

29 August 2022

128335

Michael Cassel
Planning Secretary
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

Dear Mr Cassel,

SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD7228 SYDNEY ZOO – MODIFICATION 10

This application has been prepared by Ethos Urban on behalf of Sydney Zoo, pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify State Significant Development Consent 7228 (SSD) for the Sydney Zoo in Bungarribee Park, Western Sydney Parklands (the site).

This modification relates to the construction and operation of two new animal exhibits. More specifically, approval is sought for the construction and operation of a new walkthrough Squirrel Monkey exhibit and a new Tamarin exhibit. It is also proposed to construct back of house facilities that will be attached to these animal exhibits. Approval is also sought for site preparation works, including minor earthworks, as necessary to enable the proposed development.

This application identifies the consent, describes the proposed modification and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is supported by the following documentation:

- Amended Architectural Plans prepared by Sydney Zoo (**Attachment A**).
- Amended Landscape Masterplan prepared by Sydney Zoo (**Attachment B**).
- Owners Consent Letter signed by the Western Sydney Parklands Trust (separate cover).

1.0 Consent Proposed to be Modified

On 8 September 2017 the Planning Assessment Commission (PAC) approved SSD 7228 for the construction and operation of a zoological facility within the Western Sydney Parklands, the Sydney Zoo. The development provides a new recreational facility for Western Sydney which opened to the public on 6 December 2019.

The development, as approved by the PAC, comprised a zoological facility containing animal exhibits and associated infrastructure over the site, being a total area of approximately 16.5ha, for the following key components:

- Animal exhibits across several enclosures of varying design for a range of native and exotic animals.
- Back-of-house buildings for exhibits.
- Main entrance building comprising entry/exit, and gift shop.
- Restaurant and café, kiosks and amenities.
- Educational show arena.
- Picnic areas and gardens.
- Wetlands and waterways.
- Service building containing administration areas; curatorial and food preparation areas; and veterinarian space.
- Service yard with maintenance shelter.
- Internal services and utilities to support the zoo, including water, sewer, electricity and telecommunications.
- Car parking for approximately 1,053 vehicles, bus and coach parking.
- Associated signage and landscaping.

A number of modifications have been lodged and approved by the Department of Planning and Environment (DPE) since the consent was issued and as a result of design development refinement:

- **Modification 1:** This modification related to the reconfiguration of exhibits, buildings and back-of-house facilities within the site, and was approved by DPE on 8 May 2018.
- **Modification 2:** This modification related to the reconfiguration of the aquatic habitat, realignment of the boardwalk access path and amendments to the Landscape Masterplan, and was approved by DPE on 20 September 2018.
- **Modification 3:** This modification sought approval for minor changes to (then) approved hours of operation, and was approved by DPE on 25 November 2019.
- **Modification 4:** This modification related to the addition of new back of house sheds to support the operation of the zoo, and was approved by DPE on 25 November 2019.
- **Modification 5:** This modification sought approval for minor amendments to (then) Condition B7 relating to exotic animals, however this application was withdrawn.
- **Modification 6:** This modification related to proposed design changes to the Farm Experience exhibit, and was approved by DPE on 3 June 2020.
- **Modification 7:** This modification sought approval for a minor change to the (then) approved operational scope of the zoo in the form of extended operating hours, and was approved by DPE on 28 June 2021.
- **Modification 8:** This modification related to the installation of a permanent Ferris wheel as an additional guest experience offering, and was approved by DPE on 15 February 2022.
- **Modification 9:** This modification seeks amendments to Condition B10C, which imposes a 300-person visitor cap between the hours of 7:30am and 9:00am, and is currently under assessment.

2.0 Proposed Modifications to the Consent

This application seeks approval under Section 4.55(1A) of the EP&A Act to modify the approved SSD to construct and operate two new animal exhibits and associated back of house facilities. The proposal is shown in the Amended Architectural Plans (**Attachment A**) and the Amended Landscape Masterplan (**Attachment B**).

2.1 Modifications to the Development

Approval is sought for the construction and operation of a new walkthrough Squirrel Monkey exhibit and a new Tamarin exhibit, including associated back of house facilities.

The proposed animal exhibits are described at **Section 2.1.1** and **Section 2.1.2**, and will be sited at the locations shown in **Figure 1**. Approval is also sought for minor site preparation works, as discussed at **Section 2.1.3**.

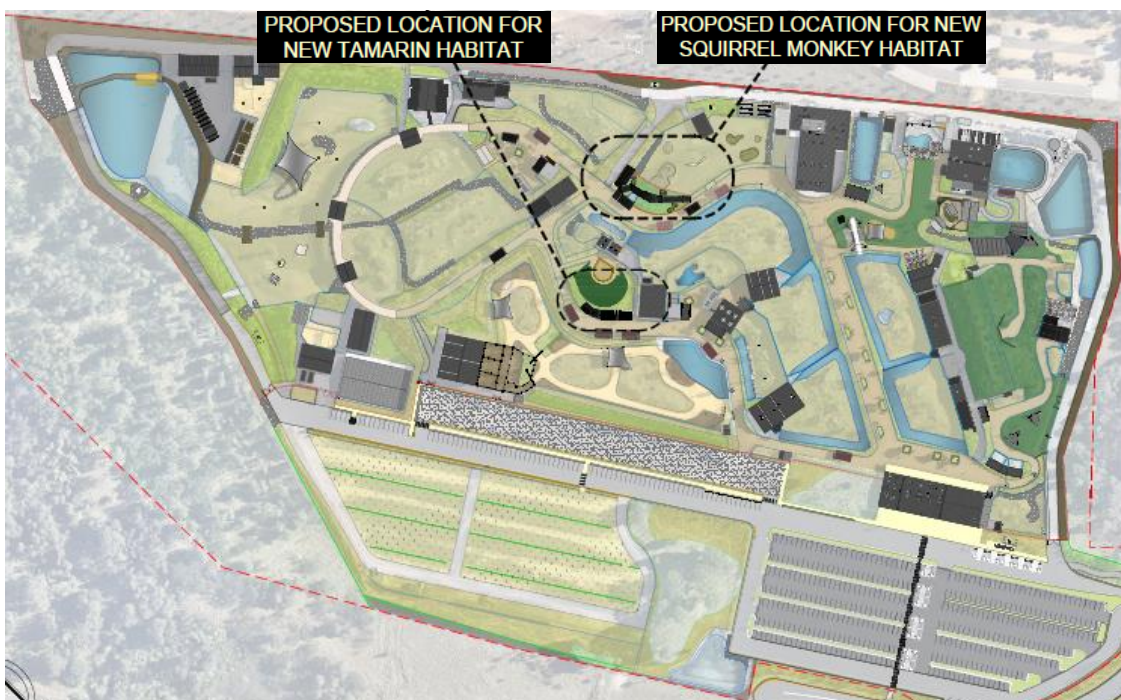


Figure 1 Proposed Locations for Squirrel Monkey Exhibit Location and Tamarin Exhibit

Source: Sydney Zoo / Ethos Urban

2.1.1 Proposed Walkthrough Squirrel Monkey Exhibit

This modification seeks approval for the construction and operation of a new walkthrough Squirrel Monkey exhibit and associated back of house facilities, as reflected in the amended Architectural Plans that are provided at **Attachment A**.

Proposed Animal Exhibit

The proposed Squirrel Monkey exhibit will have an area of 422.46m². An extract from the Site Plan for the Squirrel Monkey exhibit is provided at **Figure 2**. The following key features are proposed for the Squirrel Monkey exhibit:

- **Walkthrough Feature:**

It is proposed to construct and operate a walkthrough feature in the form of an elevated boardwalk, which will extend between the north-east corner and south-east corner of the enclosure.

The walkthrough feature will be elevated <1m above ground level by timber posts to allow animal passage beneath. The width of boardwalk will range between 3m and 4.8m.

The proposed walkthrough feature is shown in the section drawing at **Figure 3**.

- **Fencing:**

The exhibit will be enclosed by chain-link fencing. This fencing will enclose the perimeter of the exhibit, in addition to the walkthrough feature above. The proposed fencing will be 3.35m in height at the site perimeter.

- **Glass Viewing Panels:**

Glass viewing panels will be installed the interface between the animal enclosure and the footpath to enable public observation of the Squirrel Monkeys.

- **Camouflage Shade Cloth:**

A camouflage shade cloth will provide a 'breathable roof' across the enclosure. This is necessary to provide natural lighting that is characteristically similar to what would be beneath a dense forest canopy.

The height of the shade cloth will range between 3.35m and 5.3m due to the topography within the enclosure, which is characterised by a shallow slope towards the north.

- **Animal Bathing Pool:**

The bathing pool will be sited in the south-west portion of the enclosure, and will be immediately adjacent to the glass viewing panels. This is intended to maximise the quality of the viewing experience into the enclosure from the footpath.

The bathing pool will be 20.5m² in area and 1.5m in depth, with a total volume of 17.4m³. The bathing pool will be serviced by a pump and filtration system that will be installed beneath the proposed walkthrough feature, as shown at **Figure 3**.

- **Planting:**

Plant species will be selected to mimic the natural habitat of the Squirrel Monkey. This vegetation will be planted across the enclosure as necessary.

Proposed Back of House Facilities

As mentioned, the proposed Squirrel Monkey exhibit will be supported by associated back of house facilities. These facilities will be contained within a single-storey building, which will have a total Gross Floor Area (GFA) of 54.9m². This building will adjoin the west boundary of the proposed Squirrel Monkey exhibit, as shown at **Figure 3**, and will contain:

- **Animal Holding Bays:**

2x animal holding bays with respective floor areas of 23.7m² (Bay 1) and 21.6m² (Bay 2). Animal passage between these holding bays and the Squirrel Monkey exhibit will be enabled by 3x vertical sliding gates.

Both of the proposed animal holding bays will contain wall-mounted 'Nest Boxes' for the Squirrel Monkeys to sleep in.

Bay 1 will include 1x glass viewing panel to enable public observation of the Squirrel Monkeys from the walkthrough feature.

- **Staff Service Room**

1x staff service room is proposed with a floor area of 7.4m². The service room will accommodate basins and storage facilities for equipment that is necessary to operate the Squirrel Monkey exhibit.

- **Air Lock Entry:**

An air lock entry to the staff service room, which will enable staff access to the back of house facilities from the west.

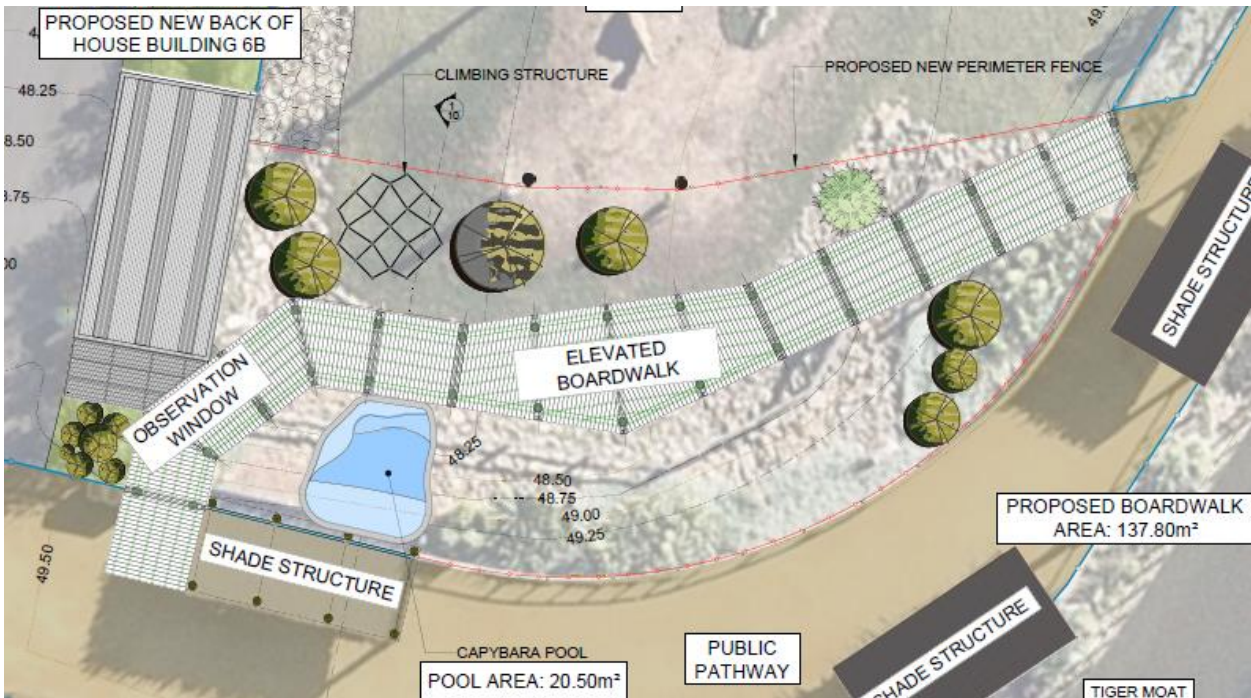


Figure 2 Proposed Squirrel Monkey Exhibit: Site Plan

Source: Sydney Zoo

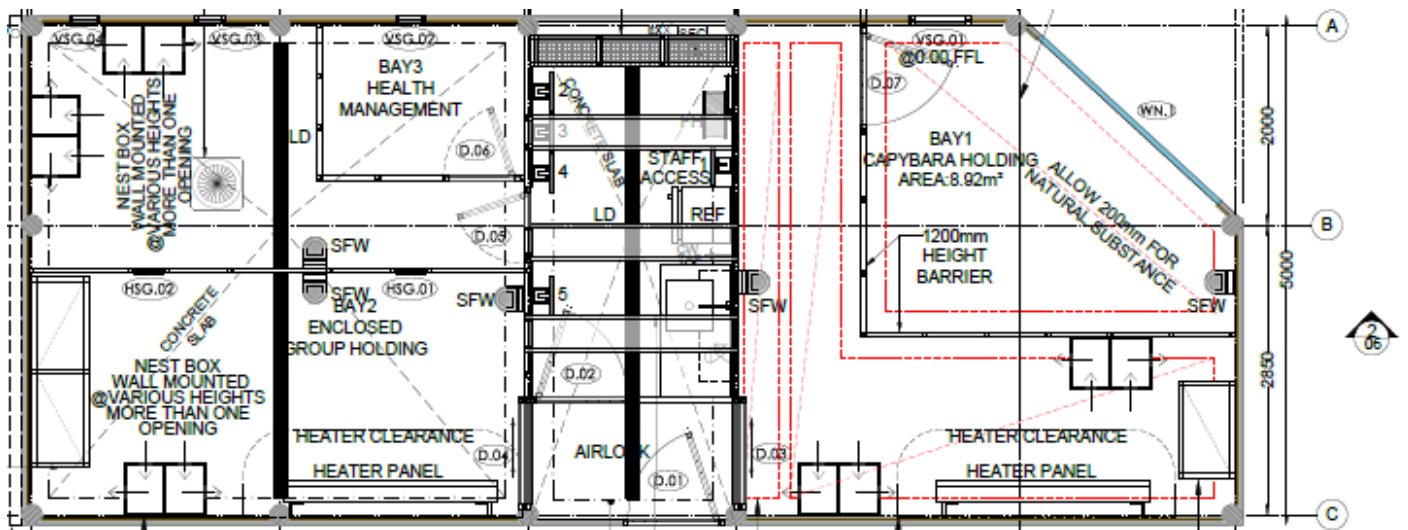
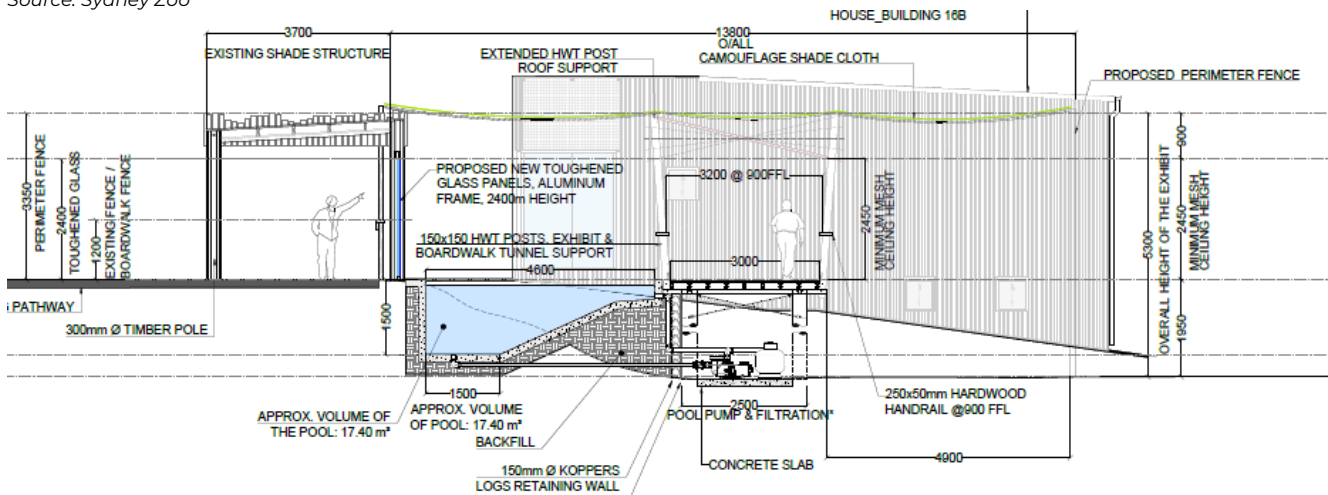


Figure 3 Proposed Squirrel Monkey Exhibit: Long Section (above) and Back of House Floorplan (below)

Source: Sydney Zoo

2.1.2 Proposed Tamarin Exhibit

This modification seeks approval for the construction and operation of a new single-storey building, which will accommodate the proposed Tamarin exhibit and associated back of house facilities. The design of the proposed Tamarin exhibit is shown in the amended Architectural Plans at **Attachment A**. An extract from the Site Plan for the Tamarin exhibit is shown at **Figure 4**.

Proposed Animal Exhibit

The proposed Tamarin exhibit will comprise of 3x indoor climate-controlled enclosures, which will range between 28m² and 30m² in area. These enclosures are shown in the extract that is provided at **Figure 5**, and will include:

- **Glass Viewing Panels:**

7x glass viewing panels are proposed at the interface between the enclosures and the adjacent footpath to enable public viewing of the Tamarins.

The glass viewing panels range between 2.2m and 3.35m in width, and will be approximately 2.4m in height.

The glass viewing panels that are proposed for the Tamarin enclosures are shown in the extract from the North Elevation that is provided at **Figure 5**.

- **Heaters:**

5x heating panels are proposed across the Tamarin enclosures to provide a climate-controlled environment. This is necessary to mimic temperature conditions that are typically associated with the natural habitat for the Tamarins.

- **Floor Surface and Vegetation:**

The floor surface of the enclosure will consist of natural substances and/or dirt to mimic the natural habitat for the Tamarins.

Appropriate vegetation will also be planted as necessary within the enclosures to provide a suitable environment for the Tamarins.

- **Steel Mesh Roof Surface:**

The front portion of the proposed Tamarin enclosures (towards the glass viewing panels) will be covered by steel mesh roofing. This will provide exposure to the natural elements, including rainfall, and ensure the circulation of air within the enclosures.

The steel mesh roof surface will only cover the front portion of the proposed Tamarin enclosures to ensure that the climate-controlled exhibit remains suitable for the animals.

- **Polycarbonate Roofing:**

The rear portion of the proposed Tamarin enclosures will be covered by polycarbonate roofing, which will provide shelter from the elements, including rainfall.

The enclosed polycarbonate roofing is also necessary to ensure that the proposed Tamarin enclosures can be climate controlled.

- **Heaters:**

5x heating panels are proposed across the Tamarin enclosures to provide a climate-controlled environment. This is necessary to mimic temperature conditions that are typically associated with the natural habitat for the Tamarins.

Proposed Back of House Facilities

As mentioned, the proposed Tamarin exhibit will be supported by associated back of house facilities, as shown in the extract of the floorplan that is provided at **Figure 5**. Two back of house facilities are located between the proposed Tamarin enclosures, which will include:

- **Animal Holding Bays:**

2x animal holding bays, which will accommodate wall-mounted 'Nest Boxes' for the Tamarins to sleep in. Animal passage between the proposed animal holding bays and the Tamarin exhibit will be enabled by 3x horizontal sliding gates.

Air vents will be installed between the ceiling and the roof exterior to provide sufficient air circulation.

- **Staff / Storage Room:**

2x staff/storage rooms to accommodate basic staff facilities, including a basin, in addition to storage spaces for the equipment that is necessary to support the ongoing operation of the proposed Tamarin exhibit.

- **Airlock Entries:**

Staff access to both of the proposed back of house rooms will be controlled by 2x airlock entries.

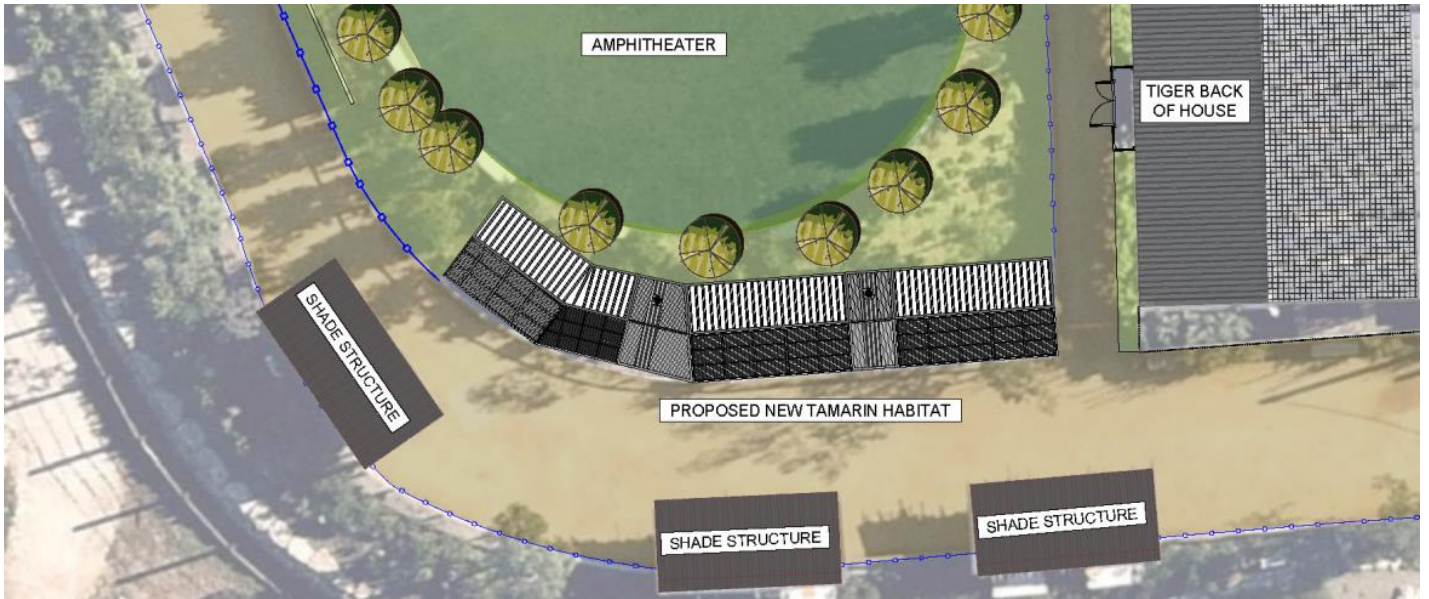


Figure 4 Proposed Tamarin Exhibit: Site Plan

Source: Sydney Zoo

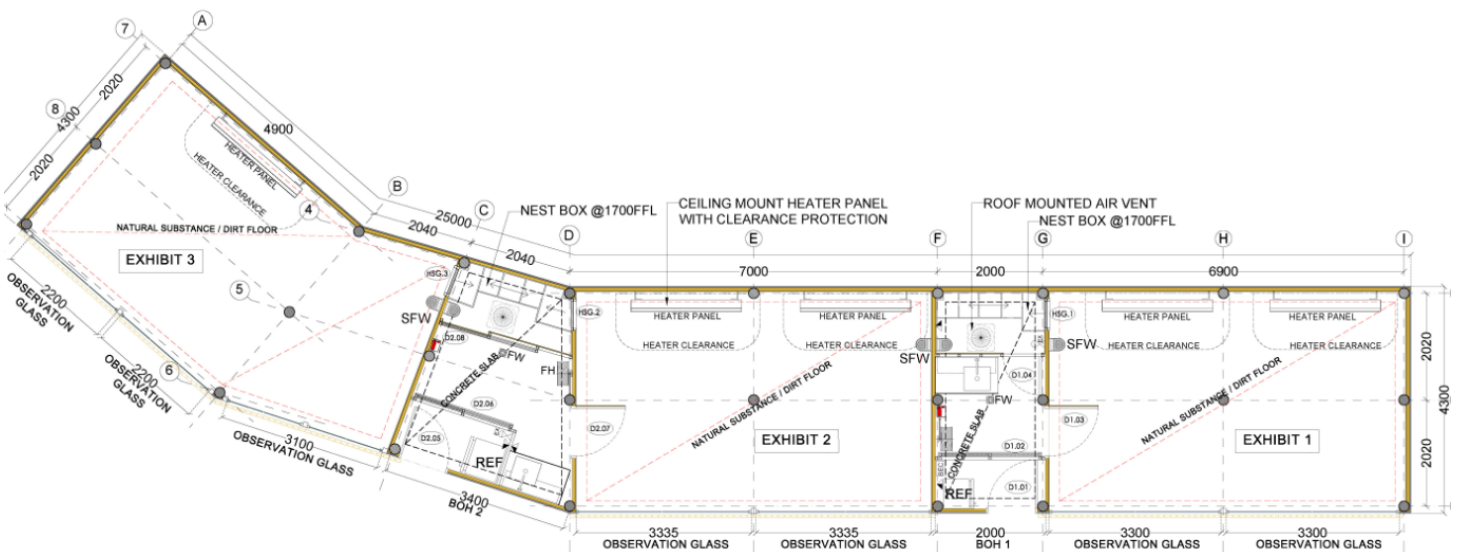
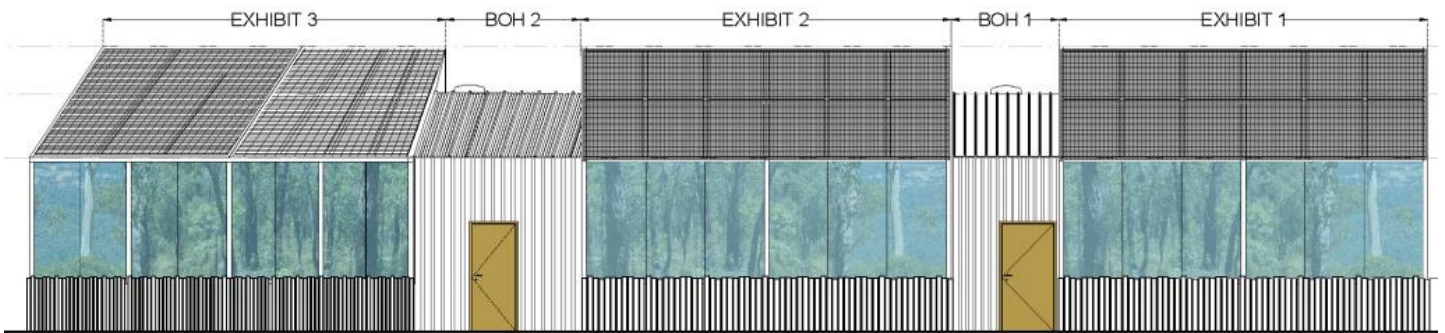


Figure 5 Proposed Tamarin Exhibit: North Elevation (above) and Floorplan (below)

Source: Sydney Zoo

2.1.3 Landscaping

A Landscape Masterplan forms part of the SSD approval, and outlines the overall layout of Sydney Zoo. It is proposed to be amended as part of this modification to include the proposed animal exhibits. The amended Landscape Masterplan is provided at **Attachment B**.

The proposed modification presents a minor design change in the form of two additional animal exhibits and associated back of house facilities, which will not extend above the maximum height of the existing built form at the site.

Timber, bamboo and planting will be used as appropriate to provide screening. All landscaping and natural screening will be established in accordance with the approved Planting Strategy.

2.1.4 Site Preparation Works

As mentioned, minor site preparation works are proposed to accommodate the proposed Tamarin exhibit and Squirrel Monkey exhibit. These works include:

- **Demolition Works:**

Small-scale demolition works are proposed to clear the site of existing above-ground features in order to accommodate the proposed animal exhibits. As noted in **Table 2**, there is no established vegetation where the proposed animal exhibits will be sited.

The demolition works primarily relate to the removal of fencing, artificial ground surfaces such as concrete, and landscape features as required.

- **Minor Earth Works:**

Minor earthworks are proposed at the locations of the new animal exhibits. These earthworks are necessary to enable the development, and are also required to provide a suitable terrain within the new exhibits for the animals.

The proposed earthworks include the excavation of an existing artificial slope that curves around the amphitheatre, for the proposed Tamarin exhibit. The depth of this excavation will not exceed 1.5m.

This excavation is necessary to accommodate the proposed single-storey building that will house the Tamarin enclosures and back of house facilities.

An extract of the section plan for the proposed excavation is provided at **Figure 6**.

The works above will be undertaken in accordance with the existing approved conditions of consent that relate to demolition works and earthworks. This is further discussed at **Section**

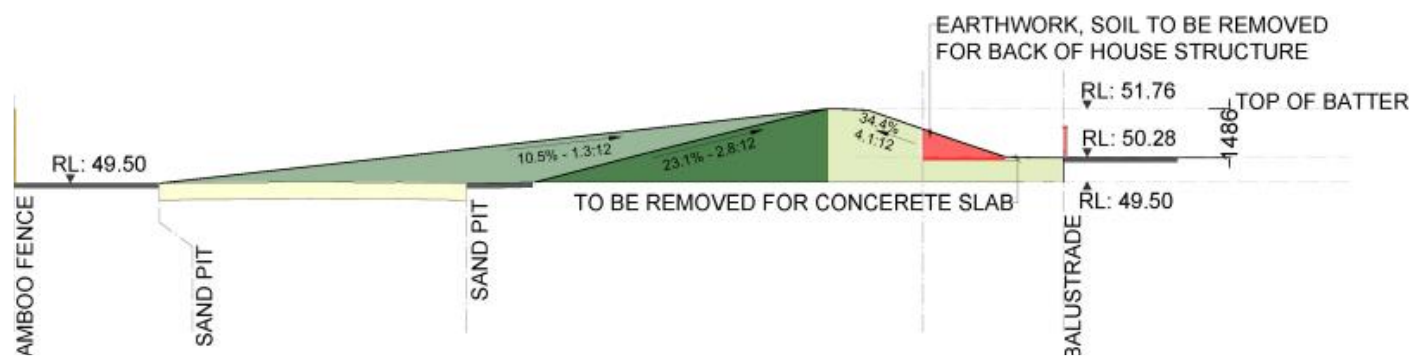


Figure 6 Excavation for Proposed Tamarin Exhibit

Source: Sydney Zoo

2.2 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**.

MOD 10 ***The development as described in modification application SSD 7228 MOD 10, the supporting documentation submitted with SSD 7228 MOD 10, the conditions of this Consent and Appendix A of this Consent***

B2. *The Applicant shall carry out the Development in accordance with the:*

- (a) EIS, RTS and Supplementary Information and Additional Information;*
- (b) development layout plans and drawings in the EIS, RTS and Supplementary Information;*
- (c) the Management and Mitigation Measures (see Appendix B);*
- (d) the modification application SSD 7228 MOD 1 and supporting documentation;*
- (e) the modification application SSD 7228 MOD 2 and supporting documentation;*
- (f) the modification application SSD 7228 MOD 3 and supporting documentation;*
- (g) the modification application SSD 7228 MOD 4 and supporting documentation;*
- (h) the modification application SSD 7228 MOD 6 and supporting documentation;*
- (i) the modification application SSD 7228 MOD 7 and supporting documentation;*
- (j) the modification application SSD 7228 MOD 8 and supporting documentation; ~~and~~*
- (k) the modification application SSD 7228 MOD 9 and supporting documentation; ~~and~~*
- (l) the modification application SSD 7228 MOD 10 and supporting documentation.***

The proposed walkthrough Squirrel Monkey Exhibit and Tamarin Exhibit will operate in accordance with the existing approved suite of conditions that regulate the operational scope for Sydney Zoo.

2.3 Justification

The proposed modification will support the ongoing function of Sydney Zoo as it diversifies its visitor offering to provide for additional tourists. The delivery of necessary improvements to the variety of animal exhibits and new immersive experiences for visitors is essential in this respect.

The proposed modification is a fundamental part of the zoo's broader post-COVID recovery plan, following closure of the zoo from April 2020 until September 2020, with another shutdown between June 2021 and October 2021 due to Government health restrictions. Noting financial hardship endured by the zoo due to these closures, it is essential for Sydney Zoo to remain competitive in order to maximise revenue opportunities.

In respect to the above, it is acknowledged that general admission of visitors to the zoo is the primary source of revenue for Sydney Zoo. The delivery of necessary improvements to the variety of animal exhibits and immersive attractions is essential to ensure the ongoing attraction of visitors to the zoo. In this respect, the minor design changes presented by the proposal are considered to support the zoo's broader post-COVID recovery plan.

It is expected that the immersive experience offered by the walkthrough feature that is proposed for the new Squirrel Monkey exhibit will provide a highly attractive feature for school excursions to the zoo. The proposal will improve the value of Sydney Zoo as a popular attraction that provides high quality opportunities for wildlife conservation education.

The proposal presents a suitable opportunity to support a growing local tourism cluster that will provide leisure, employment, and revenue opportunities across Western Sydney.

In summary, the proposed modification is necessary to ensure the zoo remains competitive, and continues to provide a catalyst for tourism and recreation in Western Sydney.

2.3.1 Wildlife Conservation and Education

As mentioned, it is expected that the immersive experience offered by the walkthrough feature that is proposed for the new Squirrel Monkey exhibit will provide a highly attractive feature for school excursions to the zoo.

It is understood that 69,902 school children visited Sydney Zoo as part of their school curriculum in 2021. To build on this, it is further noted that 75,000 year-2 school students were offered a free school excursion to the zoo during 2021 (in partnership

with a commercial partner). Sydney Zoo offers two formal education streams that are tailored to the NSW syllabus, as listed below:

- **Living World:**

This education stream explores environments, animal features, classification and adaptations and provides opportunities for up-close animal encounters.

- **Bungarribee Dreaming:**

Aboriginal guides create a personal narrative as students learn about history, artefacts, art and their obligation to care for Country. – Living World: This education stream explores environments, animal features, classification and adaptations and provides opportunities for up-close animal encounters.

The immersive walkthrough offering that is proposed for the new Squirrel Monkey exhibit will provide an immersive and safe opportunity for an 'up close' animal experience. In this respect, this feature is considered to respond directly to safety, education and visitor volume (the size of excursion groups) as common parameters for accommodating school excursions to Sydney Zoo.

Further to the above, Sydney Zoo provides cost-free, downloadable syllabus linked resources online for the use of school children. These resources facilitate learning in the areas of wildlife, habitats and conservation. Use of these resources is encouraged prior to, during, and following school excursions to Sydney Zoo. There are time and cost inputs associated with the provision and ongoing development of these resources.

Additional revenue opportunities are required to secure and grow funding for wildlife conservation and education initiatives offered by the zoo. In noting this, it is acknowledged that general admission of visitors to the zoo is the primary source of revenue for Sydney Zoo (refer to **Section 2.3**).

As discussed, the delivery of the proposed animal exhibits is essential to ensure the ongoing attraction of visitors to the zoo. On this basis, it is also considered that the additional revenue associated with the attraction of more visitors will help ensure the ongoing viability of the wildlife conservation and education offering at Sydney Zoo.

2.3.2 Walkthrough Attractions at other Major Australian Zoos

The proposed modification presents a minor design change that is reasonably anticipated in the context of the existing mix of attractions at Sydney Zoo.

In respect to the walkthrough feature that is proposed for the new Squirrel Monkey exhibit, it is acknowledged that many Australian zoos and wildlife parks are diversifying their offering through the inclusion of immersive walkthrough offerings, including:

- **Symbio Wildlife Park (NSW): 'Interactive Kangaroo and Wallaby Exhibit'**

The 'Interactive Kangaroo and Wallaby Exhibit' is a walkthrough animal exhibit that houses the Grey Kangaroo, Rock Wallaby and Swamp Wallaby.

- **Symbio Wildlife Park (NSW): 'Symbio Farmyard'**

The 'Symbio Farmyard' is an interactive farm animal exhibit where visitors have the option to hand-feed farm animals, including (but not limited to) Sheep, Chickens, and Alpacas.

- **Taronga Zoo (NSW): 'Squirrel Monkey Jungle Walk'**

The 'Squirrel Monkey Jungle Walk' exhibit features an elevated boardwalk through the enclosure, which houses Squirrel Monkeys. The enclosure includes ropes, climbing frames and realistic water features.

- **Taronga Zoo (NSW): 'Blue Mountains Bush Walk'**

The 'Blue Mountains Bush Walk' is a walkthrough animal exhibit that houses a number of Australian animal species, including the Rock Wallaby and several parrot species.

- **Taronga Western Plains Zoo (NSW): 'Wild Herds'**

The 'Wild Herds' exhibit is a walkthrough animal exhibit that houses two animal species – the Takhi (Mongolian horse) and Fallow Deer. The exhibit showcases the role that Taronga Western Plains Zoo has played in helping to revive the Takhi species from the brink of extinction.

- **Australia Zoo (QLD): 'Roo Haven'**

The 'Roo Haven' is a walkthrough animal exhibit that houses a number of Australian animal species, including the Red Kangaroo, Grey Kangaroo, Swamp Wallaby, Rock Wallaby and Red-necked Wallaby.

3.0 Substantially the Same Development

Section 4.55 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)”.

Sydney Zoo was approved by the PAC as a zoological facility, and is characterised as a recreational facility. The Western Sydney Parklands Plan of Management identifies that the Bungarribee Precinct has capacity to be significantly improved to become an important recreational and tourism hub, providing additional regional recreation, tourism, social and cultural opportunities for Western Sydney, and specifically identifies the Sydney Zoo site for a tourism facility.

Furthermore, the Western Sydney Parklands SEPP which applies to the site aims to allow a diverse range of recreational, entertainment and tourist facilities in the Western Sydney Parklands – of which the Sydney Zoo is one such facility. Noting that there is no land use definition for a ‘tourist facility’ or a ‘tourism facility’, in terms of land use characterisation the zoo is considered to be a ‘recreational facility’.

Providing an additional attraction, as proposed by this modification, does not change the land use of the site. On this basis, it is considered that the proposal is consistent with the land use approved under the existing consent, as well as the underlying objectives for the land under the Western Sydney Parklands SEPP, and the Western Sydney Parklands Plan of Management.

Notwithstanding the formal land use classification for Sydney Zoo, we note that the proposed animal exhibits are for a use that is already represented across the site. The proposal presents a minor design change to the overall built form and landscape elements that were originally approved, and is a change that is reasonably anticipated in the context of the zoo. In this respect, we further note that this modification does not propose to change the overall approved operational scope or capacity of the zoo.

3.1 Comparative Assessment

In order to be considered substantially the same development as the originally approved development, a comparative assessment is required between the development as originally approved and the development as it is proposed to be modified (by inclusion of the proposed Tamarin exhibit and the proposed walkthrough Squirrel Monkey exhibit).

A comparative assessment for the proposed modification is provided at **Table 1**.

Table 1 Comparative Analysis

Test	Analysis
The assessment requires comparison of the development as originally approved and the development as proposed to be developed.	The proposal presents a minor design change to the overall built form and landscape elements that were originally approved, and is a change that is reasonably anticipated in the context of Sydney Zoo and the surrounding Bungarribee Super Park. The proposed modification does not present any change to the originally approved operational scope or capacity of Sydney Zoo. The new buildings and structures will be lower than existing buildings and structures. As such, the proposed animal exhibits will not be visible from outside of the site, so will not change the visibility of the zoo from off-site locations.
The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum.	Contextually, the site is located within the Bungarribee Super Park, which is intended to be a major tourist and recreation destination. The proposed delivery of two additional animal exhibits at Sydney Zoo does not present a change that is unanticipated in this context. On this basis, it is considered that the proposal will not alter the nature of the Sydney Zoo development or its interaction with the surrounding Bungarribee Super Park precinct.
The comparative task requires a qualitative as well as quantitative appreciation of the differences.	As mentioned, the proposed modification presents a minor design change that is negligible in the context of the originally approved development at Sydney Zoo. The proposed animal exhibits have no meaningful effect on the operational capacity of Sydney Zoo, the number of car parking spaces required, or the existing approved operating hours for the zoo.

Test	Analysis
The comparative task needs to be undertaken in context (including the circumstances in which the development consent was granted).	Relevant to the context of the comparative task is the characterisation of the land use. A key issue of the assessment of the EIS for the zoo was the socio-economic impact of the Sydney Zoo as a major recreational facility on similar facilities in western Sydney – from both a beneficial and negative perspective. Relevant land uses identified in relation to this context are a range of recreational and tourism related facilities. Sydney Zoo was clearly assessed as a recreational facility for SSD 7228. On this basis, the addition of two new animal exhibits is not considered to present any change to the land use or overall nature of the development as originally approved.
The comparative task needs to assess the physical features that are changed, but also the environmental implications of the changes.	The proposed animal exhibits will not be visible from outside of the site. The new exhibits will be managed in accordance with the existing Operational Environmental Management Plan for the site. No change to the management plan is required. This reasoning in particular has informed the conclusion that there will be no off-site environmental impacts attributed to the proposed modification. Environmental impacts are further considered throughout Section 4.0.
While the comparative task involves comparison of the whole of the development, this should not diminish a feature of the development that is important, material or essential.	The proposed animal exhibits would not remove or alter any existing feature that is important, material or essential to the existing character of Sydney Zoo. To further build on the above, it is noted that the proposed addition of two new animal exhibits is consistent with the primary use of Sydney Zoo as a recreational facility that comprises a zoological facility and tourist attraction.

3.2 Conclusion

It has been established throughout this section that the proposed modification presents a simple design amendment that reflects an extremely minor change in the context of the originally approved development outcome.

In summary, the development, as proposed to be modified, is substantially the same development as that originally approved because the proposed modification:

- Does not alter any of the key components of the approved development description.
- Does not seek to amend the approved land use.
- Does not affect the overall footprint of the development, or its interaction with the public domain and urban design.
- Does not propose any design change that relates to car parking areas, access arrangements or the associated vehicular/pedestrian circulation paths.
- Does not propose any change to the overall capacity of the development in regard to staff numbers or visitors.
- Presents a minor design change that will not be visible from the surrounding public domain spaces.
- Provides for two additional animal exhibits, which is a site change that is reasonably anticipated based on the existing and ongoing use of Sydney Zoo.
- Will not result in any negative impact on the conservation and zoological features and activities undertaken by Sydney Zoo.
- Will not result in any environmental impact beyond the scope of those initially considered under SSD 7228, and will be managed in accordance with the current Operational Environmental Management Plan.
- Is consistent with the Western Sydney Parklands Plan of Management which identifies Bungarribee Super Park as suitable for a tourist and commercial hub, of which Sydney Zoo, being a tourist attraction, continues to comply.

For the reasons above, and the more detailed justification provided throughout this section, DPE can be satisfied that the development (as modified) 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 be of minimal environmental impact. The proposed modification will not create any additional environmental impacts beyond those already considered by DPE as part of the original assessment of SSD 7228, including (but by no means limited to) impacts listed in **Table 2** below.

Table 2 Overview of Environmental Considerations

Consideration	Comment
Air and odour.	The proposed animal exhibits will be maintained and cleaned regularly. Tamarins and Squirrel Monkeys are not particularly odorous animals. It is further noted that Sydney Zoo already accommodates four Squirrel Monkeys. These monkeys are featured regularly as part of the zoo's animal encounter offering. No change is proposed to the approved operational scope for Sydney Zoo, including existing waste management practices.
Noise	The proposed animal exhibits will not result in any unacceptable noise impacts given their location within the zoo grounds. Notwithstanding this, no change is proposed to existing conditions of consent that relate to noise management.
Traffic and Parking	The proposed modification presents a minor design change in the form of two new animal exhibits. In regard to the overall scale of Sydney Zoo, any increase in visitor numbers associated with the proposed animal exhibits would be negligible in the context of overall visitation to the zoo. On this basis, the potential for any noticeable traffic or transport impact is considered to be extremely low.
Aboriginal Heritage	The site has been the subject of previous Aboriginal Archaeological Heritage Assessments. The recovery of any archaeological item is not considered to be likely given the entirety of the site was impacted for earthworks during the original construction of the zoo. Notwithstanding the above, contractors will undertake all required measures in the unlikely event that an archaeological item is recovered.
Landscaping	The proposed modification presents minor design change in the form of two new animal exhibits. No substantial change is proposed to the approved Landscape Masterplan for the zoo beyond the addition of the two new exhibits as reflected at Appendix B.
Built form.	Refer to Section 4.2 .
Visual Impact.	Refer to Section 4.2 .
Social / Economic Impacts	Refer to Section 4.4 .
Vegetation and Biodiversity	The proposed animal exhibits will be sited on land that does not contain any established vegetation. As discussed at Section 2.3.1, the proposal will support wildlife conservation and education initiatives that are associated with Sydney Zoo.
Waste Management	No change is proposed to the approved operational scope for Sydney Zoo, including existing waste management practices.
Infrastructure and Servicing	The proposed works will not require the disruption or augmentation of existing underground services. All servicing requirements associated with the proposed animal exhibits can be met.

4.1 Environmental Planning Instruments and Legislation

The proposed modification presents a simple design amendment that will not alter the approved development's compliance with the applicable Environmental Planning Instruments (EPIs) and legislation, including the following:

- *Environmental Protection and Biodiversity Conservation Act 1999.*
- *Environmental Planning and Assessment Act 1979.*

- *Exhibited Animals Protection Act 1986.*
- *Roads Act 1993.*
- *Biodiversity Conservation Act 2016.*
- *Contaminated Land Management Act 1997.*
- *Biosecurity Act 2015.*
- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021.*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021.*
- *State Environmental Planning Policy (Industry and Employment) 2021.*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- NSW Biosecurity Strategy 2013-2021.
- NSW State Plan 2021.
- Greater Sydney Regional Plan – A Metropolis of Three Cities.
- Western City District Plan.
- Western Sydney Parklands Plan of Management 2020.

Further to the above, the proposal will comply with the National Construction Code (formerly the Building Code of Australia), as required by Condition B16 of the consolidated development consent for SSD 7228.

4.2 Built Form and Visual Impact

The Zoo has been designed to integrate into the existing environment through the use of landscaping and architectural design, reflecting the future desired built form of the wider Bungarribee Precinct under the Western Sydney Parklands Management.

As mentioned, the proposed development adopts a single-storey form that will not extend above the maximum height of existing development at the zoo. The location of the proposed development within the site ensures that the new animal exhibits will not be readily visible from beyond the site.

The proposed development has been designed to complement the character form of the existing development at the site. The proposal incorporates a range of subtle design features that are used across the existing development quantum at Sydney Zoo, including (but not limited to):

- Decorative timber cladding to reinforce the rainforest theme that is associated with both of the proposed animal exhibits.
- Use of a simple and functional material palette for the proposed back of house facility buildings, which includes corrugated metal cladding, polycarbonate sheet roofing, glass viewing panels, and neutral colour tones.
- Generously dimensioned glass viewing panels that extend the majority of the distance between ground level and the roof form.
- Features within the enclosures that seek to mimic conditions that are commonly associated with the natural habitats of the animals, including (but not limited to) planting, shade structures, water features, and ground cover.

Further to the above, the proposal has been designed to ensure that mechanical plants and other visually obtrusive features are not readily visible from key pedestrian routes within the site, including:

- The pool pump and filtration system in the Squirrel Monkey exhibit, which will not be visible because it will be sited beneath the proposed walkthrough feature.
- 2x air ventilation outlets on the roof of the Tamarin exhibit, which are positioned towards the rear of the exhibit away from the south-adjacent pedestrian boulevard.
- The proposed back of house building for the Squirrel Monkey Enclosure, which is sited towards the rear of the animal exhibit away from the south-adjacent pedestrian boulevard.

Based on the points above, it is considered that the minor design change presented by the proposed modification is inconsequential in respect to visual impact. The character of the proposed development is further considered to complement the overall character of the existing built form across the site.

Photomontages of the proposed animal exhibits are shown at **Figure 7** and **Figure 8**. Additional photomontages of the proposal are located within the amended Architectural Plans that are provided at **Attachment A**.



Figure 7 Photomontages of Proposed Tamarin Exhibit

Source: Sydney Zoo



Figure 8 Photomontages of Proposed Squirrel Monkey Exhibit

Source: Sydney Zoo

4.3 Animal Welfare

The proposed modification will support the welfare of animals at Sydney Zoo. The development (as modified) will continue to operate in accordance with the existing approved conditions of consent that relate to animal welfare and management practices, including:

- **Condition C18:**

The applicant is required to comply with all relevant guidelines, including but not limited to the National Zoo Biosecurity Manual 2011, to ensure exceptional standards for animal welfare are met and maintained throughout the life of the Development.

- **Condition C19:**

The applicant is required to comply with the NSW Exhibited Animals Protection Act 1986, the NSW Exhibited Animals Protection Regulation 2010, and the NSW Biosecurity Act 2015.

- **Condition C20:**

Condition C20 requires the design of exhibits to be carried out in consultation with the Department of Primary Industries (DPI). Please note that this is also a legal requirement, as outlined below.

Under the NSW Exhibited Animals Protection Act 1986, the applicant must be issued an authority from the DPI before the proposed animal exhibits can be constructed. Sydney Zoo will submit the Architectural Plans to the DPI to initiate this separate approval process.

Sydney Zoo is aware of the design standards that will be assessed by the DPI, and expects that the DPI will grant authority to allow the zoo to proceed with the construction and operation of the new animal exhibits.

To further build on discussion at **Section 4.3** in respect to animal welfare, we note Sydney Zoo's committed approach towards providing for the continued welfare of animals.

The awards and formal recognition that have been afforded to Sydney Zoo in respect to animal welfare are summarised as follows:

- Sydney Zoo is operating at the Gold Standard for animal welfare.
- In May 2020, Sydney Zoo achieved Zoo Aquarium Association (ZAA) accreditation for animal welfare.
- Sydney Zoo is an active participant in ZAA administered endangered animal breeding programs.
- Further to the above, Sydney Zoo reports to an external Animal Welfare Committee comprised of industry leaders, microbiologists and animal welfare specialists across a variety of academic institutions, animal welfare organisations and other zoos across Oceania.

4.4 Social and Economic Impacts

As mentioned, the proposed modification is a fundamental part of the zoo's broader post-COVID recovery plan, following closure of the zoo from April 2020 until September 2020, with another shutdown between June 2021 and October 2021 due to Government health restrictions.

The delivery of necessary improvements to the variety of animal exhibits and immersive attractions is essential to ensure the ongoing attraction of visitors to the zoo. In this respect, the minor design changes presented by the proposal are considered to support the zoo's broader post-COVID recovery plan.

4.4.1 Associated Social and Economic Benefits

As discussed above, the proposed modification presents an opportunity for Sydney Zoo to generate patronage through the admission of visitors looking to diversify their experience through new exhibits. Additional revenue opportunities presented by patrons attending the site are required to contribute to ongoing community benefits and activities offered by the zoo, including:

- The Sydney Zoo Foundation, providing for long-term conservation and recovery programs.
- Educational programs, including Bungarribee Dreaming, as discussed at **Section 4.5.1**.
- Continuing involvement in RunWest.
- Community food festival and community group visitation days.
- World's Biggest Playgroup.

Employment

It is further noted that revenue opportunities provided by the proposed modification will assist the zoo in achieving its goal to retain existing staff and the increase the experience and expertise for existing staff provide, as well as to provide for new employment opportunities.

Impacts to Existing Tourist Attractions and Facilities

As part of the original approval of Sydney Zoo the Department of Planning and Environment, and the Independent Planning Commission, identified that the consideration of competitive conflict with other zoos or wildlife-based recreational facilities is not appropriate in a planning context. As such, it is only relevant to consider potential social and economic impacts to the locality that might occur as a result of carrying out the development.

The proposed modification presents a minor design change that will have a negligible impact on the social and economic effect of Sydney Zoo on the locality for the following reasons:

- The proposed modification will help ensure that Sydney Zoo continues to provide a catalyst for tourism and recreation in Western Sydney. On this basis, it is considered that the proposal will contribute to the enhancement of regional tourism.
- The proposed modification is for exotic animals that are differentiated from native animal offerings at other nearby facilities, and so does not undermine those facilities.
- Due to the small scale of the proposed modification, in the context of the originally approved zoo, the potential impact on the locality in terms of the overall social and economic impact is consistent with the existing use of the site.
- Ongoing enhancement and diversification of 'anchor' attractions across Western Sydney is essential to the attraction of visitors to the area.
- To further build on the point above, it is noted that the attraction of additional visitors to Western Sydney is necessary to support local recreation facilities, businesses and other enterprises that cater to tourists.

With consideration of the above factors, the critical function of Sydney Zoo as a catalyst for tourism and recreation in Western Sydney should be acknowledged and supported.

4.5 Construction

The proposed construction works will be undertaken during standard construction hours, and in accordance with the existing approved Construction Environmental Management Plan and all other approved construction management documentation that is effective across the site under the consolidated consent for SSD 7228.

To further build on this, it is acknowledged that all construction works associated with the proposal will be undertaken in accordance with the relevant conditions of consent under the consolidated consent for SSD 7228 that regulate construction activities, including:

- Condition C17, which relates to the erection of suitable fencing around the construction site.
- Condition C25, which outlines the requirements associated with the unlikely discovery of unknown archaeological items during the construction phase.
- Condition C28 relating to the implementation of appropriate erosion and sediment control measures, which will be implemented as necessary in accordance with the *Managing Urban Stormwater: Soils and Construction Guideline*.
- Condition C31 that relates to construction noise.
- Condition C33 and Condition C34, which stipulate that the applicant must implement appropriate measures to minimise dust and odour emissions generated during construction.

4.5.1 Earthworks

As mentioned, it is proposed to undertake minor earthworks as part of small-scale site preparation works that are required to accommodate the new animal exhibits.

The minor earthworks that are associated with the proposed modification are encompassed by the definition of the term 'construction' in the consolidated consent for SSD 7228, and will therefore be undertaken in accordance with the existing approved construction management documents and conditions of consent that are referenced in **Section 4.5**.

4.6 Site Suitability and Public Interest

The proposed modification is necessary to ensure the zoo remains competitive, and continues to provide a catalyst for tourism and recreation in Western Sydney.

The delivery of necessary improvements to the variety of animal exhibits and new immersive experiences for visitors is essential to ensure the continued offering of an existing visitor experience. This supports the Western Sydney Parklands Plan of Management, including the primary objective to provide a recreation and tourism hub within the Bungarribee Super Park.

We further note that the proposal will enhance the visitor experience at the zoo through delivering a new and immersive offering that will further enhance opportunities for wildlife conservation and education.

On this basis, further noting that the proposal will not result in any significant adverse impact, the modification is considered to be suitable for the site and in the public interest.

5.0 Conclusion

The proposed modification relates to the construction and operation of two new animal exhibits, associated back of house facilities, and minor site preparation works.

No change to the overall operational scope or capacity for Sydney Zoo is proposed by this modification. It is established throughout this document that the proposed modification does not present any change to fundamental aspects of the originally approved development. We further note that the proposal does not alter the environmental assessment completed by DPE for SSDA 7228.

As mentioned, the delivery of improvements to the variety of animal exhibits and immersive attractions is essential to ensure the ongoing attraction of visitors to the zoo. The proposal is necessary to ensure the zoo remains appealing, and can continue to provide a catalyst for tourism and recreation in Western Sydney.

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

- The proposed modification is of minimal environmental impact.
- The proposed modification is consistent with State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and the Western Sydney Parklands Plan of Management.
- The proposed animal exhibits represent a minor design change that is reasonably anticipated in the context of Sydney Zoo.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. Should you have any questions regarding the proposal, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink that reads 'O. Davie'.

Oscar Davie
Urbanist
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A handwritten signature in black ink that reads 'Curtis'.

Christopher Curtis
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