



30th March 2020

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

Attention: Megan Fu
Project: Nihon University Newcastle Campus - SSD 9787
Re: Conditions of Consent D33

Dear Megan,

Reference is made to SSD 9787 Conditions of Consent D33 in relation to the Independent Environmental Audit requirements for the project. Please find set-out below the responses addressing corrective actions and recommendations identified in the Nihon University Independent Environmental Audit Construction Audit 1 prepared by GHD to address Condition of Consent D30. The responses have been prepared in accordance with the requirements of the *Independent Audit Post Approval Requirements [Department of Planning and Environment, 2018]* and in particular to the scope as outlined in *Section 4.3 Proponent review and response*.

Response to Corrective Actions:

Ref No.	Condition	Corrective Action	Corrective Action Response	Timing
CA1	A2	Ensure that the development is carried out in accordance with the conditions of consent.	The non-compliance with Condition A2[a] is noted. Refer to the corrective action responses specifically listed below for CA2 through to CA6.	See below CA2 through to CA6
CA2	A8	dwp and Built to update and finalise plans to include details of consultation as required by Condition A8[b].	The non-compliance in not meeting all consultation requirements of Condition A8 is noted. The Construction Traffic and Pedestrian Management Sub-Plan [CTPMP] and Construction Noise and Vibration Management Plan [CNVMP], among others, will be updated with required evidence of consultation sections or appendices added to each report or plan.	At least 48 hours prior to commencement of construction for Construction Certificate 01 [CC01], or other relevant construction stage.
CA3	C2	Notify the Planning Secretary in writing at least 48 hours before the commencement of each stage including date of commencement and development to be carried out in that stage.	The administrative error non-compliance relating to Condition C2, in not notifying the Planning Secretary at least 48 hours prior to the commencement of demolition is noted. The corrective action will be to ensure the Planning Secretary is notified in writing at least 48 hours as per Condition of Consent C2 before the commencement of construction stages associated with CC#01, CC#02 and CC# 03.	At least 48 hours prior to commencement of each construction stage

<i>Ref No.</i>	<i>Condition</i>	<i>Corrective Action</i>	<i>Corrective Action Response</i>	<i>Timing</i>
CA4	C7	Review all management plans required under this consent to ensure that the requirements of Condition C7 are incorporated, and update management plans where required.	The administrative error non-compliance relating to the misinterpretation that Condition C7 only applied to the Environmental Management Plan and not all management plans is noted. The proponent disagrees with the Independent Auditor's interpretation of the condition. As this is a corrective action, all management plans required under this consent will be reviewed to ensure the requirements of Condition C7 are met, and where required update plans accordingly.	Ongoing - throughout construction.
CA5	C11	Noise and vibration specialist to review the CNVMP and ensure that it addresses all of the requirements of Conditions C7 and C11 and is adequate to manage the noise and vibration impacts of the development.	The non-compliance with Condition C11 is noted. The Construction Noise and Vibration Management Plan [CNVMP] to satisfy the requirements of C7 and C11, specifically ensuring the document is prepared by a suitably qualified and experienced noise expert.	To be addressed by 9th April 2020.
CA6	C24	Include notification that the compliance report shall be uploaded to the public information website seven days after and within 60 days of the lodgement of the report with the Planning Secretary in future correspondence to the Planning Secretary regarding construction compliance reports.	The non-compliance with Condition C24 is noted. The non-compliance was an administrative error in not notifying the Planning Secretary and Certifier in writing that the compliance reports were to be uploaded to the public information website seven days prior to doing so. This will be addressed in future compliance reporting notifications, as per Condition C24.	Notification to be sent at least seven days prior to each upload to the public information website.

Response to Recommendations

<i>Ref No.</i>	<i>Condition</i>	<i>Recommendations</i>	<i>Recommendation Response</i>	<i>Timing</i>
R1	A28	dwp to include the date that they became aware of the noncompliance in future written notifications to demonstrate compliance with this condition.	The recommendation is agreed to and will be addressed in all future non-compliance notifications that the date of becoming aware is included in the correspondence, as per Condition A28.	Ongoing
R2	B9	Construction Traffic and Pedestrian Management Sub-Plan be updated to include the swept path of the longest construction vehicle prior to application for CC02.	The recommendation are agreed to and the CTPMP will be updated to include a swept path of the longest construction vehicle, as per Condition B9.	Prior to the lodgement of Construction Certificate CC#02
R3	C17	Ensure that the consultation undertaken in preparation of the Archaeological Research Design and Excavation Methodology is captured in the document.	The recommendation is agreed to in part to ensure that the consultation is undertaken, finalised and captured, as evidence that consultation has occurred. The Archaeological Research Design and Excavation Methodology [ARDEM] will not be updated. However, evidence of the consultation process will be compiled and presented to the satisfaction of the Certifier, to comply with Condition C17.	Prior to Construction Certificate 01 [CC#01]


<i>Ref No.</i>	<i>Condition</i>	<i>Recommendations</i>	<i>Recommendation Response</i>	<i>Timing</i>
R4	D3	Update the Demolition Works Plan to include the changes to the demolition Methodology.	The recommendation is agreed to and the Demolition Works Plan will be updated to include the changes to the demolition Methodology.	Ongoing, through-out the course of demolition.
R5	D8	Built to ensure that construction of the development is carried out in accordance with the finalised ACHMP.	The recommendation is agreed to and will be addressed to ensure construction is carried out in accordance with the final ACHMP.	Ongoing through-out construction.
R6	D15	Update Construction Noise and Vibration Management Sub-Plan to only compare vibration results for structural damage to DIN 4150-3 [1992-02] as required by Condition D15.	The recommendation is agreed to and the Construction Noise and Vibration Management Sub-Plan will be updated accordingly, as required by Condition D15.	To be addressed by 9th April 2020.
R7	D15	Utilise DIN 4150-3:1999-02 as the criteria for assessing building damage caused by vibration in accordance with Condition D15.	The recommendation is agreed to and will be addressed utilising DIN 4150-3:1999-02 as the criteria for assessing building damage caused by vibration in accordance with Condition D15.	To be addressed by 9th April 2020.
R8	D23	Ensure that site stormwater can be managed throughout all stages of the project's construction.	The recommendation is noted and will be addressed to ensure that site stormwater is managed throughout all stages of the project's construction.	Ongoing through-out construction.
R9	Adequacy of strategies / plans / programs	Review and update the CEMP to provide summaries of the project environmental controls, monitoring, limits or performance criteria, applicability of the legal requirements and applications/permits to the project, ensure controls are consistent with the Development Consent and that a site specific ESCP is prepared for the project.	The recommendation is noted and will be addressed in the updating of the CEMP as the various phases of construction progresses. Due to the site constrains and the construction phases, the site erosion and sediment control plan prepared for the site will be updated within the CEMP.	Ongoing through-out construction.

A copy of this correspondence has been forwarded to the Certifier in accordance with the requirements of the condition of consent.

Notification is given that this response will be uploaded to the public information website seven days after it has been issued to the Planning Secretary and within 60 days of its lodgement with the Planning Secretary.

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

Yours sincerely,


 Edward Clode
 Design Director
 Registered Architect – NSW ARBN 4100
 Email: edward.c@dwp.com
 File: 17-0347_A-d01-20_let
 Encl.: nil

Copy: Certifier - Dix Gardener Group [Newcastle] Pty Ltd