

30 April 2019

15247/218335

Jim Betts
Department of Planning and Industry
320 Pitt Street
Sydney NSW 2000

Attention: Sally Munk

Dear Sally,

SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD 7228 SYDNEY ZOO – MODIFICATION 4

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 relating to Bungarribee Park (Western Sydney Parklands) the Sydney Zoo in Bungarribee Park, Western Sydney Parklands (the site).

The modification relates to the addition of two new sheds at the rear of the Nocturnal and Reptile Building and Primate Back-of-House (BOH) spaces, including holding spaces, landscaping and access pathways.

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. This application is accompanied by:

- Amended Architectural Drawings prepared by SPG Projects (**Attachment A**);
- Amended Landscape Masterplan prepared by Aspect Studios (**Attachment B**).

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

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

- 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 related to the reconfiguration of the aquatic habitat, realignment of the boardwalk access path and amendments to the Landscape Masterplan. MOD 2 was approved on 20 September 2018.
- Modification 3 relates changes to the hours of operation and was lodged on 4 December 2018. The application is currently under assessment.

This application represents the fourth (4) modification to date.

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 a refined design based on operational needs of the zoo. Amended Architectural Drawings and Landscape Masterplan are included at **Attachment A** and **Attachment B**, including a new site plan (as it will be proposed under the Section 4.55 Modification Application).

2.1 Modifications to the development

The proposed modification includes the addition of a new BOH enclosure associated with the Australiana Exhibit.

The proposed BOH area will be 12.9m x 10.4m and will be enclosed by a Colourbond fence, with a planting zone separating the enclosure from the Baboon Enclosure to the immediate west. The proposed BOH enclosure will include two sheds, known as Building A and Building B as shown in **Figure 1** and **Figure 2** below.

Building A will be 40m² and Building B will be 38.7m². Both buildings will have a maximum height of 2.7m.

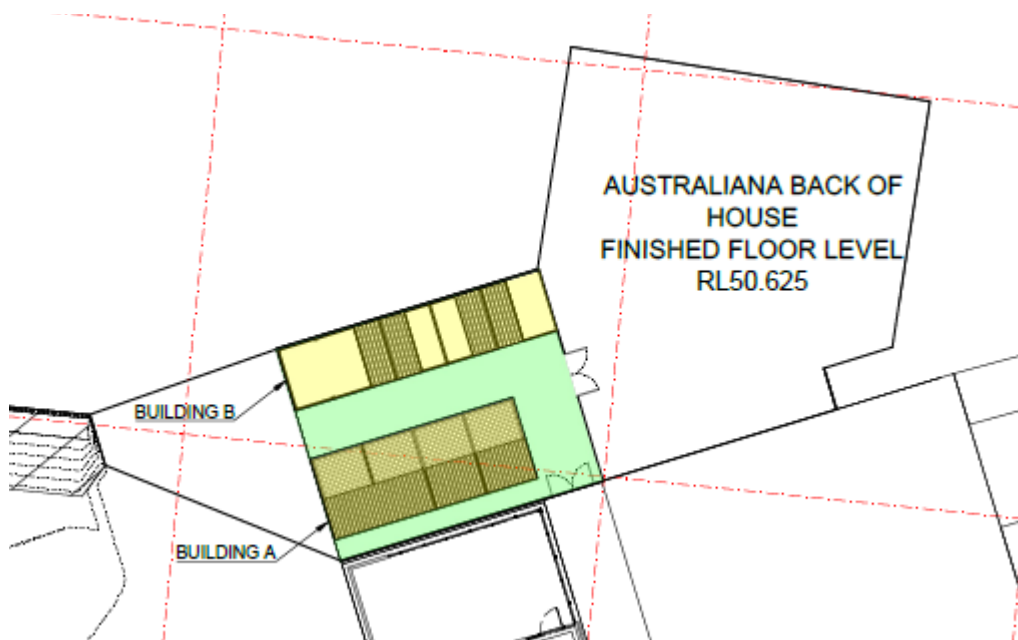


Figure 1 Proposed Australian Back of House – site plan

Source: SPG Projects

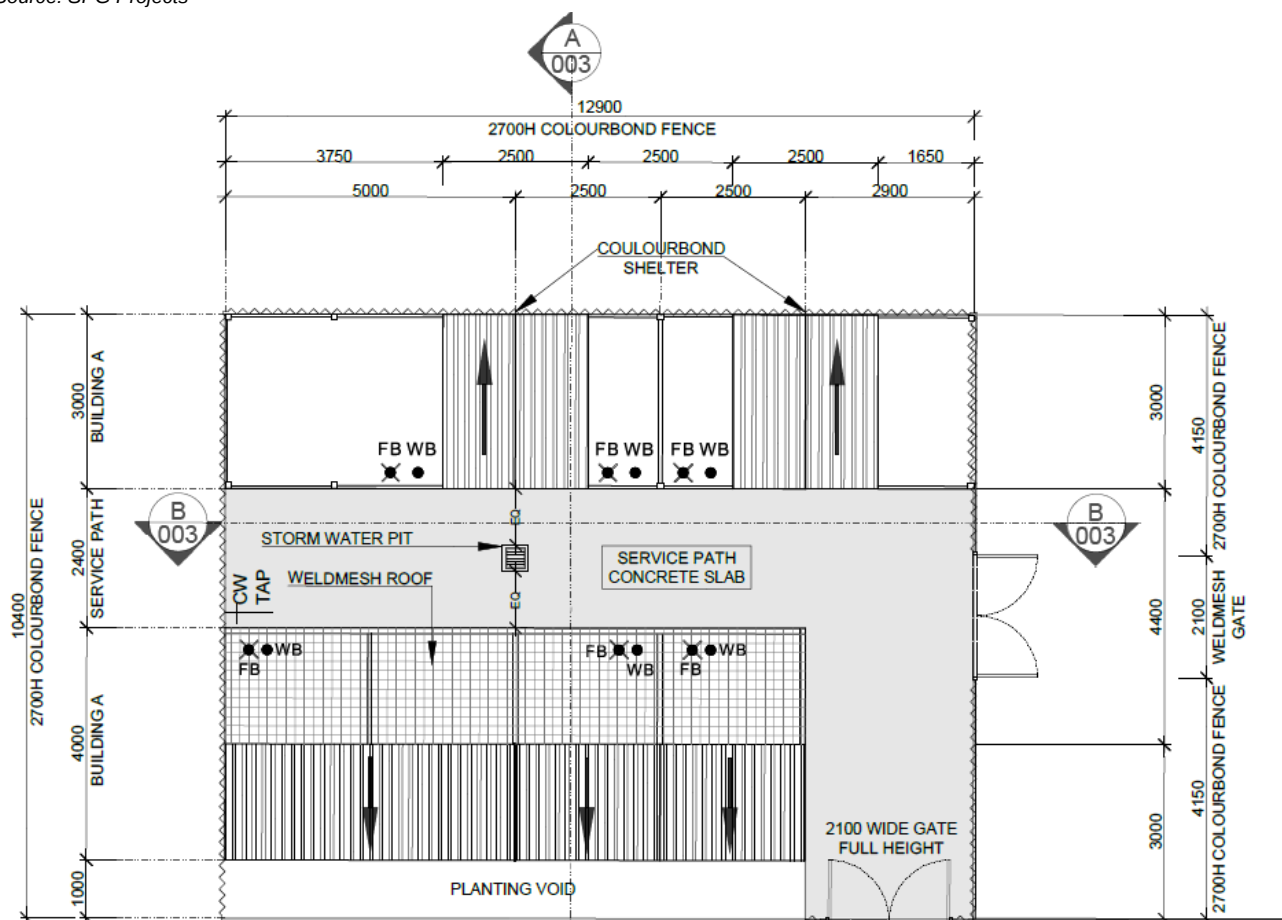


Figure 2 Proposed Australian Back of House – floor plan

Source: SPG Projects

A 2.4m wide service path will provide access to the two buildings and a stormwater pit will be included within the enclosure. The stormwater pit will connect to the existing stormwater system outside of the enclosure.

The proposed building materials are detailed in **Attachment A** and primarily comprise:

- Colourbond roof;
- Timber posts;
- Weldmesh wall, shelters and gates; and
- Colourbond cladding.

The new enclosure sits within the broader boundaries of the existing Australiana exhibit and will provide optimal off-exhibit animal care and improved animal welfare – increasing Sydney Zoo’s capacity to ensure the highest animal welfare standards are achieved as specified in Conditions C18 to C20 of the development consent.

Further, the proposed BOH buildings do not comprise exhibit space for the display of Australiana species and will not be publicly accessible. As such, the proposed modification will not result in any increase in the exhibit area for the display of native animals, and will not affect the compliance of the facility in relation to Condition B6 of the development consent.

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**.

MOD4 *The development as described in modification application SSD 7228 MOD 4, the supporting documentation submitted with SSD 7228 MOD 4, the conditions of this Consent and Appendix A of this Consent.*

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

- EIS, RTS, Supplementary Information and Additional Information;
- Development layout plans and drawings in the EIS, RTS, and Supplementary Information;
- The Management and Mitigation Measures (see Appendix B);
- The modification application SSD 7228 MOD 1 and supporting documentation; and
- ~~(f)~~ ***(e) The modification application SSD 7228 MOD 2 and supporting documentation; and***
- (f) The modification application SSD 7228 MOD 4 and supporting documents.***

Reason: The proposed modification seeks to update Condition B2 to adequately reflect the modified plans.

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 BOH area provides for improved animal care within the Australiana Exhibit, facilitating compliance with Conditions C18-C20 of the development consent;

- the proposed change 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 total area of exhibit space associated with the display of native animals, pursuant to the 1.6ha maximum display area under Condition B6 of the consent;
- there are no changes to the overall capacity of the development in regard to staff numbers or visitors;
- the proposed modifications are internal to the Zoo, with no significant changes proposed in relation to sensitive views from the public domain; 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 extent of the proposed modification is minor in nature and does not affect publicly accessible areas or add to the exhibit area for the display of native animals. The addition of a new Australiana Back-of-House enclosure with two (2) new sheds is considered to have only minimal environmental impact beyond those considered during the assessment of SSD 7228.

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. Further discussion is provided in **Section 4.0** below.

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:

- Air and odour;
- Noise;
- Traffic, parking and access;
- 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 including:

- *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 Built Form

The new BOH area will be located within the existing site, in its eastern portion. The proposed changes include the addition of two new sheds, within a fenced enclosure. While the proposal seeks approval for the addition of two new buildings on previously vacant land, it is considered that the bulk or scale of the Zoo will not substantially change.

The proposed sheds will be situated behind a 4m high fence. Both Building A and Building B will be integrated with the surrounding landscape through the use of appropriate materiality that reflects the architectural rhythm of the Zoo. A planting zone will also provide a buffer between the proposed enclosure and the Baboon Enclosure to the immediate west. The proposed design of the BOH area will be in keeping with the design of other approved BOH areas on the site.

Overall, the proposed addition of a new Australian BOH enclosure is considered to achieve optimal animal welfare, handling and management outcomes, whilst maintaining the architectural style and rhythm already established and approved for the site. The proposed development will continue to provide a zoological facility of a high quality.

4.3 Landscaping

A Landscape Masterplan prepared by Aspect Studios was submitted with the original DA. The Landscape Masterplan outlined the overall layout of the Zoo and is proposed to be amended as part of this modification to include the new BOH area. As the proposed modifications to the development are internal and generally relate to the inclusion of two new sheds at the rear of the Australian exhibit, no amendments to the approved Planting Strategy are proposed. Landscaping such as bamboo, timber and vegetation planting as well as exhibit features will be used to screen the BOH buildings in accordance with the approved Planting Strategy.

4.4 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.

The proposed modifications are internal to the site and will not be highly visible from outside the site boundaries due to the Zoo's perimeter landscaping. The additional BOH sheds may be visible from other areas within the Australiana Exhibit area, however, are proposed to be similar in architectural style to the style of other approved BOH buildings in the area including the Primate BOH building to the immediate south. These buildings are similarly visible from parts of the public domain, reflecting a consistency in the architectural style across the site.

Further, due to the extensive landscaping and vegetation planting design of the Zoo, the proposed sheds will be screened from views within the site.

As such, the minor changes to the Australiana Exhibit will not adversely impact on the bulk and scale of the zoo as a whole and will not result in any significant visual impacts.

4.5 Social and Economic Impacts

The proposed modification will assist the Sydney Zoo in achieving animal welfare requirements to ensure positive socio-economic impacts for Western Sydney through provision of a high-quality tourism facility. 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 Site Suitability

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

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 with specific consideration of optimising animal welfare outcomes as well as ensuring an exciting visitor experience supporting the objectives of the Western Sydney Parklands Plan of Management in relation to providing a tourist hub as part of the Bungarribee Super Park.

5.0 Conclusion

The proposed modifications relate to the inclusion of two new BOH sheds for the Australiana Exhibit within 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 response to animal welfare requirements, and do not alter the environmental assessment completed as part of the original SSD 7228 application. The minor changes to the Australiana Exhibit will not adversely impact on the bulk and scale of the zoo and are of minimal environmental impact.

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
- the proposed modification is 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,



Eliza Arnott
Urbanist, Planning
02 9956 6962
earnott@ethosurban.com



Christopher Curtis
Senior Urbanist, Planning
02 9956 6962
ccurtis@ethosurban.com