

23 May 2019

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David McNamara
Director Key Sites Assessment
320 Pitt Street
Sydney NSW 2000

Attention: Liza Miller, Planning Officer

Dear Liza,

**RE: RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
NORTH EAST PLOT, DARLING SQUARE (SSD 6626), MODIFICATION 2**

This letter has been prepared on behalf of Lendlease Haymarket Pty Ltd (Lendlease) in response to the Request for Information (RFI) made by the Department of Planning and Environment (the Department) via the Major Projects Website dated 6 May 2019, in relation to the proposed modification application to the North East Plot (SSD 6626 MOD 2).

The RFI sought clarification on the following:

1. Public Art Strategy
2. Darling Square Lighting Strategy
3. Residential Amenity for the North East Plot
4. Location of Artworks on the North East Plot
5. Consistencies with Development Consent (SSD 6626)
6. Biodiversity

Each of these items is addressed below. This response is appended by:

- Darling Harbour Live Southern Precinct Public Art Strategy, December 2013, prepared by Studio Elicio Pty Ltd (**Attachment A**);
- Darling Square Public Realm Light Solution, prepared by Lendlease (**Attachment B**);
- Little Hay Street Lighting Certification of AS 1158.3 Pedestrian Area Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting prepared by Webb Australia Group (NSW) Pty Ltd (**Attachment C**);
- Lighting Assessment prepared by DJ Coalition (**Attachment D**);
- Statement on Neon Flickering prepared by Neon Signs Australia P/L (**Attachment E**);
- Revised Artwork Plans prepared by Lendlease (**Attachment F**); and
- Façade Reflectivity Statement prepared by Arcadis (**Attachment G**).

1.0 Response to Request for Information (RFI)

1.1 Public Art Strategy

Demonstrate how the proposed lighting installation relates to the endorsed public art strategy for Darling Square, as received under Condition B12 (Public art) of the development consent for SSD 5878.

The endorsed Public Art Strategy (refer to **Attachment A**) for Darling Square (approved under North East Plot SSD 6626), which was prepared to satisfy Condition B12 (Public Art) of the development consent for SSD 5878, established a high-level framework for the integration of art and design within the Southern Precinct of Darling Harbour. The objective of the Strategy was to create a distinctive vitality, aid orientation, and assist in the articulation of the spaces critical to the creation of place.

Specifically, Section 3 of the Strategy identified opportunities for catenary lighting artworks and artwork on building façades. The Strategy also identified opportunities for public artwork to reflect the historic and contemporary presence of adjacent uses, including Chinatown, the Powerhouse Museum and the ABC. The proposed installation of public art in Little Hay Street is consistent with the Strategy, given that:

- it capitalises on the opportunity to provide catenary artwork above Little Hay Street and along the building façade, which will contribute to the vitality and distinctiveness of the Southern Precinct of Darling Square;
- has been influenced by the signage and bright lights of the city and the streetscape vibrancy of Chinatown, reflecting the contemporary presence of adjacent uses and communicating the 'lived' history of Sydney;
- utilises building facades in a playful and engaging way, including by providing a screening of the adjacent car park; and
- has been designed to be viewed from a variety of angles, including from the public domain below in addition to looking down onto the site from the towers within and external to the precinct.

1.2 Darling Square Lighting Strategy

Demonstrate how the proposed lighting installation will relate to the existing Darling Square lighting strategy and integrate with the façade perimeter lighting, lighting from retail outlets and street lighting.

The Darling Square Public Realm Light Solution (refer to **Attachment B**) sets out the strategy for lighting in various parts of the Darling Square development. It outlines how different lighting proposals throughout Darling Square integrate with façade perimeter lighting, lighting from retail outlets and street parking. This demonstrates the illuminance requirements for Category P within the precinct in accordance with the pedestrian lighting schemes as per AS/NZS 1158.3. For Little Hay Street, this is P8, 7.00 lux avg, 2.00 min.

To demonstrate that the catenary lighting proposal is consistent with the requirements of the Darling Square Public Realm Light Solution, certification for consistency with these relevant Australian Standards in accordance with this scheme is provided at **Attachment C**. This demonstrates that all outdoor lighting within the site complies with the relevant standards, including those set for Little Hay Street.

1.3 Residential Amenity for the North East Plot

- Justify that the proposed luminance levels would not adversely impact residential amenity, and in particular for any affected apartments at various levels on the southern elevation of the North East Plot.
- Demonstrate how any glare and obtrusive light from the lighting installation will be minimised for affected apartments.
- Provide further information on the nature of the installation in terms of operation, luminance, flickering, flashing and interval times.

The impact of lighting on residential amenity is regulated by AS 4282 Control of the Obtrusive Effects of Outdoor Lighting. This includes consideration of the potential impacts of the art installation on habitable rooms to apartments in the locality; in particular the apartments located on the southern elevation of the North East Plot. Certification has been provided by WEBBS at **Attachment C** which confirms that the proposal is in accordance with this Australian Standard.

The modification application as submitted included a Lighting Assessment prepared by DJCoalition. This Assessment is reattached as part of this response at **Attachment D**. This Assessment includes detail relevant to the points raised by the Department in this section and set about establishing the curfew hours which need to be complied with to meet the Australian Standard.

As detailed in **Attachment D**, the installation needs to be switched off during curfew hours, which are 11pm – 6am (unless otherwise specified by the controlling authority). Compliance with this Australian Standard demonstrates that there will be no unreasonable glare and/or obtrusive light from the lighting installation.

In addition, a statement has been prepared by the manufacturer to confirm that the lighting installation will not flicker (**Attachment E**).

In summary, detail on the nature of the operation include that the installation:

- will only be switched on during 6am – 11pm;
- will comply with luminance levels set by the Darling Square Public Realm Light Solution (refer to **Attachment B**), being P8, 7.00 lux avg, 2.00 min;
- will not flicker or flash (refer to **Attachment E**); and
- will not have relevant interval times, as it will maintain a consistent luminance throughout its operation.

1.4 Location of Artworks on the North East Plot

Illustrate the location of all artwork on the building facade of the North East Plot in plan view, showing the approved apartment configurations of the North East Plot.

In response to this item, revised Artwork Plans have been prepared by Lendlease and are available at **Attachment F**. This includes the following additional plans which demonstrate the relative location of the proposed artwork in relation to the existing approved uses in the North East Plot:

- Drawing No: LHS-NEP-012;
- Drawing No: LHS-NEP-013;
- Drawing No: LHS-NEP-014;
- Drawing No: LHS-NEP-015;
- Drawing No: LHS-NEP-016;
- Drawing No: LHS-NEP-017; and
- Drawing No: LHS-NEP-018.

As shown in **Figure 1** below (taken from Drawing No: LHS-NEP-018), in the North East Plot the proposed artwork adjoins the existing approved car park. The car park is located up to Level 5 in the North East Plot, whilst the highest proposed artwork is located below Level 4. No artwork is located adjacent to any apartment in the North East Plot. This has been confirmed by the Lighting Assessment prepared by DJ Coalition (**Attachment D**), which confirms that lighting will be installed in accordance with the applicable Australian Standard.

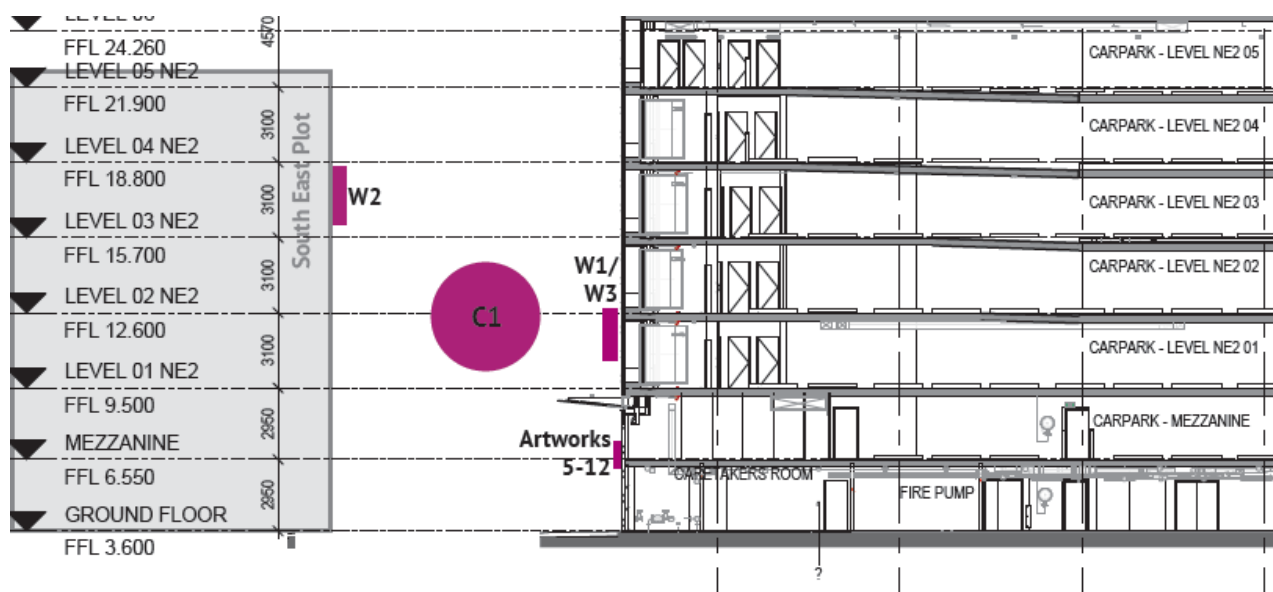


Figure 1 Location of proposed artworks in relation to approved uses in the North East Plot

Source: Drawing No: LHS-NEP-018, **Attachment F**, prepared by Lendlease

1.5 Consistencies with Development Consent (SSD 6626)

Consider the cumulative impacts of the proposed lighting installation in relation to Condition C5 (Reflectivity) and Condition C7 (Outdoor Lighting) of the development consent SSD 6626.

Condition C5 of development consent SSD 6626 relates to reflectivity and states the following:

Prior to issue of the relevant or that of above ground works Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%

In accordance with this condition, a Façade Reflectivity Statement was prepared by Arcadis in 2016, which is provided at **Attachment G**. The Statement confirms that the reflectivity of materials used on the North East Plot will not exceed 20%. The proposed art installation will not alter the extent of reflectivity of the building materials used on the North East Plot.

Condition C7 of development consent SSD 6626 relates to outdoor lighting and states the following:

All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works.

Compliance with these relevant standards have been provided at **Attachment C**.

1.6 Biodiversity

Noting that a Biodiversity Assessment Report (BDAR) was not provided with the modification application, provide sufficient information to demonstrate that the proposal will not increase the impact on biodiversity values.

Document the likely impacts of the proposed modification application on biodiversity values in accordance with Clause 1.4 of the Biodiversity Conservation Regulation 2017 and Section 1.5 of the Biodiversity Conservation Act 2016.

For each biodiversity value explain why the value is not relevant to the modification, or where it is relevant, provide an explanation of how the impacts have been avoided and identify the likelihood and extent of any remaining impacts of the proposed development with an application to justify not including a BDAR (if applicable).

Under the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH) in accordance with Part 7 of the *Biodiversity Conservation Act 2016* (BC Act), the land subject to the proposed development is not mapped as having high biodiversity value that would be sensitive to impacts of development.

An assessment of the likely impacts of the proposed modification application on biodiversity values is included at **Table 1**, in accordance with Clause 1.4 of the *Biodiversity Conservation Regulation 2017* and Clause 1.5 of the BC Act. This demonstrates that no further assessment of biodiversity with regard to the proposed development is required.

As noted in the draft BDAR Waiver Fact Sheet prepared by the Department, a biodiversity assessment does not need to be prepared by a Biodiversity Assessment Method (BAM) accredited person where there are no biodiversity values identified as relevant to a proposed development.

Table 1 Assessment of the proposed development against the relevant statutory biodiversity values

Relevant Clauses for Consideration	Comment
Biodiversity Conservation Regulation 2017 – Clause 1.4	
(a) threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	The site is located within a highly disturbed urban environment and does not contain any threatened species or threatened ecological communities, or their habitat.
(b) vegetation abundance – being the occurrence and abundance of vegetation at a particular site	The site does not contain any abundance of vegetation and the proposed installation of public artwork will not impact on existing vegetation.
(c) habitat connectivity – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	Little Hay Street does not connect different areas of habitat of threatened species. As such, the proposed installation of public artwork will not impact on habitat connectivity.
(d) threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	Little Hay Street, where the public artwork is proposed, does not contribute to the movement of threatened species during their lifecycle.
(e) flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference	Little Hay Street does not provide a flight path for protected animals.
(f) water sustainability – being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	The proposed installation of public artwork will not impact on existing water quality, water bodies or hydrological processes.
Biodiversity Conservation Act 2016 – Clause 1.5	
(a) vegetation integrity – being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	Darling Square, where the development is located, is a highly modified and disturbed urban environment with limited vegetation. The proposed installation of public artwork will not impact on the composition, structure and function of vegetation.

Relevant Clauses for Consideration	Comment
(b) habitation suitability – being the degree to which the habitat needs of threatened species are present at a particular site,	The existing vegetation in Darling Square is not considered to provide habitat suitable for any threatened flora and fauna. In addition, there are no threatened species identified on the site.
(c) biodiversity values, or biodiversity-related values, prescribed by the regulations	

2.0 Conclusion

We trust that this information is sufficient to enable the Department to complete the assessment of the modification application. Should you have any queries about this matter, please do not hesitate to contact Thomas Atkinson or Chris Patfield at the details below.

Yours sincerely,



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