

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD 10456 Mod 2 Taronga Zoo - Upper Australia Precinct Mod 2
Applicant	Taronga Conservation Society Australia
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)* modified the consent subject to the recommended conditions.

A copy of the instrument of modification and the Department of Planning & Environment's assessment report is available at [here](#).

Date of decision

08 April 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would not result in any unreasonable impacts subject to conditions
- the modification is permissible with consent, and is consistent with NSW Government policies
- the impacts from tree removal and biodiversity, and reflectivity can be appropriately minimised through the conditions of consent and managed in accordance with NSW Government policies and Australian standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 2 March 2022 to 15 March 2022 (14 days) and received two submissions, comprising of one from Mosman Council (Council) and one from a public authority. No public submissions were received.

The Department also undertook the following consultation activities:

- exhibition on the Department's website
- notification of adjoining landholders, Council and relevant government agencies in writing.

The issues raised by Council are considered in the Department's Assessment Report and summarised in the table below.

Issue	Consideration
<i>Tree removal (Council issue)</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none">• Council raised concerns with the additional tree removal and recommended a condition requiring suitable replacement trees be provided to ensure the landscaped character of the Zoo and the dominance of landscaping over the built elements are maintained.• As part of the RtS, the Applicant agreed to the Council's recommendation that a condition be imposed requiring suitable replacement trees. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• Condition B23 (Tree Replacement) be amended to reflect the offset strategy detailed in the Arboricultural Statement• Condition B30 (CEMP) be updated to reflect the updated AIA• Condition C41 (Protection of Trees) be amended to require trees replaced at a 2:1 ratio within the Zoo site• Additional biodiversity (ecosystem and species) credits.
<i>Roof reflectivity (Council issue)</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The modification seeks to remove Condition B7 relating to reflectivity.• Council raised concern with the removal Condition B7 due to the potential visibility from the harbour.• The Applicant advised the roof has been designed to minimise glare through a low roof pitch of 7.5 degrees that faces away from Bradleys Head Road and Sydney Harbour and the roof is within the tree canopy.• The Department is satisfied that the Koala Treehouse roof would not result in any significant visual or reflectivity impacts. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• Condition B7 be amended to exclude the Koala Treehouse roof from exceeding the 20% visible light reflectivity.