



09505
27 September 2013

David Gibson
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Dear David

**S75W - MP10_0190 MOD 2 - NEW YEARS EVE
WET 'N WILD WORLD, RESERVOIR RD, PROSPECT**

I refer to the Wet'n'Wild project, at Reservoir Road, Prospect, for which approval was granted under Part 3A of the EP&A Act for a Concept Plan and a concurrent Project on 8 December 2011 by the Deputy Director General of the Department of Planning and Infrastructure, under delegation from the Minister for Planning and Infrastructure.

Wet'n'Wild Sydney is planning for the imminent opening of the Wet'n'Wild water theme park, as well as making arrangements for a special event to be held on New Years Eve 2013/2014. It is clearly apparent that a New Years Eve event that finishes at midnight is unacceptable, and Wet'n'Wild Sydney are intending to continue the event until 12:30am, as well as an extra 30 minutes for clean-up, shut down and for guests to leave. However, midnight is the latest allowed operating time specified in the Concept Plan (condition 6 and 7) and Project (conditions F6 and F7) Approvals.

Since the facility is yet to commence operations it is not possible to have carried out a trial event, as specified under condition 7 of the Concept Plan and condition F7 of the Project Approval. As such, it is not possible for Wet'n'Wild to apply for approval to hold a special event under the conditions and restrictions specified by the Director-General (as specified in the respective conditions).

Wet'n'Wild Sydney could conduct a trial after opening, with a view to applying to the Director-General prior to the New Years Eve event for the proposed one-off extension for the event operating hours. However, this provides no certainty at this point in time, and it will be impossible to invest in the event without that certainty.

As such, Wet'n'Wild Sydney are seeking to modify the Concept Plan and Project Approvals in accordance with Section 75W of the *Environmental Planning and Assessment Act 1979*. The modification sought is to permit a one-hour extension of the operating hours for one of the five permitted trial amplified special events, if that event is carried out on New Years Eve.

As specified above, an event that is required to finish by 12am on New Years Eve is untenable. Further, being New Years Eve, events are generally given special leeway by neighbours to continue noisy activities until shortly after the New Year is ushered in. As such, it is not expected that the additional one hour of event operations would result in any significant increase in the noise impacts of the event in terms of annoying neighbours. In fact, if any night was to be designated as a

suitable night for conducting the amplified special event trial then New Years Eve would be the selected date.

I would also stress that all of the other conditions relating the management, monitoring and reporting of noise will continue to apply, and a report will be submitted to the Director-General which provides the outcome of the noise monitoring during the event.

The New Years Eve trial event can be facilitated by making the following change to Condition 7 of the Concept Plan and Condition F7 of the Project Approval as follows (note text to be removed is indicated as ~~**Bold Strikethrough**~~ and text proposed to added is designated as ***Bold Italics***):

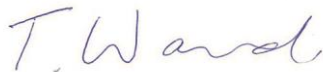
Wet 'n' Wild Events

- 7(F7) (a) Notwithstanding condition 6(F6) above, five amplified special events (associated with the operation of the water theme park) are permitted until 12am as a trial in the first year of operation.
One of these trials is permitted to occur on New Years Eve until 1am on the following day (being the first of January).

We trust that no further information is required by the DP&I in order to assess this modification application.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or tward@jbaplanning.com.au.

Yours faithfully



Tim Ward
Associate