


Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation effective from 1 October 2011, I approve the modification of the concept plan referred to in schedule 1, subject to the conditions in schedule 2.


Sydney 7 May

Heather Warton
Director
Metropolitan and Regional Projects North

2012

SCHEDULE 1

Concept Approval:

MP10_0190 granted by the Deputy Director-General, as delegate of the Minister for Planning and Infrastructure on 8 December 2011.

For the following:

Concept Plan for Wet 'n' Wild Sydney, comprising a water theme park including:

Stage 1:

The construction and operation of Stage 1 being:

- site preparation and earthworks, demolition and tree removal
- construction of 10 water theme park rides and attractions
- construction of ancillary park support facilities
- 1810 at grade visitor car parks including 42 disabled bays, 12 coach parks, 6 minibus parks, 20 motorcycle parks, and 47 staff and service vehicle car parks
- signage
- landscaping
- construction of associated stormwater and water cycle management facilities
- infrastructure and utilities connections
- construction of new site access road and intersection with Reservoir Road, and Reservoir Road upgrade.

Stage 2:

The identification of an area for future development as a theme park, with no additional patrons.

The Concept Plan also includes the 'Wet 'n' Wild Sydney Complying Development Code' that covers Stage 1, and the future expansion stages of the development.

Proposed Modification:

MP10_0190 MOD 1

- the inclusion of site remediation works.

The above approval is modified as follows:

SCHEDULE 2

MODIFICATIONS TO CONCEPT PLAN

Delete Conditions 1 and 2 and replace with the following:

Development Description

1. Approval of the Wet 'n' Wild Sydney development, except as modified by this approval, being in Stage 1:
 - (a) site preparation and earthworks, demolition and tree removal
 - (b) construction of 10 water theme park rides and attractions
 - (c) construction of ancillary park support facilities
 - (d) 1810 at grade visitor car parks including 42 disabled bays, 12 coach parks, 6 minibus parks, 20 motorcycle parks, and 47 staff and service vehicle car parks
 - (e) signage
 - (f) landscaping
 - (g) construction of associated stormwater and water cycle management facilities
 - (h) infrastructure and utilities connections
 - (i) intersection upgrades along Reservoir Road and Site Access
 - (j) upgrade to Reservoir Road; and
 - (k) In Stage 2, the identification of an area for future expansion for theme park use
 - (l) site remediation works.**

Development in Accordance with Plans and Documentation

2. The development shall be generally in accordance with the following plans and documentation:
 - (a) Environmental Assessment titled *Part 3A Environmental Assessment Report, Wet 'n' Wild Sydney* and *Appendices* prepared by JBA Planning Pty Ltd, dated February 2011;
 - (b) Preferred Project Report titled *Preferred Project Report Wet 'n' Wild Sydney* and *Appendices* prepared by JBA Planning Pty Ltd, dated August 2011;
 - (c) Section 75W Modification Report titled *Section 75W of the EP&A Act, Modification Application, Wet 'n' Wild, Remediation of Lot 1 in DP 1045771* prepared by JBA Planning dated December 2012 and appendices, and the Response to Submissions Letter titled *Wet n Wild Sydney (10_0190) Modification 1 – Response to Submissions* prepared by JBA Planning dated 24 April 2013, and attachments.**
 - (d) The following plans:

Architectural (or Design) Drawings prepared by <i>White Water</i>			
Drawing No.	Revision	Name of Plan	Date
SD-1	-	Master Plan	18 July 2011
SD-1	-	Stage 1 Ride and Construction Area Plan	18 July 2011
SD-1	-	Stage 1 Support Facilities, Safety and Security Plan	18 July 2011
SD-1	-	Stage 1 Site Circulation Plan	18 July 2011
Architectural (or Design) Drawings prepared by <i>Oculus</i>			
Drawing No.	Issue	Name of Plan	Date
L-101	F	Landscape Masterplan	2 August 2011

- (e) Statement of Commitments in Schedule 6; and
- (f) The modifications contained in this approval.

Delete Schedule 3 and replace with the following:

SCHEDULE 3

TERMS OF APPROVAL FOR STAGE 1

Application No.:	MP10_0190
Proponent:	Prospect Aquatic Investment Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Reservoir Road, Prospect (Lot 1 DP1045771)
Project:	<p>Stage 1, including:</p> <ul style="list-style-type: none">• site preparation and earthworks, demolition and tree removal• construction of 10 water theme park rides and attractions• construction of ancillary park support facilities• 1810 at grade visitor car parks including 42 disabled bays, 12 coach parks, 6 minibus parks, 20 motorcycle parks, and 47 staff and service vehicle car parks• signage• landscaping• construction of associated stormwater and water cycle management facilities• infrastructure and utilities connections• construction of new site access road and intersection with Reservoir Road, and Reservoir Road upgrade• site remediation works.

SCHEDULE 4

PART A – ADMINISTRATIVE CONDITIONS AND CONTRIBUTIONS

Delete Condition A3 and replace with the following:

Development in Accordance with Documents and Plans

- A3. The Development will be undertaken in accordance with the following documents and plans:
- (a) Environmental Assessment titled Part 3A Environmental Assessment Report Wet 'n' Wild Sydney and Appendices prepared by JBA Planning Pty Ltd, dated February 2011;
 - (b) Preferred Project Report titled Preferred Project Report Wet 'n' Wild Sydney and Appendices prepared by JBA Planning Pty Ltd, dated August 2011;
 - (c) **Section 75W Modification Report titled Section 75W of the EP&A Act, Modification Application, Wet 'n' Wild, Remediation of Lot 1 in DP 1045771 prepared by JBA Planning dated December 2012 and appendices, and the Response to Submissions Letter titled Wet n Wild Sydney (10_0190)**

Modification 1 – Response to Submissions prepared by JBA Planning dated 24 April 2013 and attachments.

(d) Drawings identified in the table below:

Architectural (or Design) Drawings prepared by <i>White Water</i>			
Drawing No.	Revision	Name of Drawing	Date
SD-1	-	Stage 1 – Ride and Construction Area Plan	18 July 2011
SD-1	-	Stage 1 – Support Facilities Safety and Security Plan	18 July 2011
SD-1	-	Stage 1 – Site Circulation	18 July 2011
SD-1 (A)	-	Entry Building Elevation	15 Dec 2010
SD-1 (B)	-	Entry Building Elevation	15 Dec 2010
30	-	Abyss & Boomerango both / w Family Raft Ride – Plan Elevation and Isometric View	23 Dec 2010
31	-	Tube Slide Complex – Plan Elevation and Isometric View	23 Dec 2010
34	-	Aqualoop Complex – Plan Elevation and Isometric View	29 Dec 2010
35	-	Dueling Master Blaster – Plan, Elevation and Isometric View	23 Dec 2010
-	-	Restaurant Building Elevations	28 Dec 2010
SD-2 (A)	-	Food & Beverage Elevation	15 Dec 2010
SD-2 (B)	-	Food & Beverage Elevation	15 Dec 2010
-	-	Lockers / Change Rooms Building	28 Dec 2010
SD-2 (A)	-	Staff Building Elevation	15 Dec 2010
SD-2 (B)	-	Staff Building Elevation	15 Dec 2010
SD-1 (A)	-	Admin. Building Elevation	15 Dec 2010
SD-1 (B)	-	Admin. Building Elevation	15 Dec 2010
SD-1 (A)	-	Warehouse Elevation	15 Dec 2010
SD-1 (B)	-	Warehouse Elevation	15 Dec 2010
SD-4	-	Support Building Plans	26 Nov 2010
SD-5	-	Support Building Plans	26 Nov 2010
SD-3	-	Support Building Plans	26 Nov 2010
SD-6	-	Support Building Plans	26 Nov 2010
SD-2	-	Support Building Plans	26 Nov 2010
SD-6	-	Support Building Plan (Warehouse)	26 Nov 2010
F800	2	Group F Slide Landing Pool Plan & Sections	24 Dec 2010
FRDC-01	2	Group FR Double Flowrider Civil Drawings Sheet -1	24 Dec 2010
FRDC-02	2	Group FR Double Flowrider Civil Drawings Sheet -2	24 Dec 2010
FRDC-03	2	Group FR Double Flowrider Civil Drawings Sheet -3	24 Dec 2010
FRDC-04	2	Group FR Double Flowrider Civil Drawings Sheet -4	24 Dec 2010
L800	2	Group L Lazy River Plan & Sections	24 Dec 2010
R800	2	Group R Interactive Play Structure Pool Plan & Sections	24 Dec 2010
W800	2	Group W Surf Wave Pool Plan	24 Dec 2010
W801	2	Group W Surf Wave Pool Section	24 Dec 2010

Architectural (or Design) Drawings prepared by Skyfun 1. Inc			
-	-	Skyfun 1. Inc 250' Dual Skycoaster Amusement Ride General Site Layout	12 /3/ 96
Architectural (or Design) Drawings prepared by Oculus			
L-101	F	Landscape Masterplan	2 August 2011
Architectural (or Design) Drawings prepared by Brown Consulting			
X10212.01 – SK05	03	Wet 'n' Wild Sydney Concept Plan Including Drainage & Intersection Works	29 July 2011
X10212.01 – SK06	01	Wet 'n' Wild Sydney Concept Plan for Bulk Earthworks	29 July 2011
X10212.01 – SK07	01	Wet 'n' Wild Sydney Wetland and Water Reuse Pond Plan, Sections & Details	29 July 2011
X10212.01 – SK08	00	Wet 'n' Wild Sydney Erosion and Sediment Control Plan	06 June 2011
X10212.01 – SK09	00	Wet 'n' Wild Sydney Erosion and Sediment Control Details	06 June 2011
X10212.1 – SK01	00	Wet 'n' Wild Intersection Sketch	20/12/2010

- (e) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (f) otherwise provided by the conditions of this approval.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Insert new Conditions B22 – B31:

Remediation

- B22 Remediation works shall be carried out in accordance with Remedial Action Plan titled *Remedial Action Plan, Identified Asbestos Contamination, Proposed Wet n' Wild Theme Park, Reservoir Rd, Prospect* prepared by SLR Consulting Australia Pty Ltd dated 18 December 2012 (RAP) submitted with the Section 75W Modification Report titled *Section 75W of the EP&A Act, Modification Application, Wet 'n' Wild, Remediation of Lot 1 in DP 1045771* prepared by JBA Planning dated December 2012.
- B23 Prior to the commencement of remediation work, a Part B Site Audit Statement shall be prepared by an EPA accredited site auditor and submitted to the certifying authority. The Part B Site Audit Statement shall verify that the RAP and remediation strategy adheres to appropriate standards, procedures and guidelines, and will render the site suitable for use as a water theme park.
- B24 Prior to the commencement of remediation work, the Construction Management Plan (see Condition B4 of this approval) must be updated with all mitigation and management measures detailed in Section 13 of the RAP (page 37 – 40 of the RAP) and submitted to the certifying authority.
- B25 Prior to the commencement of remediation work, the proponent must obtain an environmental protection license (EPL) from the EPA for remediation works that are deemed a scheduled activity under clause 15 of schedule 1 of the *Protection of the Environment Operations Act 1997*. The remediation works must be undertaken in accordance with any requirements of the EPL.

- B26 Notwithstanding the contamination containment cell location plan in Appendix H of the RAP, the location of the contamination containment cells must be in accordance with the drawing titled *Wet 'n' Wild – Sydney Overall Bulk Earthworks Plan* dated 21/09/2012 submitted with the Response to Submissions Letter titled *Wet n Wild Sydney (10_0190) Modification 1 – Response to Submissions* prepared by JBA Planning dated 24 April 2013.
- B27 The remediation work must be undertaken in accordance with the conditions detailed in Appendix A of the EPA's submission dated 25 March 2013 provided on the Section 75W Modification Report titled *Section 75W of the EP&A Act, Modification Application, Wet 'n' Wild, Remediation of Lot 1 in DP 1045771* prepared by JBA Planning dated December 2012.
- B28 The remediation work must be undertaken in accordance with the approved hours of work in Condition D1 of this approval.
- B29 A site management plan (SMP) shall be prepared which will detail the location and lateral and vertical extent of the containment cells, the nature of the contained contamination, measures to maintain the integrity of the containment cells, on-going monitoring program, and procedures to ensure appropriate restoration of the capping layer, in the event that any excavation works or installation of underground services encroach into the capping layer. The SMP shall be reviewed and approved by an EPA accredited site auditor prior to the issue of any Section A Site Audit Statement. The SMP must be registered on the property title at the completion of remediation works.
- B30 Upon completion of remediation works on the subject site, the proponent must provide a notice of completion of remediation work in accordance with clause 17 and 18 of State Environmental Planning Policy no.55 – Remediation of Land. Additionally, the proponent must engage an appropriately qualified contamination consultant to prepare a validation report which is to verify that the site has been remediated in accordance with the RAP, and any conditions contained in this approval.
- B31 Prior to the issue of any occupation certificate or commencement of use, an EPA accredited site auditor must approve the validation report referred to in Condition B30 and provide a Section A Site Audit Statement stating that the site has been appropriately remediated and is suitable for use as a water theme park. The site auditors approval of the validation report and Section A Site Audit Statement must be provided to the PCA and council prior to the issue of any occupation certificate or commencement of use.

Note: Words and expressions used in these conditions have the same meaning as in the Contaminated Land Management Act 1997.

Note: The remediation of asbestos contamination must be undertaken in accordance with the licensing and notification requirements of WorkCover NSW and the Work Health and Safety Regulation 2011

Note: The remediation works must be undertake in accordance with any relevant special waste procedures detailed in the Protection of the Environment Operations (Waste) Regulation 2005

END OF MODIFICATIONS – MP10_0190 MOD 1
