

Planning Proposal – Taronga Zoo

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Introduction

This planning proposal has been prepared for the site identified as Taronga Zoological Gardens also known as 'Taronga Zoo' (Lot 22 DP 843294). The site is bounded by Bradleys Head Road to the east and Athol Wharf Road, and Sydney Harbour to the south as shown in Figure 1. The Zoo is recognised as a state government statutory authority, overseen by the Office of Environment and Heritage and the Minister for the Environment. The land on which the Zoo operates is identified as Crown Land. The proposed amendments sought in this planning proposal are detailed in Part 1 - Objectives and Intended Outcomes and Part 2 Explanation of Provisions.

Part 3 provides justification for the amendments sought in the planning proposal and Part 4 explains the proposed consultation of the planning proposal subject to its approval by the NSW Department of Planning and Infrastructure (the Department).

Part 1 – Objectives and Intended Outcomes

The objective of this planning proposal is to amend Mosman Local Environmental Plan 2012 (Mosman LEP2012) to provide for the efficient operation of the Zoo for the purposes of exhibition, conservation and care of animals.

The intended outcomes of the planning proposal are:

- To provide for certain types of development at the Zoo to be exempt or complying development; and
- To clarify items of heritage significance within the Zoo site to correct an error in the drafting of Mosman LEP2012.



Figure 1: Aerial photo of the Taronga Zoo site bounded by Bradleys Head Road and Athol Wharf Road.

Part 2 – Explanation of Provisions

On 1 February 2012 Mosman LEP2012 came into effect. In June 2012 the Zoo notified Council that Mosman LEP 2012 requires development consent for any proposed development on the site, a requirement which was not in the previous Mosman LEP 1998. In addition, under Mosman LEP2012 the entire Zoo site is identified as a heritage item contrary to Mosman LEP 1998 and the exhibited draft Mosman LEP2008 which listed individual buildings and structures on the Zoo site as heritage items.

Under Mosman LEP 1998 the land use table permitted “Structures solely for the purposes of exhibition, conservation and care of animals on land zoned Community Uses (5a) – Zoo” as development without consent. Clause 38B of Mosman LEP 1998 stipulated that development consent under the heritage conservation part of the LEP was not required except for the separately listed items within the Zoo site.

The draft MLEP 2008 exhibited in 2009 included the heritage items as listed Mosman LEP 1998 and a provision similar to the previous clause 38B.

Since June 2012 there have been a number of discussions between Council, the Zoo and the Department on this matter. The preferred course of action identified by the parties was that a planning proposal be prepared to resolve the issues. Subsequently, in October 2012 Council resolved that a planning proposal be prepared to seek an amendment to the Mosman Local Environmental Plan 2012.

Exempt and complying development

A provision for exempt and complying development as an amendment to the Mosman Local Environmental Plan 2012 is proposed. The Zoo has a number of adopted management strategies to guide development of the site including a Conservation Management Strategy prepared in 2002. The amendment to the LEP would include reference to this document. The types of development proposed to be included in the schedule of exempt or complying development (as appropriate) would include but not be limited to:

- *The erection and alteration of structures for the purpose of exhibition, conservation and care of animals;*
- *Maintenance and environmental protection works;*
- *Landscaping works including fencing, retaining walls, paths, picnic facilities and signage;*
- *Temporary structures including marquees, shade structure, scaffolding, tents and the like; and*
- *Internal building works to existing buildings.*

Provided that:

- *The works are in accordance with Taronga Zoo’s Conservation Management Strategy prepared by Godden Mackay Logan (2002);*
- *The works have a capital value of less than \$1m;*
- *The works are, in the opinion of Council, of a minor nature and do not have a significant visual impact or detract from the heritage significance of the site or create adverse amenity impacts for surrounding residential properties.*

Heritage listings of items

It is proposed that the listing of heritage items within the Zoo site requires amendments to the heritage schedule in the manner set out in the section headed “Heritage Implications” (below).

It is noted that the State Environmental Planning Policy (Infrastructure) does not include provisions under which the Zoo could carry out work without development consent. This is despite the Zoo being a site of significant infrastructure.

This planning proposal seeks an amendment to MLEP 2012 for the inclusion of an exempt and complying development section.

Planning Implications - Permissibility

Under Mosman LEP 2012, Taronga Zoo site is zoned SP1 Special Activities (as shown in Figure 2). The adjoining land is residential to the north, zoned R2 Low Density Residential, and Sydney Harbour National Park to the east which is zoned E1 National Parks and Nature Reserves.

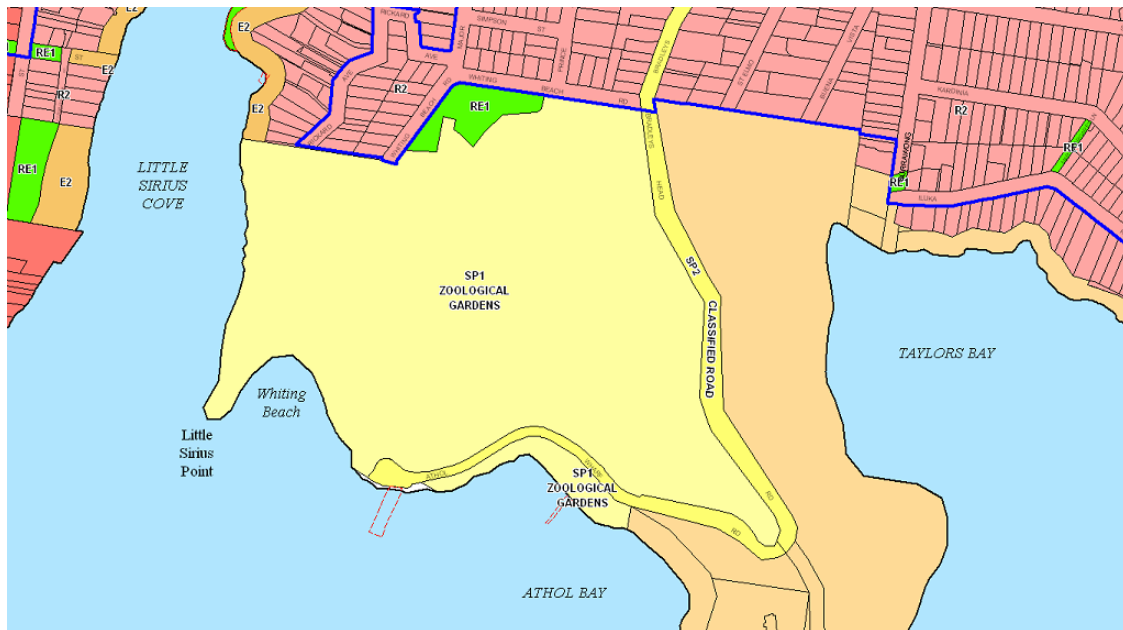


Figure 2: Taronga Zoo site zoned as SP1 under Mosman Local Environmental Plan 2012.

Under Mosman LEP 2012 the land use table for the SP1 Special Activities zone allows no development permitted without consent, and 'development permitted with consent' includes the purpose shown on the Land Zoning Map and any development that is ordinarily incidental or ancillary to development for that purpose. In this case the purpose being Zoological Gardens.

In comparison, under MLEP 1998 the Zoo site was zoned 5(a) Community Uses. The land use table included structures solely for the purposes of exhibition, conservation and care of animals on land zoned Community Uses 5(a) – Zoo as development allowed without development consent.

The options available at the time of drafting Mosman LEP2012 precluded the use of terms not in the Standard Instrument LEP. Taronga Zoo is a unique piece of public infrastructure in Sydney that does not readily fit into a one size fits all planning instrument. These limitations are restricting the Zoo's ability to operate and manage the facility in an effective and efficient manner.

Heritage Implications

Under Schedule 5 of Mosman LEP 2012 the entire Zoo site is listed as a heritage item (item no. I34) and includes specific reference to, bus shelter, office, landscape, upper and lower entrance gates, original Elephant House, Birds of Prey Aviary and floral clock) which is shown in the extract from the Schedule in Figure 3 below.

Mosman	Taronga Zoo (including landscape, bus shelter, office, upper and lower entrance gates, original Elephant House, Birds of Prey Aviary and floral clock)	Bradleys Head Road	Lot 22, DP 843294	Local	I34
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Figure 3: Extract of heritage listing of Taronga Zoo and including individual items and level of significance from Schedule 5 of Mosman LEP 2012

By contrast Mosman LEP 1998 heritage provisions included the listing in Schedule 2 and Clause 38B which provided as follows:

“Nothing in this part requires development consent for the carrying out of works within Taronga Zoo, unless the works specifically affect an individual heritage item that is listed in Schedule 2.”

Figure 4 below is an extract from the heritage schedule of Mosman LEP 1998.

Bradleys Head Road, Taronga Zoo		Lot 22 DP 843294	Upper Entrance Gate Lower Entrance Gate Elephant House Aviary Floral Clock
Bradleys Head Road		Lot 22 DP 843294 Taronga Zoo Carpark	Taronga Bus Shelter and Office

Figure 4: Extract of listing of individual items of Taronga Zoo and level of significance from Schedule 5 of Mosman LEP 1998

The draft MLEP 2008 exhibited in 2009 included the items as listed Mosman LEP 1998 and a provision similar to the previous clause 38B. Figure 5 is an extract of the Schedule from the exhibited draft.

Mosman	Upper Entrance Gate, Lower Entrance Gate, Elephant House, Aviary, Floral Clock	Bradleys Head Road, Taronga Zoo	Lot 22, DP 843294
Mosman	Taronga Bus Shelter and Office	Bradleys Head Road, Taronga Zoo	Lot 22, DP 843294 (Taronga Zoo car park)

Figure 5: Extract of individual item listings for Taronga Zoo and level of significance from Schedule 5 of Draft Mosman LEP 2008 exhibited in 2009

Subsequent to Council adopting Mosman LEP2011 (which was draft Mosman LEP2008) changes were made by the Department while finalising the LEP which are incorrect and have resulted in outcomes that were unintended by Council and inconsistent with the exhibited and adopted versions of the LEP. The following changes need to be made:

- Remove the heritage listing classification of the whole Taronga Zoo site;
- List items only recognised as heritage items individually;
- Correct the name of the Bird Aviary from 'Birds of Prey' (which no longer exists) to 'Rainforest Aviary' which is current name used by the Zoo;
- Correct current listing 'original Elephant House' to 'Elephant House' (similar to exhibited draft MLEP 2008 and MLEP 1998).
- Delete 'landscape' from the list of individual heritage items; (this was never listed in the previous LEP); and
- Correct the list of "bus shelter, office" to "Taronga bus shelter and office" (similar to exhibited draft MLEP 2008 and MLEP 1998).

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is required to address unintended planning outcomes from the conversion of Council's previous LEP to a standard instrument LEP. The Zoo is managed and operated under a planning and heritage framework established by a series of comprehensive studies and plans. A number of meetings between the Zoo, Council and the Department have resulted in agreement that the appropriate reference document is the "Taronga Conservation Strategy 2002" by Godden McKay Logan.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Mosman LEP2012 needs to be amended to achieve the objective and intended outcomes. The only way of achieving this is by a planning proposal. The planning proposal will allow for due process, exhibition to the community and a more effective and efficient legislative framework for future Zoo works.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional and sub - regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Zoo is recognised as a major tourist attraction venue serving tourists and locals alike. This proposal to make amendments to Mosman LEP 2012 will assist the Zoo to achieve Objective A6 of the Metropolitan Plan for Sydney 2036 which is '*to strengthen Sydney's position as a contemporary, global tourism destination*'. In the past the Zoo's ability to undertake conservation and maintenance as development without consent has contributed to its upkeep and efficient management as a tourist destination.

It should also be noted that Taronga Zoo is identified as a 'metropolitan attractor' under the NSW Government's Metropolitan Strategy – Inner North Subregion and continues to provide employment for locals in specialised jobs such as zoo keeping.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The Zoo attracts more than 1.5 million visitors to Mosman each year (*Taronga Zoo – Annual Report 2011*) and hence the proposed amendments will aid the successful delivery of the Council's Community Strategic Plan (MOSPLAN) by ensuring '*as a destination, Mosman remains a great place to sample some unique Sydney heritage. The area is home to the world famous Taronga Zoo, as well as excellent harbourside swimming and recreation areas, top restaurants, and high-end retail experiences*'. MOSPLAN 2012 -2022, Page 4

5. Is the planning policy consistent with applicable state environmental planning policies?

The amendments sought in the planning proposal are not inconsistent with any State Environmental Planning Policies.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides an assessment of the planning proposal with the relevant s117 Directions:

s.117 Direction	Consistency
2.3 Heritage conservation	The planning proposal is not inconsistent with this direction.
4.4 Planning for Bushfire Protection	The planning proposal is not inconsistent with this Direction.

Section C – Environmental, Social and Economic Impact.

7. Is there any likelihood that critical habitat or threatened species populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The amendments sought under this planning proposal will not affect any critical habitats, threatened species populations and ecological communities and their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Taronga Zoo is operated and managed effectively under its Management Plan, which guides the management of the Zoo's significant heritage items and landscape. The proposed amendments sought in this planning proposal will assist the Zoo to better implement the provisions of the Management Plan.

9. How has the planning adequately addressed any social and economic effects?

The planning proposal is being prepared in part to address the economic effects on the Zoo of time consuming and expensive development assessment process for no community benefit.

Section D – State and Commonwealth Interests.

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not generate the need for additional public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The need for the planning proposal is generated by the Zoo, as a state government statutory authority. Council has not consulted with other State or Commonwealth public authority regarding this planning proposal.

Part 4 – Community Consultation

The proposed community consultation of the Taronga Zoo Planning proposal will be consistent with the prescribed consultation guidelines under Clause 4.5 Community Consultation of the “A Guide to preparing Local Environmental Plans”.

Following the approval of the Department and receipt of the gateway determination to exhibit the planning proposal for Community Consultation, it is proposed that:

A public exhibition of the Taronga Zoo planning proposal to engage the community will involve:

- A notice to be advertised in the local Mosman Daily newspaper which circulates the Mosman Local Government Area which incorporates the Taronga Zoo site;
- Information material will also be posted on the Mosman Council website - www.mosman.nsw.gov.au advising of the consultation period;
- Similarly, information will also be uploaded to the Taronga Zoo website – www.taronga.org.au during the consultation period.

In regards to the notice it will include the following:

- Provide a brief description of the objectives or intended outcomes of the Taronga Zoo planning proposal;
- Indicate the land affected by the planning proposal;
- Advise the community where and when the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for submissions.

It is proposed that during the exhibition period, the following material will be made available for inspection by the community:

- The Taronga Zoo planning proposal, in the form approved for community consultation by the Director General of Planning; and
- The gateway determination.

The community consultation will be deemed complete once Council has considered any submissions made on the planning proposal.

Part 5 – project timeline

This planning proposal has been prepared to seek amendments to Mosman LEP2012 relating to the Taronga Zoo site.

Based on the various Parts of the planning proposal it is evident that there is a need for an exempt and complying development provision relating to the Zoo site and Schedule 5 of the MLEP 2012 needs to be amended to rectify the existing name and classification issues.