



13 July 2018

Mr Andy Nixey
Senior Planner
NSW Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Dear Andy,

SSD15_7419 AUSTRALIA HABITAT AND TARONGA WILDLIFE RETREAT - SECTION 4.55(1A) - MODIFICATION APPLICATION

1. INTRODUCTION

This modification application is lodged on behalf of Taronga Conservation Society Australia (**TCSA**) under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to modify the SSD approval (SSD15_7419) for the development of a new Australian habitat exhibit and eco-tourist facility to be known as the 'Australia Habitat and Taronga Wildlife Retreat' at Taronga Zoo.

In summary, the proposed modification includes the following amendments to the approved building:

- Inclusion of two windows on the Ground Floor of the northern façade of the Taronga Centre;
- External changes to the ground floor of the Taronga Centre to provide additional windows and access;
- Internal changes to the Ground Floor of the Taronga Centre to provide open plan office space;
- Minor changes to building materials including revision of the western façade of the restaurant stair cladding from glass to timber due to BCA compliance requirements;
- Additional sun shading devices on the restaurant building;
- Include additional slot windows on the restaurant building for additional natural light into back of house areas;
- Include an additional shroud installed around the skylight to assist with shading which increases the max guest lodge roof height and refinements to the approved building materials of the guest lodge; and
- Additional PV Panels on the Taronga Centre.

This report includes the following information:

- Description of the site, its context and approvals history;
- A description of the proposed modifications;
- Planning compliance assessment taking into account the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification.

2. THE SITE AND SURROUNDS

2.1. LOCAL CONTEXT

Taronga Zoo is located on Bradleys Head Road, Mosman. The site is bounded by Bradleys Head Road to the east, Athol Wharf Road and Sydney Harbour to the south, Little Sirius Cove to the west and Whiting Beach Road to the north.

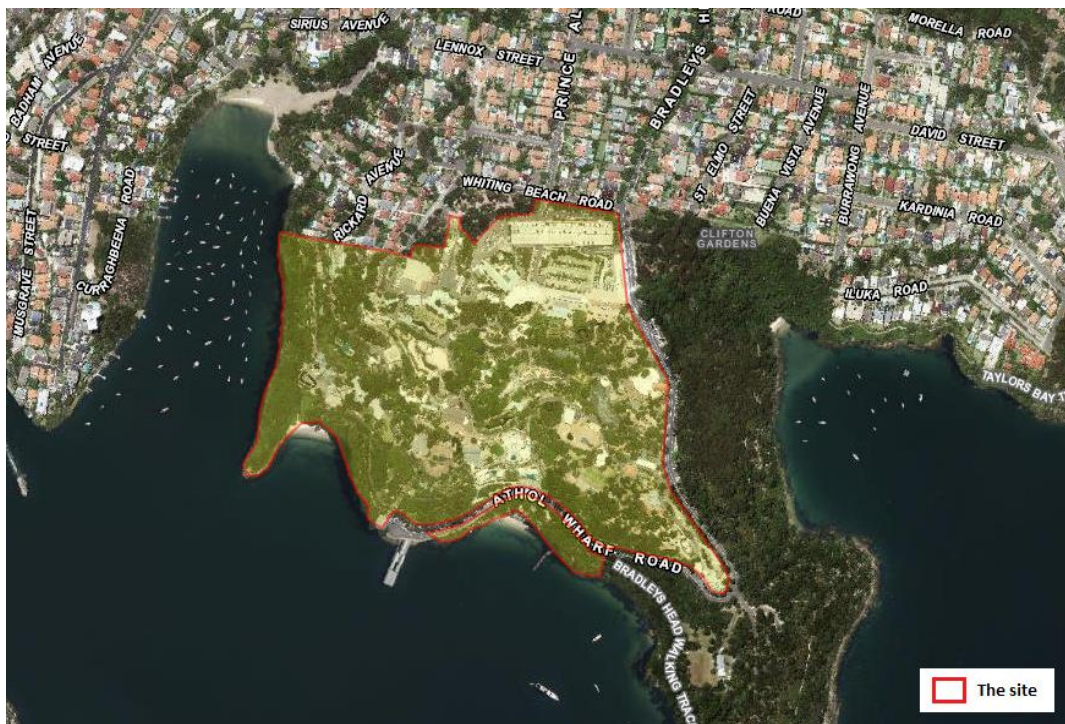
The site is situated at the southern end of Mosman and south of the established Mosman residential suburb which is characterised by single detached dwellings along landscaped streets. The residential precincts include heritage conservation areas such as the Bradleys Head Road Conservation Area.

The locality generally slopes down from the north at Mosman Junction to Sydney Harbour. South of Taronga Zoo lies Sydney Harbour National Park which provides a natural bushland setting. The western and southern boundaries of the Zoo adjoin bushland situated along the foreshores of Athol Bay and Little Sirius Cove that provide added bushland amenity to Sydney Harbour. Viewed from Sydney Harbour, existing built form elements of the Zoo are predominantly nestled amongst foreshore vegetation and vegetation within the Zoo grounds.

2.2. THE TARONGA ZOO AND THE SUBJECT SITE

The legal description of the site is Lot 22 in DP 843294. Taronga Zoo is located on NSW Crown Land which is vested with the Zoological Parks Board of NSW, trading as the Taronga Conservation Society Australia (TCSA). The site is indicated **Figure 1** below.

Figure 1 – Location Map



Source: SixMaps 2015

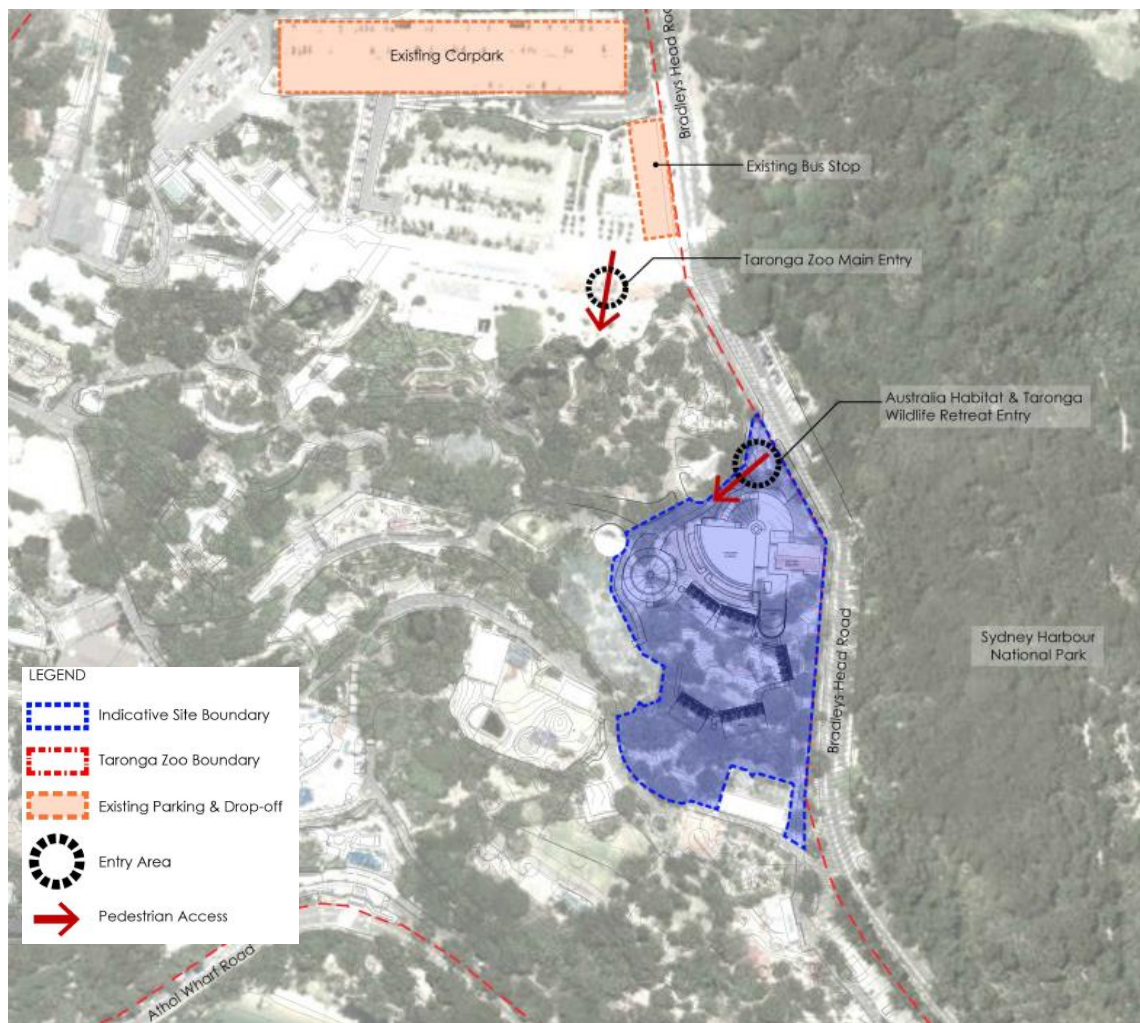
Access to Taronga Zoo is from Bradleys Head Road which functions as a local collector road that extends from Mosman Junction and provides access to the visitor car parking on the site. Visitor car parking is located within a multi-storey car parking and an adjacent area used for overflow parking. Whiting Beach Road is local access road that runs in an east – west direction along the site’s northern boundary and provides staff and delivery access to the site. Athol Wharf Road extends along the south of the site and includes access to the Taronga Zoo ferry terminal.

2.3. SITE OF THE AUSTRALIAN HABITAT AND TARONGA WILDLIFE RETREAT

The Australia Habitat and Taronga Wildlife Retreat is approved in the ‘Australia Precinct’ immediately to the south of the existing Taronga Centre. The location of the approved development within the Zoo grounds is indicated in **Figure 2**.

The scope of works of SSD15_7419 included the existing Taronga Centre, three existing buildings including the Circular Kiosk, function area, and toilet block, existing structures associated with animal exhibits, back of house facilities, a services road, pathways, and various vegetation.

Figure 2 – Site of the Proposal (Source: Cox)



3. BACKGROUND

3.1. TARONGA CENTRE CONSENT

The construction of the Taronga Centre was originally approved on 29 September 1986 pursuant to DA101/85. The description of the development consent includes “*Demolition and rebuilding of restaurants, functions room, and auxiliary buildings at Taronga Park Zoo*”.

The planning assessment report for DA101/85 which was heard at the Mosman Council meeting on 12 November 1985 makes reference to “*a new catering services building which includes public restaurant, function rooms, studio/office area, and other ancillary uses*” being included as part of the development.

Development consent for “auxiliary buildings” as referenced in the description of the consent do not explicitly state ‘office’ uses, however the assessment report for the DA does make explicit reference to an office area within the building. Further, the Council’s Acting Chief Building Surveyor confirmed in writing in 1987 that the approved building did contain an office area.

Use of part of the Taronga Centre for staff offices has therefore continual existence within the Taronga Centre from approval to its existing configuration. In considering the above, it can be reasonably inferred that ‘office premises’ are an approved use within the Taronga Centre.

3.2. AUSTRALIA HABITAT AND TARONGA WILDLIFE RETREAT

Development consent for the ‘Australia Habitat and Taronga Wildlife Retreat’ (SSD 15_7419) was granted by the Minister for Planning on 21 April 2017. The approved development is described as “Wildlife retreat and associated facilities, including:

- Demolition of existing structures and relocation of Circular Kiosk;
- Construction and operation of five accommodation buildings (comprising total of 62 rooms) between two and four storeys in height connected by elevated walkways, a new four storey addition to the Taronga Centre including new restaurant and terrace, a new two storey guest lodge and a new native Australian wildlife exhibit;
- Alternations to the existing Taronga Centre including new two storey glazed atrium;
- Realignment of Taronga Centre vehicular turning circle and provision of five short-term parking spaces; and
- Associated landscaping works including removal of trees and planting of replacement trees.

4. PROPOSED MODIFICATION

The purpose of the modification application is to make minor refinements to the approved buildings to address BCA compliance requirements, minor design improvements to add additional natural light within buildings, rectify architectural drawing oversights, and provide a more useable office area within the Taronga Centre.

The proposed modification to SSD15_7419 includes the following minor refinements to each of the various aspects of the approved Australia Habitat and Taronga Wildlife Retreat as outlined below.

- Guest Lodge
 - Shroud installed around skylight to assist with shading and waterproofing;
 - Glazing line reduced;
 - Lower level cladding swapped from timber to stone;
- Restaurant
 - Modifications to louvres and shading devices (extended in length and some deleted);
 - Additional windows and ventilation louvres;
 - Sections of cladding on stairs changed from glass to timber due to BCA compliance requirements;
- Taronga Centre
 - PV array on the existing roof (lower than the existing Taronga Centre lift overrun and current mechanical plant on the roof);
 - Refurbishment of existing ground floor office space with a new fit out that extends to include the previous commercial kitchen. Externally this includes two new north facing windows and doors.
- Miscellaneous
 - It is proposed to amend condition B14 of SSD15_7419 as outlined below. The modification to condition B14 rectifies a minor error in the Rural Fire Service condition wording to reflect the approved building design.

B14 Fire Safety: *The design and construction of the building and landscaping must include the following:*

(b) The eastern and southern façade of Pod C and Pod D and the eastern façade of Pod D, as well as the exit stairs and walkways of Pod C and the eastern exit and walkways of Pod D, are provided with an automated sprinkler system as part of the fire engineered alternative solution.

5. SECTION 4.55(1A) ASSESSMENT

This section assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act and Regulations. The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification.

- *Environmental Planning and Assessment Act 1979;*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *State Environmental Planning Policy (State and Regional Development); and*
- *Mosman Local Environmental Plan 2012*

5.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Approval of the proposed modification is sought in accordance with the provisions of section 4.55(1A) of the Act. The following assesses the modifications to SSD15_7419 against the relevant threshold tests of section 4.55(1A), which demonstrates that they are of minimal environmental impact and are substantially the same as approved.

5.1.1. Minimal Environmental Impact

The proposed modifications are considered minor in nature and will not have a major impact on surrounding land uses. No new land uses are proposed on the site as a result of the modification. Proposed works improve the overall approved design of the facilities, creating a better environment for uses.

Generally, the proposed works are located within the approved building floorplate, where modifications are proposed on the exterior of the building, these are considered minor and generally facilitate a better environmental outcome for the facility. Where proposed works include the installation of new windows, no additional privacy or visual impacts will occur to surrounding developments as a result.

Therefore, the proposed modifications are considered to have minimal environmental impact.

5.1.2. Substantially the Same Development

The modification to the approved development are substantially the same under section 4.55(1A) given the modifications are minor in nature and do not change approved use of the facility. Where modifications include the installation of new windows or elements to the exterior of the facility, works are considered to enhance the approved design of buildings, facilitate additional natural light and improve the environmental efficiency of the overall facility.

5.2. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)* aims to facilitate the effective delivery of infrastructure across the State by providing a consistent planning regime for infrastructure and the provision of services. The proposed modifications to the approved development do not alter the conditions of the Infrastructure SEPP as proposed works are considered minor in nature, improve the use and safety of the buildings and do not change the approved use of the facility.

Therefore, the development remains consistent with the SEPP and the SSD15_7419 approval.

5.3. SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed SEPP) (**SREP 2005**) provides planning principles for development within the Sydney Harbour catchment. Taronga Zoo falls within the Sydney Harbour Catchment area. This planning instrument is supplemented by the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 which provides the detailed design guidelines.

The site is located within the foreshore and waterways area of SREP 2005 and is identified as a "Strategic Foreshore Site". The original SSD demonstrated that the proposed development was consistent with the provisions of the plan. The proposed modifications (as demonstrated at **Section**

5.1) are substantially the same as the approved development. Accordingly, the development remains consistent with the SREP 2005 and the SSD15_7419 approval.

5.4. STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposals involving activities that are listed in Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* are declared to be SSD. Schedule 2 Clause 2 identifies Taronga Zoo as a specific site and requires any development with a CIV greater than \$10 million to trigger the SEPP.

The original DA demonstrated that the proposed development had a CIV greater than \$10 million, and accordingly triggered the DA to be assessed and determined by the Minister. The proposed modifications (as demonstrated at **Section 5.1**) are substantially the same as the approved development. Accordingly, the development remains consistent with the SEPP and the SSD15_7419 approval.

5.5. MOSMAN LOCAL ENVIRONMENTAL PLAN 2012

Mosman Local Environmental Plan 2012 (MLEP 2012) provides the local statutory planning provisions and controls to the site.

5.5.1. Zoning and Permissibility

The site is zoned SP1 Special Activities and is identified on the zoning map as “Zoological Gardens” under MLEP 2012. The only uses permitted on the site with development consent is for the purpose shown on the Land Zoning Map including any development that is ordinarily incidental or ancillary to development for that purpose.

As demonstrated through the original SSD the Australia Habitat and Taronga Wildlife Retreat is development that is ordinarily incidental and ancillary development to a Zoological Garden as overnight accommodation in the form of an eco-tourist facility is “ordinarily incidental” to ‘Zoological Gardens’ generally as visitor accommodation naturally or commonly arises in conjunction with zoological gardens.

Further, as approved under DA101/85 the Taronga Centre is an ancillary building that provides services to the broader operation of the zoological gardens.

The proposed modifications to the development do not introduce new or amended land uses within the site and do not alter the approved nature or intensity of the use.

5.5.2. Height

No maximum building heights apply to the site, however the proposed modification will not cause substantial height increases to the approved development. The additional building structures including the shroud installed around skylight of the guest lodge and the additional PV panels on the Taronga Centre does not increase the maximum height of buildings approved on the site.

5.5.3. Floor Space Ratio

No maximum floor space ratio applies to the site.

6. IMPACT ASSESSMENT

Given the limited scope of the modifications to the application, there are limited, or negligible impacts associated with the proposed changes. The impacts of the proposal can be considered as follows:

6.1. HERITAGE

Taronga Zoo is well recognised as place of heritage significance and has been subject to a number of heritage and archaeological studies. The Taronga Zoo Conservation Strategy 2000 (the Conservation Strategy) by GML is the key document that guides the future management of heritage resources within the Zoo.

The significance of Taronga Zoo as a whole is articulated in the Conservation Strategy, with developments in the precinct required to have regard to this sensitive and important environment. Approval for SSD 7133 was partly granted on the basis that the development has minimal impact to the heritage significance of the precinct.

The proposed modifications will not cause additional impacts to surrounding heritage items and will not detract from the heritage amenity of the zoo.

6.2. FIRE ENGINEERING

The proposed modification includes minor cladding material changes to stairs within the restaurant component to meet fire engineering standards. Timber cladding is proposed to be installed rather than approved glass cladding to meet the requirements and improve the overall fire safety of the facility.

6.3. BUSHFIRE SAFETY

An updated NSW Rural Fire Service assessment (**Appendix B**) has been undertaken to address the inconsistencies of the approved Development Consent. Specifically relating to Section B14(b) where the consent states the requirement of automated sprinkler systems along the southern façade of Pod D.

7. THE PUBLIC INTEREST

The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the relevant environmental planning instruments.

The assessment has demonstrated that no significant adverse impacts will result to the surrounding area. As such the proposed changes are not considered contrary to the public interest.

8. CONCLUSION

This modification application is lodged on behalf of TCSA under the provisions of section 4.55(1A) of the Act. It seeks to modify the SSD approval (SSD15_7419) for minor refinements to the approved amendments to the Taronga Centre and the proposed new Taronga Wildlife Retreat. The minor refinements seek to address fire engineering requirements, minor design improvements to add additional natural light within buildings, rectify architectural drawing oversights, and provide a more useable office area within the Taronga Centre.

This letter has thoroughly considered the modifications in terms of the immediate built context and statutory planning compliance, and found that the proposal is satisfactory and acceptable for the following reasons:

- The modification will not change the approved use of the facility.
- The modification will not adversely impact on the visual and environmental amenity for users of the Zoo or surrounding residential and recreational areas.
- Proposed works are considered minor in nature and will result in overall improvement to the approved design of the facility.

For these reasons, it is considered that the modifications are appropriate and are worthy of approval. Should you require further clarification of the response, or any additional information please do not hesitate to contact the undersigned or Mr Matthew Spooner of TCSA on (02) 9978 4708.

Yours sincerely,



Ashleigh Ryan
Associate Director



APPENDIX A – AMENDED ARCHITECTURAL PLANS



APPENDIX B – RURAL FIRE SERVICE ADVICE