The APP Group | Property and Infrastructure Specialists

STRATEGY > DEFINITION > DELIVERY > TRANSITION

NIHON UNIVERSITY – NEWCASTLE

Operational Compliance Report 01

Prepared for: Nihon University
The APP Group
SSD 9787

December 2024
Version 00

Amendment, Distribution & Authorisation Record

Amendment Record

Revision	Description / Details	Date
00	Issued for review and submission	20 December 2024

Distribution

This Operational Audit is prepared for distribution to:

Copy No	Name / Location	Position	Organisation
1	Heidi Watters	Team Leader Northern Compliance, Planning & Assessments	Department of Planning Industry and Environment
2	Masato HIRANO	Chief, Office of Global Initiatives	Nihon University
3	Takenari SHIBA	Office of Global Initiatives	Nihon University

Authorisation Record

Prepared by Project Director	Mathew Watson The APP Group *Name*	*Signature*	20 December 2024 *Date*
Review by Project Manager	Bailey Trigg APP Corporation Pty Ltd *Name*	*Signature*	20 December 2024 *Date*

The APP **Project Manager** is responsible for control, maintenance and issue of this plan, for disposal of any superseded documentation, and for informing other project participants of changes to the project plan in accordance with the Department of Planning and Environment Compliance Reporting Post Approval Requirements.

The APP Group

Contents

1. Executive Summary 4

2. Introduction 5

2.1 Project Name and Project Application Number 5
2.2 Project Address 5
2.3 Project Phase 5
2.4 Compliance reporting period 6
2.5 Project Activity Summary 6
2.6 Key Project Personnel 6

3. Compliance Status Summary 6

3.1 Compliance Status Descriptors 6
3.2 Total Number of Non-Compliances 7

4. Non-Compliances 7

5. Previous Report Actions 9

6. Incidents 11

7. Complaints 11

8. Compliance Table 11

9. Compliance Report Declaration 11

Appendices 12

Appendix A. Compliance Reporting Table 13
Appendix B. Compliance Photos 14
Appendix C. Compliance Report Declaration Form 21

1. Executive Summary

The APP Group (APP) acting on behalf of Nihon University (Nihon) has conducted a Compliance Assessment of the Nihon University Newcastle Campus (the 'Project') located at 9 Church Street, Newcastle (Lot 1 in Deposited Plan 1199904) in New South Wales (the 'Site'). The building encompasses the former Newcastle Courthouse, with newly constructed Student Accommodation and Teaching and Learning facilities.

This report has been developed in order to satisfy the conditions of the NSW Government Department of Planning and Environment (2018) Compliance Reporting Post Approval Requirements that applies to the State Significant Development: SSD-9787. This document satisfies the condition set out in item C23 of the associated SSD-9787 conditions requiring:

> *Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).*

The following previous Compliance Reports have been undertaken:

1. Pre-Construction Compliance Report 01 dated 22 January 2020.
2. Pre-Construction Compliance Report 02 dated 18 February 2020.
3. Pre-Construction Compliance Report 03 dated 26 June 2020.
4. Construction Compliance Report 01 dated 16 November 2020.
5. Construction Compliance Report 02 dated 17 May 2021.
6. Pre-Operation Compliance Report dated 15 September 2021.
7. The building was maintained in caretakers' mode until formal commencement of occupation 1 February 2024.

This Operational Compliance report period relates to the operational period between 1 February 2024 and the date of this report.

The assessor has assessed the development to be generally compliant with the conditions of Development Consent SSD-9787. Nil non-compliances were identified during the assessment.

2. Introduction

2.1 Project Name and Project Application Number

Nihon University Newcastle Campus – SSD-9787.

2.2 Project Address

9 Church Street, Newcastle (Lot 1 DP 1199904)

Figure 1 below shows an aerial view of the operational project site.

Figure 1: Project site outlined in red, image from NearMaps

2.3 Project Phase

Operational Compliance Report.

The compliance assessment has been undertaken as required under Conditions C22 to C25 of SSD-9787 as follows:

> *"**Compliance Reporting***
>
> *C22. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.*
>
> *C23. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).*

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.

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 than an operational compliance report has demonstrated operational compliance."

2.4 Compliance reporting period

This Operational Compliance Report covers the period of 1 February 2024 to 20 December 2024. A Compliance site inspection was conducted of the site on 13 December 2024.

2.5 Project Activity Summary

The operation period of the development is nearing completion of its first and has been functioning well during this time. The building has been operating in a reduced occupancy levels and is expected to increase over the coming years. A summary of project activities that occurred during the reporting period:

- Commencement of teaching and learning activities by Nihon.
- Commencement of use of the Student Accommodation by Nihon via short group stays o their international cohort.

2.6 Key Project Personnel

Details of the key personnel who are responsible for the environmental management of the development during the operational audit period:

Name	Organisation	Position
Anthony Glover	Newcastle University	Nihon University Newcastle Campus Facility Manager

3. Compliance Status Summary

3.1 Compliance Status Descriptors

The following descriptors were used to record the status of each compliance requirement.

Status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.

Status	Description
Non-compliant	The proponent has identified a non-compliance with one or more elements of the requirement.
Not triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant

3.2 Total Number of Non-Compliances

Compliance performance with the Project Approval was determined from a review of project documentation, observations and interviews with site representatives. The below table provides a summary of the compliance performance. Full details of the findings are documented within **Appendix A** of this report. Nil non-compliances were identified, with a single opportunity for improvement noted during this assessment.

Status	Findings
Compliant	29
Non-Compliant	0
Opportunity for improvement	1
Not Triggered	26
Total Assessed	**56**

4. Non-Compliances

Refer to **Appendix A** for any non-compliances identified during the reporting period including:

1. Relevant Compliance requirement and its ID;
2. Details of the non-compliance, the date it occurred and the detail it was identified;
3. The agency, or agencies to whom the non-compliance was reported; and
4. The proponent's response that have been, or are proposed to be, taken to address the non-compliance, including details of timing for undertaking such actions.

The assessor has assessed the development to be generally compliant with the conditions of Development Consent SSD-9787. Nil non-compliances were identified, with a single opportunity for improvement noted during this assessment within the below Table.

ID	Condition	Findings	Proponents Response	Date NC Identified	Agency NC was reported by
OFI01	***Schedule 2 Part F Condition F15 - Dangerous Goods*** Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; for liquids, (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) 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.	Assessors recommendation is supported, with the minor quantities of paint to be relocated to an appropriate well-ventilated location within the site.	13/11/2024	The APP Group

5. Previous Report Actions

Actions noted within the previous Operational Compliance Report for the project are summarised below.

Condition/s	Non-compliance	Non-compliance recommendation	Progress	Outcome
D09	Condition of Consent D09 required that 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.	Council CoN] notified the contractor [Built] on 24/05/21 at 3pm that the approved on-street work zone had been extended without approval and advised that Built could either; to reduce the work zone to the approved length or submit an application for the extension. The proponent's representatives became aware of the non-compliance at the Independent Environmental Audit held on 27/07/2021. The cause of this minor non-compliance was due to the misunderstanding that the approved work zone extended between the sites Eastern and Western boundaries and was a result of a miscalculation of the length of the site street boundary. The contractor responded to CoN on 25/05/21 at 8:30am and submitted the application including payment of additional fees for an extension of the on-street work zone. The extension was approved by CoN on 25/05/21 and no further issues were raised.	The non-conformance was reviewed during the Independent Environmental Construction Audit 3 and confirmed to have been addressed with no further action required.	Closed
D31	Condition of Consent D31 identified a frequency of audits required in the construction phase of the	Construction independent audit 03 was subsequently carried out and issued to the Department within the	The submission of the construction independent	Closed

Condition/s	Non-compliance	Non-compliance recommendation	Progress	Outcome
	project. In correspondence with NSW Planning Industry & Environment [the Department] it was noted that a third construction independent audit was required and that timing for the audit was overdue. The compliance issue had arisen due to a misunderstanding by the proponent and the independent environmental auditor in relation to the timing periods between construction independent audits 01 and 02. The correspondence from the Department [23.06.2021] was taken as notice of non-compliance and the direction to undertake construction audit 03 prior to the completion of the construction phase of the development.	time frames outlined in the correspondence from the Department.	audit 03 addresses the issue, no further action is required.	

6. Incidents

Nil incidents were raised to the assessor's attention for this reporting period. As such no notification to the Department under *Appendix 1 Incident Notification and Reporting Requirements* of the SSD consent was required.

7. Complaints

A verbal complaint was raised to the assessors attention. Resulting from noise of a jackhammer during OPEX works in July 2024. However works were undertaken during approved working hours and noise mitigation measures were noted to be in place. Works associated with this OPEX item were completed at the time of this Operational Compliance inspection. Nil other complaints were raised to the assessor's attention for this reporting period.

8. Compliance Table

Refer to **Appendix A** for SSD-9787 State Significant Development Application Operation Compliance Reporting table for full details of compliance with consent conditions following the commencement of operation.

9. Compliance Report Declaration

Refer to **Appendix C** for Compliance Report Declaration Form.

The APP Group

Appendices

Appendix A. Compliance Reporting Table

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
1.	***SCHEDULE 2 PART A: ADMINISTRATIVE CONDITIONS***			
1.	**A1**	**Obligation to Minimise Harm to the Environment** In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.	The project continues to be compliant with the obligation to minimise harm to the environment into the operational phase. Refer to compliance assessment Part F checklist below.	**C**
2.	**A2**	**Terms of Consent** The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS and Response to Submissions; (d) in accordance with the approved plans in the table below: **Architectural (or Design) Drawings prepared by *Asusa Sekkei Architects*** **Dwg No. / Rev / Name of Plan / Date** A – 008 / 0 / Conservation Plan / 14.12.2018 A / N/A / Demolition Plan / 14.12.2018 A – 010 / 0 / Conservation Plan / 14.12.2018 A – 101 / 02 / Car Circulation Diagram & Services / 30.10.2019 A – 102 / 0 / Site Analysis Plan / 14.12.2018 A – 103 / N/A / Northeast Perspective / 14.12.2018 A – 104 / N/A / Northwest Perspective / 14.12.2018 A – 105 / N/A / Southeast/Southwest Perspective / 14.12.2018 A – 106 / N/A / Aerial Perspective / 14.12.2018 A – 107 / 02 / Site Plan / 30.10.2019 A – 108 / 02 / 1st Floor Plan / 30.10.2019 A – 109 / 0 / 2nd Floor Plan / 14.12.2018 A – 110 / 0 / 3rd Floor Plan / 14.12.2018 A – 111 / 0 / 4th Floor Plan / 14.12.2018 A – 112 / 0 / Roof Floor Plan / 14.12.2018 A – 114 / 01 / North and South Elevations / 30.10.2019 A – 115 / 01 / East and West Elevations / November 2018 A – 116 / 0 / Courthouse Elevations & Section / 14.12.2018 A – 117 / 0 / Sections – 1 / 14.12.2018 A – 118 / 0 / Sections – 2 / 14.12.2018 A – 119 / 0 / Amenity Planning / 14.12.2018 **Landscape Drawings prepared by Moir Landscape Architects** **Dwg No. / Rev / Name of Plan / Date** LP01 / E / Cover Sheet / 19.11.2019 LP02 / D / Site Analysis / 27.11.2018 LP03 / D / Site Photography / 27.11.2018 LP04 / D / Design Statement / 27.11.2018 LP05 / E / Landscape Plan – 1st Floor / 19.11.2019 LP06 / E / Landscape Plan – 4th Floor + Street Elevation / 19.11.2019 LP07 / E / Planting & Theming Palette / 19.11.2019	The development has been carried out generally in line with the following: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS and Response to Submissions; (d) in accordance with the approved plans in the table This report acknowledges that the project is in the operational phase and that this condition has been assessed during construction phase previously. The project has been provided with an occupation certificate and this condition has therefore been met in order to receive the occupational certificate.	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
3.	**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 (c) the implementation of any actions or measures contained in any such document referred to in (a) above.	NA	**NT**
4.	**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.	NA	**NT**
5.	**A5**	**Limits of Consent** This consent lapses five years after the date of consent unless work is physically commenced.	NA	**NT**
6.	**A6**	**Prescribed Conditions** The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	NA for Operational phase	**NT**
7.	**A7**	**Planning Secretary as Moderator** 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.	There have been no disputes between the Applicant and a public authority during the report period.	**NT**
8.	**A8**	**Evidence of Consultation** Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document for information or approval; and	NA for Operational phase	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
		(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.		
9.	**A9**	**Staging** The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the information of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	NA for Operational phase	**NT**
10.	**A10**	A Staging Report prepared in accordance with condition A9 must: (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when 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.	NA for Operational phase	**NT**
11.	**A11**	Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.	NA for Operational phase	**NT**
12.	**A12**	Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.	NA for Operational phase	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
13.	**A13**	**Staging, Combining and Updating Strategies, Plans or Programs** With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program); (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated 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).	NA for Operational phase	**NT**
14.	**A14**	If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	NA for Operational phase	**NT**
15.	**A15**	If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.	NA for Operational phase	**NT**
16.	**A16**	**Structural Adequacy** All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of	NA for Operational phase	**NT**

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

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
19.	**A19**	The additional site investigations report must be reviewed by a NSW EPA Accredited Site Auditor and the Conceptual Remediation Action Plan dated 28 May 2019, prepared by Cardno must be updated to reflect the findings of the additional site investigations required by 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.	NA for Operational phase	**NT**
20.	**A20**	Remediation works approved as part of this development consent must be carried out in accordance with the remediation action plan approved by a NSW EPA Accredited Site Auditor pursuant to condition A19.	NA for Operational phase	**NT**
21.	**A21**	**Applicability of Guidelines** References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	Note	**C**
22.	**A22**	Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	The Planning Secretary has not issued any directions regarding the development.	**NT**
23.	**A23**	**Monitoring and Environmental Audits** Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, noncompliance notification, Site audit report and independent auditing. *Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an*	Note	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
		"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.		
24.	**A24**	**Access to Information** At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; (x) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	A review of the project website on 13/12/24 found the development was being undertaken in compliance with this condition.	**C**
25.	**A25**	**Compliance** The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	The facility has completed construction and is now being operated in caretaker mode under the facilitation of Newcastle University. There are OPEX works still ongoing with a small number of workers and sub-contractors are on site.	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
			Evidence sighted: A copy of the site-specific induction and a sample of the visitor log from the BEAKON check-in kiosk for the date range 14/11/24 to 18/11/24.	
26.	**A26**	**Incident Notification, Reporting and Response** The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.	In discussion with the University of Newcastle Facilities Manager (in their role as caretaker on behalf of Nihon), no incidents have occurred on site during the report period.	**NT**
27.	**A27**	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2.**	No incidents within the report period	**NT**
28.	**A28**	**Non-Compliance Notification** The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	In discussion with the University of Newcastle Facilities Manager, no non-compliances have occurred on site during the report period.	**NT**
29.	**A29**	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	No non-compliances within the report period	**NT**
30.	**A30**	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Note	**C**
31.	**A31**	**Revision Strategies, Plans and Programs** Within three months of: (a) the submission of a compliance report under condition C22; (b) the submission of an incident report under condition A27; (c) the submission of an Independent Audit under condition D32; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition	(a) No Compliance Report submitted under condition C22 during the report period (b) No Incident Reports submitted under condition A27 during the report period (c) No Independent Audit submitted under condition D32 during the report period (d) No modification of the conditions of this consent during the report period (e) No directions from the Planning Secretary under condition A2 during the report period	**NT**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
		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.*		
2.	***SCHEDULE 2 PART D: DURING CONSTRUCTION***			
32.	**D29**	**Independent Environmental Audit** Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.	Agreement to the audit team for this prevoius audits were received from DPHI.	**C**
33.	**D30**	Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.	Historical condition.	**NT**
34.	**D31**	Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is: (a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; (b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit; and	Historical condition, noting that construction audits have been completed. The recent operational audit was undertaken within the timeframe determined within Table 1 of the *Independent Audit Post Approval Requirements (2018).*	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
		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.		
35.	**D32**	Independent Audits of the development must be submitted to the Planning Secretary and must be carried out in accordance with: (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D30 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Construction Audit 1 was submitted to DPIE on 27/03/2020 and distributed to the Certifier. Construction Audit 2 was submitted to DPIE on 23/09/2020 and distributed to the PCA on 29 September 2020. Construction Audit 3 was submitted to DPIE on 25/08/2021 and distributed to the certifier.	**C**
36.	**D33**	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition D30 of this consent; (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.	Construction Audit 1 and Audit 2 responses documented in previous IEA Reports. Construction Audit 3 response was sent to DPIE 25/08/21 and a copy forwarded to the Certifier. Sighted correspondence 17-0347_A-d01-20_let dated 25/08/21.	**C**
37.	**D34**	Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.	Noted	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
3.	***SCHEDULE 2 PART F: POST OCCUPATION***			
38.	**F1**	**Operation of Plant and Equipment** All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.	Plant and equipment is regularly maintained and serviced. Evidence provided includes: • HVAC inspection, Precise Air, 18/06/24 • HVAC inspection, Precise Air, 16/07/24 • HVAC inspection, Precise Air, 28/10/24 • HVAC service docket, Precise Air, 16/08/23 • Fire Damper (x5) inspection report, Precise Air, 11/10/24 • Fire Damper (x26) inspection report, Precise Air, 08/11/24 • Nihon Preventative maintenance schedule (19/11/24)	**C**
39.	**F2**	**Warm Water Systems and Cooling Systems** The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.	As above. HVAC systems have been operational for a number of years since completion of construction.	**C**
40.	**F3**	**Community Communication Strategy** The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.	The Community Communication Strategy continued until mid-2023. This requirement was implemented >12 months beyond the date of construction completion. Evidence provided includes the monthly Community Liaison Register (administered by Built Constructions), up to 26/07/23, with all actions closed out.	**C**
41.	**F4**	**Heritage interpretation Plan** Within three months of the commencement of use, the Applicant must submit an updated Heritage Interpretation Plan to acknowledge the	On 30/04/24, APP submitted the updated Heritage Interpretation Plan to the Planning Secretary. The notification noted that occupation of the facility commenced on 01/02/24, acknowledging that notification under condition F4 had	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
		heritage of the site to the Planning Secretary. The plan must: (a) be prepared by a suitably qualified and experienced expert in consultation with the NSW Heritage Division and Council; (b) incorporate the Stage 2 heritage interpretation strategy (c) include provision for naming elements within the development that acknowledges the site's heritage; (d) include a strategy detailing how movable heritage items and any archaeological findings will be interpreted (e) incorporates interpretive information in to the site of the former legal and court functions of the former Newcastle Courthouse.	previously been provided on 01/04/21, which was accepted by DPHI on 30/03/21 (DOC21/169415-3). The notification by APP on 30/04/24 advised that the Stage 2 Heritage Implementation Plan, as reviewed by City Plan as the suitably qualified person, had been incorporated into the operation of the facility. City Plan provided certification of the plan. Evidence provided to support compliance includes: • APP letter dated 30/04/24 • DPHI letter dated 30/03/21 • Statement of Compliance from City Plan dated 24/04/224 • A copy of the heritage brochure	
42.	**F5**	The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under conditions E11 and F4.	As above	**C**
43.	**F6**	**Operational Transport and Access Management Plan (OTAMP)** The OTAMP(s) approved under condition E14 as revised from time to time) must be implemented by the Applicant for the life of the development.	The Operational Transport and Access Management Plan (OTAMP), as submitted to DPIE 07/07/21, is being implemented on site. A review has not been triggered.	**C**
44.	**F7**	**Long Term Environmental Management Plan** Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP approved under condition E32, or an updated version where approved by a NSW EPA Accredited Site Auditor. Any revisions must be submitted to Council within one month of the update.	The Long Term Environmental Management Plan was submitted to DPIE on 10/09/21. The plan was developed by Douglas Partners in September 2021 (Project 91667.03) As confirmed by the Facility Manager, currently the University of Newcastle (as facility manager), administers and implements the LTEMP as follows: • An approved UON contractor logs into Beakon system (check-in program) and lodges a Permit to Work for the necessary works. • If the works involve excavation, this triggers a further permit for excavation works which must be completed.	**C**

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

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
47.	**F10**	**Unobstructed Driveways and Parking Areas** All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.	Site inspection 13/12/24 confirmed that all driveways, footpaths and parking areas were free from obstruction. Refer photos in Appendix C.	**C**
48.	**F11**	**Green Travel Plan** The Green Travel Plan required by condition E10 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.	A review of the Green Travel Plan was completed December 2024. This concluded the GTP is being implemented with no updates required.	**C**
49.	**F12**	**Ecologically Sustainable Development** Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B6, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.	APP notified DPHI on 15/05/24 that the 4-start Green Star Design had been certified by Stantec. This notification was made within the required six month timeframe. DPHI subsequently confirmed receipt of the notification on 20/05/24 with no comments on the documents provided. Evidence sighted includes: • APP letter dated 15/05/24 • DPHI letter dated 20/05/21 • Statement of Certification from Stantec dated 08/05/24	**C**
50.	**F13**	**Outdoor Lighting** Notwithstanding condition E24, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.	There have been no complaints regarding obtrusive lighting. The site inspection noted that all external lighting is downward facing to ensure no light affects nearby sensitive receivers. Refer to photos in Appendix C.	**C**
51.	**F14**	**Landscaping** The Applicant must maintain the landscaping and vegetation on the	Landscaping is being managed and maintained in accordance with the approved Landscape Management Plan. Refer to photos in Appendix C.	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
		site in accordance with the approved Landscape Management Plan required by condition E35 for the duration of occupation of the development.	The assessor was also provided with Property Service Reports for October 2023 and January, June & October 2024.	
52.	**F15**	**Dangerous Goods** Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997*).	Spotless are the contracted cleaning provider and maintain a cleaners store on site. Copies of SDS's are kept in the store. During the site inspection, it was noted that minor quantities of paint were stored in some of the storage areas. These do not pose an environmental risk as quantities are minor with no pathway to the environment, however best practice would be to store all hazardous substances in one location as per Australian Standard AS1940. OFI. Recommend installing a hazardous substance cabinet in a well-ventilated area within the facility. Discussions on site during the site inspection suggested a secure area at the rear of the underground car park would be suitable.	**OFI01**
53.	**F16**	In the event of an inconsistency between the requirements F15(a) to F15(c), the most stringent requirement must prevail to the extent of the inconsistency.	Note.	**C**
54.	**F17**	**Discharge Limits** The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.	There have been no reported pollution of waters with regards to section 120 of the POEO Act, nor have there been any complaints regarding water pollution from the facility. The kitchen grease trap/separator has been installed as per design drawing OC 18-0562-06 (sighted 13/11/24) and facility's hydraulic system (including sewer and trade waste drainage) was signed off by Murphy Plumbing on 05/08/21. (Certificate of Compliance dated 05/08/21 sighted on 13/11/24).	**C**
55.	**F18**	**Services Zone** Garbage bins (recyclable and non-recyclable) must be collected and serviced from within the site.	Confirmed during the site inspection that bins are stored in a specific bin location and are brought into the service lane for emptying on scheduled collection days. Bins are not left on the main street for collection. Refer to photos in Appendix C.	**C**

ID No.	SSD Part & Req. No.	SSD Requirement	Compliance Assessment Findings	Compliance Rating
56.	**F19**	The operation of the services zone located within the front setback of the Residential Building is to only operate between 7am to 8am and 7pm to 8pm Monday to Friday, 7am to 8am Saturday and no service vehicle access permitted on Sunday and public holidays.	Confirmed during the site inspection that the services zone is operated only during the allocated timeframes. There was no activity in this area at the time of inspection. Refer to photos in Appendix C.	**C**

Appendix B. Compliance Photos

Figure 2 – General external photo of building

Figure 3 – Front façade of building and service area

Figure 4 – Side access

Figure 5 – Rear landscaping

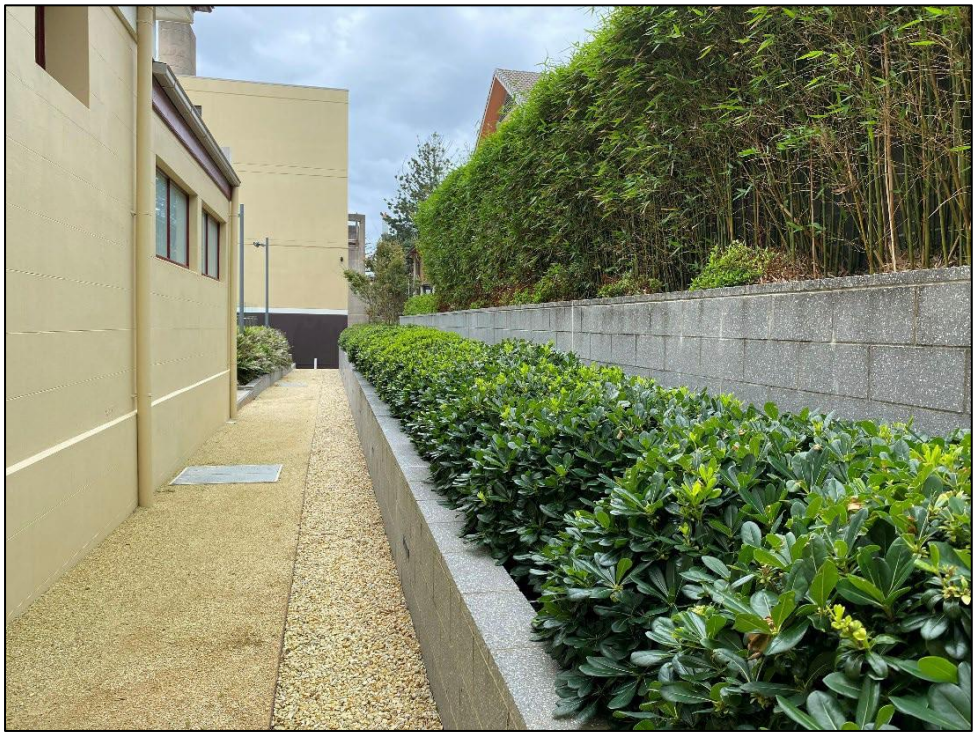

Figure 6 – Front landscaping and interpretive heritage signage

Figure 7 – Interpretive heritage signage - internal

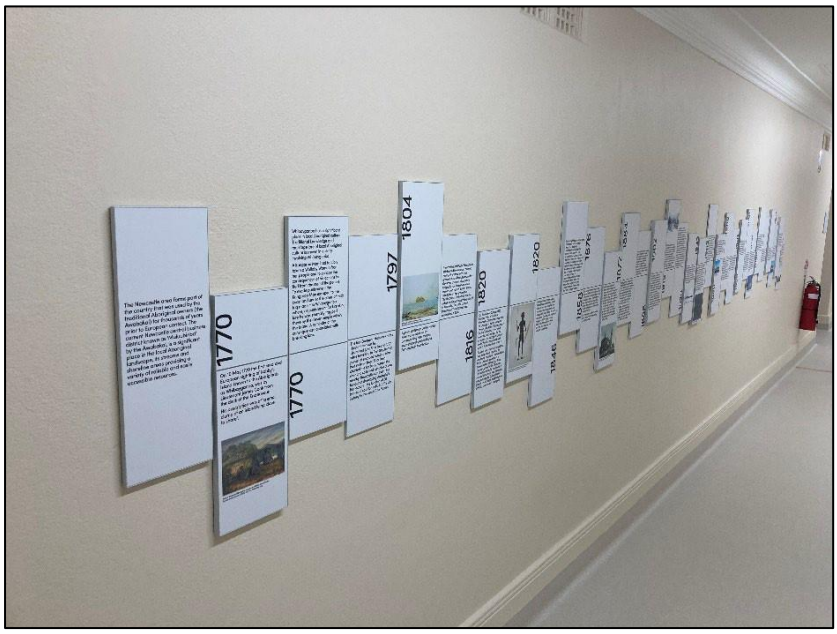

Figure 8 – Waste room

Figure 9– Fire watermain

Figure 10 – Noise softening panels, rooftop HVAC area

Figure 11 – Rooftop emergency exit

Figure 12 – Rooftop HVAC area

Figure 13 – Exterior of rooftop HVAC area, noting downward facing lights

Figure 14 – Front streetscape, noting no obstructions

The APP Group

Appendix C. Compliance Report Declaration Form

Compliance Report Declaration Form	
Project Name:	Nihon University Newcastle Campus
Project Application Number:	SSD-9787
Description of Project:	Establishment of the Nihon University Newcastle Campus, comprising: • Site preparation works including the removal of 29 trees, hardstand areas and the existing drainage infrastructure. • Demolition of the Administration Building and Supreme Court Building. • Site remediation works and bulk excavation below existing ground level. • Construction of two new part-three/part-four storey buildings (i.e. Residential Building and Education Building), minor internal alterations and additions to the existing former Courthouse Building and atrium connections between new and existing built forms. • Construction of building identification sign. • Establishment of an ancillary café and associated café terrace seating on the ground level of the proposed Residential Building.
Project Address:	9 Church Street, Newcastle (Lot 1 DP 1199904)
Proponent:	Nihon University
Title of Compliance Report:	Nihon University Operational Compliance Report 01
Date:	20 December 2024

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) 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
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Reporting Officer:	Mathew Watson
Title:	Principals Compliance Consultant

Signature:	
Qualification:	Bachelor of Engineering in Mechanical Engineering with Honours Class I
Company:	The APP Group
Company Address:	Level 2, 426 King Street, Newcastle NSW

The APP Group

Adelaide

61 8 8409 4280

Level 1
151 South Terrace
Adelaide SA 5000

Brisbane

61 7 3238 0400

Ground Floor
143 Coronation Drive
Milton QLD 4064

Canberra

61 2 9957 6211

Level 9
121 Marcus Clarke Street
Canberra ACT 2600

Melbourne

61 3 8866 0200

Level 7
420 St Kilda Road
Melbourne VIC 3004

Newcastle

61 2 4928 7600

Level 2
426 King Street
Newcastle NSW 2300

Perth

61 8 9224 6300

Level 4
181 Adelaide Terrace
Perth WA 6004

Sydney

61 2 9957 6211

Level 7
116 Miller Street
North Sydney NSW 2060

Wollongong

61 2 4220 6300

Suite 3, Level 1
6-8 Regent Street
Wollongong NSW 2500

APP Corporation Pty Limited ABN 29 003 764 770