

# CONSOLIDATED INSTRUMENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 10456 MOD 1	27 August 2021	Team, Key Sites Assessments	Replacement of approved Koala exhibit with a Dingo exhibit, amend the landscaping and fence design, increase tree removal and biodiversity offsets and amend conditions relating to bushfire management

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

## Development Consent – Key Sites

### *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Anthea Sargeant  
**Executive Director**  
**Key Sites and Regional Assessments**

Sydney: 21 December 2020

File: EF20/21252

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#### SCHEDULE 1

<b>Application Number:</b>	SSD 10456
<b>Applicant:</b>	Taronga Conservation Society Australia
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Taronga Zoo, Bradleys Head Road, Mosman (Lot 22 DP 843294)
<b>Development:</b>	Redevelopment of the Upper Australia Precinct

## DEFINITIONS

<b>Accredited Certifier</b>	The holder of a certificate of accreditation as an accredited certifier under the Building Professionals Act 2005 acting in relation to matters to which the accreditation applies
<b>Applicant</b>	Taronga Conservation Society Australia, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifier</b>	Means a council or an accredited certifier
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Mosman Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising the redevelopment of the Upper Australia Precinct, as modified by the conditions of this consent.
<b>EIS</b>	The Environmental Impact Statement titled Taronga Zoo Upper Australia Precinct, prepared by Urbis dated 24 July 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEH</b>	NSW Office of Environment and Heritage
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.

# CONSOLIDATED INSTRUMENT

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<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>TfNSW</b>	Transport for NSW

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

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, and any rehabilitation required under this consent.

**TERMS OF CONSENT**

A2. 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) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures;
- (e) in accordance with the approved plans in the table below.
- (f) in accordance with the modification application titled "Section 4.55(1A) Modification' prepared by Urbis dated 19 April 2021 and RtS

<b>Architectural Drawings prepared by Lahznimmo Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A-DA-001	02	Cover page	15/06/2020
A-DA-002	02	Site Analysis	15/06/2020
A-DA-003	02	Site Survey	15/06/2020
A-DA-011	02	Existing site plan	15/06/2020
A-DA-012	02	Early works demolition site plan	15/06/2020
A-DA-013	02	Early works temporary end state site plan	15/06/2020
A-DA-014	02	<del>SSDA demolition site plan</del>	<del>15/06/2020</del>
A-DA-2-01	02	Site Demolition Plan	22/06/2021
A-DA-015	01	Nocturnal house demolition plan	15/06/2020
A-DA-021	02	<del>Proposed site plan</del>	<del>15/06/2020</del>
A-DA-2-01	01	Site Plan	12/03/2021
A-DA-022	02	Site sections	15/06/2020
	03		03/08/2021
A-DA-023	02	Site sections	15/06/2020
	03		03/08/2021
A-DA-2-03	01	Site sections / Elevations	12/03/2021
A-DA-024	02	<del>Photomontage</del>	<del>15/06/2020</del>
A-DA-2-04	01	Boundary Fence	12/03/2021
A-DA-101	02	Pavilion & ropes bridge floor plan	15/06/2020
A-DA-102	02	Pavilion & ropes bridge sections & elevations	15/06/2020
A-DA-201	02	Tree house & koala walk floor plan	15/06/2020
A-DA-202	02	Tree house & koala walk roof plan	15/06/2020
A-DA-203	02	Tree house & koala walk sections	15/06/2020
A-DA-301	02	<del>Escarpment and koala talks floor plan</del>	<del>15/06/2020</del>
A-DA-2-05	02	Dingo Exhibit	22/06/2021
A-DA-401	01	Nocturnal house ground floor plan	15/06/2020
A-DA-402	01	Nocturnal house sections & elevations	15/06/2020
A-DA-501	02	Macropod holding yard floor plan, sections & elevations	15/06/2020
A-DA-601	02	<del>Southern link floor plan, sections &amp; elevations</del>	<del>15/06/2020</del>
L-CD-204	A	Landscape Design General Arrangement Plan – Sheet 4	15/07/2021
<b>Landscape Drawings prepared by Lahznimmo Architects</b>			

Drawing No.	Revision	Name of Plan	Date
A-DA-701 A-DA-2-07	02 05	Tree protection and removal plan	15/06/2020 21/06/2021
A-DA-702 A-DA-2-08	02 04	Landscape plan	15/06/2020 21/06/2021
A-DA-703 A-DA-2-09	02 03	Planting zones plan	15/06/2020 12/03/2021
A-DA-703	02	Planting palette	15/06/2020
A-DA-704	02	Planting palette	15/06/2020
A-DA-706 A-DA-2-10	02 03	Planting palette	15/06/2020 12/03/2021
A-DA-707 A-DA-2-11	02 03	Surface treatment plan	15/06/2020 12/03/2021
A-DA-708 A-DA-2-12	02 03	Level Plan	15/06/2020 12/03/2021
A-DA-801 A-DA-2-06	02 01	Shadow diagrams	15/06/2020 12/03/2021

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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; and
  - the implementation of any actions or measures contained in any such document referred to in **condition A3(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.

#### LAPSING OF APPROVAL

- A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

#### LIMITS ON CONSENT

- A6. This consent does not approve:
- signage.

Separate development application(s) must be lodged, and consent obtained for the above works and uses (except where exempt and complying development applies).

#### PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

#### EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - 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.

### STRUCTURAL ADEQUACY

- A11. 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
- (a) the relevant requirements of the BCA;

**Notes:**

- Under Part 6 of the EP&A Act, the Applicant is required to have proposed building works certified.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

### OPERATION OF PLANT AND EQUIPMENT

- A12. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### APPLICABILITY OF GUIDELINES

- A13. 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.
- A14. However, 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.

### MONITORING AND ENVIRONMENTAL AUDITS

- A15. 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 and independent environmental 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.

### INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A16. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.
- A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

### NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A19. 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.
- A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A21. Within three months of:
- (a) the submission of a compliance report under **condition B9 and B11**;
  - (b) the submission of an incident report under **condition A16**;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) 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 Department must be notified in writing that a review is being carried out.

A22. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval 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.*



## PART B PRIOR TO COMMENCEMENT OF WORKS

### CROWN BUILDING WORK

- B1. Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
  - (b) in the absence of tenders, the date on which the Crown building work commences.

### NOTIFICATION OF COMMENCEMENT

- B2. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B3. If the construction or operation of the development is to be staged, the Department 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.

### EXTERNAL WALLS AND CLADDING

- B4. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B5. Before the commencement of works and prior to occupation or commencement of the use, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B6. 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.

### REFLECTIVITY

- B7. The visible light reflectivity from building materials used on the facility shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the commencement of works.

### ACCESS TO INFORMATION

- B8. 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 environmental 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.

### COMPLIANCE REPORTING

- B9. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifier for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- B10. The Pre-Construction Compliance Report must include:
- (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
  - (b) the expected commencement date for construction.

- B11. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- B12. The Construction Compliance Reports must include:
- (a) a results summary and analysis of environmental monitoring;
  - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
  - (c) details of any review of the **CEMP** and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
  - (d) a register of any modifications undertaken and their status;
  - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
  - (f) a summary of all incidents notified in accordance with this consent; and
  - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

### **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

- B13. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
  - (b) formulating an alternative solution which:
    - (i) complies with the performance requirements; or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - (iii) a combination of (a) and (b).

### **STRUCTURAL DETAILS**

- B14. Prior to the commencement of works, the Applicant must submit to the Certifier the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

### **FIRE SAFETY**

- B15. Where possible, consideration should be given to any structural elements that are not critical to the aesthetic of the proposed exhibit Upper Australia Precinct being constructed from non-combustible materials. Any necessary timber construction should utilise hardwood species where possible.
- B16. The provision of **any new services including** water, electricity and gas must comply the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:
- reticulated water is to be provided to the development where available;
  - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419.1:2005;
  - hydrants are not located within any road carriageway;
  - all above-ground water service pipes are metal, including and up to any taps;
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are proposed as follows:
    - (a) lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas;
    - (b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- B17. The identified performance solutions in the BCA Report, prepared by Matt Shuter & Associates, dated 24 June 2020 are required to be addressed and approved through consultation with Fire & Rescue NSW and the submission of a fire engineering brief questionnaire (FEBQ).

## COMPLIANCE

- B18. 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.

## COMPLAINTS AND ENQUIRIES PROCEDURE

- B19. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - a postal address to which written complaints and enquiries may be sent; and
  - an email address to which electronic complaints and enquiries may be transmitted.

The Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

## HERITAGE

- B20. Prior to the commencement of works, the relevant recommendations and mitigation measures detailed in the Heritage Impact Statement, prepared by Urbis, dated 24 July 2020 and Historical Archaeological Assessment, prepared by Urbis, dated 20 October 2020 must be implemented.
- B21. Prior to the commencement of works, an unexpected finds protocol must be prepared in accordance with the Heritage Council of NSW Guidelines and the requirements of section 146 of the NSW *Heritage Act 1977*.

## ABORIGINAL HERITAGE

- B22. Prior to the commencement of works, the relevant recommendations and mitigation measures detailed in the Aboriginal Cultural Heritage Assessment Report, prepared by Urbis, dated 19 October 2020 must be implemented.

## TREE REPLACEMENT

- B23. Suitable tree replacements must be provided. The tree replacement species should be compatible with the unique nature of the site including exhibit and animal welfare and containment requirements as well as Taronga Zoo's own horticulture and public safety requirements.

## BIODIVERSITY OFFSETS

- B24. A total of 4.5 ecosystem credits and 3.4 species credits must be retired prior to the commencement of any vegetation clearing. Details confirming compliance must be provided to the Certifier and Planning Secretary.

## CONTAMINATION AND HAZARDOUS MATERIAL

- B25. An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of any demolition / construction works and must be followed should unexpected contaminated land or asbestos be excavated or otherwise discovered during construction. The Unexpected Contaminated Land and Asbestos Finds Procedure must outline the steps to be undertaken to identify, report and manage any signs of potential environmental concern encountered during earthworks/redevelopment works.
- B26. A hazardous building materials survey must be conducted on the buildings prior to the commencement of any demolition/construction works on site.
- B27. Prior to the commencement of works, the relevant recommendations detailed in the Preliminary Site (Contamination) Investigation, prepared by Douglas Partners, dated 21 December 2018 must be implemented.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B28. The development must incorporate all design, operation and construction measures as identified in the Ecologically Sustainable Development Statement, prepared by Edge Environment dated 2 July 2020.
- B29. Details demonstrating compliance are to be submitted to the Certifier prior to the commencement of works.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B30. Prior to the commencement of works, the Applicant shall prepare and implement **an updated Construction Environmental Management Plan (CEMP)** for the development and be submitted to the Certifier. The CEMP must:
- describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
  - include plans demonstrating the boundary of the construction site and any associated areas to be fenced or closed to the public;

- (c) describe all activities to be undertaken on the site during site establishment and construction of the development;
- (d) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- (e) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- (f) include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
- (g) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- (h) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
- (i) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
- (j) include arrangements for community consultation and complaints handling procedures during construction
- (k) dangerous goods/chemical waste management;
- (l) workplace and community health and safety management;
- (m) stormwater management, including an Erosion and Sediment Control Plan and systems, processes and procedures for the implementation, operation and management of:
  - (i) temporary boundary treatment and stormwater overland flow paths;
  - (ii) procedures for management of any spills; and
  - (iii) management of all excess spoil and construction wastes.
- (n) include air quality management measures to protect the amenity of the neighbourhood
- (o) include waste management measures
- (p) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (q) include an unexpected finds protocol for contamination and associated communications procedure
- (r) include the relevant recommendations and mitigation measures detailed in Heritage Impact Statement, prepared by Urbis, dated 24 July 2020 and Historical Archaeological Assessment, prepared by Urbis, dated 20 October 2020;
- (s) include the relevant recommendations and mitigation measures detailed in the Aboriginal Cultural Heritage Assessment Report, prepared by Urbis, dated 19 October 2020;
- (t) include the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 18 June 2020, **as amended by the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 30 March 2021 and the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 June 2021;**
- (u) include a site-specific tree protection plan
- (v) include the relevant recommendation and mitigation measures detailed in the Biodiversity Development Assessment Report, prepared by Narla Environmental, dated 4 November 2020, **as amended by the Biodiversity Development Assessment Report, prepared by Narla Environmental, dated June 2021;**
- (w) include the relevant recommendations detailed in the Preliminary Site (Contamination) Investigation, prepared by Douglas Partners, dated 21 December 2018.

In the event of any inconsistency between the consent and the **CEMP**, the consent shall prevail.

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition B30 (a)-(w)**) must be submitted to the Certifier. A copy of the **updated** CEMP must be submitted to the Certifier, Council and the Planning Secretary.

#### **CONSTRUCTION AND TRAFFIC MANAGEMENT PLAN**

- B31. Prior to the commencement of works, a detailed **Construction and Traffic Management Plan (CTMP)** must be prepared by a suitably qualified person. The **CTMP** must detail the construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control. A swept path diagram should be provided to demonstrate how the largest construction vehicles enter and exit the site in a forward direction. The swept path diagram should also demonstrate that the largest vehicle is able to turn around at the Taronga Zoo Wharf turning circle. The **CTMP** should be submitted to TfNSW for review prior to the commencement of works.

## **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- B32. Prior to the commencement of works, a Construction Noise and Vibration Management Plan (CNVMP) must be prepared by a suitably qualified person. The CNVMP shall address (but not be limited to):
- (a) be prepared in accordance with the EPA's Interim Construction Noise Guideline;
  - (b) identify nearby sensitive receivers and land uses;
  - (c) identify the noise management levels for the project;
  - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
  - (e) include details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
  - (f) address the relevant provisions of Australian Standard 2436-2010 Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites;
  - (g) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Taronga Zoo – Upper Australia Exhibit SSDA Acoustic Assessment prepared by Marshall Day Acoustics, dated 15 June 2020;
  - (h) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer;
  - (i) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded;

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition 32(a)-(i)**) must be submitted to the Certifier. A copy of the CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

## **EROSION AND SEDIMENT CONTROL**

- B33. Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details are to be included in the **CEMP** outlined in **Condition B30**.

## **MECHANICAL VENTILATION**

- B34. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B35. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## **MECHANICAL PLANT NOISE MITIGATION**

- B36. Details of noise mitigation measures for all mechanical plant are to be provided to the Certifier prior to the commencement of works. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Noise Policy for Industry is required to be submitted to the Certifier prior to the commencement of works.
- B37. The mechanical plant and public address systems should be designed to comply with the Noise Policy for Industry (EPA, 2017) Project Noise Trigger Levels detailed in the Taronga Zoo – Upper Australia Exhibit SSDA Acoustic Assessment prepared by Marshall Day Acoustics, dated 15 June 2020.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

- B38. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

## **SANITARY FACILITIES FOR DISABLED PERSONS**

- B39. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the commencement of works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

## **STORAGE AND HANDLING OF WASTE**

- B40. The building plans and specifications accompanying the relevant plans submitted to the Certifier prior to the commencement of works shall demonstrate that an appropriate area will be provided within the site for storage of garbage bins and recycling containers and all waste and recyclable materials generated by the approved development.

## OUTDOOR LIGHTING

- B41. All outdoor lighting shall comply with AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the commencement of works.

## REQUIREMENTS OF PUBLIC AUTHORITIES

- B42. The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposal. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## SYDNEY WATER NOTICE OF REQUIREMENTS

- B43. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of the relevant Crown Building Works Certificate.

## STORMWATER DESIGN

- B44. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the Certifier prior to the commencement of works.
- B45. The stormwater system must be designed in accordance with the recommendations detailed in the Stormwater, Flooding and Utility Impact Assessment Report, prepared by Warren Smith & Partners, dated 30 June 2020.

## INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS (NON-RESIDENTIAL USES)

- B46. All toilets must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate being issued for above ground works.
- B47. All taps and shower heads must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for services and finishes works.
- B48. New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.
- B49. Systems should include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

## ANIMAL RELOCATION MANAGEMENT PLAN

- B50. Prior to the commencement of works, an **Animal Relocation Management Plan** shall be submitted to the Certifier. The Plan must be prepared in consultation with the zoo and consider the relocation of zoo animals observed to be sensitive during construction works.

## EXHIBITED ANIMALS PROTECTION ACT

- B51. Prior to the commencement of works, the Applicant shall obtain all necessary pre-construction permits and other approvals as required under the *Exhibited Animals Protection Act 1986*.

## FENCE ALONG BRADLEYS HEAD ROAD

- B52. ~~Prior to the commence of works, the Applicant must further develop the proposed fence along Bradleys Head Road in consultation with an Aboriginal Art Consultant.~~

## PART C DURING CONSTRUCTION

### DEMOLITION

- C1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 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 before the commencement of works.

### HOURS OF CONSTRUCTION

- C2. 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.
- C3. No work may be carried out on Sundays or public holidays.
- C4. Activities may be undertaken outside of these hours 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.
- C5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- C7. The Applicant shall ensure that the requirements of the **CEMP** required by Part B of this consent are implemented during construction.

### IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON -ABORIGINAL OBJECTS

- C8. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately. Relevant works shall not recommence until written authorisation from Heritage Council of New South Wales is received by the Applicant.

### IMPACT OF BELOW GROUN (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- C9. If during the course of construction, the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from EESG is received by the Applicant.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- C10. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the **CEMP**.
- C11. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in the NSW Noise Policy for Industry), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C12. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- C13. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- C14. Wherever practical, and where sensitive receivers may be affected, piling activities are to be completed using bored piles. If drive piles are required they must only be installed where outlined in the CEMP.

- C15. Any walls or fences should be erected early in construction to assist in mitigating construction noise.
- C16. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2- 1993 Evaluation and Measurement for Vibration in Buildings*;
  - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
  - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
  - (d) these limits apply unless otherwise outlined in the **CEMP**.

#### **APPROVED PLANS TO BE ON-SITE**

- C17. 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 to any officer of the Department, Council or the Certifier.

#### **ASBESTOS AND HAZARDOUS WASTE REMOVAL**

- C18. Any existing filling on the site shall be assessed for the presence of asbestos material during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- C19. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate shall be provided before waste classification, disposal or site validation is undertaken.

#### **SITE CONTAMINATION ISSUES DURING CONSTRUCTION**

- C20. The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented throughout construction. If unexpected contamination is found, the applicant must conduct site investigations to determine the full nature and extent of the contamination at the project area. The site investigations must be undertaken, and the subsequent report/s, must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997.
- C21. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

#### **SAFework NSW REQUIREMENTS**

- C22. 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 NSW requirements.

#### **HOARDING/FENCING REQUIREMENTS**

- C23. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

#### **COVERING OF LOADS**

- C24. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **VEHICLE CLEANSING**

- C25. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **SITE NOTICE**

- C26. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) the notice is to be able to be read by the general public;



- (b) the notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period;
- (c) 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 are to be displayed on the site notice; and
- (d) 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.

**CONTACT TELEPHONE NUMBER**

C27. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

**WASTE MANAGEMENT**

C28. The Applicant must ensure that:

- (a) construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's *Waste Classification Guidelines Part 1*;
- (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

**DUST CONTROL MEASURES**

C29. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- (a) 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;
- (b) 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;
- (c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (e) 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;
- (f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (h) cleaning of footpaths and roadways shall be carried out regularly.

**NO OBSTRUCTION OF THE PUBLIC WAY**

C30. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

**DAMAGE TO THE PUBLIC WAY**

C31. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

**DISPOSAL OF SEEPAGE AND STORMWATER**

C32. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

## **BUNDING**

- C33. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements (if active) and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

## **OPERATION OF PLANT AND EQUIPMENT**

- C34. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

- C35. The following requirements apply:
- (a) all loading and unloading associated with construction must be accommodated on-site; and
  - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

## **DEMOLITION AND CONSTRUCTION VEHICLES**

- C36. All demolition and construction vehicles must be wholly contained within the site and vehicles must enter the site before stopping.

## **OUTDOOR LIGHTING**

- C37. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## **EROSION AND SEDIMENT CONTROL**

- C38. All erosion and sediment control measures are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

## **CONSTRUCTION WASTE**

- C39. Construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites".
- C40. The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's Waste Classification Guidelines 2014 and disposed of at a facility that may lawfully accept that waste.

## **PROTECTION OF TREES**

- C41. During construction, trees must be managed in accordance with the site-specific tree protection plan in the **CEMP** and in accordance with the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 18 June 2020 **as amended by Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 30 March 2021 and Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 June 2021.**

## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### PROTECTION OF PUBLIC INFRASTRUCTURE

- D1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### EXTERNAL WALLS AND CLADDING FLAMMABILITY

- D2. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B13**.

### BUSHFIRE EMERGENCY MANAGEMENT AND EVACUATION PLAN/BUSHFIRE MANAGEMENT PLAN

- D3. The existing ~~Bush Fire Emergency Management and Evacuation Plan/Bushfire Management Plan~~ **Taronga Zoo Emergency Response Plan** must be updated to include the redevelopment of the Upper Australia Precinct and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. ~~Specific updates should include:~~ **Recommended actions include:**
- emphasis that evacuation routes are to be into the zoo site toward the west (away from the bushfire hazard outside the eastern boundary of the zoo) and not to the overflow carpark to the north.
  - re-assessment of the bushfire risk rating considering the Mosman North Sydney Willoughby Bush Fire Management Committee Bush Fire Risk Management Plan 2017-2022 assessment of the likelihood of a bush fire as 'Likely' and the consequence as 'Catastrophic'
  - consideration should be given to the planned closure of the zoo based on specific triggers such as Extreme and/or Catastrophic Fire Danger Rating forecasts.

~~The updated Bush Fire Emergency Management and Evacuation Plan/Bushfire Management Plan shall be prepared by a suitably qualified bushfire consultant in consultation with FRNSW and Mosman Council; demonstrate compliance with the above requirements; and be submitted to and approved by NSW RFS prior to the release of any Occupation Certificate. Any variations to the above requirements must be made to the satisfaction of NSW RFS.~~ **The update to the plan should include provisions so that evacuation routes from the Upper Australia Precinct are to be away from the bushfire hazard outside the eastern boundary of the site.** A copy of the updated plan shall be submitted to NSW RFS, FRNSW, Planning Secretary, the Certifier, Mosman Council and the Local Emergency Management Committee prior to the commencement of the use.

### EMERGENCY RESPONSE PLAN

- D4. The existing **Emergency Response Plan** for Taronga Zoo shall be updated to incorporate the development as per the recommendations of the Bushfire Assessment Report prepared by Australian Bushfire Assessment Consultants, dated June 2020 and shall include, but not be limited to, the following matters in respect to Bushfire Emergencies:
- foreseeable on-site and off-site fire events and other emergency incidents or potential hazmat incidents;
  - appropriate risk control measures that would need to be implemented to safely mitigate potential risks to the health and safety of firefighters and other first responders. Such measures will include the level of personal protective clothing required to be worn, the minimum level of respiratory protection required, decontamination procedures to be instigated and minimum evacuation zone distances;
  - other risk control measures that may need to be implemented in a fire emergency (due to any unique hazards specific to the site)

The updated **Emergency Response Plan** shall: be prepared by a suitably qualified expert in consultation with Mosman Council and NSW RFS, demonstrate compliance with the above requirements; and be submitted to and approved by FRNSW prior to the release of any Occupation Certificate.

Any variations to the above requirements must be made to the satisfaction of FRNSW. A copy of the updated plan shall be submitted to NSW RFS, FRNSW, Planning Secretary, the Certifier, Mosman Council and the Local Emergency Management Committee prior to the commencement of the use. Two copies of the **Emergency Response Plan** must be stored in a prominent 'Emergency Information Cabinet' located in a position directly adjacent to the site's main entry point/s.

### OPERATIONAL NOISE AND VIBRATION MANAGEMENT PLAN

- D5. Within three months of the date of this consent, an **Operational Noise and Vibration Management Plan (ONVMP)** prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary.

The **ONVMP** must be prepared in consultation with Council and the EPA. The **ONVMP** shall include (but not be limited to):

- (a) be prepared in accordance with the EPA's Noise Policy for Industry;
- (b) identify nearby sensitive receivers and land uses;
- (c) identify the noise limits applying to the development;
- (d) identify all key sources of operational noise and vibration;
- (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration;
- (f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Taronga Zoo – Upper Australia Exhibit SSDA Acoustic Assessment prepared by Marshall Day Acoustics, dated 15 June 2020;
- (g) address community consultation and complaint management; and
- (h) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this approval are not exceeded.

A copy of the approved **ONVMP** must be submitted to Council.

#### **FIRE SAFETY**

- D6. Prior to occupation or commencement of the use, a **Fire Safety Certificate** shall 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 be prominently displayed in the building.
- D7. Prior to the commencement of use, the Applicant must notify the Local Emergency Management Committee (LEMC). The contact details of the members of the LEMC can be obtained from Mosman Council.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- D8. At the completion of the works, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the EIS (see **Condition B28**).

#### **WASTE AND RECYCLING COLLECTION**

- D9. Prior to the occupation or commencement of the use, the Applicant must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

#### **STRUCTURAL INSPECTION CERTIFICATE**

- D10. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier and the Planning Secretary at completion of works. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall 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.

#### **REPAIR OF DAMAGE (ROADS AND PUBLIC DOMAIN)**

- D11. Prior to occupation or commencement of use, all public footways, paving, sub-surface infrastructure, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles.

#### **ROAD DAMAGE**

- D12. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer at the completion of works.

*Note: Should the cost of damage repair work not exceed the road maintenance bond, the bond will automatically be call up to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

#### **WATER AUTHORITY COMPLIANCE**

- D13. If required, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

## UTILITY PROVIDERS

- D14. If required, prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

## MECHANICAL VENTILATION

- D15. At the completion of works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the Certifier, at the completion of works, that the installation and performance of the mechanical systems complies with:
- the BCA;
  - Australian Standard AS1668* and other relevant codes;
  - the development consent and any relevant modifications; and,
  - any dispensation granted by the New South Wales Fire Brigade.

## PUBLIC SANITARY FACILITIES

- D16. Prior to the commencement of use, details must be provided to the Certifier demonstrating that the public sanitary facilities comply with the relevant provisions of the BCA and that the facilities for disabled persons complies with Section F2.4 of the BCA and **Condition B39** of this consent.

## COMPLIANCE WITH FOOD CODE

- D17. Prior to commencement of food handling operations, the Applicant is to obtain a certificate from a suitably qualified person, certifying any food premises have been fitted in accordance with AS 4674 – 2004: Design, Construction and Fit-out of Food Premises and satisfy Food Safety Standards 3.2.2 (Food Safety Practices and General Requirements) and 3.2.3 (Food Premises and Equipment). The Applicant shall provide evidence of receipt of the certificate to the Certifier prior to the commencement of use.
- D18. Prior to commencement of food handling operations, food premises are to be registered with Council.

## COMPLIANCE REPORT

- D19. At the completion of works, the Applicant, or any party acting upon this approval, shall submit to the Certifier a report addressing compliance with all relevant conditions of this Part.

## TREE PLANTING AND LANDSCAPE WORKS

- D20. All tree planting and landscaping works approved by **Conditions A2** and **B23** are to be completed prior to the commencement of use.
- D21. ~~The Zoo's **Vegetation Management Plan** is to be updated to include the approved development and associated landscaping, including a proposed schedule of maintenance to ensure the provisions of fire and asset protection management zones as an Outer Protection Area (OPA) in accordance with Appendix 4 of *Planning for Bushfire Protection 2019*. When establishing and maintaining an OPA the following requirements apply:~~
- ~~tree canopy cover should be less than 30%;~~
  - ~~canopies should be separated by 2-5 metres;~~
  - ~~shrubs should not form a continuous canopy;~~
  - ~~shrubs should form no more than 20% of ground cover;~~
  - ~~grass should be cover mown to a height of less than 100 mm; and~~
  - ~~leaf and other debris should be removed.~~

~~A copy of the updated plan demonstrating compliance with the above requirements shall be submitted to NSW RFS, FRNSW and the Planning Secretary, prior to the commencement of use. Any variations to the above requirements must be made to the satisfaction of NSW RFS.~~

The Zoo's Vegetation Management Plan is to be updated to include the approved development and associated landscaping and revegetation, including a proposed schedule of maintenance to ensure a reduced risk of bushfire spread to the proposed exhibit and the overall zoo.

The updated plan should be prepared in consultation with an accredited bushfire consultant, and should provide an appropriate combination of the following measures to manage the risk of bushfire to the proposed exhibit and spread from the exhibit to the overall zoo;

- compatibility with animal welfare, creation of habitat within the exhibit and containment requirements;
- Taronga Zoo's own horticulture and public safety requirements including the Taronga Zoo Emergency Response Plan; and

- (c) Relevant principles of Appendix 4 of Planning for Bushfire Protection 2019 for an Outer Protection Area (OPA), and the following:
- (i) A species list of all plantings including estimated size at maturity and a preference for species with low flammability;
  - (ii) A maintenance regime that provides for ongoing adequate canopy separation between trees i.e. thinning and regular pruning to avoid adjoining canopies, and provides for ongoing pruning of lower limbs of trees where not essential for animal welfare;
  - (iii) Adequate spacing between plantings to avoid continuous vegetation pathways resulting in the creation of fire paths toward proposed structures;
  - (iv) Regular removal of fine fuels to maintain a fuel reduced landscape;
  - (v) Suitable impervious areas are provided immediately surrounding the proposed structures such as pathways;
  - (vi) Species are avoided, where possible, that have rough fibrous bark, or which keep flash shed bark in long strips or retain dead material in their canopies;
  - (vii) Smooth barks species of trees are chosen for additional trees where possible which generally do not carry fire up the bark into the crown; and
  - (viii) Planting of deciduous species are avoided which may increase fuel at surface/ground level.

A copy of the updated plan demonstrating compliance with the above requirements and the Taronga Zoo Emergency Response Plan shall be submitted to NSW RFS, FRNSW and the Planning Secretary, prior to the commencement of use. Any variations to the above requirements must be made to the satisfaction of NSW RFS.

- D22. ~~The landscaping and revegetation within the proposed exhibit should incorporate the principles of Appendix 4 of Planning for Bushfire Protection 2019, including:~~
- ~~(a) A species list of all plantings including estimated size at maturity and a preference for species with low flammability;~~
  - ~~(b) a maintenance regime that provides for ongoing adequate canopy separation between trees i.e. thinning and regular pruning to avoid adjoining canopies, and provides for ongoing pruning of lower limbs of trees;~~
  - ~~(c) adequate spacing between plantings to avoid continuous vegetation pathways resulting in the creation of fire paths toward vulnerable buildings;~~
  - ~~(d) regular removal of fine fuels to maintain a fuel reduced landscape;~~
  - ~~(e) suitable impervious areas are provided immediately surrounding the building such as pathways;~~
  - ~~(f) grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building;~~
  - ~~(g) species are avoided that have rough fibrous bark, or which keep flash shed bark in long strips or retain dead material in their canopies;~~
  - ~~(h) smooth barks species of trees are chosen which generally do not carry fire up the bark into the crown; and~~
  - ~~(i) planting of deciduous species are avoided which may increase fuel at surface/ground level.~~

~~A copy of the updated plan demonstrating compliance with the above requirements shall be submitted to NSW RFS, FRNSW and the Planning Secretary, prior to the commencement of use. Any variations to the above requirements must be made to the satisfaction of NSW RFS.~~

#### **EXHIBITED ANIMALS PROTECTION ACT 1986**

- D23. Prior to the commencement of use, the Applicant shall obtain all necessary permits and other approvals as required under the *Exhibited Animals Protection Act 1986*.

#### **POST CONSTRUCTION DILAPIDATION REPORT**

- D24. Prior to occupation or commencement of the use:
- (a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads and;
  - (b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, 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. A copy of this report is to be forwarded to the Certifier, the Planning Secretary and each of the affected property owners.

## **GREEN TRAVEL PLAN**

- D25. Prior to the commencement of use, the Applicant must update the existing Green Travel Plan in consultation with TfNSW. The updated GTP would apply to all zoo staff and visitors and should include:
- (a) appointment and details of a Travel Plan Coordinator to oversee the implementation of the GTP;
  - (b) inclusion of latest TAG version (which currently is reviewed every 6 months according to the Transport Impact Assessment);
  - (c) details of mode shifts achieved since the first GTP was issued in 2015; and
  - (d) details of how the GTP will be monitored and reviewed including Travel Surveys for Staff, Visitors, Students.

## PART E POST OCCUPATION

### NOISE LIMITS

- E1. The Applicant must ensure that the noise generated by the development does not exceed the noise limits identified in the Taronga Zoo – Upper Australia Exhibit SSDA Acoustic Assessment prepared by Marshall Day Acoustics, dated 15 June 2020

### ANNUAL FIRE SAFETY CERTIFICATE

- E2. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

### LOADING AND UNLOADING

- E3. All loading and unloading operations associated with the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- E4. At all times the driveway and loading/unloading area must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- E5. All vehicles are to be wholly contained on-site before being required to stop.

### NO OBSTRUCTION OF THE PUBLIC WAY

- E6. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### OUTDOOR LIGHTING

- E7. All new outdoor lighting (including any signage illumination) shall operate in accordance with AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting (**Condition B41**).

### BUNDING

- E8. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's Storing and Handling Liquids: Environmental Protection – Participants Handbook.

### WASTE MANAGEMENT

- E9. Waste Management shall be undertaken in accordance with the Operational Waste Management Plan, prepared by Taronga Conservation Society Australia, dated June 2020.

### SANITARY FACILITIES FOR DISABLED PERSONS

- E10. Within one month of the date of this consent, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B39**.

### TREES AND LANDSCAPING

- E11. All new tree planting shall be maintained for a minimum of 2 years. If any trees within this period die, they are to be replaced immediately with a tree of an identical species.
- E12. The Vegetation Management Plan prepared under **Condition D22** must be in place at all times to ensure ongoing protection from the impact of bushfires.
- E13. The landscaping in front of the proposed fence along Bradleys Head Road shall be maintained throughout operation.

### COMPLAINT RESPONSE

- E14. In the event of a complaint being received by the licensee from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the licensee must notify Council of the complaint for inclusion on the complaints register within 48 hours. It remains the responsibility of the licensee to respond appropriately to complaints.

### COPIES OF CONSENTS, REGISTERS AND PLAN OF MANAGEMENT

- E15. A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required must be kept on the premises and made available for inspection immediately upon request by Council Officers or Police Officers.



## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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](mailto: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 A18** or, having given such notification, subsequently forms the view that an incident has not occurred.
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.
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.
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.