

4 December 2018

15247/218335

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

Attention: Chloe Dunlop

Dear Chloe,

SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD7228 SYDNEY ZOO – MODIFICATION 3

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).

The modification relates to changes to the hours of operation affecting the site.

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

1.0 Consent proposed to be modified

On 8 September 2017 the Planning Assessment Commission (PAC) approved the SSD 7228 for the construction and operation of a zoological facility within the Western Sydney Parklands, the Sydney Zoo. The proposed development will provide a new conservation and recreational facility for Western Sydney. The development will comprise 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;
- Wayfinding signage;
- Service yard with maintenance shelter;
- Internal services and utilities to support the zoo, including water, sewer, electricity and telecommunications;

- Car parking for 1,053 vehicles;
- Bus and coach parking;
- Subdivision; and
- Landscaping of the site associated with all of the above.

Modification 1 sought to provide for design refinement based on the operational needs of the zoo and after consultation with the Department of Primary Industries (Exhibited Animals) in relation to improving animal welfare, handling and management. The modification provided for the reconfiguration of exhibits, buildings and back-of-house facilities within the zoo site and was approved by the Department on 8 May 2018.

Modification 2 sought approval for design refinement of the aquatic exhibit and was approved on 20 September 2018.

This application represents the third modification to the consent.

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 provide clarification of hours of operation, maintenance and temporary activities on the site.

2.1 Modifications to conditions

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

Limits of Consent

B10 The general ***public opening*** hours ~~of operation~~ for the Development are restricted, on any day, to:

Month	Hours of Operation
December and January	9am – 10pm
February to November	9am – 6pm

Other activities on the site which may be conducted each day in addition to the above hours include:

Activity Description	Hours of Operation
<i>Maintenance activities conducted by staff of the Development including cleaning, animal curation, feeding, and general maintenance activities</i>	<i>5.30am – 11pm</i>
<i>Emergency activities (animal medical events etc)</i>	<i>24 hours, 7 days a week</i>
<i>Temporary and community events</i>	<i>December and January: 7am – 11pm February to November: 7am – 8pm</i>
<i>Delivery of goods, waste collection and specimen related services including animal and food delivery</i>	<i>7am – 6pm on any day</i>
<i>Private zoo experiences/small group tours</i>	<i>7.30am – 9am</i>

Note: C32 Operational Noise Limits applies to all activities.

2.1.1 Justification

The proposed changes to Condition B10 clarify the intended operational activities of Sydney Zoo. A facility such as the zoo includes a range of other activities that form part of the overall operation of the zoo over and above opening hours for the general public. It is therefore appropriate to clarify in this consent these operational activities as well as the opening hours. This modification seeks to clarify this in the consent. The other operational activities that are intended to be carried out at the zoo outside of the general public opening hours include:

- Maintenance activities conducted by staff including cleaning, animal curation, feeding, and general maintenance activities;
 - Operation of the zoo will require constant maintenance and cleaning of public areas, including the restaurant, restrooms, entry buildings and internal;
 - Animal curation including veterinary assessments will be required to be conducted outside of standard public opening hours due to animal safety and welfare requirements;
 - Feeding of animals will occur multiple times a day, including before and after general public opening hours; and
 - General maintenance activities including general repair work will occur outside of general public opening hours.
- Emergency activities (animal medical events etc);
 - At times there may be requirements for emergency works to be conducted, which may include emergency medical events for animals. These will be unforeseen and at any time and therefore cannot be limited to general public opening hours.
- Temporary and community events;
 - Temporary and community events such as the upcoming RunWest event that will utilise zoo facilities will occur outside of standard hours (for example RunWest commences at 7am);
 - These types of events would be conducted as exempt development under the State Environmental Planning Policy (Western Sydney Parklands) 2009.
- Delivery of goods, waste collection and specimen related services including animal and food delivery; and
 - Goods delivery including food and drinks, retail merchandise and office supplies are intended to be delivered and unpacked prior to general public opening hours;
 - Collection of waste is anticipated to occur outside of general public opening hours to ensure minimal disruption to guest experience; and
 - Specimen and animal food delivery is to occur outside of general public opening hours, namely to ensure minimal disruption and distraction to specimens, to maintain their welfare and reduce the risk of stress being imposed.
- Private zoo experiences/guided tours.
 - Sydney Zoo intend to offer exclusive private guided tours outside of standard opening hours, to provide small groups of guests with unique experiences with animals throughout the zoo grounds.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development as proposed to be modified is substantially the same development as the development for which consent was granted as:

- the proposed modification does not alter the key components of the approved development description;
- the proposed amendment does not seek to amend the approved land use;
- the proposed change does not propose any physical changes to the approved design of the development, and does not affect the overall footprint of the development, or its interaction with the public domain and urban design;
- there are no changes to car parking areas, access arrangements or the vehicular/pedestrian circulation paths;
- there are no changes to the overall capacity of the development in regard to staff numbers or visitors; and
- the environmental impacts of the modified development remain the same as the approved development.

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

The clarifications to the hours of operation and other activities that can be conducted on the site is considered to have only minimal environmental impact beyond those considered during the assessment of SSD 7228, as set out in the assessment provided in Section 4 below. As the changes result in minimal environmental impact, the modification application can be appropriately assessed and determined under Section 4.55(1A) of the EP&A Act.

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. In particular, the proposed modifications will not create any additional environmental impacts beyond those already considered by the Department as part of the original assessment of SSD 7228 with regard to the following because there is no change in built form, development footprint or operating capacity:

- Air and odour;
- Built form;
- Accessibility;
- Landscaping;
- Visual impact;
- Water management;
- Aboriginal heritage;
- Vegetation and biodiversity;
- Waste management
- Bushfire management;
- Hazards and risk;
- Ecologically sustainable development; and
- Infrastructure and servicing.

The relevant matters that require specific consideration in relation to the modification application are further discussed below.

4.1 Compliance with Environmental Planning Instruments and Strategies

The proposed modifications do not alter the approved development's compliance with the statutory and strategic plans as there is no change in the nature of the land use or the scale of the development:

- *Environmental Protection and Biodiversity Conservation Act 1999;*
- *Environmental Planning and Assessment Act 1979;*
- *Exhibited Animals Protection Act 1986;*
- *Roads Act 1993;*
- *Threatened Species Conservation Act 1995;*
- *Contaminated Land Management Act 1997;*
- *Biosecurity Act 2015;*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No 64 – Advertising and Signage;*
- *State Environmental Planning Policy No 55 – Remediation of Land;*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development;*
- NSW Biosecurity Strategy 2013-2021;
- NSW State Plan 2021;
- A Metropolis of Three Cities and Western City District Plan; and
- Western Sydney Parklands Plan of Management 2020.

4.2 Noise

The proposed clarifications and changes to hours of operation are not anticipated to present additional noise impacts outside those previously assessed.

The Noise and Vibration Impact Assessment submitted with the original EIS identified noise emission impacts, separated into two time periods, being 'opening hours' and 'after hours' as per below:

- Opening hours – 9.00am-6.00pm (extended to 10.00pm during the peak summer period)
- After hours – 6.00pm-9.00am (from 10.00pm to 9.00am during the peak summer period)

These two time periods reflect the NSW Industrial Noise Policy time periods, being daytime between 7.00am and 6.00pm (opening hours), evening between 6.00pm and 10.00pm and night time between 10.00pm and 7.00am (after hours).

Sources of operational noise from the zoo include patrons, traffic flows, mechanical plant and animals. In particular, activities identified in the Noise and Vibration Impact Assessment as outlined in Section 2.1.1 include:

- Traffic movements within the car park;
- Use of mechanical plant installed on site including air-conditioning units and pumps; and

- Deliveries of food, beverages, animals and feed, and waste collection involving trucks accessing the perimeter access road.

The remainder of the activities described in Section 2.1.1 are not noisy activities or will occur at such low intensities that they would not cause noise beyond what was previously assessed.

The impact of these sources was assessed on four sensitive receivers near to the site, being the Bungarribee residential area, the adjacent residential property south of the Great Western Highway (R1), Eastern Creek residential area, and the Eastern Creek Primary School (S1).

Project specific noise limits for these time periods and the sensitive receivers are identified in Condition C32 of the SSD 7228 consent.

Table 1 Condition 32 Project Specific Noise Limits (db(A))

Receiver Location	Day (opening hours) L _{Aeq} , 15min	Evening (opening hours) L _{Aeq} , 15min	Night (after hours) L _{Aeq} , 15min
Bungarribee, Eastern Creek	51	50	40
R1 Residential (Great Western Highway)	57	50	40
S1 School (Eastern Creek)	45	N/A	N/A

Predicted noise levels from the zoo for both the opening hours and after-hours time periods were assessed as part of the SSD 7228 approval process and considered appropriate. The predicted after-hours noise levels are provided below and are indicated to achieve compliance with the requirements of Condition C32.

Table 2 Predicted noise levels after hours

Receiver	Predicted L _{Aeq} , 15min Noise Level (dBA)	Criterion Night Time (after hours)	Compliance with Condition C32
Bungarribee, Eastern Creek	<25	40	Yes
R1 Residential (Great Western Highway)	<25	40	Yes
S1 School (Eastern Creek)	<25	N/A	Yes

The assessment concluded that all anticipated noise levels emitted from the site outside general public opening hours complied with the approved Condition C32 criterion. Consequently, no further assessment is considered necessary and the proposed changes to hours as outlined in Section 2 will not introduce additional noise impacts.

4.3 Transport, parking and access

The Traffic Impact Assessment submitted with the EIS assessed the impacts of traffic movements to and from the zoo during peak periods. It considered both staff and guest vehicular movements. The assessment identified anticipated variations in attendance across the year, including peak, shoulder and off-peak periods.

The anticipated traffic generation during the network peak period is summarised below, assuming a vehicle occupancy rate of 3 people per vehicle, and an 85% vehicle and 15% public transport mode share and allows for an additional 5% to account for shuttle bus, coach or minibus movements. Additional staff vehicle movements have been included in the below and are expected to introduce 50 vehicles before 9.00am and after 6.00pm.

Table 3 Traffic Generation Summary

Peak Period	Time	Entering Vehicles (veh/hour)	Exiting Vehicles (veh/hour)	Total Traffic Generation
Weekday AM (Network)	8.00am-9.00am	68 ¹	0	68
Weekday (Site)	11.00am-12.00am	171	65	236
Weekday PM	4.30-5.30pm	0	44	44
Weekend	11.00am-12.00pm	246	94	340

1. Including staff and visitor arrivals

These vehicle movements have been assumed to come via the following directional distributions:

- North via Westlink M7 Motorway – 20%;
- North via Doonside Road – 10%;
- East via Great Western Highway – 35%;
- South via M7 Motorway/ Wallgrove Road – 20%;
- South via Brabham Drive – 5%; and
- West via Great Western Highway – 10%.

Based on the traffic generation summary, SIDRA modelling was used to assess the operation of the Great Western Highway at the entrance to the Sydney Zoo site, which identified that the intersection will continue to operate with a good level of services with adequate capacity to accommodate the traffic generated by the zoo. It is important to note that the site's traffic generation will typically occur outside the road network peak periods (approximately 11.00am), due to the anticipated peak visitor time periods during each day.

The proposed clarifications and changes to hours of operation are not anticipated to present additional traffic impacts outside those previously assessed. The management of logistics as described by this modification (such as deliveries occurring outside of opening hours) will help ensure that waste and servicing vehicles do not conflict with guest vehicles, minimising peak hour impacts and reducing the overall traffic impacts by spreading these movements outside peak visitor periods.

4.4 Site Suitability

The site remains suitable for the proposed development and will continue to provide a catalyst for animal conservation tourism and recreation in Western Sydney.

4.5 Social and Economic Impacts

The proposed development will continue to have positive socio-economic and conservation benefits for Western Sydney. It is expected that the zoo will become a destination of choice and will contribute to the economic growth of Western Sydney. As well, the zoo remains in accordance with the Western Sydney Parklands Plan of Management which identifies Bungarribee Super Park as suitable for a tourist and commercial hub.

4.6 Issues Raised in Submissions

During the exhibition of the EIS, and assessment of SSD 7228, no submissions were made in relation to the hours of operation. Therefore, none of the issues raised in submissions are relevant to this modification application.

4.7 The public interest

The proposed modifications to the approved development are considered to be in the public interest as they will facilitate the optimal operation and functioning of the zoo.

Ensuring deliveries are undertaken prior to public access to the zoo each day will improve guest experience and reduce the risk of truck and private vehicle interaction.

Clarification of hours suitable for temporary and community events, as well as private zoo experiences and guided tours will enhance the experience presented by the development, ensuring public access is retained during the main part of the day but also provide unique experiences outside of peak visitation periods.

5.0 Conclusion

The proposed modifications relate to the clarification of hours of operation for the Sydney Zoo. The proposed modification does not result in any change in the fundamental aspects of the approved development such as overall development area, approved land uses, or the capacity of the zoo.

The proposed changes provide a more appropriate description of intended activities on the site and the Zoo's actual hours of operational activities, while ensuring a clearly defined general public access period. General maintenance and animal welfare activities will be required to occur outside standard hours to ensure the Zoo is managed appropriately. These extended hours for these defined activities do not alter the environmental assessment completed as part of the original SSD7228 application.

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

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

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

Yours sincerely,



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