

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Cameron Sargent
Team Leader
Key Sites Assessments

Sydney

27 August 2021

SCHEDULE 1

Development consent: **SSD 10456** granted by the Executive Sites and Regional Assessments on 21 December 2020

For the following: Redevelopment of the Upper Australia Precinct

Applicant: Taronga Conservation Society Australia

Consent Authority: Minister for Planning and Public Spaces

The Land: Taronga Zoo, Bradleys Head Road, Mosman (Lot 22 DP 843294)

Modification: **SSD 10456 MOD 1:** Replacement of approved Koala exhibit with a Dingo exhibit, amend the landscaping and fence design, increase tree removal and biodiversity offsets and amend conditions relating to bushfire management

SCHEDULE 2

The above approval is modified as follows:

1. Schedule 2 Part A – Administrative Conditions – Condition A2 is amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined words** as follows:

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures;
- (e) in accordance with the approved plans in the table below;
- (f) **in accordance with the modification application titled “Section 4.55(1A) Modification’ prepared by Urbis dated 19 April 2021 and RtS.**

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

A-DA-601 L-CD-204	02 A	Southern link floor plan, sections & elevations Landscape Design General Arrangement Plan – Sheet 4	15/06/2020 15/07/2021
Landscape Drawings prepared by Lahznimmo Architects			
Drawing No.	Revision	Name of Plan	Date
A-DA-701 A-DA-2-07	02 05	Tree protection and removal plan	15/06/2020 21/06/2021
A-DA-702 A-DA-2-08	02 04	Landscape plan	15/06/2020 21/06/2021
A-DA-703 A-DA-2-09	02 03	Planting zones plan	15/06/2020 12/03/2021
A-DA-703	02	Planting palette	15/06/2020
A-DA-704	02	Planting palette	15/06/2020
A-DA-706 A-DA-2-10	02 03	Planting palette	15/06/2020 12/03/2021
A-DA-707 A-DA-2-11	02 03	Surface treatment plan	15/06/2020 12/03/2021
A-DA-708 A-DA-2-12	02 03	Level Plan	15/06/2020 12/03/2021
A-DA-801 A-DA-2-06	02 01	Shadow diagrams	15/06/2020 12/03/2021

2. Schedule 2 Part B – Prior to Issue of Construction Certificate – Conditions B16, B24, B30 and B52 are amended by the deletion of ~~struck out words~~ and insertion of **bold and underlined words** as follows:

Fire Safety

B16. The provision of **any new services including** water, electricity and gas must comply the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419.1:2005;
- hydrants are not located within any road carriageway;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - (a) lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas;
 - (b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

Biodiversity Offsets

B24. A total of **4 5** ecosystem credits and **3 4** species credits must be retired prior to the commencement of any vegetation clearing. Details confirming compliance must be provided to the Certifier and Planning Secretary.

Construction Environmental Management Plan

- B30. Prior to the commencement of works, the Applicant shall prepare and implement **an updated Construction Environmental Management Plan (CEMP)** for the development and be submitted to the Certifier. The **CEMP** must:
- (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
 - (b) include plans demonstrating the boundary of the construction site and any associated areas to be fenced or closed to the public;
 - (c) describe all activities to be undertaken on the site during site establishment and construction of the development;
 - (d) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - (e) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (f) include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
 - (g) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - (h) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
 - (i) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
 - (j) include arrangements for community consultation and complaints handling procedures during construction
 - (k) dangerous goods/chemical waste management;
 - (l) workplace and community health and safety management;
 - (m) stormwater management, including an Erosion and Sediment Control Plan and systems, processes and procedures for the implementation, operation and management of:
 - (i) temporary boundary treatment and stormwater overland flow paths;
 - (ii) procedures for management of any spills; and
 - (iii) management of all excess spoil and construction wastes.
 - (n) include air quality management measures to protect the amenity of the neighbourhood
 - (o) include waste management measures
 - (p) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (q) include an unexpected finds protocol for contamination and associated communications procedure
 - (r) include the relevant recommendations and mitigation measures detailed in Heritage Impact Statement, prepared by Urbis, dated 24 July 2020 and Historical Archaeological Assessment, prepared by Urbis, dated 20 October 2020;
 - (s) include the relevant recommendations and mitigation measures detailed in the Aboriginal Cultural Heritage Assessment Report, prepared by Urbis, dated 19 October 2020;

- (t) include the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 18 June 2020, **as amended by the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 30 March 2021 and the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 June 2021;**
- (u) include a site-specific tree protection plan;
- (v) include the relevant recommendation and mitigation measures detailed in the Biodiversity Development Assessment Report, prepared by Narla Environmental, dated 4 November 2020, **as amended by the Biodiversity Development Assessment Report, prepared by Narla Environmental, dated June 2021;**
- (w) include the relevant recommendations detailed in the Preliminary Site (Contamination) Investigation, prepared by Douglas Partners, dated 21 December 2018.

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

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

Fence along Bradleys Head Road

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

3. Schedule 2 Part B – During Construction – Condition C41 is amended by the insertion of **bold and underlined words** as follows:

Protection of trees

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

4. Schedule 2 Part B – Prior to Occupation or Commencement of Use – Condition D3, D21 and D22 are amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined words** as follows:

Bushfire Emergency Management and Evacuation Plan/Bushfire Management Plan

D3. The existing ~~Bush Fire Emergency Management and Evacuation Plan/Bushfire Management Plan~~ **Taronga Zoo Emergency Response Plan** must be updated to include the redevelopment of the Upper Australia Precinct and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. ~~Specific updates should include:~~ **Recommended actions include:**

- (a) emphasis that evacuation routes are to be into the zoo site toward the west (away from the bushfire hazard outside the eastern boundary of the zoo) and not to the overflow carpark to the north.
- (b) re-assessment of the bushfire risk rating considering the Mosman North Sydney Willoughby Bush Fire Management Committee Bush Fire Risk Management Plan 2017-2022 assessment of the likelihood of a bush fire as 'Likely' and the consequence as 'Catastrophic'

- (c) consideration should be given to the planned closure of the zoo based on specific triggers such as Extreme and/or Catastrophic Fire Danger Rating forecasts.

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

Tree Planting and Landscape Works

~~D21. The Zoo's Vegetation Management Plan is to be updated to include the approved development and associated landscaping, including a proposed schedule of maintenance to ensure the provisions of fire and asset protection management zones as an Outer Protection Area (OPA) in accordance with Appendix 4 of *Planning for Bushfire Protection 2019*. When establishing and maintaining an OPA the following requirements apply:~~

- ~~(a) tree canopy cover should be less than 30%;~~
- ~~(b) canopies should be separated by 2-5 metres;~~
- ~~(c) shrubs should not form a continuous canopy;~~
- ~~(d) shrubs should form no more than 20% of ground cover;~~
- ~~(e) grass should be cover mown to a height of less than 100 mm; and~~
- ~~(f) leaf and other debris should be removed.~~

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

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

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

- (a) compatibility with animal welfare, creation of habitat within the exhibit and containment requirements;**
- (b) Taronga Zoo's own horticulture and public safety requirements including the Taronga Zoo Emergency Response Plan; and**
- (c) Relevant principles of Appendix 4 of Planning for Bushfire Protection 2019 for an Outer Protection Area (OPA), and the following:**
 - (i) A species list of all plantings including estimated size at maturity and a preference for species with low flammability;**
 - (ii) A maintenance regime that provides for ongoing adequate canopy separation between trees i.e. thinning and regular pruning to avoid adjoining canopies, and provides for ongoing pruning of lower limbs of trees where not essential for animal welfare;**

- (iii) Adequate spacing between plantings to avoid continuous vegetation pathways resulting in the creation of fire paths toward proposed structures;
- (iv) Regular removal of fine fuels to maintain a fuel reduced landscape;
- (v) Suitable impervious areas are provided immediately surrounding the proposed structures such as pathways;
- (vi) Species are avoided, where possible, that have rough fibrous bark, or which keep flash shed bark in long strips or retain dead material in their canopies;
- (vii) Smooth barks species of trees are chosen for additional trees where possible which generally do not carry fire up the bark into the crown; and
- (viii) Planting of deciduous species are avoided which may increase fuel at surface/ground level.

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

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

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

**End of modification
(SSD 10456 MOD 1)**