



TOWER 2, LEVEL 23
DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

18 October 2016

Via email

Dear (redacted)

SSD 15_7228, SYDNEY ZOO

On behalf of Elanor Investors Group, the owners and operators of Featherdale Wildlife Park, we appreciate the opportunity to comment on the Review of Economic Impacts dated August 2016 prepared for the Department by Hill PDA Consulting.

We make the following submissions in regard to this document:

- The report states that it '*provides assessment of the application in relation to economic impact*'. We understood that the purpose of the Hill PDA report was to undertake a 'peer review' of the social and economic impact assessment of Sydney Zoo. Social and economic impacts in the locality are two distinct heads of consideration under section 79C(1)(b) of the EP&A Act. If Hill PDA has considered 'economic impact' only, then we consider the report is deficient in providing a comprehensive assessment of the detrimental impacts the Sydney Zoo will generate in the local area.
- In our view no weight should be given to the Draft Competition SEPP referenced in Section 2. This draft instrument was advertised 6 years ago and so far as we are aware, the Department has decided not to proceed with it. There is no imminence or certainty that any of its provisions will come into force and it is not a relevant consideration in this matter.
- The report is inadequate in Section 3 in limiting its assessment as to whether '*there is demand for another zoo*'. The proper issue for consideration is whether there is demand for another zoo located in such close physical proximity (approximately 3km) from Featherdale. No consideration is given in the report to the requirements specified in the SEAR's for, '*the need and justification of the proposed development having regard to its location and environmental impacts, the suitability of the site and public interest*' and '*alternatives considered*'. The very close proximity of the new zoo is a key contributor to the anticipated significant negative impacts it will generate.

Plans are attached illustrating significant separation distances between Featherdale and 'Taronga Zoo in Sydney and between comparable larger zoo's in Melbourne (ie Werribee Open range Zoo, Melbourne Zoo and Healesville Sanctuary). There is no precedence in these cities for comparable scale facilities to be as closely located as in this proposal. The Hill PDA report is deficient in restricting its analysis to the demand for another zoo in the metropolitan area as opposed to a proper assessment of demand for two zoo's within 3 kilometres of each other. Neither the applicant nor Hill PDA have evaluated the relative benefits arising from locating the proposed zoo in a different part of metropolitan Sydney with a greater physical separation to Featherdale.

- Hill PDA's conclusion that there is sufficient demand in Sydney to support the proposal is unsubstantiated and is based on an overly simplified, broad scale population growth estimate for Sydney/Western Sydney. Hill PDA has not conducted any research or critiqued the methods relied on by the proponent to determine market penetration for the proposal. This oversight in the Hill PDA assessment is significant as over half of the visitors to the Sydney Zoo are likely to be international tourists (as is the case currently for Featherdale) meaning that Sydney-based population growth does not fully account for customer demand generation.
- The report in Section 4 incorrectly states the 'base case' as 745,000 visitor numbers per annum – the 'base case' in the KPMG Report is actually 500,000. Hill PDA simply accepts KPMG's assumptions that non-resident visitors would increase their time in Sydney by a further half day, and that 50% of their expenditure will be on goods and services in NSW. Hill PDA has not undertaken any independent research or scrutinised the research methods relied on by KPMG to support the assumptions in the economic modelling. If done thoroughly, the Hill PDA report would include evaluation of the matters submitted by Elanor relating to anticipated customer patterns which have been determined through primary research and focus group meetings.
- Hill PDA asserts in Section 5 that there may be an opportunity for the proposed new zoo and Featherdale to complement each other rather than compete through product differentiation. Hill PDA has not undertaken any research/investigation or scrutinised the methods relied on by KMPG to support this differentiation position and there is no recognition in the report of the issues raised by Elanor in respect of this matter.

Featherdale has a distinct, long held market positioning founded on providing an environment enabling interaction between visitors and native animals. The proposed Sydney Zoo seeks to replicate the Featherdale experience by providing large areas devoted to native animal exhibits and with opportunity for visitors to interact with roaming native animals. Furthermore, the Hill PDA report does not acknowledge or assess the case studies and information provided by Elanor that clearly refute the statement relied on by KPMG that Sydney Zoo will not have a detrimental trading impact on the Featherdale Wildlife Park as the offers are not comparable.

- The report is deficient in Section 6 in not comprehensively reviewing the key question of the likelihood of closure of Featherdale. Hill PDA acknowledges '*there is a possibility of closure*' of Featherdale but does not endeavour to quantify this. The report does not appear to have sufficient regard to the information submitted by Elanor highlighting the very high likelihood that the establishment of the new zoo in such close physical proximity will directly contribute to the closure of Featherdale. The failure to overtly consider a key driver of this impact calls into question the robustness and reliability of the Hill PDA assessment.
- We consider the report in Section 7 inappropriately poses the question as to whether the possible closure of Featherdale is a reasonable ground for refusal. It is our view that Hill PDA has not considered the correct scope of 'social and economic impacts in the locality' for the purposes of section 79C(1)(b) of the EP&A Act. Case law indicates that the scope of 'social and economic impacts' of a development is broader than set out in Hill PDA's report. It can include issues such as impacts on the relations between people in their capacity as members of communities and their environment, impacts on family, community and cultural traditions, lifestyles, recreational activities, values and historical associations in the locality.
- Hill PDA in Section 8 misrepresents Elanor's position in regard to its ability to compete with the proposed new zoo. Elanor's argument is more sophisticated than a concern it won't be able to compete because Sydney Zoo is larger, better and more diverse. The main drivers for negative



impact set out in Elanor's submission are physical proximity, offering, budget and amenity. Hill PDA has not evaluated any of these issues and has only considered this in terms of broad net commercial loss.

- The report at Section 9 provides inadequate assessment as to whether the location of the proposed zoo is a relevant issue. Hill PDA has identified the standard 'town centre' argument arising from competing retail outfits, but this is not the only test for the purposes of assessing 'social and economic impacts in the locality'. The identification of the locality in which social and economic impacts are considered is a question of fact and the extent of which will be influenced by the nature of the development and its impacts. It is Elanor's position that if Featherdale closes then a range of important social, community and educational programs that it provides will be lost to the detriment of the broad locality.
- Hill PDA has not produced any evidence to support the statement in Section 10 that the proposed facility at Sydney Zoo could replicate the social programs in the same scale or to the same community as currently delivered by Featherdale. The relationships, programs and initiatives provided by Featherdale are unique and cannot be easily replaced or replicated. We attach a document summarising the many education, tourism, wildlife breeding and preservation, indigenous culture, community and business activities and relationships built by Featherdale in over 43 years of operation.

In summary we submit that the Hill PDA report does not adequately address the social and economic impacts of the proposed zoo and cannot therefore be given substantive weight in the assessment of the proposal.

We reject entirely the validity of the statement on page 16 of the report that, '*Regardless of whether or not the applicant has done the assessment correctly – the fact is the more likely Featherdale will close, the better the offer from Sydney Zoo – and hence the stronger net positive economic impact will be in the locality (Western Sydney)*'. This statement is based entirely on a macro-level economic view of population information provided by the applicant and is not founded on comprehensive consideration of the social and economic impacts the proposal generate on the broader locality.

The Hill PDA report has separately been reviewed for Elanor Investors by Gilbert and Tobin Lawyers. Please find attached a letter from Gilbert and Tobin Lawyers which provides the following opinion in regard to the Hill PDA assessment:

1. *It is beyond doubt that section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) requires the consent authority to take into account the 'social and economic impacts in the locality' that would arise from the Project;*
2. *The Hill PDA Report has not validly assessed 'social and economic impacts in the locality' arising from the Project for the purposes of section 79C(1)(b) of the EP&A Act; and*
3. *In the complete absence of any probative evidence from the applicant in relation to this issue, and based on Urbis' conclusion that the Project will give rise to unacceptable 'social and economic impacts in the locality', there would be no rational, logical or reasonable basis upon which the consent authority could decide to approve the Project.*

In addition, Elanor Investor has sought further review of the proposal and the Hill PDA assessment from Dibbs Barker lawyers – see copy of letter attached. Dibbs Barker concludes as follows:



'We consider that the Hill PDA failed to consider the following, all of which are relevant considerations and that could form the basis of refusal of the application:

1. *The proposed development is inconsistent with the aim of the State Environmental Planning Policy (Western Sydney Parklands) 2009 (SEPP) to "deliver beneficial social and economic outcomes to Western Sydney" and moreover is likely to have an adverse social and economic impact in the locality. The application and the Hill PDA report do not adequately demonstrate that the proposed development will not have adverse material economic and social impacts and that there are beneficial social and economic outcomes to Western Sydney. This is because of the inadequacies highlighted in the Submissions. The application, if approved (and as contemplated in the Hill PDA report) could result in the closure of an existing facility that provides tourism, employment, environmental and social services to Western Sydney. The claimed differentiation between the two offerings is not certain or enforceable, unless a condition was imposed requiring no native mammals to be on display. The consent authority is required to consider the aims of the SEPP under clause 12 of the SEPP and section 79C(1)(a)(i) of the EP&A Act requires consideration of environmental planning instruments such as the SEPP. Further, section 79C(1)(b) of the EP&A Act requires consideration of social and economic impacts in the locality*
2. *The site is not suitable for the development as proposed (see section 79C(1)(c) of the EP&A Act). There is no thorough alternative sites analysis. The 'do nothing' option by the applicant (and the Hill PDA report) fail to recognise that there is an existing facility that can provide similar services 3km away and that the location was pre-determined by a Government expression of interest process for the Western Sydney Parklands. The Hill PDA report concludes there is unmet demand for a zoo in Sydney, but this conclusion has inadequacies as noted in the Submissions and earlier submissions by Featherdale. We also note that the market demand analysis fails to recognise that there is no precedent for two operations being within 3km of each other, over half of the likely visitors are inbound tourists and some of the demand is likely to be met by other existing providers not counted in the analysis such as Wildlife World, Koala Park and free tickets. There could well be impacts on these tourist facilities as well. In the absence of a full social and economic assessment the application should be refused as was done in the case of Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited [2013] NSWLEC 48).*
3. *The approved development would be contrary to the public interest considering the substantial community support and reliance on Featherdale Wildlife Park (see Key Points attached to Urbis submission) and the principles of ecological sustainable development which includes the principle of intergenerational equity (section 79C(1)(e)). Without enforceable differentiation between the two offerings (such as no display of mammals), one existing offering is likely to close. This poses a burden on the community and locality (see the Bulga case) associated with Featherdale Wildlife Park (in that those existing resources, facilities and connections will be lost) where that burden could be prevented if the facility was in a different location or its operations complemented the offering at Featherdale Wildlife Park by only having exotic animals.*

Summary

Given the above and having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, we submit the application should be recommended for refusal on the following grounds:

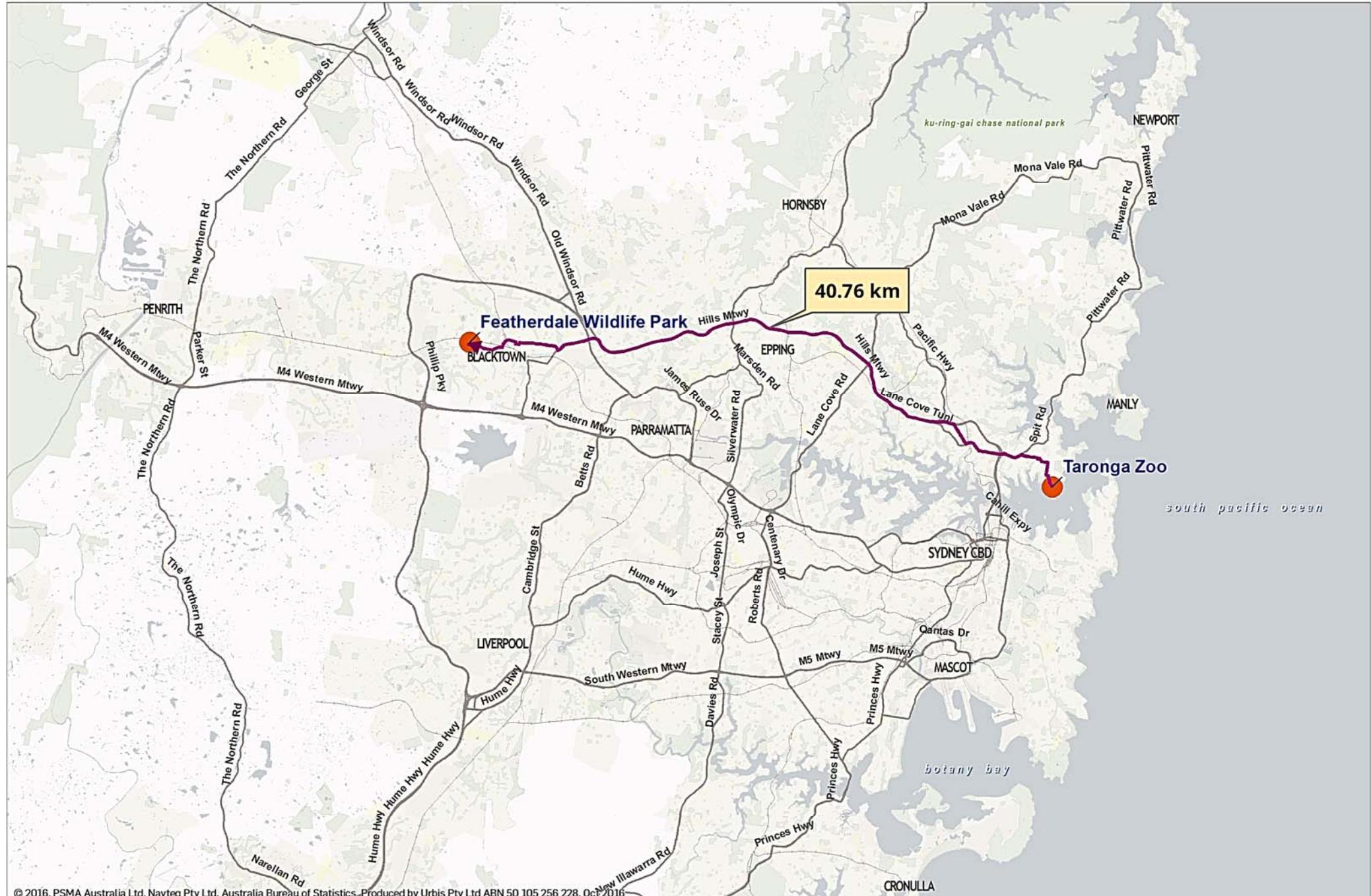


- The proposal is inconsistent with the aim of the SEPP (Western Sydney Parklands) to deliver '*beneficial social and economic outcomes to Western Sydney*'.
- The proposal will result in unacceptable adverse social and economic impacts in the locality associated with the likely closure of an existing facility that provides tourism, employment, environmental and social services to Western Sydney.
- The suggested differentiation of the proposed zoo (Sydney zoo) to the existing zoo (Featherdale) is not certain or enforceable unless a condition was imposed requiring no native mammals to be displayed.
- The site is not suitable to the proposed development due to the close physical proximity to an existing zoo.
- The proposal is contrary to the public interest given the likely loss of resources, facilities and connections to the local community with the closure of an existing facility arising from the proposal.

Please contact me if you have any questions.

Yours sincerely,

- Plans illustrating the location of comparable zoo's in Sydney and Melbourne
- Summary of Featherdale Wildlife Park relationships and activities
- Letter from Gilbert and Tobin Lawyers
- Letter from Dibbs Barker Lawyers



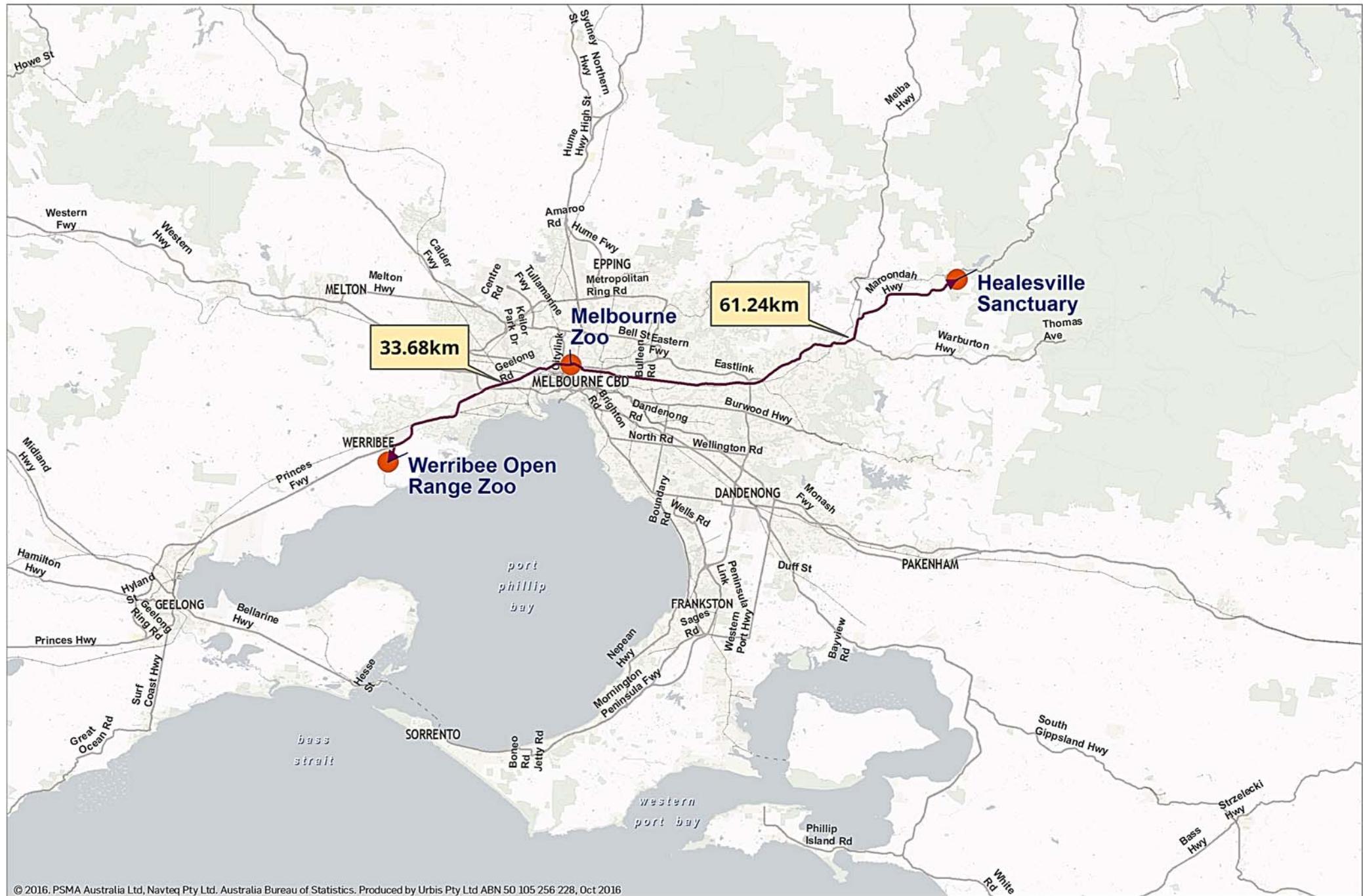
© 2016. PSMA Australia Ltd, Navteq Pty Ltd. Australia Bureau of Statistics. Produced by Urbis Pty Ltd ABN 50 105 256 228, Oct 2016



SYDNEY ZOO'S



5 Kilometers



© 2016, PSMA Australia Ltd, Navteq Pty Ltd, Australia Bureau of Statistics. Produced by Urbis Pty Ltd ABN 50 105 256 228, Oct 2016



MELBOURN ZOO's
MELBOURN ZOO'S



20 Kilometers

Featherdale Wildlife Park

Key Points

- Featherdale **began operations 43 years ago** & now has the **largest, most significant and diverse collection of Australian native animals in the world**. We don't receive (or seek) any government assistance.
- **Over 11.5 MILLION visitors to the park** since it opened, and now almost **400,000 annually**. Featherdale has nearly **180,000 domestic visitors** to the park each year, of which **65,000 are local** to Western Sydney.
- Featherdale is not only an important tourism hub, but it also contributes **4.3 million dollars into the local Western Sydney economy** each year in the form of purchasing local feed & services, supplies and other purchased goods. This includes the wages for our local employees. This significant yearly investment is **important to the local economy**.
- Featherdale has around **300 native species** including Birds, Reptiles, Marsupials & Mammals in the park & is also home to some of Australia's most endangered species. We even care for some species that are **not in any other zoological institution anywhere in the world**
- **Featherdale's breeding & preservation program is world renowned** and plays **a vital role** in many conservation efforts around Australia. In addition, by providing access for the study of Key species by university and other major zoological institutions, the park makes a **valuable contribution** to the many challenges facing our native wildlife today.
- Featherdale care for the **largest collection of koalas in the state** and are **industry leaders in the medical care of the species**, being the only zoo to Genotype our entire collection in order to use best genetic breeding recommendations to ensure the long term health of the population, we use state of the art medical imaging normally only reserved in hospitals for humans, but we use this technology on our koalas, ensuring early detection of any potential health issues.
- We are the **principal breeder of the endangered Tiger Quoll in the country** and have even **exported them to the USA to establish a breeding group overseas**. Featherdale is **the only zoo with a permit to collect quolls** from the wild to ensure that our breeding group is the most genetically diverse as possible, so that we can be called on for planned captive releases back into the wild.

- Featherdale is about to embark on one of **the most crucial projects** in their 43 year history. **The “Plains Wanderer”** has been highlighted as **“The most important endangered bird species in Australia, and 4th most important in the world”**. Featherdale is the only institute in Australia to hold these birds & we have been asked to be a major part of a wild capture and captive breeding program, set to begin early 2016. This is a national recovery program with state and federal government emphasis. **Our involvement in the project is completely self-funded**, and the program has **no chance of being successful without our direct involvement**.
- Featherdale runs a **highly commended Schools Education Program** onsite. Over 63,000 **school kids** have come through the park to learn about Australia's native animals. We specialise in educating school children on native fauna, offering a hands on display with a range of species 2nd to none. **The lessons conducted by Featherdale meet all syllabus requirements at both a state and federal level.**
- Featherdale **works closely with the Education Department** on its **Work Experience** program, giving **40 students each week**, from schools around the state, a taste of this exciting and highly rewarding industry.
- The Featherdale **Mobile education Program regularly visits underprivileged schools** around Western Sydney (and the state) in order to let school kids experience & learn about our amazing native animals.
- Featherdale's **Community Outreach Program** allows us to **visit aged care facilities**, so that our valued senior citizens can meet our amazing (and cuddly) Australian native animals.
- Featherdale **provides over 1200 free entry passes to various charities and schools each year** to assist them with their fundraising activities. With thousands of letters of thanks and appreciation from just as many charities, Featherdale's social conscience & commitment to the community is one of the core values of the park.
- Featherdale **employees around 120 staff**. 35 staff to care for the animal collection and another 85 to manage other aspects of the parks operations. There is also an army of **44 volunteers** (Friends of Featherdale) made up of **members of the local community** who are passionate about the work done at Featherdale, and enjoy being part of such an iconic local operation.
- We **partner with TAFE NSW and offer 40 positions every week to students** to train and educate them (at our own cost) in order to assist them on their chosen career path “Captive Animal Management”, many of these volunteers have gained employment with us or other zoos around the country **as the training they receive here with our collection is viewed as industry best practice**

- **Indigenous culture** is important to Featherdale and **the Blacktown region is home to the Dharrug people**, and houses **the largest urban Aboriginal population in NSW**. A new Ngallu Wal Aboriginal Child & Family Centre has opened within close proximity to the Park. Featherdale has forged a close partnership with the Centre, provided animal displays for their elders meeting and Education staff have provided free educational talks. Featherdale has long held a **collaborative partnership with the Indigenous community** and injects vital money into the local economy by purchasing products from Indigenous artists for sale in the Souvenir Centre provides economic benefits to the Indigenous community. **Featherdale employs local Aboriginal artists** to paint decorative murals throughout the Park. The murals encourage cultural awareness, telling a story with each mural. With the decorative murals, graffiti now rarely occurs. We participated in three **Naidoc Week** events with FWP's Wildlife Wanderer providing animals for these events. The week celebrates the contribution of Indigenous Australians in various fields. By taking native animals to these events, **Featherdale supports the local Indigenous community** and promotes cultural awareness to visitors
- Featherdale has established **significant partnerships with premier Zoos around Australia & the world**, including collaborations with **New York's Bronx Zoo & Central Park Zoo, Columbus Zoo (Ohio), Henry Dorley Zoo (Omaha), Dallas Zoo (Texas) and the world Renowned San Diego Zoo (California)**. Featherdale is widely considered a **national & international authority on breeding & sustainability** of Native Australian animals.
- Featherdale is a **major part of the Western Sydney community**, with community days held in the park in conjunction with the NSW Police Force and the NSW Fire Service. Featherdale also participates in **over 60 community events outside the park each year**.
- Featherdale is a strong advocate **for international tourism** by being the “go-to” Zoo for international media calls, such as NBC Today Show, BBC Mornings, and Chinese Television, all with the aim of promoting Australia, Sydney and Featherdale to an international audience. In addition, **Featherdale travels internationally** to participate in trade shows and expos in order to **bring tourists to not only Featherdale, but also greater Western Sydney and the Blue Mountains**.
- Featherdale has been honoured to win **many tourism awards** including:
 - The NSW Tourism Awards, 2014 (Bronze)
 - Gold Award at the Greater Sydney Tourism (GST) Awards 2010, 2011 & 2012
 - Champion Award Awards 2011
 - Gold Award ‘Major Tourist Attraction NSW’ in 2009 and 2005,
 - Silver Award ‘Major Tourist Attraction NSW’ in 2010 and 2008
 - Inducted into the NSW Tourism Hall of Fame in 2003
 - Outstanding Contribution to Tourism In Western Sydney in 2001 & 2002

- We have a **close working relationship with the National Parks & Wildlife Service** and also the **NSW Police service**, as we regularly are called upon to help with species identification and removal of native and exotic animals kept both illegally and legally within the state of NSW. The entire cost for the safe removal, housing and disposal is paid for by Featherdale. Featherdale also conducts a **Native Animal Rescue Service** for injured native animals found around Sydney and NSW.
- Featherdale is regularly called upon to lecture on native fauna to special interest groups as we are **known for our specialised knowledge on Australian Fauna**.

Featherdale's Story

In July 1972, a small family owned Wildlife Park in Western Sydney opened its gates to the public for the first time. From simple beginnings this unique tourist attraction evolved over the next decade, shifting its business focus from a commercial poultry farm to **the quintessential Australian native wildlife experience**. It didn't take long before its professionalism in captive animal management and popularity with the ever-growing tourism market was **recognised globally**.

Established on 7 acres of land, this small, unique Wildlife Attraction continues to punch above its weight year on year, continually **attracting high visitation** and enjoying the reputation of the **"must visit"** wildlife experience in New South Wales. In over 43 years of operation, the business continues to grow into a mature, viable enterprise that is today known as **Sydney's ultimate interactive Wildlife Experience** – Featherdale Wildlife Park.



Located in Doonside, just 45kms west of Sydney's CBD, **Featherdale provides a perfect 'midway' stop for inbound group tour business on a Blue Mountains tour**. Thousands of visitors both International and Domestic visit Featherdale as part of a Day Trip to the mountains. **Current visitation numbers exceed that of many other tourist attractions in the region**.



From the initial greeting at the Park's entrance by our resident 'Swaggy', visitors are encouraged to embark on a unique journey, discovering over two hundred and eighty species of Australia's diverse wildlife. Featherdale provides all-day **FREE encounters** with **Australia's most beloved and iconic 'Aussies', the Koala and Kangaroo**. Guests are encouraged to immerse themselves in our wildlife story with **Education** and **Conservation** forming an integral

component of Featherdale's philosophy. Not only is the Park renowned throughout the tourism industry, its extensive **captive breeding programs** have **set the standard for animal conservation** and management in the zoological industry. As a result, **Featherdale animals and animal husbandry techniques are highly sought after** by zoos and fauna parks all over the world.

Featherdale Wildlife Park proudly **sets the benchmark** as a hallmark attraction throughout NSW. This testament is reflected in the **exceptional reputation** Featherdale holds among the networks of tour-guides and travel companies within the tourism industry and, as a result of word of mouth from the millions of satisfied international and domestic visitors who have enjoyed **Sydney's ultimate interactive wildlife experience**.



Over the last 43 years, Featherdale Wildlife Park has **consistently maintained a world-renowned reputation throughout the Zoological and Tourism Industries**. The small successful poultry farm may be part of Featherdale's past however the family ideology remains instilled in the passionate staff who dedicate each day to ensuring the Park's present and future success in providing a unique, **second to none Australian Wildlife Experience**.

Such a **strong connection to the local community** is something that Featherdale is very proud of. There have been **marriage proposals, birthday celebrations, anniversaries and many other special moments to remember**. But sometimes the most simple pleasure is the best. We have **thousands of locals that love Featherdale** and they visit every week or 2 and just sit and relax, letting the natural beauty of the park and the sound of laughing children blend with the bird song and animal sounds that float through the trees. **This is a park of the people, the people of Western Sydney.**

Featherdale's Commitment to Tourism Excellence

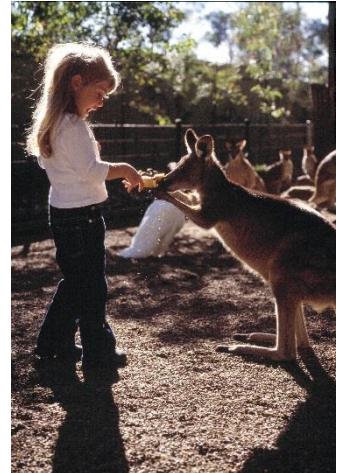
The Featherdale Mission Statement is the foundation of the business, forming the fundamental strategic pillars for success. It reads as follows:

- To remain **the ultimate, "MUST VISIT"** wildlife experience in Sydney.
- To cultivate an **innovative, sustainable and environmentally focused** Wildlife Park.
- Provide a **unique, culturally sensitive product** with excellent customer service, presentation and management skills.
- To **aid animal and environmental conservation** through education, appreciation and inspiration.
- Provide a **safe, pro-active workplace** that provides job satisfaction and growth for our employees.
- To maintain a profitable business.



It is a focus on these points that is the foundation for Featherdale's continued commitment to **quality and excellence**.

We want all of our visitors to leave the Park after a 'Magical' Experience, immersing themselves in our wildlife, and **enjoying time with their family** or loved ones. The Featherdale **Staff are extremely proud and** passionate with our continued success is **benchmarked against larger tourism organisations** with even bigger budgets. Featherdale stands out against its competitors thanks to its **reputation for providing an exceptional, up close, quality animal experience** that is second to none. In the Sydney market Featherdale competes against large government owned organisations and other smaller wildlife parks that have a number of exotic species mixed. At Featherdale, international visitors can tick off a number of important native species (**Koala, Kangaroo, Emu, Echidna, Wombat, Tasmanian Devil and Crocodile**) in under 45 minutes and then be on their way to the Blue Mountains. **Up close animal encounters that are FREE** are also integral to the Featherdale product mix, ensuring **Featherdale Wildlife Park is a value for money experience** offering a significant benefit over our competitors.



What does the public think of Featherdale?

The Australian and international public LOVE Featherdale Wildlife Park. Overwhelming support and appreciation for Western Sydney's iconic native fauna park.

●●●●● *I loved the Featherdale Wildlife Park*

This was one of my favourite parts of our Blue Mountains tour. We took a three year old to this park, and he had a great time. It is a great family adventure. I loved the variety of animals in a small venue. We were able to see it all and then return to our favourite areas to take more pictures. I never did get a good one of the Tasmanian Devil- he would not slow down!

Visited August 2015

●●●●● *"Enjoyable"*

We went to this zoo as part of the Blue Mountain tour and we enjoy every minutes of it. You can find all Australia's animals here and interact with some of them. This is my second time visited Australia but this is the first time I met and touch a Koala itself. Love it so much and enjoy it very much! I would love to come back again.

Visited December 2014

●●●●● *"Relaxing and Magical"*

The park is full of Australian animals, kangaroos are free to move and they are really friendly with the tourists, there is always a koala who can be cuddled. All the boxes are clean and during the day there are feeding and lessons about many animals. The day we went there were a few people, it was great. It's one of the best parks in all Australia if you want to see those animals up close!

Visited July 2015

●●●●● “Australian wildlife on show”

A great place for the whole family. Get up and close to most of Australia's own wildlife. The kids will have a field day (and adults) being able to hand-feed the kangaroos, pat the baby dingoes and have your photo taken with the koalas. A great day out with many fond memories. A must for overseas visitors

Visited July 2015

●●●●● “Hands on with a koala”

We had a lovely day feeding the koalas and wallabies. We brought people from America and South Africa and they loved how interactive you could be with the animals. Sarah, our guide, was amazing and made sure we had a very enjoyable day!

Visited August 2015

●●●●● “Great day for the family!”

Featherdale is a real jewel in Sydney. You can see all the Australian animals in action and have a real Aussie experience. We have been there with the kids several times and they love it!

Visited May 2015

●●●●● “Fantastic Family Activity”

Outstanding! Everything about the park is first rate. The range of wildlife on display as well as the number of animals is impressive. The ability to interact with the animals really excited the children. Highly recommended.

Visited May 2015

●●●●● “Very special place!”

My adult son and I were looking to fit in some time with Australian wildlife while visiting last January. It looked like we just weren't going to pull it off, when the Concierge at the Intercontinental Sydney said we really should check out Featherdale. Even though it was a bit out of town, he said that

we would have wonderful experience and enjoy it much more than the Zoo or some alternative at Darling Harbour. So we grabbed a cab and headed out to the park.....What a great choice! We had so much fun seeing and sometimes mingling with the animals. The park personnel were very helpful, great educators and clearly caring for the animals in their charge. Also, it may be par for the course in these types of interactive parks...but I thought allowing us to feed the animals with a grain filled ice cream cone was brilliant. It made it so easy for the kids...and even the old guys like me. The whole environment was green, natural and welcoming and seemed to put all of us in another world, even though we were smack dab in the middle of Blacktown. For those of us from the United States...we were able to see if not pet, feed or be jumped over by some many animals we might never otherwise experience. Having been to some well-regarded zoos in the US like San Diego, National, etc...This was something so much more personal and intimate. And the Park personnel really seemed to act like they were sharing a very special experience that most people will never know. There was a shared love of the animals and a closeness that was more than just the proximity of the animals and the visitors. Everyone and everything there was extraordinary. And even our fear that we would never get a cab to come back and get us was put to rest quickly. Good advice from park staff; easy dedicated phone access, ready and willing cab company...and a very brief wait for cab. All this and it was a crazy busy Australia Day with a park full of eager and excited kids and chaperones.

Just doesn't get much better than this!!!!

Visited January 2015

○○○○○ “*Amazing experience*”

Fantastic experience where you get to see kangaroos and various other animals roam about and pet. I saw a wombat for the first time in my life and absolutely fell in love with them. You can feed kangaroos, pet koalas, see penguins and Pelicans being fed at certain times. Entertaining for all. Would definitely go there again.

Visited August 2015

Press relating to new zoo announcement

Sydney Morning Herald: Sept 7th 2015

New zoo proposed for Sydney's west

By Melanie Kembrey

Sydney is set to get a second zoo, with giraffes, hippos and cheetahs bound for the city's western suburbs.

The proposed Sydney Zoo could house up to 500 animals on a 16.5 hectare site in the Western Sydney Parklands at Bungaribee. Almost 745,000 people each year are expected to visit the zoo, which could open by the end of 2017 if granted planning approval.

John Burgess, who was also the founder of Sydney Aquarium, and his son Jake are behind the bid to build the \$36 million private zoo. Rather than stealing visitors from Taronga Zoo, they said their hope is to attract an expanding and untapped market of western Sydney families.

"Within half an hour of here there are 2.5 million people who can drive here with virtually no traffic lights. Seventy eight per cent of those are people in families and family groups," Mr Burgess senior said.

Mr Burgess said the zoo would get the bulk of its animals from breeding programs already in place at zoos around Australia. Environment minister Mark Speakman said the zoo would boost the Sydney economy by \$45 million each year. It is also expected to create 160 jobs during construction and 120 jobs when it is running.

"I'm not lion [pun intended], when I say this zoo will create fantastic memories for hundreds of thousands of Sydney families every year," Mr Speakman said.

But perhaps not everyone will be roaring with delight. Less than five kilometres away from the site of the proposed new zoo, is the long-established Featherdale Wildlife Park.

Blacktown mayor Stephen Bali said he thought the two zoos could co-exist and would appeal to different visitors. "Featherdale has been around for over 50 years and it is very much into the tourism market and has bus tourism being attracted," Cr Bali said. "This zoo, Sydney Zoo, is looking at more the local residents in western Sydney and across Sydney and has a different element, it has elephants and non-native animals also located here."

Sydney Zoo would be entirely privately funded and the government has approved it to lease land at the Western Sydney Parklands. A development application will be lodged with the Department of Planning and Environment later this year. The zoo is the same size as Auckland and Perth zoos and twice the size of Adelaide Zoo. It will, however, be smaller than the not-for-profit Taronga Zoo which sits on a 28 hectare site and has 3,500 animals.

ABC Online: Sept 7th 2015

By Mohamed Taha

Cage-free zoo to open in Sydney's west, tipped to pour \$45 million into local economy and bring visitors 'face to face' with animals

The New South Wales Government has approved the lease of a 16.5-hectare area in the Bungarribee precinct on the Great Western Highway in Blacktown for a world-class zoo.

Sydney Zoo is proposing to build a \$36 million park, which will be cage-free and feature over 30 exhibits including elevated board walks and glassed observation areas.

Environment Minister Mark Speakman said the zoo, which is anticipated to open in late 2017, will be a big attraction for Sydney's growing population. "Since Taronga Zoo was first established 100 years ago, Sydney's population has absolutely ballooned," Mr Speakman said. "We think now there is room another world-class zoo here in western Sydney."

Sydney Zoo managing director Jake Burgess said he hoped to attract Sydney families to the zoo which will have large open spaces. "We're going for a smaller number of large enclosures with large animals," Mr Burgess said. "Seventy-nine per cent of our audience in the immediate vicinity is families. They have a choice, they can drive for an hour to get to Taronga or not participate."

Featherdale Wildlife Park doesn't see new zoo as threat Featherdale Wildlife Park general curator Chad Staples welcomed the announcement of the new zoo just a few kilometres away.

"Featherdale is a born and bred local in western Sydney, so any investment into tourism into the area we welcome with open arms," he said. Mr Staples said he did not believe the wildlife park would lose business to the larger zoo. "Featherdale will do more than survive," he said. "We're an extremely successful business that the locals just love. We don't see it as having an impact because what we're doing, we do better than anyone else and we have plans to do more in the future."

Partner Collen Platford
Contact Ben Fuller
T +61 2 9263 4171
bfuller@gtlaw.com.au
Our ref CP:BDF:1028385



L A W Y E R S

17 October 2016

By email: (redacted)

Sydney

2 Park Street Sydney NSW 2000 Australia
GPO Box 3810 Sydney NSW 2001
T +61 2 9263 4000 F +61 2 9263 4111
www.gtlaw.com.au

Dear (redacted)

Sydney Zoo - State Significant Development (SSD 7228) (the Project)

We refer to the 'Sydney Zoo Bungarribee - Review of Economic Impacts' prepared by Hill PDA dated August 2016 ([Hill PDA Report](#)).

For the reasons set out below, it is our opinion that:

- it is beyond doubt that section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)* requires the consent authority to take into account the 'social and economic impacts in the locality' that would arise from the Project;
- the Hill PDA Report has not validly assessed 'social and economic impacts in the locality' arising from the Project for the purposes of section 79C(1)(b) of the EP&A Act; and
- in the complete absence of any probative evidence from the applicant in relation to this issue, and based on Urbis' conclusion that the Project will give rise to unacceptable 'social and economic impacts in the locality', there would be no rational, logical or reasonable basis upon which the consent authority could decide to approve the Project.

1 What is the meaning of the words 'social and economic impacts in the locality'?

The key legal principles in relation to the correct application of the words 'social and economic impacts in the locality' for the purposes of section 79C(1)(b) of the EP&A Act are set out in our letter of 12 February 2016 (which formed part of Urbis' first submission in respect of the Project). In summary, case law provides that:

- the impacts of a development on the economic viability of individual competitors is a relevant consideration if the impact is such as to have an overall adverse social and economic impact in the locality;
- the identification of the locality in which social and economic impacts are considered is solely a question of fact, the boundary of which will be influenced by the nature of the development and its impacts; and
- assessing the 'social and economic impacts' of a development is a complex task and may require consideration of a broad range of issues including, among other matters:

- (i) impacts on the range, economic viability and adequacy of other businesses and facilities available in the locality;
- (ii) impacts on the relations between people in their capacity as members of communities and their environment;
- (iii) impacts on family, community and cultural traditions, lifestyles, recreational activities, values and historical associations in the locality; and
- (iv) impacts on employment in the locality.

The Hill PDA Report adopts the position that the impacts of a development on the economic viability of an individual competitor (in this case Featherdale) can only give rise to 'social and economic impacts in the locality' if that competitor is located in an 'in-centre' location.

In our view, Hill PDA's approach is misconceived. Applying case law, the correct test is whether the impact of Sydney Zoo on the economic viability of Featherdale would give rise to an overall adverse social or economic impact in the 'locality' of Featherdale. The fact that Featherdale is not an 'in-centre location' does not in itself mean that its loss cannot give rise to adverse social and economic impacts in the 'locality'. Applying case law, the identification of the locality in which social and economic impacts are considered is solely a question of fact, the boundary of which will be influenced by the nature of the development and its impacts. The scope of significant social and educational programs provided by Featherdale are such that the 'locality' for the purposes of assessing 'social and economic' impacts is not restricted to the immediate 'town centre' in the vicinity of Featherdale as suggested by Hill PDA.

The Hill PDA Report also fails to acknowledge the legal principles which apply to an assessment of 'social impacts' in the locality. While it has identified the standard legal principles that apply in circumstances where there are two competing retail outfits – that factual scenario is very distinct to the task required to validly assess the 'social impacts' arising from the closure of a zoo (such as Featherdale) which provides a suite of significant and social and educational programs in the locality. Case law indicates that this is a complex task and requires consideration of issues such as impacts on the relations between people in their capacity as members of communities and their environment, impacts on family, community and cultural traditions, lifestyles, recreational activities, values and historical associations in the locality.

2 Has the Hill PDA Report validly assessed 'social and economic impacts in the locality' for the purposes of the EP&A Act?

Urbis has identified a number of material deficiencies in relation to the assessment in the Hill PDA Report of 'social and economic impacts in the locality' flowing from the Project. In particular the Hill PDA Report has not adequately considered the fundamental issues that should form part of a valid assessment of 'social and economic impacts in the locality' flowing from the Project for the purposes of section 79C(1)(b) of the EP&A Act. In fact, the Hill PDA Report does not assess 'social impacts in the locality' flowing from the Project at all.

It is our opinion that the effect of the above material deficiencies in the Hill PDA Report is that:

- the Hill PDA Report has failed to bring 'social and economic impacts in the locality' to the attention of the public, the key government agencies and the consent authority so that such impacts can be properly understood; and
- the consideration of this issue in the Hill PDA Report is superficial, subjective and non-informative.

LAWYERS

In the complete absence of any probative evidence from the applicant in relation to this issue, and based on Urbis' conclusion that the Project will give rise to unacceptable 'social and economic impacts in the locality', there would be no rational, logical or authority could decide to approve the Project.

reasonable basis upon which the consent

Please contact (redacted) if you would like to discuss this advice.

/

17 October 2016

Level 8 Angel Place
123 Pitt Street Sydney NSW 2000
Australia
GPO Box 983 Sydney NSW 2001
DX 101 Sydney
T +61 2 8233 9500
F +61 2 8233 9555

Dear Sirs

Featherdale Wildlife Park: Sydney Zoo Application SSD 7228

Our Ref: PLM:4226156

We refer to the SSD 7228 application by Sydney Zoo for land within Western Sydney Parklands, owned by the Western Sydney Parklands Trust being a NSW Government Agency under the direction and control of the Minister for Western Sydney Parklands.

We have been asked us to review the Hill PDA report and provide comments on its conclusions in particular as they relate to the potential economic and social impacts of the Sydney Zoo development. In doing so, we have reviewed the documents submitted with the Sydney Zoo application (and publicly available on the Department's website) and the letters of John Wynne of Urbis and Ben Fuller of Gilbert & Tobin dated 17 October 2016 (together referred to as **Submissions**).

We agree with the contents of the Submissions and further note that the Hill PDA does not accurately reflect or address the list of relevant considerations for determination of SSD 7228 under section 79C of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The Hill PDA report assumes that the submissions made by Elanor (owner of Featherdale Wildlife Park) in response to the Sydney Zoo application are about preventing competition and the Hill PDA report focusses solely on the net economic benefits if Sydney Zoo is approved and operates.

We consider that the Submissions more accurately reflect the relevant considerations for determination of the SSD applications under section 79C of the EP&A Act. We consider that the Hill PDA failed to consider the following, all of which are relevant considerations and that could form the basis of refusal of the application:

1. The proposed development is inconsistent with the aim of the *State Environmental Planning Policy (Western Sydney Parklands) 2009 (SEPP)* to "deliver beneficial social and economic outcomes to Western Sydney" and moreover is likely to have an adverse social and economic impact in the locality.

The application and the Hill PDA report do not adequately demonstrate that the proposed development will not have adverse material economic and social impacts and that there are beneficial social and economic outcomes to Western Sydney. This is because of the inadequacies highlighted in the Submissions.

The application, if approved (and as contemplated in the Hill PDA report) could result in the closure of an existing facility that provides tourism, employment, environmental and social

services to Western Sydney. The claimed differentiation between the two offerings is not certain or enforceable, unless a condition was imposed requiring no native mammals to be on display.

The consent authority is required to consider the aims of the SEPP under clause 12 of the SEPP and section 79C(1)(a)(i) of the EP&A Act requires consideration of environmental planning instruments such as the SEPP. Further, section 79C(1)(b) of the EP&A Act requires consideration of social and economic impacts in the locality.

2. The site is not suitable for the development as proposed (see section 79C(1)(c) of the EP&A Act). There is no thorough alternative sites analysis. The 'do nothing' option by the applicant (and the Hill PDA report) fail to recognise that there is an existing facility that can provide similar services 3km away and that the location was pre-determined by a Government expression of interest process for the Western Sydney Parklands. The Hill PDA report concludes there is unmet demand for a zoo in Sydney, but this conclusion has inadequacies as noted in the Submissions and earlier submissions by Featherdale. We also note that the market demand analysis fails to recognise that there is no precedent for two operations being within 3km of each other, over half of the likely visitors are inbound tourists and some of the demand is likely to be met by other existing providers not counted in the analysis such as Wildlife World, Koala Park and free tickets. There could well be impacts on these tourist facilities as well. In the absence of a full social and economic assessment the application should be refused as was done in the case of *Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited [2013] NSWLEC 48*).
3. The approved development would be contrary to the public interest considering the substantial community support and reliance on Featherdale Wildlife Park (see Key Points attached to Urbis submission) and the principles of ecological sustainable development which includes the principle of intergenerational equity (section 79C(1)(e)). Without enforceable differentiation between the two offerings (such as no display of mammals), one existing offering is likely to close. This poses a burden on the community and locality (see the *Bulga* case) associated with Featherdale Wildlife Park (in that those existing resources, facilities and connections will be lost) where that burden could be prevented if the facility was in a different location or its operations complemented the offering at Featherdale Wildlife Park by only having exotic animals.

Yours faithfully
DibbsBarker