

5 July 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 2**

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 reconfiguration of the aquatic habitat exhibit and its associated boardwalk access path.

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 Landscape Masterplan prepared by Aspect Studios (**Attachment A**); and
- Amended Architectural Drawings prepared by Misho and Associates (**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 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.

This application represents the second 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 a refined design based on operational needs of the zoo. Amended Landscape Drawings and Building Drawings are included at **Attachment A** and **Attachment B**, including new site plan (as it will be proposed under the Section 4.55 Modification Application) and a plan that shows the location of the reconfigured aquatic habitat exhibit overlying the approved site layout plan to illustrate the extent of the changes.

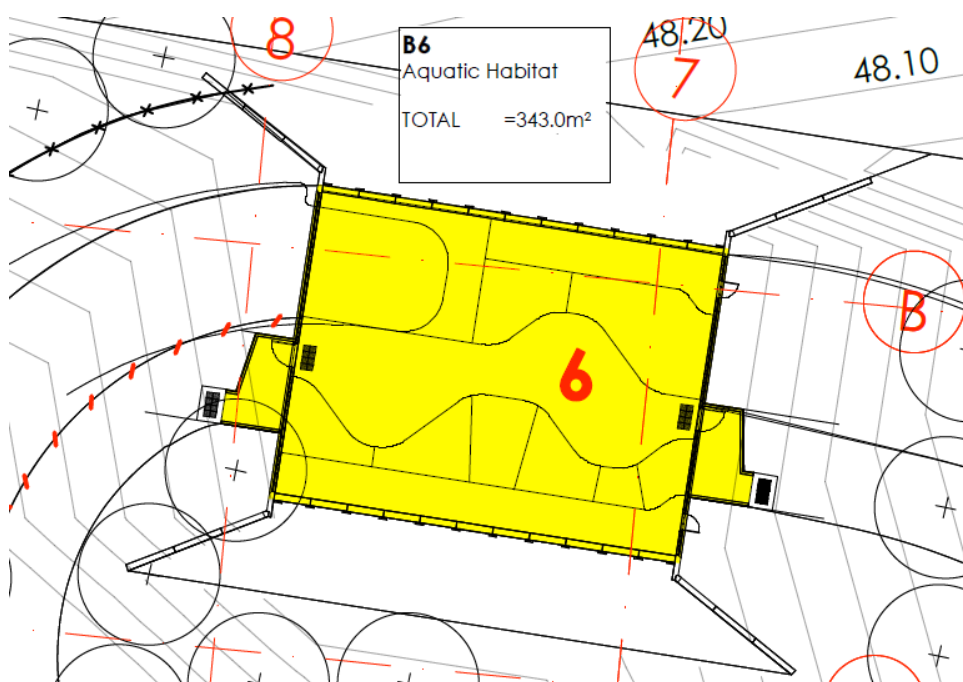
### 2.1 Modifications to the development

The following modifications are proposed to the approved development.

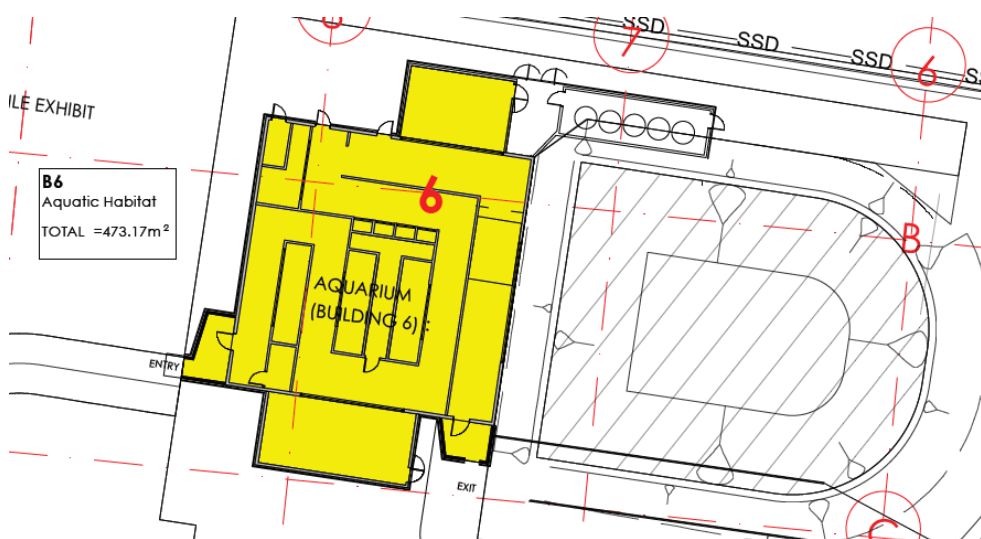
- Reconfiguration of the aquatic habitat including:
  - Reorientation of the built form to a north-south direction and internal layout reconfiguration within the building;
  - Change in the design to a more traditional above-ground building;
  - Increase in floor space to 473m<sup>2</sup>, up from 343m<sup>2</sup>;
  - Inclusion of a tank to create an outdoor component to the aquatic habitat;
- Realignment of the boardwalk access path to the Aquatic Habitat.
- Amendment to the Landscape Plan to ensure it reflects the already assessed and approved back-of-house building arrangements for the African Grasslands. The approved detailed architectural plan provides for a sheltered component to the stalls, which the Landscape Plan inadvertently did not reflect. The Landscape Plan is therefore also proposed to be updated as part of this Modification Application to amend this oversight.
- Amendment to the Landscape Plan to reflect the already assessed and approved stormwater basin for the north-eastern corner. Modification No. 1 included a suite of minor design refinements to the stormwater management system across the site which were not fully reflected in the approved Landscape Plan. The Landscape Plan is therefore also proposed to be updated as part of this Modification Application to amend this inconsistency.

The proposed design refinements have been proposed based on consultation with Department of Primary Industries (Exhibited Animals) in relation to optimising animal welfare outcomes and ensuring an exciting visitor experience. In particular, the following benefits will be achieved by the revised design of the aquatic habitat:

- The external habitat provides a natural photoperiod and seasonal variation for the animals.
- The outdoor design allows natural aquatic and riparian vegetation to grow in and around the habitat.
- The habitat has a much deeper pool allowing more natural behaviours for the animals.
- The external habitat will allow natural colonisation and establishment of wild populations of aquatic larvae of insects and other invertebrates, which will allow natural foraging behaviours for the fish within the habitat.



**Figure 1** Approved Aquatic Exhibit



**Figure 2** Proposed Aquatic Exhibit

## 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**.

**MOD2 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.**

*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); ~~and~~*
- (d) The modification application SSD 7228 MOD 1 and supporting documentation~~;~~; **and***
- (e) **The modification application SSD 7228 MOD 2 and supporting documentation.***

## 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 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 exhibit spaces associated with the display of native animals, pursuant to the 1.6ha maximum display allowed 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 to 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 only affects one exhibit space. The change to the aquatic habitat exhibit 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:

- 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 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 built form of the modified aquatic habitat generally retains the key parameters of the approved building envelope. As demonstrated in the Landscape Plans at **Appendix A**, the changes comprise minor reconfiguration and orientation changes, which do not substantially alter a general arrangement or location of the approved development. The proposed building is still generally rectangular in shape per the approved plan, with the proposed building approximately 4.6m in height, lower than the approved building which had a maximum height of approximately 5.2m, meaning that the overall bulk and scale of the exhibit will not substantially change.

Whilst the general bulk, scale and arrangement of the proposed building is largely consistent with the approval, the architectural style has been altered in a way that would change the appearance of the building. The building was originally approved as a bunker style building with vegetation planting placed over the roof, similar to the nocturnal and reptile habitat building. As part of this Modification Application, the proposed aquatic habitat building will be of a more traditional construction comprising a structural steel frame and cross laminated timber panels to be clad with recycled timber, similar in architectural style to the style of the main entry and restaurant buildings.

The new tank proposed to the east of the building will be used to exhibit a variety of aquatic specimen through an underwater viewing window. It will be surrounded by embankments and vegetation, to ensure it blends into the landscape, with a water depth of approximately 4m. Fencing will be used to remove and reduce the risk of intrusion by guests in accordance with Department of Primary Industries (Exhibited Animals) requirements. Access to the tank will only be available to curators and zoo staff.

The boardwalk access path is now proposed to deck over the stormwater basin, and is proposed to be similar in style to boardwalk proposed at the western end of the zoo.

Overall, the proposed modifications are considered to achieve better animal welfare, handling and management outcomes as well as a more exciting visitor experience, whilst also maintaining the architectural styles already established for the site.

## 4.3 Accessibility

As the proposed modification to the Aquatic Habitat are relatively minor in nature, no substantive changes have been made to the general arrangement of the Zoo.

The main change relating to the re-orientation of the aquatic habitat building and tank is the realignment of the boardwalk access path from the Australian exhibit to the southeast of the aquatic habitat building. The boardwalk allows for visitors to pass over the stormwater basin in the north-east corner, and also provides direct access to the adjacent Farm Experience exhibit.

The modifications proposed will continue to provide a permeable network for pedestrians and will ensure the aquatic habitat exhibit will continue to be fully accessible to all members of the public.

## 4.4 Landscaping

A Landscape Masterplan prepared by Aspect Studios was submitted with the original DA. The Landscape Masterplan addressed the areas of biological importance and the inclusion of a Planting Strategy to ensure a contiguous connection with the wider Western Sydney Parklands area. As the proposed modifications to the development are internal and generally relate to minor reconfiguration of the approved aquatic habitat 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 Back-of-House buildings in accordance with the approved Planting Strategy.

## **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.

Whilst the proposed modifications are internal to the site, the building will alter in its appearance, and this may be visible from parts of the Bungarribee Precinct. However, the building is proposed to be similar in architectural style to the style of the main entry and restaurant buildings, which are similarly visible from parts of the public domain, reflecting a consistency in the architectural style across the site. Further, due to the extensive tree planting program being implemented within the Bungarribee Precinct, the visibility of the proposed building will be generally limited to the driveway and car parking areas within the park.

As such, the minor changes to the aquatic habitat building 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 Water Management**

No changes to the stormwater management system are proposed. Modification No.1 of the consent included design refinements to the stormwater management system, including the size and orientation of the stormwater basin located in the north-eastern part of the site, as well as providing for the revised design of the aquatic habitat building that removes the vegetated roof. The Landscape Plan and aquatic habitat building plans are now proposed to be amended to reflect this design refinement of the stormwater system.

The aquatic habitat tank will not form part of the stormwater management system of the zoo and will be managed separately due to the water quality requirements of the animal specimens. The wastewater from the tank will be treated as required to comply with discharge requirements of Sydney Water, and discharged to sewer via a Trade Waste Agreement. As specified in Condition B18 of the consent, and set out in Sydney Water's submission on the EIS, the details of the Trade Waste Agreement will be finalised prior to operation of the development, as part of the Section 73 Compliance Certificate process with Sydney Water.

## **4.7 Site Suitability**

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

## **4.8 Social and Economic Impacts**

The proposed development will continue to have positive socio-economic impacts 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.

## **4.9 Issues Raised in Submissions**

During the exhibition of the EIS, and assessment of SSD 7228, no submissions were made in relation to the orientation, arrangement, layout, design or function of the aquatic habitat. Therefore, none of the issues raised in submissions are relevant to this modification application.

## **4.10 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 based on consultation with Department of Primary Industries (Exhibited Animals), 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 reorientation and design refinement of the aquatic habitat, including a new tank for an outdoor component of the aquatic habitat, and realignment to the boardwalk access path. 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 SSD7228 application. The minor changes to the aquatic habitat 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:

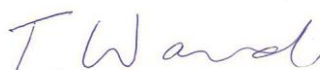
- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

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

Yours sincerely,



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