

3 April 2020

218335

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

Attention: Sally Munk, Principal Planner Industry Assessments

Dear Sally,

SECTION 4.55(1A) MODIFICATION APPLICATION: SSD 7228 SYDNEY ZOO MODIFICATION 6

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 7228 (SSD 7228) relating to the Sydney Zoo, Bungaribee, in the Western Sydney Parklands (the site).

The modification relates to minor design amendments to Building 9 'Farm Experience' to reflect the intended built form.

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, and is supported by the following documentation:

- Amended Architectural Drawings prepared by Sydney Zoo (**Attachment A**); and
- Amended Landscape Plan prepared by Sydney Zoo (**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 development provides a new recreational facility for Western Sydney which opened to the public on 6 December 2019. The development comprises 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; and
- Wayfinding signage 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, Industry and Environment (DPIE) 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 to changes to the hours of operation and was lodged on 4 December 2018. Modification 3 was approved on 25 November 2019;
- Modification 4 related to the addition of new back of house sheds and was approved on 4 July 2019; and
- Modification 5 proposed amendments to conditions however was withdrawn.

This application represents the sixth modification application to date, and if approved would represent the fifth modification of the approved development.

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 of the Farm Experience exhibit based on operational needs of the zoo. Amended Architectural Drawings are included at **Attachment A**.

2.1 Modifications to the development

The proposed modification includes the re-design of the Farm Experience exhibit (Building 9) and results in a smaller built form area.

The approved Farm Experience exhibit area covers 276.5m², with an architectural style reflective of a barn-style structure and the built form covering 153.3m². The exhibit was proposed to hold sheep and goats.

The amended Farm Experience exhibit area will have a total area of 239m² (approximately 0.14% of the overall 16.5ha Zoo site area), with the sheltered area encompassing 70m² of the overall exhibit space. The building will have a maximum height of 2.7m. There is a minor change in the exhibit footprint due to the realignment of its boundary fencing. A sheltered area for public services is attached to the back of the building and contains a picnic table and water faucet, with an area of 16m², resulting in the built form covering 86m² in total (noting this space is outside of the Farm Experience exhibit area).

It must be noted that the construction of the building has commenced as part of the construction certificate for the Zoo. It is consistent with the existing approved plans (approved as part of Modification 1) in that as built, it encompasses part of that approved built form. It was during construction of the exhibit (in accordance with Modification 1) that Sydney Zoo recognised the design needed to change, and as such, construction was halted.

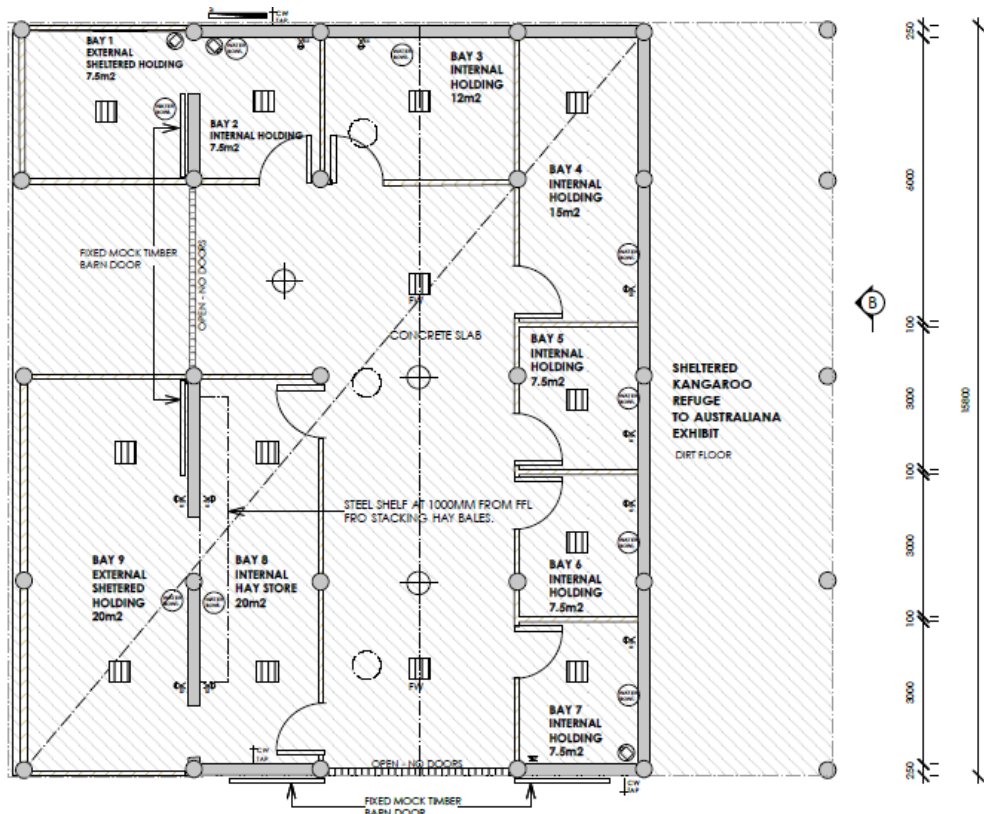


Figure 1 The existing approved layout of the Farm Experience exhibit
 Source: Misho and Associates



Figure 2 The location of the Farm Experience within the Sydney Zoo site
 Source: Sydney Zoo

The changes proposed under this modification generally result in the existing built form remaining, and a reduction in the approved built form and overall exhibit space. The Farm Experience was increased in building roofed area as part of Modification 1, increasing from 68.9m² (as approved under the original SSD 7228 application) to 153.3m² under Modification 1. It is therefore proposed to revert the building area to 70m² as part of this application, due to the desire of Sydney Zoo to downsize the exhibit.



Figure 3 The existing Farm Experience on-site

Source: Sydney Zoo

This downsizing of the exhibit also addresses issues raised by Calmsley Hill City Farm as it will reduce the significance of the farm experience within the context of the rest of the zoo.

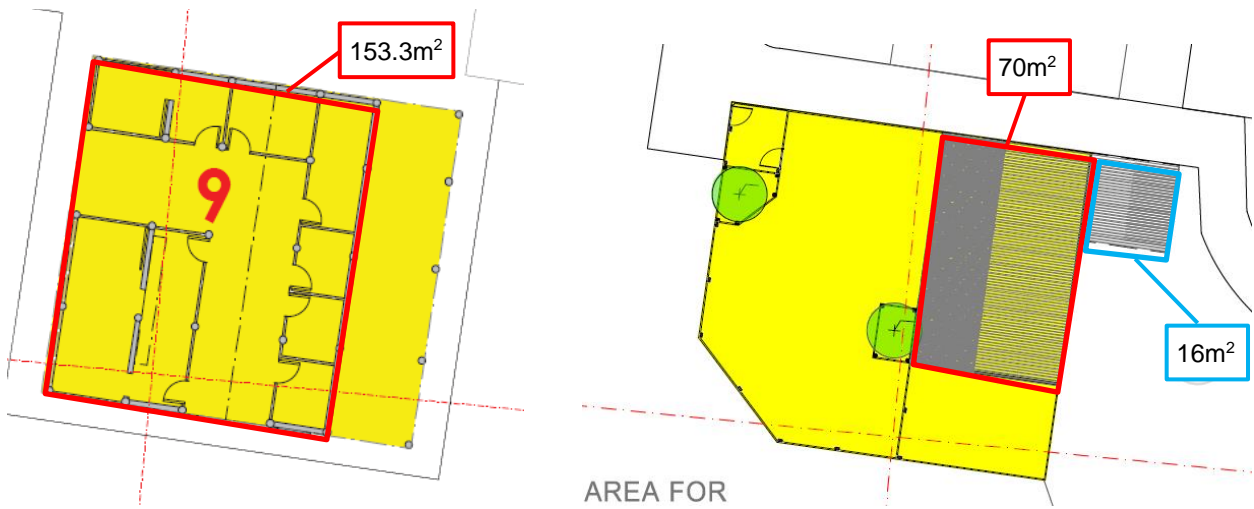


Figure 4 The approved exhibit layout (left) and the proposed modified exhibit layout (right) (not to scale), showing the enclosed and covered areas outlined in red

Source: Sydney Zoo

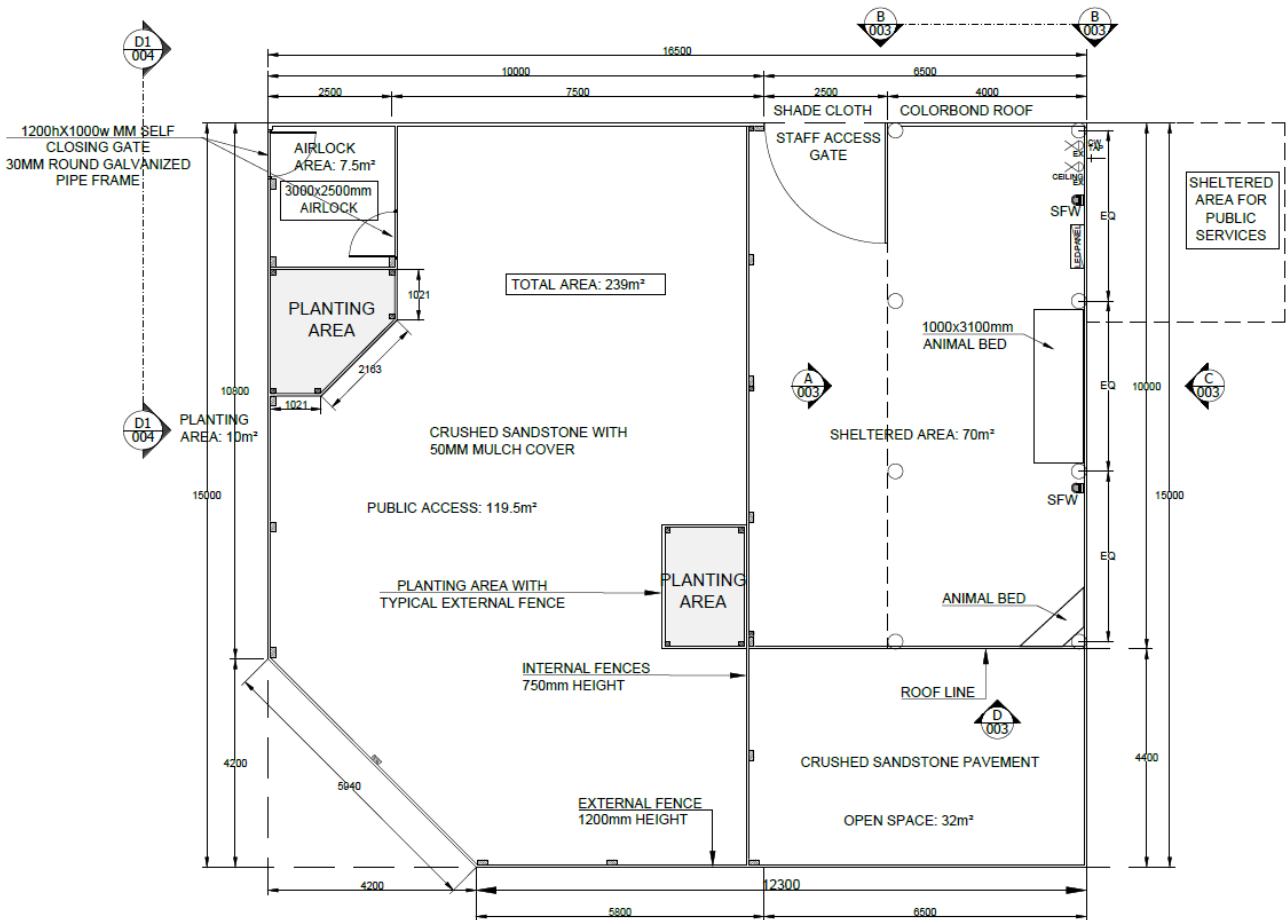


Figure 5 Proposed Farm Experience exhibit layout – floor plan

Source: Sydney Zoo

The proposed exhibit fencing will have a height of 1.2m with landscaping proposed along its boundaries. Fencing will be wooden posts and rails with galvanised mesh for further security of animals.

The enclosure sits generally within the same location and footprint as that approved, with a minor relocation of the exhibit boundaries due to the fencing changes proposed.

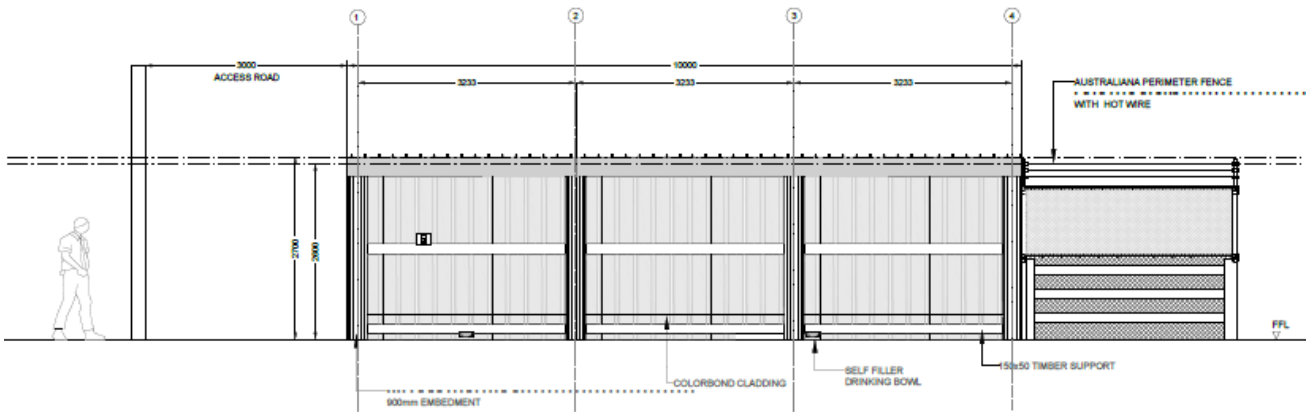


Figure 6 The western elevation of the Farm Experience exhibit

Source: Sydney Zoo

Further, the proposed exhibit itself does not compromise exhibit space for the display of farm animals being three sheep and four goats (noting these numbers may vary depending upon operational requirements), facilitating Sydney Zoo’s capacity to ensure the highest animal welfare standards are achieved (noting that there are no specific standards for farm animal species imposed by the Department of Primary Industries). In particular, it still provides an area of shelter for animals while ensuring an open-air space is afforded for viewing, consistent in overall exhibit size with that as approved under Modification 1.

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**.

In the definitions insert:

MOD6 The development as described in modification application SSD 7228 MOD 6, the supporting documentation submitted with SSD 7228 MOD 6, the conditions of this Consent and Appendix A of this Consent.

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

- (a) EIS, RTS, 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; and*
- (e) The modification application SSD 7228 MOD 2 and supporting documentation;*
- (f) The modification application SSD 7228 MOD 3 and supporting documents;*
- (g) The modification application SSD 7228 MOD 4 and supporting documents; **and***
- (h) The modification application SSD 7228 MOD 6 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 that originally approved in that:

- 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 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;
- 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 any other part of the Zoo other than the Farm Experience exhibit, and in fact reverts the exhibit to something very similar to what was originally approved. The modification to the Farm Experience 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;
- Landscaping
- Built form;

- Visual impact;
- Social and economic impacts;
- Vegetation and biodiversity;
- Waste management
- Bushfire management;
- Hazards and risk;
- Ecologically sustainable development; and
- Infrastructure and servicing.

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*;
- *Biodiversity Conservation Act 2016*;
- *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 revised exhibit will be located within the existing site, in its eastern portion. The proposed changes include the reduction in overall built form area within a fenced enclosure. It is considered that the bulk or scale of the Zoo will not substantially change given that the built form actually reduces to that originally approved.

4.3 Animal Welfare

The proposed modification of the Farm Experience exhibit 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, noting that there are no standards for exhibit spaces for farm animals outlined by the Department of Primary Industries. The development will continue to provide a zoological facility of a high quality.

4.4 Landscaping

A Landscape Masterplan prepared by Aspect Studios was submitted with the original DA and has been modified as needed as part of the previous modifications to the consent. The Landscape Masterplan outlined the overall layout of the Zoo and is proposed to be amended as part of this modification to include the proposed Farm Experience layout. As the proposed modifications to the development are internal and generally relate to the reduction in building area of the exhibit, no amendments to the approved Planting Strategy are proposed.

4.5 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.

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

4.6 Issues Raised in Previous Submissions

In submissions made to the DPIE, Calmsley Hill City Farm has raised concerns regarding the approved Farm Experience exhibit of Sydney Zoo, specifically that by keeping or exhibiting farm animals, Sydney Zoo would erode the differentiation between the two facilities.

Calmsley Hill City Farm is an interactive farmyard experience dedicated to showcasing rural Australia. Conversely, the Farm Experience as proposed covers only 0.14% of the overall Zoo site and is therefore a minor component of the broader offerings provided by Sydney Zoo and not intended to be a major drawcard for the Zoo, which focuses on the exotic species available such as the tigers, hyenas, giraffe, ostriches and zebras (for example). It is therefore considered that the two facilities have a high degree of differentiation.

Further, the Farm Experience was approved by the PAC as part of the original SSD 7228 application for Sydney Zoo, and the proposed amendments under this modification to reduce the overall exhibit and building footprint size from that as currently approved result in this exhibit being further downplayed in terms of the overall Sydney Zoo offering, further addressing Calmsley Hill's concerns.

4.7 Social and Economic Impacts

Since opening in December 2019, Sydney Zoo has seen strong interest from the local community and can clearly demonstrate a positive impact in the Western Sydney area in terms of attendance and activities. It is therefore considered that all prior conclusions in terms of social and economic impacts will not be impacted by the proposed change.

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 further 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.

The Farm Experience exhibit is only a small part of the overall Sydney Zoo experience and will remain so after the proposed modification.

4.8 Site Suitability

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

4.9 The public interest

The proposed modifications to the approved development are considered to be in the public interest as they will facilitate the provision of the Farm Experience exhibit, to ensure 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 amendment of the Farm Experience 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 Farm Experience will not adversely impact on the bulk and scale of the zoo and are of minimal environmental impact and also address concerns raised by Calmsley Hill City Farm as outlined previously.

In accordance with section 4.55(1A) of the EP&A Act, Council 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,



Christopher Curtis
Principal
02 9956 6962
ccurtis@ethosurban.com