assessment
- the physical extent of the project in comparison with the approved boundary
- incidents, non-compliances and complaints that occurred or were made during the audit period
- the performance of the project having regard to agency policies and any environmental focus areas identified through consultation carried out during the development of the audit scope
- feedback received by the project team from the Department, other agencies, and stakeholders, including the community, on the environmental performance of the project during the audit period.

The consultation register is contained Appendix B.

During the audit period no NSW Environment Protection Authority (EPA) penalty notices or enforceable undertakings had been raised on the publicly available register in relation to the site.

1.5 Audit period

The IEA assessed the environmental performance and compliance status of the facility from 14 November 2024 to 12 November 2025.

2 Audit methodology

The IEA was undertaken in accordance with the requirements as set out by section 3 of *Independent Audit Post Approval Requirements* (IAPAR, NSW Department of Planning, Industry and Environment (DPIE), 2020) and follows ISO 19011 audit principals where relevant.

The audit scope was developed by the lead auditor, Mr. David Bone and included review of the project approval, implementation of management plans and all documentation relevant to the operation of the project.

2.1 Selection and endorsement of audit team

This is an 'independent' audit, meaning that the auditor(s) must be endorsed by the Secretary of DPHI prior to conducting the audit. As such, the audit teams qualifications, and a statement on their independence from the site were submitted to DPHI and approval.

Approval of the auditor Mr David Bone (Lead Auditor) was received on 5 September 2025. The endorsement letter is contained in Appendix A. A notification of the audit was issued to DPHI Compliance on 28 October 2025 prior to the scheduled site inspection.

2.2 Independent audit scope development

The endorsed audit team developed the scope of this IEA in accordance with the NSW Independent Audit - Post approval requirements, the conditions of approval as approved by the NSW Minister for Planning and Environment have been listed in Appendix D and are used as the basis for this audit.

DPHI was contacted on 28 October 2025, and no additional items or consultation was required. A request to review the previous audit findings was made. These findings have been reviewed as part of the audit.

2.3 Compliance evaluation

The evaluation of compliance of the project was undertaken through several different means, including a desktop review of publicity available documentation, site interviews and a site visit. The site visit was undertaken to ensure that compliance with approved plans is being implemented on the ground and evidence is available to ensure ongoing compliance. Site interviews were used to assess that site personnel understand their role in relation to the compliance requirements for the project.

Additional information requested at the audit closeout meeting was supplied demonstrating compliance with approval requirements.

2.4 Site interviews

Information requests were sent following the site audit closeout meeting and subsequently following review of documents to ensure all conditions triggered for this audit were covered.

Interviews were held on site as part of the audit and included the following staff:

- Matthew Watson – APP Project Director
- Georgia Notaras – APP Intern
- Mark McCaughey – Nihon University Facility Technical Manager, Infrastructure and Facilities Services UoN

Discussion points raised were:

- site overview
- previous audits conducted
- regulatory advice and responses
- monitoring data
- complaints
- incidents during the audit period.

2.5 Site inspections

On the 13 November 2025 a site inspection of the project, was undertaken. The auditor was escorted at all times by Nihon University representatives. Those involved in the audit process (opening meeting, site interviews, site inspection and closing meeting) are listed in Section 2.4.



Photograph 2.1 View of the property looking west on Church Street

Appendix C includes photographs that were taken during the site inspection.

2.6 Consultation

No external consultation was required as a result of DPHI consultation and none was undertaken as part of the audit.

2.7 Compliance status descriptors

The audit has been undertaken in consideration of the following compliance status descriptors, in accordance with the requirements as set out by section 3 of Independent Audit Post Approval Requirements (NSW Department of Planning, Industry and Environment (DPIE), 2020):

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

In addition to the compliance status descriptors, the auditor may make such observations and notes, including identifying any opportunities for improvement, as they see fit in relation to any compliance requirement or any other aspect of the project.

3 Audit findings

3.1 Approvals and documents audited

The following documents were reviewed to assess compliance against relevant project approval conditions and the operational performance and effectiveness of environmental management measures implemented during the audit period:

- SSD 9787 – Conditions of Approval
- Audit reports
- Nihon Independent Audit Program 10/3/25
- Site Induction
- Nihon Website
- Compliance report December 2024
- SECA Solutions Green Travel Plan V02 20/6/2025
- UoN Maximo database system
- Security system logins and student travel data
- Community Communication Strategy
- Complaints register
- City Plan Heritage Interpretation Plan Rev 02 March 2021
- City Plan letter H-24033 Stage 2 heritage interpretation plan 24/4/24
- Wolvi Road Creative - post event report Newcastle Courthouse Open Day
- SECA solutions OTAMP V2 23/ 6 2021
- Long-term Environmental Management Plan Rev 1 Douglas Partners
- Capping Inspection Form Q3 2025 (19/9/25)
- Operational Landscape Management Plan Built Final 7/7/21
- Operational Management Plan
- RAPT Consulting - Noise Monitoring Report - Nihon University Newcastle Rev 0 March 2024
- Independent Environmental Audit (Operational) – Nihon University (14276-01, APP Group V1 28 Jan 2025.

3.2 Compliance performance

Of 173 conditions a total of 41 were identified which compliance was required to be determined during the audit. Of the 41 conditions triggered for this audit all were identified to be complaint. No non-compliances or recommendations were raised.

Table 3.1 identifies the non-compliance and recommendations.

Table 3.1 SSD 9787 Non-compliance and recommendations register – IEA

Non-compliance or recommendations reference	Condition Number ID	Audit finding	Recommendation
Nil			

3.3 Summary of agency notices, orders, penalty notices or prosecutions

During the audit period correspondence was received by the proponent in relation to the operational audit conducted in November 2024 by an auditor who was identified as having a perceived conflict of interest between the Lead Auditor and the Project Director. The correspondence (SSSD-9787-PA-88) requested:

Planning Secretary’s Direction

In accordance with Schedule 2, Condition A3 and Condition A22 of the consent, the Planning Secretary directs Nihon Daigaku Australia Newcastle Pty Ltd to undertake an IEA for period 14 November 2024 to 13 November 2025 in accordance with the NSW Planning Independent Audit Post Approval Requirements (2020). A new independent auditor must be agreed to in writing by the Planning Secretary prior to the commencement of the IEA. This audit will be a reduced scope audit, assessing compliance with Part A and Part F of the consent as applicable.

A scope request for the audit was sent to DPHI on 28 October 2025 prior to the audit site inspection, and no additional scope or consultation was required.

The auditor did not identify any notices, orders, penalties or prosecutions relevant to the site, and the site team did not report any matters to the auditor during interview questioning.

3.4 Previous audit findings and recommendations

This is the second operational independent environmental audit, previous findings and recommendations from operational audit #1 are provided in Table 3.2.

Table 3.2 Independent Environmental Operations Audit - 14276-01 January 2025 (APP Group)

Finding no.	Condition no.	Audit findings	Recommendations	Actions and status
OFI-01	Schedule 2 Part F Condition F15 - Dangerous Goods Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; for liquids, (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).	During the site inspection, it was noted that minor quantities of paint were stored in some of the storage areas. These do not pose an environmental risk as quantities are minor with no pathway to the environment, however best practice would be to store all hazardous substances in one location as per Australian Standard AS1940.	REC01. Recommend installing a hazardous substance cabinet in a well-ventilated area within the facility. Discussions on site during the site inspection suggested a secure area at the rear of the underground car park would be suitable.	Status closed. All materials of this nature were observed to be contained in a secure area at the rear of the underground carpark.

3.5 Management plans and compliance documents

The Plans and operating procedures have been developed in accordance with the conditions of consent.

Compliance documentation has been established and shows correct implementation in accordance with the EMP and sub plan requirements.

Environmental management documents are required for the project generally under CoA E1 to F19. The documents required for the project have been prepared and approved as required.

The implementation of the procedures was reviewed in detail during the site inspection,

Details on the documents reviewed in relation to these documents is contained in Appendix D.

The site inspection noted the following in relation to compliance with these plans:

- Records and the site inspections identified no issues in relation to the proper and efficient operation and condition of plant and equipment to the best of the auditor's knowledge.
- The website contains heritage information as required by the approved plan(s). The site inspection identified that the interpretive signage was in place and moveable heritage displays were present. A brochure is also available at the check in desk and on the website. The annual heritage open day was held on 1 May 2025 and included a court case re-enactment over two sessions.
- Pedestrian access requirements in section 2 of the Operational Traffic and Pedestrian Management Plan (OTAMP) are in place with pedestrian access unimpeded by the development at the time of the audit. An information pack for students is available and also contained in the University of Newcastle (UoN) and Nihon websites.
- Section 3 of the OTAMP identifies car parking requirements for up to 20 vehicles. The underground carpark was inspected and noted to be accessible and clearly delineated for parking. Bicycle parkin and end of trip facilities are also available and in use.
- Section 4 of the OTAMP identifies access arrangements for service vehicles such as waste collections. These arrangements are in place and for waste and larger vehicles such as buses off Church Street with removable bollards.

- Waste bins are contained in dedicated waste rooms on the eastern side of the building which are accessed from the lane as per design requirements. Contractor access is controlled via the security kiosk sign on in the main building to ensure access is limited to inducted and approved contractors and staff.
- Section 5 of the OTAMP identifies access arrangements and was noted to be in accordance with these requirements during the site inspection. No queuing of vehicles was noted, access was available from Church Street for pedestrians, and all access is monitored and recorded by the UoN security team and the site security team.
- Section 6 of the OTAMP identifies monitoring and review requirements, which were all in place and recorded on the various systems in use. No issues have been identified with the current plan, and all aspects are being implemented.
- The Long-Term Environmental Management Plan (LTEMP) identifies in section 5.3 implementation requirements. The notifications required in this section were completed prior to the audit period with the remaining relevant matters being regular inspections of the capping areas. This requirement is included in landscaping (including pavements and paving) maintenance procedures as these are the only areas regularly maintained. Other areas are beneath buildings, pavements and footpath areas.
- No damage or works below ground have been required during the audit period and no damage or evidence of deterioration of capping was recorded or observed during the audit. Monitoring required under the LTEMP was reviewed as part of the audit and found to be compliant with the requirements.
- Landscape maintenance at the Nihon Campus is guided by the Landscape Management Plan and the LTEMP (section 3.11). The required elements from these plans are integrated into the UoN Integrated Facilities Management teams activities. All records of activities undertaken are logged and managed from inception to closeout through the Maximo system.
- A report was undertaken to assess the developments noise impacts against EIS predictions. The report indicated that: *'No contributions from activities within Nihon University could be measured off-site, and computed contributions were also below criteria levels. Therefore, based on the results of the measurements and attended observations, emissions from the site were considered compliant with the criteria established.'*
- The site inspection included an inspection all driveways, footpaths and parking areas. No obstruction of these areas was observed and no use of these areas for manufacture, storage or display of goods, materials, refuse, skips or any other equipment was observed.
- The Green Travel Plan (GTP) contains details on the modes of transport available and timetables for each relevant mode to access the facility. Modes such as Nu Space Shuttle are recorded as part of UoN facilities management data held in the security database. As the Nihon facility is integrated into the UoN campus some lectures and study are undertaken at other UoN campus buildings. Where specific purpose studies by overseas students occur from time to time, these are held at Nihon campus. Trip planning advice is included in the plan in section 2.8 and provides links to relevant transport, UoN and other provider websites for up-to-date services.
- Targets for the GTP are set in figure 3.1 and consider 100% of the 100 students and 12 staff that reside on site are within the Active Transport Zone and either cycle, walk or use Public Transport.
- Future demands are discussed in section 4 of the GTP and indicate that 100% of International Students would use Active Transport with an increase likely for local students linked to the UoN campus would use a combination of active, public or park and ride services.

- Surveys of students and staff are conducted as part of UoN campus wide surveys as required under section 5.4 of the GTP, and attendance numbers, shuttle data and carpark access data is monitored and available. Information required in sections 5.5 to 5.8 is available via the UoN website, student intranet, information packs, information desk and via transport provider apps.
- No complaints have been received regarding outdoor lighting in the audit period.
- No discharges apart from stormwater are generated by the site.
- All waste services are stored internally and collected as required from the internal rooms by licensed contractors. Frequency of collection varies depending on student numbers and operation of the kitchen.

3.6 Environmental performance

The project was considered to be in general compliance with all conditions that have been triggered at this stage of the project. The site was well organised; site personnel were aware of the environmental requirements under the approval

3.7 Consultation outcomes

No consultation was required or undertaken for this audit.

3.8 Complaints

No complaints had been received for the audit period.

3.9 Incidents

No notifiable incidents have been recorded for the facility during the audit period.

3.10 Actual versus predicted environmental impact

The project is being managed in accordance with environmental management plans that have been developed to mitigate environmental impacts. At this stage of the project is considered to be compliant with predicted impacts.

3.11 Site interviews

All site personnel were aware of their environmental requirements for their roles on site. Personnel interviewed during the audit are detailed in Section 2.4.

3.12 Site inspections

The site inspection of the facility included inspection of the facility operations including:

- active facility areas
- heritage zones within the facility
- accommodation areas within the facility
- waste receipt areas
- dangerous goods storage areas

- external areas
- landscaping.

3.13 Previous annual review or compliance report recommendations

This was the second operational audit for the project. The previous audit findings were closed prior to the undertaking of this audit. See Section 3.4 and Table 3.2.

3.14 Key strength

The facility managers are well organised and were aware of their environmental and heritage requirements on site. All records were well organised and readily available upon request.

4 Compliance summary

4.1 Non-compliances

No non-compliances were identified for the audit period.

4.2 Recommendations

No recommendations were identified during the audit period.

5 Conclusion

The audit of the project was undertaken on 13 November 2025. The auditor identified that the project has a high level of compliance with the conditions of approval and management plans approved under the conditions.

The site was well maintained and organised with the facility management team having a very good understanding of the requirements of the consent and a high level of understanding of the requirements of the approved plans which they implement to a high-quality level.

As a result of the good management no non-compliances or recommendations were identified during the audit.

The facility is managed by UoN Integrated Facilities Services which ensures good communication between Nihon management and the facility to ensure the operational needs of the campus are met and the conditions of operation are also met.

Appendix A

NSW Department of Planning and Environment Secretary's
Endorsement

Department of Planning, Housing and Infrastructure

NSW Planning ref: SSD-9787-PA-98

Mathew Watson

Consultant Project Manager (vendor affiliate)

The University of Newcastle

05/09/2025

Sent via the Major Projects Portal only

Subject: Nihon University Newcastle Campus - Independent Audit - Appointment of Auditor(s)

Dear Mr Watson

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Nihon University Newcastle Campus, submitted as required by the Planning Secretary's Direction (NSW Planning reference: SSD-9787-PA-88) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 21 August 2025.

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

In accordance with Schedule 2, Condition D29 of SSD-9787 as modified (the consent) and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team:

- David Bone – Lead Auditor
- Michelle Frankham – Assistant Auditor

Please note:

- This correspondence must be appended to the Independent Audit Report.
- The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of consent and the NSW Planning *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.
- Operational Audits – The above audit team is approved for the current operational audit only. Additional approval must be sought from the Planning Secretary for future audits of the development.
- Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.
- The Lead Auditor must attend the site inspection component of the audit.

Department of Planning, Housing and Infrastructure

- Endorsed experts/specialists must attend the site inspection component of the audit unless otherwise agreed by the Planning Secretary.
- The audit period is the day after the site inspection date of the previous audit, to the final site inspection date of the current audit.

Should you wish to discuss the matter further, please contact Joel Fleming, (Senior Compliance Officer) on 02 6575 3416 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "H Watters".

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Appendix B

Consultation

Table B.1 Consultation register

Date	Agency	Reply
28/10/25	DPHI – Joel Flemming	No consultation required

NSW Planning ref: SSD-9787-PA-88

Julie Meehan
Precinct Project Manager
The University of Newcastle
Awabakal Country
DATEWILLBEINSERTEDHERE

Sent via the Major Projects Portal only

Subject: Nihon University Newcastle Campus - Independent Environmental Audit 2024 (Operational)

Dear Mrs Meehan

I refer to your Independent Environmental Audit 2024 (Operational) (the audit report) and Response to Audit Recommendations (RAR) for the period 1 February 2024 to 13 November 2024, submitted as required by Schedule 2, Condition D32 (b) of SSD-9787 as modified (the consent) to the NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 11 December 2024.

NSW Planning considers the audit report to generally satisfy the reporting requirements of the consent and the NSW Planning *Independent Audit Post Approval Requirements* (2020). However, there is a perceived conflict of interest between the Lead Auditor and the Project Director, sharing a common employer (APP Corporation Pty Limited). Additionally, consultation regarding the scope of the audit was not carried out as required by Section 3.2 of the NSW Planning *Independent Audit Post Approval Requirements* (2018). This non-compliance with Schedule 2, Condition D32(b) of the consent has been assessed by NSW Planning in accordance with its Compliance Policy, with NSW Planning on this occasion determining to record the breaches with no further enforcement action proposed. However, please note that recording the breach does not preclude NSW Planning from taking an alternative enforcement action, should it become apparent that an alternative response is more appropriate.

Please note that NSW Planning's acceptance of the audit report is not an endorsement of the compliance status of the project.

As required by Schedule 2, Condition D33 (c) of the consent, please make publicly available a copy of the audit report and RAR on the company/project website.

Please include a status update for all actions provided in the RAR in the next Independent Environmental Audit (IEA) until all actions are completed.

Planning Secretary's Direction

In accordance with Schedule 2, Condition A3 and Condition A22 of the consent, the Planning Secretary directs Nihon Daigaku Australia Newcastle Pty Ltd to undertake an IEA for period 14 November 2024 to 13 November 2025 in accordance with the NSW Planning *Independent Audit Post*

Approval Requirements (2020). A new independent auditor must be agreed to in writing by the Planning Secretary prior to the commencement of the IEA. This audit will be a reduced scope audit, assessing compliance with Part A and Part F of the consent as applicable.

Should you wish to discuss the matter further, please contact Joel Fleming, (Senior Compliance Officer) on 02 6575 3416 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Joel Curran".

Joel Curran
Acting Team Leader
Compliance

As nominee of the Planning Secretary

20 August 2025

Team Leader
NSW Department of Planning Housing and Infrastructure
c/o email
Newcastle NSW

Re: SSD 9787 - Nihon University Newcastle, 9 Church Street Newcastle - Operational Audit Advice and scope requirements

EMM Consulting Pty Limited (EMM) has been engaged by Nihon Daigaku Australia Newcastle Pty Ltd Newcastle to undertake an independent environmental audit (IEA) of the Educational Facility Building. In accordance with the development consent (SSD 9787) for the project, specifically Schedule 2, Part D, Condition D30. The auditor approval was sought on 21 August 2025 (SSD9787-PA-98) and was approved on 5 September 2025 (SSD-9787-PA-98). Following this, an audit program has been developed. This operational Audit is programmed to be undertaken starting with a site inspection and interviews on Thursday 13 November 2025.

The IEA will review operational aspects for the property. EMM's lead auditor Mr David Bone, approved by DPHI will conduct the audit. The audit will be undertaken in accordance with the 2020 Independent Audit Post Approval Requirements (IAPAR 2020), which requires that the auditor consult with DPHI in relation to the scope of the audit and any requirement for consultation with other parties. An agenda for the audit is attached for your reference.

Currently no key stakeholders have been contacted by the audit team in relation to this audit. Where DPHI require any consultation to occur or consider that the audit should have any key areas of focus, the scope will be adjusted to include these requests.

All matters raised will be documented as part of the audit process and responses included in the audit report submitted to DPHI. Should you have any questions, please do not hesitate to contact me.

Yours sincerely



David Bone
Associate Director
dbone@emmconsulting.com.au

Appendix A

SSD-9787 – Operational Audit Scope

A.1 SSD 9787 Operational Audit scope

The scope of the IEA is to assess the Project's compliance with SSD-9787 and any strategy, plan or program required under the consent. The documents to be audited will include but not be limited to those listed in the Table below.

Table A.1 Management plans and monitoring programs required by SSD-9787

Condition	Requirement
A1	Obligation to minimise Harm to the Environment
A2	Terms of Consent, Final Layout Plans
A3	DPHI written directions
A8	Consultation evidence
A9-A12	Staging
A16,17	BCA requirements
A18, 20	Site Contamination
A31	Revision of Strategies, Plans and Programs
E1	Temporary Structures and elements
F1	Operation of Plant and Equipment
F2	Warm water systems and cooling
F3	Community Communication Strategy
F4, 5, E11	Heritage Interpretation Plan
F6, E14	Operational Transport and Access Management Plan
F7, E32	Long Term Environmental Management Plan
F8,9	Operational Noise Limits
F10	Unobstructed driveways and Parking Areas
F11, E10	Green Travel Plan
F12	Ecologically Sustainable Development
F13, E24	Outdoor Lighting
F14, E35	Landscaping
F15,16	Dangerous Goods
F17	Discharge Limits
F18,19	Services Zone

Table – A.2 Other documents

Additional information
Environmental monitoring and management data supplied to meet the requirements of the above-mentioned plans
The IEA will be led by David Bone, certified environmental practitioner – Environmental auditing, construction environmental management (CENVP #137). During the IEA he will:
• determine the project’s compliance against all conditions of SSD-9787; • work with personnel to determine the significance of any non-compliances, if identified, and recommend actions to achieve regulatory compliance; and • in the final audit report, note any actions to be taken to rectify any identified non-compliance.
The following agenda will be used for the audit:
• review approval conditions and prepare audit compliance matrix • prepare an RFI of information required to be reviewed during the audit • conduct a site-based inception meeting with relevant parties to confirm the objectives and scope: - confirm the audit objectives, scope and criteria; - explain how the audit will be conducted; - explain the sample methodology and associated uncertainty; - confirm the communication channels during and after the audit; - confirm the auditee will be kept informed during the audit; and - inform the auditee that notes will be taken. • conduct the audit: - inspect the site; - interviews with onsite personnel; and - review the onsite management documents and evidence (if time permits, otherwise this component will be completed at EMM offices following the site component). • preliminary review findings and assign them as: compliant, non-compliant or not triggered. • Conduct a close out meeting to ensure all required data for completion of audit has been collated and is available to the audit team.



Outlook

Re: SSD 9787 - Nihon University Operational Audit - Scope definition request

From Joel Fleming <joel.fleming@dpie.nsw.gov.au>
Date Wed 2025-10-29 10:19 AM
To David Bone <dbone@emmconsulting.com.au>
Cc Michelle Frankham <mfrankham@emmconsulting.com.au>

Hi David,

Thank you for contacting NSW Planning for consultation on this IEA process.

I do not have any additional requests for stakeholder consultation or audit scope requirements not already described in the Independent Audit Post Approval Requirements (2020) or in your attached scope.

Thanks.

Joel Fleming
Senior Compliance Officer

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



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

From: David Bone <dbone@emmconsulting.com.au>
Sent: Tuesday, October 28, 2025 5:49 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Cc: Joel Fleming <joel.fleming@dpie.nsw.gov.au>; Heidi Watters <Heidi.Watters@Planning.nsw.gov.au>; Michelle Frankham <mfrankham@emmconsulting.com.au>
Subject: SSD 9787 - Nihon University Operational Audit - Scope definition request

Please find attached notification of an upcoming audit for this project.

As the lead auditor for the project, should you have any questions or require further information please contact me.

Thanks

David Bone CENVP #137

Associate Director/Technical Lead – Environmental Management and Delivery



T 02 4907 4800

M 0407 461 092

LI [Connect on LinkedIn](#)

emmconsulting.com.au

NEWCASTLE | Awabakal Country, Level 3, 175 Scott Street, Newcastle NSW 2300



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Appendix C

Photographs

C.1 Photographs



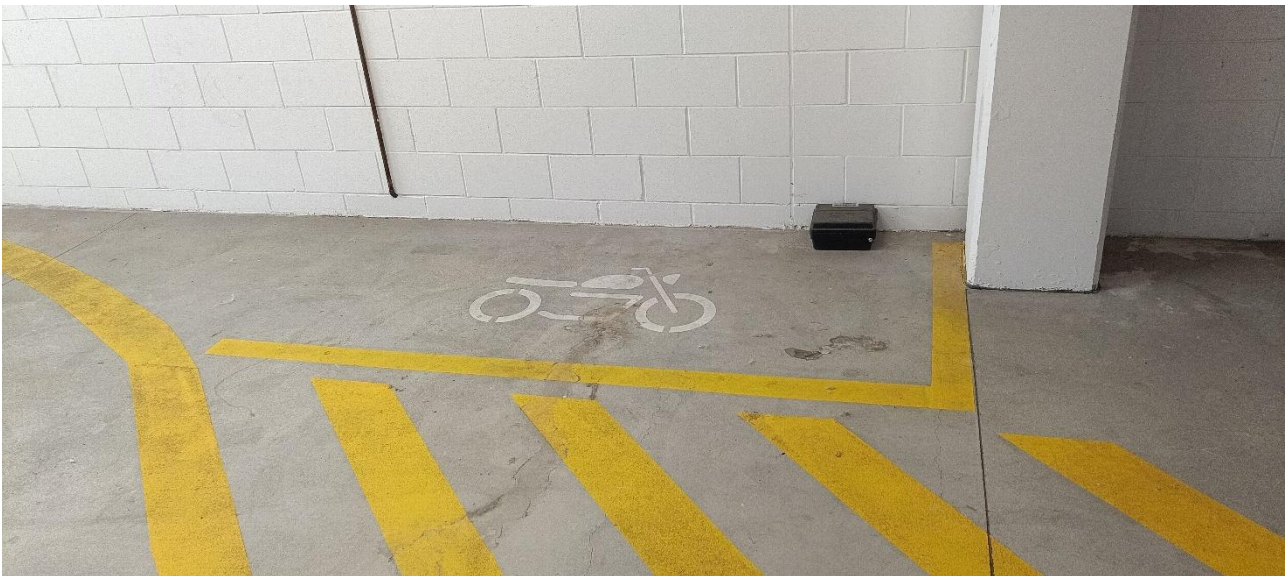
Photograph C.1 View along Church Street pedestrian areas looking east



Photograph C.2 Undercover parking area and bike access off Church Street



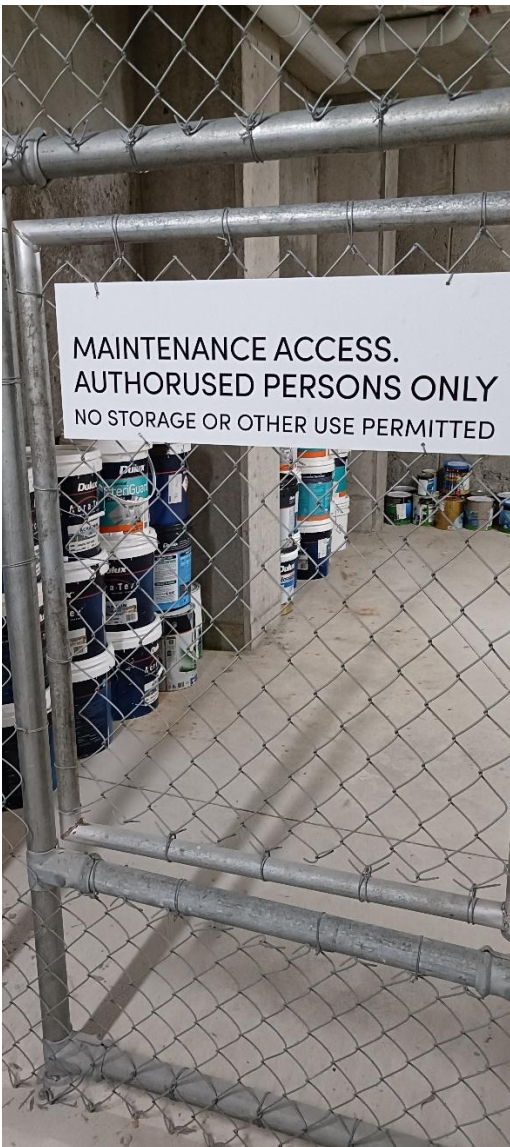
Photograph C.3 **Bicycle parking area in underground carpark**



Photograph C.4 **Motorbike parking area in underground carpark**



Photograph C.5 **Carparking area in underground carpark**



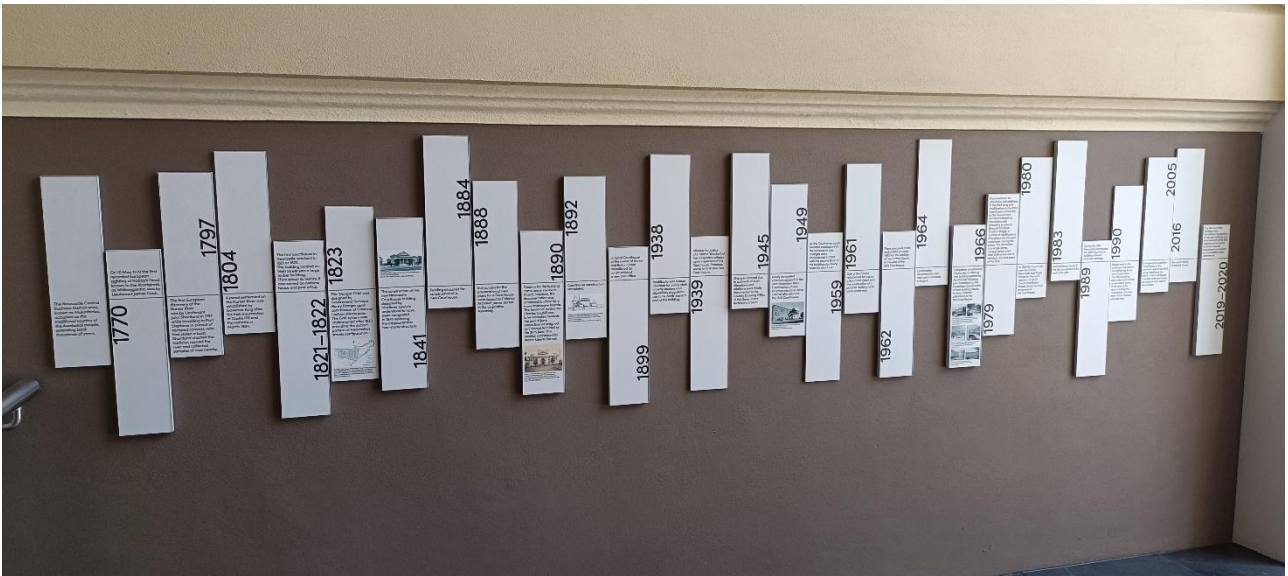
Photograph C.6 **Paints in storage area**



Photograph C.7 **Classroom area**



Photograph C.8 **Waste storage area**



Photograph C.9 Heritage timeline



Photograph C.10 Transport mode information

Appendix D

Independent audit compliance table

SSD9787 Nihon University Newcastle Campus
Key Dates
Approved 11/12/19
Operational 1/2/24
Site Inspection - 13/11/25

SSD Part	SSD Req. No.	SSD Requirement	Triggered for Audit Period	Evidence	Operational Audit Findings	Operational Audit Compliance
PART	A	ADMINISTRATIVE CONDITIONS				
A		Obligation to Minimise Harm to the Environment				
A	A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.	Triggered	SSD 9787	The project continues to be compliant with the obligation to minimise harm to the environment into the operational phase.	Compliant
A		Terms of Consent				
A	A2 (a)	The development may only be carried out in compliance with the conditions of this consent.	Triggered	SSD 9787	The site is operational and was noted to be in compliance with the applicable conditions as noted in this document	Compliant
A	A2 (b)	in accordance with all written directions of the Planning Secretary;	Not Triggered		No directions received during the audit period	Not Triggered
A	A2 (c)	generally in accordance with the EIS as amended by the Response to Submissions;	Triggered	EIS, Submissions report and additional information documents DPHI MP Portal	The site is operational and was noted to be in compliance with the applicable conditions as noted in this document	Compliant
A	A2 (d)	in accordance with the approved plans in the table below (except as may be amended by the conditions of consent): - Architectural (or Design) Drawings prepared by Asusa Sekkei Architects - Landscape Drawings prepared by Moir Landscape Architects	Triggered	EIS, Submissions report and additional information documents DPHI MP Portal	The site is operational and was noted to be in compliance with the applicable conditions as noted in this document	Compliant
A	A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and (b) the implementation of any actions or measures contained in any such document referred to in (a) above.	Not Triggered	SSD 9787-PA-88 5/2/25 SSD 9787-PA-98 5/9/25	Direction received to undertake a follow-up audit of the operation of the facility as a result of the previous audit team having a perceived conflict of interest. The audit period was defined as 14/11/24 to 13/11/25 and the scope of the audit was conditions A and F as applicable. The new audit team was approved on 5/9/25 and the audit site inspection was undertaken on 13/11/25.	Compliant
A	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.	Triggered	EIS, Submissions report and additional information documents DPHI MP Portal	No directions received during the audit period	Compliant
A		Limits of Consent				
A	A5	This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.	Triggered	Audit reports (DPHI MP Portal) Nihon Audit Schedule 10/3/25	Construction commenced in late December 2019 with the first construction audit undertaken in February 2020. Works on the project commenced within 5 years of the date of the approval	Compliant
A		Prescribed conditions				
A	A6	The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	Not Triggered		Site is operational, relevant conditions covered in previous audits	Not Triggered
A		Planning Secretary as Moderator				
A	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.	Triggered		There have been no disputes between the Applicant and a public authority during the audit period.	Compliant
A		Evidence of Consultation				
A	A8	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document for information or approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Not Triggered		No consultation required for operational phase	Not Triggered
A		Staging				
A	A9	The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the information of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	Triggered	Audit reports (DPHI MP Portal)	The project is not staged for operation. All parts of the development are currently operational.	Compliant
A	A10	A Staging Report prepared in accordance with condition A9 must: (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when 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.	Not Triggered		No staging for operation. A delay to the proposed operation date occurred as a result of COVID 19 restrictions. The operation of the facility then opened without staging in 2024.	Not Triggered
A	A11	Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.	Not Triggered		No staging for operation	Not Triggered
A	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.	Not Triggered		No staging for operation	Not Triggered
A		Staging, Combining and Updating Strategies, Plans or Programs				

A	A13	With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program); (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated 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).	Not Triggered		No staging for operation	Not Triggered
A	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		No staging for operation	Not Triggered
A	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.	Not Triggered		No staging for operation	Not Triggered
A		Structural Adequacy				
A	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. Notes: • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. • Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.	Not Triggered		No new buildings or alterations undertaken.	Not Triggered
A		External Walls and Cladding				
A	A17	The external walls of all buildings including additions to existing building must comply with the relevant requirements of the BCA.	Not Triggered		BCA signoff as part of other audits	Not Triggered
A		Site Contamination				
A	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: (a) interim advice dated 12 November 2019 and prepared by NSW EPA Accredited Site Auditor Ian Gregson, Principal Environmental Consultant, GHD; (b) the recommendations provided in the Phase 1 Environmental Site Assessment – Technical Note dated 29 April 2019 and prepared by Cardno; (c) NSW EPA Sampling Design Guidelines; (d) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017 https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-thensw-site-auditor-scheme-third-edition ; (e) Guidelines for Consultants Reporting on Contaminated Sites, 2011 www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf ; (f) The National Environment Protection (assessment of contamination) Measures 2013 as amended; and (g) testing must include assessment of both the soil and groundwater profile.	Not Triggered		Covered in previous audit periods	Not Triggered
A	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		Covered in previous audit periods	Not Triggered
A	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.	Not Triggered		Covered in previous audit periods	Not Triggered
A		Applicability of Guidelines				
A	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.	Triggered		Noted.	Compliant
A	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.	Triggered	Audit reports (DPHI MP Portal) SSD 9787-PA-88	A direction was issued on 5/2/25 in relation to the original operational audit report. As part of this direction the following direction was made: "In accordance with Schedule 2, Condition A3 and Condition A22 of the consent, the Planning Secretary directs Niron Daigaku Australia Newcastle Pty Ltd to undertake an IEA for period 14 November 2024 to 13 November 2025 in accordance with the NSW Planning Independent Audit Post Approval Requirements (2020). A new independent auditor must be agreed to in writing by the Planning Secretary prior to the commencement of the IEA. This audit will be a reduced scope audit, assessing compliance with Part A and Part F of the consent as applicable."	Compliant
A		Monitoring and Environmental Audits				

A	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: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.	Triggered		Noted, see detail in other conditions	Compliant
A		Access to information				
A	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: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; (x) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	Not Triggered	https://www.nihon-u.ac.jp/en/newcastle/campus/ https://www.nihon-u.ac.jp/en/dev-newcastle/	The website was reviewed as part of the audit and found to contain all information required. The project completed construction in 2023 and has been operational since February 2024. The information is still contained on the website as identified by this condition.	Not Triggered
A		Compliance				
A	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.	Triggered	Site Induction process	An induction process was reviewed which restricts access to the building for any works to protect heritage values of the buildings. All personnel conducting 'work' are required to take the induction.	Compliant
A		Incident Notification, Reporting and Response				
A	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		No incidents noted to have occurred during the audit period	Not Triggered
A	A27	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 2.	Not Triggered		None required	Not Triggered
A		Non-Compliance Notification				
A	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.	Not Triggered		No non-compliances noted during the audit period	Not Triggered
A	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.	Not Triggered		None required	Not Triggered
A	A30	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Not Triggered		No non-compliances noted during the audit period	Not Triggered
A		Revision of Strategies, Plans and Programs				
A	A31	Within three months of: (a) the submission of a compliance report under condition C22; (b) the submission of an incident report under condition A27; (c) the submission of an independent Audit under condition D32; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and/or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and/or Certifier for approval and/or information (where relevant) within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.	Triggered	Compliance report December 2024	Compliance report submitted 20/12/2024 No incident reports submitted Audit report submitted 11/12/2024 No modifications No directions No changes have been required to management plans as a result of a review of compliance reports or audit reports. Notifications are provided in compliance reports where relevant. The compliance report was submitted including information relevant to this condition within 3 months of the audit report submission.	Compliant
PART	B	PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE				
B		Certified Drawings				
B	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.	Not Triggered		Project is operational	Not Triggered
B		Development Contributions				

B	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.	Not Triggered		Project is operational	Not Triggered
B		Extend Walls and Cladding				
B	B3	Prior to the commencement of construction of external walls and cladding, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use 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 Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.	Not Triggered		Project is operational	Not Triggered
B		Protection of Public Infrastructure				
B	B4	Prior to the issue of the relevant Construction Certificate, the Applicant must: (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.	Not Triggered		Project is operational	Not Triggered
B		Pre-Construction Dilapidation Report				
B	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.	Not Triggered		Project is operational	Not Triggered
B		Ecologically Sustainable Development				
B	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: (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or (b) seeking approval from the Planning Secretary for an alternative certification process.	Not Triggered		Project is operational	Not Triggered
B		Operational Waste Storage and Processing				
B	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		Project is operational	Not Triggered
B		Rainwater Harvesting				
B	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		Project is operational	Not Triggered
B		Operational Car Parking and Service Vehicle Layout				
B	B9	Prior to the issue of the relevant Construction Certificate, compliance with the following requirements must be submitted to the satisfaction of the Certifier: (a) all vehicles must enter and leave the Site in a forward direction; (b) a minimum of 20 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; (c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2; (d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed; and (e) traffic management devices in the form of 'Stop' and 'Give Way to Pedestrian' signs and line marking must be installed at the entry of proposed driveways within the site and constructed in accordance with AS 2890.1:2004; Parking facilities 0 Off-street car parking.	Not Triggered		Project is operational	Not Triggered
B		Bicycle Parking and End of Trip Facilities				
B	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: (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.	Not Triggered		Project is operational	Not Triggered
PART C	C	PRIOR TO COMMENCEMENT OF CONSTRUCTION				
C		Notification of Commencement				
C	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.	Not Triggered		Project is operational	Not Triggered
C	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		Project is operational	Not Triggered
C		Construction Certificate				
C	C3	Work must not commence until a Construction Certificate in respect of the work has been issued	Not Triggered		Project is operational	Not Triggered
C		Outdoor Lighting				

C	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.	Not Triggered		Project is operational	Not Triggered
C		Demolition				
C	C5	Prior to the commencement of construction, demolition work plans required by AS 2601-2001 The demolition of structures (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.	Not Triggered		Project is operational	Not Triggered
C	C6	Prior to the commencement of internal demolition works within the State heritage listed former Newcastle Courthouse, evidence must be submitted to the satisfaction of the Certifier confirming works planned are required to make the existing building compliant with the fire and Life Safety Upgrade Strategy, prepared by Design Confidence, dated 12 June 2019, and that impacts to areas of high significant fabric have been limited.	Not Triggered		Project is operational	Not Triggered
C		Environmental Management Plan Requirements				
C	C7	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) detailed baseline data; (b) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (d) a program to monitor and report on the: (i) impacts and environmental performance of the development; (ii) effectiveness of the management measures set out pursuant to paragraph (c) above; (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance. Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans	Not Triggered		Project is operational	Not Triggered
B		Construction Environmental Management Plan				
C	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: (a) Details of: (i) hours of work; (ii) 24-hour contact details of site manager; (iii) management of dust and odour to protect the amenity of the neighbourhood; (iv) stormwater control and discharge; (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; (vi) groundwater management plan including measures to prevent groundwater contamination; (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; (viii) community consultation and complaints handling; (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	Not Triggered		Project is operational	Not Triggered
C	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.	Not Triggered		Project is operational	Not Triggered

C	C10	The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following: (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.	Not Triggered		Project is operational	Not Triggered
C	C11	The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following: (a) be prepared by a suitably qualified and experienced noise expert; (b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009); (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers; (d) include strategies that have been developed with the community for managing high noise generating works; (e) describe the community consultation undertaken to develop the strategies in condition C11(d); (f) include a complaints management system that would be implemented for the duration of the construction; and (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C7(d). The program should be developed in accordance with the report titled Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting, and included, but not limited: (i) alert triggers where project trigger noise levels are exceeded; and (ii) procedures for respite periods when sensitive receivers become 'highly noise affected' (i.e. noise levels exceed 75 dB(A).	Not Triggered		Project is operational	Not Triggered
C	C12	The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following: (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.	Not Triggered		Project is operational	Not Triggered
C		Aboriginal Cultural Heritage Management Plan				
C	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: (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.	Not Triggered		Project is operational	Not Triggered
C		Construction Worker Transportation Strategy				
C	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		Project is operational	Not Triggered
C		Stormwater Management System				
C	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: (a) be designed by a suitably qualified and experienced person(s); (b) be design in consultation with and to the satisfaction of Council; (c) be generally in accordance with the conceptual design in the EIS as amended by the RtS; (d) be in accordance with applicable Australian Standards; (e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2019) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines; (f) divert existing clean surface water around operational areas of the site; (g) direct all sediment laden water in overland flow away from the leachate management system; (h) prevent cross-contamination of clean and sediment or leachate 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.	Not Triggered		Project is operational	Not Triggered
C		Operational Noise - Design of Mechanical Plant and Equipment				

C	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		Project is operational	Not Triggered
C		Archaeological Salvage - Historic Archaeology				
C	C17	Following the completion of demolition works and prior to the commencement of construction works, all affected historical archaeological deposits are to be subject to professional archaeological excavation and recording. An Archaeological Research Design and Excavation methodology must be prepared to guide the archaeological program. This must be prepared in accordance with Heritage Council of NSW Guidelines and in consultation with Heritage NSW, Department of Premier and Cabinet.	Not Triggered		Project is operational	Not Triggered
C	C18	The Archaeological program must be directed by a suitably qualified and experienced Archaeologist (Excavation Director). The nominated Excavation Director must be able to demonstrate their ability to undertake this work through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.	Not Triggered		Project is operational	Not Triggered
C		Landscaping				
C	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 (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.	Not Triggered		Project is operational	Not Triggered
C		Public Domain Works				
C	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: (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.	Not Triggered		Project is operational	Not Triggered
C	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.	Not Triggered		Project is operational	Not Triggered
C		Compliance Reporting				
C	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		Project is operational	Not Triggered
C	C23	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Triggered	monitoring and environmental reporting - Nihon University Newcastle Campus	Compliance reports are prepared as required by the guidelines	Compliant
C	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.	Triggered	monitoring and environmental reporting - Nihon University Newcastle Campus	Compliance reports are contained on the proponents website	Compliant
C	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		No request made or approved to the date of the audit	Not Triggered
PART D	D	DURING CONSTRUCTION				
D		Site Notice				

D	D1	A site notice(s): (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.	Not Triggered		Project is operational	Not Triggered
D		Operation of Plant and Equipment				
D	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.	Not Triggered		Project is operational	Not Triggered
D		Demolition				
D	D3	Demolition work must comply with the demolition work plans required by Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Condition C5.	Not Triggered		Project is operational	Not Triggered
D		Construction Hours				
D	D4	Construction, including the delivery of materials to and from the site, may only be carried out between the following hours: (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and (b) between 8 am and 1 pm, Saturdays. No work may be carried out on Sundays or public holidays.	Not Triggered		Project is operational	Not Triggered
D	D5	Construction activities may be undertaken outside of the hours in condition D4 if required: (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.	Not Triggered		Project is operational	Not Triggered
D	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.	Not Triggered		Project is operational	Not Triggered
D	D7	Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours: (a) 9am to 12pm, Monday to Friday; (b) 2pm to 5pm Monday to Friday; and (c) 9am to 12pm, Saturday.	Not Triggered		Project is operational	Not Triggered
D		Implementation of Management Plans				
D	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.	Not Triggered		Project is operational	Not Triggered
D		Construction Traffic				
D	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.	Not Triggered		Project is operational	Not Triggered
D		Harding Requirements				
D	D10	The following harding requirements must be complied with: (a) no third-party advertising is permitted to be displayed on the subject harding/ 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.	Not Triggered		Project is operational	Not Triggered
D		No Obstruction of Public Way				
D	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.	Not Triggered		Project is operational	Not Triggered
D		Construction Noise Limits				
D	D12	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	Not Triggered		Project is operational	Not Triggered
D	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.	Not Triggered		Project is operational	Not Triggered
D	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.	Not Triggered		Project is operational	Not Triggered
D		Vibration Criteria				
D	D15	Vibration caused by construction at any residence or structure outside the site must be limited to: (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).	Not Triggered		Project is operational	Not Triggered
D	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		Project is operational	Not Triggered

D	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		Project is operational	Not Triggered
D		Tree Protection				
D	D18	For the duration of the construction works: (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 Aboriginal 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.	Not Triggered		Project is operational	Not Triggered
D		Air Quality				
D	D19	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Not Triggered		Project is operational	Not Triggered
D	D20	During construction, the Applicant must ensure that: (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.	Not Triggered		Project is operational	Not Triggered
D		Erosion and Sediment Control				
D	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'.	Not Triggered		Project is operational	Not Triggered
D		Imported Soil				
D	D22	The Applicant must: (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.	Not Triggered		Project is operational	Not Triggered
D		Disposal of Seepage and Stormwater				
D	D23	Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.	Not Triggered		Project is operational	Not Triggered
D		Unexpected Finds Protocol - Aboriginal Heritage				
D	D24	In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.	Not Triggered		Project is operational	Not Triggered
D		Unexpected Finds Protocol - Historic Heritage				
D	D25	If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the NSW Heritage Division.	Not Triggered		Project is operational	Not Triggered
D		Waste Storage and Processing				
D	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.	Not Triggered		Project is operational	Not Triggered
D	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).	Not Triggered		Project is operational	Not Triggered
D	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		Project is operational	Not Triggered
D		Independent Environmental Audit				
D	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.	Triggered	Approval of auditors SSD-9787-PA-98 5/9/25	Auditors approved on 5/9/25	Compliant
D	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.	Triggered	Independent Environmental Audit Program 10/3/25	Program developed prior to construction in October 2023 and updated in February 2025 following DPHI advice from November 2024 operational IEA	Compliant

D	D31	Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is: (a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; (b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit; and In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.	Not Triggered		Project is operational	Not Triggered
D	D32	Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with: (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D30 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Triggered	Independent Environmental Audit Program 10/3/25	Audits undertaken and submitted in accordance with the program developed prior to construction in October 2023	Compliant
D	D33	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition D30 of this consent; (b) submit the response to the Planning Secretary and the Certifier; and (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	Triggered	Compliance reports Independent Audit reports	Responses to audit findings addressed and reported in compliance reports	Compliant
D	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		No request made or approved to the date of the audit	Not Triggered
PART	E	PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE OR COMMENCEMENT OF OPERATION				
E		Notification of Occupation				
E	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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		External Walls and Cladding				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Post-Construction Dilapidation Report				
E	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: 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: 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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Public Domain Works				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Protection of Public Infrastructure				
E	E6	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Easements				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Utilities and Services				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Works as Executed Plans				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Green Travel Plan				

E	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: (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.	Triggered	SECA Solutions GTP V02 20/6/255 UoN transport usage survey data Student logins Car park passes Security data	Plan approved and being implemented, See Condition F11.	Compliant
E		Heritage Interpretation Plan				
E	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: (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.	Not Triggered	Heritage Interpretation Plan V02 City Plan	Project is operational, approval of the plan addressed in previous audit periods. The plan was being implemented at the time of the audit. See Condition F4	Compliant
E		Operational Management Plan				
E	E12	Prior to issue of an Occupation Certificate, the Applicant must prepare an Operational Management Plan for the site. The plan must: (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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Operational Transport and Access Management Plan (OTAMP)				
E	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: (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.	Not Triggered	Operational Transport and Access Management Plan V02 SECA Solutions	Project is operational, approval of this plan addressed in previous audit periods. The plan was being implemented at the time of the audit see condition F6.	Compliant
E		Mechanical Ventilation				
E	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: (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and (b) any dispensation granted by Fire and Rescue NSW.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Operational Noise - Design of Mechanical Plant and Equipment				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Road Damage				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Fire Safety Certification				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Structural Inspection Certificate				

E	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 after: (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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Compliance with Food Code				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Stormwater Quality Management Plan				
E	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: (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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Rainwater Harvesting				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Warm Water Systems and Cooling Systems				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Outdoor Lighting				
E	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: (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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Archaeological Salvage - Historic Archaeology				
E	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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Signage				
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Operational Waste Management Plan				
E	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: (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 RIS.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Site Contamination				
E	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: (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.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
E		Site Audit Statement				

E	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		Project is operational, addressed in previous audit periods	Not Triggered
E		Long Term Environmental Plan				
E	E32	The Applicant must prepare a Long Term Environmental Management Plan (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: (a) be prepared by a certified Contaminated Land Consultant; (b) be submitted to the Planning Secretary within one month of the completion of remediation works, unless otherwise agreed by the Planning Secretary; and (c) include, but not be limited to: (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		Project is operational, addressed in previous audit periods	Not Triggered
E	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		Project is operational, addressed in previous audit periods	Not Triggered
E	E34	Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP.	Triggered	Long-term Environmental Management Plan Rev 1 Douglas Partners	Plan is being implemented see Condition F7	Compliant
E		Landscaping				
E	E35	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: (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and (b) be consistent with the Applicant's Management and Mitigation Measures at Chapter 10 in the EIS and as updated by the RIS	Triggered	Operational Landscape Management Plan Built Final 7/7/21	The operational landscape management plan was prepared and has been implemented . See F14	Compliant
E	E36	The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.	Not Triggered		Project is operational, addressed in previous audit periods	Not Triggered
PART	F	POST OCCUPATION				
F		Temporary Structures and Elements				
F	F1	All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.	Triggered	Maximo maintenance records UoN compliance system records Induction records	Records and the site inspections identified no issues in relation to the proper and efficient operation and condition of plant and equipment to the best of the auditors knowledge.	Compliant
F		Warm Water Systems and Cooling Systems				
F	F2	The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.	Triggered	Maximo maintenance records	Records of regular testing and compliance with this requirement was sighted by the auditor for the audit period.	Compliant
F		Community Communication Strategy				
F	F3	The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.	Not Triggered		The site completed construction in 2023 and has been operational from February 2024.	Not Triggered
F		Heritage Interpretation Plan				
F	F4	Within three months of the commencement of use, the Applicant must submit an updated Heritage Interpretation Plan to acknowledge the heritage of the site to the Planning Secretary. The plan must: (a) be prepared by a suitably qualified and experienced expert in consultation with the NSW Heritage Division and Council; (b) incorporate the Stage 2 heritage interpretation strategy (c) include provision for naming elements within the development that acknowledges the site's heritage; (d) include a strategy detailing how movable heritage items and any archaeological findings will be interpreted (e) incorporates interpretive information to the site of the former legal and court functions of the former Newcastle Courthouse.	Not Triggered	City Plan letter H-24033 Stage 2 heritage interpretation plan 24/4/24 APP letter 30/4/24 Stage 2 heritage interpretation plan DPHI Heritage Plan Approval letter DOC21/169415-3 City Plan Heritage Interpretation Plan Rev 02 March 2021	Occupation of the building commenced in February 2024. The plan was revised within 3 months of occupation as required.	Not Triggered
F	F5	The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under conditions E11 and F4.	Triggered	City Plan Heritage Interpretation Plan Rev 02 March 2021 City Plan letter H-24033 Stage 2 heritage interpretation plan 24/4/24 https://www.nihon-u.ac.jp/en/newcastlecampus/about/ Wolvi Road Creative - post event report Newcastle Courthouse Open Day	The website contains heritage information as required by the approved plan. The site inspection identified that the interpretive signage was in place and moveable heritage displays were present. A brochure is available at the check in desk and also on the website. The annual heritage open day was held on 1 May 2025 and included court case re-enactments over 2 sessions.	Compliant
F		Operational Transport and Access Management Plan (OTAMP)				

F	F6	The OTAMP(s) approved under condition E14 as revised from time to time) must be implemented by the Applicant for the life of the development.	Triggered	SECA solutions OTAMP V2 23/ 6 2021	The plan was noted to be in compliance during the audit. Pedestrian access requirements in Section 2 of the plan are in place with pedestrian access unimpeded by the development at the time of the audit. An information pack for students is available and also contained in the UoN and Nihon websites. Section 3 of the plan identifies car parking requirements for up to 20 vehicles. The underground carpark was inspected and noted to be accessible and clearly delineated for parking. Bicycle parkin and end of trip facilities are also available and in use. Section 4 of the plan identifies access arrangements for service vehicles such as waste collections. These arrangements are in place and for waste and larger vehicles such as buses off Church Street with removable bollards. Waste bins are contained in dedicated waste rooms on the eastern side of the building which are accessed from the lane as per design requirements. Contractor access is controlled via the security kiosk sign on in the main building to ensure access is limited to inducted and approved contractors and staff. Section 5 identifies access arrangements and was noted to be in accordance with these requirements during the site inspection. No queuing of vehicles was noted, access was available from Church street for pedestrians and all access is monitored and recorded by the UoN security team and the site security team. Section 6 identifies monitoring and review requirements, No issues have been identifies with the current plan and all aspects are being implemented. No updates to the plan are recommended at this time.	Compliant
F		Long Term Environmental Management Plan				
F	F7	Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP approved under condition E32, or an updated version where approved by a NSW EPA Accredited Site Auditor. Any revisions must be submitted to Council within one month of the update.	Triggered	Douglas Partners LTEMP V1 September 2021 Appendix B Table 3 Capping Condition Inspection guide Capping Inspection Form Q3 2025 (19/9/25)	The plan identifies in Section 5.3 implementation requirements. The notifications required in this section were completed prior to the audit period with the remaining relevant matters being regular inspections of the capping areas. This requirement is included in landscaping (including pavements and paving) maintenance procedures as these are the only areas regularly maintained. Other areas are beneath buildings, pavements and footpath areas. No damage or works below ground have been required during the audit period and no damage or evidence of deterioration of capping was recorded or observed during the audit.	Compliant
F		Operational Noise Limits				
F	F8	The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting.	Triggered	RAPT Consulting - Noise Monitoring Report - Nihon University Newcastle Rev 0 March 2024	A report was undertaken to assess the development against EIS predictions. The report indicated that: <i>'No contributions from activities within Nihon University could be measured off-site, and computed contributions were also below criteria levels. Therefore, based on the results of the measurements and attended observations, emissions from the site were considered compliant with the criteria established.'</i>	Compliant
F	F9	The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry within two months following the commencement use. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the report titled Noise and Vibration Assessment – Operational and Construction report dated May 2019 and prepared by EMM Consulting. Should the noise monitoring program identify any exceedance of the recommended noise levels or internal amenity noise levels for building occupants, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.	Triggered	RAPT Consulting - Noise Monitoring Report - Nihon University Newcastle Rev 0 March 2024	A report was undertaken to assess the development against EIS predictions. The report indicated that: <i>'No contributions from activities within Nihon University could be measured off-site, and computed contributions were also below criteria levels. Therefore, based on the results of the measurements and attended observations, emissions from the site were considered compliant with the criteria established.'</i>	Compliant
F		Unobstructed Driveways and Parking Areas				
F	F10	All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.	Triggered	Site Inspection	The site inspection included an inspection all driveways, footpaths and parking areas. No obstruction of these areas was observed and no use of these areas for manufacture, storage or display of goods, materials, refuse, skips or any other equipment was observed.	Compliant
F		Green Travel Plan				
F	F11	The Green Travel Plan required by condition E10 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.	Triggered	SECA Solutions GTP V02 20/6/255 UoN transport usage survey data Student logins Car park passes Security data website, apps, intranet	The Green Travel Plan has been prepared and implemented as required by this condition. The plan contains details on the modes of transport available and timetables for each relevant mode to access the facility. Modes such as Nu Space Shuttle are recorded as part of UoN facilities management data held in the security database. As the Nihon facility is integrated into the UoN Campus some lectures and study is undertaken at other UoN campus buildings. Where specific purpose studies by overseas students occur from time to time, these are held at Nihon Campus. Trip planning advice is included in the plan in section 2.8 and provides links to relevant transport. UoN and other provider websites for up to date services. Targets for the plan are set in Figure 3-1 and consider 100% of the 100 students and 12 staff that reside on site are within the Active Transport Zone and either cycle, walk or use Public Transport. Future demands are discussed in Section 4 and indicate that 100% of International Students would use Active Transport with an increase likely for Local students linked to the UoN city campus would use a combination of active, public or park and ride services. Surveys of students and staff are conducted as part of UoN campus wide surveys as required under Section 5.4, and attendance numbers, shuttle data and carpark access data is monitored and available. Information required in Sections 5.5 to 5.8 is available via the UoN website, student intranet, information packs, information desk and via transport provider apps.	Compliant

F		Ecologically Sustainable Development				
F	F12	Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B6, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.	Not Triggered	Discharge email 20 May 2024	The site has been operational since early 2024.	Not Triggered
F		Outdoor Lighting				
F	F13	Notwithstanding condition E24, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.	Triggered	Complaints register	No complaints have been received regarding outdoor lighting in the audit period	Compliant
F		Landscaping				
F	F14	The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E35 for the duration of occupation of the development.	Triggered	Operational Landscape Management Plan Built Final 7/7/21 UoN IFM Maximo database	Landscape maintenance at the Nihon Campus is guided by the Landscape Management Plan and the Long term Environmental Management Plan (Section 3.11). The required elements from these plans are integrated into the UoN Integrated Facilities Management teams activities. All records of activities undertaken are logged and managed from inception to closeout through the Maximo system.	Compliant
F		Dangerous Goods				
F	F15	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).	Triggered	Site Inspection	Operational Audit 1 REC01: Recommend installing a hazardous substance cabinet in a well-ventilated area within the facility. Discussions on site during the site inspection suggested a secure area at the rear of the underground car park would be suitable Operational Audit 2 finding: Paint was noted to be stored in a central location in the carpark area. The previous audit identified potentially installation of a hazardous substance cabinet in a well ventilated area. The location for storage of small amounts of paint is deemed to have met these requirements. AS1940 was not audited as part of this audit. The previous audit finding is closed.	Compliant
F	F16	In the event of an inconsistency between the requirements F15(a) to F15(c) , the most stringent requirement must prevail to the extent of the inconsistency.	Triggered		Noted	Compliant
F		Discharge Limits				
F	F17	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.	Triggered	Site Inspection Drawings and plans	No discharges apart from stormwater are generated by the site	Compliant
F		Services Zone				
F	F18	Garbage bins (recyclable and non-recyclable) must be collected and serviced from within the site.	Triggered	Site Inspection Maximo database Waste reports	All waste services are stored internally and collected as required from the internal rooms by licensed contractors. Frequency of collection varies depending on student numbers and operation of the kitchen.	Compliant
F	F19	The operation of the services zone located within the front setback of the Residential Building is to only operate between 7am to 8am and 7pm to 8pm Monday to Friday, 7am to 8am Saturday and no service vehicle access permitted on Sunday and public holidays.	Triggered	Maximo records	No issues were identified with operations of this nature. Site access is only available during normal facility opening hours which restricts these type of activities.	Compliant
APPENDIX	1	ADVISORY NOTES				
		General				
AN	AN1	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	Triggered		Noted. All required permits identified in plans and approval conditions in place at the time of the audit.	Compliant
		Long Service Levy				
AN	AN2	For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Compliant
		Legal Notices				
AN	AN3	Any advice or notice to the consent authority must be served on the Planning Secretary.	Triggered		All correspondence addressed to the Planning Secretary and via the portal	Compliant
		Access for People with Disabilities				
AN	AN4	The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.	Not Triggered		The facility is operational, facilities for people with a disability are incorporated into the building.	Not Triggered
		Utilities and Services				
AN	AN5	Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Not Triggered
AN	AN6	Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Not Triggered
		Road Occupancy Licence				
AN	AN7	A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Not Triggered
		SafeWork Requirements				
AN	AN8	To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Not Triggered
		Hoarding Requirements				
AN	AN9	The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Not Triggered
		Handling of Asbestos				
AN	AN10	The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.	Not Triggered		The facility is operational. This aspect was covered in previous audits	Not Triggered

		Fire Safety Certificate				
AN	AN11	The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.	Triggered	Maximo database records Site Inspection photos	Annual Fire Safety Statements sighted in Maximo and displayed in the building from 15 January 2025.	Compliant
APPENDIX	2	WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS				
		Written Incident Notification Requirements				
App 2	1.	A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A26 or, having given such notification, subsequently forms the view that an incident has not occurred.	Not Triggered		No incidents recorded	Not Triggered
App 2	2	Written notification of an incident must: a. identify the development and application number; b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); c. identify how the incident was detected; d. identify when the applicant became aware of the incident; e. identify any actual or potential non-compliance with conditions of consent; f. describe what immediate steps were taken in relation to the incident; g. identify further action(s) that will be taken in relation to the incident; and h. identify a project contact for further communication regarding the incident.	Not Triggered		No incidents recorded	Not Triggered
App 2	3	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.	Not Triggered		No incidents recorded	Not Triggered
App 2	4	The Incident Report must include: a. a summary of the incident; b. outcomes of an incident investigation, including identification of the cause of the incident; c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and d. details of any communication with other stakeholders regarding the incident.	Not Triggered		No incidents recorded	Not Triggered

Appendix E

Non-compliance and recommendations register

Table E.1 Non-compliance and recommendations register

Non-compliance or recommendations reference	Condition Number ID	Audit finding	Recommendation
Nil			

Australia

SYDNEY

Level 10 201 Pacific Highway
St Leonards NSW 2065
T 02 9493 9500

NEWCASTLE

Level 3 175 Scott Street
Newcastle NSW 2300
T 02 4907 4800

BRISBANE

Level 1 87 Wickham Terrace
Spring Hill QLD 4000
T 07 3648 1200

CANBERRA

Suite 2.04 Level 2
15 London Circuit
Canberra City ACT 2601

ADELAIDE

Level 4 74 Pirie Street
Adelaide SA 5000
T 08 8232 2253

MELBOURNE

Suite 9.01 Level 9
454 Collins Street
Melbourne VIC 3000
T 03 9993 1900

PERTH

Suite 3.03
111 St Georges Terrace
Perth WA 6000
T 08 6430 4800

Canada

TORONTO

2345 Yonge Street Suite 300
Toronto ON M4P 2E5
T 647 467 1605

VANCOUVER

2015 Main Street
Vancouver BC V5T 3C2
T 604 999 8297

CALGARY

700 2nd Street SW Floor 19
Calgary AB T2P 2W2



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