

# Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie  
**Director**  
**Industry Assessments**

Sydney

28 June 2021

## SCHEDULE 1

### Development Consent

**Development Consent:** **SSD-7228** granted by the then Planning Assessment Commission on 8 September 2017

**For the following:** Construction and operation of a zoological facility within the Western Sydney Parklands

### Modification 7

**Modification Application:** SSD-7228-Mod-7

Modification to:

- extend the approved general hours of operation of the zoo;
- remove the limitation on the number of temporary and community events permitted at the site each calendar year; and
- allow use of the site for corporate functions and function style events.

**Applicant:** Sydney Zoo Pty Ltd

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** Lot 11 in Lot 101 Deposited Plan 1195067

## SCHEDULE 2

This consent is modified as follows:

1. Insert the following definitions in alphabetical order:

Function centre	Function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility
Low impact concert	A concert that uses amplified loudspeakers that do not exceed a sound pressure level of 83 dB(A) when measured at a distance setback of 20 metres from the speakers
MOD 7	The development as described in the modification application SSD 7228 MOD 7, the supporting documentation submitted with SSD 7228 MOD 7 and the conditions of this consent

Temporary and community events	Any event held on the site that is not associated with the normal operation of a zoological facility or the ancillary function centre use of the site with daily patronage of greater than 2,000 persons and no more than 8,000 persons
Twilight concert event	A temporary event held on the site between the hours of 6pm and 11pm employing amplified speakers in the Show Area shown in Appendix A

**In Schedule B: Administrative Conditions**

2. In Condition B2(g), after the words ‘supporting documentation’ delete the words ‘; and’
3. In Condition B2(h), immediately after the words ‘supporting documentation;’ insert the word ‘and’.
4. In Condition B2, immediately after clause (h), insert new clause (i), as follows:  
(i) the modification application SSD 7228 MOD 7 and supporting documentation.
5. Delete Condition B10 and replace with the following:

B10. The hours of operation for the Development are restricted, on any day, to the hours specified in Table 1 below:

*Table 1: Hours of Operation*

Activity Description	Hours of Operation
Public opening hours	9am – 11pm
Maintenance activities conducted by staff of the Development including cleaning, animal curation, feeding and general maintenance activities	5:30am – 11pm
Emergency activities (including animal medical events)	24 hours, 7 days a week
Use of the site as a function centre	7am – 11pm
Temporary and community events	7am – 11pm
Delivery of goods, waste collection and specimen related services including animal and food delivery	7am – 11pm
Private zoo experiences / small group tours	7:30am – 11pm

*Note: The operational noise limits specified in Condition C32 apply to all activities*

6. In Condition B10A, immediately after the words ‘eight events per calendar year’, insert the following words:  
‘, until such time the Planning Secretary is satisfied that the requirements of Conditions C5D and C32C have been met’
7. Insert new conditions B10D, B10E, B10F and B10G immediately after Condition B10C, as follows:
  - B10D. The use of the site as a function centre for the holding of corporate events and function style events between the hours of 6pm and 11pm is limited to a maximum total patronage of 350 persons.
  - B10E. The maximum number of visitors permitted on site between the hours of 6pm and 11pm is limited to a maximum total of 3,850 visitors, unless otherwise agreed by the Planning Secretary.
  - B10F. Events that are not permitted to occur on site include:
    - (a) Fireworks;
    - (b) Loud concerts (that is, not a ‘low impact’ concert);
    - (c) Events past 11pm on any given day (including the use of amplified loudspeakers); and
    - (d) Events that will exceed the noise limits specified in Conditions C32 and C32A.
  - B10G. This consent does not approve the erection of temporary structures and signages associated with the carrying out of any activities on the site

8. Insert new conditions B15A immediately after Condition B15 as follows:

B15A. The Applicant must ensure that all licences, permits and approval/consents are obtained for the carrying out of temporary and community events on the site as required by law and maintained as required throughout the life of the Development

### **In Schedule C: Environmental Performance and Management**

9. Re-number existing Condition 'C5B' to Condition 'C5C' and Insert new condition C5B immediately after Condition C5A, as follows:

C5B. The Applicant must update the Operational Traffic Management Plan for the Development prior to the commencement of any activities approved under MOD 7 to the consent. The updated plan must:

- a) be prepared by suitably qualified and experienced person;
- b) be prepared to the satisfaction of the Planning Secretary; and
- c) include details of specific management measures for parking, traffic and transport to facilitate the undertaking of temporary and community events and use of the site as a function centre.

10. Insert new condition C5D immediately after the re-numbered Condition C5C, as follows:

C5D. Within three months of the conclusion of the Sydney Zoo Light Festival 2021 event held at the site in July and August 2021 or an equivalent temporary and community event agreed to by the Planning Secretary, the Applicant must prepare and submit a Traffic Verification Report. The Report must:

- a) be prepared by a suitably qualified traffic consultant to the satisfaction of the Planning Secretary;
- b) quantify the mode share for any event being held between the hours of 4 pm and 11 pm;
- c) verify the total traffic impacts of all activities commencing, or being undertaken, during the hours of 4 pm and 11 pm throughout the duration of the Sydney Zoo Light Festival 2021 event (or equivalent approved event) on the capacity, efficiency and safety of the road network using SIDRA or similar traffic modelling; and
- d) provide details of any management of mitigation measures required, including any upgrades or changes in services required for the Development, and a timetable for the implementation of any required actions.

11. In Condition C20, delete the words '– Animal Welfare Unit'.

12. In Condition C32, delete the word 'Night' in Table 3 and replace with the words 'Night (after midnight)'.

13. In Condition C32, insert the words 'Place of residence at' immediately before the words 'R1 (Great Western Highway)' in the third row of Table 3.

14. In Condition C32, insert a new column to the right of the third column, insert the words '10 pm to 12 midnight L<sub>Aeq(15 minute)</sub>' in the first row, insert the value '47' in the second row, insert the value '50' in the third row, and insert the words 'N/A' in the fourth row.

15. Re-number existing Condition 'C32A' to Condition 'C32B' and insert new condition C32A immediately after Condition C32, as follows:

C32A. The Applicant shall ensure that the LA<sub>10(15minute)</sub> noise generated from the use of the site as a function centre or by any temporary and community event held on site does not exceed the background noise level in any octave band centre frequency (31.5Hz–8kHz inclusive) by more than 5 dB between 7 am and 12 midnight at the boundary of any affected residence.

16. Insert new conditions C32C and C32D immediately after Condition C32B, as follows:

C32C. A Noise Verification Report must be submitted to the satisfaction of the Planning Secretary at the following stages of the Development:

- a) within three months of the conclusion of the Sydney Zoo Light Festival 2021 event in July and August 2021 held at the site or an equivalent temporary and community event agreed to by the Planning Secretary; and
- b) within three months of the conclusion of the first twilight concert event held at the site.

C32D. The Noise Verification Report required by Condition C32C must:

- a) be prepared by a suitably qualified acoustic consultant, with qualifications and experience consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants or the Australia Acoustical Society;
- b) be prepared in consultation with Council;
- c) include an analysis of compliance with the noise limits specified in Condition C32 and Condition C32A for any event held on site;
- d) include an outline of management actions to be taken to address any exceedances of the limits specified in Condition C32 and Condition C32A and a timetable for the implementation of any required actions; and
- e) describe contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.