

PART A

Department's Response to the Planning Assessment Commission

The Department provides the following response to the Planning Assessment Commission (**the Commission**) in relation to the correspondence received on 1 February 2017 requesting additional information about the proposed State Significant Development (**SSD**) application to construct and operate a zoological facility at Western Sydney Parklands, Bungarabee, known as the Sydney Zoo.

The Department requested the Sydney Zoo Pty Ltd (**Applicant**) provide a detailed and comprehensive assessment of the likely social impacts of the proposed Sydney Zoo on the locality, including details of how those impacts may be mitigated. A copy of the Applicant's social impact assessment is provided within **Appendix 1**. The Applicant also provided details of the licences, approvals and permits obtained to date under the *Exhibited Animals Protection Act 1986* (**EAP Act**), copies of which have been provided within **Appendix 2**. Additionally, **Annexure 13** of **Appendix 2** provides correspondence received by the Applicant from members of the broader zoo community in response to potential collaboration with these organisations as part of the operation of the proposed Sydney Zoo.

Exhibited Animals Protection Act 1986 and the Exhibited Animals Protection Regulation 2010

In considering the information requested by the Commission, the Department has reviewed the provisions of the *Exhibited Animals Protection Act 1986* (**EAP Act**) and the *Exhibited Animals Protection Regulation 2010* (**EAP Regulation**). Issues of the design and operation of the proposed Sydney Zoo with respect to animal welfare and species conservation are the subject of a separate regulatory regime administered by the Department of Primary Industries (**DPI**) under the EAP Act and EAP Regulation.

It is an offence to use premises as an animal display establishment without a licence issued by the Secretary of the DPI under section 12 of the EAP Act.

In early 2016, the Department consulted with the DPI and received confirmation that the Applicant is required to apply for approval under the EAP Act prior to commencing operations. The Applicant is required to provide detailed drawings and information about the on-exhibit and off-exhibit facilities and the animals being held there by the exhibitor. The DPI require that the quality of the animal exhibits and the facilities provided meet high standards of animal welfare and presentation. The Applicant has commenced this process and details of the application requirements, including copies of the approvals obtained to date (including approval to construct the facility), are attached (see **Section 2.6** and **Annexures 2 to 4** of **Appendix 2**).

Within the supplementary information provided by the Applicant (see **Section 3.6** of **Appendix 2**) it is highlighted that the proposed Sydney Zoo has been designed with the intent of providing a lower number of high quality exhibits to provide larger spaces for the animals. The Applicant has subsequently undertaken an assessment of the areas required for each species in accordance with the DPI guidelines and provided a comparison to the areas provided by other metropolitan zoological facilities throughout Australia.

As noted within the approval issued by DPI, a licence has not yet been granted as the EAP Act and Regulation require DPI undertake an inspection at the completion of construction and further requirements may follow prior to issuing a licence to operate the facility.

The Department's recommendation concludes that the requirements of the EAP Act and EAP Regulation would be sufficient to mitigate the potential impacts upon animal welfare and exhibit design. As such, the Department recommended a condition that requires the Applicant to comply with relevant legislation, including the EAP Act and Regulation.

Ecologically Sustainable Development

The Commission considered that the conservation efforts of the proposed Sydney Zoo may be limited as a result of the exhibition of non-breeding animals only. Such considerations may fall within the scope of encouraging ecologically sustainable development (**ESD**) pursuant to section 5 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The Department considered ESD and the potential conservation, educational, community and social programs to be offered by the proposed Sydney Zoo to the extent that they may have social or economic impacts on the locality in accordance with section 79C.

Section 5 of the EP&A Act requires the encouragement of ESD. The Department understands that no animals proposed to be exhibited at the Sydney Zoo will be taken from the wild but rather from inter-zoo transfers. Furthermore, the animals that would be curated by Sydney Zoo would be surplus to any pre-existing zoo breeding program. Accordingly, the Department considers there is unlikely to be any detrimental impact upon the survival and conservation of those species and as such, the proposed

Sydney Zoo is unlikely to have negative impacts on the conservation of biological diversity which would need to be "offset" by requiring the zoo to operate programs to promote the conservation of biodiversity.

Economic impacts upon the locality

The Department sought an independent review of the potential economic impacts of the proposed Sydney Zoo upon Featherdale Wildlife Park. As indicated within the Department's recommendation, the review indicated that there would be sufficient population within Greater Sydney to sustain both facilities and that any impact experienced by Featherdale Wildlife Park would be unlikely to be the result of an economic impact upon the locality.

The review indicated that if the experiences at both facilities were differentiated, there may be potential for the facilities to capitalise on each other, potentially to the economic benefit of both facilities.

Whilst this may be the case, the Department recommended conditions to minimise the economic impact upon the locality that would require the Applicant to:

- detail how the proposed Sydney Zoo would differ from existing recreational facilities and businesses;
- undertake ongoing engagement with key stakeholders and community members; and
- detail initiatives to be implemented to encourage and enhance the continued operation of the proposed development in conjunction with existing facilities.

The Department considered the potential impacts of the proposed Sydney Zoo on Featherdale Wildlife Park to the extent that those impacts may reduce the services provided to the locality by Featherdale Wildlife Park, such as local school education programs and native wildlife rehabilitation programs. Impacts in terms of potential reduced visitor revenue or operations of Featherdale Wildlife Park was not, in the Department's view, a relevant planning consideration.

Social impacts upon the locality

The Department has reviewed the Social Impact Assessment (SIA) prepared by Public Policy and Governance at the University of Technology, Sydney (UTS) on behalf of Sydney Zoo. The SIA expanded the social assessment undertaken for the EIS and also considered the Department's peer review undertaken by HillPDA.

The SIA was prepared by appropriately qualified and experienced social impact assessors from UTS and was undertaken in accordance with the Department's *Draft Guidelines for Social Impact Assessment* and the *NSW Government Guide to Cost Benefit Analysis*. The SIA assessed the social, education and conservation programs carried out in the locality and details the potential impacts upon these programs, both positive and negative, as a result of Sydney Zoo.

The SIA included engagement with experts from the zoo and wildlife park industry, past employees of Featherdale, current employees of Sydney Zoo, international tourism operators, social and education service providers, and surveys of 650 people. Consultation with these stakeholders, individuals and groups assisted in the determination of the impacts and informed the likelihood and significance of these impacts.

The SIA assessed three scenarios of operation:

- **Co-existence** – Sydney Zoo is approved and co-exists with Featherdale;
- **Sydney Zoo Only** – Sydney Zoo is approved and Featherdale exits the market; and
- **Featherdale Only** – Sydney Zoo is not approved and the status quo is maintained.

The SIA concluded that neither Sydney Zoo nor Featherdale provide a unique offering to the zoo/wildlife park market that existing facilities around the State and country do not already provide, however the two establishments do provide differing offerings to one another. In the 'Featherdale Only' scenario, potential positive social impacts such as additional employment opportunities, delivery of NSW Government policy priorities for Western Sydney and additional education programs may not be realised. In the 'Sydney Zoo Only' scenario, the change in offering of social programs to the locality would be temporary and negligible.

Results of the SIA indicated there would be sufficient interest in the different offerings of the two facilities and within the market for both facilities to co-exist. The SIA concludes that the most likely outcome would be the co-existence of both facilities.

To best ensure the co-existence of the two facilities, the SIA supported the conditions recommended by the Department, particularly the differentiation (recommended condition B6) and the adaptive management strategies (recommended conditions C8 and C9).

The Department's review of the SIA supported the conclusion that there would be sufficient market for both Sydney Zoo and Featherdale to co-exist. Furthermore, it is the Department's view that with the implementation of conditions, the potential negative social impacts of the proposed Sydney Zoo would be mitigated and minimised. Conditions recommended by the Department included that the Applicant:

- *differentiate* the offering of the proposed Sydney Zoo to that of the existing Featherdale Wildlife Park;
- involve the *surrounding* community during construction and operation of the proposed development;
- encourage the development of a regional tourism offering; and
- develop adaptive management strategies to address any anticipated or unanticipated social issues that may arise.

Additional information requested by the Commission

Notwithstanding the information provided above, in relation to Appendix A of the Commission's letter, the Department provides the following references to assist the Commission's further evaluation of the application.

REQUESTED INFORMATION	SECTION OF APPLICANT'S SUBMISSION
Detailed list of species	Section 5.3 – Animal Collection Status Annexure 14
Limitations to the number of each species which can be accommodated within the allocated space	Section 3.6 - Sydney Zoo Exhibit Spaces Assessment
Animal welfare requirements of the species ensuring physiological and psychological health is maintained	Section 3 – Animal Welfare Section 3.4 – Behavioural Enrichment
Demonstrate the design can achieve animal welfare outcomes (given diverse collection)	Section 3.5 – Infrastructure and Support
Description of animal welfare methodologies and outcomes	Annexures 6 - 9
Detailed description of design, location and size of exhibits and maintenance areas, food storage	Section 3.5 – Infrastructure and Support Section 3.6 - Sydney Zoo Exhibit Spaces Assessment Annexure 4
Any link between design and conservation, education and community programs	Section 4 -How design supports our community programs Section 4.3 – Social Programs Annexures 10 – 12
Consultation with the wider zoo community and regulators re: design and facilitation of social programs	Annexure 13
Social Impact Assessment	Stand-alone document

Conclusion

The Department's original recommendation to the Commission includes conditions to ensure best animal welfare and design practices are implemented, including requiring:

- compliance with all relevant guidelines, including but not limited to the *National Zoo Biosecurity Manual, 2011*, to ensure exceptional standards for animal welfare are met;
- compliance with applicable legislation including the *NSW Exhibited Animals Protection Act 1986*, the *NSW Exhibited Animals Protection Regulation 2010* and the *NSW Biosecurity Act 2015*; and
- consultation with the Department of Primary Industries – Animal Welfare Unit to ensure all approvals are obtained prior to operation.

The Department has addressed the requirements of the EP&A Act as part of its assessment and recommendation. Additionally, the Department considers that animal welfare and the design of animal enclosures is a matter for DPI to consider in the context of the EAP Act and Regulation.

In conclusion, the Department is satisfied that the matters raised by the Commission have been considered by the Applicant and does not consider any amendments or alterations to the recommended development consent conditions as a result of the additional information provided by the Applicant are required.