

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The application seeks consent to construct and operate a zoological facility within the Western Sydney Parklands with a capital investment value in excess of \$28 million.

The proposed development satisfies the criteria in clause 13 of Schedule 1 of SRD SEPP as it involves development with a CIV of more than \$10 million for the purpose of a cultural, recreation or tourist facility within an area of State significance. Consequently, the Minister for Planning is the consent authority for the proposed development.

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)

The WSP SEPP aims to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by allowing for a diverse range of recreational, entertainment and tourist facilities; protecting and enhancing its natural systems; and ensuring that development is undertaken in an ecologically sustainable way.

The proposed zoo is in line with the aims of the WSP SEPP. The zoo is anticipated to be a significant tourist attraction that incorporates education and research aspects.

The site is unzoned under the WSP SEPP. All development is either permissible without consent if proposed by a public authority, or permissible with consent if proposed by any other party. The Applicant is not a public authority, and therefore the proposed development is permissible with consent.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and provide for consultation with relevant public authorities about certain development during the assessment process.

The proposal constitutes traffic generating development in accordance with clause 104 of the ISEPP as it will create a tourist hub within the Western Sydney Parklands. Consequently, it requires referral to RMS for comment and consideration of accessibility and traffic impacts.

The proposal was referred to RMS for consideration. RMS raised no objection to the SSD application, subject to the Applicant addressing key issues regarding access arrangements, traffic control signalling, intersection extension requirements and vehicle swept path. The Applicant responded to these concerns in the RTS and associated supplementary information.

The Department has reviewed the RMS' comments and is satisfied that they have either been addressed in the Applicant's RTS and/or will be managed and mitigated through the recommended conditions of consent. The proposal is therefore considered consistent with the ISEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high quality design and finish.

SEPP 64 contains development controls and matters for consideration for a range of advertisements and locations, including within transport corridors.

The Department is satisfied that the proposed internal signage would not detract from the surrounding locality and would provide suitable wayfinding and direction within the proposed zoo. However, limited detail has been provided for the signage that will be visible outside of the proposed development. As such, the Department's recommended conditions of consent that the Applicant prepare a Signage Strategy in consultation with WSP, Council and RMS.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, as well as certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The application was accompanied by a preliminary contamination assessment titled *Environmental Site Assessment Report*, prepared by Consulting Earth Scientists Pty Ltd, dated 29 June 2015, to establish baseline environmental conditions at the site and confirm the suitability of the soil and groundwater for the proposed zoo.

The assessment found that the site is not contaminated and concentrations of chemicals of potential concern are below investigation levels for the proposed use. The assessment concluded that the site is suitable for redevelopment as a zoo without the need for further assessment or remediation.

The Department is satisfied that, in accordance with clause 7 of the SEPP, the investigations undertaken of the subject site demonstrate that the site is suitable for the intended purpose.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, it would have a significant risk and/or offensive impact on off-site receptors.

The Applicant has conducted an initial SEPP 33 risk screening to determine if a detailed assessment is required. The Applicant's screening analysis has concluded that the proposal would not provide storage for dangerous goods in excess of the thresholds established under SEPP 33, and would therefore not constitute a potentially hazardous industry or potentially offensive industry under the SEPP.

Notwithstanding, the Department has recommended conditions requiring the Applicant to ensure all dangerous goods are below the thresholds outlined in the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33*, and any chemicals, fuels and oils used on-site are stored in accordance all relevant standards and guidelines. The Department is satisfied that the proposal will be consistent with the aims and objectives of SEPP 33.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP 20)

The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The proposed development is located within the WSP which was developed in consideration of SREP 20. The proposed development is consistent with the WSP POM. The Department's assessment has considered SREP 20 and concluded the proposal does not compromise the aims and objectives of SREP 20.

Western Sydney Parklands Plan of Management 2020

The *Western Sydney Parklands Act 2006* established the Western Sydney Parklands Trust (WSPT) as a self-funding agency which reports to the NSW Minister for the Environment. The purpose of the WSPT is to plan, develop, manage and fund the Western Sydney Parklands. In 2010, the WSPT developed a 10 year plan titled *Western Sydney Parklands Plan of Management (POM)* to guide the future management and development of the Parklands.

A POM Supplement was released in March 2014 which identified revenue generating opportunities, including nine business hubs and three tourism hubs. The tourism hubs collectively comprise a maximum one percent of the total area of the Parklands.

The Department's assessment concludes that the proposed zoo is appropriately located within an identified tourism hub and therefore is in line with the aims and objectives of the POM.