

APPENDIX A. INSTRUMENT OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF CHIMPANZEE EXHIBIT, TARONGA ZOO

Major Project No. 08_0251
(File No. S08/02012-1)

I, the Director-General, as delegate for the Minister for Planning, having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) to encourage good urban design and a high standard of architecture;
- (c) adequately mitigate the environmental impacts of the development;
- (d) protect the public interest.

Sam Haddad
Director-General

Sydney,

2009

SCHEDULE 1

PART A — TABLE

Application made by:	Taronga Conservation Society Australia.
Application made to:	Minister for Planning
Major Project Number:	08_0251
On land comprising:	Bradleys Head Road, Mosman (Lot 22 in DP 843294).
Local Government Area	Mosman
For the carrying out of:	The upgrade and refurbishment of the existing chimpanzee enclosure including refurbishment of the existing night house, western viewing shelter and viewing deck as described in Condition A1, Part A, Schedule 2.
Capital Investment Value	\$6 Million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Council means Mosman Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the EP & A Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Chimpanzee Exhibit Project Application means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

Major Project No. 08_0251 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.

SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION NO. MP 08_0251

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

Project Approval is granted for the upgrade and refurbishment of the existing chimpanzee enclosure including refurbishment of the existing night house, western viewing shelter and viewing deck.

A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

Environmental Assessment report for Chimpanzee Exhibit, Taronga Zoo prepared by Jackson Teece and dated April 2009			
Architectural Drawings prepared by Jackson Teece dated November 2008			
Statement of Commitments prepared by Taronga Conservation Society Australia dated 29/07/09			
Drawing No	Issue	Name of Plan	Date
DA-01	A	Location Plan	November 2008
DA-02	A	Site Survey	November 2008
DA-03	A	Site Plan	November 2008
DA-04	A	Floor Plans	November 2008
DA-05	A	Roof Plans	November 2008
DA-06	A	Site Elevations	November 2008
DA-07	A	Viewing & separation paddock sections	November 2008
DA-08	A	Night house elevations	November 2008
DA-09	A	Photos existing site	November 2008
DA-10	A	Photomontages Harbour	November 2008
DA-11	A	Photomontages air view	November 2008
DA-12	A	Photomontages viewing	November 2008
LWD-101	B	Landscape plan	November 2008
H01	C	Hydraulic plan	November 2008

A3. Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

A4. Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5. Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

PART B – PRIOR TO COMMENCEMENT OF WORKS

B1 Construction Management Plan

Prior to commencing construction, a Construction Management Plan will be prepared and forwarded to the Department of Planning. This plan will include:

- (a) Development of a site specific soil erosion and sediment control plan,
- (b) Construction hours,
- (c) Air quality/dust control procedures,
- (d) Asbestos material control,
- (e) Noise management procedures,
- (f) Waste management plan,
- (g) Flora and Fauna Protection Plan,
- (h) Community Safety Plan,
- (i) Arrangements for temporary pedestrian and vehicular access,
- (j) Storage and Handling of Materials Procedures,
- (k) Environmental Training and Awareness,
- (l) Contact and complaints handling procedures,
- (m) surrounding residential streets not to be used for heavy vehicles or contractor parking; and,
- (n) Emergency Preparedness and Response.

B2 Access and Movement

An Access and Safety plan will be prepared to maintain access to the exhibit during its redevelopment to ensure the safety of staff and the public.

PART C – DURING CONSTRUCTION

C1 Approved Plans to be On Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Department.

C2 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

C3 Disposal of Seepage and Stormwater

All seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

C4 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,

- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

C5 Waste Management

- (a) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead shall be in accordance with Work Cover requirements and relevant Australian Standards.
- (b) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

C6 Hours of Construction

All building work shall be restricted to within the hours of 7.00 am to 5.00 pm between Monday to Friday, and 8.00 am to 4.00 pm on Saturday, with no work on Sundays and/or Public Holidays. Measures shall be undertaken to ensure no adverse noise or amenity impacts occur to any residential premises.

C7 Signage

Adequate signage and other protective measures should be erected in the vicinity of the heritage items and in the vicinity of the work site to alert contractors and subcontractors to the existence and fragile nature of these heritage items.

C8 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the Department of Environment and Climate Change (DECC) in accordance with Section 91 of the National Parks and Wildlife Act, 1974 and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the DECC to cease work for the purposes of archaeological recording.

C9 Referral to Heritage Office

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the Department of Environment and Climate Change (DECC) in accordance with Section 91 of the National Parks and Wildlife Act, 1974 and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the DECC to cease work for the purposes of archaeological recording.

C10 Work on Site to Cease

If any unidentified historical archaeological remains or deposits are exposed during the works, excluding remains identified in the Archaeological Management Plan January 2004 by Godden Mackay Logan, excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with Section 146 of the NSW Heritage Act, 1977.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

D1 Works As Executed Plans

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

ADVISORY NOTES

AN1 *Self Certification by Crown Authorities*

Self-certification can be made by the Crown or on behalf of the Crown under Section 116G(2) of the Environmental Planning and Assessment Act 1979.

Where the Crown building provisions are used under Section 116G(1) of the Environmental Planning and Assessment Act 1979 the Crown is not required to obtain a construction certificate or appoint a principal certifying authority nor does it require an occupation certificate to be obtained (Section 109M of the Environmental Planning and Assessment Act 1979).

The Crown Authority undertaking the building work may contract a Council or an accredited certifier to undertake the BCA assessment of the proposed building. The Crown can then certify the building relying upon this advice. The certification is not to be confused with certification under Part 4A of the Environmental Planning and Assessment Act 1979.

AN2 *Requirements of Public Authorities for Connection to Services*

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN3 *Application for Hoardings and Scaffolding*

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN4 *Use of Mobile Cranes*

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 *Roads Act, 1993*

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN6 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN7 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN8 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN9 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

AN10 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act, 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.