

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
Application number and project name	SSD-17483577 Taronga Reptile and Amphibian Conservation Centre
Applicant	Taronga Conservation Society Australia
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

24 December 2021

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 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; 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 key reasons for granting consent to the development application are as follows:

- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including \$14,401,278 total capital investment and 800 construction jobs;
- *Consistent with NSW Government Policy* – the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan, North District Plan and Mosman Local Strategic Planning Statement
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- *Community views considered* - 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.
- *Public interest* – weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 30 July 2021 to 26 August 2021 (28 days) and received 22 submissions, including 7 submissions from government agencies, 1 submission from Council and 14 submissions from the public, including 10 objections, 1 in support and 3 provided comments.

The Department also undertook the following consultation activities:

- Notified adjoining landholders/occupiers and relevant government agencies in writing
- one site visit

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form and visual impacts, landscaping, tree removal and biodiversity. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<i>Public Issue:</i> • Lack of engagement and consultation with: - o public/ residents - o community groups - o NSW authorities	<i>Assessment:</i> • The Applicant has undertaken consultation in accordance with the SEARs. • The Department considers that the Applicant has undertaken sufficient engagement and consultation on the proposal. • The Department notes that its notification and public participation statutory obligations have also been satisfied. <i>Recommended Conditions/Response:</i> • No conditions are recommended.
<i>Public Issue:</i> • Visual impacts / No visual impact assessment	<i>Assessment:</i> • Public submissions raised concerns with the proposal's visual impacts. • The Applicant submitted a Visual Impact Assessment Package that demonstrated the proposal would not be visible from three vantage points, including Sydney Harbour, Curraghbeena Point and Cremorne Point. It is noted views of the site from the three vantage points are limited due to the extent of mature vegetation that surrounds the site and the steep topography. • Following the RtS, the Applicant submitted revised plans that incorporated a substantial reduction to the extent of enclosed area on Level 2, which is considered to further minimise the visibility of the building from Sydney Harbour. • Council's submission acknowledged the building would sit below the existing tree canopy cover to ensure it would not be highly visible from the Harbour. • The Department considers visual impacts to be acceptable. <i>Recommended Conditions/Response:</i> • Trees proposed to be retained must be managed in accordance with recommendations detailed in the AIA and Amended AIA. • Suitable tree replacements must be provided in accordance with the offset strategy recommended in the Amended AIA. • Ongoing maintenance to the landscaping on the Southern Green Façade.
<i>Public Issue:</i> • Built form and scale	<i>Assessment:</i> • Public submissions raised concerns with the proposed built form and/or scale. • The built form has been designed to respond to the site's topography which has a 7.1 m height difference between the northern and southern pathways. • The revised plans submitted with the RtS reduced the extent of enclosed area on Level 2 and therefore, the extent of the three-storey component has been substantially reduced. • The Department considers the building is modest in scale and has an appropriate built form. <i>Recommended Conditions/Response:</i> • No conditions are recommended.

Public Issue:

- Overdevelopment of the site, including:
 - o Potential for RACC to be located outside Taronga Zoo
 - o Masterplan needed to predict future developments
 - o Disneyfication of zoo
 - o Extent of hardstand

Assessment:

- Public submissions raised issues relating to the overdevelopment of Taronga Zoo, including the need for a masterplan to be developed to predict future developments, potential for Disneyfication of the Zoo and the extent of hardstand.
- The purpose of the proposed development is to replace the existing reptile and amphibian exhibits within the Serpentaria.
- The Department has undertaken a detailed assessment of the proposal and considers it does not represent an overdevelopment of the site.
- The site is in an area previously disturbed and used for animal exhibits.
- While a new masterplan is not proposed, the proposal is constant with the existing Zoo 2000 'The View to the Future' Master Plan (Taronga Zoo Master Plan).
- The extent of hardstand is minimised by the incorporates landscaping to either side of the RACC building and the Applicant has proposed a replacement planting strategy for tree removal.

Recommended Conditions/Response:

- No conditions are recommended.

Public Issue:

- Tree removal
- Loss of natural character
- Loss of natural heritage values

Council Issue:

- Addition of suitable locally indigenous large canopy trees to ensure the dominance of landscaping

Assessment:

- Public submissions raised concerns over the proposed tree removal and loss of natural character.
- The site is in an area previously disturbed and used for animal exhibits, and the vegetation proposed for removal does not incorporate any remnant bushland.
- None of the trees to be removed are of heritage significance.
- While 50 trees that would be removed, the replacement planting strategy would result in 63 trees being planted either within the RACC site or within the broader Zoo.
- The proposal incorporates landscaping to the east and west of the building and a green southern façade.
- The Department considers the proposal would maintain the dominance of the landscaping over built form through the incorporation of landscaping either side of the building and the proposed replacement planting strategy.

Recommended Conditions/Response:

- Conditions are recommended requiring:
 - o trees proposed to be retained must be managed in accordance with recommendations detailed in the AIA and Amended AIA
 - o suitable tree replacements must be provided in accordance with the offset strategy recommended in the Amended AIA
 - o a specific tree protection plan must be included in the project's construction environmental management plan (CEMP).

Public Issue:

- Cost of development

Assessment:

- Public submissions raised concern over the cost of development.
- The Department considers the proposal would not result in any adverse economic impacts.

Recommended Conditions/Response:

- No conditions are recommended.

Public and Council Issue:

- Cumulative traffic impacts

Assessment:

- Public submissions raised concerns over the cumulative traffic impacts resulting from the various developments at Taronga Zoo.
- As the RACC would be constructed simultaneously with the previously approved Upper Australia exhibit, the TIA submitted with the EIS assessed the cumulative traffic generation. This concluded that traffic impacts would be minor and would not adversely impact on the surrounding road network.
- In regard to the operational traffic impacts, the proposal would replace the existing Serpentaria and as such, any increase in traffic would be minor and limited to the initial opening weeks. The TIA confirmed that any temporary increase in traffic can be accommodated within the existing car park and

that any temporary increase in vehicle trips would not impact the level of service of the surrounding key intersections.

- The Council recommended a CTMP be required that considers the cumulative impact for all construction projects currently being undertaken.
- TfNSW and RMS reviewed the proposal and recommended that the existing Green Travel Plan be updated in consultation with TfNSW.
- The Department considers cumulative traffic impacts are acceptable.

Recommended Conditions/Response:

- Conditions are recommended requiring:
 - o a detailed CTMP that considers cumulative impacts of all construction projects being undertaken simultaneously be prepared and submitted to TfNSW for review prior to the commencement of works.
 - o the existing Green Travel Plan is updated in consultation with TfNSW prior to the commencement of use.
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