



Taronga Zoo Upper Australia Precinct Modification 2

Landscaping amendments and changes to conditions
State Significant Development Modification Assessment
(SSD 10456 MOD 2)

April 2022



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Taronga Zoo Upper Australia Precinct Modification 2

Subtitle: Landscaping amendments and changes to conditions.

Cover image: View of the Macropod walkthrough (Source: Applicant)

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Glossary

Abbreviation	Definition
Applicant	Taronga Conservation Society Australia
BC Act	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
CBD	Central Business District
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Council	Mosman Council
Department	Department of Planning and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
Minister	Minister for Planning
PCT	Plant Community Type
Planning Secretary	Secretary of the Department of Planning and Environment
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TCSA	Taronga Conservation Society Australia

Executive Summary

Introduction

This report provides an assessment of modification application (SSD 10456 MOD 2) seeking to modify the consent for the redevelopment of the Upper Australia Precinct located in Taronga Zoo, Mosman (SSD-10456).

The application seeks approval for landscaping amendments, including the removal of 13 additional trees and tree offset planting at a ratio of 2:1 across the Zoo site with associated amendments to Conditions B24, B30 and C41. The application also seeks approval for the deletion of Condition B7, relating to light reflectivity.

The application has been lodged by Urbis on behalf of Taronga Conservation Society Australia (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Engagement

The Department of Planning and Environment (the Department) publicly exhibited the Modification Application for 14 days from 2 March 2022 to 15 March 2022. The Department received two submissions from Mosman Council (Council) and one from Environment, Energy and Science Group (EESG). No public submissions were received.

Council raised concerns about additional tree removal and the removal of the roof reflectivity condition, and recommended conditions be imposed requiring suitable replacement trees to be provided and that the reflectivity and visibility of the roof is minimised.

Assessment

The Department has considered the merits of the proposal the issues raised in the submissions and the Applicant's response. The Department's assessment considers that the proposal is acceptable as:

- the replacement planting strategy would result in a total of 26 replacement trees being planted, resulting in 13 additional trees planted across the site
- it would not remove any trees of heritage significance or significant cultural plantings
- the trees that would be retained would be managed in accordance with recommendations detailed in the AIA
- the impact on native vegetation and potential foraging habitat for the Southern Myotis Bat has been minimised, and any residual impacts would be offset by planting replacement trees in accordance with the tree replacement strategy and the purchase of biodiversity credits
- the reflectivity of the Koala Treehouse roof would not result in adverse reflectivity impacts on Sydney Harbour or the surrounding area.

Based on these finding, the Department is satisfied the proposal is in the public interest and recommends the application be approved, subject to conditions.

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the redevelopment of the Upper Australia Precinct located at Taronga Zoo, Mosman, NSW (SSD-10456).

The modification application seeks approval for landscaping amendments, including the removal of 13 additional trees, tree offset planting, amendments to Conditions B24, B30 and C41, and deletion of Condition B7 which relates to light reflectivity.

The application has been lodged by Urbis on behalf of Taronga Conservation Society Australia (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Site and surrounding context

Taronga Zoo is located approximately 2.5 km north-east of the Sydney Central Business District (CBD) and is situated in the Mosman local government area (LGA) (**Figure 1**).

Taronga Zoo is located on Bradleys Head Road at the southern end of Mosman on the Bradleys Head Peninsula. Taronga Zoo is approximately 28 hectares and is surrounded by Bradleys Head Road to the east, Athol Wharf Road to the south, Little Sirius Cove to the west and Whiting Beach Road to the north.

Taronga Zoo comprises a variety of animal exhibits, associated pathways, buildings and structures and the Australia Habitat and Wildlife Retreat within a landscaped setting.

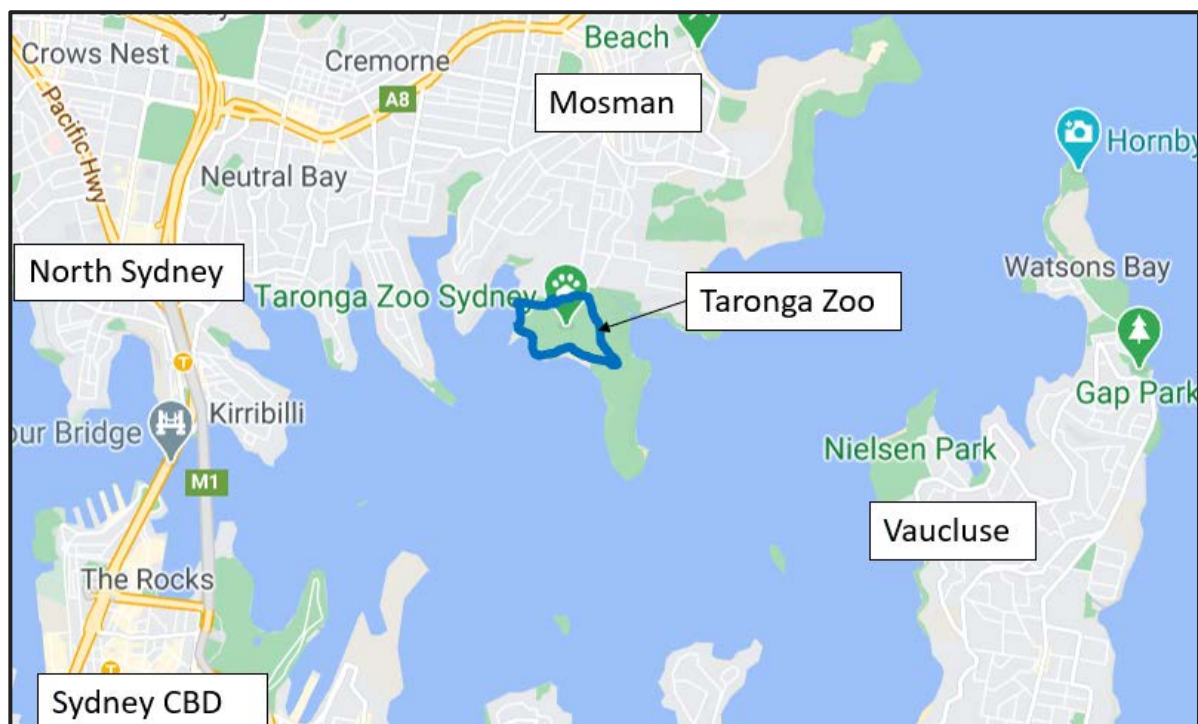


Figure 1 | Regional Context Map (Source: Original Assessment Report; Google Maps 2020)

1.2 The Site

The Upper Australia Precinct (the site) is located in the north-eastern corner of Taronga Zoo and has an area of approximately 7,900 m² (**Figure 2**).

The site contains existing animal exhibits and facilities including the Avian Wetlands, Nocturnal House, Macropod Walkthrough, Koala Experience, Platypus House and Wild Ropes Course. The site contains a significant level of tree cover with approximately 198 trees located within the site.

Taronga Zoo is heritage listed in the Mosman Local Environmental Plan 2012 (MLEP). The item is identified as “Rainforest Aviary”, “Elephant House”, bus shelter and office, floral clock and upper and lower entrance gates. None of the items individually noted in the MLEP listing are located within the Upper Australian Precinct (subject site). A total of 14 items listed on the Zoological Parks Board Section 170 Heritage and Conservation Register are located within the site.

Views of the site are shown in **Figure 3** to **Figure 7**.



Figure 2 | The site shown in red outline and Taronga Zoo shown in blue outline
(Source: Original Assessment Report; NearMap 2020)

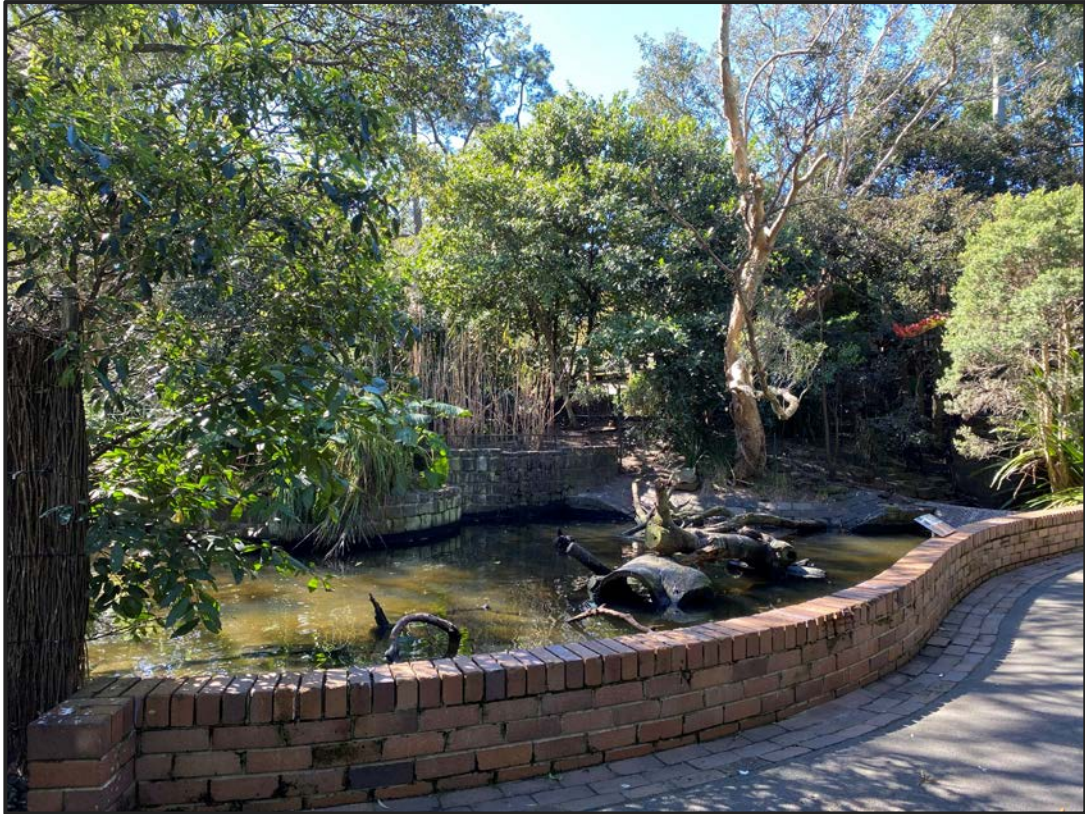


Figure 3 | Avian wetlands (Source: Department)



Figure 4 | Wild Ropes Course along Dingo Road (Source: Department)



Figure 5 | Nocturnal House (Source: Department)



Figure 6 | Platypus House (Source: Department)



Figure 7 | Koala experience (Source: Department)

1.3 Surrounding Site Context

Immediately to the north of the site are existing zoo facilities, further north of the Zoo is the residential area of Mosman which comprises one and two-storey dwelling houses.

Directly south of the site are existing zoo facilities, including the Australia Habitat and Taronga Zoo Wildlife Retreat. Further south of the Zoo is Sydney Harbour and Taronga Zoo Ferry Wharf. The site is bound by Bradleys Head Road to the east, beyond which is Sydney Harbour National Park.



Figure 8 | Surrounding site context (Source: Original Assessment Report; NearMap 2020)

1.4 Approval history

On 21 December 2020, the Executive Director, Key Sites and Regional Assessments granted development consent for the redevelopment of the Upper Australia Precinct located in Taronga Zoo, Mosman (SSD-10456). The approval comprised:

- refurbishment of the Nocturnal House, including a new exhibit design and layout and reconfiguration of access arrangements to provide a separate entry and exit point.
- construction of a Koala Treehouse and elevated walkway.
- extension of the Macropod walkthrough.
- new Ropes Course access bridge.
- upgrades to back-of-house facilities for animal care.

- additional toilets and amenities for staff and visitors.
- a new fence along Bradleys Head Road.

The development consent has been modified once previously (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	<ul style="list-style-type: none"> • Replacement of approved Koala exhibit with a Dingo exhibit • Amend the landscaping and fence design • Increase tree removal and biodiversity offsets • Amend conditions relating to bushfire management 	Team Leader	4.55(1A)	27 August 2021

2 Proposed modification

The Applicant has lodged a modification application (SSD 10456 MOD 2) seeking approval under section 4.55(2) of the EP&A Act to modify the consent granted for the Upper Australia Precinct development. The application, as modified by the Response to Submissions, seeks approval for:

- landscaping amendments, including the removal of 13 additional trees within the Upper Australia Precinct and additional tree offset planting at a ratio of 2:1 across the Zoo site with associated amendments to Conditions B24, B30 and C41
- deletion of Condition B7, relating to light reflectivity.

The Applicant has requested the following wording for Conditions B7, B24, B30 and C41 (words proposed to be added are shown in **bold and underline** and those to be deleted are shown in ~~strike through~~):

Reflectivity

~~B7. The visible light reflectivity from building materials used on the facility shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the commencement of works.~~

Biodiversity Offsets

B24. A total of ~~5~~ **6** ecosystem credits and ~~4~~ **5** species credits must be retired prior to the commencement of any vegetation clearing. Details confirming compliance must be provided to the Certifier and Planning Secretary.

Construction Environmental Management Plan

B30. Prior to the commencement of works, the Applicant shall implement an updated Construction Environmental Management Plan (CEMP) for the development and be submitted to the Certifier. The CEMP must:

(no change to (a) to (s))

- (t) include the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 18 June 2020, as amended by Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 30 March 2021 and Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 June 2021 and **the addendum Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 December 2021;**

- (u) include a site-specific tree protection plan

- (v) include the relevant recommendation and mitigation measures detailed in the Biodiversity Development Assessment Report, prepared by Narla Environmental, dated 4 November 2020, as amended by Biodiversity Development Assessment Report, prepared by Narla Environmental, dated ~~June 2021~~ **October 2021;**

(no change to (w))

In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Prior to the commencement of works, details demonstrating compliance with the above requirements (Condition B30 (a)-(w)) must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, Council and the Planning Secretary.

Protection of trees

C41. During construction, trees must be managed in accordance with the site-specific tree protection plan in the CEMP and in accordance with the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 18 June 2020 as amended by Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 30 March 2021 and Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 June 2021, **and the addendum Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 9 November 2021**

During construction, if any of the following trees require removal, adequate tree replacement is required on site:

- **Tree 20 Eucalyptus robusta (Swamp Mahogany)**
- **Tree 45 Eucalyptus saligna (Sydney Blue Gum)**
- **Tree 67 Banksia integrifolia (Coast Banksia)**
- **Tree 87 Hymenosporum flavum (Native Frangipani)**
- **Tree 92 Eucalyptus robusta (Swamp Mahogany)**
- **Tree 123 Eucalyptus botryiodes (Bangalay)**
- **Tree 129 Melaleuca quinquenervia (Broad-leaved Paperbark)**
- **Tree 130 Casuarina cunninghamiana (River She-oak).**
- **Tree 156 Eucalyptus botryiodes (Bangalay)**
- **Tree 157 Eucalyptus botryiodes (Bangalay)**
- **Tree 162 Casuarina cunninghamiana (River She-oak)**
- **Tree 179 Lophostemon confertus (Brushbox)**
- **Tree 185 Lophostemon confertus (Brushbox)**

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation, the Director, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made
- there are less than 15 public submissions (other than a Council) in the nature of objections
- Council has not made a submission by way of objection.

3.3 Mandatory matters for consideration

Where relevant list the matters for consideration as listed under section 4.15 of the EP&A Act that apply to the modification as assessed under the original application including;

- environmental planning instruments or proposed instruments;
- any planning agreements;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix D**.

4 Engagement

4.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation (EP&A Regulation), the Department exhibited the application for 14 days from 2 March 2022 to 15 March 2022.

The application was made publicly available on the Department's website. The Department notified adjoining landholders, Mosman Council (Council) and Environment, Energy and Science Group (EESG).

4.2 Summary of submissions

The Department received two submissions from EESG and Mosman Council as summarised in **Table 2** and **Table 3**.

No public submissions were received.

Table 2 | Government agency submissions

EESG
Application EESG provided the following comments: <ul style="list-style-type: none">the BDAR must be certified, for example, by signing the first pagethe date of submission of the BDAR must be within 14 days of the date shown on the relevant finalised credit report generated using the BAM Calculator.
Response to Submissions EESG advised all aspects raised previously have been addressed.

Table 3 | Mosman Council submission

Council
Application Council provided the following comments: <ul style="list-style-type: none">concerns about additional tree removal and recommended a condition requiring suitable replacement trees be provided to ensure the landscaped character of the Zoo is maintained with the dominance of landscaping over the built elements and that the new works are not highly visible from the harbour.concern about proposed changes to the roof reflectivity condition given that it is not clear if the new roof will be visible from the harbour. A condition should be imposed to ensure that the reflectivity and visibility of the roof is minimised.

4.3 Response to submissions

On 24 March 2022, the Applicant lodged a Response to Submission (RtS). The RtS included Reflectivity Advice prepared by BlueScope Steel and an updated Biodiversity Development Assessment Report (BDAR) and GIS data shapefiles prepared by Narla Environmental.

The RtS was made publicly available on the Department's website. The Department forwarded the RtS to Environment, Energy and Science Group (EESG) for comment. EESG advised the RtS adequately addressed its previous comments.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Impact Statement and conditions of approval for the original application (as modified)
- all submissions received on the proposal and the Applicant's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

5.1 Tree removal and biodiversity

The proposed modification seeks to remove an additional 13 trees, resulting in a cumulative loss of 56 (43 approved previously) trees to facilitate the development of the Upper Australia Precinct, as shown in **Figure 9**.



Figure 9 | Proposed tree protection and removal plan with additional trees to be removed in red (source: Applicant)

The Applicant states that during construction of the early works package these trees were identified as requiring removal predominantly due to encroachment into the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ).

The Applicant submitted an Arboricultural Impact Assessment (AIA), which identified 15 trees would be impacted by the development of the Upper Australia Precinct. However, the AIA noted two of these trees would be retained (Trees 159 and 160) with only 13 proposed for removal.

In terms of retention value of the 13 trees proposed to be removed, one tree is of high value, three of moderate value and nine of low value. A summary of the trees identified as potentially impacted and justification is provided in **Appendix B**.

The Applicant also submitted a BDAR, which noted the majority of the development is located within historically modified land, adjacent to man-made structures and consisting of predominately planted and landscaped vegetation.

The native vegetation impacted by the approved development (as modified) was identified to be 0.20 ha of the Smooth-barked Apple – Coast Banksia / Cheese Tree open forest on sandstone slopes on the foreshores of the drowned river valleys of Sydney Plant Community Type (PCT). The BDAR outlined the proposed modifications will impact an additional 0.06 ha totalling 0.26 ha of the PCT.

Additionally, the approved development (as modified) was identified to result in the removal of potential foraging habitat for a species of vesper bat (Southern Myotis) and required 4 species credits for the Southern Myotis. Due to the additional removal of potential foraging habitat proposed as part of the modification, a total of 5 species credits are required.

The Applicant has proposed the following to offset the proposed tree removal:

- where non-destructive root exploration finds large diameter roots, the design and location of the proposed footings will be required to be altered and that all works within the TPZ and SRZ must be undertaken under supervision from the project arborist.
- proposed tree offset planting at a ratio of 2:1 with a 100L pot size replacement tree. Overall, this would result in 26 replacement trees being planted, resulting in 13 additional trees overall
- replacement trees would be planted across the broader Taronga Zoo site to avoid additional impacts on bushfire risk and would include both locally endemic and non-endemic trees – corresponding to the natural habitat of the species
- purchase of an additional ecosystem credit, totalling 6 ecosystem credits
- purchase of an additional species credit, totalling 5 species credits
- trees that would be retained would be managed in accordance with recommendations detailed in the AIA.

Council raised concerns about additional tree removal and recommended a condition requiring suitable replacement trees be provided to ensure the landscaped character of the Zoo and the dominance of landscaping over the built elements are maintained.

EESG advised the BDAR must be certified and the date of the BDAR submission must be within 14 days of the date shown on the relevant finalised credit report generated using the BAM Calculator.

The Applicant submitted a revised BDAR as part of the RtS, which EESG advised adequately addressed its previous comments.

Additionally, the Applicant agreed to the Council's recommendation that a condition be imposed requiring suitable replacement trees.

The Department considers the proposed modification to have avoided potential impacts to Trees 159 and 160 through the recommendations in the AIA. While 13 trees are proposed for removal, the Applicant advised this is intended as a worst-case scenario and trees will be retained where removal is not required to facilitate construction works. Impacts of the tree removal will be minimised by the replacement planting strategy proposed by the Applicant, which would result in a greater number of trees planted than removed and any residual impacts will be offset by the purchase of an additional ecosystem and species credit.

Overall, the Department considers the proposed tree removal and biodiversity impacts are acceptable as:

- none of the additional trees to be removed are of heritage significance and of the 13 additional trees to be removed one tree is of high retention value, three of moderate value and nine of low value
- while the proposal may require the removal of 13 additional trees, the replacement planting strategy would result in a total of 26 replacement trees being planted, resulting in 13 additional trees planted across the site
- the trees that would be retained would be managed in accordance with recommendations detailed in the AIA
- biodiversity impacts would continue to be managed in accordance with management measures detailed in the updated BDAR, including the purchase of one additional ecosystem credit and one additional species credit
- EESG support the proposal and the increased biodiversity offset requirements.

The Department recommends the following conditions be amended:

- Condition B23 (Tree Replacement) be amended to reflect the offset strategy detailed in the Arboricultural Statement
- Condition B24 (Biodiversity Offsets) be updated to reflect the revised biodiversity offset credit requirements for ecosystems and species
- Condition B30 (CEMP) be updated to reflect the updated AIA
- Condition C41 (Protection of Trees) be amended to require trees be replaced at ratio of 2:1 within the Zoo site.

Subject to the compliance with conditions, the Department considers the proposed tree removal and biodiversity impacts are acceptable.

5.2 Other issues

The Department's consideration of other issues is provided within **Table 3**.

Table 4 | Department's assessment of other issues

Issue	Findings	Recommendations
Heritage	<ul style="list-style-type: none"> Taronga Zoo is heritage listed in the MLEP. None of the items individually noted in the MLEP listing are located within the Upper Australian Section (subject site). The Applicant provided a Heritage Impact Statement (HIS) which identified that they are not identified on the Section 170 register for the site. As discussed in Section 5.1, Trees 159 and 160 are listed on the Taronga Zoo's Section 170 register (item 192L and 259L respectively) and are proposed to be retained as part of the proposed modification. The AIA provided recommendations to ensure these trees are not adversely impacted by the development of the precinct. Council raised no concerns with potential heritage impacts. Existing conditions of consent require trees to be retained are managed in accordance with recommendations detailed in the AIA. The Department recommends this be updated to reflect the updated AIA. The Department is satisfied the heritage impacts of the development are acceptable as the trees proposed for removal are not listed on the Section 170 register, and recommended conditions would ensure the two trees listed on the 170 register are appropriately protected. 	<p>The Department recommends:</p> <ul style="list-style-type: none"> Condition C41 be amended to reflect the updated AIA.
Reflectivity	<ul style="list-style-type: none"> The approved development consent is subject to a condition (Condition B7) requiring all materials used within the project to not exceed 20% visible light reflectivity and to ensure the approved development is designed to minimise glare. The modification seeks to remove this condition for the translucent polycarbonate sheet roofing approved for the main exhibit public congregation area within the Koala Treehouse. Council raised concern with the removal of Condition B7 as due to the potential visibility from the harbour and recommended a condition be imposed to ensure that the reflectivity and visibility of the roof is minimised. 	<p>The Department recommends:</p> <ul style="list-style-type: none"> Condition B7 be amended to exclude the requirement for the Koala Treehouse roof to not exceed 20% visible light reflectivity

- As part of the RtS, the Applicant contends the extent of visible light reflectivity cannot be verified for the translucent polycarbonate sheet roofing approved.
 - The Applicant provided a letter prepared by BlueScope Steel, which advised they had no published data on reflectivity values of Colorbond steel or products.
 - The Applicant also contends roof has been designed to minimise glare through the following:
 - a low roof pitch of 7.5 degrees which faces away from Bradleys Head Road and Sydney Harbour
 - the built form is within the tree canopy and is surrounded by mature trees, including the Rainforest Aviary, which being listed as a local heritage item (item 34) under the Mosman LEP are unlikely to be removed.
 - The Department accepts the reflectivity impacts of the Koala Treehouse roof from outside of Taronga Zoo, including from Sydney Harbour, would be negligible as they limited to the roof and would be mitigated due to the extent of tree coverage, site location, significant distance away from residences and the roof pitch faces away from Sydney Harbour.
 - The Department recommends Condition B7 be amended to exclude the requirement for the Koala Treehouse roof to not exceed 20% visible light reflectivity.
 - Subject to the recommended condition, the Department concludes the reflectivity impacts are acceptable.
-

6 Evaluation

The Department has undertaken a detailed assessment of the proposal and is satisfied that the development, as proposed to be modified, is substantially the same development as that originally approved.

The Department's assessment concludes that the proposed modification is acceptable for the following reasons:

- it would remain compliant with relevant statutory provisions in EPIs and the strategic planning context
- the replacement planting strategy would result in a total of 26 replacement trees being planted, resulting in 13 additional trees planted across the site
- the removal of additional native vegetation and potential foraging habitat for the Southern Myotis Bat would be offset by planting replacement trees and purchase of additional biodiversity credits for ecosystems and species
- it would not remove any trees of heritage significance or significant cultural plantings
- the reflectivity of the Koala Treehouse roof would not result in adverse reflectivity impacts on Sydney Harbour or the surrounding area.

The Department considers the modification is in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 10456 MOD 2 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 10456
- **signs** the attached approval of the modification (**Appendix E**).

Recommended by:



Lucinda Craig
Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

 8 April 2022

Anthony Witherdin

Director

Key Sites Assessments

(as delegate of the Minister for Planning)

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

Modification Application and Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/landscaping-amendments-and-deletion-condition-b7>

Appendix B – Tree Impact Assessment

Table 5 | Trees potentially impacted by the proposal

Tree #	Species	Significance	Retention Value	Proposal	Comments
20	Eucalyptus robusta (Swamp Mahogany)	Medium	Short	Remove	<ul style="list-style-type: none"> no proposed works in the TPZ & SRZ structural defects
45	Eucalyptus saligna (Sydney Blue Gum)	Medium	Low	Remove	<ul style="list-style-type: none"> no proposed works in the TPZ & SRZ structural defects
67	Banksia integrifolia (Coast Banksia)	Low	Medium	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
87	Hymenosporum flavum (Native Frangipani)	Low	Low	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
92	Eucalyptus robusta (Swamp Mahogany)	Medium	Low	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
123	Eucalyptus botryiodes (Bangalay)	Medium	Low	Remove	<ul style="list-style-type: none"> Tree removed due to failure on the 18th of February 2020
129	Melaleuca quinquenervia (Broad-leaved Paperbark)	Medium	Medium	Remove	<ul style="list-style-type: none"> works within the SRZ
130	Casuarina cunninghamiana (River She-oak)	Low	Low	Remove	<ul style="list-style-type: none"> works within the SRZ
156	Eucalyptus botryiodes (Bangalay)	High	High	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
157	Eucalyptus botryiodes (Bangalay)	Medium	Low	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
159	Lophostemon confertus (Brushbox)	High	Low	Retain	<ul style="list-style-type: none"> s170 registered tree (192L) to be retained
160	Eucalyptus punctata (Grey Gum)	Medium	Medium	Retain	<ul style="list-style-type: none"> s170 registered tree (259L) to be retained
162	Casuarina cunninghamiana (River She-oak)	Low	Low	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
179	Lophostemon confertus (Brushbox)	Medium	Medium	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ
185	Lophostemon confertus (Brushbox)	Low	Low	Remove	<ul style="list-style-type: none"> works within the TPZ and SRZ

Appendix C – Community Views for Draft Notice of Decision

Issue	Consideration
Tree removal (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Council raised concerns with the additional tree removal and recommended a condition requiring suitable replacement trees be provided to ensure the landscaped character of the Zoo and the dominance of landscaping over the built elements are maintained. As part of the RtS, the Applicant agreed to the Council's recommendation that a condition be imposed requiring suitable replacement trees. These matters are further discussed in Section 5.1 of the Department's assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Condition B23 (Tree Replacement) be amended to reflect the offset strategy detailed in the Arboricultural Statement Condition B30 (CEMP) be updated to reflect the updated AIA Condition C41 (Protection of Trees) be amended to require trees replaced at a 2:1 ratio within the Zoo site. Purchase of additional biodiversity (ecosystem and species) credits
Roof reflectivity (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Council raised concern with the removal Condition B7 as due to the potential visibility from the harbour and recommended a condition be imposed to ensure that the reflectivity and visibility of the roof is minimised. The Applicant advised the roof has been designed to minimise glare through a low roof pitch of 7.5 degrees that faces away from Bradleys Head Road and Sydney Harbour and the built form is within the tree canopy. The Department is satisfied the Koala Treehouse roof would not result in any significant reflectivity impacts from outside of Taronga Zoo, including Sydney Harbour. This matter is further discussed in Section 5.2 of the Department's assessment report. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Condition B7 be amended to exclude the requirement for the Koala Treehouse roof to not exceed 20% visible light reflectivity.

Appendix D – Statutory considerations

To satisfy the requirements of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- objects of the EP&A Act
- the requirements of section 4.55(2) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 1** and **2**.

Table 1 | Consideration of section 4.55(2) of the EP&A Act

Section 4.55(2) Evaluation	Consideration
a) That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The Department is satisfied the development is substantially the same development for which consent was originally granted as: <ul style="list-style-type: none">• the proposed use of the site remains the same• the proposed modification to the approval will not alter the built form or scale of the development• the anticipated environmental impacts arising from the proposed modifications are considered in Section 5 of this report.
b) That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.	The modification does not require consultation with any other Minister, public authority or approval body. Notwithstanding, the Department has consulted the relevant government agencies and Council in relation to the modification application (refer to Section 4 of this report).
c) The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the Regulation. Details of the notification are provided in Section 4 of this report.
d) Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	As discussed at Section 4 , the Department received submissions from Council and EESG. No submissions were received from the public.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's consideration
(a) the provisions of—	The proposed modification remains consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
i. any environmental planning instrument	
ii. any proposed instrument	The proposed modification remains consistent with draft EPIs.
iii. any development control plan	Under clause 2.10 of the Planning Systems SEPP, Development Control Plans (DCPs) do not apply to SSD.
iiia. any planning agreement	Not applicable.
iv. the regulations	The application satisfactorily meets the relevant requirements of the Regulations.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the proposed modification acceptable (tree removal, biodiversity, heritage, reflectivity) and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 of this report.
(d) any submissions	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the redevelopment of the Upper Australia Precinct.

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs, were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) (now State Environmental Planning Policy (Planning Systems) 2021)
- State Environmental Planning Policy (Infrastructure) 2007 (now State Environmental Planning Policy (Transport and Infrastructure) 2021)
- State Environmental Planning Policy No. 55 - Remediation of Land (now State Environmental Planning Policy (Resilience & Hazard) 2021)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (now State Environmental Planning Policy (Biodiversity and Conservation) 2021).
- Other Plans and Policies:
 - Mosman Local Environmental Plan 2012

The Department undertook a comprehensive assessment of the development against the superseded EPIs shown above in its original assessment. The Department has considered the current EPIs and is satisfied the modification does not result in any inconsistency with these EPIs. An assessment of the proposed modification is considered below (**Table 4**).

Mosman Local Environmental Plan 2012

Table 4 | Consideration of the Mosman LEP 2012

Clause	Department's consideration	Compliance
Clause 2.3 Zoning and land use	The site is zoned 'SP1 Special Activities' under Mosman LEP 2012 and is identified on the zoning map as "Zoological Gardens". The approved development involves the construction of a new animal exhibit and the upgrade of existing animal exhibits and facilities and therefore is permissible with consent. The proposed modification does not change approved use of the precinct as an animal exhibit.	Yes
Clause 4.3 Building height	No maximum building height applies to the site.	N/A
Clause 4.4 Floor Space Ratio	No maximum floor space ratio applies to the site.	N/A

Clause 5.10 Heritage Conservation	<p>The entire zoo is listed as a local heritage item in the Mosman LEP 2012. Although the entire zoo is listed as a local heritage item, none of the items identified in the listing are located within the site.</p> <p>None of the trees proposed for removal constitute significant cultural plantings within the Taronga Zoo grounds or are identified on the Section 170 register for the site.</p> <p>The Department is satisfied the heritage impacts of the development are acceptable as the trees proposed for removal are not listed on the s170 register and conditions require that trees to be retained are managed in accordance with recommendations detailed in the AIA (refer to Section 5.1).</p>	Yes
Clause 6.4 Scenic Protection	<p>The site is identified as a “Scenic Protection Area”.</p> <p>The modification seeks to remove Condition B7 relating to reflectivity.</p> <p>The Department is satisfied that exempting the Koala Treehouse roof from this requirement would not result in any visual or scenic impacts (refer to Section 5.2).</p>	Yes

Appendix E – Modification Instrument

The Modification Instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/landscaping-amendments-and-deletion-condition-b7>