NSW GOVERNMENT Planning

Gateway Determination

Planning Proposal for Taronga Zoo

Proposal Title :	**Planning Proposal for Taronga Zoo**
Proposal Summary :	**Amendment to Mosman LEP 2012 to include a provision for certain types of development to be exempt or complying development at Taronga Zoo; and to clarify items of heritage significance within the zoo site.**
PP Number :	**PP_2013_MOSMA_001_00** Dop File No : **13/01762**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

2.3 Heritage Conservation
4.1 Acid Sulfate Soils
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended the planning proposal proceed, subject to the following conditions:**

1. **The planning proposal is exhibited for 14 days.**
2. **The planning proposal should be completed within 9 months.**
3. **The explanation of provisions should contain a detailed statement of how the objectives or intended outcomes are to be achieved and the background information on the context, permissibility and heritage implications should be located in Part 3 - Justification section of the planning proposal prior to exhibition.**
4. **The existing and proposed Heritage maps should be included in the planning proposal during exhibition.**
5. **The heritage listing for the whole of the Taronga Zoo be retained.**
6. **The Taronga Zoo: Conservation Strategy prepared by Godden Mackay Logan, published in 2002 should be publically available at all times.**

The RPA should be advised that:

1. **The Planning Proposal is considered to be consistent with S117 Directions 2.3 Heritage Conservation, 6.1 Approval & Referral Requirements and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 and;**
2. **The Director General agree the inconsistency with direction 4.1 Acid Sulfate Soils is of minor significance; and**
3. **Direction 4.4 be addressed following consultation with NSW Rural Fire Service and prior to exhibition; and**
4. **Consultation with NSW Rural Fire Service is required; and**
5. **No further studies are required to be carried out.**

Supporting Reasons : **The proposed changes will mainly correct anomalies as a consequence of the conversion of Mosman LEP1998 to the Standard Instrument Mosman LEP 2012 and ensure the efficient operation and management of the Zoo.**

The delisting of the whole Zoo site as a heritage item is not supported as the inclusion of the exempt or complying development provision and clarification of the heritage items within the site is considered sufficient to achieve the objectives of the planning proposal.

Panel Recommendation

Recommendation Date : **24-Jan-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. It is noted that the planning proposal will only include exempt development in the schedule of Council's LEP. The planning proposal should be amended to be clear that the proposal only relates to exempt development, and will not include complying development. Council is to ensure that the provisions for exempt development are consistent with practice note PN 09–001 Exempt and complying development and do not use subjective terms as it requires merit consideration. Consequently, words 'in the opinion of council' should be removed from the exempt provisions.

2. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to include a plain English statement of how the intended outcomes of the planning proposal will be achieved. Information on the context, permissibility and heritage implications currently included in the 'explanation of provisions' is to be moved to Part 3 'justification' of the planning proposal.

3. Prior to undertaking public exhibition, Council is to amend the planning proposal to include existing and proposed heritage maps, at an appropriate scale, which clearly identify the subject site. Council is to also place the Taronga Zoo Conservation Management Strategy (2002) prepared by Godden Mackay Logan on public exhibition with the planning proposal.

4. Council is to amend the planning proposal to demonstrate the proposal's consistency with S117 Direction 2.3 Heritage Conservation. The planning proposal is to address the impacts of removing the heritage listing classification of the entire zoo site and instead listing the heritage items individually. This should be done prior to undertaking public exhibition.

5. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) and must be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- **NSW Rural Fire Service**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Gateway Determination

Decision Date :	**22-Feb-2013**	Gateway Determination :	**Passed with Conditions**
Decision made by :	**Director General**		
Exhibition period :	**14 Days**	LEP Timeframe :	**3 Month**

Gateway Determination :

The Planning Proposal should proceed subject to the following conditions:

1. It is noted that the planning proposal will only include exempt development in the schedule of Council's LEP. The planning proposal should be amended to be clear that the proposal only relates to exempt development, and will not include complying development. Council is to identify the types of development to be included within the schedule and the parameters around each development type and is to ensure that the provisions for exempt development are consistent with practice note PN 09–001 Exempt and complying development and do not use subjective terms that will require merit consideration. Consequently, the words 'in the opinion of council' should be removed from the exempt provisions.

2. Council is to update the planning proposal's consideration of S117 Direction 2.3 Heritage Conservation by addressing the impacts of removing the heritage listing classification of the entire zoo site and instead listing the heritage items individually.

3. Council is to update the planning proposal's consideration of S117 Direction 4.4 Planning for Bushfire Protection once it has consult with the NSW Rural Fire Services.

4. No community consultation is required under section 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- **NSW Rural Fire Service**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____ Date: _____

Signature: SHaddad

Printed Name: Sam Haddad Date: 22/2/2013.