

# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of NSW (the Commission) approves the Development Application referred to in Schedule A, subject to the conditions specified in Schedules B to D.

These conditions are required to:

- prevent, minimise, and/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.

Lynelle Briggs AO  
Member of the Commission

Roger Fisher  
Member of the Commission

Alan Coutts  
Member of the Commission

Sydney

8 September 2017

File:15/13166

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### SCHEDULE A

**Application No:** SSD 7228

**Applicant:** Sydney Zoo Pty Ltd

**Consent Authority:** Minister for Planning

**Land:** Lot 11 in Lot 101 Deposited Plan 1195067

**Development:** Construction and operation of a zoological facility within the Western Sydney Parklands.

**MOD 1** Design refinements to improve animal welfare, handling and management (Approved 8 May 2018)

**MOD 2** Design refinement of aquatic exhibit (Approved 20 September 2018)

**MOD 3** Extension of operating hours

**MOD 4** Australiana Back of House Buildings (Approved 4 July 2019)

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## DEFINITIONS

Additional Information	Additional information comprising documents titled <i>“Response to the Planning Assessment Commission’s request for further information”</i> prepared by Sydney Zoo and dated April 2017; <i>“Social Impact Assessment”</i> prepared by the University of Technology Sydney and undated; and letter titled <i>“The Sydney Zoo – D440/16 – amendment of proposal”</i> signed by Jake Burgess and dated 10 August 2017
Applicant	Sydney Zoo Pty Ltd
BCA	Building Code of Australia
Construction	Construction of a zoological facility including earthworks, buildings, hardstand and parking areas, fencing, signage and landscaping, covered by this consent
Council	Blacktown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Department</b>	<b>Department of Planning, Industry and Environment</b>
Development	The development as described in the EIS and RTS, and as generally depicted in Appendix A
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	Environmental Impact Statement titled <i>Sydney Zoo SSD 7228 – Environmental Impact Statement</i> , prepared by JBA, dated December 2015
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 issued by the EPA under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
Interactive Program	Activities supervised by one or more keepers which encourage a patron to touch, feed and/or have close contact with an animal, either inside or outside of the animal’s normal enclosure.
Management & Mitigation Measures	The Applicant’s management and mitigation measures contained in the EIS and included in Appendix B
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
<b>Minister</b>	<b>Minister for Planning and Public Spaces (or delegate)</b>
<b>MOD 1</b>	<b>The development as described in modification application SSD 7228 MOD 1, the supporting documentation submitted with SSD 7228 MOD 1, the conditions of this consent and Appendix A of this consent</b>
<b>MOD 2</b>	<b>The development as described in the modification application SSD 7228 MOD 2, the supporting documentation submitted with SSD 7228 MOD 2, the conditions of this consent and Appendix A of this consent</b>
<b>MOD 3</b>	<b>The development as described in the modification application SSD 7228 MOD 3, the supporting documentation submitted with SSD 7228 MOD 3, the conditions of this consent and Appendix A of this consent</b>



MOD 4	The development as described in the modification application SSD 7228 MOD 4, the supporting documentation submitted with SSD 7228 MOD 4, the conditions of this consent and Appendix A of this consent
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Operation	Operation of a zoological facility
Patron	Any person visiting the Development that is not employed (either paid or unpaid) by the Applicant.
PCA	Principal Certifying Authority authorised under section 109D of the Environmental <i>Planning and Assessment Act 1979</i>
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgment 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
Registered Aboriginal Parties	As defined in the <i>National Parks and Wildlife Regulation 2009</i>
RMS	Roads and Maritime Services
RTS	Response to Submissions titled <i>Sydney Zoo SSD 7228 - Response to Submissions</i> , prepared by JBA, dated May 2016
Sensitive Receivers	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Site	The land listed in Schedule A, and shown in Appendix A
Supplementary Information	Supplementary Information submitted by JBA, dated 22 August, 2016
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material as defined in the POEO Act



**SCHEDULE B**  
**ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- B1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

**TERMS OF CONSENT**

- B2. The Applicant shall carry out the Development in accordance with the:
- (a) EIS, RTS and Supplementary Information and Additional Information;
  - (b) development layout plans and drawings in the EIS, RTS and Supplementary Information;
  - (c) the Management and Mitigation Measures (see Appendix B);
  - (d) the modification application SSD 7228 MOD 1 and supporting documentation;
  - (e) the modification application SSD 7228 MOD 2 and supporting documentation;
  - (f) the modification application SSD 7228 MOD 3 and supporting documentation; and
  - (g) the modification application SSD 7228 MOD 4 and supporting documentation.
- B3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Planning Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
  - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

**LIMITS OF CONSENT**

- B5. This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- B6. The display of Australian native animals shall comprise less than 1.6 hectares of the overall exhibited animal collection and shall be displayed as part of an Aboriginal Cultural Experience (See Condition C21). This area is to be in accordance with the area designated for Australian animals presented within the Site Plan (see APPENDIX A) and must include from the commencement of opening to the public an Aquarium, Reptile House and Insectarium and Nocturnal House. Any additional Australian native animals can be displayed as part of educational sessions or 'micro displays' within the commercial facilities across the site (i.e. restaurants, cafes and shops).
- B7. For the commencement of opening to the public the Development must have for display to the public at least two-thirds of the exotic species nominated in the Additional Information.
- B8. For the first three years after opening to the public, the Applicant is prohibited from having Interactive Programs that involve touching a koala except as part of demonstrations in the educational amphitheatre or provided in the context of education of school groups.
- B9. The exhibition of birds at the Development is limited to ratites (flightless birds) and penguins only.
- B10. The hours of operation for the Development are restricted, on any day, to the hours specified in Table 1 below:

*Table 1: Hours of Operation*

Activity Description	Hours of Operation
Public opening hours	December and January: 9am – 10pm February to November: 9am – 6pm
Maintenance activities conducted by staff of the Development including cleaning, animal curation, feeding and general maintenance activities	5:30am – 11pm

Emergency activities (including animal medical events)	24 hours, 7 days a week
Temporary and community events	December and January: 7am – 11pm February to November: 7am – 8pm
Delivery of goods, waste collection and specimen related services including animal and food delivery	December and January: 7am – 10pm February to November: 7am – 6pm
Private zoo experiences / small group tours	December and January: 7:30am – 10pm February to November: 7:30am – 6pm

**Note:** The operational noise limits specified in Condition C32 apply to all activities

- B10A. Temporary and community events are limited to a maximum of eight events per calendar year.
- B10B. Private zoo experiences / guided tours that take place outside of general public opening hours are limited to a maximum patronage of 60 persons per tour.
- B10C. The maximum number of visitors permitted on site for private zoo experiences / small group tours commencing between the hours of 7:30 am and 9 am is limited to a maximum total of 300 visitors.

#### STAGED SUBMISSION OF PLANS OR PROGRAMS

- B11. With the approval of the **Planning Secretary**, the Applicant may:
- submit any strategy, plan or program required by this consent on a progressive basis; and/or
  - combine any strategy, plan or program required by this consent.
- B12. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined shall be demonstrated.

#### EVIDENCE OF CONSULTATION

- B13. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- consult with the relevant public authority prior to submitting the required documentation to the **Planning Secretary** or the PCA for approval, where required;
  - submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
  - include the details of any outstanding issues raised by the relevant public authority and an explanation of the disagreement between any public authority and the Applicant or any person acting on this consent.

#### DISPUTE RESOLUTION

- B14. In the event that a dispute arises between the Applicant and either Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the **Planning Secretary** for resolution. The **Planning Secretary's** determination of any such dispute shall be final and binding on the parties.

#### STATUTORY REQUIREMENTS

- B15. The Applicant shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

**Note** – This is to include relevant license/approval from Council under section 68 of the Local Government Act 1993 for all domestic effluent disposal and management systems on-site.

#### STRUCTURAL ADEQUACY AND CERTIFICATION

- B16. The Applicant shall ensure all new buildings and structures are constructed in accordance with the relevant requirements of the BCA.



**Note** – Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.

#### **UTILITIES AND SERVICES**

- B17. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.
- B18. Prior to operation of the Development, the Applicant shall obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site from Sydney Water Corporation under Section 73 of the *Sydney Water Act 1994*.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- B19. Prior to the commencement of earthworks, the Applicant shall:
- (a) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (b) submit a copy of this report to the **Planning Secretary** and Council.
- B20. The Applicant shall:
- (a) repair, or pay the full costs associated with repairing any public infrastructure that is damaged by 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.

#### **COMPLIANCE**

- B21. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B22. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

#### **OPERATION OF PLANT AND EQUIPMENT**

- B23. The Applicant shall ensure that all plant and equipment used for the Development is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.



**SCHEDULE C**  
**ENVIRONMENTAL PERFORMANCE AND MANAGEMENT**

**TRAFFIC AND ACCESS**

C1. No work associated with the Development shall be carried out on land owned by RMS without consent of RMS.

**Parking**

C2. The Applicant shall provide sufficient parking facilities on the site during both construction and operation, including for heavy vehicles and for site personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities. Where there is an overflow, the Applicant must implement reasonable and feasible measures to minimise queuing on the surrounding road network. Detail of these measures shall be presented within the Operational Traffic Management Plan (see Condition C5).

**Construction Traffic Management Plan**

C3. The Applicant shall prepare a Construction Traffic Management Plan for the Development which will form part of the CEMP in Condition D1 of this consent. The plan shall:

- (a) be prepared by a suitably qualified and experienced person, in consultation with TfNSW, RMS and Council;
- (b) detail the measures that would be implemented to ensure road safety and network efficiency during earthworks and construction;
- (c) detail heavy vehicle routes, access and parking arrangements;
- (d) include a Driver Code of Conduct to:
  - minimise the impacts of construction on the local and regional road network;
  - minimise conflicts with other road users;
  - ensure truck drivers use specified routes;
- (e) include a program to monitor the effectiveness of these measures; and
- (f) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

**Operating Conditions**

C4. The Applicant shall ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest version of AS 2890.1 and AS 2890.2;
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTRROADS guidelines;
- (c) heavy vehicles and bins associated with the Development are not parked on local roads or footpaths in the vicinity of the site;
- (d) all loading and unloading of materials is carried out on-site;
- (e) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (f) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

**Operational Traffic Management Plan**

C5. The Applicant shall prepare an Operational Traffic Management Plan for the Development which will form part of the OEMP in Condition D4. The plan shall:

- (a) be prepared by a suitably qualified and experienced person, in consultation with TfNSW, RMS and Council;
- (b) include detail of specific management measures to be implemented during the initial year of operations to address potentially higher than anticipated visitation;
- (c) include detail of management measures for parking, traffic and transport during high visitation periods (particularly under any operating times considered under the 'peak' scenario in the EIS) including allocated arrival times, off-peak ticketing and the promotion of public transport);
- (d) include details and analysis of how the largest vehicle can enter and exit the site access, site carpark and loading areas; and
- (e) include detail of management measures to be implemented to minimise impacts offsite, including impacts upon the local road network, public transport services and pedestrian access.

- C5A. The Applicant must update the Operational Traffic Management Plan for the Development prior to the commencement of any activities approved under MOD 3 to the consent. The updated plan must:
- be prepared by suitably qualified and experienced person;
  - be prepared to the satisfaction of the Planning Secretary; and
  - include details of specific management measures for parking, traffic and transport to facilitate the private zoo experiences / guided tours that are carried out between 7:30 am and 9 am at the site.

#### **Traffic Verification Report**

- C5B. Within six months of the commencement of operation of the Development the Applicant must prepare and submit a Traffic Verification Report to the satisfaction of the Planning Secretary. The Report must:
- be prepared by a suitably qualified traffic consultant;
  - quantify the mode share between coach and private vehicles for the private zoo experiences / small group tours commencing between the hours of 7:30 am and 9 am;
  - verify the total traffic impacts of the private zoo experiences / small group tours commencing during the hours of 7:30 am and 9 am on the capacity, efficiency and safety of the road network using SIDRA or similar traffic modelling; and
  - provide details of any management of mitigation measures required, including any upgrades or changes in services required for the Development.

#### **Work Place Travel Plan**

- C6. Prior to the commencement of operation of any part of the Development, the Applicant shall prepare and implement a Work Place Travel Plan as part of the Operational Traffic Management Plan detailed in Condition C5, in consultation with TfNSW. The Work Place Travel Plan shall:
- outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives that would achieve a public transport mode share of 25%;
  - describe pedestrian and bicycle linkages and end of trip facilities available on-site; and
  - be implemented for the life of the Development.

#### **SOCIO-ECONOMIC**

- C7. Prior to the commencement of construction, the Applicant shall provide a dedicated Community Hotline phone number and email address for the provision of information relating to the Development and to make any complaints. This Community Hotline is to be monitored during construction and operation of the Development. The details of these services are to be provided to the residents of Bungarribee, made available on the main website of the Development and placed on any public communications commissioned by the Applicant in relation to the Development.
- C8. Prior to the commencement of construction the Applicant shall prepare, in consultation with the **Planning Secretary**, a Community Engagement Plan for the construction and operation of the Development to the satisfaction of the **Planning Secretary**. The plan shall:
- include a profile of the surrounding community and identify key stakeholders and community members and groups;
  - include detail of procedures and mechanisms used to consult the community and stakeholders on the Development's progress and other issues;
  - include detail of the opportunities for the community of Bungarribee to be involved with the Development during construction and operation (i.e. as part of decision-making, employment or as visitors through an alternate pricing structure);
  - include detail of how the Community Hotline and email address (as required by Condition C7) will be managed and monitored;
  - detail the methods for ongoing engagement with identified key stakeholders and community members and groups (including a commitment to face-to-face meetings at least four times per year); and
  - include adaptive management strategies that may be implemented to address any anticipated or unanticipated social issues that may arise.

#### **Development of Regional Tourism**

- C9. Prior to the commencement of operations, the Applicant shall submit a report to the satisfaction of the **Planning Secretary** demonstrating it has made genuine and reasonable attempts to consult with local recreational facilities and businesses (including Featherdale Wildlife Park) to enhance regional tourism in conjunction with the Development. The report shall include:
- details of how the operation of the Development will differ from the existing recreational facilities and businesses;
  - detail consultation undertaken with local recreational facilities and businesses;



- (c) outline initiatives implemented to encourage and enhance continued operation in conjunction with local recreational facilities and businesses;
- (d) detail the success or otherwise of these initiatives using recognised social indicators; and
- (e) include detail of the additional activities that will be undertaken for the duration of the Development.

The **Planning Secretary** may request updates on these initiatives at any time.

## **STORMWATER AND DRAINAGE**

### **Discharge Limits**

C10. The Development shall comply with section 120 of the POEO Act, which prohibits the pollution of waters.

### **Stormwater Drainage**

C11. The Applicant shall prepare a final Stormwater Drainage Plan for the Development in consultation with Council and in accordance with the *Blacktown Development Control Plan 2015*. The final Stormwater Drainage Plan shall form part of the application for a construction certificate.

### **Water Quality Monitoring Program**

- C12. Prior to the commencement of construction, the Applicant shall prepare, in consultation with EPA, a Water Quality Monitoring Program for the construction and operation of the Development to the satisfaction of the **Planning Secretary**. The plan shall:
- (a) be generally in accordance with the information provided within the Supplementary Information;
  - (b) detail of additional monitoring information that is to be collected to validate all of the assumptions made within the EIS. Water quality monitoring is to be in accordance with the EPA's guideline '*Approved Methods for the Sampling and Analysis of Water Pollutants in NSW*';
  - (c) include sampling of analytes presented within the Supplementary Information, in addition to oxides of nitrogen (as nitrogen), filterable reactive phosphorus (as phosphorus) and dissolved oxygen (% saturation);
  - (d) include a sampling frequency schedule that is to include sampling at every discharge point at least twice per month until the performance of the system has been validated by the EPA; and
  - (e) include a protocol detailing the remedial action/s that will be undertaken in the event that satisfactory treatment performance in accordance with ANZECC (2000) has not been achieved including when each triggered remedial action would be completed.

## **BIODIVERSITY**

C13. Prior to undertaking any clearing of 'Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (HN 528)', or activities that have the potential to impact upon the endangered ecological community 'Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (HN 528)' the Applicant shall purchase and retire **FIVE** ecosystem credits to offset the impacts of the Development upon this endangered ecological community. The ecosystem credits shall be determined in consultation with OEH and in accordance with the assessment presented within the EIS and RTS.

C14. No development is to occur in areas indicated as 'Existing Vegetation to retain' within Appendix D.

### **Biodiversity Management Plan**

- C15. The Applicant shall prepare and implement a Biodiversity Management Plan for the Development to the satisfaction of the **Planning Secretary**. The plan shall:
- (a) be prepared by a qualified ecologist in consultation with the OEH, RFS, Council and Western Sydney Parklands Trust;
  - (b) be approved by the **Planning Secretary** prior to the commencement of any works on the site;
  - (c) include measures to be taken to minimise impacts upon flora and fauna; and
  - (d) include a Cumberland Plain Woodland Plan of Management (see Condition C16).

### **Cumberland Plain Woodland Plan of Management**

C16. The Applicant shall prepare and implement a Cumberland Plain Woodland Plan of Management for the Development to protect, manage and enhance the Cumberland Plain Woodland on the site and in the immediate surrounds. This plan will form part of the Biodiversity Management Plan in Condition C15 and shall:



- (a) be prepared by a qualified ecologist in consultation with the OEH, RFS, RMS, TfNSW and Western Sydney Parklands Trust;
- (b) include detail of the plant species, management zones, vegetation monitoring, weed control measures, planting methodology and regeneration monitoring;
- (c) include detail of all Cumberland Plain Woodland areas on the site of the Development and detail how these areas shall be suitably fenced and environmental qualities recognised (e.g. signage); and
- (d) shall be implemented as part of the landscaping works and shall be maintained by or on behalf of the Applicant in perpetuity of the Development.

### Fencing

- C17. All areas of Cumberland Plain Woodland identified for retention in the EIS shall be protected by suitable, fencing and signage during construction and operation. The fencing is to be constructed prior to the commencement of works.

### ANIMAL WELFARE AND BEST PRACTICE

- C18. The Applicant shall implement best practices and comply with all relevant guidelines, including but not limited to the *National Zoo Biosecurity Manual, 2011*, to ensure exceptional standards for animal welfare are met and maintained throughout the life of the Development.
- C19. The Development shall comply with the *NSW Exhibited Animals Protection Act 1986*, the *NSW Exhibited Animals Protection Regulation 2010* and the *NSW Biosecurity Act 2015*.
- C20. The Applicant shall obtain all relevant approvals and design all exhibits in consultation with the Department of Primary Industries – Animal Welfare Unit.

### ABORIGINAL HERITAGE

#### Aboriginal Cultural Experience

- C21. The Applicant is to collaborate with Muru Mittigar and Registered Aboriginal Parties consulted within the EIS to the satisfaction of the **Planning Secretary** to establish a detailed Aboriginal Heritage Experience Strategy in conjunction with the display of Australian native animals, to the satisfaction of the **Planning Secretary**. This strategy will form part of the OEMP in Condition D4 and shall:
- (a) be prepared by a suitably qualified and experienced heritage consultant;
  - (b) include detail of infrastructure, signage and various other materials to ensure the Australian native animal exhibits of the Development are fully integrated with the presentation of Aboriginal heritage;
  - (c) outline how the experience will increase awareness and education in relation to Aboriginal heritage;
  - (d) demonstrate how direct contact with Australian native animals will enhance the education of Aboriginal culture; and
  - (e) demonstrate how Aboriginal people will have an ongoing participatory role in the experience.

#### Aboriginal Cultural Heritage Management Plan (ACHMP)

- C22. Prior to the commencement of construction, the Applicant shall prepare an ACHMP for PAD1 and PAD 2 (as identified within the EIS) outlining how these sites will be managed to the satisfaction of the **Planning Secretary**. The plan shall:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
  - (b) describe the procedures for reburial or management of artefacts retrieved during site investigations, if required;
  - (c) describe the measures to manage and/or protect any relics identified during construction and operation of the Development;
  - (d) ensure the legal protections under Section 86 of the *National Parks and Wildlife Act 1974* are incorporated into any other relevant management plan of this consent, including the landscape plans; and
  - (e) describe the interpretive materials to be installed at the site.

#### Unexpected Finds Protocol

- C23. If Aboriginal objects not identified within the EIS are uncovered during earthworks, excavation or disturbance, work in the immediate area must stop immediately and the Regional Operations Group of the OEH and the Registered Aboriginal Parties are to be consulted.

## HERITAGE

### Heritage Interpretation Plan

- C24. The Applicant shall prepare a Heritage Interpretation Plan to acknowledge the non-indigenous heritage of the site. The plan will form part of the OEMP in Condition D4 and shall:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the OEH NSW Heritage Division and Council;
  - (b) include provision for naming elements within the Development that acknowledges the site's heritage, such as the name of the roadways within the estate; and
  - (c) incorporate interpretive information on any identified sites.

### Unexpected Finds Protocol

- C25. If any previously unidentified archaeological relics previously unidentified within the EIS are uncovered during the course of the construction of the Development, then all works shall stop immediately in that area and the OEH NSW Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment may be required before further work can continue in that area.

## SOILS, EROSION AND SEDIMENTATION

### Imported Soil

- C26. The Applicant shall ensure that any material imported and used as fill on the site:
- (a) is VENM as defined in Schedule A; or
  - (b) meets the requirements of the EPA's *Excavated Natural Material Order 2014*, under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- C27. The Applicant shall:
- (a) keep accurate records of the volume and type of fill to be used; and
  - (b) make these records available to the **Planning Secretary** upon request.

### Erosion and Sediment Control

- C28. Prior to the commencement of earthworks, the Applicant shall install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline*.

## NOISE

### Hours of Work

- C29. The Applicant shall comply with the hours of work detailed in **Table 2**, unless otherwise agreed in writing by Council and the **Planning Secretary**.

*Table 2: Hours of Work*

Activity	Day	Time
Earthworks and construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
Operation	Monday – Sunday	See Condition B10

- C30. Works outside of the hours identified in Condition C29 may be undertaken in the following circumstances:
- (a) works agreed to in writing by the **Planning Secretary**;
  - (b) for the delivery of materials and/or animals required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

### Construction Noise



C31. The Development shall 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 management and mitigation measures in the EIS.

### Operational Noise Limits

C32. The Applicant shall ensure that noise generated by the operation of the Development does not exceed the noise limits in [Table 3](#).

**Table 3: Project Specific Noise Limits (dB(A))**

Receiver Location	Day	Evening	Night
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)
Bungarribee, Eastern Creek	51	50	40
R1 (Great Western Highway)	57	50	40
S1 (Eastern Creek Primary School)	45	N/A	N/A

**Note:** Refer to **Appendix C** for the location of sensitive receivers.

### Noise Verification Report

C32A. Within six months of the commencement of operation of the Development the Applicant must prepare a Noise Verification Report for the Development to the satisfaction of the Planning Secretary. The report must:

- be prepared by a suitably qualified acoustic consultant, with qualifications and experience consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants or the Australia Acoustical Society;
- be prepared in consultation with Council;
- include an analysis of compliance with the noise limits specified in Condition C32 for all activities specified in Condition B10;
- include an outline of management actions to be taken to address any exceedances of the limits specified in Condition C32; and
- describe contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

## AIR QUALITY

### Dust Minimisation

C33. The Applicant shall implement all reasonable and feasible measures to minimise dust and odour emissions generated during demolition, earthworks, construction and operation of the Development.

C34. During construction and operation, the Applicant shall ensure:

- exposed surfaces are suppressed by regular watering;
- any vehicles (including patron vehicles) associated with the Development do not track dirt onto the public road network;
- public roads are to be kept clean at all times; and
- any exposed surfaces are to be stabilised as soon as practicable to minimise any dust generation.

## HAZARDS AND RISK

### Dangerous Goods

C35. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

### Bunding

C36. 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, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.



## REGULATED MATERIALS

- C37. The Applicant is to consult with the EPA regarding any regulated materials including radiation materials and obtain appropriate permits in accordance with the *Radiation Control Act 1990*.

## WASTE

- C38. The Applicant shall revise and update the Waste Management Plan provided as part of the EIS to include the following additional requirements:
- detail of onsite composting;
  - a map of locations where composted materials are to be used;
  - detail of measures to be implemented to minimise leachate generation and prevention of pollution of any waters, both offsite and onsite (ponds, dams, storage); and
  - detail of how composting practices are being monitored.

## Statutory Requirements

- C39. The Applicant shall assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste, November 2014*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.
- C40. The Applicant shall retain all sampling and waste classification data for the life of the Development in accordance with the requirements of the EPA.
- C41. Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- C42. The collection of waste generated during the operation of the Development not occur after 6:00pm on any day.

## Waste Storage Areas

- C43. Prior to the commencement of operation of the Development, the Applicant shall obtain agreement from DPI (Animal Welfare Unit) for the design of the waste storage area for each exhibit area.
- C44. Waste shall be secured and maintained within designated waste storage areas at all times.

## VISUAL AMENITY

### Landscaping

- C45. The Applicant shall maintain the landscaping and vegetation on the site for the life of the Development.

### Signage

- C46. A Signage Strategy shall be submitted for the approval of the **Planning Secretary**, prior to the installation of any signs visible from the public domain. The Strategy shall be prepared in consultation with the RMS, Council and the Western Sydney Parklands Trust.

**Note:** *This condition does not apply to temporary construction and safety related signage*

### Lighting

- C47. The Applicant shall ensure the lighting associated with the Development:
- complies with the latest version of AS 4282 (INT) - *Control of Obtrusive Effects of Outdoor Lighting*; and
  - is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## SCHEDULE D

### ENVIRONMENTAL MANAGEMENT AND REPORTING

#### ENVIRONMENTAL MANAGEMENT

##### Construction Environmental Management Plan

- D1. The Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) to the satisfaction of the **Planning Secretary**. The CEMP shall:
- (a) be prepared by a suitably qualified and experienced person in consultation with Council;
  - (b) be approved by the **Planning Secretary** prior to the commencement of construction;
  - (c) outline all environmental management practices and procedures to be followed during earthworks and construction;
  - (d) describe all activities to be undertaken on the site during earthworks and construction, including a clear indication of construction stages;
  - (e) describe the specific measures to be implemented to protect the significant environmental assets on-site during earthworks and construction;
  - (f) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (g) describe of the roles and responsibilities of all relevant employees involved in earthworks and construction;
  - (h) provide contact details of the site manager and principal contractors; and
  - (i) include all sub-management plans required under Condition D2 of this consent.
- D2. As part of the CEMP required under Condition D1 of this consent, the Applicant shall include the following:
- (a) Construction Traffic Management Plan (see Condition C3);
  - (b) Community Engagement Plan (see Condition C8); and
  - (c) Construction Air Quality Management Plan.
- D3. The approved Construction Environmental Management Plan (as revised and approved by the **Planning Secretary**) shall be implemented by the Applicant for the duration of earthworks and construction.

##### Operational Environmental Management Plan

- D4. The Applicant shall prepare and implement an Operational Environmental Management Plan (OEMP) to the satisfaction of the **Planning Secretary**. The OEMP shall:
- (a) be prepared by a suitably qualified and experienced person in consultation with Council;
  - (b) be approved by the **Planning Secretary** prior to the commencement of the operation;
  - (c) describe all activities to be undertaken as part of the operation of the Development;
  - (d) list statutory and other obligations that the Applicant is required to fulfil during the operation of the Development;
  - (e) present overall environmental policies, guidelines and principles to be applied to the operation of the Development;
  - (f) provide details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be undertaken to address identified potential adverse environmental impacts;
  - (g) include all sub-management plans required under Condition D5 of this consent.
- D5. As part of the OEMP required under Condition D4 of this consent, the Applicant shall include the following:
- (a) Operational Traffic Management Plan (see Condition C5);
  - (b) Community Engagement Plan (see Condition C8);
  - (c) Aboriginal Cultural Experience (see Condition C21);
  - (d) Heritage Interpretation Plan (see Condition C24); and
  - (e) Operational Air Quality Management Plan.
- D6. The approved Operational Environmental Management Plan (as revised and approved by the **Planning Secretary**) shall be implemented by the Applicant for duration of operation of the Development.

#### ANNUAL REVIEW

- D7. Each year, unless otherwise agreed by the **Planning Secretary**, the Applicant shall review the environmental performance of the Development to the satisfaction of the **Planning Secretary**. This review shall:
- (a) include a comprehensive review of the monitoring results and complaints records received by the Development over the previous calendar year, which includes a comparison of these results against the:



- i) relevant statutory requirements, limits or performance measures/criteria;
  - ii) requirements of any plan or program required under this consent;
  - iii) monitoring results of the previous years; and
  - iv) relevant predictions in the EIS;
- (b) identify any non-compliance over the last year and describe the actions that were (or are being) taken to ensure compliance;
- (c) identify any trends in monitoring data over the life of the Development;
- (d) identify any discrepancies between the predicted and actual impacts of the Development and analyse the potential cause of any significant discrepancies;
- (e) describe what measures will be implemented over the next year to improve the environmental performance of the Development; and
- (f) **verify the total daily visitor numbers for private zoo experiences / small group tours commencing between the hours of 7:30 am and 9 am has not exceeded the limit of 300 persons and include an outline of management actions to be taken to address any exceedance of the limit on visitor numbers and ensure ongoing compliance with the requirements of this consent.**

## REPORTING

### Incident Reporting

- D8. The Applicant shall notify the **Planning Secretary** and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the facility immediately after the Applicant becomes aware of the incident.
- D9. Within seven days of the date of this incident, the Proponent shall provide the **Planning Secretary** and any relevant agencies with a detailed report on the incident.

### Regular Reporting

- D10. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

## AUDITING

- D11. Within two years of the date of this consent, and every three years thereafter, unless the **Planning Secretary** directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. The audit shall:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the **Planning Secretary**;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the Development and assess whether it is complying with the requirements of this consent and any other relevant approvals (including any assessment, plan or program required under these approvals);
  - (d) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
  - (e) recommend measures of actions to improve the environmental performance of the Development, and/pr strategy, plan or program required under these consents.

**Note:** *This audit team shall be led by a suitably qualified auditor and include relevant experts in any other fields specified by the **Planning Secretary**.*

- D12. Within three months of commissioning this audit, or as otherwise agreed by the **Planning Secretary**, the Applicant shall submit a copy of the audit report to the **Planning Secretary**, together with its response to any recommendations contained within the audit report.

## ACCESS TO INFORMATION

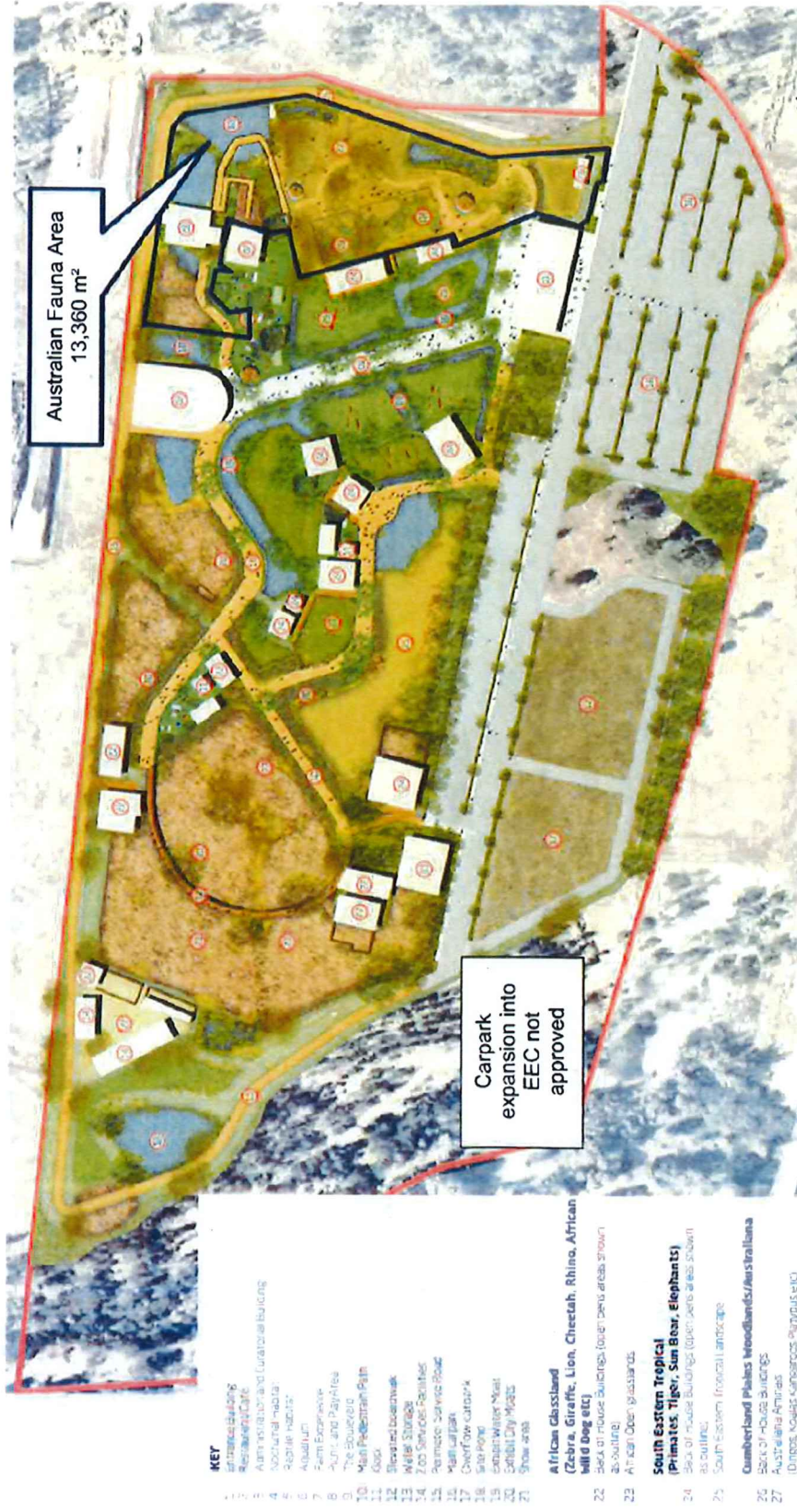
- D13. The Applicant shall make the following information publicly available on its website and keep the information up to date:
- (a) make copies of the following publicly available on its website:
    - i) the documents referred to in Condition B2;
    - ii) all current statutory approvals for the development;
    - iii) all approved strategies, plans and programs required under the conditions of this consent;



- iv) 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;
  - v) a complaints register, updated on a monthly basis;
  - vi) the annual reviews of the development;
  - vii) any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;
  - viii) any other matter required by the **Planning Secretary**; and
- (b) keep this information up to date, to the satisfaction of the **Planning Secretary**.

**Note:** *This condition does not require any confidential information to be made available to the public.*

# APPENDIX A SITE PLAN



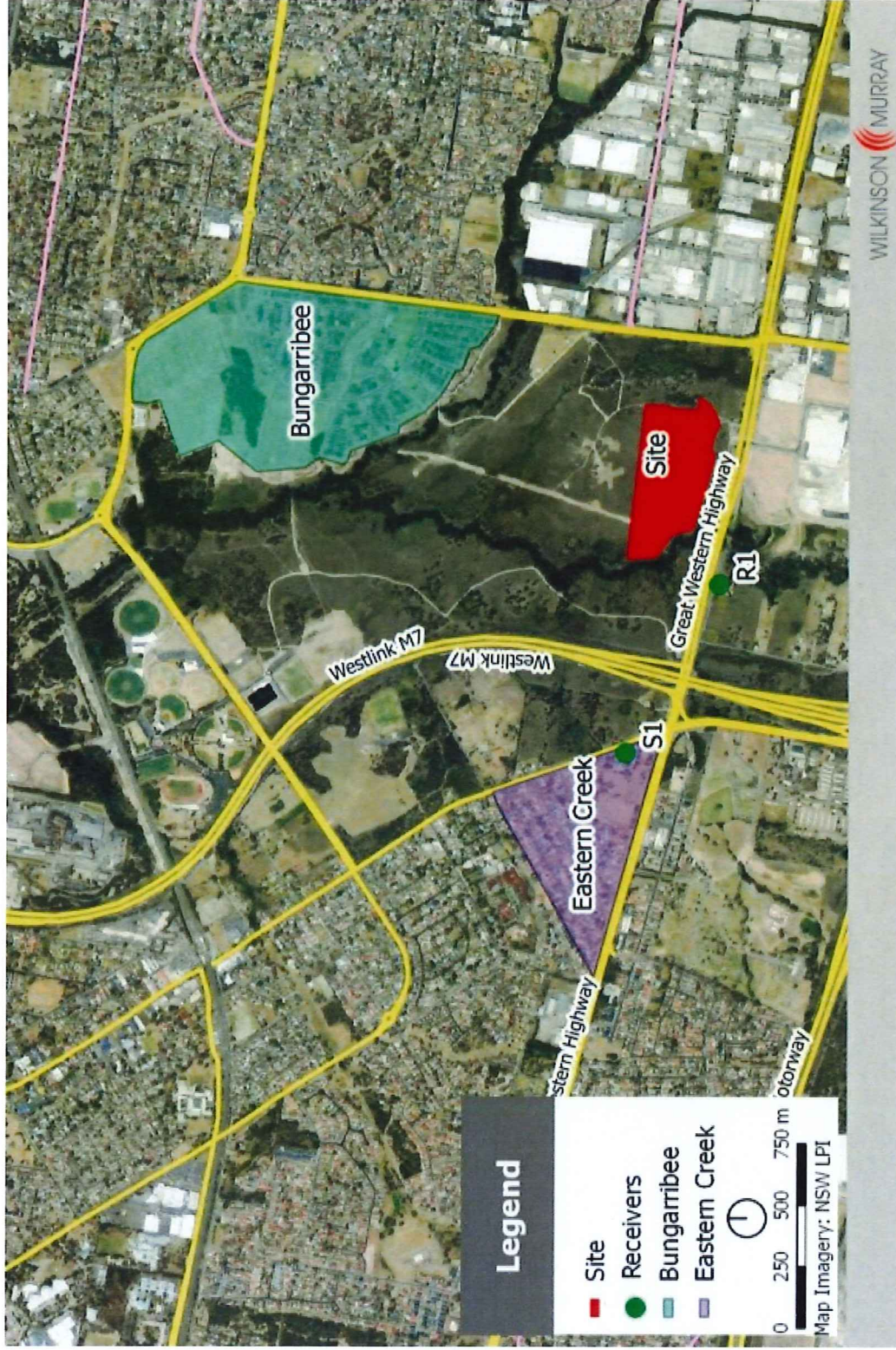
- KEY**
- 1 Entrance to Zoo
  - 2 Administration and Curatorial Building
  - 3 Reptile House
  - 4 "Social" habitat
  - 5 Reptile habitat
  - 6 Aqueduct
  - 7 Farm Experience
  - 8 "Lions" and "Pangolins"
  - 9 The Boulevard
  - 10 Main Pedestrian Path
  - 11 Coop
  - 12 Elevated boardwalk
  - 13 Mallet Shrub
  - 14 Zoo Services Peninsula
  - 15 Permian Service Road
  - 16 Main car park
  - 17 Overflow carpark
  - 18 Intra Pond
  - 19 Exhibit Winter Mews
  - 20 Exhibit City Mews
  - 21 Show area
  - 22 African grassland (Zebra, Giraffe, Lion, Cheetah, Rhino, African Wild Dog etc) as outline
  - 23 African Open Grasslands
  - 24 South Eastern Tropical (Primates, Tiger, Sun Bear, Elephants) as outline
  - 25 Back of house buildings (open parts areas shown as outline)
  - 26 South Eastern Tropical landscape
  - 27 Cumberland Plains Woodlands/Australiana
  - 28 Back of house buildings
  - 29 Australia Animals (Dingos, Koalas, Kangaroos, Platypus etc)

Figure 1: Site Plan



**APPENDIX B**  
**APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

APPENDIX C  
RESIDENTIAL RECEIVERS





# APPENDIX D EXISTING VEGETATION TO RETAIN

