

28 August 2019

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SUBMISSION

SYDNEY ZOO DEVELOPMENT CONSENT SSD 7228 - MODIFICATION 3 APPLICATION IPC MEETING - 28 AUGUST 2019

1 Introduction

- 1.1 This submission has been prepared on behalf of Elanor Investors Group (Elanor), the owners and operators of Featherdale Wildlife Park (Featherdale).
- 1.2 For the detailed reasons set out below, it is Elanor's position that Modification 3 should be refused by the IPC. **If the IPC approves Modification 3, and Sydney Zoo continues to breach the obligations imposed by the PAC to differentiate itself from Featherdale, it would severely impact the commercial feasibility of Featherdale such that it will be unable to maintain programs which have significant social, educational, employment and conservation benefits for not only the immediate locality but also for Western Sydney, NSW and the country.**
- 1.3 Before turning to each of the reasons why Modification 3 should be refused – there are some critical background matters that are relevant to, and should bring a heightened sense of alertness to, the IPC's assessment of the merits and validity of Modification 3 as follows:
 - (a) Sydney Zoo made major representations to the Department and PAC (now IPC) to differentiate its new zoo facility from Featherdale in relation to the 'Type of Facility', 'Pricing', 'Type of Australian Animal Encounters' and 'Size of Australian Native Animals Display'. It also made representations to the Department and PAC that the

new zoo facility would be primarily an exotic animal zoo targeting the Western Sydney family market;

- (b) Those representations were made by Sydney Zoo to appease the Department and PAC's concerns in relation to unacceptable social and economic impacts in the locality that would otherwise be caused by the operations of the new zoo if the two facilities are not adequately differentiated. That is, if Sydney Zoo is not adequately differentiated from Featherdale it would adversely impact the commercial feasibility of Featherdale such that it would not be able to maintain its programs which have significant social, educational, employment and conservation benefits for the locality. The programs implemented by Featherdale include, but are certainly not limited to, some of the most significant conservation programs in Australia including:
- (i) Plains Wanderers Saving Our Species Program initiated by the Commonwealth Government – Featherdale was a founding facility and catalyst for the success of this critically important breeding program for the Plains Wanderer;
 - (ii) Reptile Seizures Program – Featherdale is the only facility in Australia that has agreed to accept reptiles that have been seized by the Cth Department of Environment and State/Territory National Parks & Wildlife Services to prevent illegal export of those animals. Without Featherdale's commitment of resources and expertise for these animals they would otherwise be needlessly euthanised. For example, in the last month Featherdale has accepted 24 reptiles seized by government authorities;
 - (iii) Research Projects – Featherdale houses Australia's largest collection of native animal species. It is committed to facilitating research projects into those native animals – including making its koalas available for the koala genome project; and
 - (iv) Education – there is no better resource available to schools in NSW than Featherdale. Australian animals and their environments are a syllabus requirement for every student in NSW. Featherdale has over 250 species living in reflective natural environment enclosures for students to study and learn about. Featherdale provides lessons to all students taught by a fully qualified teacher incorporating animals specifically kept as ambassadors for education. Education of school children has been a passionate project of Featherdale for decades, this program would be a huge loss to the education system of NSW if it were to cease.
- (c) The PAC imposed those differentiation obligations in the Development Consent. The Table at **Annexure A** identifies the relevant conditions of the Development Consent and the source of each of the differentiation obligations;
- (d) The PAC also imposed operating hours limits on the new zoo in the Development Consent which (for the reasons described below) operate to further differentiate the native animal offering at Sydney Zoo from Featherdale;
- (e) Since the grant of the Development Consent, **Sydney Zoo has embarked on a course of conduct which demonstrates that it has flagrant disregard for the differentiation obligations imposed by the PAC.** It has been deliberately marketing itself to International Tour Operators in breach of those differentiation obligations (and hours of operation limitation) as part of a blatant strategy to make the new zoo more attractive to International Tour Operators. Sydney Zoo has not been undertaking any marketing to Western Sydney families – in flagrant disregard to the representations it made to the PAC that it would be a zoo for Western

Sydney families. The non-compliance marketing conduct has included, among other matters: (i) distribution of marketing material (see copies attached at **Annexure B**) to all International Tour Operators, and at key International Trade/Tourism Exchanges; and (ii) direct contact with International Tour Operators seeking to lock in contracts for commencement of the new zoo.

- (f) The marketing conduct does not comply with the differentiation obligations (and hours of operation limitation) for the following key reasons:
- (i) 'Type of Facility' – The Development Consent requires Sydney Zoo to be a 'zoological facility' to differentiate it from Featherdale which is a 'wildlife park'. However, Sydney Zoo is blatantly marketing itself to International Tour Operators as a wildlife park (known as the "Bungarrabee Wildlife Park at Sydney Zoo") and a wildlife experience (known as the "Bungarrabee Wildlife Experience") as the 'highlight' of Sydney Zoo because the international market is only interested in wildlife parks with native animal experiences;
 - (ii) 'Pricing' – The Development Consent requires Sydney Zoo to price the new zoo comparatively with Taronga Zoo so that its pricing strategy is a critical differentiator from Featherdale Wildlife Park. However, Sydney Zoo is marketing trade rates of \$12 and/or \$15 which is lower than that of Featherdale, and significantly lower than Taronga Zoo. The cheapest trade rate that Featherdale currently offers is \$16.50 – and that is limited to Featherdale's two key International Tour Operators. Featherdale then offers a sliding scale rate to International Tour Operators up to a maximum trade rate of \$23.30. Taronga Zoo is currently offering a trade rate of \$22.00. If Sydney Zoo maintains a trade rate of \$12 to \$15 then Featherdale would need to match that trade rate to avoid losing the majority of the current International Tour Operator servicing Featherdale. If Featherdale had to offer a trade rate of \$12 to \$15 it would severely impact the commercial feasibility of Featherdale, and its ability to maintain programs which have significant social, education, employment and conservation benefit in the locality;
 - (iii) 'Type of Australian Animal Encounters' – The Development Consent requires Sydney Zoo's marketing to be differentiated from Featherdale by allowing Featherdale to continue to occupy the niche of getting close to native animals, and for Sydney Zoo's native animals exhibit to be part of an integrated Aboriginal cultural experience. However, Sydney Zoo is marketing itself as an opportunity for visitors to get up close to Koalas and a range of other unique species. The marketing contains no reference, or no adequate reference, to that experience being part of an integrated Aboriginal cultural experience. There isn't a single reference to any species of exotic animals in the latest marketing material – and it states that the wildlife experience is 'One of Australia's best displays of native Australian Flora and Fauna';
 - (iv) 'Size of Australian Native Animals Display' - the Development Consent requires Sydney Zoo's native animal exhibit area to be limited to 1.6ha and within the area designated for native animal displays in the Site Plan at Appendix A of the Development Consent. However, Sydney Zoo is marketing an area for the Australian native animal display which is larger than 1.6 hectares, and exceeds the area designated for that native animal display in the Site Plan at Appendix A of the Development Consent; and
 - (v) 'Hours Of Operation' - the Development Consent limits the hours of operation for the new zoo to, on any day, 9am – 10pm (December and January) and 9am – 6pm (February to November). The respondent is marketing operating hours for the New Zoo as being 9am to 5pm daily with negotiable early access, or that those operating hours will be getting

changed. That is, **Sydney Zoo is pre-empting and behaving with total disregard to the planning process and attempting to undermine the authority of the PAC.**

- (g) The effect of the above marketing strategies in (f)(i) to (v) which breach the differentiation obligations imposed by the PAC is that International Tour Operators will perceive that:
- (i) their customers will be able to get up close to view iconic Australian animals, and to interact directly with them. That it will be a different experience for their customers than just visiting a zoo that they could do in their own country;
 - (ii) Sydney Zoo's native animal experience is the best on offer, that it is the main event at the facility;
 - (iii) the native animal exhibit space is a major focus of Sydney Zoo's new facility; and
 - (iv) the Aboriginal Cultural program is a minor part of the native wildlife experience.
- (h) **Sydney Zoo is also flouting the representation it made to the PAC that it would have two-thirds of its exotic species for display from opening of the new zoo, and that it would maintain those exotic species post-opening to sufficiently differentiate its animal offering.** That representation was imposed as Condition B7 in the Development Consent. Featherdale is aware that Sydney Zoo has approached the owner of Hunter Valley Zoo to agist 2 giraffes for a temporary period of 6 months commencing in the second half of 2019. Featherdale anticipates that Sydney Zoo is approaching other zoological facilities to agist or loan exotic species on a short-term basis. Sydney Zoo is blatantly taking steps to change the rules in relation to differentiation obligations and clearly intends to rely on certain exotic animals that it has secured on short term temporary arrangements to try and satisfy the requirements of Condition B7 for opening. That conduct would defeat the whole intent and purpose of the two-thirds exotic species obligation imposed in the Development Consent by the PAC. Sydney Zoo has complete disregard for animal welfare – and it is accepted industry best practice that short term relocations are not good for animal welfare.
- (i) Sydney Zoo's wilful non-compliant marketing conduct presents real harm to Featherdale's operations and its ability to maintain beneficial economic, conservation and social programs in the locality. **Sydney Zoo's marketing conduct is also fundamentally cutting across the intent and purpose of the differentiation obligations imposed by the PAC so that it can lock in international tour groups for opening of the new zoo.** If Sydney Zoo is allowed to continue to flout those differentiation obligations it would adversely impact the commercial feasibility of Featherdale such that it will be unable to maintain programs which have significant social, educational, employment and conservation benefits for the locality. One of Featherdale's key customers, AAT Kings, has already notified Featherdale that it will be moving its afternoon tour group to Sydney Zoo as of 1 April 2020. This will equate to a loss of substantial gate fees per annum. AAT Kings would not have made that decision if Sydney Zoo had complied with its obligation to price itself differently to Featherdale (that is more expensive than Featherdale) or if Sydney Zoo was not marketing itself as offering similar native animal experiences as Featherdale; and
- (j) Elanor requested Sydney Zoo to refrain from that non-compliant marketing conduct – and Sydney Zoo refused to do so. The issue is now subject to civil enforcement

proceedings commenced by Elanor against Sydney Zoo in the Land and Environment Court of NSW.

- 1.4 Consistent with Sydney Zoo's strategy to erode and/or side step its obligations to differentiate itself from Featherdale it has now lodged Modification 3. That Modification seeks to, among other matters, modify the Development Consent so that it can allow private zoo experiences/small group tours of up to 600 additional visitors between 7.30am to 9am. **Modification 3 is a blatant attempt to change the rules in relation to Sydney Zoo's differentiation obligations and to undermine the authority of the PAC.**
- 1.5 Sydney Zoo has sought to brand Modification 3 as a 'trivial' matter. It has done this by describing Modification 3 as a 'Clarification of Operating Hours' in the assessment documentation provided to the Department. It has also pursued the modification approval pathway contained in section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which is intended for modifications of 'minimal environmental impact' only.
- 1.6 For the reasons set out below and in Elanor's submissions at Annexure C, Modification 3 is not 'trivial'. It is not a 'Clarification of Operating Hours' – and it is not of 'minimal environmental impact'. It is a material change to the differentiation obligations imposed by the PAC in the original Development Consent. It presents a material risk of harm to Featherdale's operations - and its ability to maintain beneficial economic and social programs in the locality. **Modification 3 fundamentally cuts across the intent and purpose of the limits and differentiation obligations imposed by the PAC in the Development Consent.**

2 International Visitor Market – Morning Tour Group

- 2.1 There are two key timeslots for international tour groups that visit Featherdale – which at its simplest comprises the morning tour group and the afternoon tour group.
- 2.2 On an average day Featherdale will have approximately 300 international visitors on its morning tour group, and approximately the same amount on its afternoon tour group. The effect of this is that the international visitor morning tour group is critically important to Featherdale's operation. On average it equates to approximately 50% of Featherdale's international visitation on an average day – which equates to approximately 1/3 of Featherdale's total visitation per annum.
- 2.3 To preserve the morning tour group market – Featherdale needs to open at 8am. This allows sufficient time for Day Tour Operators to include Featherdale on a stop for international visitors on their way to the Blue Mountains. Based on Featherdale's experience, there is no demand for domestic/local visitors to access Featherdale before 9am. If Sydney Zoo wishes to operate an exotic animal zoo for Western Sydney families (as it originally represented to the PAC to obtain its Development Consent) it doesn't need to open before 9am. **Sydney Zoo's proposed change to operating hours is a deliberate attempt to mimic Featherdale's offering - and not to differentiate Sydney Zoo from Featherdale.**
- 2.4 As set out above, condition B10 of the Development Consent currently limits the hours of operation for the new zoo to, on any day, 9am – 10pm (December and January) and 9am – 6pm (February to November). That limitation will have no impact on Sydney Zoo's ability to cater for domestic/local visitors because, based on Featherdale's experience, there would be no demand for domestic/local visitors to get access to private zoo experiences/small group tours at Sydney Zoo before 9am. The 9am opening time limitation will, however, maintain differentiation between the two facilities – and stop

Sydney Zoo from copying Featherdale's offering to the morning tour group market for international visitors.

- 2.5 Accordingly, and despite the representations made by Sydney Zoo in the environmental assessment documentation for Modification 3, it is clear that Sydney Zoo's proposed Modification 3 has nothing to do with domestic/local visitors. **Modification 3 is wholly intended to target morning tour groups for international visitors on their way to Blue Mountains. It is a blatant attempt to mimic Featherdale – not differentiate itself from Featherdale.**
- 2.6 If Modification 3 were approved – on an average day it would enable Sydney Zoo to target 100% of the existing market for international visitors on the morning tour groups on the way to the Blue Mountains. It would mimic Featherdale's offering to the morning tour group market – not differentiate itself from Featherdale. This is so, even if the Department's recommendation that the maximum number of visitors permitted for private zoo experiences/tour groups is limited to 300. There will also be a material flow on impact – as all the International Tour Operators who take their morning business to Sydney Zoo will also likely take their afternoon tour group to Sydney Zoo as well. This is because, in practice, the International Tour Operators will want to align themselves with one business offering a native animal experience – they won't want to brochure/advertise two existing identical businesses. Therefore, **Sydney Zoo's representation in its environmental assessment documentation that Modification 3 will not present any socio-economic impacts over and above what was already assessed and approved for the operation of the Sydney Zoo is factually incorrect and misleading – and grossly understates the potential environmental impacts of Modification 3.**
- 2.7 The effect of Modification 3 is that it will materially expand the native animal offering at Sydney Zoo (in terms of opening times and increased international visitation) to that which the PAC assessed and approved in the original Development Consent. It would create visitation scenarios which are grossly inconsistent with all of the modelling assumptions that Sydney Zoo relied on its socio-economic impact assessment to appease the PAC's concerns in relation to the issue of adverse social and economic impacts in the locality that would otherwise arise if the two facilities are not adequately differentiated.

3 Modification 3 - Reasons for Refusal

- 3.1 For the detailed reasons set out above, and in Elanor's submissions to the Department dated February 2019 and 6 August 2019, it is Elanor's position that Modification 3 should be refused for the following key reasons:
- (a) Enhance of Regional Tourism – the expansion and intensification of public access to Sydney Zoo proposed in Modification 3 is premature given the absence of an acceptable and approved approach to 'enhance regional tourism' as required by Condition C9 of the Development Consent. To date, a comprehensive and acceptable regional tourism plan has not been provided to Elanor for consultation, or accepted by the Secretary of the Department. It is unacceptable for approval of any expansion of Sydney Zoo to occur in the absence of this condition of consent. The only attempt by Sydney Zoo to satisfy this condition has been to offer up a plan for 'joint ticketing'. That initiative will not 'grow the pie' but result in a splitting of existing international visitors between the facilities. Sydney Zoo has been seeking to mislead the Department by suggesting that key Western Sydney attractions have 'signed' up to the proposed 'joint ticketing initiative'. The two major existing attractions in Western Sydney are Featherdale and Raging Waters Sydney (formerly Wet n' Wild) – both of which have not signed up to Sydney Zoo's proposed joint ticketing – and have no intention of doing so. **Sydney Zoo does not intend to 'grow the pie' – but to prey on Featherdale's existing international**

visitor market. It has been actively saying to Featherdale's existing International Tour Operator clients, statements along the lines that they should bring their business to Sydney Zoo because Featherdale is a run-down old business. These are not the actions of a company that has any genuine intention to satisfy the PAC's requirements to 'enhance regional tourism'. It demonstrates that **Sydney Zoo blatantly does not intend to differentiate itself from Featherdale. In fact it intends to do quite the opposite – and mimic Featherdale's offering to target Featherdale's existing international customer base;**

- (b) Inadequate Assessment of Social and Economic Impacts in the Locality – inadequate assessment is provided with the application regarding potential social and economic impacts in the locality arising from Modification 3. **Sydney Zoo's representation in its environmental assessment documentation that Modification 3 will not present any socio-economic impacts over and above what was already assessed and approved for the operation of the Sydney Zoo is factually incorrect – and grossly understates the potential environmental impacts of Modification 3**, in circumstances where it would enable Sydney Zoo to target 100% of the existing market for international visitors on the morning tour groups on the way to the Blue Mountains in direct competition (not differentiation) with Featherdale; and
- (c) Invalid Approval Pathway - the IPC cannot lawfully approve Modification 3 unless it is satisfied that Modification 3 is 'of minimal environmental impact' for the purposes of section 4.55(1A) of the EP&A Act. Case law provides that the word 'minimal' in the context of section 4.55(1A) of the EP&A Act means 'very small' or 'negligible' environmental impact. With respect, **on any reasonable view of it the environmental impacts arising from Modification 3 cannot be characterised as 'very small' or 'negligible'. It follows that section 4.55(1A) is not a valid approval pathway for Modification 3.**

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Featherdale Wildlife Park

John Wynne
Group Director
Urbis

Ben Fuller
Partner
Gilbert + Tobin Lawyers

Glenn Willis
CEO
Elanor Investors Group

Attachment A Differentiation Obligations

Summary Table – Differentiation Obligations

The Development Consent authorises the new zoo to be constructed and operated subject to the conditions specified in Schedules B to D of the Development Consent.

Condition B2 of Schedule B provides that the Applicant shall carry out the development in accordance with the:

- (a) EIS, RTS and Supplementary Information and Additional Information;
- (b) development layout plans and drawings in the EIS, RTS and Supplementary Information; and
- (c) the Management and Mitigations Measures (Appendix B).

The 'Additional Information' is defined in the Development Consent to comprise the following key documents:

"Response to the Planning Assessment Commission's request for further information" prepared by Sydney Zoo and dated April 2017 (**Response to Commission's Request for Further Information**);

'Social Impact Assessment' prepared by the University of Technology Sydney; and

"The Sydney Zoo – D440/16 – amendment of proposal" signed by Jake Burgess and dated 10 August 2017 (**Sydney Zoo August 2017 Letter**).

The 'Supplementary Information' is defined in the Development Consent to contain the following key documents:

Supplementary Information submitted by JBA dated 22 August 2016 (**Supplementary Information**).

Differentiation Obligation	Source of Differentiation Obligation																																										
Type of Facility	<p>Section 6.0 of the Supplementary Information (Tab 5) is titled 'Socio-Economic Impacts' and provides relevantly [at page 12]:</p> <p>“ <i>The proposal will deliver a much needed iconic tourism and recreation facility in Western Sydney and offer the people of Western Sydney diversity of choice. In doing so it will improve the social and cultural amenity for the community. Attached at Attachment G is further information regarding the context and key characteristics of the Sydney Zoo proposal, including a comparison of Sydney Zoo to Featherdale, clearly demonstrating the obvious and substantial differences between the two facilities.</i>”</p> <p>Attachment F to the Supplementary Information (Tab 5) is entitled 'Socio-Economic Detailed Response'. Table 1 contains a 'Summary of responses by Sydney Zoo to issues raised by Elanor'. At Item 6 [page 5] Sydney Zoo provides the following comments:</p> <p>“<i>The Applicant submits that the differences between the two facilities and consequently, their differing appeal, are clear from a summary comparison:</i></p> <p><i>Table 1B: Comparison assessment of Sydney Zoo and Featherdale</i></p> <table border="1" data-bbox="508 683 1395 1343"> <thead> <tr> <th></th> <th>Sydney Zoo</th> <th>Featherdale</th> </tr> </thead> <tbody> <tr> <td><i>Facility</i></td> <td><i>Zoological facility</i></td> <td><i>Wildlife park</i></td> </tr> <tr> <td><i>Area</i></td> <td><i>16.5 hectares</i></td> <td><i>3.1 hectares</i></td> </tr> <tr> <td><i>Visitation time</i></td> <td><i>3-4 hours</i></td> <td><i>1+ hours</i></td> </tr> <tr> <td><i>Parking</i></td> <td><i>1,053 spaces</i></td> <td><i>60 spaces plus small overflow area</i></td> </tr> <tr> <td><i>Animal Heritage</i></td> <td><i>Exotic and Australian</i></td> <td><i>Australian only</i></td> </tr> <tr> <td><i>Restaurant</i></td> <td><i>Yes</i></td> <td><i>No</i></td> </tr> <tr> <td><i>Kiosks</i></td> <td><i>2</i></td> <td><i>1</i></td> </tr> <tr> <td><i>Educational Amphitheatre</i></td> <td><i>Yes</i></td> <td><i>No</i></td> </tr> <tr> <td><i>Picnic areas and Gardens</i></td> <td><i>Yes</i></td> <td><i>No</i></td> </tr> <tr> <td><i>Wetlands and Waterways</i></td> <td><i>Yes</i></td> <td><i>No</i></td> </tr> <tr> <td><i>Quarantine Facility</i></td> <td><i>Yes</i></td> <td><i>No</i></td> </tr> <tr> <td><i>Aquarium</i></td> <td><i>Yes, fish and sharks</i></td> <td><i>No</i></td> </tr> <tr> <td><i>Reptile and</i></td> <td><i>Yes</i></td> <td><i>Yes</i></td> </tr> </tbody> </table>		Sydney Zoo	Featherdale	<i>Facility</i>	<i>Zoological facility</i>	<i>Wildlife park</i>	<i>Area</i>	<i>16.5 hectares</i>	<i>3.1 hectares</i>	<i>Visitation time</i>	<i>3-4 hours</i>	<i>1+ hours</i>	<i>Parking</i>	<i>1,053 spaces</i>	<i>60 spaces plus small overflow area</i>	<i>Animal Heritage</i>	<i>Exotic and Australian</i>	<i>Australian only</i>	<i>Restaurant</i>	<i>Yes</i>	<i>No</i>	<i>Kiosks</i>	<i>2</i>	<i>1</i>	<i>Educational Amphitheatre</i>	<i>Yes</i>	<i>No</i>	<i>Picnic areas and Gardens</i>	<i>Yes</i>	<i>No</i>	<i>Wetlands and Waterways</i>	<i>Yes</i>	<i>No</i>	<i>Quarantine Facility</i>	<i>Yes</i>	<i>No</i>	<i>Aquarium</i>	<i>Yes, fish and sharks</i>	<i>No</i>	<i>Reptile and</i>	<i>Yes</i>	<i>Yes</i>
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Differentiation Obligation	Source of Differentiation Obligation								
		<i>Nocturnal House</i>							
		<i>Insectarium</i>	Yes	No					
		<i>Aviaries</i>	No	Yes – 70% of animal collection: >1,000 birds					
		<i>Australian Animals (smaller marsupials and mammals)</i>	Yes – integrated with Aboriginal cultural experience; less than 1.6ha of 16.5ha	Yes – focus on petting/“up-close” experience, 100% of facility					
		<i>Primates</i>	Yes – gorilla, orangutan, chimpanzee et al	No					
		<i>Big Cats</i>	Yes – Lion, cheetah, tiger et al	No					
		<i>African</i>	Yes – Giraffe, rhinoceros, hyena, zebra et al	No					
		<i>Other Large Animals</i>	Asian elephant, sun bear, water buffalo, addax et al	No					
	<p>Reflecting the longer visitation time, larger facility size/amenity and broader animal collection, the Proposal will be priced more expensively than Featherdale and is likely to appeal to a different market and/or satisfy a different tourism/recreation demand. The Urbis Report summarised feedback for Featherdale from focus groups. A review of the positive features identified by the focus groups is set out below together with the Applicant’s comments on the applicability of the identified features to the Proposal. This helps to further highlight the significant differences between the two facilities</p> <p>Table 1C: Focus Group responses</p> <table border="1" data-bbox="510 1233 1547 1329"> <thead> <tr> <th data-bbox="510 1233 887 1270">Featherdale Feature</th> <th data-bbox="887 1233 1547 1270">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="510 1270 887 1329">Opportunity to get close to animals</td> <td data-bbox="887 1270 1547 1329">Prime focus of Featherdale, esp. Australian animals. Not a prime focus for Sydney Zoo; ‘safari’ style experience and</td> </tr> </tbody> </table>					Featherdale Feature	Comment	Opportunity to get close to animals	Prime focus of Featherdale, esp. Australian animals. Not a prime focus for Sydney Zoo; ‘safari’ style experience and
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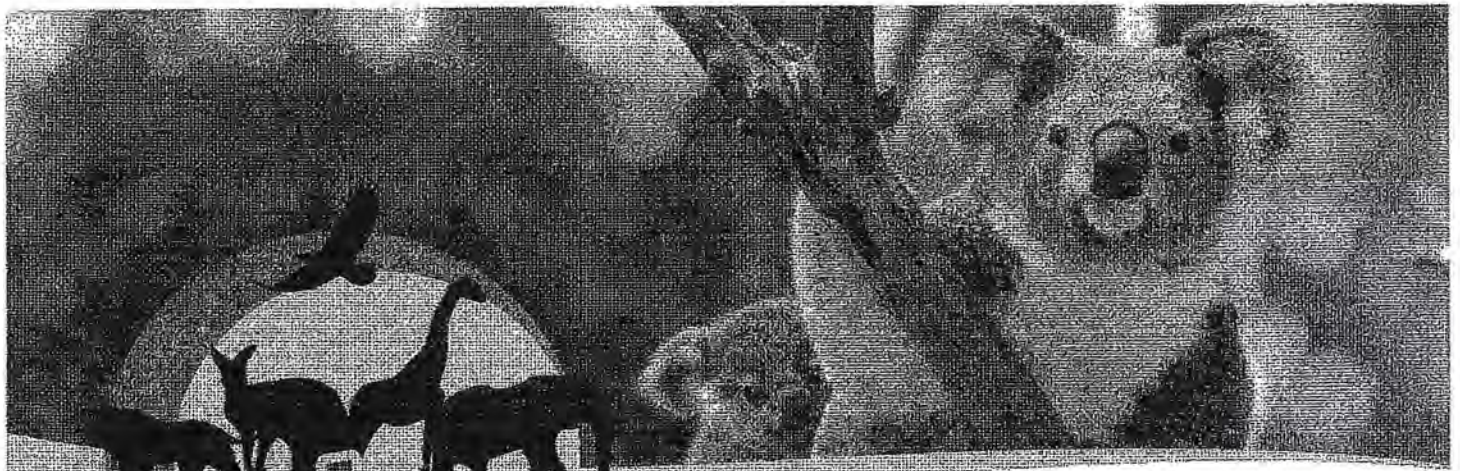
Differentiation Obligation	Source of Differentiation Obligation							
		<i>Australian animals will be presented primarily via Aboriginal cultural experience.</i>						
	<i>Affordable ticket prices and free parking (relative to Taronga Zoo and other animal attractions)</i>	<i>Sydney Zoo will be priced comparatively with Taronga Zoo as a full-service facility.</i>						
	<p>...</p> <p><i>Having regard to these observations, the Applicant submits that the focus groups highlight the difference between the product offerings of Featherdale and the Proposal.</i></p>							
	<p>Attachment F to the Supplementary Information (Tab 5) - at Item 11 [page 14] Sydney Zoo provides the following comments:</p> <p><i>“The Proposal is significantly differentiated based on price, time of stay, amenity, the animal collection and the display strategy. In the Proposal’s Australian animals section, the Applicant has sought to further differentiate the Proposal through the inclusion of an Aquarium and insectarium, as well as through the display strategy – for example, by not including aviaries which are a significant component of the Featherdale exhibitry.</i></p> <p><i>.”</i></p>							
	<p>Attachment G to the Supplementary Information (Tab 5) is a brochure entitled ‘Welcome to Sydney Zoo – Australia’s most advanced zoo in the heart of Western Sydney’. It contains what purports to be a Fact Sheet [see last three pages of Attachment G] which provides, relevantly:</p>							
	<p><i>“How is Sydney Zoo different to Featherdale Wildlife Park?</i></p> <p><i>Sydney Zoo will be a world-class zoological facility exhibiting a wide range of iconic animal species in a 16.5ha safari-like setting. Featherdale is a wildlife park situated on 3.1ha of land exhibiting Australian fauna with an emphasis on native birds.</i></p>							
	<p>Additional Information - Sydney Zoo Letter 10 August 2017 (Tab 6) provides that:</p> <p><i>“The proposed facilities comprising Sydney Zoo will ensure that the product offering of Sydney Zoo is materially differentiated from Featherdale across a number of key areas:</i></p>							
	<table border="1"> <thead> <tr> <th data-bbox="495 1209 685 1289">Offering</th> <th data-bbox="685 1209 1173 1289">Differentiation</th> <th data-bbox="1173 1209 1547 1289">DA/Consent Condition</th> </tr> </thead> <tbody> <tr> <td data-bbox="495 1289 685 1358"><i>Animals</i></td> <td data-bbox="685 1289 1173 1358"><i>Sydney Zoo will have both exotic and Australian animals</i></td> <td data-bbox="1173 1289 1547 1358"><i>Inherent in facility design</i></td> </tr> </tbody> </table>	Offering	Differentiation	DA/Consent Condition	<i>Animals</i>	<i>Sydney Zoo will have both exotic and Australian animals</i>	<i>Inherent in facility design</i>	
Offering	Differentiation	DA/Consent Condition						
<i>Animals</i>	<i>Sydney Zoo will have both exotic and Australian animals</i>	<i>Inherent in facility design</i>						

Differentiation Obligation	Source of Differentiation Obligation								
	Australian Exhibit Area	Sydney Zoo's Australian Exhibit Area will be less than 1.6ha	Inherent in facility design Draft Condition B6						
	Australian Exhibit Infrastructure	Sydney Zoo's Australiana exhibits will include major Aquarium, Reptile House and Insectarium, and Nocturnal House	Inherent in facility design						
	Aviaries	Sydney Zoo will not include any material enclosures for Australian flighted birds	Inherent in facility design						
	Educational Amphitheatre	Sydney Zoo will include a large capacity amphitheatre suitable for educational displays	Inherent in facility design						
Pricing	<p>Attachment F to the Supplementary Information (Tab 5) is titled 'Socio-Economic Detailed Response'. Table 1 contains a 'Summary of responses by Sydney Zoo to issues raised by Elanor'. At Item 6 [page 5] Sydney Zoo provides the following comments:</p> <p><i>"Reflecting the longer visitation time, larger facility size/amenity and broader animal collection, the Proposal will be priced more expensively than Featherdale and is likely to appeal to a different market and/or satisfy a different tourism/recreation demand."</i></p> <p>.</p> <p>Table 1C: Focus Group responses:</p> <table border="1" data-bbox="508 951 1603 1246"> <thead> <tr> <th data-bbox="508 951 842 986">Featherdale Feature</th> <th data-bbox="842 951 1603 986">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="508 986 842 1115">Opportunity to get close to animals</td> <td data-bbox="842 986 1603 1115">Prime focus of Featherdale, esp. Australian animals. Not a prime focus for Sydney Zoo; 'safari' style experience and Australian animals will be presented primarily via Aboriginal cultural experience.</td> </tr> <tr> <td data-bbox="508 1115 842 1246">Affordable ticket prices and free parking (relative to Taronga Zoo and other animal attractions)</td> <td data-bbox="842 1115 1603 1246">Sydney Zoo will be priced comparatively with Taronga Zoo as a full-service facility.</td> </tr> </tbody> </table> <p>...</p> <p>The Applicant also notes that Featherdale will have the key competitive advantage of being lower in price.</p>			Featherdale Feature	Comment	Opportunity to get close to animals	Prime focus of Featherdale, esp. Australian animals. Not a prime focus for Sydney Zoo; 'safari' style experience and Australian animals will be presented primarily via Aboriginal cultural experience.	Affordable ticket prices and free parking (relative to Taronga Zoo and other animal attractions)	Sydney Zoo will be priced comparatively with Taronga Zoo as a full-service facility.
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Affordable ticket prices and free parking (relative to Taronga Zoo and other animal attractions)	Sydney Zoo will be priced comparatively with Taronga Zoo as a full-service facility.								

Differentiation Obligation	Source of Differentiation Obligation
	<p><i>The Applicant has made the Proposal's full service offering and subsequent pricing strategy clear. Pricing strategy is evidently a critical differentiator when families are presented with a choice of attractions. "</i></p> <p>Attachment F to the Supplementary Information, at Item 13 [page 15] Sydney Zoo provides the following comments:</p> <p><i>"Featherdale is clearly differentiated and will enjoy a price advantage over the Proposal."</i></p>
<p>Type of Australian Animal Encounters</p>	<p>Section 6.14 of the EIS (Tab 3) is titled 'Socio-economic Impacts' and provides, relevantly [at page 120]:</p> <p><i>"As identified in Section 2.5.1, Featherdale Wildlife Park provides a similar tourism offering including animal experiences to those proposed by the Sydney zoo. However Featherdale generally focuses on farmyard and native Australian species where as Sydney Zoo will include exotic species.</i></p> <p><i>In particular, Sydney Zoo has approximately 11,000m² of Australian species exhibits, a small proportion (10%) of the total exhibit space, significantly less than that of Featherdale. The majority of exhibit space within the proposed Zoo is dedicated to exotic species. The Zoo will also have approximately 40 Australian species, again, less than that of Featherdale, and will provide a significant number of fish, insects and nocturnal species which Featherdale do not display.</i></p> <p><i>Furthermore, the Zoo is not proposing an aviary, whereas Featherdale has a key focus on bird species, which was its main focus upon opening.</i></p> <p><i>Accordingly, the proposed Zoo and Featherdale provide for differing experiences for guests. This point of difference will ensure that the patronage for both attractions is sourced from different markets, and offers the chance for the Zoo and Featherdale to complement each other's animal experience offerings."</i></p> <p>Section 3.6 of the Response to the Commission's Request for Further Information prepared by Sydney Zoo and dated April 2017 (Tab 7) is entitled 'Sydney Zoo Exhibit Spaces Assessment' and contains a table [at pages 37 to 39] which outlines the Sydney Zoo proposed species list, number of proposed animals to be held and proposed exhibit size.</p> <p>In relation to Product Differentiation – Australian Animals, the Sydney Zoo Letter 10 August 2017 provides [at third and second last page] as follows:</p> <p><i>"While the interactive experiences offered by various facilities are substantially similar the marketing pitch differs widely, for example:</i></p> <ol style="list-style-type: none"> 1. <i>Featherdale sells itself as offering proximity to the animals, currently marketed under the by-line "Sydney's Hands-on Wildlife Experience"</i> <p>...</p> <p><i>This divergence in branding has allowed Featherdale to establish a reputation as the pre-eminent facility for animal interactions, despite essentially offering substantively similar products to other zoos and wildlife parks.</i></p> <p><i>Sydney Zoo has not yet developed our market positioning. However, as a full service, broad appeal facility our positioning will similarly focus more</i></p>

Differentiation Obligation	Source of Differentiation Obligation
	<p><i>broadly, thereby allowing Featherdale to continue to occupy the niche of “getting close to the animals”.</i></p> <p>Condition B6 of the Development Consent provides as follows:</p> <p><i>“The display of Australian native animals shall comprise less than 1.6 hectares of the overall exhibited animal collection and shall be displayed as part of an Aboriginal Cultural Experience (See Condition C21). This area is to be in accordance with the area designated for Australian animals presented within the Site Plan (see APPENDIX A) and must include from the commencement of opening to the public an Aquarium, Reptile House and Insectarium and Nocturnal House. Any additional Australian native animals can be displayed as part of educational sessions or ‘micro displays’ within the commercial facilities across the site (i.e. restaurants, cafes and shops).”</i></p>
<p>Two Thirds Exotic Species at Opening</p>	<p>Condition B7 of the Development Consent provides as follows:</p> <p><i>“For the commencement of opening to the public the Development must have for display to the public at least two-thirds of the exotic species nominated in the Additional Information.”</i></p> <p>The exotic species list nominated in the Additional Information is contained in the Table [at pages 37 to 39] of Section 3.6 of the Response to Submissions Report.</p>
<p>Koala Interaction</p>	<p>Condition B8 of the Development Consent provides as follows:</p> <p><i>“For the first three years after opening to the public, the Applicant is prohibited from having Interactive Programs that involve touching a koala except as part of demonstrations in the educational amphitheatre or provided in the context of education of school groups.”</i></p> <p>The term ‘Interactive Program’ is defined in the Development Consent to mean:</p> <p><i>“Activities supervised by one or more keepers which encourage a patron to touch, feed and/or have close contact with an animal, either inside or outside of the animal’s normal enclosure’</i></p>
<p>Development of Regional Tourism</p>	<p>Condition C9 of the Development Consent is entitled ‘Development of Regional Tourism’ and provides as follows:</p> <p><i>“Prior to the commencement of operations, the Applicant shall submit a report to the satisfaction of the Secretary demonstrating it has made genuine and reasonable attempts to consult with local recreational facilities and business (including Featherdale Wildlife Park) to enhance regional tourism in conjunction with the Development. The report shall include:</i></p> <ul style="list-style-type: none"> <i>(A) details of how the operation of the Development will differ from the existing recreational facilities and businesses;</i> <i>(B) detail consultation undertaken with local recreational facilities and businesses;</i> <i>(C) outline initiatives implemented to encourage continued operation in conjunction with local recreational facilities and businesses;</i> <i>(D) detail the success or otherwise of these initiatives using recognised social indicators; and</i> <i>(E) include detail of the additional activities that will be undertaken for the duration of the Development.</i> <p><i>The Secretary may request updates on these initiatives at any time.”</i></p>

Attachment B Non-Compliant Marketing Material



sydney ZOO

Bungarribee Wildlife Park at Sydney Zoo

Contract date: Valid until 31st March 2020

Opening 2019

Sydney Zoo is destined to be Sydney's newest and most exciting Tourist Attraction. Located in the extensive Bungarribee Parklands in Eastern Creek, once complete, Sydney Zoo will be one of the finest visitor experiences in the world.

Ideally located on the Great Western Highway/M7 junction, Sydney Zoo is the perfect midway stop on a trip to the Blue Mountains and offers options for a short visit highlighting Australia's unique native species or a comprehensive full day tour including lunch or morning tea.

The Bungarribee Wildlife Park Experience

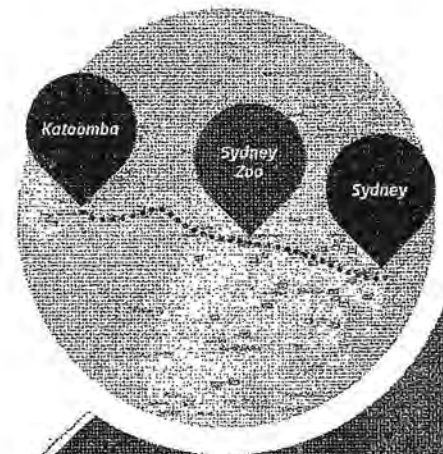
At Sydney Zoo visitors will meander along leafy bushland pathways. Where guests can immerse themselves in the Aussie Bush. All displays will allow visitors to get up close to Koalas, Echidnas, Wombats, Tasmanian Devils, Dingos and a range of other unique species. Hand feeding our friendly kangaroos, wallabies and emus is a must do experience for visitors who will relish the experience and take away that all important "selfie".

No visit will be complete without a trek through our underground nocturnal and reptile displays including Bilibies, Quolls, Ghost Bats and Australia's wide variety of insects, lizards, pythons and venomous snakes.

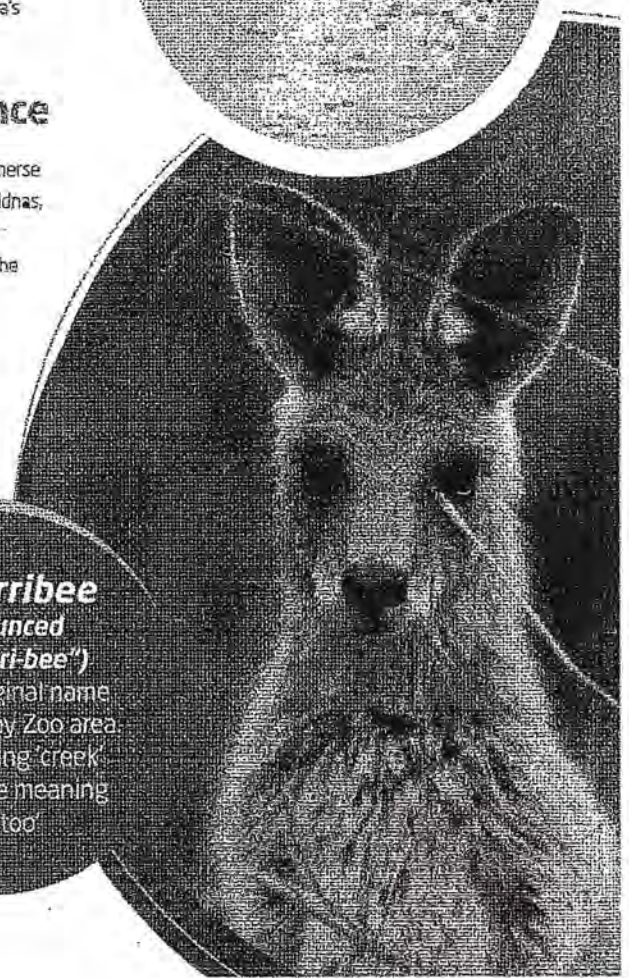
The Bungarribee Wildlife Park's Aboriginal Ranger program will feature indigenous dreamtime stories linked to our unique native species and bush tucker trails and the Parramatta River-themed Bull Shark aquarium will delight guests of all ages with its underwater shark viewing, Platypus habitat, cute Little Penguins and an enormous Saltwater Crocodile.

The entire zoo is easy to navigate with level pathways. No steps, hills or climbs which will allow access to all areas for every age and ability.

thezoo.sydney



Bungarribee
(pronounced "Bun-Garri-bee")
is the Aboriginal name for the Sydney Zoo area. Bung meaning 'creek' and Garribee meaning 'cockatoo'.



Our Parramatta River
Bull Shark Aquarium

Sydney
ZOO

Product Features and Inclusions

- A choice of open picnic areas with views into surrounding displays.
- The **Wema restaurant** which offers a range of healthy and appetising food options, tea coffee and cold drinks and seating for as many as 400 guests.
- A **Prayer room**
- **Parent's rooms and disabled facilities**
- A large **1,100 space, free parking area**
- **Retail shop** with Sydney Zoo branded merchandise.

Operating Hours

9:00am TO 5:00pm DAILY
with negotiable early access.

Rates All rates include GST of 10%

PRODUCT	RETAIL RATE	NETT RATE for registered travel operators.
ENTRY		
ADULT	\$34.00	\$12.00
CHILD (3-15)	\$19.00	\$10.50
STUDENT	\$29.00	\$10.90

Payments

All payments can be made electronically by direct deposit. We also accept credit card, cash or cheque on arrival. For further detail and a presentation on this exciting new attraction in Western Sydney please contact our travel industry marketing team at Australian Attractions by calling +61 2 82510078 or emailing:

Daytours and Western markets
Louise Godlonton
louise@australianattractions.com.au

Asian markets
Simon Williamson
Simon@australianattractions.com.au

China Market
Jojo Chang
jojo@australianattractions.com.au

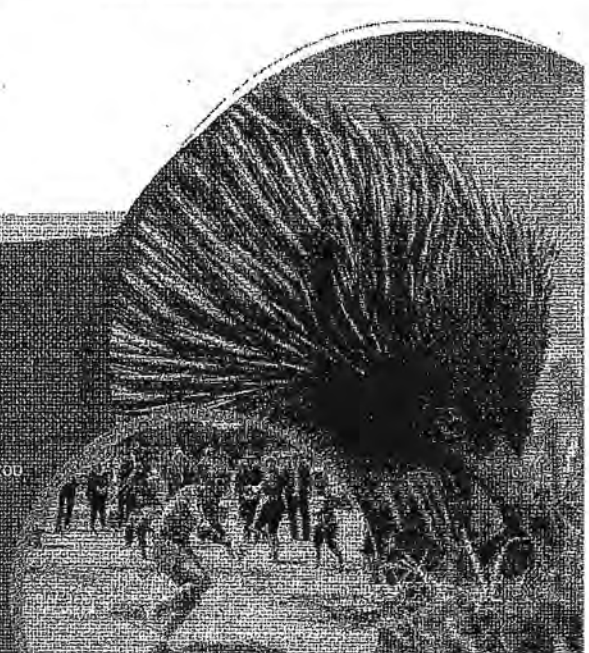
For all Media and PR related enquires please contact the Sydney Zoo Team on:
Phone: 1800 the zoo (1800 843 366)
Email: info@thezoo.sydney

Location

The corner of Rudders Street and Great Western Highway,
Bungaribee NSW 2767

Phone: 1800 THE ZOO (1800 843 366) Email: info@thezoo.sydney
Facebook: facebook.com/TheSydneyZoo Instagram: instagram.com/sydneyzoo

thezoo.sydney ABN: 55 158 970 090



시닉월드
Scenic World

시드니 동물원
Sydney Zoo



시닉월드
Scenic World

시드니 동물원
Sydney Zoo



親親動物好去處：放養式野生動物體驗



於 2018 年底到悉尼西即可享受近距離「放養式」的野生動物體驗。耗資 3,600 萬澳元打造的 Sydney Zoo 飼養了 30 種動物，遊客可在木板橋上一覽澳洲本土及其他特別的動物。動物園還設有聞名澳洲的非籠養野生動物園區，讓遊客在野外環境中親親大自然。

在距離荷伯特一小時車程的 Tasmanian Devil Unzoo，遊客可以仿如置身動物棲息地中，零阻隔地觀賞不同動物，包括袋獾(塔斯馬尼亞惡魔)、黃金負鼠、袋鼠和東袋鼬。此外，多個全球最大型動物園，例如近阿德萊德 Monarto Zoo、維多利亞州的威勒比開放式動物園 (Werribee Open Range Zoo) 及德寶市的塔龍加西部平原動物園 (Taronga Western Plains Zoo)，亦提供「放養式」野生動物園區。

另外，遊客亦可於威爾遜岬 (Wilson's Promontory) 參加由 Wildlife Coast Cruises 推出的六小時賞鯨之旅，由 Port Welshpool 出發巡航感受澳洲全新野生動物體驗。獲獎無數的 Pennicott Wilderness Journeys 亦會於 2018 下半年推出新的體驗，讓遊客觀賞於該區棲息的澳洲毛皮海獅。

全新的 Australian Wildlife Journeys 亦希望為到澳洲自然棲息地探訪本土野生動物的遊客提供一站式服務。

詳情：

Sydney Zoo (2018 年底開幕)

地址：Zoo in Blacktown, New South Wales, Australia

詳情請瀏覽：www.thezoo.sydney

Monarto Zoo

地址：Old Princes Hwy, Monarto, South Australia 5254, Australia

詳情請瀏覽：www.monartozoo.com.au

Taronga Western Plains Zoo

地址：Obley Road, Dubbo, New South Wales NSW 2830, Australia

詳情請瀏覽：taronga.org.au/taronga-western-plains-zoo

Tasmanian Devil Unzoo

地址：Taranna Tasmania 7180 Australia

詳情請瀏覽：tasmaniandevilunzoo.com.au

Werribee Open Range Zoo

地址：K Road, Werribee, Victoria 3030, Australia

詳情請瀏覽：www.zoo.org.au/werribee

128

Sydney & Blue Mountains
Iconic Experiences



Eastsail





Dear Peter

We are very excited to introduce the new Sydney Zoo featuring the Bungarribee Wildlife Experience. Opening in the second half of 2019!

Embracing technology and innovation, Sydney Zoo will be exhibiting a wide range of animals in a safari-like experience. With clever designs hiding barriers combined with the latest technology it will provide an experience that is more immersive and engaging than traditional zoos.

One of the key features of Sydney Zoo will be the Bungarribee Wildlife Experience. . Bungarribee (pronounced 'Bun-Garri-bee') is the Aboriginal name for the Sydney Zoo area. Bung meaning 'creek' and Garrabee meaning 'cockatoo'.

Ideally located on the Great Western Highway/M7 junction, Sydney Zoo is the perfect midway stop on a trip to the Blue Mountains and will offer options for a short visit to the Bungarribee Wildlife Experience which will highlight Australia's unique species including Koalas, Echidnas, Wombats, Tasmanian Devils, Dingos to name a few. Handfeeding friendly kangaroos, wallabies and emus is a must do experience for visitors who will take away that all important 'selfie'. Bungarribee Wildlife Experience will include an underground nocturnal and reptile house with a large variety of Lizards, Snakes, Bilbies, Quolls and Gliders.

The Parramatta River themed Bull Shark aquarium will delight guests with its underwater shark viewing, Platypus habitat, cute Little Penguins and an enormous Saltwater Crocodile.

The entire zoo is easy to navigate with level pathways - no steps, hills or climbs with a choice of open picnic areas or the option of visiting the restaurant which will offer a range of healthy and appetising food options with seating for up to 400 guests. (We are working on group menus now).

[Please click here for Sydney Zoo 19/20 rates](#)

We will update you in a few more weeks on a more specific opening date. We will be able to take reservations shortly for bookings after 1 October, 2019. In the mean time, Please click on the following link for a construction update video

<https://www.dropbox.com/s/4miv7z2f52xa4d8/Sydney%20Zoo%20construction%20update.mp4?dl=0>

We look forward to working with you on this new attraction. We will keep you updated, but if you have any queries, please don't hesitate to contact us.

Cheers

Louise, Ken, Simon, Nathan, Jojo and Aimee

The Australian Attractions Team

<image003.ida>



OPENING MID 2019
CONTRACT DATE:
VALID UNTIL 31 MARCH 2020

sydneyzoo.com

Sydney's newest and most exciting Tourist Attraction.

Located in the extensive Bungarrabee Parklands in Eastern Creek, Sydney Zoo will be one of the finest visitor experiences in the world.

Ideally located on the Great Western Highway/M7 junction, Sydney Zoo is in close proximity to the M4 Motorway, making it the ideal midway stop on a trip to the Blue Mountains. Sydney Zoo offers options for a short visit highlighting Australia's unique native species or a comprehensive full day tour including lunch or morning tea.



Highlight: The Bungarrabee Wildlife Experience

At Sydney Zoo visitors will meander along open range leafy bushland pathways, immersing themselves in an Aussie Bush Safari. All displays will allow visitors to get up close to Koalas, Echidnas, Wombats, Tasmanian Devils, Dingos and a range of other unique species. Hand feeding our friendly kangaroos, wallabies and emus is a must do experience for visitors who will relish the experience and take away that all important "selfie".

No visit will be complete without a trek through our unique underground nocturnal and reptile displays including Bilbies, Quolls, Ghost Bats and Australia's wide variety of insects, lizards, pythons and venomous snakes.

The Bungarrabee Wildlife Experience's integrated Aboriginal Cultural program will feature indigenous dreamtime stories linked to our unique native species and bush tucker. The Parramatta River themed Bull Shark aquarium will delight guests of all ages with its underwater shark viewing, Platypus habitat, cute Little Penguins and an enormous Saltwater Crocodile.

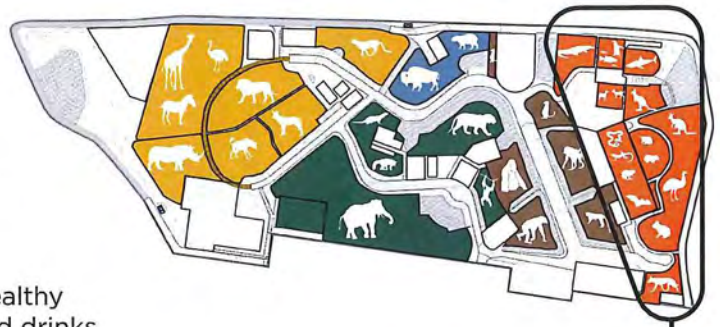
The entire zoo is easy to navigate with level pathways and no steps, hills or climbs, which will allow access to all areas for every age and ability.

BUNGARRIBEE (PRONOUNCED "BUN-GARRI-BEE") IS THE ABORIGINAL NAME FOR THE SYDNEY ZOO AREA. BUNG MEANING 'CREEK' AND GARRIBEE MEANING 'COCKATOO'.



Product Features & Inclusions

- One of Australia's best displays of native Australian Flora and Fauna
- 5 major precincts featuring charismatic animals from around the world
- A choice of open picnic areas with views into surrounding displays
- Integrated Aboriginal Cultural experiences
- The Boma restaurant which offers a range of healthy and appetising food options, tea coffee and cold drinks and seating for as many as 400 guests
- Only 5 minutes from the m4 Motorway to the Blue Mountains
- Prayer room
- Parent's rooms and disabled facilities
- Retail shop with Sydney Zoo branded merchandise



THE BUNGARRIBEE WILDLIFE EXPERIENCE



Rates

All rates include GST of 10%

	RETAIL	NETT RATE for registered travel operators
ADULT	\$39.99	\$15.00
CHILD (3-15)	\$19.99	\$10.50
STUDENT	\$29.99	\$10.90

**OPEN DAILY
9:00AM TO 5:00PM**

Payments

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MEDIA & PR

For all Media and PR related enquiries please contact the Sydney Zoo Team at: info@sydneyzoo.com



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📍 700 Great Western Highway
Bungarrabee NSW 2767

✉ info@sydneyzoo.com

📱 @TheSydneyZoo
📺 @TheSydneyZoo

ABN: 55 168 970 090

Attachment C Elanor-Featherdale's Submissions



06 February 2019

Ms Chloe Dunlop
NSW Department of Planning and Environment
Via email: [REDACTED]

Dear Chloe,

MODIFICATION APPLICATION TO SYDNEY ZOO: SSD 7228 MOD NO 3 – OBJECTION

On behalf of Elanor Investors Group (**Elanor**), the owners and operators of Featherdale Wildlife Park (**Featherdale**), we submit this **objection** to Modification Application No. 3 to Sydney Zoo Development Consent SSD 7228 (**Development Consent**).

Development Consent issued by the Planning Assessment Commission NSW (**PAC**) dated 8 September 2017 included Condition B10, which restricts the hours of operation for the development to:

- December and January: 9am – 10pm; and
- February to November: 9am – 6pm.

Modification Application No 3 seeks to materially extend the operating hours of the zoo, described in that Application as follows:

Limits of Consent	
B10 The general public opening hours of operation for the Development are restricted, on any day, to:	
Month	Hours of Operation
December and January	9am – 10pm
February to November	9am – 6pm
Other activities on the site which may be conducted each day in addition to the above hours include:	
Activity Description	Hours of Operation
Maintenance activities conducted by staff of the Development including cleaning, animal curation, feeding, and general maintenance activities	5.30am – 11pm
Emergency activities (animal medical events etc)	24 hours, 7 days a week
Temporary and community events	December and January: 7am – 11pm February to November: 7am – 8pm
Delivery of goods, waste collection and specimen related services including animal and food delivery	7am – 6pm on any day
Private zoo experiences/small group tours	7.30am – 9am
Note: C32 Operational Noise Limits applies to all activities.	

(Source: Ethos Urban letter dated 4 December 2018)

Submission to Modification No 3 - DraftFinal

Elanor recognises the desire to refine Condition B10 to distinguish between restrictions applying to public access to the zoo, and supporting maintenance, emergency animal treatment, delivery and waste collection activities.

However, Elanor strongly objects to any extension of hours for public access to the facility. In particular, Elanor does not accept as suggested in the Ethos Urban letter that the proposed changes to operating hours '*clarify the intended operational activities*' of Sydney Zoo. The Modification Application is quite clearly not a clarification of intended operational activities, but a proposal to authorise new and significant activities - including temporary and community events and private zoo experiences/small group tours.

Accordingly, Elanor objects to the following aspects of the application:

- **Temporary and community events:** December and January 7am – 11pm and February to November 7am to 8pm; and
- **Private zoo experiences/small group tours:** 7.30am to 9am.

We object to the expansion of public access to Sydney Zoo as proposed in Modification No 3, on the following grounds:

1. The proposal significantly increases the likelihood of detrimental economic and social impacts affecting the operation of Featherdale Wildlife Park compared with the proposal that was assessed and approved by the Planning Assessment Commissioner on 8 September 2017. It is clear from the PAC's Determination Report for SSD 7228, that assessment of social and economic impacts arising from the opening of Sydney Zoo in close proximity to Featherdale, and the necessity to reduce and mitigate those impacts, was a key consideration in the approval of the application.

In recognition of these concerns, the PAC imposed conditions of consent C7, C8 and C9 imposing requirements on the operator of Sydney Zoo to implement a range of actions minimising potential negative impacts on key stakeholders and businesses affected by the new facility. In addition, the PAC imposed condition of consent B2 which requires the operator of Sydney Zoo to carry out the development in accordance with, among other matters, the differentiation obligations contained in the EIS, RTS, Supplementary Information and Additional Information (as defined in the Development Consent). Pursuant to s4.55(3) of the *Environmental Planning and Assessment Act 1975 (EP&A Act)*, the consent authority is required to consider the PAC's assessment of these matters, and the importance of the socio-economic impacts, when determining the modification application.

The proposal seeks to expand, intensify and introduce new public events on the site that were not considered in the determination of SSD 7228, creating a range of new and unacceptable competitive conflicts with operations at Featherdale – that will lead to broader adverse and unacceptable social and economic impacts on the locality.

2. Expansion and intensification of public access to Sydney Zoo proposed in this application is premature given the absence of an acceptable approach to 'enhance regional tourism' as required by Condition C9 of SSD 7228. Condition C9 was imposed to enforce Sydney Zoo's commitment to work cooperatively with Featherdale and other local business in fostering a collaborative business environment. To date, a comprehensive and acceptable regional tourism plan has not been provided to or accepted by Elanor, or the Secretary of the Department. It is unacceptable for approval of any expansion of Sydney Zoo to occur in the absence of satisfaction of this condition of consent.



3. Insufficient detail is provided in the application regarding the extent and nature of 'temporary and community events' and 'private zoo experiences/guided tours'. No information is provided describing the specific number of events or tours to be held, or the number of patrons associated with these activities, or whether the events/experiences/tours will involve native animal encounters.

The very broad description of these proposed activities and absence of detail creates the potential for significant expansion of patronage at the facility, which is unacceptable given the recognised sensitivities for economic and social impact on the operations of Featherdale and flow on adverse impacts in the locality.

4. Inadequate assessment is provided with the application regarding potential social and economic impacts of the proposed modification. The planning report includes a single paragraph asserting the proposal, '*will continue to have positive socio-economic and conservation benefits for Western Sydney*' and '*will become a destination of choice and contribute to the economic growth of Western Sydney*'. This broad statement is not supported by any details and reflects ground of objection No 1 in being totally inadequate given the recognised sensitivities with Featherdale and associated social and economic impacts in the locality. There has been no attempt to consult with Featherdale in relation to the proposed modification. The absence of consultation, coupled with the lack of particulars and in-adequate socio-economic impact assessment, leaves Featherdale with no insight into the potential impacts of the proposal.
5. Given the socio-economic impacts arising from the proposed expansion of activities at Sydney Zoo are of such significance and having regard to the lack of particulars and inadequate socio-economic impact assessment provided in this application, the Department cannot be satisfied the proposed modification is 'of minimal environmental impact' as defined in Section 4.55(1A) of the EP&A Act. Accordingly, we submit the application has been incorrectly lodged and should be withdrawn or resubmitted as a Section 4.55(2) application.

Given the above, we submit that the application to extend public access to Sydney Zoo is **unacceptable and should be refused**. In the event the applicant provides additional information supporting the proposal, we request the opportunity review and make further submission on this matter.

Finally, we request also an opportunity to meet with the Department to discuss Elanor's concerns regarding this proposal. Please call me if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Wynne".

JOHN WYNNE
GROUP DIRECTOR

Copy to: Mr Chris Ritchie, Director Industry Assessments, Department of Planning and Environment



ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000

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Urbis Pty Ltd
ABN 50 105 256 228

06 August 2019

Mr Chris Ritchie
Director – Industry Assessments
NSW Department of Planning Industry and Environment
Via email: [REDACTED]

Dear Chris,

MODIFICATION TO SYDNEY ZOO: SSD 7228 MOD NO 3

On behalf of Elanor Investors Group (Elanor), the owners and operators of Featherdale Wildlife Park, we submit our significant concerns regarding the Department's assessment and recommendation to the Independent Planning Commission on proposed Modification No 3 to SSD 7228 for Sydney Zoo.

We summarise our concerns as follows:

1. We reiterate our previous objection that the expansion and intensification of public access to Sydney Zoo proposed in this application is premature given the absence of an acceptable and approved approach to 'enhance regional tourism' as required by Condition C9 of SSD 7228.

Condition C9 was imposed to enforce Sydney Zoo's commitment to work cooperatively with Featherdale and other local business in fostering a collaborative business environment. To date, a comprehensive and acceptable regional tourism plan has not been provided to Elanor or accepted by the Secretary of the Department. It is unacceptable for approval of expansion to the scale proposed in this application in the absence of satisfaction of this overarching condition of consent. This is particularly the case in circumstances where Sydney Zoo's proposed private zoo experience/small group tours between the hours of 7.30am and 9am is clearly intended to give Sydney Zoo a competitive advantage over Featherdale in relation to the international 'morning tour group' market.

2. The socio-economic impacts arising from the proposed expansion of activities at Sydney Zoo are of such significance that the Department cannot be satisfied the proposed modification is 'of minimal environmental impact' as defined in Section 4.55(1A) of the EP&A Act.

We note the Department's assessment report provides significant commentary on the potential for social and economic impacts, along with other environmental impacts including traffic, arising from the proposed modification. The assessment report confirms that the impacts are not in fact minor, as demonstrated by the recommended imposition of conditions of consent relating to reducing operating hours and restricting patron numbers at certain hours.

We submit that these conditions are imposed in an endeavour to mitigate detrimental impacts arising from the significant increase in operations associated with the modified consent. Even with those conditions – the modification will still allow up to 300 additional visitors to the zoo between the hours of 7.30am and 9am – the vast majority of which will be international visitors and in direct competition with Featherdale. On any view of it, the flow on impacts of such a significant increase in visitors could not sensibly be considered 'of minimal environmental impact'.



Accordingly, we reiterate our submission that the application has been incorrectly assessed and should be withdrawn or resubmitted as a Section 4.55(2) application.

We also take this opportunity to highlight our client's concerns in relation to the underlying 'scope creep' driving Sydney Zoo's modification strategy. Sydney Zoo has now lodged four substantive modifications which change, among other matters, the native animal offering at the new zoo. We remind the Department that Section 4.55(3) of the EP&A Act requires the consent authority to take into consideration the reasons given by the PAC for the grant of the Development Consent which would include, relevantly, that Sydney Zoo must adequately differentiate itself from Featherdale. As set out above, Sydney Zoo's proposed private zoo experience/small group tours is just another example of Sydney Zoo seeking to side step its differentiation obligations by making itself more attractive to the Asian international market.

In support of this submission, please find attached a letter from Gilbert and Tobin, Solicitors acting for Elanor Investors, reiterating serious concerns regarding the processing and determination of Modification No 3 under the provisions of Section 4.55(1A) of the Act.

We request the Department's immediate review of this recommendation. The proposed modified consent will result in increased detrimental social, economic and environmental impacts that need to be more thoroughly considered before being determined. We advise we have copied this submission to the Independent Planning Commission to ensure they are alerted to these concerns.

Please contact me if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Wynne".

JOHN WYNNE
GROUP DIRECTOR

Enclosure: Gilbert and Tobin letter

Copy: Independent Planning Commission

Partner Ben Fuller
Contact Ben Fuller
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6 August 2019

By Email: [REDACTED]

Chris Ritchie
Director, Industry Assessments
NSW Department of Planning, Industry and Environment

Copy to:

Independent Planning Commission

Copy to:

Sarah Hill
Deputy Secretary DoPIE
[REDACTED]

Dear Chris

**Sydney Zoo Development Consent SSD 7228 (Development Consent)
Modification Application 3**

We refer to the Department's Assessment Report dated July 2019 in relation to Modification Application 3.

Our client is seriously concerned that the Department has recommended Modification 3 for approval to the Independent Planning Commission.

It is incomprehensible to our client that the Department has accepted Sydney Zoo's position that Modification 3 is of 'minimal environmental impact' for the purposes of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

Sydney Zoo's Modification 3 seeks approval for, among other matters, to modify the Development Consent so that it can allow private zoo experiences/small group tours of up to 600 additional visitors between 7am to 9am. The commercial driver behind that change is to target morning tour groups for international visitors on their way to the Blue Mountains. Those international visitors are interested in native animal experiences. This is the very same tour group that Featherdale targets. Sydney Zoo's position that this change will not present any socio-economic impacts over and above what was already assessed and approved for the operation of the Sydney Zoo is factually incorrect and, to be frank, misleading. It is clear that the proposed changes materially expand the native animal offering (in terms of opening times and increased international visitation) to that which the PAC assessed and approved. It enables Sydney Zoo to side step the limits and differentiation obligations imposed by the PAC to ensure that the new zoo would not give rise to adverse social and economic impacts in the locality.

Case law provides that the word 'minimal' in the context of section 4.55(1A) of the EP&A Act means 'very small' or 'negligible' environmental impact. In practice, and based on our experience, that is a very difficult threshold test to satisfy for any State Significant Project unless the proposed changes are minor in nature. For the reasons set out in Elanor's original objection to Modification 3, and Urbis' letter of 6 August 2019, on any sensible view of it the environmental impacts arising from Modification 3

cannot be characterised as 'very small' or 'negligible'. It follows that section 4.55(1A) is not a valid approval pathway for Modification 3.

Our client is exasperated that the Department continues to allow Sydney Zoo to 'pull the wool over its eyes' in relation to Sydney Zoo's underlying commercial driver for Modification 3. Sydney Zoo's proposed private experience/tour groups between 7am to 9am is not about breakfast with hippos or zookeepers for the day (as suggested by Sydney Zoo in its assessment documentation). It is a clear, deliberate and intentional strategy to target morning tour groups for international visitors on their way to the Blue Mountains.

Our client accepts that Sydney Zoo is entitled to seek approval for such changes. But it must do so in accordance with the EP&A Act – and it is critical for public faith and transparency in the planning system (both cornerstone objectives of the EP&A Act) that the Department ensures that this occurs.

The Department's approach to Modification 3 presents a very dangerous precedent for planning law in NSW. Why would a proponent subject a key (and controversial) aspect of its operations to the public guise and scrutiny of a PAC process - when it can just slip it through as a 'minimal environmental impact' modification with the Department after that consent has been granted? We ask the Department to think very carefully about this issue, and immediately review its recommendation.

Our client will not hesitate to pursue all forums (legal and public) to ensure that the EP&A Act is correctly applied to Modification 3 (and the new zoo facility more generally), and reserves all of its rights in relation to this matter.

Yours faithfully
Gilbert + Tobin

A handwritten signature in black ink, appearing to read 'Ben Fuller', written in a cursive style.

Ben Fuller
Partner
T +61 2 9263 4171
bfuller@gflaw.com.au

SYDNEY ZOO DEVELOPMENT CONSENT SSD 7228
CONDITION C9 DEVELOPMENT OF REGIONAL TOURISM
CHRONOLOGY OF CONSULTATION BETWEEN SYDNEY ZOO PTY LTD AND FEATHERDALE WILDLIFE PARK

28 August 2019

1 Development of Regional Tourism

Development Consent SSD 7228 was granted by the Planning Assessment Commission of NSW, as delegate for the Minister for Planning, to Sydney Zoo Pty Ltd (**Sydney Zoo**) on 8 September 2017 (**Development Consent**).

Condition C9 of the Development Consent is entitled 'Development of Regional Tourism' and provides as follows:

'Prior to the commencement of operations, the Applicant shall submit a report to the satisfaction of the Secretary demonstrating it has made genuine and reasonable attempts to consult with local recreational facilities and businesses (including Featherdale Wildlife Park) to enhance regional tourism in conjunction with the Development. The report shall include:

- (a) details of how the operation of the Development will differ from the existing recreational facilities and businesses;
- (b) detail consultation undertaken with local recreational facilities and businesses;
- (c) outline initiatives implemented to encourage and enhance continued operation in conjunction with local recreational facilities and businesses;
- (d) detail the success or otherwise of these initiatives using recognised social indicators; and
- (e) include detail of the additional activities that will be undertaken for the duration of the Development.

The Secretary may request updates on these initiatives at any time.'

2 Chronology of Events

The following table summarises the key consultation actions as between Sydney Zoo and Featherdale Wildlife Park (**Featherdale**) since the grant of the Development Consent to the date of this document.

Date	Description
5 June 2018	<p>Featherdale's representatives Tony Chiefari (General Manager) and Sara Ang (Sales & Marketing Director) attend a meeting with Sydney Zoo's representatives Jake Burgess (Managing Director) and Chris Rivett (Head of Marketing).</p> <p>Sydney Zoo provides a high level outline of its proposed joint initiatives between Sydney Zoo and Featherdale.</p>
15 June 2018	<p>Sydney Zoo emails document entitled 'Partner Initiatives' prepared by Sydney Zoo dated 15 June 2018 (Joint Strategic Initiatives Proposal) to Featherdale.</p> <p>The Joint Strategic Initiatives Proposal outlines four key proposals described as:</p> <ul style="list-style-type: none"> • Joint Ticketing; • Transportation; • Creation of Local Events and Festivals; and • Animal Welfare Programs.
19 July 2018	<p>Featherdale emails its response to Sydney Zoo in relation to the Joint Strategic Initiatives Proposal. Featherdale's response provides, among other matters, that:</p> <ul style="list-style-type: none"> • further information is needed to satisfactorily address the 'regional tourism' requirements specified in Condition C9 of the Development Consent; • much greater detail and clarity is required about the overarching approach to fostering genuine 'complementarity' reflecting the inherent strengths and character of the different facilities; and • Featherdale is happy to meet with Sydney Zoo to discuss the Joint Strategic Initiatives Proposal further, but initially requests the provision of a more comprehensive proposal that genuinely reflects the requirements of the Development Consent to create a complementary business association.
15 August 2018	<p>Sydney Zoo emails Featherdale inviting Featherdale to meet to discuss the Joint Strategic Initiatives Proposal.</p> <p>[Featherdale Note: Sydney Zoo does not provide any information in response to Featherdale's request on 19 July 2018 for greater clarity and detail in relation to the Joint Strategic Initiatives Proposal]</p>

Date	Description
31 August 2018	Featherdale emails Sydney Zoo confirming that Tony Chiefari (Featherdale's General Manager) and Chad Staples (Featherdale's Director of Life Sciences) accept Sydney Zoo's offer to visit the new zoo so that Sydney Zoo can present details of its Joint Strategic Initiatives Proposal.
4 September 2018	Sydney Zoo emails Featherdale confirming that it cannot meet in the next couple of weeks, and that Sydney Zoo will come back with suitable dates later in September 2018.
26 September 2018	<p>Sydney Zoo emails Featherdale advising, among other matters, that:</p> <ul style="list-style-type: none"> • Sydney Zoo wishes to progress discussions with Featherdale in relation to the Joint Strategic Initiatives Proposal; and • the discussions have to be mindful to comply with competition law – and suggests that the parties enter into a written protocol to guide their discussions around the Joint Strategic Initiatives Proposal. <p>[Featherdale Note: Sydney Zoo does not provide any information in response to Featherdale's request on 19 July 2018 for greater clarity and detail in relation to the Joint Strategic Initiatives Proposal]</p>
2 November 2018	<p>Sydney Zoo emails Featherdale advising, among other matters, that:</p> <ul style="list-style-type: none"> • Sydney Zoo has signed a number of memorandum of understandings with other facilities in relation to a regional tourism strategy; • a 'working session' to discuss a regional tourism strategy will be arranged for relevant parties – and invites Featherdale to that working session; • Sydney Zoo wishes to progress discussions with Featherdale in relation to the Joint Strategic Initiatives Proposal. A copy of the Joint Strategic Initiatives Proposal is re-attached and summarised. Sydney Zoo invites constructive feedback from Featherdale, of to offer alternative proposals; and • suggests the parties engage a facilitator to oversee a working session to try to find common ground and ways that the parties can work together in a cooperative fashion. <p>[Featherdale Note: Sydney Zoo does not provide any information in response to Featherdale's request on 19 July 2018 for greater clarity and detail in relation to the Joint Strategic Initiatives Proposal]</p>
12 November 2018	Featherdale emails Sydney Zoo stating that Featherdale will put further consideration to the Joint Strategic Initiatives Proposal and requests Sydney Zoo to provide details of the proposed working session.
3 December 2018	Sydney Zoo emails Featherdale checking on the status of Featherdale's review of the Joint Strategic Initiatives Proposal, and invites Featherdale to its 'tourism alliance seminar' on 18 December 2019 (Think Tank Seminar).

Date	Description
18 December 2018	Sara Ang (Featherdale's Sales and Marketing Director) and Featherdale's Social Media Coordinator attend the Think Tank Seminar on behalf of Featherdale.
14 January 2019	Sydney Zoo emails Featherdale enquiring in relation to the status of Featherdale's review of the Joint Strategic Initiatives Proposal.
18 January 2019	<p>Featherdale emails Sydney Zoo identifying the following material inadequacies in relation to the Think Tank Seminar:</p> <ul style="list-style-type: none"> • the Western Sydney Visitor Strategy document was not provided to Featherdale in advance of the Think Tank Seminar and, as such, Featherdale were not given a reasonable opportunity to consider it before the Seminar; and • the Group Strategy Session was cancelled, and there were no resolutions or clear identification by Sydney Zoo of any initiatives which it proposed to enhance regional tourism.
19 February 2019	<p>Featherdale provides Sydney Zoo with its supplementary response to Sydney Zoo's Joint Strategic Initiatives Proposal. Featherdale's response provides, among other matters, as follows:</p> <ul style="list-style-type: none"> • Sydney Zoo has still not provided any additional information in response to its request of 19 July 2018 for greater clarity and detail in relation to the initiatives; • Featherdale has, in good faith, considered further the Joint Strategic Initiatives Proposal; • Featherdale obtained, at its cost, detailed advice from an independent expert, Stafford Strategy (Stafford Report). The Stafford Report identifies the key elements that would normally be covered in a regional tourism framework to support a sub-regional or regional tourism precinct; • that the Joint Strategic Initiatives Proposal clearly does not address the majority of the elements identified in the Stafford Report. In the absence of those elements, and based on the findings of the Stafford Report, Featherdale's position remains that the proposed 'joint strategic initiatives' document does not satisfactorily address the 'regional tourism' requirements of the Development Consent. That is there is no framework or platform to facilitate 'growing the pie' – that objective only becomes possible once a regional tourism framework is created and implemented; and • Featherdale's 'constructive feedback' is that Sydney Zoo should prepare a regional tourism development framework in accordance with the principles set out in the Stafford Report.
28 February 2019	<p>Sydney Zoo emails Featherdale advising, among other matters, that:</p> <ul style="list-style-type: none"> • Sydney Zoo has made substantial progress with many other Western Sydney tourism businesses; • Featherdale's approach to the cooperation initiatives proposed is out of step with peers;

Date	Description
	<ul style="list-style-type: none"> • Sydney Zoo does not accept that the information referred to by Featherdale is required for the two organisations to meaningfully consult; • Sydney Zoo does not accept that it is required to develop a regional tourism strategy; and • proposes an additional fifth Joint Strategic Initiatives Proposal consisting of the parties working together to promote the establishment of a Regional Tourism Organisation for Western Sydney.
10 April 2019	<p>Featherdale emails Sydney Zoo advising, among other matters, that:</p> <ul style="list-style-type: none"> • Sydney Zoo has not satisfied its obligation to make reasonable and genuine attempts to consult with Featherdale to enhance regional tourism in conjunction with the new zoo; • the Joint Strategic Initiatives Proposal will not, as between the new zoo and Featherdale, enhance regional tourism for the detailed reasons set out in the Schedule to Featherdale's letter. In simple terms, this is because the Joint Strategic Initiatives Proposal will split existing visitor numbers between the two facilities. Splitting existing visitor numbers will clearly not enlarge, expand or increase regional tourism; • Sydney Zoo has totally rejected Featherdale's proposal to prepare a regional tourism development framework in accordance with the principles set out in the Stafford Report; • Sydney Zoo is invited to consider the detailed reasons in the Schedule, and if Sydney Zoo disagrees with that position to explain why; and • Featherdale is willing to consider any other initiatives that Sydney Zoo has to enhance regional tourism.
28 April 2019	<p>Sydney Zoo emails Featherdale advising, among other matters, that:</p> <ul style="list-style-type: none"> • Sydney Zoo will be implementing a range of initiatives with other tourism businesses in Western Sydney which it believes that both Featherdale and Sydney Zoo can benefit from; • Featherdale has not proposed any refinements or alternative ways to cooperate to promote regional tourism; and • it would like to suggest a third-party facilitator such as Destination NSW to assist the parties to find common ground.
17 May 2019	<p>Featherdale emails Sydney Zoo advising, among other matters, that:</p> <ul style="list-style-type: none"> • Featherdale had suggested that the objective of identifying initiatives to enhance regional tourism could be achieved by preparing a regional tourism development framework in accordance with the principles set out in the Stafford Report – and Sydney Zoo has refused to engage in that process;

Date	Description
	<ul style="list-style-type: none"> • Featherdale had set out detailed reasons why Sydney Zoo's Joint Strategic Initiatives will not enhance regional tourism and invited Sydney Zoo, if it did not agree with that position, to explain why – and Sydney Zoo has provided no response to that invitation; • Sydney Zoo has not provided any details of the joint actions, or other tourism businesses, or the reasons why Sydney Zoo considers that both parties can benefit from similar joint actions; and • Featherdale is not willing to commit further resources for a third party facilitator process until it has received the courtesy of a response to its requests for information.
22 May 2019	Sydney Zoo emails Featherdale offering to cover the costs of a third-party facilitator.
3 June 2019	<p>Featherdale emails Sydney Zoo advising, among other matters, that:</p> <ul style="list-style-type: none"> • Sydney Zoo has not provided further clarity or details in relation to its Joint Strategic Initiatives Proposal; • Sydney Zoo has not provided a response as to whether it agrees with Featherdale's position detailing why each Joint Strategic Initiative will not enhance regional tourism, and if not, to explain why; • Sydney Zoo has not provided details of the joint actions, other tourism businesses, and reasons why Sydney Zoo considers that both Featherdale and Sydney Zoo can benefit from similar joint actions; and • Featherdale is willing to commit to a third-party facilitation process once Sydney Zoo has provided responses to its requests for information.
14 June 2019	<p>Sydney Zoo provides response to Featherdale's Schedule dated 10 April 2019, and suggests a facilitated discussion between the parties. Sydney Zoo does not provide any alternative proposals or tactics for the enhancement of regional tourism – other than to reiterate its proposed joint initiatives.</p> <p>Sydney Zoo refuses to provide any details of joint initiatives that it has developed with other facilities.</p>
11 July 2019	<p>Featherdale's representatives Tony Chiefari (General Manager) and Sara Ang (Sales & Marketing Director) attend a meeting with Raging Water's (formerly Wet n' Wild) General Manager. Raging Waters and Featherdale are the two key tourist attractions in Western Sydney.</p> <p>Raging Waters confirms that it will not be entering into any joint ticketing arrangement with Sydney Zoo.</p>
20 August 2019	Featherdale provides response to Sydney Zoo's proposed joint initiatives table dated 7 June 2019.

Date	Description
	<p>In summary, Featherdale's concerns in relation to Sydney Zoo's proposed joint initiatives and their ability to enhance regional tourism have still not been adequately addressed by Sydney Zoo for the following key reasons:</p> <ul style="list-style-type: none"> • The joint ticketing proposal is primarily justified by reference to two research papers which do not in fact support Sydney Zoo's position. The academic research supports the position that tourism clusters only work where there are complimentary offerings. Featherdale and Sydney Zoo are not complementary in terms of their offerings in circumstances where Sydney Zoo's marketing highlights it's primary offerings being the display of Australian wildlife - which is the same as Featherdale's sole offering; • Sydney Zoo's proposal does not address the key constraint to Western Sydney families visiting any zoo facility (let alone both Sydney Zoo and Featherdale) which is price. As a joint ticket will be more expensive than a single ticket to either Sydney Zoo or Featherdale – it is not likely to be attractive to the Western Sydney market; • Featherdale is not aware of Sydney Zoo entering into any joint ticketing arrangements with other Western Sydney businesses already – and Sydney Zoo has refused to provide information to confirm its position; • The proposed private shuttle service proposal is not feasible as there is no evidence that there are current shortfalls in existing public transport services affecting visitation to Featherdale, and given it is not feasible for any day trip visitor to attend both facilities – Sydney Zoo has not addressed these concerns; • In respect of the creation of local events and festivals, Sydney Zoo's response does not address Featherdale's concerns raised on 10 April 2019, and fails to provide any substantive justification as to why the creation of such events would increase visitation rates to both facilities; • For the proposed combining of animal welfare programs, Sydney Zoo's response does not address Featherdale's concerns raised on 10 April 2019, in that Sydney Zoo has not demonstrated how the proposal will enhance joint regional tourism – there is no evidence to suggest that the conservation efforts of Featherdale or Taronga have supported either party's visitation numbers; • In respect of the proposed 'Destination Network', Featherdale cannot understand how such a body would add extra value given the relatively small area of Western Sydney compared with those areas that Destination Networks are envisioned to be in place for, in addition to the fact that there are a large number of organisation already in place for the Western Sydney tourism industry – notably, the creation of a Destination Network is not necessary for the purpose of developing a Destination Management Plan; and • Sydney Zoo has not advised how it will differentiate itself from Featherdale – as required by Condition C9. <p>Featherdale does not accept that Sydney Zoo has undertaken reasonable consultation with Featherdale for the purposes of Condition C9 of the Development Consent.</p> <p>Featherdale advises that it can see the utility in the creation of the 'Think Tank' to help develop an approach to improving the Western Sydney Visitor Economy.</p> <p>[Featherdale Note: So far as Featherdale is aware, and despite Sydney Zoo's representations, Sydney Zoo has only convened one Think Tank Seminar which was on 18 December 2018. That Think Tank Seminar had material inadequacies including that the Group</p>

Date	Description
	<i>Strategy Session was cancelled, and there were no clear resolutions on any initiatives that were proposed to enhance regional tourism.]</i>