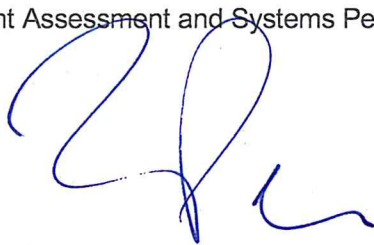


**Complying Development Code – Complying Development for  
the Purpose of a Water Theme Park at ‘Wet ‘n’ Wild Sydney’,  
Reservoir Road, Prospect – Concept Plan Approval MP10\_0190**

Approved on.....21/5/12  
by Richard Pearson, Deputy Director General  
Development Assessment and Systems Performance



May 2012

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## 1.0 Preliminary

### 1.1 Name of Code

This code is the 'Wet'n'Wild Sydney Complying Development Code' (**the code**).

### 1.2 Commencement of Code

This code commences on the date an Order under Section 75P(2)(d) (pursuant to Schedule 6A) of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**) is made by the Minister for Planning and Infrastructure that declares any stage of major project MP10\_0190 (or any part of it) to be complying development.

### 1.3 Land to Which Code Applies

This code applies to part of the land known as Lot 1 DP 1045771 bound by the M4 motorway, Reservoir Road, and Watch House Road, Prospect and marked in red on the plan attached as **Appendix 1** to this code (**the Land**).

### 1.4 Aims and Objectives of Code

The aims and objectives of this code are:

- a) to provide a streamlined assessment process for specified development on the Land for the purpose of a water theme park and entertainment facilities;
- b) to identify development on the Land that may be carried out as complying development as defined in the EP&A Act;
- c) to specify the development standards that are required to be met by development identified as capable as being carried out as complying development on the Land by this code;
- d) to specify the conditions that are to be imposed on any complying development certificates issued in respect of any complying development on the Land under this code; and
- e) to ensure development on the Land identified as capable of being carried out as complying development under this code is consistent with the concept plan MP10\_0190 approved for the Land.

### 1.5 Relationship with environmental planning instruments

*State Environmental Planning Policy (Western Sydney Parklands) 2009* (**SEPP WSP**) applies to the Land.

SEPP WSP specifies types of development in the Western Sydney Parklands that are 'prohibited', 'permissible' with consent or 'exempt' under the EP&A Act.

This code operates to identify development that is permissible with consent that is capable of being carried out as complying development under the EP&A Act on the Land.

### 1.6 Requirements for complying development under Code

- a) Development specified in clause 2.1 of this code, that meets the development standards contained in clause 2.2 of this code, that is compliant with the conditions for complying development set out in clause 2.3 of this code and that complies with the requirements of this clause 1.6 of this code is complying development under the EP&A Act.
- b) To be complying development under the code, the development must not be development for which development consent cannot be granted except with the concurrence of a person, other than:
  - (I) the consent authority, or
  - (II) the Director-General of the Department of Environment, Climate Change and Water as referred to in section 79B (3) of the EP&A Act, or

c) To be complying development under this code, the development must:

- i. not be exempt development under any environmental planning instrument that applies to the Land, and
- ii. be permissible, with consent, on the Land under the SEPP WSP, and
- iii. meet the relevant provisions of the *Building Code of Australia*, and
- iv. before the complying development certificate is issued, have an approval, if required by the *Local Government Act 1993*, for:
  - (I) an on-site effluent disposal system if the development is undertaken on unsewered land, and
  - (II) an on-site stormwater drainage system, and
- v. before the complying development certificate is issued, have written consent from the relevant roads authority, if required by the *Roads Act 1993*:
  - (I) for each opening of a public road required by the development, and
  - (II) to operate or store machinery, materials or waste required by the development on a road or footpath reserve, and
- vi. if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*, have the prior approval of the Mine Subsidence Board, and

**Note.** Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 149 (2) of the EP&A Act.

- vii. if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 2.2.15 does not apply, before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. Development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*. Clause 1.6(c)(vii) may allow certain trees or vegetation near complying development to be cleared or pruned (see clause 2.2.15 of this code).

- d) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contour is complying development for this Policy, if the development is constructed in accordance with AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.
- e) A complying development certificate for complying development under this Policy is subject to the conditions specified in this code in respect of that development.
- f) A word or expression used in this code has the same meaning as it has in the Standard Instrument Local Environmental Plan unless it is otherwise defined in this code.

**Note:** Complying development can only be carried out under the EP&A Act if a complying development certificate has been issued for the development by either an accredited private certifier or Blacktown City Council, and the development is carried out in accordance with the complying development certificate and this code. Development that is permissible and does not meet the standards and requirements of this code is to be subject to a development application.

**Note.** Clause 136A of the *Environmental Planning and Assessment Regulation 2000* requires a complying development certificate to be issued subject to the conditions specified in that clause.



## 2.0 Complying Development

### 2.1 Development that is Complying Development under this Code

Development for the purposes of a recreation facility (major), recreation facility (indoor), recreation facility (outdoor), entertainment facility, amusement centre, demolition, signage, building alterations, ancillary facilities and temporary structures is development specified for this code if it has a capital investment value of not more than \$10 million.

### 2.2 Application of Development Standards for this Code

This clause sets out the specified development standards that apply to complying development under this code.

#### 2.2.1 Maximum Height, Setback and Site Coverage of Development

- a) The height of a ride structure must not be more than 35m above ground level (existing).
- b) The height of any building other than a ride structure must not be more than 12 metres above ground level (existing).
- c) Buildings other than ride structures must not exceed the building height plane defined as starting from ground level at the boundary of the Land and projecting inwards into the site at an angle of 45 degrees.
- d) In order to maintain a view corridor across the Land between the former Policeman's Cottage immediately to the south west of the Land and St Bartholomew's Church in Prospect, any development within the view corridor as marked yellow on the plan in **Appendix 3**, must not exceed the maximum height plane as marked by the black broken line on the plan in **Appendix 3**.
- e) All building structures other than fences and minor structures such as gate houses, pump housing, below ground structures must have a setback from the boundary of the Land of at least 15 m.
- f) The floor area of any building other than a ride structure must not be more than 1,000 m<sup>2</sup>.

#### 2.2.2 Structural Engineering

Plans of every new water theme park ride or attraction must be supported by a report by a qualified structural engineer confirming the structural integrity and safety of the ride.

**Note:** All development under this code must comply with WorkCover legislation, including the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.

#### 2.2.3 Landscaping

A landscape plan must be prepared by a suitably qualified landscape planner prior to a complying development certificate being issued. The landscape planner must certify in writing that any landscaping associated with new development on the Land does not cause any contravention of the approved landscaping under the Concept Plan Approval MP 10\_0190.

#### 2.2.4 Water Management

Development must not contravene any requirements of the Water Cycle Management Plan in the Concept Plan Approval MP 10\_0190.

#### 2.2.5 Traffic Generation and Parking

- a) The development must not cause a contravention of the traffic report in the Concept Plan Approval MP 10\_0190.
- b) A suitably qualified traffic engineer must certify in writing prior to a complying development certificate being issued that any development under this code will not contravene the traffic report approved in the Concept Plan Approval MP 10\_0190.

**Note:** The maximum capacity of the park on the Land as approved under the Concept Plan Approval MP 10\_0190 at any one time is 9,000 patrons.

### 2.2.6 Access

- a) Access paths are to provide a continuous path of travel with links to all parts of the water theme park other than on ride tower structures.
- b) Emergency vehicle access is to be maintained throughout the water theme park rides, attractions and ancillary facilities.

**Note:** All development under this code must comply with the Access to Premises Standards in the *Commonwealth Disability Discrimination Act 1992* and all other relevant Commonwealth legislation and standards.

### 2.2.7 Signage

Signage is to be consistent with the Signage Strategy approved by the Director-General or his nominee under the terms of the Concept Plan Approval MP 10\_0190.

### 2.2.8 Operating Times

The development must not cause a contravention of the approved hours of operation in the Concept Plan Approval MP 10\_0190.

### 2.2.9 Food premises

Development involving food and drink premises must be carried out in accordance with AS 4674—2004, *Design, construction and fit out of food premises*.

**Note:** If the development involves premises that are a **food business** within the meaning of the *Food Act 2003*, the premises must comply with the requirements under that Act.

### 2.2.10 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

### 2.2.11 Geotechnical

Development is to be carried out in accordance with the recommendations in the geotechnical report in the Concept Plan Approval MP 10\_0190 for the Wet'n'Wild Sydney water theme park.

### 2.2.12 Earthworks

- a) Earthworks are to achieve a net balance of cut and fill on the land to which the code applies so that no fill is imported onto the land and no spoil is exported off the land.
- b) All future earthworks are to be carried out in accordance with the measures for managing potential archaeological deposits/ relics of aboriginal and non-aboriginal heritage significance as specified in the Concept Plan Approval MP 10\_0190 for the Wet'n'Wild Sydney water theme park.

### 2.2.13 Run off and Erosion Controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

### 2.2.14 Drainage

(1) All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a building or ancillary development must be conveyed by a gravity fed or charged system to:

- (a) a public drainage system, or
- (b) an inter-allotment drainage system, or



(c) an on-site disposal system.

(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:

(a) if an approval is required under section 68 of the Local Government Act 1993, be approved under that Act, or

(b) if an approval is not required under section 68 of the Local Government Act 1993, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the Land.

## 2.2.15 Tree Removal

- a) A complying development certificate for complying development under this code is taken to satisfy any requirement for a permit or development consent to remove or prune a tree or other vegetation on the Land to which this code applies if the tree or vegetation:
- is within 3 m of the proposed development, and
  - is less than 10 m high, and
  - is not listed on a significant tree register or register of significant trees kept by Blacktown Council.
- b) No complying development under this code is to take place within the areas marked green on the plan attached in **Annexure 4**.

**Note:** The plan attached in **Annexure 4** marks in green the areas of remnant or regenerating Cumberland Plain Woodland on the site identified in the approved Landscape Masterplan under MP10\_0190.

## 2.2.16 Bushfire protection

Development is to be consistent with the recommendations for bushfire protection measures in the Bushfire Assessment in the Concept Plan Approval MP 10\_0190.

## 2.2.17 Environmental Management Plan

Development is not to contravene the Environmental Management Plan in the Concept Plan Approval MP 10\_0190.

## 2.2.18 Prescribed Development Standards in the EP&A Regulation

**Note:** Complying development carried out under this code will also need to comply with all other relevant prescribed development standards in the EP&A Act and the *Environmental Planning and Assessment Regulation 2000*.

## 2.3 Conditions applying to complying development under this Code

**Note.** Complying development must comply with the requirements of the EP&A Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this code.

**Note.** A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

### 2.3.1 Consistency with Concept Plan approval MP10\_0190

Development is to be consistent with all the terms and conditions of the Concept Plan Approval MP 10\_0190 a copy of which is attached in **Appendix 2** of this code.

**Note:** Consistency within the meaning of clause 2.3.1 means consistent with the Concept Plan Approval MP10\_0190 and the plans approved under the concept plan. Plans reflecting complying development authorised under this code may come into existence from time to time and are to be read along with the plans approved under the concept plan and the provisions of the concept plan approval and this code.

### 2.3.2 Conditions applying before works commence under this Code

#### Protection of adjoining areas

- a) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
  - i. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - ii. could cause damage to adjoining lands by falling objects, or
  - iii. involve the enclosure of a public place or part of a public place.

#### Toilet facilities

- a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- b) Each toilet must:
  - i. (a) be a standard flushing toilet connected to a public sewer, or
  - ii. (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - iii. (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

#### Garbage receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- b) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

### 2.3.3 Conditions applying during the works

**Note.** The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

#### Hours of construction or demolition

Construction or demolition may only be carried out during the hours of work for construction approved in the Concept Plan Approval MP 10\_0190.



### Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

### Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

### Maintenance of the site

- a) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Demolition materials and waste materials must be disposed of at a waste management facility.
- c) The work site must be left clear of waste and debris at the completion of the works.

## 2.3.4 Construction requirements

### Staging construction

- a) If the complying development is the erection of, or alterations or additions to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed.
- b) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.
- c) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the Land is obtained.

### Utility services

If the complying development requires alteration to, or the relocation of, utility services on the Land on which the complying development is carried out, the complying development is not complete until all such works are carried out.

### Food businesses

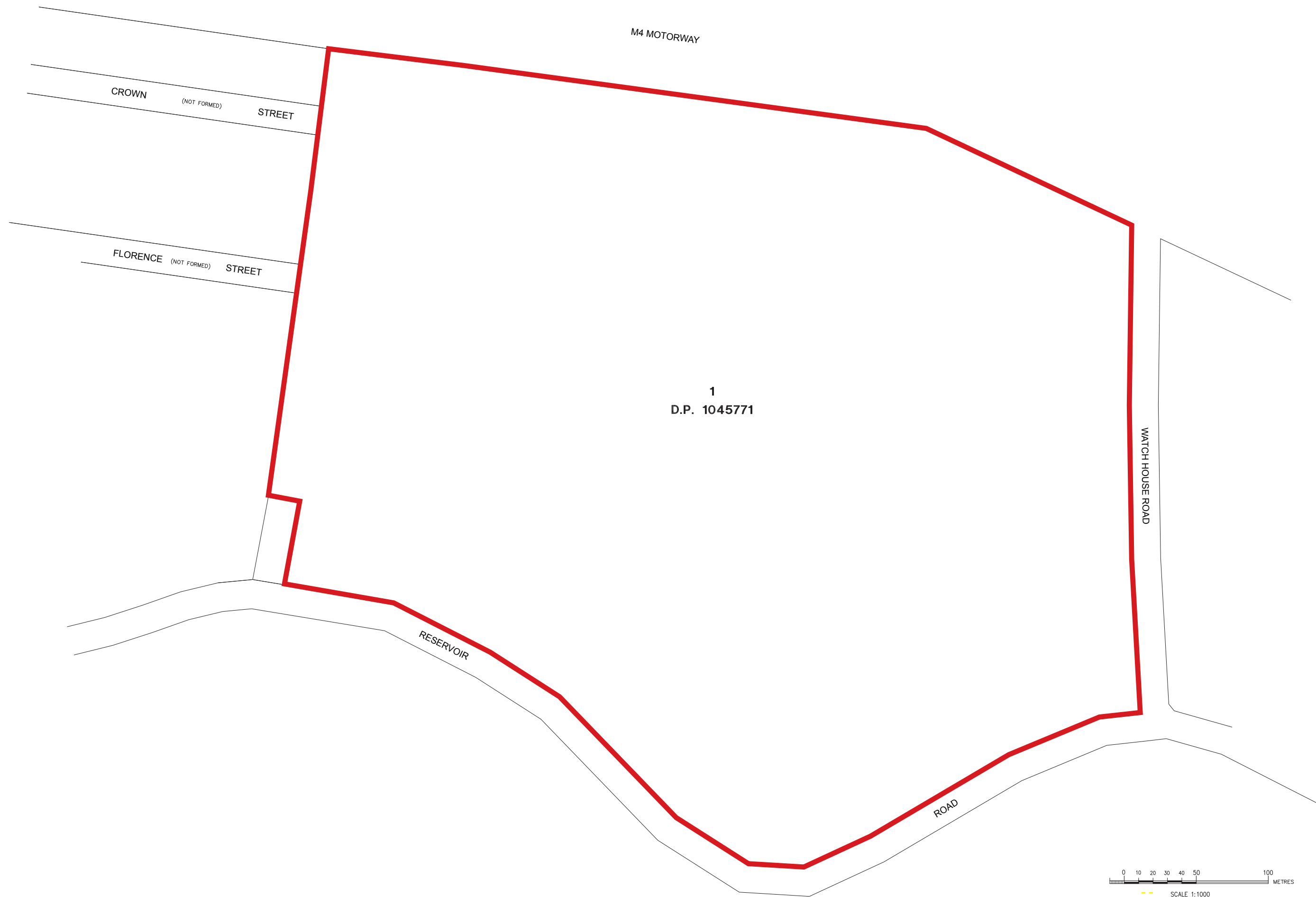
If the complying development is a **food business** within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act or licensed as required by the *Food Regulation 2004*, before an occupation certificate (whether interim or final) for the complying development is issued.

## 2.3.5 Post construction requirements

- a) Each new water theme park ride or attraction must be supported by a report by a qualified structural engineer confirming the structural integrity and safety of the ride prior to the use of the ride by the general public.
- b) Registration for WorkCover under the *Work Health and Safety Act 2011* must be obtained prior to the operation of any ride on the Land.
- c) Landscaping of development must be completed prior to the use of the development by the general public.

## 2.3.6 Prescribed Conditions and Requirements in the EP&A Act and Regulation

**Note:** Complying development must also comply with the requirements of the EP&A Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this code.



KEY

— Land to which the Complying Development Code Applies

Land to which this code applies

Wet 'n' Wild, Prospect



Appendix No. 1

Date: 02.05.12





**LEGEND**

PRELIMINARY  
NOT FOR CONSTRUCTION

1. ENTRY PLAZA
2. TURNSTILES
3. GUEST SUPPORT
4. TICKETING GROUP SALES (UNDER CANOPY)
5. PARK ENTRY OVERVIEW
6. GROUP ENTRY
7. GUEST SERVICES/FIRST AID
8. RETAIL SHOP/PARK EXIT
9. CHANGE ROOMS/ SHOWERS/ LOCKERS/ RESTROOMS
10. RENTALS
11. MAIN FOOD SERVICE
12. DINING AREA UNDER SHADE CANOPY
13. ' ALL YOU CAN EAT DINING'
14. CENTRAL OVERLOOK PLAZA
15. TUBE STORAGE
16. RIVER BEACH ENTRY / EXIT
17. LAZY / ADVENTURE RIVER
18. GIANT RAIN FORTRESS WATERPLAY ON WET DECK
19. SAILS FABRIC SHADE STRUCTURE
20. DUELING MASTER BLASTER TUBE RIDE
21. DOUBLE AQUALOOP, FREELOOP AND FREEFALL COMPLEX
22. DOUBLE FLOW RIDER
23. BEER GARDEN
24. FAST FOOD
25. 'BOOMERANGO BAY' SURF WAVE POOL
26. TERRACED SAND BEACH LOUNGING
27. RENTAL CABANAS
28. SMOKING AREA
29. SKY COASTER
30. PLAZA WITH ICONIC GIANT GEYSER
31. SLOPING LAWN
32. INNERTUBE SLIDES W/ SUPERBOWL / RATTLER /HIGH - SPEED DROP / CONCTRCTOR
33. FAMILY BOOMERANGO AND ABYSS RAFT RIDE
34. MECHANICAL SPACE
35. ADMINISTRATION AND STAFF
36. MAINTENANCE / STORAGE / SERVICE AREA
37. ZIP LINE
38. FOOD AND BEVERAGE SERVICES
39. EXTREME RIVER
40. RIVER GROTTO / WATERFALLS
41. RIVER WAVE EQUIPMENT
42. TOTS ISLAND SLIDES POOL
43. TOTS ISLAND GIANT SPRAY PAD
44. FAMILY DOUBLE PYTHON AND FAMILY RAFT RIDE
45. WHIZZARD MAT RACER ( 6 LANES )
46. WATER WALKWAY WITH INTERACTIVE SPRAYS
47. LOUNGING SHADE STRUCTURES

M.G.A.  
(MAP GRID of AUSTRALIA)  
(APPROXIMATE TRUE NORTH)

BAR SCALE



DESIGNED BY	DATE	PROJ. ENG. CHECK	DATE
BM	JULY 18, 2011		
DRAWN BY	DATE	DRAFTING CHECK	DATE
SCALE	1:2500	ARCHIVE	FILE No.

NOTE:- METRIC DIMENSIONS  
ALL ELEVATIONS AND CO-ORDINATES ARE IN METRES  
ALL OTHER DIMENSIONS ARE IN MILLIMETRES

**WHITE WATER**  
WhiteWater West Industries Ltd  
6700 McMillan Way, Richmond, B.C. Canada V6V 1J7  
Tel (604) 273-1068 Fax (604) 273-4518

**MASTER PLAN**  
WET 'n' WILD WATERPARK  
SYDNEY, AUSTRALIA

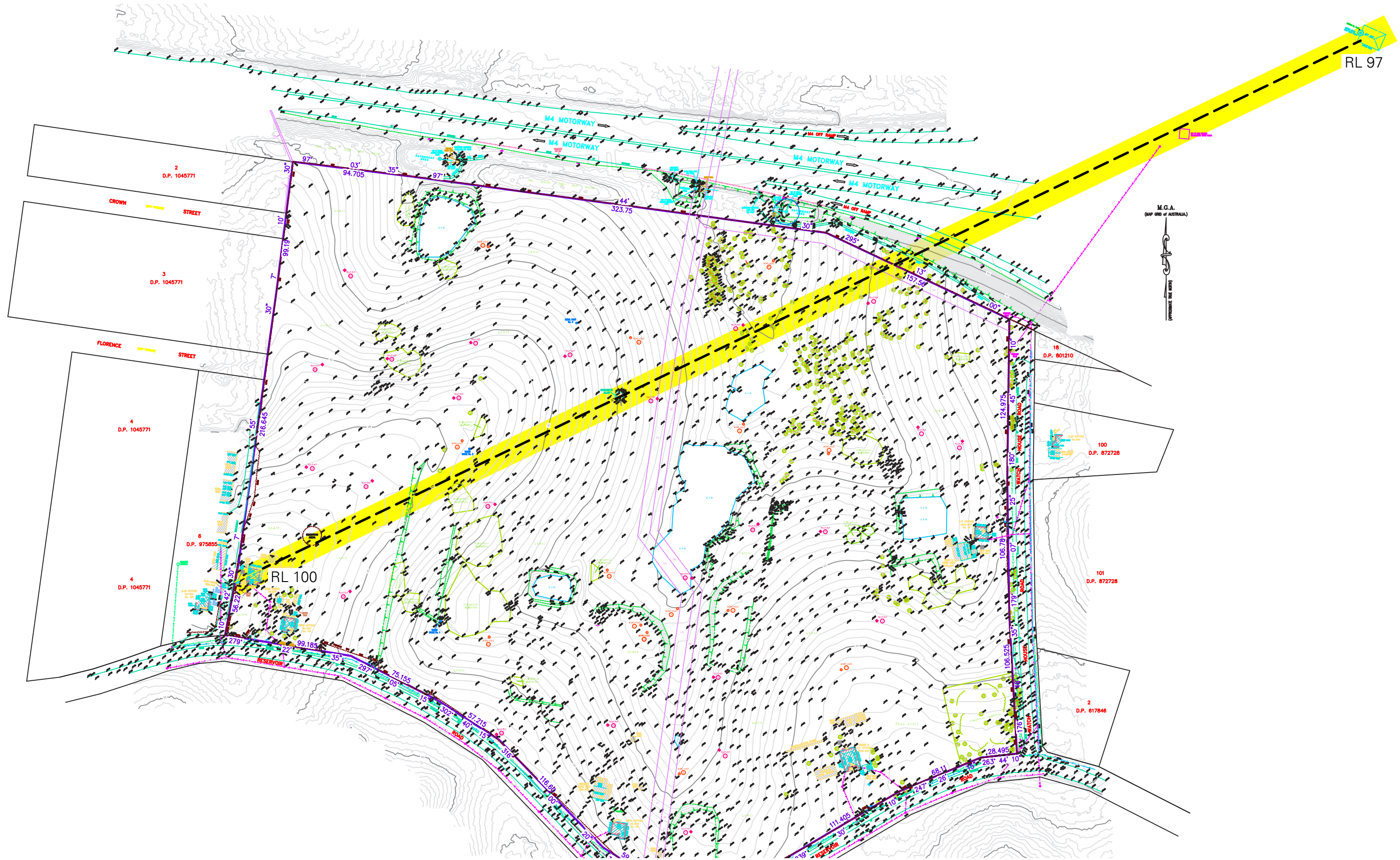
Concept Plan Approval MP 10\_0190  
Wet 'n' Wild, Prospect



Appendix No. 2

Date: 02.05.12





View corridor and height plane to ensure preservation of the view corridor  
between the former Policeman's Cottage and St Bartholomew's Church

Wet 'n' Wild, Prospect



Appendix No. 3

Date: 02.05.12





KEY

Areas where no complying development can be carried out under this code

Areas of Indigenous trees

Wet 'n' Wild, Prospect



Appendix No. 4

Date: 02.05.12