

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: MODIFICATION TO WET 'N' WILD SYDNEY (MP10_0190 MOD 2)

PURPOSE

To determine a section 75W modification request (MP10_0190 MOD 2) to allow a one hour extension to the operating hours for one of the five trial amplified special events approved for Wet 'n' Wild Sydney, to accommodate a New Years Eve 2013/2014 event until 1am.

BACKGROUND

On 8 December 2011, the Deputy Director-General, Development Assessment and Systems Performance, as delegate of the Minister for Planning and Infrastructure, approved a concept plan (MP10_0190) for the construction and operation of a water theme park, known as Wet 'n' Wild Sydney. The concept plan included:

- Stage 1:
Approval was granted for Stage 1 of the concept plan to proceed to construction with no further environmental assessment required, including:
 - 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, six minibus parks, 20 motorcycle parks, and 47 staff and service vehicle car parks
 - signage
 - landscaping
 - construction of associated stormwater and water cycle management facilities (including stormwater detention pond and water treatment wetland)
 - 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 expansion as a theme park (outside the Stage 1 area), with no additional patrons. Approval was also granted for a Complying Development Code (CD Code) allowing the future expansion of rides and ancillary uses within the future expansion area, and also the replacement of rides and facilities inside the Stage 1 area, as required.

On 7 May 2012, the Director Metropolitan and Regional Projects North approved a modification of the approval (MP10_0190 MOD 1) to include site remediation works.

PROPOSED MODIFICATION

This modification application seeks approval for a one hour extension to the operating hours for one of the five trial amplified special events approved for Wet 'n' Wild Sydney, to accommodate a New Years Eve event until 1am.

The proponent is proposing to facilitate the extended New Years Eve trial event by making the following changes to modification No. 7 of the concept plan approval and condition No. F7 of the project approval:

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).***

MODIFICATION OF THE MINISTER'S APPROVAL

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to amend hours of operation referenced in the approval instrument, the modification will require the Minister's approval.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Letters were also sent to adjoining landowners notifying them of the proposed modification. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

The request was referred to Blacktown City Council, who at the time of writing this report had not provided a submission.

DELEGATED AUTHORITY

The Minister has delegated his functions to determine Part 3A applications to the department where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

No submissions were received from the public regarding the proposed modification and council has not made an objection to the proposed modification. There has also been no political disclosure statement made for this application or for any previous related applications or by any of the persons who lodged a submission.

Accordingly, the application is able to be determined by the Director, Industry, Social Projects and Key Sites under delegation.

KEY ISSUES

Wet 'n' Wild Sydney are planning for the imminent opening of their water theme park in early December 2013, as well as making arrangements for a special event to be held on New Years Eve 2013/2014. It is unfeasible for a New Years Eve event to finish at midnight (as is required in the current approval), and therefore Wet 'n' Wild Sydney are intending to continue the event until 12:30am, as well as allowing for an extra 30 minutes for clean-up, shut down and for guests to leave.

To facilitate this, Wet 'n' Wild Sydney are seeking to modify the concept plan and project approvals 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. It is the proponent's position that New Years Eve events are generally given special leeway 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. Further, 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 most logical date.

No objections have been received from council or surrounding residents regarding the proposed one hour extension, and as such the department is supporting of the proposed

modification. It is logical to allow a New Years Eve event to run past midnight and given that at least 30 minutes is required for dispersal of guests, clean-up and shut down, the use of amplified music is unlikely to go far beyond 12am. It is also important to note that all existing 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.

Accordingly, the department considers that the modification request should be approved.

RECOMMENDATION

It is RECOMMENDED that the Director, Industry, Social Projects and Key Sites:

- note the information provided in this briefing;
- approve the modification request, subject to amending the conditions of approval; and
- sign the attached modifying instrument (**TAG A**).

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