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INDEPENDENT PLANNING COMMISSION

**MEETING WITH DEPARTMENT OF PLANNING,
INDUSTRY AND ENVIRONMENT**

**RE: SSD 7228
 SYDNEY ZOO MOD 3**

**PANEL: RUSSELL MILLER
 ALAN COUTTS**

**ASSISTING PANEL: DENNIS LEE
 XANTHE O'DONNELL
 MICHAEL WOODLAND
 BRENT DEVINE**

**DEPARTMENT OF
PLANNING, INDUSTRY
AND ENVIRONMENT: CHRIS RITCHIE
 SALLY MUNK
 EMILY WICKHAM**

**LOCATION: IPC OFFICES
 LEVEL 3, 201 ELIZABETH STREET
 SYDNEY, NEW SOUTH WALES**

DATE: 1.00 PM, WEDNESDAY, 28 AUGUST 2019

MR R. MILLER: So I'll declare the meeting open. Um. Before I begin, I'd like to acknowledge the traditional owners of the land on which we meet, the Gadigal people. I'd like to pay my respects to their elders, past, present, and to the elders from communities who may be here today. Welcome to the meeting. Sydney Zoo,
5 the applicant, is seeking approval to make amendments to the conditions of consent for the Sydney Zoo in Bungarribee – I think I pronounced that correctly – to clarify the public – public opening hours and to extend the hours of operation to provide greater flexibility for other activities to be undertaken outside public opening hours.

10 My name's Russell Miller. I'm the chair of this IPC panel. Joining me is fellow commissioner Alan Coutts. The other attendees of the meeting are Dennis Lee, from the Commission Secretariat; Michael Woodland and Brent Devine from Keylan Consulting, who are assisting the secretariat. In the interests of openness and transparency and to ensure full capture of information, today's meeting is being
15 recorded and a full transcript will be produced and made available on the commission's website. This meeting is one part of the commission's decision-making process. It's taking place at the preliminary stage and will form one of several sources of information on which the commission will base its decision.

20 It's important for commissioners to ask questions of attendees and to clarify issues whenever we may consider it appropriate. Ah. If – if you're asked a question and not – are not in a position to answer, please feel free to take the question on notice and provide additional information in writing, which we will be – will be – will be put on the website. So I'm – I'm requesting all members here today to introduce
25 themselves. We – and, um, we'll now commence. Chris.

MR C. RITCHIE: Ah. So thank you very much for the commission for providing this opportunity to talk about our assessment of the application. I am the director of industry assessments, but currently sit in the acting role of executive director of key
30 sites and industry assessments. With me today is Sally Munk, who's my principal planner, ah, in one of my teams and has worked directly on this application. And also Emily Wickham is a student planner who's with us as well, and she's here as an observer - - -

35 MR MILLER: Welcome.

MR RITCHIE: - - - on the process.

40 MR MILLER: Thank you. So, um, I've made my opening statement. Ah, I don't know whether there's anything you want to say about the assessment report or whether we get straight into the – the community engagement plan and your comments on that.

45 MR RITCHIE: Yeah. So – so maybe to start with, it's probably worth just touching on in terms of applicants who – who do make modifications and – and lots of people and applicants do that as part of their, ah, ah, process of, um – once they get an

approval, they go through a detailed design process. There's often changes made as part of, ah, sort of preparing themselves for during the construction program or – or before they operate. So in this instance, a lot of the drivers around the application is around just some finetuning around some clarification around operating hours. Um.
5 The at the moment was quite particular and restricted by – in terms of how the zoo could normally function and operate, so it's around clarifying some of those aspects, which is outlined in our report.

10 MR A. COUTTS: Remind me, Chris. My recollection is that the previous commissioners didn't bend their mind to operating hours. That was just part of the normal report.

MR RITCHIE: Yeah. So in the – the conditions of the – the – the consent, there were just standard operating hours that were in there. I think it was 9 till - - -
15

MS S. MUNK: That's correct, yeah. 9 till 6.

MR COUTTS: But it wasn't – it wasn't an issue that the - - -

20 MR RITCHIE: No. No.

MR COUTTS: I mean, the commission did bend its mind to a number of - - -

MR RITCHIE: Yeah.
25

MR COUTTS: - - - issues.

MS MUNK: Mmm.

30 MR COUTTS: But operating hours wasn't one of those - - -

MR RITCHIE: No.

MR COUTTS: - - - to my
35

MR RITCHIE: So it's more around there are instances where in a normal function of a zoo it's got to do things outside of those opening hours. And a lot of the application modification it's seeking to do is clarifying that. In the current consent, I think it talked about there's a summertime period of 9 till 10?
40

MS MUNK: 9 till 10 pm.

MR RITCHIE: And then 9 till 6.

45 MS MUNK: Then 9 till 6.

MR RITCHIE: During normal - - -

MS MUNK: In the other - - -

MR COUTTS: Yep.

5 MS MUNK: - - - times of the year.

MR MILLER: I think we

10 MR RITCHIE: And – and it could be construed as outside of that there could be some issues, but obviously the function requirement of a zoo is to care for animals
- - -

MR COUTTS: Yes.

15 MR RITCHIE: - - - or maintain the zoo.

MR MILLER: I – I don't think we see that - - -

MR RITCHIE: No. No.

20

MR MILLER: - - - as in any way controversially – the more controversially issue is the socioeconomic benefits or disbenefits - - -

MR RITCHIE: Yep.

25

MR MILLER: - - - of, um, extending the hours to – from 7.30 to 9 for limited public visitation.

MR RITCHIE: Yep. Yep.

30

MR MILLER: That's the key issue - - -

MR RITCHIE: Sure.

35 MR MILLER: - - - isn't it?

MR RITCHIE: Well, that's issue has raised in a couple of submissions that we did receive.

40 MR MILLER: Mhmm.

MR RITCHIE: Yep. So we can – we can talk through that from our reports - - -

MR MILLER: Good.

45

MR RITCHIE: - - - point of view.

MR COUTTS:

MS MUNK: Yeah. So – so in terms of the issues that were raised, we received two submissions, one being from council and then only one public submission, which
5 was from the local native wildlife park, Featherdale Wildlife Park. And one of the key issues they raised was relating to socioeconomic impacts and on the – them as a business, but then also the broader community. When we did our assessment, we considered their submission. And we considered that the activities that they were
10 proposing in that early morning period between 7.30 and 9 am would actually be providing a social benefit, rather than having any kind of adverse impact, because it would be responding to the commission’s requirement for them to grow regional tourism in Western Sydney and provide more opportunities for community events and community activities and for relationships between, um, different, um,
15 businesses to occur.

So this was the – these activities we saw as really providing a social benefit and, um, contrary to what Featherdale had raised in terms of concerns around it being an adverse impact, we, um, had the, I guess, alternate view that it would actually
20 provide a benefit.

MR MILLER: So you – you – you saw the – the context as being, um, for the local diaspora or the diaspora visiting the local community as opposed to international visitors on buses. Was that - - -

25 MS MUNK: Oh, well, we didn’t specifically look at one group as opposed to another. It was - - -

MR MILLER: Mmhmm.

30 MS MUNK: - - - just more around the broader in terms of providing a benefit for the community as a whole, whether that be just in Western Sydney or whether that be international visitors; we didn’t specify one way or the other in our assessment. It wasn’t something that we considered specifically.

35 MR MILLER: Mmhmm. And you said there was an objection and we, of course, heard from an - - -

MS MUNK: Yeah.

40 MR MILLER: - - - objector who – how did you assess the objection?

MS MUNK: Well, as I said, we considered the, um, impact that they were concerned about - - -

45 MR MILLER: Mmhmm.

MS MUNK: - - - which was the socioeconomic impact.

MR MILLER: Mmhmm.

MS MUNK: Firstly, in terms of economic impact, it was really the direct impact on Featherdale as a business and the original assessment done by the commission
5 considered that aspect and just found that consideration of competition between businesses wasn't a matter for consideration in the planning context. So we also agreed with that and, um, in terms of our current assessment of the modification, that any impact on Featherdale as a business was not a matter for us to consider either as part of this modification. Um. And in terms of the broader, economic impact,
10 having tour buses or extra people come in in those early morning hours would actually provide a boost to the visitor economy in Western Sydney, and we would see that as a positive economic impact.

MR MILLER: Okay.
15

MR COUTTS: I'm happy with that.

MR RITCHIE: Yeah. The other thing to bear in mind is as part of our consideration, we looked at other facilities and tourist offerings and a lot of sites do
20 offer that early, ah, interaction, so whether it's Taronga or whether it's, ah, Dubbo Zoo or internationally, so there is often with facilities like that an aspect where there – where there's that early offering, um, which is not inconsistent with other similar facilities.

MR COUTTS: You – you possibly wouldn't know the answer to this question off
25 the top of your head, but if, for example, Featherdale were to decide that seeing Sydney Zoo's opening these hours then, "we will open the same hours, so that we're – we can compete with them," would they need to seek approval to do that?

MR RITCHIE: From the top of my head, I – I think their facility would be quite – I
30 think it's 40 years old, from memory.

MR COUTTS: Yep.

MR MILLER: Over 50.

MR RITCHIE: You'd have to check what level of approval they have.

MR COUTTS:
40

MR RITCHIE: They may not have a consent.

MR COUTTS: Right.

MR RITCHIE: Um. But they'll probably need to talk to council about what would
45 be the mechanism or process to go through.

MR COUTTS: Right.

MR RITCHIE: But the general response would be that there's nothing stopping them from doing something like that.

5

MR COUTTS: Similar.

MR RITCHIE: Something similar.

10 MS MUNK: Mmm.

MR MILLER: Mhmm.

15 MS MUNK: It's – it's also to note, um – to be noted that their opening hours are from 8 am.

MR COUTTS: Yeah.

20 MS MUNK: So for Sydney Zoo to be offering this, only going to be doing it half an hour earlier than what - - -

MR COUTTS: Half an hour

25 MS MUNK: - - - Featherdale can already do - - -

MR MILLER: Mhmm.

MS MUNK: - - - under their current operating hours.

30 MR COUTTS: Yep.

MR MILLER: Mmm.

35 MS MUNK: So there's only a half hour difference between the actual opening hours for those tour bus type visitations to occur.

MR MILLER: Mhmm. Could we just go to C8 and then C9 - - -

40 MS MUNK: Mhmm.

MR MILLER: - - - and just see where things are up to as far as the community engagement plan, first of all, is concerned. It was to be prepared in consultation with the secretary.

45 MR RITCHIE: So that – that condition and that plan has been signed off in November 2017.

MR MILLER: Mmm.

MR RITCHIE: We have asked for an update to provide a further response in terms of how they're tracking in terms of that plan.

5

MR MILLER: Mmhmm.

MR RITCHIE: And we expect to get that quite shortly.

10 MR MILLER: All right. And the C9?

MR RITCHIE: The C – the C9, um, is a condition that obviously exists currently in that consent. The, ah, there is a report that has been provided from Sydney zoo to the department, which is being looked at. Ah, we're assessing, ah, the report, against the requirements of the condition. Um. And we're – we will be making a decision in – in the future on that.

MR COUTTS: Do you have any idea of how far into the future?

20 MR RITCHIE: Ah, well, no. To answer – the answer would be, no, not yet. Um. There is a – a sign off by the secretary, but that can be done under delegation, ah, but the first thing's first is we're assessing that report now, ah, in terms of timeframe. It's – it's – I wouldn't be able to put a – a time on that.

25 MR COUTTS: Are – are you able to give us any indication of whether there's any fundamental issues with the report?

MR RITCHIE: Ah. I mean, we've been consulting Destination New South Wales on the report. Ah, we have gone through a process of asking some questions. The key for us in terms of looking at that condition is ensuring that there's been, ah, adequate, ah, and reasonable consultation with relevant parties. Um. Featherdale is nominated in there as one of those parties, but it doesn't restrict them to talk to other parties. The other key thing is looking at, well, what discussions have occurred. Ah, there's some requirements in there around, um, what opportunities are presented. So we're considering all that as we speak and consulting destination New South Wales on it.

MR MILLER: For the purpose of exploring, um, options and not for any other purpose, um, what would you say if we took a view that – that, ah, that this was premature? That this application, we should wait until the secretary's approved the C9 report?

MR RITCHIE: I mean, the department's view would be there are two separate requirements. I mean, a C9 condition from its origins, ah – and it actually came from a recommendation the department provided that had been the Planning Assessment Commission at the time – was around the need or consideration to ensure that we could maintain both operations and one of the keys to that was to try and maintain

some differentiation, but also look at opportunities to – to – to ask and/or try and get them to work with each other, as well as other businesses in that region. We kind of envisage a similar situation on the Gold Coast.

5 We do have lots of different offerings and lots of people get shared tickets. I think we've all been through that process with our families and you can buy one ticket and – and go to the next one the next day and they can kind of work together and they actually work as a – as a sort of – an area where you can get a lot of different tourist offerings. The condition is quite clear in terms of its expectation in terms of what it's
10 trying to do and that is around trying to grow and develop regional tourism in that area. And that's obviously been the focus of Sydney Zoo is there has been lots of dialogue with other operators. There are – following on from that, various operators are now talking to each other.

15 And the key for us under that condition is that that has to be agreed to or signed off by the secretary for they operate. So from us it's quite – it's quite clear cut in terms of what its expectations are and what its timing is.

MR COUTTS: So you – you - - -
20

MR RITCHIE: In terms of the modification, if we talk about that quickly, we don't see that there's a need for that C9 condition to drill into that particular detail that this modification is seeking to do, which is around specified opening and operating hours or sort of other sort of, you know, offerings. It's more about that relationship
25 building and how different businesses in that area can work with each other to grow that to – that regional tourism operation.

MR COUTTS: Are you satisfied from what you've seen up to this point in time, Chris, that – that – that interaction between the various operators out – out west is a
30 consequence of Sydney – Sydney Zoo getting up and running has been a positive?

MR RITCHIE: From what I have seen, I would say there has been a lot of positive activity amongst the various offerings and operators that are in Western Sydney.

35 MR COUTTS:

MR MILLER: Can we just deal quickly then – unless there's something else that you want to say on the C9 report - - -

40 MS MUNK: No.

MR MILLER: - - - I will regard it as imminent and see what happens – in relation to the noise impact - - -

45 MR RITCHIE: Yep, sure.

MR MILLER: - - - because the noise impact assessment, it – was there any assessment done of the additional noise – for the additional operating hours?

5 MS MUNK: So – yes. So as part of the modification application, they did do an assessment and they relied on the original noise and vibration impact assessment - - -

MR MILLER: Mmm.

10 MS MUNK: - - - that was done for the original DA.

MR MILLER: Mmhmm.

15 MS MUNK: Because that original assessment considered the range of activities that the modification is clarifying the hours of operation for.

MR MILLER: Mmhmm.

20 MS MUNK: So the modification is not introducing any new activities outside of what was already originally considered for the noise and, ah, noise impact assessment.

MR MILLER: I see. So that means it considered from 9 – from 7 am until – till whatever - - -

25 MS MUNK: That's correct.

MR MILLER: Okay.

30 MS MUNK: Yeah.

MR MILLER: I see.

35 MS MUNK: So in terms of the operating, it was considered in terms of what they would describe as daytime in the industrial noise policy and that commences at 7 am - - -

MR MILLER: Right.

40 MS MUNK: - - - and ends at 6 pm. So the activities that are proposed between 7.30 am and 9 am were already considered as part of that original assessment.

MR MILLER: Right. Thank you.

45 MS MUNK: When in terms of – of the temporary and community events, um, they again would also have to be consistent with the conditions of the consent for any of those activities that are going to be undertaken on the site.

MR RITCHIE: So we've made a note of that in the recommended instruments.

MR MILLER: Mmhmm.

5 MS MUNK: Mmhmm.

MR RITCHIE: There's a note below the - - -

MR MILLER: Yes.

10

MR RITCHIE: - - - table which talks about the opening hours. The other thing to bear in mind is that the location of the Sydney Zoo on the Great Western Highway does lean towards that the dominant noise activity in that location with the - - -

15 MR MILLER: Mmm.

MR RITCHIE: - - - traffic noise associated with probably six lanes of highway.

MR MILLER: Mmm.

20

MR RITCHIE: So from a noise, ah, impact point of view, it would not be a major contributor to noise in that area.

MR COUTTS: Was that – was that - - -

25

MR MILLER: Thank you.

MR COUTTS: Was their maintenance activities and that sort of stuff, was that picked up in the – in the first assessment - - -

30

MS MUNK: Yeah. That's - - -

MR COUTTS: - - - as well?

35 MS MUNK: It was.

MR COUTTS: Right.

MS MUNK: Yes. Maintenance and delivery trucks and the movement of traffic in the carpark - - -

40

MR COUTTS: Yep.

MR MILLER: Mmhmm.

45

MS MUNK: - - - and just general patron noise were the – the key noisy activities.

MR COUTTS: And they all came within the – the noise criteria.

MS MUNK: Yes. Yes.

5 MR COUTTS: Okay.

MR MILLER: Yep.

MR RITCHIE: I think the closest sensory receiver is three - - -

10 MS MUNK: About 250 metres.

MR RITCHIE: - - - 250 metres down - - -

15 MS MUNK: They're on - - -

MR MILLER: Is that the house across the road?

MS MUNK: To the south – yeah, on the other side of the highway.

20 MR RITCHIE: On the highway.

MR MILLER: Mhmm. Highway. Yes.

25 MR RITCHIE: Yep.

MS MUNK: So they're obviously - - -

MR MILLER: Yes.

30 MS MUNK: - - - going to be well and truly impacted by the highway noise - - -

MR MILLER: Yes. Yes.

35 MS MUNK: - - - before they get anything from the zoo

MR RITCHIE: The next - - -

MR MILLER: And did they receive notice of this, um, application?

40 MR RITCHIE: No, they wouldn't have.

MR MILLER: Right.

45 MR RITCHIE: We would have put it on a website, but we wouldn't have directly notified them.

MR MILLER: Okay.

MR RITCHIE: Then, the next body of residents would be on the northern side on the other side of the parkland, so about six, seven hundred metres away.

5

MR MILLER: Metres away.

MS MUNK: I think Bungarribee.

10 MR RITCHIE: Yeah.

MR MILLER: Mmm.

MR COUTTS: Is that because you consider it a minor – a minor - - -

15

MR RITCHIE: Yes. Yep.

MR COUTTS: Right.

20 MR MILLER: I didn't have any other questions. Did you have any other questions?

MR COUTTS: Um. Well, I don't know whether we want – do – whether we want to touch on this – ah, whether this is a minor modification or not a minor modification. I mean, I think we've seen - - -

25

MR RITCHIE: Yeah. I can talk to that. That's fine.

MR COUTTS: - - - the – the view from Featherdale, so I guess we'd be interested to hear - - -

30

MR RITCHIE: Yeah.

MR COUTTS: - - - your – your

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MR RITCHIE: So the distinction between what's a minor and what's a – a more detailed assessment comes down to what's the level of impact. In terms of what the application was seeking, we've already sort of mentioned that the zoo kind of operates already ongoing-ly and a lot of this is around clarifying some of those hours, but also allowing some of – some of that early, sort of, interaction or early offering. From a noise impact point of view, we were comfortable and satisfied that that's not a – a big, ah, impact, so it's quite minimal. From a location point of view, that does satisfy issues not only on noise, as I've mentioned before, but also traffic, because you've got direct access to the Great Western Highway. So from an impact point of view, then we were satisfied that that would be minor.

45

MR MILLER: And your point about the impact on Featherdale was that that was not a consideration, because that's a purely competitive issue. Is that the - - -

MS MUNK: In terms of the economic impacts, yes.

5

MR MILLER: Yes.

MS MUNK: And in terms of social impact, we saw it more as a benefit in terms of providing more offerings for the – for the community.

10

MR MILLER: Mmm.

MR COUTTS: It's an interesting one, isn't it, the socioeconomic benefits. It's the – the positive socioeconomic - - -

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MR RITCHIE: Yep.

MR COUTTS: - - - benefits from the zoo versus are – are there any negative socioeconomic benefits – benefits from Featherdale? Now, Featherdale, I guess, have put to us, ah, fairly strongly that there are negative socioeconomic impacts from this proposal. And I guess we – you know, what one needs to weigh up, if you accept that there are negative socioeconomic benefits, the question is are there? You've made the assessment that you don't believe there are.

20

25 MR MILLER: Well, just to – just to - - -

MR RITCHIE: And I think to bear in mind there's still that differentiation is still the same or, if not, probably more so.

30 MR COUTTS: Yeah.

MR RITCHIE: So from a direct impact point of view, Sydney Zoo is predominately exotic, open plain zoo. There are still the restrictions in there around its native offering. They still have to open in the conditions two-thirds as an exotic offering zoo in terms of the species list. The C9 condition is trying to provide a level of engagement and opportunity to sort of collaborate and come up with some of – a joint initiative to try and sort of build that relationship, whereas the mod is just really clarifying some operational aspects and allowing that early offering. So from an impact point of view, we still see there's that – that separate offering.

35

40

MR COUTTS: Yep.

MR MILLER: Well, the – the proposition that has been put, which I will try and summarise, is that, um, um, Featherdale provides a significant community benefit through the programs they run in looking after endangered species. And that has been part of their DNA for 50 years. Ah, that, um, the, ah, wild zoo is differentiated as a zoo with exotic animals from what their offering. Um. They will – they – their

45

revenue will come substantially from – significantly at least from, um, tour bus operators in the mornings and the afternoons. Um. The, ah, focus of the – of the zoo being on the local community and diaspora around the local – ah, ah, visiting the local community would not adversely impact on their viability and therefore not
5 adversely impact on the programs that they were operating to look after endangered species.

But if the focus of the zoo is on tour buses that – certainly – that are going to the Blue Mountains but come to Featherdale on the way through, um, then they will lose
10 up to 300 – I think it was 300 in the morning – and probably 300 in the afternoon, um, visitors, which will adversely impact on their viability and, therefore, on the socioeconomic benefits that they’re delivering to the community. Now, um, that was what’s been put to us and I’m assuming that’s what was put to you and what you
15 at the time.

MS MUNK: That’s correct, yeah. And it was also something that was considered as part of the original assessment, as well, that the commission – the former commission – when they looked at the original DA, in terms of the loss of those
20 animal welfare programs that Featherdale was offering, or is offering, and it was concluded that if – in the event Featherdale was forced to close down – and it would lose those activities that have been done for animal welfare purposes and the educational activities being done. But the social benefit, that would be provided by Sydney Zoo – when it became operational – would outweigh those – that loss. So we
25 relied on that original conclusion from the former commission’s assessment - - -

MR RITCHIE: So that was – that was assessment commission’s report - - -

MR MILLER: Yes. Thank you. Well, thank you very much. I’ll close the meeting.
30 Thank you for coming to see us.

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[1.21 pm]