

Development Consent

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

I, the Director of Environment and Planning of the Sydney Olympic Park Authority, 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.



Sally Hamilton
Director Environment and Planning
Sydney Olympic Park Authority

Date: 29 January 2021

SCHEDULE 1

Development Application:	DA 09-11-2020
Application made by:	Endemol Shine Australia
To:	Sydney Olympic Park Authority
In respect of:	Qudos Bank Arena Forecourt, Olympic Boulevard Sydney Olympic Park
For the following:	Time limited five year consent for an annual filming and the construction of temporary structures
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	The Applicant is solely responsible for any additional consents and agreements that are required from other authorities. The Applicant has the right to appeal to the Land and Environment Court in the manner as set out in the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulations 2000 (as amended).

SCHEDULE 2

CONDITIONS OF CONSENT DEVELOPMENT APPLICATION NO. 09-11-2020

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.

A2 Development in accordance with plans

The development must be carried out in accordance with the documentation and plans listed below:

Statement of Environmental Effects, dated 18/12/2020, version 2, prepared by Endemol Shine Australia			
Drawing/Document Ref	Name of Plan	Relevant year	Date
Site plan / event plan (development footprint)	Site plan / event plan	2021	No date
Technical Site Plan (development footprint)	Site Plan	2021	26/11/2020

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:

1. Any modifications as may be necessary for the purpose of compliance with the current Building Code of Australia (NCC/BCA) and any of the adopted Australian Standards under the provisions of the NCC/BCA;
2. Otherwise provided by the conditions of this consent;
3. Otherwise as necessary to comply with other NSW and/or Commonwealth Legislation; or
4. Otherwise agreed to, or accepted by Sydney Olympic Park Authority (SOPA or the Authority).

A3 Inconsistency between documents

In the event of any inconsistency between conditions of consent and the details referred to in 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 **5 years from the date of this consent**. The use 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 Filming Event Duration

The duration of each filming event is not to exceed two months in any one year period. Each one year period commences on the 1 January of that year and ceases on 31 December of that year. The filming event duration is inclusive of all bump-in, filming and bump-out phases.

A6 Prescribed Conditions

The development is to comply with the prescribed conditions of development consent under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*.

A7 Compliance with Management Strategies

The filming event shall be managed in accordance with the relevant Management Plans including:

- *Traffic Management Plan, dated 16 December 2020, Revision 3, and prepared by CA+O*
- *Security Management Plan, [not dated] contained within appendix A.3 of updsted SEE dated 18 December 2020 and prepared by Qudos Bank Arena*
- *Site Safety Management Plan, Version 2, dated 27 November 2020 and prepared by Reliance Risk*
- *Emergency Management Plan (2021 filming event only), Version 2, dated 27 November 2020 and prepared by Reliance Risk*
- *Noise Management Plan, dated 15 December 2020 and prepared by Noise Consulting & Management Pty Ltd*
- *Pyrotechnics Management Plan, Blackett Maguire Goldsmith (as per Condition B6 Fire Safety below)*

These plans must be updated annually for each subsequent filming event and submitted to and approved by SOPA's Director Environment and Planning for approval prior to construction commencing, unless otherwise agreed.

Note: The Traffic and Transport matters outlined within the TMP will require a SOPA Works Permit, details of which are found through the following link: <https://www.sopa.nsw.gov.au/Developing-our-Park/Planning-and-Building/Site-Operations>

PART B – PRIOR TO CONSTRUCTION

B1 Appointment of Certifying Authority or Similar Competent Persons

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 Work Permit

The public way and road reserves must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless this occurs in accordance with a Works Permit. Non-compliance with this requirement will result in the issue of a Notice by the Authority to stop all work on the site.

Note: Further information about Work Permits can be obtained from www.sydneyolympicpark.com.au.

B3 Community Consultation

Prior to commencement of construction the applicant must submit, 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.

B4 Structural Details

Prior to commencement of construction, the Applicant must submit, to the satisfaction of the Certifying Authority or similar competent person, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- the Temporary Structures building works as set out in the *Environmental Planning and Assessment Act 1979*.
- the Commonwealth *Disability Discrimination Act-1992*, NCC/Current Building Code of Australia (NCC/BCA), Australian Building Codes Board Standard – Temporary Structures 2015, AS 1428.1 and the Sydney Olympic Park Authority (SOPA's) *Access Guidelines 2017, Fifth Edition*.

B5 Temporary Structures

The structural requirements (Anchorage, Tie Downs and Bracing) for the proposed 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, publication by ABCB Standard - Temporary Structures 2015 and the SOPA publication, *Safety Guidelines of Organisers of Events at Sydney Olympic Park, 3rd Edition, 2020*.

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

B6 Fire Safety

Qudos Bank Arena is subject to an on-going *Fire Safety Overlay* by Blackett, Maguire & Goldsmith (BMG) (A1 Unrestricted Private Certifiers) dated the 24 December 2020. As part of this overlay document a restriction on the use of any external pyrotechnics around the building and immediate precinct surrounds, (Restriction 3 of this document) applies. This restriction is required to be lifted or modified to allow the use of Pyrotechnics around the outside of the Arena for this Event. Any modifications to this restriction will be as set out and agreed to by all parties concerned that being, BMG, Fire & Rescue NSW, Qudos Bank Arena, SOPA and the Applicant. BMG is to then prepare and issue a "Pyrotechnics Management Plan" that will capture the requirements of all parties nominated above.

An final official *Statement of Acceptance* will then be issued by SOPA upon review and assessment of this Event Specific *Pyrotechnics Management Plan* (to be issued by BMG) to allow for Pyrotechnic use during the Ninja Warrior Event. No pyrotechnics are to be used until SOPA has issued the Statement of Acceptance.

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.

PART C – POST CONSTRUCTION

C1 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 or similar Competent Person 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 requirements of the *Environmental Planning and Assessment Act 1979*, and the Building Code of Australia. The Post Construction Certificate of Completion shall be submitted to SOPA’s Director, Environment and Planning within 3 working days of issue.

C2 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 of Similar Competent Person is to be submitted to SOPA.

C3 Repair of Damage (Roads and Public Infrastructure)

All infrastructure and roads as described in **Condition B7** such as public footways, foot paving, kerbs, gutters, road pavement and public artwork damaged as a result of the event must be immediately repaired. Full restoration of the damage must be carried out to the satisfaction of SOPA’s Director – Environment and Planning with a reasonable timeframe, as agreed in writing with SOPA.

Part D – BUMP-IN AND SITE OPERATION

D1 Work Health and Safety Act 2011

All works are to be carried out in accordance with the *NSW Work Health and Safety Act 2011* & the *NSW Work Health and Safety Regulations 2017*.

D2 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*.

D3 Operational Compliance

During construction:

- All building works are to be in accordance with the current NCC/Building Code of Australia, the adopted Australian Standards and the publication by ABCB Standard, *Temporary Structures Standard - 2015*.

- 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.
- All works are to be carried out in accordance with the relevant Site Safety Management Plan, Build Risk Assessment Plan, Pyrotechnic Management Plan and the Site Security Management Plan
- All works to be in accordance with the NSW, *Work Health and Safety Act 2011* and the Regulation 2017.
- 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.
- Fire Safety Measures are to be installed into the Temporary Building Structures as required by the current NCC/ Building Code of Australia and the publication by the ABCB Standard, Temporary Structures Standard – 2015 to the satisfaction of the Certifying Authority or other Similar Competent Person.
- 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 or similar Competent Person illustrating compliance with the relevant requirements of the NCC/Building Code of Australia, 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 or other Competent Person to discuss requirements prior to submission of the application for Compliance Certificate of Completion for the Temporary Structure Building Works.

D4 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.

D5 Waste Management

(a) Waste associated with the filming event is not permitted to accumulate except in designated and pre-determined waste receptacles and areas. So far as is practicable all waste should be contained within a waste receptacle. Arrangements for the prompt collection of litter and waste associated with the filming event must occur as soon as practical after the event.

(b) The premises must have an adequate number of contained waste receptacles with a suitable cover to ensure that waste does not attract pests and insects.

(c) Arrangements must be made for the safe and legal disposal of the waste.

D6 Chemical Storage

Any chemicals used in during the temporary filming event, including but not limited to those used in the water pools shall be stored in an appropriate manner, to industry standards.

D7 Water Extraction

Unless otherwise agreed in writing by SOPA's Director, Environment and Planning, water extraction shall not be drawn from SOPA's assets and will be borne at the expense of the applicant.

D8 Wastewater Release

All wastewater, including, but not limited to the treated wastewater from the water pool structures must be appropriately disposed of and not released into the stormwater system and/or over the paved areas or roadways.

D9 Acoustic Controls

(a) The noise level emitted must comply with the NSW Noise Policy for Industry 2017 and the noise assumptions outlined in the acoustic report as outlined in Condition A7.

(b) A suitably qualified acoustic consultant must be appointed to measure and verify noise levels during the filming at the event, from the nearest affected residential boundary, to ensure that the activity does not exceed noise criteria detailed in subclause (a).

(c) 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.

(d) No aerial based fireworks shall take place post 22:00 in accordance with the NSW Noise Policy for Industry 2017.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australasian Acoustic Consultants at the grade of member.

D10 Public Gatherings

The filming event shall comply with all relevant public health orders and restrictions made *under section 7 of the Public Health Act 2010* or any revocation and re-enacting of this act.

D11 Operation

The filming event, (excluding daily pack-up) shall operate within the following hours:

7am to 4.30am, 7 days a week as detailed in the SEE and Condition A1, unless otherwise agreed in writing by SOPA's Director, Environment and Planning.

D12 Capacity

The filming event shall be limited to 750 persons (including, but not limited to, production staff members, contestants and spectators), unless otherwise agreed in writing by SOPA's Director, Environment and Planning. All relevant Public Health Orders and Restrictions must be adhered to.

D13 Compliance

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

PART E - ANNUAL FILMING EVENT SERIES

E1 Use of Drones

Prior to the commencement of each annual filming event (inclusive of the 2021 series), a detailed drone flight plan shall be submitted to and endorsed by SOPA's Director, Environment and Planning. The flight plan shall detail the height and path of any drone(s) for the filming event and shall avoid flight over the Sydney Olympic Parklands.

E2 Site Plan

Prior to the commencement of each annual filming event for 2022 – 2026 filming series, unless otherwise agreed in writing, an updated site plan for each filming event must be submitted to and endorsed by SOPA's Director, Environment and Planning.

E3 Emergency Management Plan

Prior to the commencement of each annual filming event 2022 – 2026 filming series, unless otherwise agreed in writing, an updated Emergency Management Plan (EMP) for each filming event shall be submitted to and endorsed by SOPA's Director, Environment and Planning. The updated EMP shall include a detailed pedestrian assessment of the ability of the site and adjacent venues (at capacity) to simultaneously evacuate.

E4 Security

Appropriate security must be put in place to control the entry of spectators into and out of the temporary on-site event area and must be generally in accordance with the security measures described in the Security Management Plan.

E5 Site Presentation

The Applicant, or any party acting upon these Conditions of Consent, are to ensure that the site shall be left clean and tidy and the contractor shall maintain the site in an orderly manner.

E6 Operation

The operation of the events must be consistent with the hours of operation detail in Condition C12.

E7 Capacity

The maximum capacity of the events must be consistent with the capacity detailed in Condition D12.

E8 Noise

Noise generated by the filming event must be consistent with Condition D9.

E9 Fire Safety

Each filming event must be undertaken and carried out in accordance with a final Statement of Acceptance of the Pyrotechnics Management Plan as detailed in Condition B6 prior to the commencement of each annual filming event. Unless otherwise agreed in writing by SOPA's Director, Environment and Planning.

E10 Compliance

The Applicant must provide SOPA and the general public with a 24 hour contact phone number so that any enquiries outside of office hours can be promptly dealt with. All queries will be investigated, remedied and recorded. A copy of this reporting must be provided to SOPA.

END OF CONSENT