



Sydney Zoo

*State Significant
Development
Modification Assessment
(SSD 7228 MOD 2)*



September 2018

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Cover photo

Zoo Perspective (Aspect Studios)

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Glossary

| Abbreviation | Definition |
|-----------------|---|
| Consent | Development Consent |
| Council | Blacktown City Council |
| Department | Department of Planning and Environment |
| DPI | Department of Primary Industries |
| EIS | Environmental Impact Statement |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPI | Environmental Planning Instrument |
| EPL | Environment Protection Licence |
| ESD | Ecologically Sustainable Development |
| FRNSW | Fire and Rescue NSW |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning |
| OEH | Office of Environment and Heritage |
| RMS | Roads and Maritime Services |
| RtS | Response to Submissions |
| SEARs | Secretary's Environmental Assessment Requirements |
| Secretary | Secretary of the Department of Planning and Environment |
| SEPP | State Environmental Planning Policy |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |
| WSP | Western Sydney Parklands |
| WSP SEPP | State Environmental Planning Policy (Western Sydney Parklands) 2009 |
| WSPT | Western Sydney Parklands Trust |



Contents

| | |
|---|------------|
| Glossary | iii |
| 1. Introduction | 1 |
| 1.1 Background | 1 |
| 1.2 Approval History | 3 |
| 1.3 Early Works | 4 |
| 2. Proposed Modification | 5 |
| 3. Strategic Context | 8 |
| 4. Statutory Context | 9 |
| 4.1 Scope of Modifications | 9 |
| 4.2 Consent Authority | 9 |
| 5. Engagement | 10 |
| 5.1 Department's Engagement | 10 |
| 5.2 Government Agencies | 10 |
| 6. Assessment | 11 |
| 7. Evaluation | 13 |
| 8. Recommendation | 14 |
| 9. Determination | 15 |
| Appendices | 16 |
| Appendix A – List of Documents | 16 |
| Appendix B – Statement of Environmental Effects/ Environmental Assessment | 17 |
| Appendix C – Submissions | 18 |
| Appendix D – Notice of Modification | 19 |



1. Introduction

This report assesses a modification application to modify the State significant development consent (SSD 7228) for the construction and operation of a zoo within the Western Sydney Parklands (WSP) referred to as the Sydney Zoo. The application has been lodged by Sydney Zoo Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks to:

- realign the boardwalk access path to the aquatic habitat
- allow administrative changes to the Landscape Plan
- reconfigure the aquarium building including:
 - revise the built form, resulting in an increase in the floor space
 - reconfigure the internal layout
 - revise the aquatic habitat to feature a larger tank and outdoor component.

1.1 Background

The site is located approximately 33 kilometres (km) west of the Sydney Central Business District and approximately 4.5 km south-west of the Blacktown town centre. The site (Lot 11 of Lot 101 in Deposited Plan 1195067) has frontage to the Great Western Highway and occupies approximately 16.5 hectares (ha) in the Blacktown local government area (see **Figure 1**).

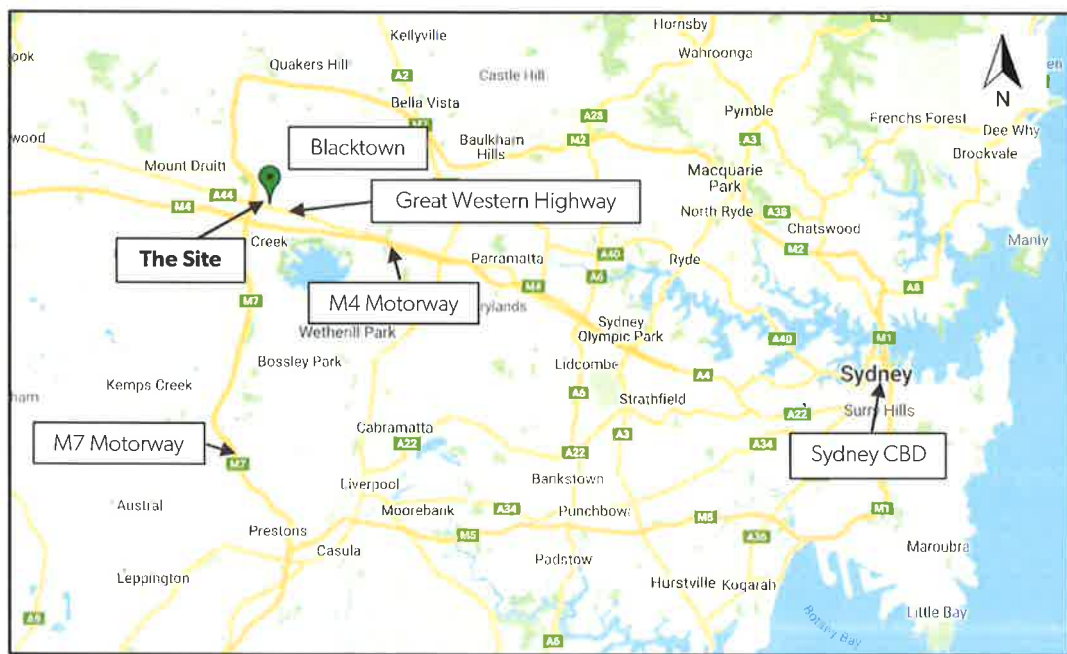


Figure 1 | Site Location

The site is located within the Bungaribee Precinct of the WSP which is managed by the Western Sydney Parklands Trust (WSPT). The State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP) enables the WSPT to develop the Western Sydney Parklands into a multi-use urban parkland, allowing for a range of recreational, entertainment and tourist facilities.

The site is predominantly cleared of vegetation with small areas of Cumberland Plain Woodland and River Flat Eucalypt Forest (see **Figure 2**). The remainder of the site contains exotic grasslands with some weeds.



Figure 2 | Site Context

The site rises to a small ridge which runs north-south through the eastern third of the site. The land also slopes to the west towards Eastern Creek which forms the western boundary of the site.

Industrial land uses surround the site to the immediate east and south and detached residential dwellings are located to the north and the west beyond the M7 Motorway (see **Figure 2**). The closest residential receiver is a single detached dwelling approximately 275 metres (m) to the south on the opposite side of the Great Western Highway.

The Applicant has advised the modification is necessary to provide a design which reflects the operational needs of the zoo.

1.2 Approval History

Development Consent for SSD 7228

On 8 September 2017, development consent was granted by the former Planning Assessment Commission for the construction and operation of a zoo (Sydney Zoo) within the Western Sydney Parklands (SSD 7228). The approved zoo comprises animal exhibits and associated infrastructure (see **Figure 3**). The development consent permits the following works:

- subdivision of the site (Lot 101 DP 1195067) into:
 - Lot 11 (comprising the zoo)
 - Lot 10
- site preparation works including bulk earthworks
- construction of a new zoo including:
 - animal exhibits for a range of native and exotic animals
 - entry/retail building
 - restaurant
 - administration, curatorial, and veterinary facilities
 - show arena
 - back of exhibits and work depot buildings
 - other buildings including two kiosks and restroom facilities
- construction of vehicular access roads and parking
- installation of signage
- stormwater drainage and design and construction of site services
- landscaping.

In December 2017, construction of Sydney Zoo commenced.



Figure 3 | Approved Site Layout under SSD 7228

Modification to SSD 7228

On 8 May 2018, the Acting Director, Industry Assessments approved a Section 4.55(1A) modification application (SSD 7228 MOD 1) which amended the locations and design of buildings on the site and the design of the stormwater management system. The application included modifications to the following:

- size of the administration/curatorial building
- location and size of the nocturnal pavilion and the reptile and insect pavilion
- location and design of back-of-house animal enclosures
- location of amenity blocks, service buildings and kiosks
- stormwater management system.

1.3 Early Works

During the course of this assessment, the Department became aware that the Applicant may have completed earthworks for the outdoor aquatic tank which is part of this modification.

The Applicant has provided advice from Northrop engineers stating that geotechnical testing of the compaction of the earthworks have been undertaken and the works are suitable for use in the final construction of the tank.

The Department inspected the site on 11 September 2018 and it is currently investigating the matter. Once the investigation has been completed, the Department will consider what enforcement action, if any, will be undertaken in accordance with its compliance policy.



2. Proposed Modification

The Applicant has lodged a second modification application under section 4.55(1A) of the EP&A Act to modify the design and layout of the aquatic habitat, realign the adjacent boardwalk access path and make administrative changes to the Landscape Plan. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B**.

Proposed changes to the Aquatic Habitat

The proposal seeks to reconfigure the aquatic habitat (see), including:

- reorientation of the built form to a north-south direction
- reconfiguration of the internal layout
- change the design of the building from a 'bunker' style building with vegetation on the roof to a 4.6m high above-ground building, clad in recycled timber panels
- increase the floor space to 473 m², up from 343 m²
- include an outdoor aquatic tank with an underwater viewing window (see).

The revised design of the aquatic habitat will result in a building which is 0.6 m lower than the approved building and, with its timber cladding, will be similar to the approved architectural styles of the restaurant and main entry buildings.

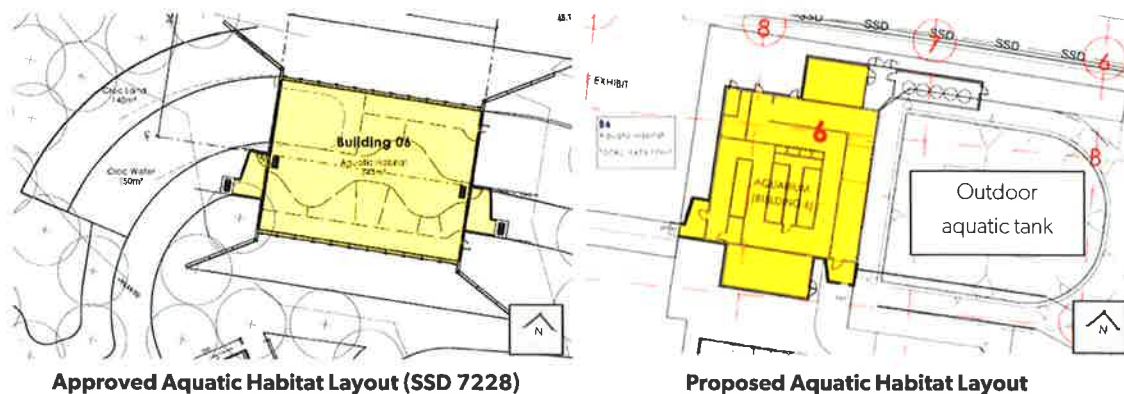


Figure 4 | Approved and Proposed Layouts of the Aquatic Habitat

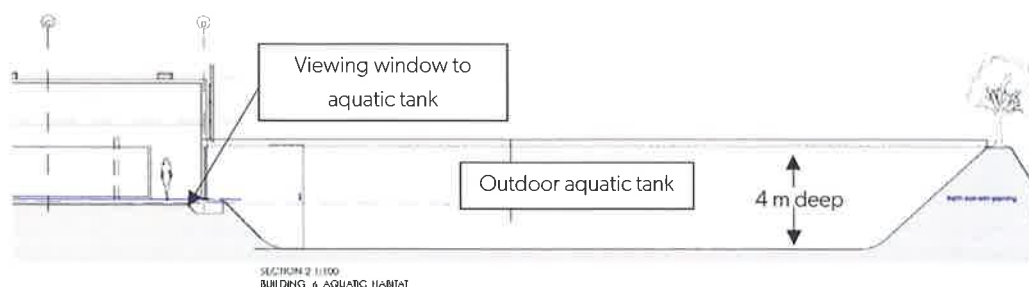


Figure 5 | Section of proposed outdoor aquatic tank

The Applicant has proposed the design changes to reflect the operational needs of the zoo. The Applicant also considers the revised design will provide a better exhibit and a more exciting visitor experience.

Before Sydney Zoo can accommodate any animals on site, the Department of Primary Industries (DPI) must be satisfied the specific requirements regarding animal welfare have been met. DPI is the consent authority for the issuing of any permits and licences required for the operation of the zoo including ensuring every animal enclosure meets the design standards and that exotic animal carers have the required qualifications. To this end, conditions C18- C20 of the development consent of SSD 7228 require Sydney Zoo to meet all relevant requirements of the *Exhibited Animals Protection Act 1986* (EAPA), the Exhibited Animal Protection Regulation 2010 (the EAP Regulation), the *Biosecurity Act 2015* and the National Zoo Biosecurity Manual, 2011 for the life of the development.

The proposed modifications have been developed in consultation with DPI, to ensure it addresses the requirements of the EAPA and the EAP Regulation and with consideration of the requirements of the species to be housed.

The Applicant advises the revised design of the aquatic habitat with the proposed outdoor tank component (see **Figure 4** and **Figure 5**) will have the following benefits:

- the external habitat provides a natural photoperiod which allows for seasonal variation for the animals
- the external habitat allows natural aquatic and riparian vegetation to grow in and around the habitat
- the habitat's deep pool will allow for animal behaviour to be more natural
- the external component allows for natural colonisation and the establishment of wild populations of aquatic larvae of insects and other invertebrates which will allow natural foraging behaviours for the fish in the habitat.

Relocation of the boardwalk

The proposal seeks a minor realignment of the boardwalk path from the Australiana exhibit to the south-east of the aquatic habitat building. The proposed timber boardwalk will be constructed over part of the stormwater basin in the north-eastern corner of the site allowing for direct access from the aquatic habitat to both the Farm Experience and to the Australiana exhibits to the south, as shown in **Figure 6**.



Figure 6 | Proposed Changes to the Boardwalk and the Approved Landscape Plan

Administrative changes to the Landscape Plan

The proposal also seeks to amend the Landscape Plan to ensure it reflects the following:

- the approved design of the back-of-house buildings for the African Grasslands
- the approved stormwater basin located in the north-eastern corner of the site (see **Figure 6**).

The detailed architectural plans approved under SSD 7228 MOD 1 provided a sheltered component to the back-of-house buildings of the African Grasslands which inadvertently was not reflected in the Landscape Plan. SSD 7228 MOD 1 also approved a stormwater basin in the north-eastern corner of the site which was not shown in the approved Landscape Plan. The proposal seeks to update the Landscape Plan to correct these inconsistencies in the plans.



3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with relevant strategic planning documents, including the *Parklands Plan of Management 2020* (Parklands POM) and *Parklands Plan of Management 2020 Supplement* (POM Supplement).

The proposed modification seeks minor alterations to the aquatic habitat, boardwalk and administrative changes to the landscape plan. The proposed modifications to the aquatic habitat will improve animal welfare, provide a better exhibit and a more exciting visitor experience which in turn will contribute to the success of the zoo when operational. The proposed modification will continue to meet one of the Premier's key priorities, 'Creating Jobs' which seeks to provide 150,000 new jobs in NSW by 2019. The zoo will result in 160 new construction jobs and 59 full-time equivalent operational jobs in the Blacktown LGA and a \$28 million investment in Western Sydney.

The proposed modification is consistent with the goals, directions and actions outlined in A Metropolis of Three Cities - the Greater Sydney Region Plan as it will:

- provide for additional jobs closer to where people live to support the 30-minute city (Objective 14)
- support tourism, identified as a priority economic sector in NSW (Objective 24).

The Western City District Plan provides a guide for implementing A Metropolis of Three Cities - the Greater Sydney Region Plan. The proposed modification would assist in meeting one of the productivity priorities of the plan through supporting the growth of tourism infrastructure in the Western Parkland City.

The Parklands POM also includes strategic directions for the WSP which includes the promotion of the WSP as a visitor and tourist destination. The proposed modification will support the successful operation of the zoo and therefore provide a greater opportunity for tourists to visit and enjoy the WSP. The Department considers the proposed modification is consistent with the Parklands POM.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification
- the modification is substantially the same development as originally approved
- the approved key features of the approved development will be retained as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister will be the consent authority under s. 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

If the modification application is to be determined by a delegate of the Minister, record the date of the delegation and which officer of the Department will be determining the application.



5. Engagement

5.1 Department's Engagement

The Department referred the application to Blacktown City Council (Council), DPI and the Western Sydney Parklands Trust (WSPT) for comment and made publicly available on the Department's website from 10 July 2018. No submissions were received from the public.

5.2 Government Agencies

None of the government agencies objected to the project.

Council did not object to the modification.

DPI did not object to the modification however noted the requirement under the EAPA that all applications to construct an animal display establishment and subsequent structures need to be individually approved by DPI.

WSPT did not make a submission.



6. Assessment

The Department has assessed the merits of the proposed modification and has considered the:

- SEE provided to support the proposed modification (see **Appendix B**)
- EIS and RTS for the original development application
- submissions from State government authorities and Council (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of issues is provided in **Table 1**.

Table 1 | Assessment of issues

| Issue | Findings | Recommended Condition |
|------------------|---|---|
| Water Management | <ul style="list-style-type: none">• The proposed modification does not seek to alter the approved stormwater management system (SMS).• However, the modification will amend the building layout and design of the aquatic habitat which may impact on stormwater flows at the site as well as the quality of runoff.• The first modification application to the zoo (SSD 7228 MOD 1) approved design changes to the SMS including revisions to the size and orientation of the stormwater basin in the north-eastern part of the site.• The Landscape Plan will be updated to reflect the approved stormwater plans and show the correct location of the approved stormwater basin located in the north-eastern corner of the site.• The Applicant has advised the water stored in the outdoor tank of the aquatic habitat will not form part of the site's SMS. Water in the tank will be managed separately to ensure water quality is suitable for the species in the habitat.• Any wastewater from the outdoor tank will be treated by the adjacent stormwater basin to comply with stormwater discharge requirements for the site.• The approved SMS has accounted for the design amendments to the aquatic habitat.• The Department's assessment concludes that the proposed development will preserve the operational performance of the approved SMS, ensuring that the quantity and quality of stormwater leaving the site does not adversely impact receiving waterways, including the nearby waters of Eastern Creek. | Require the Applicant to carry out the development in accordance with the updated Landscape Plan. |

| | | |
|-----------------------|--|--|
| Animal Welfare | <ul style="list-style-type: none"> • The proposed modifications to the built form and layout of the aquatic habitat are associated with the detailed design of the building and the specific requirements of different animals. • The Applicant has advised the design modifications were prepared in consultation with DPI (Animal Welfare Unit) and will result in improved animal welfare outcomes. • As described in Section 4, the proposed new outdoor tank will provide a more natural environment for animals. • DPI did not object to the modification application, and noted that under the existing conditions of the development consent, the Applicant must obtain the relevant approvals from DPI prior to the acquisition of any animal. • No amendments to the existing animal welfare conditions of the development consent are required as part of this modification. • The Department's assessment concludes that the proposed modification to the aquatic enclosure are appropriate to ensure high levels of animal welfare are met and maintained. | Managed through the existing conditions of consent for SSD 7228. |
| Visual Impact | <ul style="list-style-type: none"> • The proposed modifications to the aquatic habitat will alter the appearance of the building and may be visible from the south. • The proposal seeks to change the 'bunker' style aquatic habitat building with vegetation on the roof to a lower, above-ground building, clad in recycled timber panels. • The aquatic habitat building will be visible only to visitors in the driveway and car parking area at the entrance of the zoo, due to the landscaping proposed throughout the site. • The aquatic habitat building will have a maximum height of 4.6 m and will be clad in recycled timber, consistent with the height of surrounding buildings on the site and the materials used in the exterior of the restaurant and main entry buildings. • As the height of the aquatic habitat building is consistent with the height of surrounding buildings, the exterior of the building will comprise natural materials and, as views of the building will be partially screened by landscaping, the modifications to the design and built form of the aquatic habitat building will not result in any significant visual impacts. • The Department considers the modified bulk and design of the aquatic habitat will visually integrate with the approved structures in the zoo. | Managed through the existing conditions of consent for SSD 7228 |



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved zoo
- the proposed modifications to the design of the aquatic habitat and the boardwalk will improve animal welfare and visitor amenity
- the proposed administrative changes to the Landscape Plan will ensure consistency with the approved plans for SSD 7228 MOD 1
- the modified aquatic habitat design, with the outdoor tank component, will allow for more natural animal behaviours and consequently improved animal welfare.

The Department is satisfied that the modification should be approved, subject to the implementation of administrative conditions to incorporate SSD 7228 MOD 2.



8. Recommendation

It is recommended the Director, Industry Assessments as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **determines** that the application SSD 7228 MOD 2 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD 7228
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:

 18/9/18

Chloe Dunlop

Senior Planning Officer
Industry Assessments

Recommended by:

 19/9/18

Kane Winwood

Team Leader
Industry Assessments



9. Determination

The recommendation is **Adopted**:

C. Ritchie 20/9/18.

Chris Ritchie

Director, Industry Assessments

as delegate of the Minister for Planning



Appendices

Appendix A – List of Documents

Statement of Environmental Effects and associated documents entitled 'Section 4.55(1A) Modification Application to SSD 7228 Sydney Zoo – Modification 2' prepared by Ethos Urban dated 5 July 2018

Letter from Western Sydney Parklands Trust dated 29 May 2018 providing land owners consent for lodgement of the modification application

Email correspondence from Tammy Kirby, Licensing Assessment Officer at the NSW Department of Primary Industries on 16 August 2018

Email correspondence from Holly Palmer, Senior Project Planner at Blacktown City Council on 2 August 2018

Email correspondence from Joshua French, Director, Parklands Development and Strategy at Western Sydney Parklands Trust on 25 July 2018

Department of Planning and Environment's Assessment Report and Instrument of Modification for Section 4.55 Modification application SSD 7228 MOD 1 for Sydney Zoo

Department of Planning and Environment's Assessment Report and Instrument of Modification for Section 4.55 Modification application SSD 7228 MOD 1 for Sydney Zoo

Planning Assessment Commission Determination Report for Sydney Zoo (SSD 7228)

Development Consent for Sydney Zoo (SSD 7228)

Appendix B – Statement of Environmental Effects/ Environmental Assessment

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9447

Appendix C – Submissions

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9447

Appendix D – Notice of Modification

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Chris Ritchie
Director
Industry Assessments

Sydney 20 SEPTEMBER 2018

File: DOC18/585696

SCHEDULE 1

| | |
|----------------------------------|--|
| Application No: | SSD 7228 |
| Applicant: | Sydney Zoo Pty Ltd |
| Consent Authority: | Minister for Planning |
| Development: | Construction and operation of a zoological facility within the Western Sydney Parklands |
| Date of Original Consent: | 8 September 2017 |
| Modification: | SSD 7228 MOD 2 – including modifications to the: <ul style="list-style-type: none">• realign the boardwalk access path to the aquatic habitat• reconfigure the aquarium building including revisions to the built form and internal layout• administrative changes to the Landscape Plan |

SCHEDULE 2

This consent is modified as follows:

1. Insert the following definition in alphabetical order:

| | |
|-------|---|
| MOD 2 | The development as described in modification application SSD 7228 MOD 2, the supporting documentation submitted with SSD 7228 MOD 2, the conditions of this Consent and Appendix A of this Consent. |
|-------|---|

In Schedule B: Administrative Conditions

2. In Condition B2(c), after the words '(see Appendix B)' delete 'and'.
3. In Condition B2(d) delete the period and replace with '; and'.
4. In Condition B2, after (d), insert '(e) the modification application SSD 7228 MOD 2 and supporting documentation'.

In the Appendices

5. Replace all drawings in Appendix A with the following:

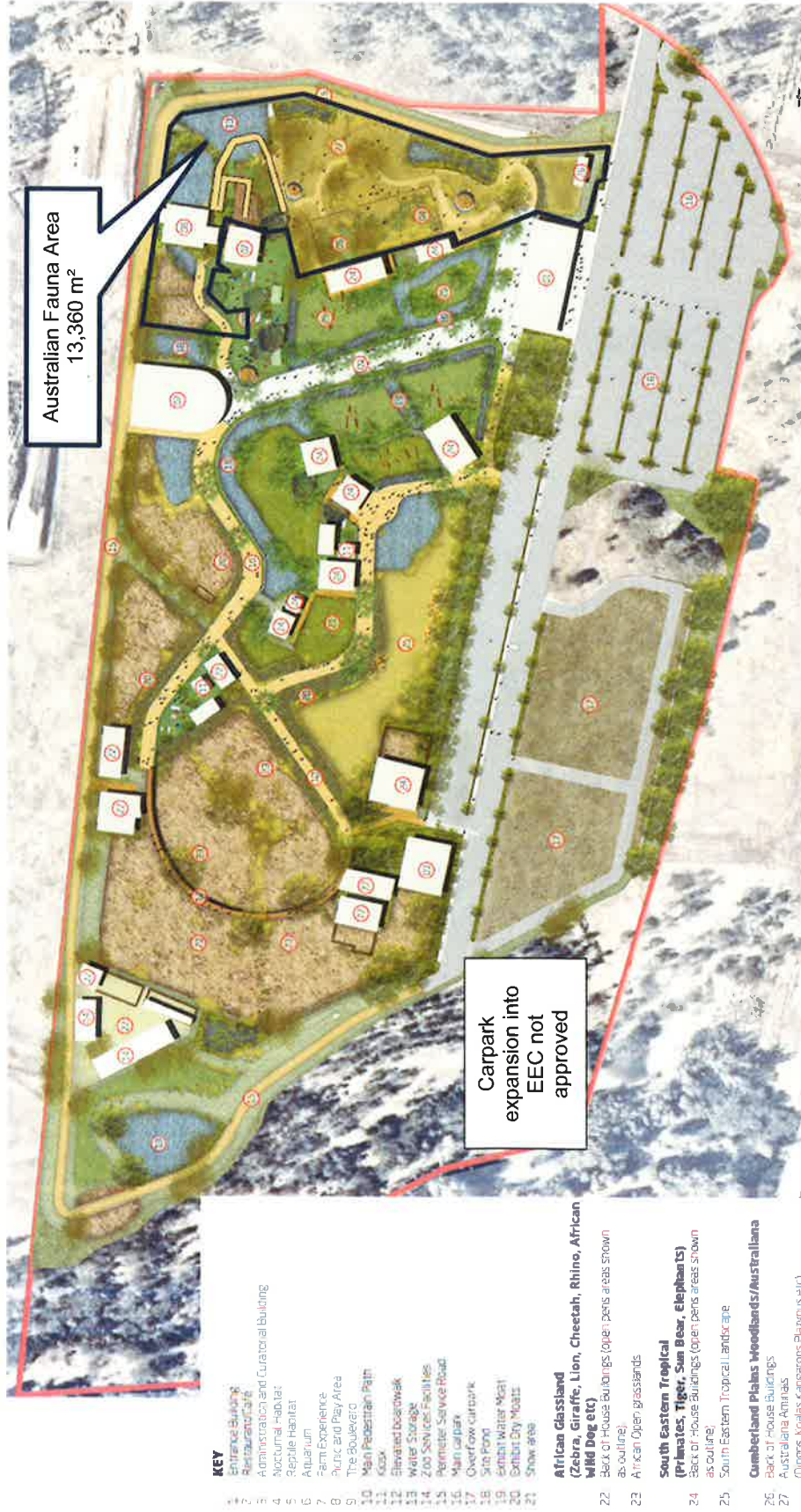


Figure 1: Site Plan