

Development Consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

I, the Executive Director Asset Management & Environmental Services of the Sydney Olympic Park Authority (SOPA), pursuant to sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, Clause 22 of the *Sydney Olympic Park Authority Act 2001*, and in accordance with the delegations invested to my office by the Minister for Planning, grant development consent to the development referred to in **Schedule 1**, subject to the conditions in **Schedule 2**.

These conditions are required to prevent, minimise, and/or offset adverse environmental impacts and to capture fire and life safety as well as health and amenity requirements.



John Ferguson

Executive Director, Asset Management and Environmental Services
Sydney Olympic Park Authority

Date: 04/10/2022

SCHEDULE 1

Development Application:	DA 05-08-2022
Application made by:	K25 Productions Pty Ltd
To:	Sydney Olympic Park Authority
In respect of:	Pod C at P5 Car Park, Sydney Olympic Park, NSW 2127
For the following:	Temporary Use of Pod C of the P5 carpark for filming between 4 October 2022 & 23 March 2023
Determination:	Consent granted subject to the conditions in the attached (Schedule 2)
Date of commencement of consent	This development consent commences on the date identified in the formal notification letter accompanying the Notice of Determination.
Advisory Notes	<p>The Applicant is solely responsible for any additional consents and agreements that are required from other authorities.</p> <p>The Applicant has the right to appeal to the Land and Environment Court in the manner as set out in the <i>Environmental Planning and Assessment Act 1979</i>, and the Environmental Planning and Assessment Regulations 2000 (as amended).</p>

SCHEDULE 2
CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 05-08-2022

PART A – APPROVED DEVELOPMENT

A1 Development Description

Development Consent is granted only to carrying out of the development as described, and at the premises referred to in **Schedule 1** above.

The conditions of this consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979* and any other Act.

A2 Development in Accordance with Documentation

The development must be undertaken in accordance with:

- Statement of Environmental Effects, dated 15 August 2022, prepared by Ethos Urban, including Figure 3 – Proposed site plan.
- Filming Management Plan (as amended) prepared by K25 Productions dated 26 September 2022;
- Risk Assessment & Safety Management Plan prepared by K25 Productions dated 27 July 2022;
- Lighting Management Plan prepared by Stephen Johnson received by SOPA on 9 September 2022;
- Waste Management Plan prepared by K25 Productions received by SOPA on 9 September 2022;
- Location Sustainability Guidelines prepared by NBC Universal received by SOPA on 26 September 2022.

These conditions of consent do not relieve the proponent of its obligations under the *Environmental Planning and Assessment Act 1979*, and any other Act.

Except for:

- Any modifications as may be necessary for the purpose of compliance with the current National Construction Code/Building Code of Australia (NCC/BCA) and any of the adopted Australian Standards under the provisions of the NCC/BCA;
- SOPA's current policies, guidelines and manuals;
- Otherwise as marked in red on the approved plans and/or provided by the Conditions of this Approval;
- Otherwise as necessary to comply with other NSW and Commonwealth legislation;
- Otherwise agreed to, or accepted by SOPA's Director, Environment and Planning.

A3 Inconsistency Between Documents

In the event of any inconsistency between Conditions of this Approval and the details referred to Condition No. A2, the Conditions of this consent prevail.

A4 Lapsing of Consent

The period during which the use is approved to operate is restricted to **the period between 5 October 2022 and 23 March 2023**. The use, including the bump-out, must cease after that time. A further development application may be lodged before the expiration date for consideration of the continuation of the use.

A5 Prescribed Conditions

The development is to comply with the prescribed conditions of development consent under Section 69 of the Environmental Planning and Assessment Regulations 2021.

A6 Compliance with Management Strategies

The filming event shall be managed in accordance with the relevant Management Plans included in Condition A2.

PART B – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

B1 Appointment of A1 Accredited Certifier or equivalent competent person

The new building work is not to commence until a Certifying Authority or similar Competent Person has been appointed for the Temporary Structures building works as set out in the Environmental Planning and Assessment Act 1979.

B2 Structural Requirements

The structural requirements (Anchorage and Bracing) for any Temporary Structure building works are to be designed and certified upon completion/installation by a competent Structural Engineer as being in accordance with the Structural provisions contained in the current NCC/ Building Code of Australia (BCA), publication by ABCB Standard - Temporary Structures and the SOPA publication, *Safety Guidelines of Organisers of Events at Sydney Olympic Park, 3rd Edition, 2020*.

B3 Health and amenity

The final building designs are to accommodate health and amenity requirements as set out in the ABCB Publication Temporary Structures Standard 2015.

B4 Construction Management

Prior to commencement of construction (other than for the installation of the temporary site fencing), an updated Construction Traffic Management Plan is to be prepared in consultation with the head contractor on the adjoining Pod B site and SOPA prior to the commencement of any works. The updated Construction Traffic Management Plan is to specify, but is not limited to, the following:

- Location of the proposed work zone;
- Haulage routes;
- Construction vehicle access arrangements;
- Estimated number of construction vehicle movements;
- Construction program;
- Evidence of Consultation strategy for liaison with Pod B head contractor;
- Cumulative construction impacts of the projects including to ensure that coordination of work activities are managed to minimise impacts on the road network, including the P5 loop road;
- Pedestrian pathways around the car park site are maintained.

B5 Photographic Record / Dilapidation Report

Prior to the commencement of activity on site, a photographic recording of the site public domain site frontages is to be prepared and submitted to SOPA's satisfaction. The recording must include clear images of the asphalt, adjoining roads, footpaths, nature strips, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure on the site.

B6 Community Consultation

Prior to commencement of construction the applicant must submit, to the satisfaction of the SOPA's Director, Environment and Planning a community notification letter. The notification letter must include but not limited to:

- Filming schedule including the hours of operation
- 24hr complaints contact telephone number
- Days and timing of proposed firework display

The community consultation area must be agreed with SOPA's Director, Environment and Planning and distributed in accordance with an agreed community consultation plan.

B7 Pre-Construction Dilapidation Report

The Applicant must engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining, infrastructure, roads and public artworks within the site. The dilapidation report must include but not be limited to the existing condition of the tri-hex paving at the site and any associated hard standing.

B8 Environmental Management Plan

The Applicant is to prepare an Environmental Management Plan to the satisfaction of SOPA prior to commencement of any on-site activities. The EMP must be implemented throughout the whole of the activity period, including bump-in, set construction, filming and bump-out. The EMP is to address matters including but not limited to:

- a) Identify the persons responsible for implementing the EMP at each stage of the activity (bump-in, construction, filming, bump-out);
- b) Detail mechanisms for briefing staff and contractors and crew on EMP requirements;
- c) Detail the frequency and responsibility for conducting compliance checks; undertaking corrective actions, and reporting processes and responsibilities
- d) Light management (no upwards-pointing lights are permitted; lightspill must be minimised and contained on site);
- e) Noise management;
- f) Emergency preparedness and spill response and containment;
- g) Prevention of stormwater pollution (from construction debris, litter, spills, pyrotechnic dust) – noting all stormwater drains via overland flow to the north-west corner of Pod C near Hill Road); site preparations when rain is forecast; and
- h) Litter and waste management – including: all skip bins containing food waste or litter are to be lidded to prevent wind-blown litter and scavenging by birds & lids kept closed; management of cigarette butts; the site is to be maintained in a clean and tidy state at all times with litter promptly collected and removed.

B9 Parklands Approval Permit

Prior to commencement of any construction activity, a Parklands Approval Permit must be obtained from SOPA in accordance with requirements of the Plan of Management for the Parklands at Sydney Olympic Park 2010 and the Sydney Olympic Park Authority Act 2001. An application for a Parklands Permit must address the matters listed at Appendix 4.2 - Parkland Uses Compliance Test of the Parklands Plan of Management 2010.

PART C –DURING CONSTRUCTION

C1 Construction Works

Any construction works are to be in accordance with the current NCC/Building Code of Australia (BCA), the adopted Australian Standards and the publication by ABCB Standard, Temporary Structures Standard – 2015.

C2 Compliance with Management Strategy Reports

All works are to be carried out in accordance with the relevant filming event, Safety Risk Assessment & Safety Management Plan, dated 27 July 2022, prepared by Robert Graham.

C3 Compliance with Relevant Policies, Regulations and Legislation

- a) All works to be in accordance with the *NSW, Work Health and Safety Act -2011* and the *Regulation 2017*;
- b) New pedestrian areas are to be constructed in accordance with AS/NZS 3661.2-1994 Slip resistance of pedestrian surfaces- Guide to reduction of slip hazards and AS 4586-2013, Slip resistance classification of new pedestrian surface materials.
- c) All fenced compounds are to be provided with alternative exits evenly positioned around the fencing compound to allow for alternative exits to be easily identified. All Emergency Exits are to be provided with accompanying compliant Exit Signage.
- d) Fire Safety Measures are to be installed into the Temporary Building Structures as required by the current NCC/ Building Code of Australia (BCA) and the publication by the ABCB Standard, Temporary Structures Standard – 2015 to the satisfaction of the Certifying Authority or other Competent Person;
- e) All works are to be carried out in accordance with the relevant Safety Risk Assessment & Safety Management Plan dated the 27.7.2022 and the Filming Management Plan.
- f) Relevant SOPA Policies are to be implemented including *Safety Guidelines for General Event Management within Sydney Olympic Park* 3rd Edition, August 2020.

C4 Public Liability Insurance

This Major Event must have current Public Liability Insurance in place to the value of minimum \$20 Million Dollars.

Note: Sufficient information must be forwarded to the Certifying Authority illustrating compliance with the relevant requirements of the NCC/Building Code of Australia (BCA), ABCB Standard – Temporary Structures Standard – 2015 & relevant Australian Standards, and the SOPA publication, Safety Guidelines of Organisers of Events at Sydney Olympic Park, 3rd Edition, 2020. Sufficient information may include but not limited to, reports or certifications issued by an appropriately qualified person. Please contact your relevant Certifying Authority to discuss requirements prior to submission of the application for Certificate of Completion for the Temporary Structure Building Works.

C5 Hours of work for bump-in and bump-out

All works (including site deliveries) must only be carried out between the following hours:

- 7.00am to 5.00pm on Monday to Fridays (inclusive)
- 8.00am to 12.00 midday on Saturdays
- No work on Sundays and Public Holidays (except with the prior written consent of SOPA's Director – Environment and Planning).

C6 Site Notice

A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Production Manager, Certifying Engineer and 24 hour contact person. The notice(s) must satisfy all but not be limited to, the following requirements:

- a) minimum dimensions of the notice are to measure 841 mm x 594 mm (A 1) with any text on the notice to be a minimum of 30 point type size;
- b) the notice must be durable and weatherproof and must be displayed throughout the works period;
- c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) the notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the Subject Site is not permitted.

C7 Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by any officer of SOPA.

C8 Development compliance requirements

The works must be in accordance with the current Building Code of Australia (BCA/NCC), the adopted Australian Standards and relevant SOPA's policies, guidelines and manuals, including:

- a) Compliance in accordance with the requirements of stormwater disposal; and
- b) Safe and adequate hoardings, and any earth retaining requirements are to be provided and maintained in a safe manner; and
- c) Provisions for fire safety are to be provided for during the construction phase of the approved development.

Note: Sufficient information must be forwarded to the PCA illustrating compliance with the relevant requirements of the current *Building Code of Australia* and adopted *Australian Standards* or is otherwise structurally sound and safe for use. Sufficient information may include but not limited to, reports or certifications issued by an appropriately qualified person.

C9 Construction Noise Management

The development must be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the Subject Site.

C10 Erection of Temporary Structures

All temporary structures provided must be installed in a structurally sound condition. Any temporary structures, other than moveable dwellings, must be installed in accordance with the 'Section 9 - Guidelines for safe usage of temporary structures within Sydney Olympic Park' contained in SOPA's publication Safety Guidelines for organisers of events being held within Sydney Olympic Park Third Edition 2020.

C11 Post-Event Dilapidation Report

The Applicant must prepare a Post-Event Dilapidation Report after each annual event, prepared by a suitably qualified person, to ascertain whether the event works created any structural damage to any infrastructure and roads. The report must be submitted to the Certifying Authority or Similar Competent Person at the completion of event works within 28 days of the final bump-out day.

In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority or Similar Competent Person must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by the conditions of this consent; and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of the final report endorsed by the Certifying Authority or Similar Competent Person is to be submitted to SOPA.

PART D - POST CONSTRUCTION

D1 Post Construction Certificate of Completion

As “Land Owner” of the filming precinct SOPA requires a building works “Certificate of Completion” to be issued by the Certifying Authority upon completion of the newly constructed Temporary Structure buildings. This Certificate of Completion is to state that the final filming compound and associated structures are safe and fit for occupation in accordance with the performance requirements of the current NCC/Building Code of Australia (BCA) and NSW State Building & Fire Safety Laws.

A final official “Statement of Acceptance” will be issued by SOPA upon review and assessment of this above Event Specific “Certificate of Completion” to allow for this Filming Use to be carried out.

PART E – Site Operation

E1 Restriction – hours of filming

The day time hours of filming are to be not more than from 7am to 5pm and night time filming is not to be more than from 7pm to 5am on **a maximum of five occasions** unless a separate application to vary the hours of operation or trading has been submitted to and approved by the relevant authority.

E2 Exits

Any fenced compounds are to be provided with alternative exits (no more than 20m apart) evenly positioned around the fencing compound to allow for the alternative exits to be easily identified. All Emergency Exits are to be provided with accompanying compliant Exit Signage.

E3 Acoustic Controls During Production

a) The use and occupation of the site, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the Protection of the Environment Operations Act 1997, as amended.

b) Where noise monitoring finds that noise levels exceed the noise criteria detailed in subclause (a), noise limiting devices must be implemented and noise emissions must be reduced to meet the noise criteria detailed in subclause (a). A copy of the findings and recommendations prepared by a suitably qualified acoustic consultant must be provided to SOPA within 48 hours of the data being collected.

c) All scenes proposed for shooting at night (10pm-7am) and other site activities, need to be assessed by the proponent for consistency with the scenario described in Table 4.5 of the noise report. Any scenes that would generate more or different types of noise must be shot between 7am-10pm.

d) Community notification of night-time filming and use of pyrotechnics must be conducted as described in the noise report.

E4 Lighting

External lighting must be directed onto the event site and must be designed to minimise light spill beyond the site perimeter as far as practical. Use of external lighting is to comply with AS/NZ 4282 "Control of the obtrusive effects of outdoor lighting" 2019.

E5 Pyrotechnics

Prior to the first use of pyrotechnics, a request is to be made to SOPA that sets out full details of the pyrotechnics proposed for use - including expected sound power levels, hours and duration of operation, and consistency with the projected noise impacts assessed in the noise report. Pyrotechnics are not to be used between 10pm and 7am.

The use of pyrotechnics is not to give rise to any offensive noise, as defined under the Protection of the Environment Operations Act 1997, as amended.

E6 Water Quality

Following any special effects filming the surface of the car park is to be swept clean of any cork dust or similar material capable of being captured in runoff into the surrounding wetlands and water bodies.

E7 Compliance

The Applicant must provide SOPA with a 24 hour contact phone number so that any enquiries outside of office hours can be promptly dealt with. All queries shall be investigated, remedied and recorded. A copy of this reporting must be provided to SOPA's Director, Environment and Planning upon request.

PART F – End of Use

F1 Use to cease

All material and structures associated with the temporary use is to be removed from site by 23 March 2023.

F2 Damage rectification

Any damage to the site and adjoining public domain including asphalt surfaces, trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the SOPA's standards. Reference is to be made to the Photographic Record / Dilapidation Report required by condition B5.

END OF CONSENT