

ASSESSMENT REPORT

African Savanna and Congo Forest Exhibits, Taronga Zoo Section 4.55(1) Modification Application SSD 8008 MOD 1

1. INTRODUCTION

This report provides an assessment of an application to modify the development consent granted for partial demolition of the existing African Safari and Orangutan Rainforest exhibits and their redevelopment to form a new African Savannah exhibit and Congo Forest exhibit at Taronga Zoo (SSD 8008 MOD 1).

The application has been lodged by the Taronga Conservation Society Australia pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Applicant proposes to remove a reference in Condition C2, which requires the Office of Heritage and Environment (OEH) to endorse the Aboriginal Archaeological and Cultural Heritage Assessment (AACHA).

The Applicant also seeks the amendment of Condition B12 and the addition of Condition B12A to allow for the staging of the development to be linked to the lodgement of a two-stage Heritage Management Plan (HMP).



Figure 1: Site Location (Source: SSD 8008 Assessment Report)

2. SUBJECT SITE

Taronga Zoo (the zoo) is located on Bradleys Head Road at the southern end of Mosman on the Bradleys Head Peninsula (**Figure 1**). The zoo comprises approximately 28 hectares and is surrounded 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 legally described as Lot 22 in DP 843294.

3. APPROVAL HISTORY

On 20 December 2017, the Executive Director, Key Sites and Industry Assessments granted consent to SSD 8008 for partial demolition of the existing African Safari and Orangutan Rainforest exhibits and their redevelopment to form a new African Savannah and Congo Forest exhibits at the zoo.

4. PROPOSED MODIFICATION

The Applicant submitted a modification application on 23 February 2018 seeking approval under section 4.55(1) of the EP&A Act to amend the wording of Condition C2 so that the Office of Environment and Heritage no longer have to endorse the Aboriginal Archaeological and Cultural Heritage Assessment.

The Applicant subsequently amended the application on 10 April 2018 to include the modification of Condition B12 and the addition of Condition B12A to facilitate the staging of the development and align it with the preparation of a Heritage Management Plan for each stage of the development. Stage 1 being the African Savannah and Stage 2 the Congo Forest. Consequently, two Heritage Management Plans are now proposed to be prepared for the development.

4.1 Condition C2 (Aboriginal Archaeological Cultural Heritage Assessment)

The proposal seeks to amend Condition C2 by deleting the words, “*and endorsed by the Office of Environment and Heritage*”.

The proposed amendment of Condition C2 states:

Prior to the commencement of any demolition works, a detailed Aboriginal Archaeological and Cultural Heritage Assessment (AACHA), prepared in accordance with the Aboriginal Cultural Heritage Requirements for Proponents (DECCW 2010) ~~and endorsed by the Office of Environment and Heritage,~~ must be provided to the Secretary.

4.2 Condition B12 (Heritage Management Plan)

The proposal seeks to amend Condition B12 to relate to the Stage 1 African Savannah exhibit works only. Condition B12 is modified (with the insertion of the **bold and underlined** words/numbers) accordingly.

The proposed amendment of Condition B12 states:

Prior to issue of any **the relevant** Crown Building Works Certificate, the Applicant shall prepare a **Stage 1** Heritage Management Plan (HMP) **in respect of the Stage 1 African Savannah exhibit works** to ensure construction impacts on Aboriginal and non-Aboriginal heritage will be appropriately avoided, minimised and managed. The Plan shall include, ~~but not necessarily be limited to~~ **where relevant**, the mitigation and protection measures included in the *Heritage Impact Assessment*, dated June 2017, submitted with the EIS, and associated addendum, ~~dated November 2017~~, submitted with

the RTS **and dated November 2017**, measures to protect retained items in and adjacent to the **Stage 1** works area, including:

- a) an interim archival recording of the 1924 and 1940 Giraffe Houses (items 61B(a) and (b)), Turner House (54B), ~~the Orang-utan Enclosure (103B)~~ and the Safari Lodge Kiosk, their respective settings and views to and from the subject development area. The recording shall include photographs and architectural measured drawings in accordance with Heritage Division standards. A final archival recording must be submitted within 4 months following commencement of construction works;
- b) archaeological investigation research and methodology in accordance with relevant OEH guidelines. If the investigation determines there will be an adverse impact, further consultation and endorsement of the HMP will be required from the Heritage Council;
- c) protection of heritage items and landscape heritage items during works;
- d) interpretation of the historical significance of the zoo within the site including the 1924 Giraffe House, retained Former Pygmy Hippo shelter and the grand staircase/rustic seating/palm ensemble;
- e) retain appropriately skilled conservation advice during design and construction;
- f) provide information on contractor induction on heritage matters; and
- g) provide an unexpected heritage finds procedure.

The **Stage 1** Plan shall be submitted to and approved by the Secretary prior to the issue of any **the relevant** Crown Building Works Certificate. The Applicant shall ensure that the **Stage 1** HMP is implemented during **the relevant** demolition and construction **phases**.

4.3 Condition B12A – Stage 2 Heritage Management Plan

The proposal seeks to add a new condition, B12A, requiring preparation of a HMP in relation to the Stage 2 Congo Forest Exhibit works.

The proposed Condition B12A states:

Prior to issue of the relevant Crown Building Works Certificate, the Applicant shall prepare a Stage 2 Heritage Management Plan (HMP) in respect of the Stage 2 Congo Forest exhibit works to ensure construction impacts on Aboriginal and non-Aboriginal heritage will be appropriately avoided, minimised and managed. The Plan shall include, where relevant, the mitigation and protection measures included in the Heritage Impact Assessment, dated June 2017, submitted with the EIS, and associated addendum, submitted with the RTS and dated November 2017, measures to protect retained items in and adjacent to the Stage 2 works area, including:

- a) an interim archival recording of the Orang-utan Enclosure (103B) and its respective settings and views to and from the subject development area. The recording shall include photographs and architectural measured drawings in accordance with Heritage Division standards. A final archival recording must be submitted within 4 months following commencement of construction works;*
- b) archaeological investigation research and methodology in accordance with relevant OEH guidelines. If the investigation determines there will be an adverse impact, further consultation and endorsement of the HMP will be required from the Heritage Council;*
- c) protection of heritage items and landscape heritage items during works;*
- d) interpretation of the historical significance of the zoo within the site including the 1924 Giraffe House, retained Former Pygmy Hippo shelter and the grand staircase/rustic seating/palm ensemble;*
- e) retain appropriately skilled conservation advice during design and construction;*
- f) provide information on contractor induction on heritage matters; and*
- g) provide an unexpected heritage finds procedure.*

The Stage 2 Plan shall be submitted to and approved by the Secretary prior to the issue of the relevant Crown Building Works Certificate. The Applicant shall ensure that the Stage 2 HMP is implemented during the relevant demolition and construction phases.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

As outlined in section 4.55(1) of the EP&A Act, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.

OEH did not request a post-approval role in the application and the proposed modification seeks to rectify Condition C2 accordingly. The amendments to Condition B12 and the addition of Condition B12A will enable the appropriate staging of the development.

The Department therefore considers the proposed modifications to be consistent with section 4.55(1) of the EP&A Act.

5.2 Delegation

The Director, Key Sites Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

6. CONSULTATION

Section 4.55(1) modifications are not required under the *Environmental Planning and Assessment Regulation 2000* to be advertised. However, prior to the submission of the application, comments were sought from OEH (**Section 7**). The application was also made publicly available on the Department's website. No submissions were received.

7. ASSESSMENT

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

7.1 Condition C2

The original SSD application included an Aboriginal Archaeological Assessment (AAA) which concluded the site is likely to possess minimal Aboriginal archaeological potential due to the accumulated impacts of construction over time within the site.

OEH recommended the Applicant undertake an AACHA prior to the determination of the application. The Applicant requested a condition be imposed requiring submission of the AACHA to the Secretary prior to the commencement of works. Based on the conclusions of the AAA, the Department was satisfied there was little risk of impacts on unknown Aboriginal objects or sites within the area of the proposed development. Condition C2 was therefore imposed, requiring a copy of the AACHA be provided to the Secretary prior to commencement of works.

Condition C2 also requires the AACHA to be endorsed by OEH prior to submission to the Secretary. This was to enable OEH to review the AACHA and work with the Applicant and the Department to resolve any identified issues prior to commencement of any demolition works.

However, following determination of the application in December 2017, OEH advised in writing on 22 January 2018, that it does not wish to review or endorse the AACHA as a post-approval requirement.

The Applicant submitted the required AACHA on 18 January 2018. The AACHA concludes the likelihood of Aboriginal objects occurring within the site is low, and that the proposal is unlikely to have an adverse impact upon the Aboriginal archaeological values of the place.

The Department is satisfied the AACHA fulfils the requirements of Condition C2.

To enable the development to progress, the Department considers it reasonable for the wording of Condition C2 to be amended to remove OEH's AACHA endorsement role.

7.2 Conditions B12 and B12A

The Applicant has advised the project will be delivered in two separate stages comprising Stage 1 African Savannah exhibit works and Stage 2 Congo Forest exhibit works. The proposed modifications to Condition B12 and new Condition B12A will allow separate Crown Building Works Certificates to be issued for each of the two stages and allow appropriate staging of the project to occur.

The Department accepts a Heritage Management Plan will still be prepared for each stage and considers the proposed revisions are reasonable and will not change the approved form of development and will not give rise to any environmental impacts.

The Department also considers the modifications would allow construction to occur in a staged and orderly manner and would maintain the Applicant's obligations to prepare a Heritage Management Plan be approved by the Secretary.

8. CONCLUSION

The Department's assessment concludes that the proposed modification is acceptable on the basis that it involves minor amendments to Conditions C2 and B12, and the addition of Condition B12A. The proposed modification will not give rise to any additional environmental impacts. Consequently, it is recommended that the modification be approved.

9. RECOMMENDATION

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- a) **considers** the recommendations of this report;
- b) **grants** modification of the consent to the application under section 4.55(1) of the EP&A Act subject to conditions having considered the matters in accordance with (a) above; and
- c) **signs** the attached modification (**Appendix A**).

Prepared by: Lewis Demertzi
Key Sites Assessments

Recommended by:



20/4/18

Cameron Sargent
Team Leader
Key Sites Assessments

Decision

The recommendation is Approved by:



20/4/18

Ben Lusher
Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning

APPENDIX A: NOTICE OF MODIFICATION
