

21 September 2018

16527

Secretary  
Department of Planning and Environment  
320 Pitt Street  
Sydney NSW 2000

Attention: Andy Nixey, Principal Planner/Acting Team Leader – Key Sites Assessment and Tim Green, Planning Officer – Key Sites Assessment

Dear Andy and Tim,

## **SECTION 4.55(1A) MODIFICATION APPLICATION NO. 2 TO SSD 8008**

This application has been prepared by Ethos Urban on behalf of Taronga Conservation Society Australia (TCSA), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development consent 8008 (SSD 8008) granted on 20 December 2017 to Taronga Zoo (the site).

The modification relates to confirming the intended staging of the development and the associated timing for discharging conditions of consent.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act.

### **1.0 Consent proposed to be modified**

SSD 8008 was granted by the Department of Planning and Environment (DPE) on 20 December 2017 for:

*Partial demolition of the existing African Safari and Orangutan Rainforest exhibits and redevelopment to form new African Savannah and Congo Forest exhibits*

The original application identified that the proposal would be constructed within the environment of an existing operational zoo, requiring the maintenance of existing accesses, services and facilities during the construction process. The proposed works are intended to be carried out in two distinct stages:

- Stage 1, being the African Savannah Exhibit intended to commence construction in March 2018 and open in February 2020; and
- Stage 2, being the Congo Forest Exhibit, intended to commence construction in May 2021 and open in October 2022.

The consent has previously been modified (Modification 1) to address a misdescription of Condition C2, clarify Condition B12 and add Condition B12A addressing the staged delivery of the project in respect of the required Heritage Management Plan. This modification was approved on 20 April 2018.

### **2.0 Proposed modifications to the consent**

The proposed modification to the development consent comprises the addition of a condition that specifically provides the Secretary to consider and approve strategies, plans or programs required under the consent,

consistent with the intended staging of the development as described by the original application. The modification also proposes to modify Condition C4 relating to detailed site investigation to remove any uncertainty about when a detailed site investigation is needed to be submitted for each stage (or individual building). The proposed modifications are described in more detail below.

## 2.1 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

### **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

**A8. With the approval of the Planning Secretary, the Applicant may:**

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);***
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and***
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).***

The inclusion of Condition A8 will allow for TCSA to prepare the relevant strategies, plans or programs applicable to each intended stage of the development without delaying the issue of the relevant Crown Building Works Certificates.

### **CONTAMINATION**

C4 Following demolition of the existing structures and prior to commencement of any excavation or above ground works ***for the relevant stage of the development***, a detailed site investigation must be undertaken ***for the relevant area*** to address potential sources of contamination identified in the *Preliminary Site Investigation* prepared by Douglas Partners, dated October 2016 (project 85537). A copy of the detailed investigation(s) will be provided to the Secretary and Certifying Authority and must include a statement regarding the suitability of the ***relevant area of the*** site for the ~~proposed~~ development.

It is intended to modify Condition C4 per the proposed wording to remove any residual uncertainty about when a detailed site investigation is needed to be submitted for each stage (or individual building) – since Congo Forest buildings will not be demolished until after the African Savannah exhibit is complete.

## 3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*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)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- the proposed modifications to not alter the key components of the approved development description;
- the proposed layout, design and structure of the proposed development remains the same;

- there is no change to the overall area of impact of the development;
- the environmental impacts of the modified development remain the same as the approved development; and
- the proposed modification confirms the intended staging of the development as documented within the original application.

For these reasons, the Department can be satisfied that the modified proposal is substantially the same development for which consent was originally granted.

## 4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will not create any additional environmental impacts beyond those considered during the assessment of SSD 8008. The key considerations are summarised below.

- The proposed modifications do not alter the approved development’s compliance with the statutory requirements of the following because it does not change the nature or scope of the approved development:
  - State Environmental Planning Policy (State and Regional Development) 2011;
  - State Environmental Planning Policy No.55 – Remediation of Land;
  - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
  - Mosman Local Environmental Plan 2012; and
  - Draft State Environmental Planning Policy (Environment).
- The proposed modifications will not create any additional environmental impacts beyond those already considered by the Department of Planning and Environment with regard to the following issues because it does not change the nature or scope of the approved development:
  - built form;
  - visual impact and heritage views;
  - heritage;
  - tree removal and landscaping;
  - cumulative traffic and parking;
  - impacts during construction;
  - noise and vibration;
  - animal welfare;
  - fire safety/bushfire;
  - stormwater; and
  - threatened species.
- The proposed modifications are consistent with the original intent of the application to provide for the staged delivery of the proposal:
  - Stage 1, being the African Savannah Exhibit intended to commence construction in March 2018 and open in February 2020; and

- Stage 2, being the Congo Forest Exhibit, intended to commence construction in May 2021 and open in October 2022.

## 5.0 Conclusion

The proposed modification involves the addition of Condition A8 and amend Condition C4 to permit the staged delivery of the proposed development in accordance with the intention of the original application.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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