

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, 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



Anthony Witherdin

Director

Key Sites Assessments

Sydney: 24 December 2021

SCHEDULE 1

Application Number:	SSD 17483577
Applicant:	Taronga Conservation Society Australia
Consent Authority:	Minister for Planning
Site:	Taronga Zoo, Bradleys Head Road, Mosman (Lot 22 DP 843294)
Development:	Reptile and Amphibian Conservation Centre

DEFINITIONS

Accredited Certifier	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
Applicant	Taronga Conservation Society Australia, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	Means a council or an accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	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.
Council	Mosman Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Taronga Zoo Reptile and Amphibian Conservation Centre, prepared by Urbis dated July 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	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
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - 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)
Minister	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the

	EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	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.
Response to submissions	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.
TfNSW	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.

Architectural Drawings prepared by dwp:			
Drawing No.	Revision	Name of Plan	Date
AA0000	E	Cover Sheet	No date
AA0100	H	Site Plan - Existing / Demolition	16/09/2021
AA1100	F	Site Plan - New Works	08/09/2021
AA1150	F	Area Plans	08/09/2021
AA1200	F	General Arrangement Plan - Entry + Landscaping	08/09/2021
AA1201	G	General Arrangement Plan - Ground Floor	08/09/2021
AA1202	F	General Arrangement Plan - Level 1	08/09/2021
AA1203	F	General Arrangement Plan - Level 2	08/09/2021
AA1204	G	General Arrangement Plan - Roof	08/09/2021
AA2000	E	North and South Building Elevations	08/09/2021
AA2001	E	East and West Building Elevations	08/09/2021
AA3000	F	A and B-B Sections	08/09/2021
AA3001	F	D and C-C Sections	08/09/2021
AA3002	E	E-E Section	08/09/2021
AA9000	D	External Finishes	08/09/2021
Landscape Architectural Drawings prepared by Context Landscape Design:			
L_1001	A	General Arrangement Plan	07/10/2021
L_1002	A	Tree Retention and Removal Plan	07/10/2021

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) 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:

- (a) 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:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - 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 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 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 2.

NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to 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. Where revisions are required, the revised document must be submitted to the Planning Secretary 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. Prior to the certification of the Crown building work, the Applicant must provide the Certifying Authority 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 relevant requirements of the BCA.
- B6. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

REFLECTIVITY

- B7. The visible light reflectivity from building materials used on the roof 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:
 - the documents referred to in **Condition A2** of this consent;
 - all current statutory approvals for the development;
 - all approved strategies, plans and programs required under the conditions of this consent;
 - 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;
 - 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;
 - a summary of the current stage and progress of the development;
 - contact details to enquire about the development or to make a complaint;
 - a complaints register, updated monthly;
 - 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;
 - 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 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 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:
 - complies with the performance requirements; or
 - is shown to be at least equivalent to the deemed to satisfy provision; or
 - 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.

COMPLIANCE

- B15. 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

- B16. 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) a 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) a postal address to which written complaints and enquiries may be sent; and
 - (c) 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

- B17. Prior to the commencement of works, the recommendations and mitigation measures detailed in the Heritage Impact Assessment, prepared by Geoffrey Britton, dated July 2021, Heritage Impact Assessment Addendum, prepared by Geoffrey Britton, dated September 2021 and Historical Archaeological Assessment, prepared by Urbis, dated 13 July 2021 must be implemented.
- B18. 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

- B19. Prior to the commencement of works, the recommendations and mitigation measures detailed in the Aboriginal Cultural Heritage Assessment Report, prepared by Urbis, dated 19 August 2021 must be implemented.

TREE REPLACEMENT

- B20. Suitable tree replacements (minimum 63 trees) must be provided in accordance with the offset strategy detailed in the Arboricultural Statement, prepared by Sydney Arbour Trees, dated 06 August 2021. 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

- B21. The Applicant must purchase and retire 3 PCT: 1778 Smooth-barked Apple - Coast Banksia / Cheese Tree open forest on sandstone slopes on the foreshores of the drowned river valleys of Sydney ecosystem credits and 2 species credits for Myotis Macropus (Southern Myotis) prior to the commencement of any vegetation clearing. Details confirming compliance must be provided to the Certifier and Planning Secretary.

CONTAMINATION AND HAZARDOUS MATERIAL

- B22. 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.
- B23. A hazardous building materials survey must be conducted on the buildings prior to the commencement of any demolition/construction works on site.
- B24. Prior to the commencement of works, the relevant recommendations detailed in the Preliminary Site (Contamination) Investigation with Limited Sampling, prepared by Douglas Partners, dated July 2021 must be implemented.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B25. The development must meet or exceed environmental performance using the relevant industry recognised building sustainability standards, through incorporation of design, operation and construction measures as identified in the Environmentally Sustainable Design Strategy, prepared by LCI revision 02 dated 8 July 2021.

Details demonstrating compliance are to be submitted to the Certifier prior to the commencement of works.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B26. Prior to the commencement of works, the Applicant shall prepare and implement a **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;
 - describe all activities to be undertaken on the site during site establishment and construction of the development;
 - clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - 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;
 - include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
 - describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - 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;
 - document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent;
 - include arrangements for community consultation and complaints handling procedures during construction
 - 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:
 - temporary boundary treatment and stormwater overland flow paths;
 - procedures for management of any spills; and
 - 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 the Heritage Impact Assessment, prepared by Geoffrey Britton, dated July 2021, Heritage Impact Assessment Addendum, prepared by Geoffrey Britton, dated September 2021 and Historical Archaeological Assessment, prepared by Urbis, dated 13 July 2021;
- (s) include the relevant recommendations and mitigation measures detailed in the Aboriginal Cultural Heritage Assessment Report, prepared by Urbis, dated 19 August 2021;
- (t) include the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 05 July 2021 and the Arboricultural Statement, prepared by Sydney Arbor Trees, dated 06 August 2021;
- (u) include a transplanting methodology statement that considers the method and final location of trees identified as a priority for transplant as detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 5 July 2021 and the Arboricultural Statement, prepared by Sydney Arbor Trees, dated 6 August 2021;
- (v) include a site-specific tree protection plan and bushland tree protection fencing;
- (w) include the relevant recommendation and mitigation measures detailed in the Biodiversity Development Assessment Report, prepared by Narla Environmental, dated September 2021;
- (x)
- (y) include the relevant recommendations detailed in the Preliminary Site (Contamination) Investigation with Limited Sampling, prepared by Douglas Partners, dated July 2021.

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 B26(a)-(x)**) must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, Council and the Planning Secretary.

CONSTRUCTION AND TRAFFIC MANAGEMENT PLAN

- B27. 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** must also consider the cumulative impact for all construction projects.

The **CTMP** must be submitted to TfNSW for review prior to the commencement of works.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- B28. 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 – Reptile and Amphibian Conservation Centre Acoustic Report for State Significant Development Application prepared by Acoustic Studio, dated 25 June 2021;
- (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 28(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

- B29. 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 B26**.

MECHANICAL VENTILATION

- B30. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B31. 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

- B32. 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.

ACCESS FOR PEOPLE WITH DISABILITIES

- B33. 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

- B34. 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

- B35. 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

- B36. 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

- B37. 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

- B38. 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

- B39. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier the final design plans of the stormwater drainage systems for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with Council's stormwater requirements and specifications;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines
- B40. The stormwater system must be designed in accordance with the recommendations detailed in the Stormwater Management Plan, prepared by Meinhardt-Bonacci, dated 05 June 2021.

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

- B41. 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.
- B42. 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.
- B43. 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

- B44. 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.

MICROBATS

- B45. Prior to demolition, a pre-clearing survey shall be conducted by a suitably qualified expert for microbats in the roof space of the building. If any individuals are found to be present, they are to be captured the morning of demolition works and released at night into surrounding bushland following demolition works.

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 PCA 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 (**Condition B26**) 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 GROUND (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 05 July 2021 and the Arboricultural Statement, prepared by Sydney Arbor Trees, dated 06 August 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:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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**.

EMERGENCY RESPONSE PLAN

- D3. The existing Taronga Zoo Emergency Response Plan must be updated by a suitably qualified Bushfire consultant to include the Reptile and Amphibian Conservation Centre and contain a section consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.
- 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.

FIRE SAFETY

- D4. 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.
- D5. 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

- D6. At the completion of the works, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the EIS and the Environmentally Sustainable Design Strategy, prepared by LCI revision 02 dated 08 July 2021 (see **Condition B25**).

WASTE AND RECYCLING COLLECTION

- D7. 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

- D8. 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)

- D9. 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

- D10. 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

- D11. 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

- D12. 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

- D13. 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:
- (a) the BCA;
 - (b) *Australian Standard AS1668* and other relevant codes;
 - (c) the development consent and any relevant modifications; and,
 - (d) any dispensation granted by the New South Wales Fire Brigade.

COMPLIANCE REPORT

- D14. 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.

EXHIBITED ANIMALS PROTECTION ACT 1986

- D15. 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

- D16. 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:
 - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - 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

- D17. 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.

TRANSPLANTING METHODOLOGY STATEMENT

- D18. Prior to occupation or commencement of use, the Applicant shall submit to the Planning Secretary a report demonstrating compliance with the requirements of the transplanting methodology statement in the **CEMP** required by Part B (**Condition B26**) of this consent.

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 – Reptile and Amphibian Conservation Centre Acoustic Report for State Significant Development Application prepared by Acoustic Studio, dated 25 June 2021.

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 B37**).

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 B35**.

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. Within the first six months of occupations, the Applicant shall provide a report to the Planning Secretary detailing the success of the tree transplants as outlined in the transplanting methodology statement in the **CEMP** required by Part B (**Condition B26**) of this consent.

Where transplanting is unsuccessful and trees or palms fail to survive the transplanting process, suitable replacements must be provided in accordance with the offset strategy detailed in the Arboricultural Statement, prepared by Sydney Arbour Trees, dated 6 August 2021.

- E13. The landscaping on the Southern Green Façade 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 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.