

The URBIS logo consists of the word "URBIS" in a bold, white, sans-serif font. To the right of the text is a white square frame that is open on the top and bottom sides, with the text "URBIS" positioned to its left.

URBIS

S4.55(1A) MODIFICATION

Taronga Zoo – Habitat &
Wildlife Retreat

Prepared for

TARONGA CONSERVATION SOCIETY AUSTRALIA

18 May 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Sarah Horsfield
Consultant	Joe Arnott
Project Code	P0030620
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction	4
1.1.	Report Structure.....	4
1.2.	Site and Surrounds	5
1.2.1.	Local Context.....	5
1.2.2.	Taronga Zoo and the Subject Site.....	5
1.2.3.	The Site of the Australian Habitat and Taronga Wildlife Retreat	6
1.3.	Project Background.....	7
1.3.1.	Australian Habitat and Taronga Wildlife Retreat	7
1.3.2.	SSD7419 (MOD 1)	7
2.	Strategic Context.....	8
3.	Description of the Modifications	10
3.1.	Proposed Modification	10
3.2.	Proposed Amendments to Conditions of Consents	11
4.	Statutory Context	13
4.1.	Assessment of Statutory Instruments	13
4.2.	Section 4.55 of the EP&A Act	16
4.2.1.	Minimal Environmental Impact	16
4.2.2.	Substantially the Same Development	17
5.	Engagement.....	18
5.1.	Department of Planning Industry and Environment	18
5.2.	Mosman Council	18
5.3.	NSW Rural Fire Service.....	18
6.	Assessment of Impacts	19
6.1.	Use of Public Land and Equitable Access.....	19
6.2.	Operational Considerations	19
6.3.	Traffic and Parking.....	19
6.4.	Noise	20
6.5.	Heritage	20
6.6.	Bushfire Safety.....	21
7.	Evaluation of Merit	22
7.1.	Social and Economic Impacts.....	22
7.2.	Suitability of the Site	22
7.3.	Public Interest	22
7.4.	Conclusion	23
	Disclaimer.....	24

Appendix A	Operational Plan of Management
Appendix B	Addendum Traffic and Parking Statement

FIGURES

Figure 1 The Site	5
Figure 2 Location of Approved Development	6

TABLES

Table 1 Strategic Assessment	8
Table 2 Proposed Modifications	10
Table 3 EPI Assessment	13

1. INTRODUCTION

This modification application is lodged on behalf of Taronga Conservation Society Australia (**TCSA**) to accompany a section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to modify development consent SSD 15_7419. The development consent relates to Taronga Zoo at Bradleys Head Road, Mosman (**the site**).

The Minister of Planning granted development consent for the 'Australia Habitat and Taronga Wildlife Retreat' (SSD 15_7419) on 21 April 2017. This allowed for a new Australian habitat exhibit and eco-tourist facility at Taronga Zoo, in addition to supporting road infrastructure works and landscaping. This section 4.55(1A) modification seeks to modify condition E2, E3 and F8.

Conditions E2 and E3 are proposed to be modified to address fire refuge safety requirements of the *Planning for Bushfire Protection* 2006 and 2019. The nomination of a specific building (Centenary Theatre) is to be removed as the nominated fire refuge building as it has been found to be less appropriate compared to the Taronga Institute of Science and Learning Building or alternative buildings on the site. This has been acknowledged and supported by Rural Fire Service (**RFS**).

As such, it is proposed that conditions E2 and E3 be modified to contain performance conditions rather than the nomination of a particular building within the condition. This will ensure that an appropriate refuge building is nominated notwithstanding evolving site circumstances (such as construction works on the site). It will also allow for future flexibility and guarantee that the selected refuge building complies with the relevant standards.

Condition F8 is proposed to be modified to open the Australia Habitat and Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace to broader Zoo guests, as well as the general public not attending a wedding/function at the Zoo. This change is in response to the unforeseen circumstances that have impacted the Zoo in 2020. Zoo visitation and revenue suffered dramatically due to the devastating bushfires in 2019/2020 and COVID-19 pandemic. Opening the lodge bar, restaurant and level two function area/terrace to broader Zoo visitors and the general public will allow for more visitors to experience a key attraction within the Zoo.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulations 2000* (**the Regulations**).

1.1. REPORT STRUCTURE

This planning report provides a comprehensive description and assessment of the proposed modifications within the following sections of the report as listed below:

- **Section 2:** outline of site and project history including assessment and determination of the original development application.
- **Section 3:** overview of proposed modifications, including rationale and intended outcomes.
- **Section 4:** proposed amendments to the current development consent conditions.
- **Section 5:** assessment of the proposed modifications in accordance with section 4.55(2) of the EP&A Act.
- **Section 6:** assessment of the application in accordance with the matters for consideration listed in section 4.15 of the EP&A Act.
- **Section 7:** summary of key findings and recommendations.

This report is accompanied by the following documentation:

- **Appendix A:** Operational Plan of Management prepared by TSCA.
- **Appendix B:** Addendum Traffic and Parking Statement prepared by Stantec.

1.2. SITE AND SURROUNDS

1.2.1. 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.

1.2.2. 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 TCSA. The site is indicated Figure 1 below.

Figure 1 The Site



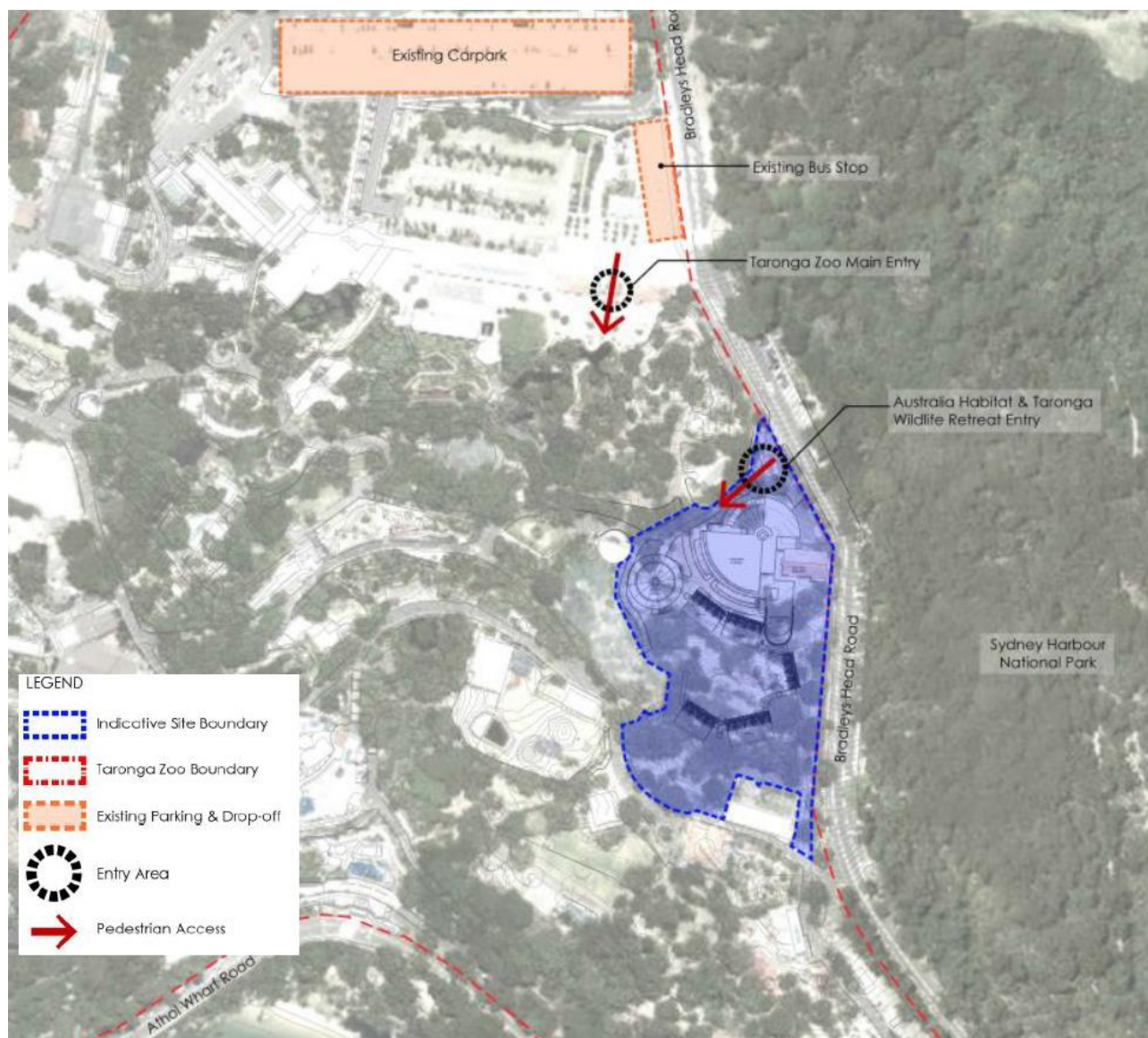
Source: Six Maps

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.

1.2.3. The 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.

Figure 2 Location of Approved Development



Source: TSCA

The scope of works of SSD 15_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.

1.3. PROJECT BACKGROUND

1.3.1. Australian 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;
- Alterations 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.

This development consent was supported by a bushfire assessment report by Australian Bushfire Assessment Consultants. The report assessed the fire safety refuge requirements and concluded that the Centenary Theatre and the atrium area of the Taronga Institute of Science and Learning (TISL), identified as the 'Lecture Theatre', were appropriate fire safety refuge sites. The Lecture Theatre was subsequently removed as a nominated refuge site since it was under construction at the time. Consequently, the Centenary Theatre was identified as nominated fire refuge building within the conditions of development consent.

The development consent restricts the use of the approved bar, restaurant and function/terrace area to wildlife retreat patrons, wedding guests and function guests only.

1.3.2. SSD7419 (MOD 1)

A Section 4.55(1A) modification which sought to modify the Australian habitat exhibit and eco-tourist facility (SSD 15_7419) was approved on 18 October 2018. The modification allowed for the following alterations and additions:

- Installation of 142 new solar panels on the roof the Taronga Centre and 97 new panels on the roof the restaurant building (total of 239 panels).
- Replacement of two new glazed bi-fold doors and a new window at the ground floor of the Taronga Centre.
- Internal changes to the ground floor of the Taronga Centre to provide an open plan office space, including:
 - Relocate lift
 - New workstations
 - Remove internal walls
 - Replace two existing perimeter doors with bi-fold doors
 - New internal walls
- Replacement of material on the western façade of the restaurant stair from glass to timber cladding due to BCA compliance requirements.
- Installation of 13 new sun shading panels to be attached to the restaurant building.
- Creation of four new louver slot windows on the restaurant building.
- Installation of a shroud around the skylight on the guest lodge.

2. STRATEGIC CONTEXT

The following table provides an overview of the consistency of the proposed modifications with the relevant strategic plans. As outlined below, the approved development as proposed to be amended remains consistent with the strategic planning objectives for the site and locality.

Table 1 Strategic Assessment

Strategy	Comment
NSW Premier's Priorities	The modification will still remain consistent with a key Premier priority to maintain a strong economy via the creation of operational jobs, TCSA maintains its international reputation as a world class zoo, with immersive and educational animal exhibits.
Greater Sydney Region Plan: A Metropolis of Three Cities	<p>The modifications will continue to improve and enhance the existing zoo facilities and is generally consistent with the various objectives of the Greater Sydney Region Plan. In particular, the project will:</p> <ul style="list-style-type: none"> ▪ Strengthen Sydney's tourism sector; ▪ Strengthen Sydney's competitive economy by providing economic benefits and contributing to job creation; and ▪ Contribute to the protection of Sydney Harbour and its foreshore through continued sensitive design and landscaping.
Our Greater Sydney 2056: North District Plan 2018	<p>The proposed modifications align with the District Plan by:</p> <ul style="list-style-type: none"> ▪ Supporting the growth of an internationally recognised tourism destination. ▪ Supporting growth of targeted industry sector. ▪ Providing continued job opportunities within the District.
Mosman Local Strategic Planning Statement 2020	<p>In particular, the project will continue to:</p> <ul style="list-style-type: none"> ▪ Provide improved facilities to meet community needs, and foster a culturally rich, creative and socially connected Mosman community. ▪ Protect, conserve and enhance the natural, visual, environmental and heritage qualities of Mosman's foreshore scenic area, and significant views to and from foreshore slopes. ▪ Provide a unique combination of recreational, cultural, tourism and amenity benefits to Mosman LGA by opening of zoo facilities to broader zoo guests and the public. It also provides greater opportunities for local employment during operation, as the restaurant will be more likely to be full during lunch periods which will mean staff will have longer shifts.
Zoo 2000 – 'The View To The Future' Master Plan	<p>The proposal remains consistent with the Master Plan, notably the proposal:</p> <ul style="list-style-type: none"> ▪ Provides for the continued primary public use of the Zoo site to provide an inspirational, relaxing educational experience where visitors can come face to face with exhibits of wildlife; ▪ Preserve the unique topography of the site; ▪ Retains significant trees;

Strategy	Comment
	<ul style="list-style-type: none"> ▪ Does not impact on significant views within and from the site; and ▪ Importantly provides improved visitor experience for broader zoo guest by allowing them to access more of the zoo site and its offerings by permitting them to visit the bar/restaurant/function area and outdoor terrace
Taronga Zoo Centenary Master Plan 2015	<ul style="list-style-type: none"> ▪ Will continue to align with this government funded project to progress the 2015 Centenary Plan.

3. DESCRIPTION OF THE MODIFICATIONS

3.1. PROPOSED MODIFICATION

This section describes the proposed modifications to the consent including a summary of the key changes and the rationale underpinning the amendments.

Table 2 Proposed Modifications

Proposed Amendment	Intended Outcome
Conditions E2 and E3 to remove reference to the Centenary Theatre as the fire refuge building for the Taronga Wildlife Retreat.	<p>The original development consent was supported by a bushfire assessment report by Australian Bushfire Assessment Consultants. The purpose of this modification application is to make minor refinements to the approved fire safety refuge building conditions to address the compliance requirements of the <i>Planning for Bushfire Protection 2006</i>. The proposed modification will remove the nomination of any specific building as the fire safety refuge building and will prescribe performance conditions to ensure the most appropriate refuge building is always selected.</p> <p>The Taronga Institute of Science and Learning has been identified as the current fire safety refuge building but flexibility in the condition will ensure that any future changes to built form on site can be considered in the condition.</p> <p>Since the approval, <i>Planning for Bushfire Protection</i> was updated in 2019 but does not provide any further considerations to bushfire safety in relation to this modification.</p>
Condition F8 to open the Australia Habitat and Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace to broader Zoo guests, as well as the general public not attending a wedding/function at the Zoo.	<p>Condition F8 of SSD15_7419 currently restricts the use of the guest lodge bar, Taronga Wildlife Retreat restaurant and level two function area/terrace to wildlife retreat guests and on-site wedding and function guests only.</p> <p>The proposed modification is in response to the unforeseen circumstances that have impacted the Zoo in 2020. Zoo visitation and revenue suffered dramatically due to the devastating bushfires in 2019/2020 and COVID-19 pandemic. Opening the lodge bar, restaurant and level two function area/terrace to broader Zoo visitors and the general public allows for more visitors to experience a key attraction within the Zoo.</p> <p>It is critical to assist Taronga Zoo in recovery from bushfires and COVID-19 and create/sustain on-going operational jobs. Currently, the lodge bar, restaurant and level two function area/terrace experience significantly less patronage during the day as most Wildlife Retreat guests are exploring the Zoo. Peak usage is during breakfast and dinner, when Wildlife Retreat guests are more likely to take advantage of package deals that include breakfast and dinner or just breakfast, as well as guests attending weddings and functions in the evening. Allowing</p>

Proposed Amendment	Intended Outcome
	broader zoo guests and the general public will encourage visitation (especially in the down time at lunch time) which will provide additional working hours for currently employed staff. Allowing visitation to broader zoo guests and the public will further integrate this part of the Zoo with the broader Site and make this small part of the site much more publicly accessible at an optional additional cost (similar to together additional experiences offered by the Zoo such as Wild Ropes Challenge', the 'Zoo Adventure Holiday'. 'Roar and Snore' and 'Keeper for a Day' programs, which all are paid experiences within the Zoo).

3.2. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENTS

This section describes the proposed modifications to the Conditions of Consent. The modifications include the following:

Part E – Prior to Commencement of Use

Fire Refuge Building

E2: Prior to the commencement of use, an appropriate accessible building must be the nominated as the fire refuge building (~~Centenary Theatre~~). *The refuge building must not experience a radiant heat level greater than 10kW/m2 and must be located well in excess of 100 metres from any vegetation/hazard to the east of the proposal.*

The nominated fire refuge building shall be upgraded/constructed to comply with the following requirements:

a) Provides for the maximum capacity of the site (being the total number of accommodation guests and staff);

b) Complies with the criteria below:

i. Ceiling height: minimum 1.9m

ii. Floor area: minimum 0.75m² per person

iii. Volume: minimum 1.2m³ per person

c) Enclose all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal mesh with a minimum aperture of 2mm (where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves). External doors are to be fitted with draft excluders.

E3: Prior to the commencement of use, the nominated fire refuge building (~~Centenary Theatre~~) shall be upgraded/constructed to comply with the following ember protection requirements:

a) Enclose all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal mesh with a minimum aperture of 2mm; and

b) Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Part F Post Occupation

Restriction on Use

F8. Use of the guest lodge bar, Taronga Wildlife Retreat restaurant and level two function area/terrace ~~shall be restricted to wildlife retreat guests and on-site wedding and function guests only.~~ *can be accessed by zoo visitors and the general public within the hours of operation consistent with Condition F5 and F6.*

4. STATUTORY CONTEXT

4.1. ASSESSMENT OF STATUTORY INSTRUMENTS

This section assesses the proposed modifications in accordance with section 4.55 of the EP&A Act including a comprehensive assessment of whether the modified proposal is substantially the same as the original approval.

The EIS submitted with the original SSDA application addressed the development against the following planning instruments and policies (in accordance with the project SEARs):

- *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)*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *Mosman Local Environmental Plan 2012*

Further to the assessment provided under the original SSDA application, the proposed modifications are consistent with the relevant provisions and objectives of these instruments and policies as detailed in the table below:

Table 3 EPI Assessment

SEPP	Comment
State Environmental Planning Policy (Infrastructure) 2007	The proposed modifications to the approved development do not alter the conditions of the Infrastructure SEPP as proposal does not include physical works.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP)	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.
SEPP (State & Regional Development) 2011	The proposed modifications do not affect the development’s classification as SSD as approved in the original SSD.
SEPP No. 55 – Remediation of Land	The proposed modifications relate to operational changes. As such, the site remains suitable for the proposed development without the need for remediation works in addition to those approved by the SSDA.
Mosman Local Environmental Plan 2012	
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.

SEPP	Comment
	<p>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. The development will continue to be ordinarily incidental and ancillary development as a result of the proposed modification to the operations of the approved restaurant.</p> <p>Ordinarily Incidental</p> <p>As demonstrated in the approved development, NSW Land and Environment Court has found in order to determine whether a type of use is “<i>ordinarily incidental</i>” to another, the test is whether that type of development is ordinarily incidental to “zoological gardens” generally, rather than looking at the particular site or development. This means it is necessary to consider whether food and drink premises attended by zoo guests and the general public naturally or commonly arises in conjunction with zoological gardens. The Court also found in the same matter that a land use that is “ordinarily incidental” can be a separate and significant use of the site. As such, questions as to whether the land use also meets the ancillary test do not arise. The approved development and proposed modifications continue to be ordinarily incidental, as:</p> <ul style="list-style-type: none"> ▪ Food and drink premises/function spaces are a common feature in zoos, and it is noted that the ‘Forage and Graze Café’ located at the Bradley’s Head entrance to Taronga Zoo, Sydney is open to both Zoo guests and the general public. All food and beverage premises throughout the Zoo are operated by one external contractor, Epicure. As such, café’s which both Zoo guests and the general public can visit without attending the zoo is already a common feature within the Zoo. ▪ There are examples where general public have access to similar land uses without access to the broader zoo, including Taronga Western Plains Zoo which operates the ‘Zoo Café & Bar’ in the Visitor Plaza and allows public access outside of the main ticketed area of the Zoo. ▪ The zoo currently operates a number of uses and events in which the general public do not attend the broader zoo. This includes various types of accommodation and weddings & functions which occur on numerous occasions throughout the year. <p>Ancillary</p> <p>The DPIE confirmed that ancillary uses are defined as a use that is “subordinate or subservient to the dominant purpose”. The use of the Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace by broader Zoo guests and the general public does not alter the permissibility of the use. The proposed modifications to the development do not introduce new or amended land uses within the site and will not alter the intensity of the use. Hence, the modifications do not undermine the primary use of the site for a zoo. Specifically:</p> <ul style="list-style-type: none"> ▪ The area used for Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace occupies less than 1% of the Zoo grounds. Use of this very small part of the site will continue to be minor in comparison to

SEPP	Comment
	<p>existing zoo operations as the capacity of these premises is not increasing. It is instead anticipated existing staff will have increased hours as their shifts can be extended to align with increased usage during quiet periods (for example the middle of the day).</p> <ul style="list-style-type: none"> Any guest, including the general public will still have a connection to the zoo experience, even if they did not use a zoo day pass, given that wildlife experiences (the Australian Habitat) are integrated into the Taronga Wildlife Retreat and a world class zoo is within the immediate visual and aural catchment of the eco-retreat. Number of operational staff is not expected to increase as the capacity and hours of operation will not change and will continue to reflect a small number of overall zoo staff. Day guests to the broader Zoo guests (and not just those staying in the Taronga Wildlife Retreat) will now be able to enjoy these facilities as an additional visitor experience as part of an 'excursion' to the Zoo. Whilst the general public may not choose to visit the Zoo, it will ensure that the general public can access this part of the site which is Crown Land (and not just guests to functions/weddings/wildlife retreat). Further, the design and operation of the Wildlife Retreat facility will continue to centre around interactive wildlife experience as a key attraction. <p>Zoological Boards Act 1973</p> <p>The approved development will continue to be consistent with the <i>Zoological Boards Act 1973 (Zoological Act)</i>. While the general public may not participate in zoo related activities or visit the zoo, as outlined by the Department in the assessment report for SSD 15_7419, the design and operation of Wildlife Retreat facility centres around interactive wildlife experiences as a key attraction. Most notably the restaurant, bar and terrace do not constitute a separate function, rather they remain immersed within the Wildlife Retreat and zoo to encourage public education and awareness, allowing both zoo guests and the general public to be actively engaged with the zoo. Visitation by broader zoo guests and the general public will allow these principles to be further achieved. It will also provide more equitable access to broader zoo guests to an alternative food and beverage facility on the site as part of their visit to the zoo.</p>
Height	No maximum building heights apply to the site. However, the proposed modification will not result in any changes to the height of the approved development.
Floor Space Ratio	No maximum floor space ratio applies to the site. No changes to FSR is proposed.
Preservation of Trees	The modification will not result in the removal of any trees.
Heritage Conservation	There will not be any adverse impact on any locally listed items as a result of the modification.

4.2. SECTION 4.55 OF THE EP&A ACT

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the EP&A Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under Section 4.55(1), 4.55(1A) or 4.55(2).

As is relevant to this application, pursuant to Section 4.55(1A), a consent authority may, subject to and in accordance with the Environmental Planning and Assessment Regulation 2000 (the Regulations), modify a development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (2) and (5) do not apply to such a modification.

Further, subsection (3) requires that the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application, and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

This section assesses the proposed modifications in accordance with Section 4.55 of the EP&A Act including a comprehensive assessment to demonstrate the modified proposal is of minimal environmental impact and is substantially the same as the original approval.

4.2.1. 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 and no physical or external works are proposed as a part of the modification. The proposed modifications will ensure that the most suitable fire refuge building is nominated to support the approved 'Australia Habitat and Taronga Wildlife Retreat' and allow both the general public and by broader Zoo guests to experience more parts of the zoo.

Any resultant works caused by the revised conditions (E2 and E3) will be located within an approved building floorplate. Any adjustments to the evacuation procedure will not impact the performance of pedestrian or vehicular traffic within and outside the facility during regular hours.

The use of the Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace by broader Zoo guests and the general public (Condition F8) is of minimal environmental impact for the following reasons:

- The area used for Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace occupies less than 1% of the Zoo grounds.
- The intensity of use will not be increased beyond the approved capacity of the approved Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace and these areas will continue to be extremely minor in sqm area/capacity in comparison to the existing Zoo operations.
- The proposal does not deviate from the key purposes of the Zoological Act.

- The modification remains consistent with the approved Plan of Management at **Appendix A** which demonstrates that there are no additional impacts through appropriate operational management measures.
- The Traffic Impact Statement at **Appendix B** confirms the minor additional parking demand will have a negligible impact on residential areas further north.
- As demonstrated in section 6 of this report, no additional environmental impacts are expected compared to the approved development.

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

4.2.2. Substantially the Same Development

The proposed modifications do not substantially change the development for which consent was originally granted for the reasons outlined below:

- The modifications 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.
- The proposed modifications relate to operational changes and do not alter the approved built form and will therefore have no visual impact.
- The functionality and support provided to the Australia Habitat and Taronga Wildlife Retreat will remain mostly unchanged other than allowing a greater variety of guests to these approved facilities.
- The improved nomination of a refuge building is considered to enhance the functionality of the approved facility in the event of an evacuation.
- The use of the Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace by broader Zoo guests and the general public does not alter the permissibility of the use and it is still considered ordinarily incidental and ancillary to the primary use for the site as a zoo.
- Whilst the general public may not choose to visit the Zoo, it will ensure that the general public can access this part of the site which is located on crown land (and not just guests of functions/weddings/wildlife retreat). It will also provide more equitable access to broader zoo guests to an alternative food and beverage facility on the site as part of their visit to the zoo.
- The design and operation of Taronga Wildlife Facility continues to centre around interactive wildlife experience as a key attraction, encouraging patronage at the zoo.
- As demonstrated in the Traffic Impact Statement at **Appendix B** any additional traffic generated by the modification will be insignificant and consistent with approved SSDA.

Based on the above quantitative and qualitative assessments, the modified proposal is considered substantially the same as the approved development.

5. ENGAGEMENT

In accordance with the Department of Planning, Industry and Environment (DPIE) Community Participation Plan, applications for modification of development consents issued for an SSDA required to be publicly exhibited by the regulations must be exhibited for 14 days.

5.1. DEPARTMENT OF PLANNING INDUSTRY AND ENVIRONMENT

In accordance with the Department of Planning, Industry and Environment's (DPIE) protocol of conducting 'scoping meetings' prior to formal lodgement of SEARs, a meeting was held on 22 February via teleconference between the members of the project team and members of the Key Sites team at DPIE including:

- Cameron Sargeant, DPIE
- Minoshi Weerasinghe, DPIE
- Matthew Spooner, TSCA
- Sarah Horsfield, Urbis
- Joseph Arnott, Urbis

The key areas of discussion included the following:

- The applicant must consult with Mosman Council and NSW Rural Fire Service prior to lodging the modification application.
- Consider and address issues previously raised in the SSD 15_7419 in submissions following public exhibition.
- Provide an updated Operational Management Plan – including details of external contractor leasing arrangements and demonstrate the approved development will continue to be ancillary and ordinarily incidental.
- Provided addendum Traffic and Parking Statement demonstrating no additional traffic and parking impact.

5.2. MOSMAN COUNCIL

A meeting with Mosman Council was held at Council offices on 30 March 2021 with TSCA representatives and Urbis to discuss current projects being undertaken at Taronga Zoo including the current modification to the Wildlife Retreat. The key areas of discussion included the following:

- Council was generally supportive of the use of the restaurant being to a broader range of customers including Zoo visitors and saw this as more equitable access to Crown land.
- Council raised no issues with the amendments to the bushfire safety conditions.
- Council will be notified of the proposed development during public exhibition of the Modification Report.

5.3. NSW RURAL FIRE SERVICE

As noted above, DPIE specifically requested additional consultation with RFS prior to lodgement of the modification report to discuss the proposed amended to the conditions of consent.

Discussions between TSCA and RFS staff did occur in late 2020 and 2021 to discuss the proposed amended condition. RFS provided input into the condition and at this stage of the modification process were satisfied with the proposed conditions and its consistency with the updated *Planning for Bushfire Management* 2019.

RFS confirmed they would review the application when it was referred by DPIE during the formal assessment process.

6. ASSESSMENT OF IMPACTS

6.1. USE OF PUBLIC LAND AND EQUITABLE ACCESS

Mosman Council and the general public previously raised by concern during the assessment of the original SSD 15_7419 in relation to the use of the public land for the proposal. The proposal was constructed predominantly in an area of the zoo that was not open to the public, comprising back of house and storage facilities. The proposal increased the availability of the land for use by the public and improved the general visitor experience through additional exhibit space, specifically an additional 2,440sqm.

The proposed modification will further improve the experience for broader zoo guests and the general public by allowing access to this space which complements existing zoo practices. Although the general public may not choose to visit the Zoo, it will ensure that the general public can access this part of the site which is Crown Land (and not just guests to functions/weddings/wildlife retreat).

It will also provide more equitable access to broader zoo guests to an alternative food and beverage facility on the site as part of their visit to the Zoo.

6.2. OPERATIONAL CONSIDERATIONS

The premise will continue to operate in accordance with the approved Plan of Management at **Appendix A**. The following operational considerations and mitigation measures were included as part of the modification to ensure minimal environmental impact:

- The capacity of venues will be consistent with approved capacity, including:
 - The maximum capacity of the restaurant is 100 persons, and the maximum capacity of the terrace is 150 persons.
 - The Guest Lodge has a maximum capacity of 100 persons.
- The venue will continue to operate during its approved hours of 6am to 1am Monday to Sunday (public holidays inclusive), with external areas restricted to 7am to 12am, except for New Year's Day (1am).
- The venue will still prioritise wildlife retreat guests and on-site wedding and function guests, with no walk-up service to the restaurant available for the general public and broader Zoo visitors. The general public and broader Zoo visitors will be required to pre-book, with availability dependent on the number of retreat guests or wedding / function attendees.
- The lodge bar will not require bookings by the general public and broader Zoo guests. As such, the number of additional visitors will vary day to day.
- During Zoo operating hours (9:30am to 5pm), it is expected that most of the additional visitors to the venue will be broader Zoo guests making use of an additional and alternate food and beverage option within the Zoo site.
- Taronga Zoo has 24-hour security, including security staff, access control and CCTV which provides for the effective monitoring of the site. The Australia Habitat and Taronga Wildlife Retreat will continue to be controlled by access and security provisions commensurate with the wider Taronga Zoo site.
- The premises will continue to operate in accordance with the Taronga Zoo Alcohol Policy and the requirements of the Liquor Licence, legal obligations and House Policies and procedures for service and consumption of alcohol at Taronga Zoo.

The approved development will continue to operate in accordance, with the approved Plan of Management, included at **Appendix A**.

6.3. TRAFFIC AND PARKING

A Traffic and Parking Statement has been prepared by Stantec at **Appendix B**. The Statement concludes that opening the approved venues to broader zoo guests and the general public will have no further traffic or parking impact on surrounding street network compared to the approved SSD. To arrive at this conclusion, GTA Consultants made the following assessments:

- Visitors already attending the Zoo are expected to account for additional visitors to the venue during Zoo operating hours (9:30am to 5.00pm). These visitors are likely to utilise the additional alternant food and beverage offering within the Zoo site. Therefore, the proposal is not generating additional traffic or parking demand during this time.
- Stantec assessed historical parking demand surveyed by the Zoo for a total of 653 days prior to COVID-19. This suggests that occupancy for on-site parking exceeded the total car park capacity for only 10 days within the survey period. This equates to five to six days per year.
- Stantec outline that the 85th percentile peak parking occupancy is 618 spaces. This means for 85 per cent of the time, the on-site parking demand is less than 618 spaces, which equates to a minimum of 216 available spaces.
- It is noted that peak parking occupancy commonly occurred between 12pm and 1pm and decreases significantly after 2pm. Notwithstanding the first Saturday and Sunday of January, car parking demand peaks just above 600 spaces. This is consistent with the 85th percentile demand of around 200 parking spaces available on site during the peak hour (12pm to 1pm).
- The general public will make up most of additional evening visitors, when on-site (and surrounding on-street) car parking will be abundant (750 spaces typically vacant on-site after 6pm), as the Zoo closes at 5pm and is the major generator / attractor to Bradleys Head.

The Traffic and Parking Statement concludes that additional demand from visitors to the venue will be catered within existing available on-site and on-street parking for most of the year and will have a negligible impact on residential areas further north. It is noted that the Zoo continues to operate in accordance with Condition E8 which requires the preparation of a Car Parking Management Plan.

6.4. NOISE

Noise levels will remain consistent with approved levels, as the size and capacity of the approved area is not increasing. The Noise and Vibration Assessment prepared by Renzo Tonin & Associates approved with SSD 15_7419 conducted noise modelling at a worst-case scenario where the restaurant, terrace, function space and guest lodge operated at full capacity. This demonstrated that predicted noise levels were compliant during the day, evening and shoulder times. The premises will continue to operate in accordance with the mitigation measures presented in this report and within the conditions of the consent, including conducting noise monitoring, as well as:

- *Use of external areas, including the terrace outdoor area and the guest lodge deck be limited to 12:00 midnight. Doors and windows of the terrace, restaurant, and guest lodge should also be closed at 12:00 midnight.*
- *With the above restrictions to outdoor area use and all doors and windows to the terrace, restaurant and guest lodge closed after 12:00 midnight, noise levels are predicted to comply with the relevant criteria during all time periods at all surrounding residences.*

The approved development will also continue to comply with conditions F2, F3, F5, F6 and F7, relating approved noise levels, and hours of operation consistent with the measures above. Compliance with these conditions will ensure operational acoustic impacts are suitably managed.

6.5. 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 15_7419 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.

6.6. BUSHFIRE SAFETY

The proposed performance conditions will ensure that the nominated accessible refuge building is consistent with the requirements of *Planning for Bushfire Protection* 2006 and 2019 and the Rural Fire Services Factsheet 1/14 'Ecotourism'. Subsequently, the nominated refuge building will not alter the approved Australia Habitat and Taronga Wildlife Retreat's compliance with the relevant bushfire safety provisions.

Furthermore, as illustrated in Section 3 of this report, the Centenary Theatre was nominated as the sole emergency refuge building as the Lecture Theatre was under construction at the time. Since this time, the atrium of the TISL (Lecture Building) has been found to be a superior fire refuge due to the following:

- it meets the required conditions under the *Planning for Bushfire Protection* 2006 and 2019; and
- is adjacent to the security portal which is staffed 24 hours a day.

As such, it has been found that the atrium of the Lecture Building better satisfies the objectives of *Planning for Bushfire Protection* 2006 and 2019.

Nevertheless, flexibility in the condition will ensure that any future changes to built form on site can be considered in the condition. This will allow for a more efficient evacuation procedure.

Considering the alterations in nominated fire safety refuge building during and after the assessment of SSD 15_7419, it is considered appropriate that no specific building be nominated within the consent. This will ensure that the most appropriate building is selected prior to the commencement of use whilst maintaining compliance with the relevant standards.

7. EVALUATION OF MERIT

7.1. SOCIAL AND ECONOMIC IMPACTS

The modifications will have the following social and economic impacts:

- The provision of greater safety and comfort to visitors and guests through improved evacuation procedures.
- The modifications will further increase the availability of Crown land within the Zoo to be used by the general public and broader zoo guests.
- Improve the general visitor experience by providing additional areas to explore within Zoo and continue to provide an immersive experience consistent with existing zoo practices.
- Allows for more visitors to experience a key attraction within the Zoo.
- Assist Taronga Zoo in recovering from bushfires and COVID-19 and create/sustain on-going operational jobs.

7.2. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The proposed modifications are permitted with development consent.
- The proposed modifications are compliant with the relevant state and local planning instruments.
- The site provides a continuation of the approved use of the site for the Australia Habitat and Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace and will provide an improved visitor experience including a more equitable use of crown land by the general public and broader zoo guests who can't access this part of the site unless they attend a wedding/function or are staying at the retreat.

7.3. PUBLIC INTEREST

The proposed modifications will ensure the best refuge building is nominated prior to commencement of the approved use.

While no individual building is nominated to be included in the condition, it is noted that the preferred choice, being the TISL Lecture Building also provides amenities for guests in the case of an evacuation, including bathrooms and kitchenettes within this building. The provision of greater safety and comfort to visitors and guests is in the public interest through improved evacuation procedures.

The modifications will further increase the availability of crown land within the Zoo to be used by the public. This will help improve the general visitor experience by providing additional areas to access and continue to provide an immersive experience as a result of this key attraction.

The proposal has been assessed against the current strategic and statutory planning framework as it relates to the site and is consistent with the objectives of the relevant environmental planning instruments. The modifications continue to promote and enhance Taronga Zoo as a place of conservation and as one of the most important tourist attractions in NSW. The assessment has demonstrated that no significant adverse impacts will result to the surrounding area.

7.4. CONCLUSION

This modification application is lodged on behalf of TCSA under the provisions of section 4.55(1A) of the EP&A Act. It seeks to modify the SSD approval (SSD 15_7419) for minor refinements to the approved amendments to the Taronga Centre and the Taronga Wildlife Retreat. The minor refinements seek to address bushfire safety requirements and allow for the most suitable fire refuge building to be nominated prior to operation of the facilities. This will provide a suitable level of safety and amenity for guests in the event of an evacuation. The proposed modifications also include opening the Australia Habitat and Taronga Wildlife Retreat lodge bar, restaurant and level two function area/terrace to broader Zoo guests, as well as the general public not attending a wedding/function at the Zoo or staying at the retreat.

Opening the lodge bar, restaurant and level two function area/terrace to broader Zoo visitors and the general public will allow for more visitors to experience a key attraction within the Zoo. It is critical to assist Taronga Zoo in recovering from bushfires and COVID-19 and create and sustain on-going operational jobs.

This letter has thoroughly considered the modifications in terms of the immediate built context and strategic 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 modification is minor in nature and will result in overall improvement to the approved functionality of the facility.
- The modification will maintain compliance with *Planning for Bushfire Protection* 2006 and 2019.
- The proposal does not deviate from the key purposes of the Zoological Act.
- The proposal does not result in an increased capacity of the approved development.
- The proposal will have insignificant traffic and parking impacts.

It is important to note that food and drink premises/function spaces are a common feature in zoos and the 'Forage and Graze Café' located at the Bradley's Head entrance to Taronga Zoo, Sydney is also open to Zoo guests and the general public. Opening the lodge bar, restaurant and level two function area/terrace to broader Zoo visitors and the general public will allow for more visitors to experience a key approved attraction within the Zoo and ensure that this facility remains viable to assist Taronga Zoo in its road to recovery from bushfires and COVID-19 and create/sustain on-going operational jobs.

For these reasons, it is considered that the modifications are appropriate and are worthy of approval.

DISCLAIMER

This report is dated 18 May 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Taronga Conservation Society Australia (**Instructing Party**) for the purpose of Statement of Modification (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

OPERATIONAL PLAN OF MANAGEMENT

APPENDIX B

**ADDENDUM TRAFFIC AND PARKING
STATEMENT**

