

ASSESSMENT REPORT

Section 4.55 Modification Sydney Zoo (SSD 7228 MOD 1)

1. INTRODUCTION

This report assesses a modification application to modify the State significant development consent (SSD 7228) for the construction and operation of a zoological facility 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 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks to:

- reduce the size of the administration/curatorial building
- relocate and increase the floor space of the nocturnal pavilion and the reptile and insect pavilion
- relocate and amend the floor space associated with back of house animal enclosures
- amend the orientation of amenity blocks and kiosks
- increase the floor space of the service buildings
- amend the stormwater management system.

2. 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**).

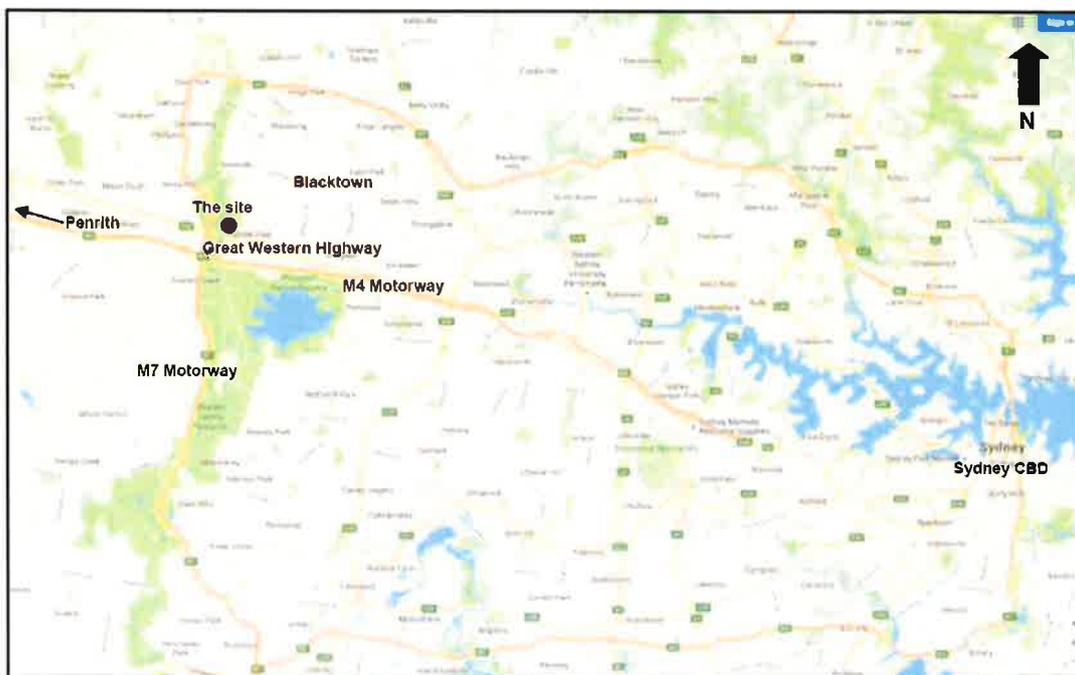


Figure 1: Site Location

The site is located within the Bungarrabee 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 Sydney Zoo and to improve animal welfare, handling and management following further consultation with the Department of Primary Industries (Animal Welfare Unit).

Animal welfare was a key consideration in the Department's assessment of the original development application for the zoological facility (SSD 7228). Sydney Zoo is required under the conditions of the development consent to ensure compliance with the *Exhibited Animals Protection Act 1986* (EAPA), the

Exhibited Animal Protection Regulation 2010 (the EAP Regulation), the Biosecurity Act 2015 and National Zoo Biosecurity Manual, 2011. Under the EAPA and the EAP Regulation sit a number of highly prescriptive Animal Welfare Standards and Guidelines. These outline specific requirements in regard to provision of welfare for each species including psychological and physical animal welfare, public safety and new or existing displays such as minimum area requirements for animal habitats. Sydney Zoo has obtained conditional approval for the construction of the establishment and the associated enclosures.

3. APPROVAL HISTORY

On 8 September 2017, development consent was granted by the former Planning Assessment Commission for the construction and operation of a zoological facility (Sydney Zoo) within the Western Sydney Parklands (SSD 7228). The approved zoological facility 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 zoological facility)
 - Lot 10
- site preparation works including bulk earthworks
- construction of a new zoological facility 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 the Sydney Zoo commenced.

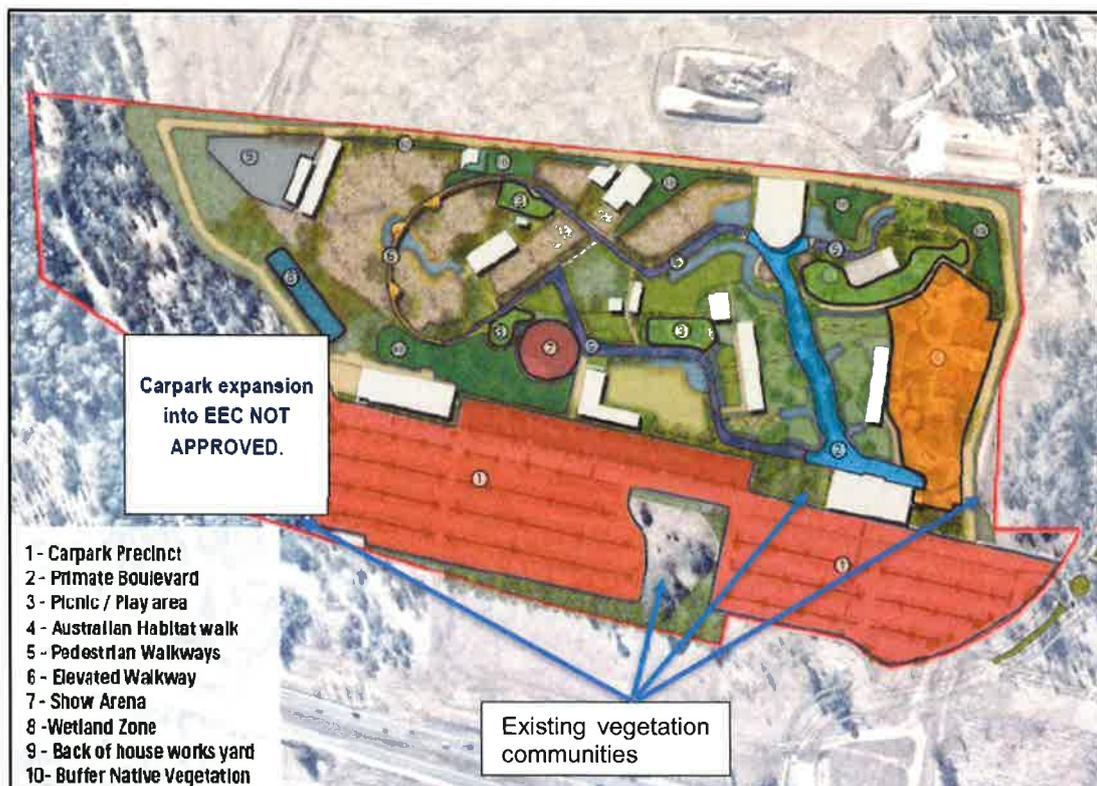


Figure 3: Approved Site Layout under SSD 7228

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 4.55 of the EP&A Act to modify the buildings within the zoological facility and the design of stormwater infrastructure. The key modifications include the following:

- a reduction in the size of the administration/curatorial building
- relocation and increase in the floor space of the nocturnal pavilion and the reptile and insect pavilion
- relocation and amendment to the floor space associated with back of house animal enclosures
- amendment to the orientation of amenity blocks and kiosks
- amendment to the stormwater management system.

The proposed modifications are a result of detailed design of the zoological facility and are required to suit the operation and functioning of the back of house buildings. The proposed modifications have been developed in consultation with the Department of Primary Industries Animal Welfare Unit, the EAPA and the EAP Regulation and with consideration of the requirements of the species to be housed in each enclosure. For instance, the shelter heights will differ depending on the specific requirements for animals such as giraffes and shelters will comprise heavy-duty construction materials for animals such as elephants and hippopotamus.

The materials and finishes of each back of house building are not proposed to be modified as part of this application.

The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B** and is illustrated in **Figure 4** and **Figure 5**.

Table 1: Summary of Proposed Modifications

Building and reference number	Proposed Change/s
Entry Pavilion (1)	<ul style="list-style-type: none"> • Relocation and increase in the roofed area by 46 m².
Restaurant (2)	<ul style="list-style-type: none"> • Amendments to the waste servicing area. • Increase in the floor area by 28 m².
Administration and Curatorial Building (3)	<ul style="list-style-type: none"> • Reduction in the size of the floor area by 515 m² associated with the relocation of the food preparation area.
Nocturnal, Reptile and Insect Habitat (4)(5)	<ul style="list-style-type: none"> • Relocation of the building and increase in the roofed area by 295 m².
Aquarium (6)	<ul style="list-style-type: none"> • No changes to the Aquarium building are proposed.
Farm experience - Back of house (7)	<ul style="list-style-type: none"> • Relocation of the building and increase in the roofed area by 182 m².
Kiosk - Amenities (11)	<ul style="list-style-type: none"> • Relocation of the building to facilitate improved access to the building.
Water storage (13)	<ul style="list-style-type: none"> • Relocate and increase the size of the retention basin in the north-western corner of the site (see Figure 5).
Service Buildings (14)	<ul style="list-style-type: none"> • Increase in the roofed area by 519 m² to accommodate the relocation of the food preparation and store area and to provide for additional service sheds.
Show Area (21)	<ul style="list-style-type: none"> • Amphitheatre replaced with smaller show area and relocated to provide additional space for elephants.
Lions/Cheetah/Hyena – Back of house (22)	<ul style="list-style-type: none"> • Buildings relocated and separated to provide improved species management and welfare and improved access to the service road.
African Wild Dogs – Back of house (22)	<ul style="list-style-type: none"> • Relocation and increase in roofed area by 28 m².
Water Buffalo – Back of house (22)	<ul style="list-style-type: none"> • Remove building.
Giraffe – Back of house (22)	<ul style="list-style-type: none"> • Increase in roofed area by 196 m².
Zebras – Back of house (22)	<ul style="list-style-type: none"> • Relocation and reduction in roofed area by 308 m².
Rhino – Back of house (22)	<ul style="list-style-type: none"> • Relocation and increase in roofed area by 223 m².
Sun Bears – Back of house (24)	<ul style="list-style-type: none"> • Increase in the roofed areas by 13.5 m².
Elephants – Back of house (24)	<ul style="list-style-type: none"> • Relocation and removal of the amphitheatre. • 'L' shaped building removed from the proposal. • Increase in roofed area by 528 m².
South East Asian Tropical – Back of house (24)	<ul style="list-style-type: none"> • Relocation of back of house area. • Animals housed in smaller buildings adjacent to their respective enclosures.
Dingo – Back of house (26)	<ul style="list-style-type: none"> • Increase in roofed area by 36.1 m². • Relocation of back of house area within the enclosure.

Building and reference number	Proposed Change/s
Stormwater and Drainage	<ul style="list-style-type: none"> • The approved four sub-catchment areas where stormwater will be captured, treated and redirected to stormwater harvesting storage area will be maintained. • Partial replacement of the pit and pipe network with overland swales. • Relocate and increase the area of the storage basin in the north-western corner of the site. • Reduce the size of the holding basin adjacent to the restaurant.

5. STATUTORY CONTEXT

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 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.

5.2 Section 4.55 (1A)

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 of a scale that warrants the use of section 4.55 of the EP&A Act
- 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 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 of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development for modifications involving minimal environmental impact (section 4.55 (1A)). Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 2 February 2018, and was referred to Blacktown City Council (Council), Department of Primary Industries (DPI) (Office of Water and the Animal Welfare Unit), Office of Environment and Heritage (OEH), NSW Environment Protection Authority (EPA) and the Western Sydney Parklands Trust (WSPT) for comment.

Council did not provide a submission.

EPA did not object to the modification and considered that, as the proposed modification involves minor changes to water management, it is unlikely to materially impact on waterway outcomes.

DPI (Animal Welfare Unit) did not object to the modification however recommended a condition of consent which requires the Applicant to apply to DPI to amend approvals required under the *Exhibited Animals Protection Act 1986*.

DPI (Office of Water) did not object to the modification and was satisfied the existing conditions of consent adequately addressed any matters of interest.

OEH did not object to the modification and concluded the proposal does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues.

WSPT did not make a submission.



Figure 4: Proposed amendments to the approved site layout



Figure 5: Proposed site layout

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the SEE provided to support the proposed modification (see **Appendix B**)
- the 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 2**.

Table 2: Assessment of Other Issues

Issue	Assessment	Recommendation
Stormwater and Drainage	<ul style="list-style-type: none"> • The construction and operation of the zoological facility has the potential to alter stormwater flows at the site as well as the quality of runoff, particularly due to composting on site and the reuse of stormwater. • The stormwater and drainage design on the site is proposed to be revised taking into account the proposed revised site layout, the proposed building design amendments and refinements to the landscaping design. The proposed stormwater strategy will reflect the revised site layout and improve the operational performance of the stormwater management system. • Revised Stormwater Plans and advice regarding the proposed changes to the stormwater strategy prepared by Northrop Consulting Engineers was submitted with the modification application. • The proposed modifications include the partial replacement of the pit and pipe network with overland swales and the relocation and increase in the area of the north-western storage basin and reduction in the smaller holding basin adjacent to the restaurant (from 840 m³ to 500 m³). • No changes are proposed to the stormwater management measures during construction of the facility. • The proposed 40% increase in the volume of the storage basin is sought to achieve Council's 80% reuse target outlined in the Blacktown Development Control Plan 2015. • Overall, the onsite storage capacity required for the approved two western catchments will increase by 190 m³ and will allow the 1,790 m³ storage basin in the north-western corner of the site to act as the primary non-potable water storage for the site (see Figure 5). • The modelling submitted with the revised SMP concluded the proposed amended stormwater treatment devices could effectively reduce the pollutants beyond the pollutant reduction requirements of Council. • EPA and DPI (Industry, Lands and Water) did not object or raise concern regarding the proposed modifications to the stormwater design. • Given the proposal involves minor changes to water management, the EPA considered it is unlikely it will have a measurable impact on the background water quality of the receiving waterway (Eastern Creek) compared to the original stormwater strategy. • The Department agrees with the EPA's submission and notes the effectiveness of the stormwater management system will be monitored through the frequent sampling and monitoring system required under the conditions of the development consent and the approved Water Quality Monitoring Program (WQMP). • Under the approved WQMP, sampling by the Applicant must continue until results indicate discharges from the site will have a negligible impact upon receiving waters which will be confirmed by the EPA. The WQMP also outlines remedial action/s that will be undertaken in the event satisfactory treatment performance is not achieved. • The Department's assessment concludes the proposed revision to the stormwater management plan will not have a significant impact on stormwater quality or quantity. Any un-anticipated issues will be 	Managed through the existing conditions of consent for SSD 7228.

Issue	Assessment	Recommendation
Built Form and Animal Welfare	<p>identified and managed prior to impacting receiving waters with the implementation of the WQMP.</p> <ul style="list-style-type: none"> • The proposed modifications to the built form of buildings comprise minor reconfiguration and locational changes resulting from the detailed design of the zoological facility and the specific requirements of different animals. • The modification application does not seek to alter the approved materials and finishes of back of house buildings. • The Applicant has advised the design modifications were prepared in consultation with DPI (Animal Welfare Unit) and are required to ensure the facility complies with relevant Acts and Regulations prior to the acquisition of any animal. • This was a condition of the original development consent for the zoological facility. • DPI did not object to the modification application however recommended a condition which requires the Applicant to seek amended approvals under the EAPA. • The Department considers the existing conditions of the development consent ensure any relevant approvals are obtained by the Applicant. This will include an Application for Approval to 'Construct or Alter an Animal Display Enclosure or Facility' which will require further details of the specific design of each enclosure. • No amendments to the existing conditions of the SSD 7228 development consent are required as part of this modification. • The Department concludes the existing conditions of the development consent ensure exceptional standards for animal welfare are met and maintained. 	Managed through the existing conditions of consent for SSD 7228.
Area of Australiana exhibit	<ul style="list-style-type: none"> • The proposed modifications to the position of the Nocturnal, Reptile and Insect Pavilions will revise the layout of the Australiana walk-through exhibit space. The proposed area of the Australian walk-through space will be approximately 0.7 ha which is 500 m² less than the area shown in the approved plans for SSD 7228. • However, the Australiana zone encompasses other native animal exhibit spaces which are not part of the walk-through exhibit. • Condition B6 of the development consent of SSD 7228 requires that the display of Australian animals comprises less than 1.6 ha of the overall exhibited animal collection. • The total area of the Australiana zone which features Australian animals is proposed to be 1.3 ha in size which is below the 1.6 ha limit required in condition B6 of the development consent for SSD 7228. • The Department considers the proposal will remain compliant with the existing restrictions to the display area of Australian native animals and concludes the proposed modification will meet the existing Condition B6 of the development consent of SSD 7228. 	Managed through the existing conditions of consent for SSD 7228.

8. CONCLUSION

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

- the proposed modification will result in minimal environmental impacts beyond the approved zoological facility
- the proposed modifications to the layout of buildings will facilitate improved integration of back of house areas with exhibition spaces which will in turn improve animal welfare and visitor amenity
- the modified back of house facilities will facilitate greater segregation of certain species which will improve animal welfare.

The Department is satisfied that the modification should be approved, subject to conditions.

9. RECOMMENDATION

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

- consider the findings and recommendations of this report
- determine the modification application SSD 7228 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- modify the consent SSD 7228
- sign the attached instrument of modification (**Appendix A**).

Recommended by:



Chloe Dunlop
Senior Planner, Industry Assessments

DECISION

The recommendation is approved by:



Sally Munk
A/Director, Industry Assessments
as delegate of the Minister for Planning

APPENDIX A – INSTRUMENT OF MODIFICATION

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9037

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9037

APPENDIX C – SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9037