



Sydney Zoo

*State Significant
Development
Modification Assessment
(SSD 7228 MOD 3)*



July 2019

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Cover photo

Zoo Perspective (Aspect Studios) *Sydney Zoo EIS 2015* (JBA, December 2015)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning, Industry 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>
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
WSP	Western Sydney Parklands
WSP SEPP	<i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i>
WSPT	Western Sydney Parklands Trust



Executive Summary

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a modification to a State significant development application (SSD 7228 MOD 3) for the construction and operation of the Sydney Zoo in Bungaribee. Sydney Zoo Pty Ltd (the Applicant) proposes to make amendments to the conditions of consent to clarify the public opening hours and to extend the hours of operation to provide greater flexibility for other activities to be undertaken outside of the public opening hours.

The 16.5 hectare site is located on the Great Western Highway approximately 33 kilometres west of the Sydney Central Business District within the Bungaribee Precinct of the Western Sydney Parklands (WSP), in the Blacktown local government area (LGA). 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. The closest residential receiver is approximately 275 metres to the south on the opposite side of the Great Western Highway.

The WSP is managed by the Western Sydney Parklands Trust (WSPT) and is subject to the zoning provisions outlined in State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP). All land in the WSP is unzoned and all land uses are permissible with development consent with the exception of residential accommodation.

On 8 September 2017 the former Planning Assessment Commission (the former Commission) granted development consent for the construction and operation of Sydney Zoo. The approved zoo comprises animal exhibits and associated infrastructure. Construction of the zoo commenced in December 2017 and is ongoing.

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the modification application under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). However, under the Minister's delegation dated 28 September 2011, the Independent Planning Commission (the Commission) may determine the application under delegation.

Current Proposal

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to clarify the zoo's public opening hours and to allow the following activities associated with the operation of the zoo to be undertaken outside of the public opening hours:

- maintenance and emergency activities
- delivery of goods, waste collection and food delivery
- temporary and community events
- private zoo experiences and small group tours.

The consent currently only specifies the 'hours of operation' for the zoo rather than differentiating between 'public opening hours' and operating hours for other activities associated with the general operation of the zoo. The modification proposes to modify the conditions to ensure all operating activities have specified time periods within which each activity may be carried out.

The modification also seeks consent for private zoo experiences and small group tours to be carried out at the site between 7:30 am and 9:00 am for up to 600 visitors on each day.

Statutory Context

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impact and relates to substantially the same development as the original development consent. 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 (DA).

Engagement

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. However, due to the potential environmental and amenity impacts, the Department notified the modification application from 18 January 2019 to 7 February 2019 to Blacktown City Council (Council) and previous submitters. The application was also made publicly available on the Department's website.

A total of two submissions were received including one from Council and one from the public (Elanor Investors Group). Both Council and the public submission objected to the proposed modification.

Key concerns raised related to insufficient information regarding the proposed additional out-of-hours activities and the associated environmental impacts, potential socio-economic impacts (in particular impacts on the existing nearby Featherdale Wildlife Park) and the type of modification assessment. The Applicant submitted a Response to Submissions report to address and clarify matters raised in the submissions. Further information relating to socio-economic impacts, the scale and traffic impacts of the private zoo experiences / small group tours was subsequently submitted in response to a further request for information from the Department.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment as socio-economic impacts, the type of modification assessment and traffic impacts.

Socio-Economic Impacts

The proposed modification is unlikely to have any adverse social or economic impacts in the locality. The Department agrees with the Applicant that the proposed out-of-hours activities reflect Sydney Zoo's response to a requirement of the existing conditions of consent (Condition C9) to encourage and enhance regional tourism in conjunction with the Development and do not affect the differentiation requirements (Conditions B6 to B9) on the consent. Permitting the extended operating hours will allow Sydney Zoo to cater for a range of community events consistent with those offered by other recreational facilities across the Greater Sydney Region, providing an overall positive social impact and contributing to the social benefits of Sydney Zoo.

The Department has recommended the scale of private zoo experiences and small group tours between the hours of 7:30 am and 9 am be limited to 300 visitors to ensure the scale of these out-of-hours activities is not significantly greater than similar out-of-hours offerings at other zoos in the Greater Sydney Region.

Type of Modification Assessment

Sufficient information has been provided on the proposed private zoo experiences / small group tours and temporary and community events to determine the new activities can be considered to have minimal environmental impact. The proposed extension of hours to allow for these activities is unlikely to have any adverse environmental, social or economic impacts subject to compliance with the existing and recommended modified conditions of consent. The Department's assessment concludes the modification has been correctly lodged under section 4.55(1A) of the EP&A Act as a modification involving minimal environmental impact.

Traffic

The traffic impacts of the proposed modification are predicted to be minimal due to the proximity of the Great Western Highway and the implementation of the existing and recommended modifications to the consent. A limit on total visitor numbers to a maximum of 300 visitors for any private zoo experiences or small group tours commencing during the period between 7:30 am and 9 am will ensure the new activities will be unlikely to result in any additional off-site traffic impacts. The Department has recommended the Applicant be required to prepare a traffic verification report to verify traffic impacts. Any on-site traffic impacts can be managed through an update to the approved Operational Traffic Management Plan.

Summary

The impacts of the proposed modification can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the existing and recommended modified conditions of consent. The Department concludes the proposed modification is in the public interest and the application is approvable, subject to conditions. This assessment report is hereby presented to the Commission for determination.



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1. Introduction

This report provides an assessment of an application seeking to modify the State significant development (SSD) consent for the construction and operation of the Sydney Zoo in Bungarribee. 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 approval to make amendments to the conditions of the consent to clarify the public opening hours and to extend the hours of operation to provide greater flexibility for other activities (including maintenance, temporary community events, private zoo experiences / small group tours and emergency activities) to be undertaken outside of the general public opening hours.

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 28 September 2011, the Independent Planning Commission (the Commission) may determine the application under delegation as the Minister has delegated his functions under the EP&A Act related to the determination of SSD modification applications to the Commission.

1.1 Background

The site is located approximately 33 kilometres (km) west of the Sydney Central Business District (CBD) 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**).

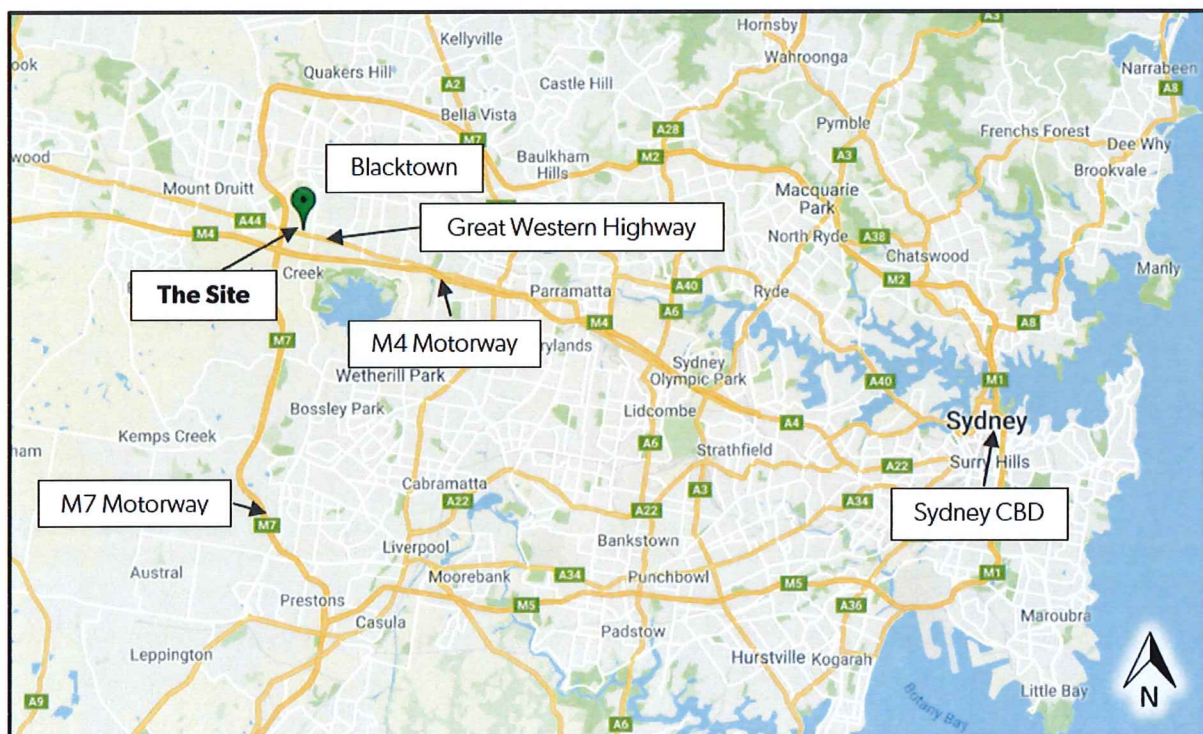


Figure 1 | Site Location

The site is located within the Bungarribee Precinct of the Western Sydney Parklands (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 WSP into a multi-use urban parkland, allowing for a range of recreational, entertainment and tourist facilities. The site is subject to the zoning provisions outlined in WSP SEPP. All land in the WSP is unzoned and all

land uses are permissible with development consent with the exception of residential accommodation.

The site is predominantly cleared of vegetation with small areas of Cumberland Plain Woodland and River Flat Eucalypt Forest. Construction of the zoo commenced in December 2017 and is ongoing (refer **Figure 2**).



Figure 2 | Site Context

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. 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 (refer **Figure 2**).

The Applicant has advised the modification is necessary to clarify the intended operational activities of the zoo and to allow for certain activities necessary for the operation of the zoo to occur outside the general public opening hours.

1.2 Approval History

Development Consent for SSD 7228

On 8 September 2017, development consent was granted by the former Planning Assessment Commission (the former Commission) for the construction and operation of a zoo (Sydney Zoo) within the WSP (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 (current Lot 101 in DP 1195067) into:
 - Lot 11 containing the proposed zoo development (16.505ha)
 - Lot 10 containing the remainder of current Lot 101 (188.9ha) (residual lot)
- 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.

Modifications to SSD 7228

The development consent has been modified on three occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amendments to the location and design of buildings on the site and the design of the stormwater management system	Department	4.55(1A)	8 May 2018
MOD 2	Amendments to the boardwalk access path to the aquatic habitat and the layout and built form of the aquarium building	Department	4.55(1A)	20 September 2018
MOD 4	Addition of two sheds at the rear of the Nocturnal and Reptile Building and Primate Back-of-House spaces	Department	4.55(1A)	4 July 2019

- KEY**
1. Entrance building
 2. Nocturnal Animals
 3. Reptile Enclosure
 4. Aquarium
 5. Petting Zoo
 6. Picnic and Play Area
 7. The Boulevard
 8. Main pedestrian path
 9. Lunching with the Lions
 10. Kiosk
 11. Elevated Boardwalk
 12. Water Storage Basin
 13. Administration and Curatorial Building
 14. Service Yard
 15. Perimeter Service Road
 16. Main Car Park
 17. Overflow Car Park
 18. Back of House Buildings
 19. Site Pond
 20. Restaurant/Cafe
 21. Back of House service Road
 22. Exhibit Water Moat
 23. Exhibit Dry Moat
 24. Show Arena
 25. Holding Paddock
 26. African Grasslands
 27. South Eastern Tropical
 28. African Highlands
 29. Cumberland Plain Woodlands



Figure 3 | Approved Site Layout under SSD 7228

- KEY**
1. Entrance Building
 2. Restaurant/Café
 3. Administration and Curatorial Building
 4. Nocturnal Habitat
 5. Reptile Habitat
 6. Aquarium
 7. Farm Experience
 8. Picnic and Play Area
 9. The Boulevard
 10. Main Pedestrian Path
 11. Kiosk
 12. Elevated boardwalk
 13. Water Storage
 14. Zoo Services Facilities
 15. Perimeter Service Road
 16. Main carpark
 17. Overflow carpark
 18. Site Pond
 19. Exhibit Water Moat
 20. Exhibit Dry Moats
 21. Show area
- African Grassland**
(Zebra, Giraffe, Lion, Cheetah, Rhino, African Wild Dog etc)
22. Back of House Buildings (open pens areas shown as outline).
 23. African Open grasslands
- South Eastern Tropical**
(Primates, Tiger, Sun Bear, Elephants)
24. Back of House Buildings (open pens areas shown as outline).
 25. South Eastern Tropical Landscape
- Cumberland Plains Woodlands/Australiana**
26. Back of House Buildings
 27. Australiana Animals (Dingos, Koalas Kangaroos Platypus etc)

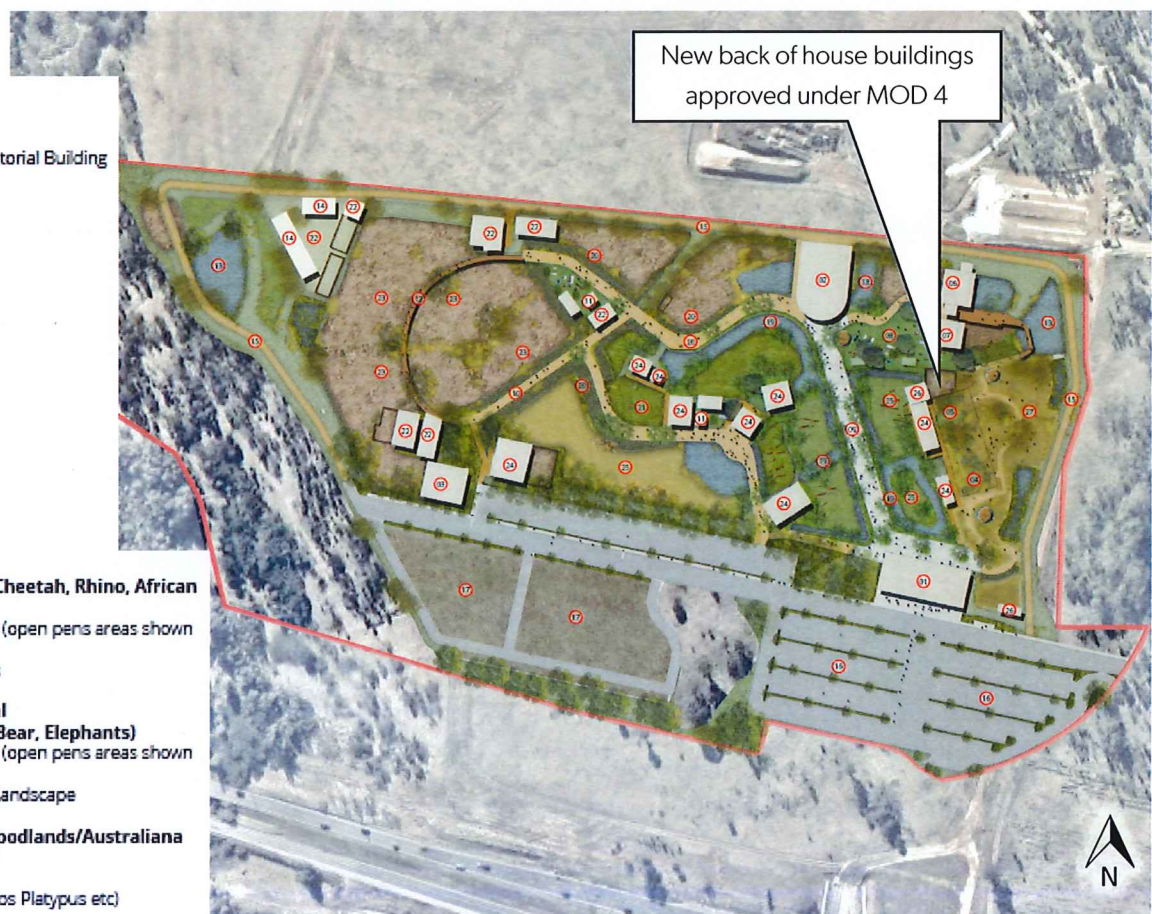


Figure 4 | Approved Site Layout under SSD 7228 MOD 4



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to amend the conditions of the consent (SSD 7228, as modified) to clarify the public opening hours and to allow other activities associated with the operation of the zoo to be undertaken outside of the public opening hours.

Condition B10 currently limits the 'hours of operation' of the zoo on any day to:

- 9 am to 10 pm December to January
- 9 am to 6 pm February to November.

The consent defines 'operation' as 'the operation of a zoological facility'. The condition therefore limits all operational activities (such as maintenance, delivery of goods/food, waste collection) to these hours only.

The modification seeks to permit the following operational activities outside of the public opening hours:

- maintenance activities
- emergency activities
- delivery of goods, waste collection and food delivery
- temporary and community events
- private zoo experiences and small group tours.

The modification is described in full in the Section 4.55(1A) Modification Application included in **Appendix A** and summarised in **Table 2**.

Table 2 | Proposed Modification

Modification Aspect	Description
Summary of Proposal	<ul style="list-style-type: none">• amend the wording of Condition B10 to change the approved 'hours of operation' to 'public opening hours' and to allow other activities to be conducted outside the public opening hours
Maintenance Activities	<ul style="list-style-type: none">• maintenance activities, including cleaning, animal curation, feeding and general maintenance activities are proposed to be conducted by staff during the following hours:<ul style="list-style-type: none">○ 5:30 am to 11 pm, seven days a week
Emergency Activities	<ul style="list-style-type: none">• emergency activities, including for animal medical events are proposed during the following hours:<ul style="list-style-type: none">○ 24 hours, seven days per week
Delivery of goods and waste collection	<ul style="list-style-type: none">• delivery and unpacking of goods (such as food and drinks, retail merchandise and office supplies), collection of waste and specimen and animal food delivery is proposed during the following hours:<ul style="list-style-type: none">○ 7 am to 6 pm, seven days a week
Temporary and Community Events	<ul style="list-style-type: none">• temporary and community events (such as the RunWest running event) are proposed during the following hours:<ul style="list-style-type: none">○ 7 am to 11 pm December to January

Modification Aspect	Description
	<ul style="list-style-type: none"> o 7 am to 8 pm February to November
Private zoo experiences and small group tours	<ul style="list-style-type: none"> • private guided tours for small groups of guests (up to 60 visitors per tour and up to 600 visitors in total) are proposed during the following hours: <ul style="list-style-type: none"> o 7:30 am to 9 am, seven days a week

Temporary events may be carried out anywhere in the WSP (including the Sydney Zoo site) under the exempt development provisions of Part 3 Clause 18 of the WSP SEPP. To be exempt development under the WSP SEPP, the development must not contravene any conditions of a development consent currently operating on the land. Condition B10 of the consent must be modified to allow for these events to occur during and outside the public opening hours of the zoo.



3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the following strategic planning documents:

- Western Sydney Parklands Plan of Management 2030
- Parklands Plan of Management 2020 Supplement
- A Metropolis of Three Cities – Greater Sydney Region Plan
- Western City District Plan

3.1 Western Sydney Parklands Plan of Management 2030

The Sydney Zoo site is located within the Bungarribee Precinct of the WSP, identified as Precinct 4 in the Western Sydney Parklands Plan of Management 2030 (the Parklands POM). The desired future character of the precinct is to be a regional recreation, entertainment and tourism destination, used throughout the week for unstructured recreation, tourism, community facilities and cultural events and activities. Key management priorities for the precinct include:

- expanding the precinct's regional recreation, entertainment and tourism
- creating an entertainment and tourism precinct with programs and events to attract a wide variety of future users and age groups.

The area upon which the site is being developed is identified as a 'Tourism Hub' in the Parklands POM. The approved Sydney Zoo development is consistent with the strategic intent for the site.

The proposed modification seeks to maintain the existing approved public opening hours for the zoo, while allowing extended hours for certain activities that are part of the general operation of the zoo. It includes clarifying the hours of operation to ensure temporary and community events are permissible on the site within and outside of the public operating hours and may be undertaken pursuant to the exempt development provisions of the WSP SEPP. The modification therefore remains consistent with and further supports the desired future character of the Bungarribee Precinct.

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 proposed modification is considered consistent with the Parklands POM.

3.2 A Metropolis of Three Cities – the Greater Sydney Region Plan

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).

3.3 Western City District Plan

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.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impact 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
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act.

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 (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new DA to be lodged.

4.2 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 28 September 2011, the Independent Planning Commission may determine the application under delegation.



5. Engagement

5.1 Department's Engagement

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. However, due to the potential environmental and amenity impacts, the Department notified the modification application from 18 January 2019 to 7 February 2019 to Council and previous submitters. The application was also made publicly available on the Department's website.

5.2 Summary of Submissions

During the notification period, the Department received two submissions on the proposal. One submission from Council and one from the public. A copy of the submissions is provided in **Appendix C**.

5.3 Key Issues – Council/Special Interest Groups

Blacktown City Council

Council objected to the proposed modification on the basis that the proposed private zoo experiences / small group tours were insufficiently described and justified. Council considered these activities were not consistent with the approved extent of operations of the zoo. Council did not object to the remaining proposed modifications.

Council requested the Applicant demonstrate how Condition C9 of the consent has been satisfied. Condition C9 requires the Applicant to prepare a report demonstrating how it will develop and enhance regional tourism in conjunction with the Development prior to the commencement of operation. This included consideration of how the private zoo experiences/small group tours satisfy this condition.

Council also requested an additional condition be added to the consent requiring a post-commissioning acoustic report be prepared within six months of the commencement of operation of the zoo to ensure operational noise complies with the requirements of Condition C32 of the consent.

Special Interest Groups

Elanor Investors Group (Elanor), the owners and operators of Featherdale Wildlife Park (Featherdale), objected to the modification application on the following grounds:

- the proposal significantly increases the likelihood of detrimental economic and social impacts affecting the operation of Featherdale Wildlife Park as compared to the approved development
- expansion and intensification of public access to the zoo is premature given the absence of an acceptable approach to 'enhance regional tourism' as required by Condition C9 of the consent
- insufficient detail regarding the extent and nature of temporary and community events and private zoo experiences / small group tours
- inadequate assessment of the potential social and economic impacts of the proposed modification
- given the socio-economic impacts arising from the proposed expansion of activities at the zoo, the modification application has been incorrectly lodged under section 4.55(1A) of the EP&A Act and should be withdrawn or resubmitted under section 4.55(2) of the EP&A Act.

5.4 Response to Submissions

In response to the issues raised in submissions, the Applicant submitted a Response to Submissions (RtS) report. The RtS was made publicly available on the Department's website and provided to Council and Elanor.

The RtS provided additional information relating to the proposed private zoo experiences / small group tours and community events, potential environmental impacts from these activities, social and economic impacts and further justification as to why the modification had been appropriately considered as a section 4.55(1A) modification.

Council confirmed the reason for its objection related to concerns that the proposed private tours, being an additional operating requirement, were pre-emptive given the requirements of Condition C9 had not yet been satisfied. However, Council advised it formally withdrew its objection to the modification application on the basis the Secretary is satisfied the requirements of Condition C9 of the consent have been adequately met.

The Department requested additional information regarding the private zoo experiences / small group tours to clarify the nature and scale of the activities, number of visitors, traffic generation and to clarify how these activities relate to those activities already approved under the consent.

Additional information was provided which satisfactorily addressed the matters raised by the Department. The Applicant confirmed the modification application is seeking approval to carry out private zoo experiences /small group tours outside of normal opening hours, specifically between 7:30 am and 9 am as the existing consent already provides for private experiences and small group tours during normal public opening hours. Private experiences and guided tours intended to be carried out between 7:30 am and 9 am include:

- guided tours for tour buses – Sydney Zoo would make special arrangements with tour operators to enable the tour bus to stop for a limited time as part of its trip
- zoo experiences, which are most likely to be keeper for a day, animal encounters, behind the scene tours, breakfast with an animal and animal feeding.

The additional information also confirmed Sydney Zoo were seeking consent to allow up to 600 visitors (spread across multiple private / small group tours) at the site between 7:30 am and 9 am, arriving to the site by coach, minibus or car.



6. Assessment

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

- modification application, RtS and additional information provided to support the proposed modification (see **Appendix B** and **Appendix D**)
- assessment report for the original DA and subsequent modification applications
- submissions from Council and Elanor (see **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 considers the key assessment issues are:

- socio-economic impacts
- type of modification assessment
- traffic impacts.

The Department's assessment of other issues is provided in **Table 4** in Section 6.4.

6.1 Socio-Economic Impacts

The proposed extension of operating hours to allow for temporary and community events and private zoo experiences / small group tours outside of normal public opening hours has the potential to have both positive and adverse social and economic impacts in the locality. The proposed out-of-hours activities may also have detrimental economic and social impacts on the existing operations at Featherdale, a small local native wildlife park approximately three kilometres to the north-east of Sydney Zoo.

Applicant's Assessment

The Applicant has drawn on the findings of the economic review and Social Impact Assessment (SIA) prepared as part of the consideration of the original DA to support its request to modify the consent. A summary of the findings of these assessments is provided below.

Economic Review and Social Impact Assessment

As part of the Department's consideration of the original DA for the zoo, the Department engaged HillPDA to undertake a peer review of the economic impacts of the proposal. The HillPDA review indicated there would be sufficient market within greater Sydney to sustain both Sydney Zoo and Featherdale. In addition, the review indicated that if the offering of the proposed development were differentiated to that of Featherdale, there may be an opportunity for the facilities to coexist, creating a tourist destination within Western Sydney. The review also made clear that the relevant issue for consideration in the planning context is the broader economic and social impacts as a result of the economic impacts on any particular business (such as Featherdale), rather than an increase in competition.

To supplement the HillPDA review, Sydney Zoo engaged the University of Technology to prepare an SIA which formed part of the information submitted to the former Commission for its consideration of the proposal. The SIA concluded the potential threats to the social, education and conservation programs carried out in the locality, including those at Featherdale, were unlikely to be realised due to the different offerings at Featherdale as compared to Sydney Zoo. The SIA found that Sydney Zoo would increase overall market participation and there is an opportunity for the two facilities to co-operate as a wildlife-

based tourism precinct. The significant social benefits offered by Sydney Zoo were found to outweigh the potential adverse social impacts associated with the loss of Featherdale's programs or its existing market.

The SIA highlighted several mitigation strategies to help avoid the loss of any social goods offered by Featherdale and to make up for any losses, should they occur. The first mitigation strategy required Sydney Zoo to collaborate with other attractions located nearby, including Featherdale, to develop a wildlife-based tourism precinct with the objective of improving visitation at all facilities in the area. This mitigation strategy was facilitated through Condition C9 of the consent which requires Sydney Zoo to prepare a report demonstrating it has made genuine and reasonable attempts to consult with local recreational facilities and businesses (including Featherdale) to enhance regional tourism in conjunction with the Development (the 'C9 Report'). This included details of how the Zoo would differ from existing facilities. The C9 Report must be approved by the Secretary prior to the commencement of operation of the Zoo.

The Commission also imposed limitations on the operations of Sydney Zoo to ensure differentiation between Sydney Zoo and Featherdale, including:

- the Australian animal exhibit is to comprise less than 1.6 ha, must be displayed as part of an Aboriginal Cultural Experience and must include an aquarium, reptile house, insectarium and nocturnal house upon opening (Condition B6)
- at least two-thirds of the exotic species nominated to the former Commission (a list presented to the former Commission as 'Additional Information' with the original application) are to be present upon opening (B7)
- for a period of three years after opening, visitors to Sydney Zoo would not be able to touch a koala, except as part of an educational program or for school children as part of a school group (Condition B8)
- the exhibition of birds is limited to flightless birds and penguins (Condition B9).

The remaining mitigation measures recommended in the SIA are facilitated through Condition C8 of the consent which requires the Applicant to prepare a Community Engagement Plan to the satisfaction of the Secretary.

The Applicant acknowledges the assessment of social and economic impacts by the former Commission was significant and comprehensive and that specific conditions of consent were imposed which require Sydney Zoo to enhance regional tourism and implement a range of differentiation measures. In this context, the Applicant confirms the proposed modification does not propose any change to the differentiation between Sydney Zoo and Featherdale and the extended hours of operation are necessary to facilitate some of the initiatives it proposes to enhance regional tourism in conjunction with the Development (as required by Condition C9), including certain temporary and community events, private tours and zoo experiences. These initiatives would ensure Sydney Zoo provides services consistent with other existing tourist facilities within the Sydney region.

The Applicant acknowledges the additional out-of-hours activities will remain subject to the existing conditions of consent relating to traffic, access, noise and waste management.

Submissions

Featherdale objected to the proposed extension of hours as it considers it would authorise new and significant activities which may increase the likelihood of detrimental economic and social impacts affecting the operation of Featherdale, compared with the proposal approved by the former Commission. Featherdale considers the proposed out-of-hours activities will present a range of new and unacceptable competitive conflicts with operations at Featherdale which may lead to broader adverse and unacceptable social and economic impacts on the locality. Furthermore, as the Secretary has not yet made a determination on the regional tourism report required by Condition C9 submitted to the Department by Sydney Zoo, Featherdale is of the view the modification is premature.

Council also objected to the modification due to insufficient information regarding the proposed private zoo experiences / small group tours to be undertaken between 7:30 am and 9 am. Council also considered these additional activities pre-emptive ahead of the Secretary being satisfied that all requirements of the consent have been met, including the Secretary's acceptance of the C9 report. The additional information provided by Sydney Zoo in the RtS on the proposed private zoo experiences satisfied Council's concerns regarding the particulars of these activities. However, Council advised it would

formally withdraw its objection to the modification on the basis the Secretary is satisfied that Condition C9 of the consent has been adequately addressed. At the time of writing this report, the Secretary had not made a determination on the C9 Report.

The Department concurred with Featherdale and Council on the need for Sydney Zoo to provide additional information on the out-of-hours community events and the private zoo experiences, including frequency and timing, purpose of the events, number of visitors and potential environmental and socio-economic impacts.

The RtS clarified private experiences and guided tours intended to be carried out between 7:30 am and 9 am will include:

- guided tours for tour buses – Sydney Zoo would make special arrangements with tour operators to enable the tour bus to stop for a limited time as part of its trip
- zoo experiences, which are most likely to be keeper for a day, animal encounters, behind the scene tours, breakfast with an animal and animal feeding.

Sydney Zoo confirmed it was seeking consent to allow up to 600 visitors (spread across multiple private / small group tours) at the site between 7:30 am and 9 am, arriving to the site by coach, minibus or car, with each tour not comprising more than 60 visitors. The limiting factor for the number of visitors participating in these activities would be the staff (guides, keepers, animal handlers) available to Sydney Zoo and welfare requirements for the animals.

Sydney Zoo advised it intends to allow six to eight temporary and community events per year, such as the RunWest community fun run, a community food festival and twilight concerts. These events would be exempt development under the WSP SEPP and would be subject to the provisions within the WSP SEPP. Visitor numbers and hours would vary for the events depending on the type of event to be held.

Environmental impacts of all additional out-of-hours activities would be subject to the existing conditions of the development consent.

Department's Consideration

The Department concurs with the Applicant that the former Commission's assessment of social and economic impacts of the operation of Sydney Zoo was significant and comprehensive. A key outcome of the former Commission's assessment was several specific conditions which require Sydney Zoo to implement and maintain a number of measures and design features to differentiate it from Featherdale and to implement a number of mitigation strategies, including preparation of the C9 Report. The proposed modification does not include any amendment to these requirements.

The Applicant's proposal to extend operating hours for certain temporary and community events and private zoo experiences / small group tours is consistent with other zoos / wildlife parks in the Greater Sydney region which offer additional out-of-hours access opportunities and experiences, as summarised in **Table 3** below. These activities are important to the community to encourage social interaction, education and community engagement. The ability of Sydney Zoo to host such events demonstrates its commitment to facilitate joint initiatives with other local recreational facilities and businesses and collaborate to enhance community engagement and regional tourism in Western Sydney. This is a direct response to the requirements of Condition C9 of the development consent.

However, the Applicant's estimate of visitor numbers for the proposed private zoo experiences / small group tours (up to 600 visitors) between 7:30 am and 9 am is significantly greater than other zoos within the Sydney region. Out-of-hours private zoo experiences typically involve less than 40 people and small group guided tours generally occur within public opening hours. While the success and scale of the proposed out-of-hours activities at Sydney Zoo will be dependent on market demand and may never reach this upper limit, the Department considers the scale of these activities is inconsistent with other private zoo experiences and small group tours offered by other zoos (as summarised in **Table 3**). The Department has therefore recommended a modified condition of consent that limits total visitor numbers between 7:30 am and 9 am to a maximum of 300 visitors to be more in line with the scale of similar out-of-hours offerings at other zoos in the Greater Sydney Region. There is no restriction on the number of visitors participating in tours or private zoo experiences during the general public opening hours.

The modification does not seek approval to carry out public events on the site as temporary community events are exempt development under Clause 18 and Schedule 2 of the WSP SEPP. Events would be organised in collaboration with other businesses and recreational facilities and respond to the requirements of Condition C9 of the consent to enhance regional tourism in conjunction with the Development. The events would make a positive contribution to the local economy and provide opportunities for social interaction and thereby represent a social and economic benefit to the Western Sydney region. Compliance with the exempt development provisions of the WSP SEPP will ensure any temporary or community event is operated and managed with minimal environmental impact.

The former Commission recognised the positive social benefits offered by Sydney Zoo together with the proposed mitigation strategies (the C9 Report and the design and operational aspects of differentiation) would generate other positive social outcomes. Sydney Zoo proposes to offer a range of experiences and community and temporary events that are like many of the other zoos and wildlife parks in the Greater Sydney Region (as identified in **Table 3** below), with some of those occurring outside of general operating hours. The proposed out-of-hours community and temporary events and private zoo experiences to be offered by Sydney Zoo are expected to facilitate positive social outcomes and are unlikely to present adverse economic or social impacts to the broader community.

The proposed modification is considered to facilitate a range of activities and services consistent with other recreational facilities which will enhance regional tourism. The modification is consistent with the intent of the former Commission's determination on the original proposal as the modification does not seek to amend any of the conditions imposed by the former Commission to manage or mitigate socio-economic impacts.

The issues raised by Featherdale relate to the economic and social impacts affecting the operation of Featherdale, rather than the broader community. The former Commission's assessment of the original DA concluded that 'if the risks of a significant contraction or loss of social benefits associated with Featherdale's current operations do materialise, the Commission recognises that the social benefits would be offered by Sydney Zoo, together with its proposed mitigation strategies, will generate other positive social outcomes for the localities in which Sydney Zoo would be present'. The HillPDA report and the former Commission's conclusion makes it clear that the consideration of competitive conflict is not appropriate in the planning context and was therefore not considered in the former Commission's assessment. It is therefore not a matter for consideration in the assessment of this modification.

Conclusion

The Department's assessment concludes the proposed modification is unlikely to have any adverse social or economic impacts in the locality. The proposed out-of-hours activities reflect Sydney Zoo's response to the requirement to encourage and enhance regional tourism in conjunction with the Development and do not affect the differentiation requirements on the consent. Permitting the extended operating hours will allow Sydney Zoo to cater for a range of community events consistent with those offered by other recreational facilities across the Greater Sydney Region, providing an overall positive social impact and contributing to the social benefits of Sydney Zoo.

Table 3 | Summary of Experiences, Guided Tours and Opening Hours for the Greater Sydney Region

Facility	Koala Encounter	Exotic Animal Experience	Examples of Experiences, Events and Guided Tours	Extended hours (Y/N)	Opening Hours
Sydney Zoo	No	Yes	Various zoo experiences / guided tours Breakfast with a Rhino Aboriginal cultural experiences Keeper for a day Various temporary community events, such as the RunWest community fun run	Yes 7:30 am – breakfast with an animal and other zoo experiences – up to 60 people per tour with up to 10 tours per day prior to 9 am (up to 600 people)	9 am - 10 pm (December to January) 9 am - 6 pm (February to November)
Featherdale	Yes	No	Reptilian encounters Cute and cuddly encounter Personal koala encounter Native animal feeding Corporate team building events Packaged coach tours	No Packaged visits or guided tours of the Park are undertaken during general public opening hours	8 am – 5 pm
Taronga Zoo	Yes	Yes	Roar and Snore Vivid Sydney at Taronga Zoo Wild Australia Experience VIP Aussie Gold and Wildlife Hospital Tour Keeper for a day Native and exotic animal encounter Guided Tours and packaged tours	Yes 8:30 am - Keeper for a Day (Wednesdays and Saturdays only) – up to 6 people 5:30 pm – 9:30 pm – Vivid Sydney (Wednesday to Sunday over a limited period of only three weeks per year) 6:15 pm – 9:30 am - Roar and Snore (overnight experience)	9:30 am – 4:30 pm
WILDLIFE Sydney Zoo	Yes	No	Breakfast with a Koala Koala photo experience Australian wildlife tour	Yes 7:30 am – Breakfast with a Koala – up to 40 people	10 am – 5 pm
Australian Reptile Park	Yes	Yes	Kids to keepers Behind the scenes tours Corporate team building Packaged coach tours (Trip Advisor identified three packaged tours visiting the Park)	No	9 am - 5 pm
Symbio Zoo	Yes	Yes	Behind the scenes tours (exotics and natives) Keeper for a day / Junior Keeper Camp Aussie Zoom or Exotic Zoom Tour Feed a kangaroo or farmyard animals Koala and reptile encounter photo	Yes 9 am – 3 pm – Keeper for a Day – up to 3 people	9:30 am - 5 pm

6.2 Type of Modification Assessment

The proposed out-of-hours temporary and community events and private zoo experiences will expand the range of activities on the site outside of the general public opening hours, beyond that originally assessed and approved for the original DA for Sydney Zoo. The extent of environmental impacts of the modification may be significant if not appropriately described and assessed. In particular, if the extension of operating hours to permit private zoo experiences / small group tours have significant socio-economic impacts, the modification should be publicly exhibited and considered under section 4.55(2) of the EP&A Act.

Applicant's Assessment

The Applicant identified the key issues for assessment for the modification as compliance with relevant statutory and strategic plans and noise, traffic and socio-economic impacts.

Statutory and Strategic Plans

The modification application included an assessment of compliance against relevant statutory and strategic plans and concluded that, as there is no change in the nature of the land use or the scale of the development, the proposed modification does not alter the approved development's compliance with these documents.

Noise Impacts

The Applicant relied on the Noise and Vibration Impact Assessment (NVIA) submitted with the original DA for Sydney Zoo to assess the potential impacts of the modification application. The NVIA assessed noise impacts of the development for daytime (7 am to 6 pm), evening (6 pm to 10 pm) and night time (10 pm and 7 am). Sources of operational noise at the zoo assessed included patrons, traffic flows, mechanical plant, deliveries of food, beverages, animals and feed, waste collection and animals. The NVIA found that noise impacts from these noise sources were acceptable and compliant with the project specific noise limits (PSNLs). These limits are now specified as Condition C32 of the consent. The assessment concluded that all anticipated noise levels emitted from Sydney Zoo as a result of the additional activities proposed outside general opening hours complied with the PSNLs specified in Condition C32 of the consent (see Section 6.4 for more details on noise impacts).

Traffic Impacts

The Applicant also relied on the Transport Impact Assessment (TIA) prepared for the original DA to assess the potential traffic impacts of the modification. The TIA assessed the impacts of traffic movements to and from the Zoo during peak periods across peak, shoulder and off-peak periods. SIDRA modelling was used to assess the operation of the Great Western Highway at the entrance of Sydney Zoo, which identified that the intersection will continue to operate with a good level of service with adequate capacity to accommodate the traffic generated by the Zoo. Access to the zoo was considered good, benefiting from having direct access from the Great Western Highway. Given the findings of the original TIA, the Applicant concluded the proposed modification is not anticipated to present additional traffic impacts outside those previously assessed. A more detailed assessment for traffic impacts is provided in Section 6.3 of this report.

Socio-Economic Impacts

A detailed socio-economic assessment was not submitted as part of the modification application as the Applicant was of the view the proposed development would continue to have positive socio-economic and conservation benefits for Western Sydney and would remain consistent with the Parklands POM.

Submissions

Featherdale objected to the proposed modification on the basis that the additional activities would give rise to adverse social and economic impacts. Having regard to the lack of sufficient details regarding the proposed out-of-hours activities and inadequate socio-economic impact assessment, Featherdale considered the modification to have been incorrectly lodged under section 4.55(1A) of the EP&A Act as a modification involving minimal environmental impact and should rather have been lodged and assessed under section 4.55(2) of the EP&A Act.

Council did not raise any specific concerns regarding the level of assessment under section 4.55 of the EP&A Act, but did request additional details on the proposed private zoo experiences / small group tours.

The Department requested additional information on the frequency, timing, scale, management and purpose of the temporary and community events and the private zoo experiences / small group tours to ensure the potential impacts of these activities had been appropriately estimated and assessed. Additional information on the potential impacts of the proposed modification was also requested to determine whether the private zoo experiences / small group tours and temporary and community events can be considered to have minimal environmental impact.

Department's Consideration

Section 4.55(1A)(a) of the EP&A Act states that a consent authority may modify a consent if it is satisfied that the proposed modification is of minimal environmental impact. To enable such a consideration, the consent authority must have sufficient details of the proposed modification to determine whether the associated impacts have been appropriately identified and assessed. The Department, Council and Elanor were of the view that insufficient details had been provided regarding the temporary and community events and private zoo experiences / small group tours to be satisfied the proposed modification is of minimal environmental impact. The additional details were requested to be submitted as part of the RtS.

Private Zoo Experiences / Small Group Tours

Sydney Zoo has clarified the private experiences and guided tours to be carried out between 7:30 am and 9 am include 'groups of guests being granted access to the zoo grounds without interruption from other guests, providing an intimate experience with the animals and the facilities'. Examples of this include guided tours for tour buses and zoo experiences such as 'breakfast with a rhino', 'meerkat interactions', 'keeper for a day' and Aboriginal cultural experiences involving bush tucker sampling and Australiana species educational discussions.

Sydney Zoo has advised it would make special arrangements with tour operators to enable tour buses to stop for a limited time as part of their trip. These tour buses would generally be passing through to other destinations and are therefore restricted to certain visitation hours and have only limited time available. Private zoo experiences / small group tours are proposed to involve a coach sized group of approximately 60 people per group. Sydney Zoo estimates that, between the hours of 7:30 am and 9 am, maximum daily visitation would be 600 people with an average of 300 people. This average would infer between 5 – 15 coaches and between 50 to 100 cars.

The Department does not oppose the proposed extension of hours to permit private zoo experiences / small group tours as these experiences will provide a social benefit by contributing to education on animal conservation and increase social interaction opportunities for the broader community. As discussed in Section 6.1 of this report, there are no adverse economic impacts and any competition that occurs between Sydney Zoo and Featherdale as a result of the additional activities is not a matter for consideration in the planning context. Sydney Zoo has demonstrated in a worst-case scenario of up to 600 visitors, the environmental and socio-economic impacts of the proposed out-of-hours activities are likely to be minimal and can be appropriately managed by the existing conditions of consent.

The Department has also considered the Applicant's assessment of noise and traffic (refer Section 6.3 and Section 6.4 of this report for more detail) and agrees with the Applicant that there will be minimal impacts beyond that which have already been assessed in the original application subject to the management of these activities as described in the modification application and compliance with the existing conditions and recommended modified conditions of consent.

The Applicant has adequately demonstrated, in a worst-case scenario of up to 600 visitors, the environmental and socio-economic impacts of the proposed out-of-hours activities are likely to be minimal and can be appropriately managed by the existing conditions of consent. The Applicant's assessment has demonstrated that the anticipated traffic, noise and socio-economic impacts from the proposed modification will be minimal beyond those

considered in the former Commission's consideration of the original DA for the zoo, subject to compliance with the conditions of consent.

Temporary and Community Events

Sydney Zoo has advised it intends to run approximately six to eight temporary and community events per year. Examples of these events include the RunWest community fun run in collaboration with Sydney Motorsports Park, WSPT and West HQ, Science Week in collaboration with Western Sydney University and Sydney Motorsport Park and Vivid at Sydney Zoo. The events would be exempt development under the provisions of the WSP SEPP and therefore any potential environmental impacts would be managed through compliance with the exempt development provisions of the WSP SEPP for each event and regulated by the WSPT. The extension of hours sought under the modification would only allow for these events to occur on the site and ensure these events do not contravene the conditions of the Sydney Zoo development consent. The modification does not give development consent to any specific temporary or community event on the site.

The Department considers the proposed extension of hours to cater for temporary and community events will allow Sydney Zoo to make a positive contribution to the social and community amenity in Western Sydney and demonstrates Sydney Zoo's collaboration with other location recreational facilities and businesses to enhance regional tourism in conjunction with the Development.

As discussed in Section 6.1 of this report, the Department is satisfied there are no adverse social or economic impacts as a result of the proposed modification. The proposed modification is likely to have an overall positive social impact and will contribute to the social benefits of Sydney Zoo.

Conclusion

The Department considers sufficient information has been provided on the proposed private zoo experiences / small group tours and temporary and community events to determine whether the activities can be considered to have minimal environmental impact. The proposed extension of hours to allow for these activities is unlikely to have any adverse environmental, social or economic impacts subject to compliance with the existing and recommended modified conditions of consent.

The Department's assessment concludes the modification has been correctly lodged under section 4.55(1A) of the EP&A Act as a modification involving minimal environmental impact.

6.3 Traffic

The proposed modification has the potential to generate additional traffic on the surrounding road network during peak periods. The following activities are proposed to occur outside of general public operating hours and have the potential to generate additional traffic to and from the site:

- the delivery of goods, waste collection and specimen and animal food delivery
- temporary and community events
- private zoo experiences / small group tours.

Applicant's Assessment

As part of the original DA for the zoo, the Applicant prepared a Transport Impact Assessment (TIA) to assess the potential impacts of the proposed development on traffic and access. The Applicant has drawn on the findings of the TIA to support its request to modify the consent.

The TIA identified that the east-west legs of the Great Western Highway intersection currently accommodate more than 3,000 traffic movements and still operate at Level of Service A (LoS A) during the AM peak period, with no significant impact arising from the approved Sydney Zoo traffic levels during the AM network peak period. The TIA assessed a maximum of 68 vehicles per hour (50 staff cars and 18 visitor cars) during the network peak of 8 am to 9 am based on the proposed operations at the Zoo, allowing for both staff and visitor vehicles to arrive between these hours.

The TIA concluded the operational traffic movements would result in a negligible impact upon the overall road traffic network, including the intersection of the site access and the Great Western Highway. The former Commission agreed with this conclusion and that the impacts could be managed through the implementation of the recommended conditions, including the preparation of an Operational Traffic Management Plan (OTMP). On this basis, Sydney Zoo is of the view the traffic impacts as a result of the modification will be minimal and is not likely to be substantially higher than that assessed in the TIA.

Submissions

The Department requested additional information on the scale of the proposed private zoo experiences / small group tours and a further detailed assessment of traffic impacts to ensure the potential traffic impacts associated with these activities could be considered minimal.

Council and Featherdale did not raise any concerns specifically regarding traffic impacts.

Department's Consideration

In response to the Department's request for additional information, Sydney Zoo undertook a worst-case assessment of the traffic impacts of the proposed out-of-hours activities. The assessment was based on an additional 100 cars and up to six coaches arriving between 7:30 am and 9 am (a total additional 106 entering vehicles). Using the assumptions made in the TIA of an occupancy of 3.34 persons per vehicle and an average of around 44 people per coach, this would result in a maximum of 600 visitors on site in this early morning period. This period partially coincides with the network AM peak of 8 am to 9 am.

In the worst-case scenario of 106 additional entering vehicles, the Applicant has advised the majority of these movements would be expected to arrive before the network AM peak period (8 am to 9 am). Sydney Zoo assumed if approximately 60% of these additional vehicles arrive by 8 am, this would result in an additional 42 vehicles entering the site during the AM peak period. However, in this scenario, when there is a significant number of activities commencing before general public admission opening hours many of the staff will also be required to arrive earlier prior to the AM peak to cater for the early arriving visitors. The Applicant noted the east-west legs of the Great Western Highway intersection with the site access have significant space capacity to accommodate the small changes in traffic that might be expected to eventuate as a result of the proposed out-of-hours activities.

The actual split between coaches and private vehicles is unknown, however, the Applicant advises it is unlikely that a maximum of 600 visitors would be accommodated on the site between 7:30 am and 9 am on a regular basis as this would be subject to market demand and commercial arrangements with external parties. An average of 300 visitors is predicted with coaches forming the predominant form of transport.

As the original TIA demonstrated the east-west legs of the Great Western Highway and site access intersection currently accommodate more than 3,000 traffic movements and continue to operate at a LoS A during the AM peak period, it is unlikely the predicted additional 42 traffic movements as a result of the modification would result in a reduction in level of service at this intersection. The Department is satisfied the traffic impacts of the proposed modification would be minimal and are unlikely to affect the performance of this intersection.

As discussed in Section 6.2 of this report, the Department has recommended a condition of consent that limits the total visitor numbers for private zoo experiences / guided tours commencing between the hours of 7:30 am and 9 am to a maximum of 300 persons. However, the Department recommends the Applicant be required to submit a traffic verification report within six months of the commencement of operation verifying the predicted impacts on traffic and intersection performance at the site access. A condition is also recommended that requires Sydney Zoo to verify total visitation numbers and the assumptions made in the Applicant's assessment as part of the Annual Review required under Condition D7 of the consent. This would include an analysis of the modal split between coach and cars, total visitor numbers and an outline of any management actions to be taken to address any exceedance of the limit on visitor numbers or to address any adverse traffic impacts.

Subject to the recommended conditions of consent, the proposed modification is not anticipated to result in additional traffic impacts on the surrounding road network in addition to those previously assessed.

Notwithstanding, the arrival of multiple coaches and/or minibuses in the 1½ hour period prior to 9 am may result in traffic management issues on site as the carparking layout only caters for five coaches and six mini-buses. It is therefore recommended that the OTMP be revised to incorporate consideration of the additional activities sought under this modification. A condition has been recommended requiring the Applicant to revise the OTMP prior to the commencement of any private zoo experiences/small group tours.

Conclusion

The Department is satisfied the proposed modification is unlikely to result in any additional off-site traffic impacts. The requirement for a traffic verification report within six months of the commencement of operation will ensure the Applicant verifies the predicted traffic impacts. The existing requirement for an Annual Review will also ensure the Applicant demonstrates its compliance with the limitation on visitor numbers. Any on-site traffic impacts can be managed through an update to the OTMP. The Department's assessment concludes the traffic impacts of the proposed modification are minimal and manageable subject to the implementation of the existing and recommended conditions of consent.

6.4 Other Issues

Table 4 | Summary of other issues raised

Issue	Findings	Recommended Condition
Noise	<ul style="list-style-type: none"> The out-of-hours activities proposed as part of the modification have the potential to generate additional noise impacts to off-site sensitive receptors. Predicted noise levels during general opening hours and after hours were assessed as part of the original DA for the zoo. Sources of operational noise from the zoo previously assessed included visitors, traffic, use of mechanical plant installed on site and the deliveries of food beverages, animals and feed and waste collection. Predicted levels were found to achieve compliance with the project specific noise limits (PSNL) at all times at all sensitive receivers. The types of operational activities in the proposed modification are within the range of activities previously assessed. No additional types of activities are proposed. The Department is satisfied that all anticipated out-of-hours operational activities have previously been assessed. The Applicant has demonstrated all activities comply with the PSNLs. Condition C32 requires the Applicant to ensure that noise generated by the operation of the zoo does not exceed the PSNLs at any time. The proposed modifications to the operating hours in Condition B10 will ensure the operational noise limits specified in Condition C32 apply to all activities. The Department is satisfied the noise impacts from the proposed modification will not 	<ul style="list-style-type: none"> Require the Applicant to: <ul style="list-style-type: none"> comply with the operational PSNLs specified in Condition C32 for all operational activities specified in modified Condition B10

introduce additional noise impacts and will not exceed those levels previously assessed.

- The Department's assessment concludes operational noise impacts from the site will continue to be appropriately managed subject to compliance with the existing conditions of consent.



7. Evaluation

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 development
- provide positive social benefits to the broader community through increasing the opportunities for social interaction, educational experiences and community engagement
- facilitate the enhancement of regional tourism in Western Sydney through allowing for temporary and community events and initiatives to be undertaken at the site in collaboration with other local recreational facilities and businesses.

Following on from its assessment of the modification, the Department considers the modification request is in the public interest and is approvable, subject to the recommended conditions of consent, including:

- clarification of the hours of operation for the Development
- limiting the number of temporary and community events to a maximum of eight events per calendar year
- limiting the visitor numbers for private zoo experiences / small group tours commencing between the hours of 7:30 am and 9 am to a maximum of 300 people
- revision of the OTMP to ensure management of traffic on site for the out-of-hours activities proposed between 7:30 am to 9 am
- preparation of a traffic verification report within six months of the commencement of operation of the Development
- an additional requirement to report on private zoo experience / small group tour visitor numbers and transport mode share in the Annual Review
- preparation of a noise verification report within six months of the commencement of operation of the Development.

The Department has concluded that with the existing and proposed conditions of consent, including the approved management and mitigation measures (Appendix B to the consent), the Development will operate with minimal adverse environmental, social and economic impacts. Sydney Zoo will also provide social benefits to the community through increased opportunities for social interaction and the enhancement of regional tourism initiatives.

The Department concludes the proposed modification is in the public interest and the application is approvable, subject to conditions (refer to **Appendix E**). This assessment report is hereby presented to the Commission for determination.

Prepared by:

Sally Munk

Industry Assessments

Endorsed by:


Chris Ritchie
25/7/19.

Director

Industry Assessments

Endorsed by:


Anthea Sargeant
29/7/19

Executive Director

Compliance, Industry and Key Sites



Appendices

Appendix A List of Documents

The Department has relied upon the following key documents during its assessment of the modification application:

Modification Application

- Letter report titled 'Section 4.55(1A) Modification Application to SSD 7228 Sydney Zoo – Modification 3', prepared by Ethos Urban, dated 4 December 2018

Response to Submissions

- Letter report titled 'Section 4.55(1A) Modification Application to SSD 7228 Sydney Zoo – Modification 3 - Response to Submissions', prepared by Ethos Urban, dated 25 February 2019

Additional Information

- Letter report titled 'Section 4.55(1A) Modification Application to SSD 7228 Sydney Zoo – Modification 3 - Request for Further Information Response', dated 23 May 2019
- Email titled 'RE: SSD 7228 Sydney Zoo Modification 3 – Private Zoo Experiences', prepared by Ethos Urban, dated 13 June 2019

Sydney Zoo Development Consent

- State significant development consent SSD 7228, as modified

Environmental Impact Statement

- Report titled 'Sydney Zoo SSD 7228 Environmental Impact Statement – Sydney Zoo Bungarribee Park (Western Sydney Parklands)', prepared by JBA Urban Planning Consultants Pty Ltd, dated 7 December 2015
- Report titled 'Sydney Zoo Bungarribee Precinct, Eastern Creek Transport Impact Assessment', prepared by GTA Consultants, dated 7 December 2015

Assessment Reports

- Assessment report titled 'State Significant Development Assessment: Sydney Zoo SSD 7228' prepared by the Department, dated 22 November 2016
- Determination report titled 'NSW Planning Assessment Commission Determination Report - Sydney Zoo (SSD 7228)', dated 8 September 2017

Appendix B Modification Application

Appendix C Submissions

Appendix D Response to Submissions and Additional Information

Appendix E Notice of Modification

Appendix F Consolidated Consent