



Ms Anna Summerhayes  
Acting Executive Director – Secretariat  
NSW Independent Planning Commission  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000

Dear Ms Summerhayes

**Sydney Zoo (SSD 7228) – Consent Condition C9 – Development of Regional Tourism**

I refer to your letter dated 3 October 2019 and subsequent email dated 10 October 2019, requesting the Department's comment on a proposed condition in relation to the Sydney Zoo modification application, SSD 7228 MOD 3, currently before the Commission for determination.

The proposed condition is understood to be as follows:

***Limits of Consent***

*E16 Private zoo experiences / guided tours that take place outside of general public opening hours must be exotic animals zoo experiences and/or Aboriginal heritage experiences under this consent. The other conditions of this consent including B6, B7, B8, B9 and C21 apply to private zoo experiences / guided tours outside of general public opening hours.*

**Rationale for Condition**

The Department requested the Commission indicate the planning basis for the proposed condition so the Department could assess whether the proposed condition would have the intended effect.

The Commission responded that the purpose of the condition was to address the social and economic impacts of the proposed modification to the consent. However, the Department considers insufficient information has been provided regarding the rationale and planning basis for the proposed condition. In particular, without information as to the specific social and economic impacts the Commission seeks to ameliorate by the proposed condition, it appears the condition on its face seeks to address matters relating to marketing and competition between Featherdale and Sydney Zoo, which are not relevant matters for consideration under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It would be appreciated if the Commission could advise what it considers the social and economic impacts **of the modification** are and how the proposed condition would mitigate those social and economic impacts (bearing in mind that Featherdale opens at 8am, which is only 30 minutes after the "out-of-hours offerings" subject of the modification are proposed to commence at Sydney Zoo).

**Workability of Condition**

The condition as drafted requires Sydney Zoo to limit its out-of-hours private zoo experiences / guided tours to exotic animal zoo experiences and / or Aboriginal heritage experiences only. Whilst not clearly stated or defined, this is understood to restrict Sydney Zoo from undertaking any out-of-hours experiences that involve viewing Australian native animals. This restriction would contradict one of the significant points of differentiation between Sydney Zoo and Featherdale specified in Conditions B6 and C21 of the development consent, which require the Aboriginal Heritage experience at the zoo to be fully integrated with the Australian native animal display.



The condition is therefore considered to be inappropriate and unworkable as it would be inconsistent with other existing conditions of the consent which require the native animal display to be part of the Aboriginal heritage experience. In short, the Department considers it would not be physically possible for the private zoo experiences and guided tours to be confined in the manner set out in the proposed condition without physically constructing the native animal and Aboriginal heritage displays and attractions in a way that would be in breach of the consent.

Description of Out-of-hours Offerings

I note the Commission's description of the out-of-hours offerings in your email dated 10 October 2019 relies on information obtained from the transcript of the Commission's meeting with the Applicant on Wednesday 28 August 2019. The description of the out-of-hours offerings in your email is inconsistent with the description provided in the written modification application submitted by the Applicant. Section 1.2 of the Applicant's Response to Submissions, dated 25 February 2019, describes the out-of-hours offerings as follows:

*The private zoo experiences/guided tours include groups of guests being granted access to the Zoo grounds without interruption from other guests, providing an intimate experience with the animals and the facilities. A Sydney Zoo staff member would accompany the group at all times.*

*Examples of this include a range of limited access unique experience with both exotic and native fauna. These include:*

- 1. Breakfast with the Rhino*
- 2. Meerkat interactions*
- 3. "Keeper for a day"*
- 4. Aboriginal cultural experiences involving bush tucker sampling and Australiana species educational discussions, including a wide range of species such as echidnas, wombats and snakes.*

Having regard to the above considerations, the Department recommends the proposed condition should not be included in the Instrument of Modification, should the application be approved and in the absence of any articulation of any social or economic impact warranting a condition, does not consider it necessary to impose any other condition of a similar nature.

Should you have any questions regarding any of the above matters, please contact Sally Munk, Principal Planner, on 9274 6431 or via email at [sally.munk@planning.nsw.gov.au](mailto:sally.munk@planning.nsw.gov.au).

Yours sincerely,

Chris Ritchie  
Director  
Industry Assessments

29/10/19