
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 05-08-2022
Application Site:	Pod C at P5 Car Park, Sydney Olympic Park, NSW 2127
Proposal:	Temporary Use of Pod C of the P5 carpark for filming between 5 October 2022 & 23 March 2023
Applicant:	K25 Productions Pty Ltd
Consent Authority:	Sydney Olympic Park Authority (SOPA)

1 Purpose

The purpose of this report is to provide an assessment of the subject development application (DA) under Part 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2 Recommendation

It is recommended that the Executive Director, Asset Management and Environmental Services, of Sydney Olympic Park Authority:

- A) Consider all relevant matters as discussed and assessed by this report;
- B) **Approve** the development application pursuant to Sections 4.16 and 4.17 of the EP&A Act, having considered the relevant matters in accordance with point A) above by signing the Instrument of Consent attached to this report;
- C) Sign the attached Instrument of Consent; and
- D) Authorise Sydney Olympic Park Authority to carry out post-determination notification pursuant to Section 4.18 of the EP&A Act.

3 Site and Surrounds

The site (see Figure 1) is known as Pod C of the P5 Carpark, Sydney Olympic Park and is located within the Parramatta Local Government Area (LGA). The site is legally described as Lot 71 in DP 1191648.



Figure 1: Location of the subject site outlined in red (Source: SIXMaps)

To the north of the site is Hill Road, to the east is Haslams Creek, and to the south is a BMX track, beyond which is Haslams Creek. To the west is a P5 car park access loop road which runs between Pods A, B and C (see Figure 1).

Pod B parking area is currently being redeveloped for a recreational use (wave park) with access via the P5 loop road.

The proposed filming will take place entirely within the carpark.

4 Proposed Development

The proposed development includes the temporary use of the car park for filming, including the erection of temporary structures.

The event is considered a 'temporary filming event'. As referenced in the Statement of Environmental Effects prepared by Ethos Urban, the proposed development can be summarised as follows:

General

- Development to support the proposed filming would include the temporary accommodation of:
 - A demountable toilet block
 - A demountable office
 - 6 storage containers
 - 4 lighting cranes
 - 60 (approximately) stacked, empty containers for a blue screen wall
 - 3 x 3 cubic metre waste skips
 - Portable generators
 - Other miscellaneous structures comprising the set, including fixed and moveable structures, and other structures necessary to support the use of the site for filming.



Figure 2: Location of filming activities and temporary structures

Filming Schedule & Hours of Operation

The temporary use of the car park for the purposes of filming will last for approximately six months, with establishment commencing on 5 October 2022 and the use completed and all structures removed no later than 24 March 2023.

During this period the filming site and set will be established and maintained, however, filming is only expected to occur on a total of approximately 30-35 days. Outside of these filming days, production will occur at other offsite filming venues not associated with this DA.

Of the 30-35 days on which filming is expected to occur at the site, it is envisaged that the majority of these will occur during daytime hours. Night-time filming would occur on no more than five (5) occasions. The proposed hours of filming would be as follows:

- Day time filming (Monday to Sundays) – 7am to 5pm
- Night time filming (Mondays to Sundays) – 7pm to 5am (the following day) – maximum of five (5) occasions.

Services & Utilities

The proposed works and operations associated with the filming will utilise portable generators to power equipment. All other utility services will be temporary including water and sewage.

Access

Access to the area will be from the P5 loop road at two locations being existing entry points to the car park. The filming area will be enclosed by temporary fencing located within the car park.

Plans of Management

Filming and associated activities will take place in accordance with the following plans of management:

- 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 (undated but received by SOPA 9 September 2022);
- Waste Management Plan prepared by K25 Productions (undated but received by SOPA 9 September 2022); and
- Location Sustainability Guidelines prepared by NBC Universal (undated but received by SOPA 28 September 2022).

5 Assessment

5.1 Environmental Planning and Assessment Act 1979

The proposal is local development to which Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies. The application has been assessed against the heads of consideration set out under Section 4.15 of the *EP&A Act*.

This DA was lodged and accepted by SOPA on 5 September 2022. The application was notified in accordance with SOPA's notification policy from 6 September 2022 to 20 September 2022. No submissions were received in response to the notification of the application.

On 18 August 2022 a request to the applicant was sent to provide additional information on the following:

- Ecological receivers at Nuwi Wetland, Narawang Wetland and Haslams Creek;
- A Biodiversity Impact Statement; and
- Updated Film Management Plan.

On 25 August 2022, the proponent responded with further plans and information pursuant to the requested matters.

5.2 Sydney Olympic Park Authority Act 2001

Clause 22(2) of the *Sydney Olympic Park Authority Act 2001* (SOPA Act) requires consideration of the Environmental Guidelines for Sydney Olympic Park 2008 (Environmental Guidelines) for all proposed developments. The application relates to a temporary filming event within Sydney Olympic Park; accordingly, the proposal is generally consistent with the requirements of the Environmental Guidelines subject to the imposition of suitable planning conditions.

5.3 Environmental Planning Instruments

5.3.1 State Environmental Planning Policy (Precincts – Central River City) 2021

SOPA is the consent authority as per Appendix 4, Part 2 of State Environmental Planning Policy (Precincts – Central River City) 2021. The relevant provisions are addressed in Table 1:

Table 1 Appendix 4 of SEPP (Precincts – Central River City) 2005 – Planning Provisions

Clause	Response	Compliance */✓/N/A
(111) Zone RE1 Public Recreation	The proposal seeks approval to the use of the site for temporary filming and the construction of associated temporary structures. The proposal is consistent with the RE1 Public Recreation land zoning as set by the SEPP. The proposal will protect and promote the major events capabilities of Sydney Olympic Park. The proposal will integrate with the existing and emerging development and uses within the Park as:	✓

Clause	Response	Compliance */✓/N/A
	<ul style="list-style-type: none"> The proposed development is to protect and promote the major events capability of the precinct. The proposal is permissible with consent. <p>The temporary use will be completed prior to the commencement of the Easter Show 2023.</p>	
(16) Subdivision	This development application does not seek the subdivision of the site.	N/A
16B Temporary use of land	<p>The site will be used for filming for less than the maximum period of 52 days (whether or not consecutive days) in any period of 12 months.</p> <p>Having regard to clause 16B(3):</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with Chapter 2 and any other applicable environmental planning instrument,</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood as a consequence of the nature of the use and the management measures governing that use,</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land,</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use as required by the conditions of consent.</p>	✓
(18) Building Heights	The site is not subject to a height limit under Appendix 4 of the SEPP (Precincts – Central River City) 2021.	N/A
(19) Floor space ratio	This DA relates to temporary structures only. The site is not subject to a FSR control under Appendix 4 of SEPP (Precincts – Central River City) 2021.	N/A
(23) Public infrastructure	The proposed works and operations are to utilise existing site services and utilities and temporary services provided by the use including generators and portaloos.	✓
(24) Major event capability	The development will not restrict the management of crowd movement and transport services associated with major events to any significant extent. Bump-out from the site is to be completed by 24 March 2023, being approximately two weeks prior to the opening of the 2023 Sydney Royal Easter Show, in order to avoid any potential impacts on Show preparation.	✓
(25) Transport	The use will occur at a time of construction activity occurring on the adjoining Pod B car parking site. The arrival and departure of construction traffic on both sites may require co-ordination to ensure the measures included in the applicant's Traffic Management Plan can be implemented in a manner that does not impinge on access for construction or filming to Pod B and C and that does not impinge on the event capabilities of the precinct. Subject to conditions, is considered the proposal will have no adverse impacts on traffic, transport or pedestrian movements with the Sydney Olympic Park. Condition of consent are proposed to ensure that all members of cast and crew are made aware of public and active transport options to reach the site. A condition of consent is also proposed to ensure co-ordination occurs with the head contractor of the development site on Pod B to ensure deliveries are co-ordinated to prevent queuing and delay.	✓

Clause	Response	Compliance */✓/N/A
(26) Master Plan	Consideration of the master plan not required for temporary uses.	✓
(29) Development within an environmental conservation area	The site is not located within an environmental conservation area.	✓
(30) Design Excellence	The development is temporary, and the site is not located within a site allocated for design excellence.	N/A
(31) Heritage Conservation	<p>The site is not identified as a heritage item or within the vicinity of a heritage item, nor is it within a heritage conservation precinct. The Millennium Parklands Heritage Precincts is the closest heritage item and is located approximately 160m north of the site. The item is listed on the State Heritage Register.</p> <p>Given the distance from the item and the temporary nature of the proposal, it is not considered the proposal will adversely impact the heritage conservation area.</p>	✓

5.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of this SEPP deals with coastal management and the site is close to existing wetland areas. The site is fully sealed, there is unlikely to be an additional run-off to the adjacent wetlands. The use of cork dust and other fine materials in special effects, increases the potential for pollutants to leave the site during storm events. This can be managed by requiring regular cleaning / sweeping of the site to remove any residues of dust or other fine materials from the special effects/pyrotechnics activities.

Chapter 4 of this SEPP deals with the remediation of land. The development would not require invasive disturbance of the sub-surface or excavation of the site, accordingly a detailed investigation of potential contamination of the site is not required in this instance.

5.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the biodiversity of trees and other vegetation in non-rural areas of the State; and to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance for existing and future generations.

The site does not contain any significant trees or vegetation and is located outside the mapped foreshores and waterways area and therefore the provisions of SEPP (Biodiversity and Conservation) 2021 do not apply in this instance.

5.4 Impact Assessment

5.4.1 Noise

A Noise Impact Assessment (NIA) was prepared by Renzo Tonin & Associates (19 August 2022), which considers the acoustic impacts of the proposal having regard to the typical activities associated with the proposed filming operations, including the use of pyrotechnics (if required). Noise will be generated from the filming event during daytime and night time

periods, as well as from the bump-in, set-up, bump-out dismantling and traffic movements. The purpose of the Noise Impact Assessment is to identify sensitive noise receivers and to minimise the impact of noise produced by the activities associated with the filming production.

The nearest affected receivers are shown on the plan extract from the NIA in Figure 4.

For the Blaxland Avenue site (R1), a Rating Background Level (RBL) of 46 dBA during the evening period and an RBL of 37 dBA during the night period was identified. For the Bennelong Parkway site (R2), a Rating Background Level (RBL) of 46 dBA during the evening period and an RBL of 44 dBA during the night period was identified. The assessment concluded that it is not envisaged that sound from the production will result in annoyance at this location.



Figure 4: Sound Management Assessment locations. Source: Renzo Tonin & Associates Noise Impact Assessment, dated 15 August 2022.

The primary sources of noise from the production can be categorised as follows:

- Generators (2 in total);
- Knuckle booms (4 in total);
- Trucks (15 in total, assume 4 operating for 5 minutes in worst case 15 minutes);
- Manitou all terrain forklift (3 in total);
- Male shouting (assume 5 at any one time);
- Female shouting (assume 5 at any one time).

Based on the predicted operational noise levels presented in the table above, predicted noise levels at the nearest receivers generally comply with the nominated criteria for all time periods during filming activities. Receiver R1 (Blaxland Ave, Newington), would experience up to 2 dB(A) exceedance during the night period for filming activities when pyrotechnics are used (if required).

The NSW Noise Policy for Industry (EPA, 2017) states that exceedances of up to 2 dB(A) are considered negligible and would not be discernible by the average person. Therefore, noise impacts at Receiver R1 due to the filming activities, including the use of pyrotechnics, are considered to be acceptable.

A sleep disturbance assessment was also undertaken with consideration to the use of pyrotechnics during night time period. This assessment found that the use of pyrotechnics is unlikely to cause awakening reactions at the nearest residential receiver.

Overall, it is considered that the level of detail provided within the Noise Impact Assessment is adequate to make an informed assessment on the noise impact of the development. It is considered that the NSW Noise Policy for Industry is an appropriate standard on which to assess the proposed development against and has been agreed by the applicant.

No proposed hours for the bump in and bump out period have been suggested by the applicant. In accordance with the Department of Environment and Climate Change NSW *Interim Construction Noise Guideline* it is recommended that a suitably worded condition be included limiting the hours of construction and bump-in/bump-out be limited to the following:

- 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).

The implementation of such a condition is to ensure adverse noise impacts to surrounding land uses are mitigated.

5.4.2 Lighting

The Lighting Management Plan and the Film Management Plan submitted with the application states that the areas for proposed external lighting are contained within the subject site and will be pointed towards the set.

The Lighting Management Plan states that much of the filming will be conducted during daylight hours, minimising the possibility of obtrusive lighting due to the existing levels of ambient light in the atmosphere.

The proposed lighting comprises of light sources fixed onto boom lifts, aimed towards the set. These lights are unlikely to present any major disturbances to the surrounding ecosystem, or residential dwellings. Accordingly, any light spill can be controlled by way of planning condition.

5.4.3 Biodiversity

The site is adjacent to Nuwi Wetland and Narawang Wetland and Haslams Creek with wildlife potentially impacted by light and noise and water quality potentially impacted by run-off containing cork dust or other particulates used in special effects or pyrotechnics. To minimise light spill into the adjacent Sydney Olympic Parklands, a condition is recommended to limit light spill and prevent it from being projected outside of the site. This condition will limit the use of upward pointing lights and requires light spill to be contained on site. Similarly, conditions

are proposed to require regular cleaning of the site following special effects filming and to minimise noisy activities during the evening.

5.4.4 Traffic Impact

A Traffic Management Plan (TMP) was submitted as part of this application. The TMP outlines details of traffic and management, transportation implications and general site and traffic management arrangements at the site during bump-in filming and bump-out. A condition of consent is proposed to ensure coordination with the construction activities on the adjoining site to prevent any queuing or delays in materials deliveries to both sites.

5.4.5 Major Events

Sydney Olympic Park is a major events precinct for the State and hosts many major and large events throughout the year. It is considered that the proposal would not impact on the day-to-day operation of the precinct. The DA is cognisant of the site's location within a major events precinct and as such, measures have been outlined within the submission, most notably the TMP which outlines how the filming event will operate during event mode.

The proposed bump-out is scheduled to be finished by 24 March 2023, which is before the opening of the Sydney Royal Easter Show, which is scheduled for 6-17 April 2023. This gives a 12 day period for vehicles to begin using the site prior to the beginning of the show. A condition which strictly limits use of the site until the 24th of March is proposed.

5.4.6 Sydney Olympic Park Local Infrastructure Contributions Framework (ICF)

The proposed development is temporary in nature and thus would not result in any additional GFA; accordingly, the ICF does not apply to the proposed development.

5.4.7 The suitability of the site for the development

The site is used as an overflow car park, and at this stage is rarely utilised with exception to additional traffic arising from the Sydney Royal Easter Show. The separation between the site and residential uses makes the site acceptable for temporary use for filming.

5.4.8 Likely Impacts of the Development

The proposal is considered acceptable and unlikely to have any adverse environmental, social or economic impacts.

5.4.9 Public Interest

It is considered that the development is in the public interest in that it makes efficient use of an underutilised site, contributes to the vitality and activity of Sydney Olympic Park and contributes to the NSW film industry.

6 Consultation

6.1 Notification, advertising and submissions received

The application was placed on public notification for a period of 14 days from 25 May 2022 to 13 June 2022 in accordance with the requirements prescribed under the *Environmental Planning and Assessment Regulation 2000*.

No public submissions were received during the notification period.

6.2 The public interest

The proposed development is considered to be in the wider public interest as it:

- is consistent with the applicable provisions and controls of the principal environmental planning instrument applying to the land contained within *State Environmental Planning Policy (Precincts – Central River City) 2021*; and
- is unlikely to result in any adverse environmental affects, subject to compliance with the recommended condition.

6.3 Internal referral

SOPA Discipline	Comment
SOPA's Manager, Building Services and Compliance	Conditions were recommended for the preconstruction, construction, and po-construction phases.
SOPA's Senior Manager, Environment and Ecology	<p>Recommends a EMP to be prepared prior to commencement of any on-site activities.</p> <p>Pyrotechnic conditions were recommended relating to the following:</p> <ul style="list-style-type: none"> • Use of pyrotechnics requires a separate application for SOPA approval that sets out full details of the pyrotechnics proposed for use - including 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. <p>Noise conditions were recommended relating to the following:</p> <ol style="list-style-type: none"> 1. <i>Noise levels between 10PM and 7am need to be managed and minimised to protect both ecological and human receptors. In particular – truck and forklift movements between 10PM and 7am should be avoided (Table 4.5 is based on concurrent operation of 15 trucks and 3 forklifts, as well as booms, generators and shouting).</i> 2. <i>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.</i> 3. <i>Community notification of night-time filming and use of pyrotechnics must be conducted as described in the noise report.</i> <p>Conditions of consent to this effect have been recommended.</p>
SOPA's Manager, Environmental Infrastructure	No additional conditions.

7 Delegations

On 3 June 2022, the Minister delegated powers and functions under Section 2.4 of the EP&A Act for development at Sydney Olympic Park, which is not lodged by SOPA and result in an expected future realisation by SOPA of income or other economic benefit for an amount exceeding \$250,000 per financial year.

These delegations have been provided to SOPA and the Public Service senior executive employees who are employed in accordance with Section 64 of the Sydney Olympic Park Authority Act 2001.

The proposed development is consistent with these delegations. Accordingly, it is appropriate for the Authority to exercise its delegations in determining this development application.

8 Findings and Recommendation

The proposal seeks consent for a temporary filming event within the Pod C Carpark in Sydney Olympic Park. The proposal is considered consistent with the vision of SOP. It seeks to utilise the parking area for a film set which is broadly consistent with the extant consent at the site. Furthermore, it is considered that no adverse amenity effects, which cannot be controlled by way of planning conditions, would arise as a result of the proposal. Accordingly, this DA is recommended for approval subject to suitably worded planning conditions pertinent to the development.

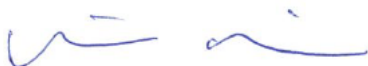
9 Conclusion

The application has been assessed with regard to the matters raised in:

- (i) Section 4.15 of the *EP&A Act*;
- (ii) The provisions and controls of *SEPP (Precincts- Central River City) 2021*;
- (iii) The provisions of Sydney Olympic Park Master Plan 2030 (2018 Review).

The proposed development is considered acceptable, in the public interest and is therefore recommended for **approval** subject to the recommended conditions of consent.

Reviewed:



Vivienne Albin
Senior, Manager Planning

Approved



John Ferguson
Executive Director, Asset Management and Environmental Services