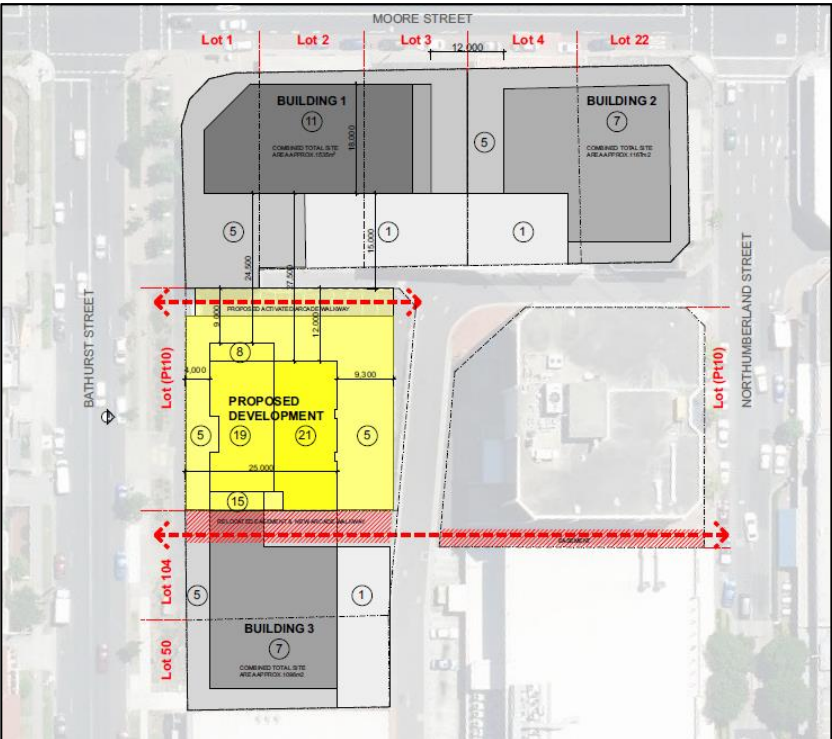


Table 1 Response to submissions June 2020

Issue	No. of times the issue was raised	Our response
Built form, scale and design		
1. Falls short in addressing the constraints of SEPP 65 and the Apartment Design Guide (ADG)	4	Consideration of and adherence to SEPP 65 and ADG was considered at length as part of the Design Excellence Panel (DEP) review process. The proposal was presented to Council's DEP on four occasions: » 20 October 2016 » 20 July 2017 » 28 September 2017 » 17 May 2018. As part of the above process, several documents were submitted in analysing SEPP 65 and ADG issues including: » Preparation of several master plan context analysis/ building envelope plans for the site and those adjacent » Independent Urban Design Analysis by E8Urban 20 June 2017 » Legal advice from Mills Oakley dated 29 June 2017 about weight given to the compliance of setback controls in the ADG An assessment against SEPP 65 and the ADG was addressed in the Statement of Environmental Effects submitted with the DA. Based on the above, it is considered that due consideration of SEPP 65 and the ADG has been given in preparing the proposal.
2. The masterplan / context analysis prepared for the submission considers the potential of the proposed site in isolation rather than considering the redevelopment potential of all adjoining sites on a similar scale. As a result, the proposal does not demonstrate an equitable proposal in terms of overall development potential of the	4	The proposed building design has been the subject of extensive urban design analysis by the project team as well review and input by Council's DEP. Several master plan/context analyse have been prepared over time. The allowable height and density of neighbouring properties correlates to the size of a development site. The design of the building to provide for a zero setback along the southern boundary was developed in consultation with Council's DEP to achieve an appropriate design outcome

Issue	No. of times the issue was raised	Our response
neighbourhood, thus favouring the proposed site from a contextual perspective. The masterplan should be redeveloped to establish a precinct. This would assist to bring the proposal in line with the guidelines set out in the Apartment Design Guide.		within the CBD environment, particularly during the meetings undertaken on 20 July 2017, 28 September 2017. At the meeting in July 2017, the DEP advised: <i>“Ideally, the site should be combined with one or both of the adjoining sites, which could allow ADG compliant setbacks and a viable residential floor plate. If this cannot be achieved, an alternative approach may be to locate the southern face of the tower on the southern boundary (“party wall” or zero lot line configuration, which the ADG contemplates in high density zones) and provide a 12m side setback from the northern boundary. It is estimated that this would result in a tower width of approximately 25m and floor plate of about 400m² Gross Floor Area.</i> <i>However, the Panel notes that this configuration may not meet certain LEP provisions and it would only consider such an arrangement if the scale and appearance of the party wall were managed by locating corner balconies at both the eastern and western ends of the wall on each floor and the provision of a deep vertical slot at its centre. The width of each of the two resultant blank walls on the boundary would then be limited to about 8m and they would need to be constructed of high quality materials with an appropriate finish. These conditions are considered essential to ensuring an acceptable visual outcome from Bathurst Street. The Panel would also only consider this approach if it was satisfied that viable redevelopment of the adjoining site would result in an acceptable overall outcome in terms of bulk and scale when both sites are redeveloped. The applicant would need to show how the adjoining site could be redeveloped to achieve this outcome.</i> Efforts were made by the applicant to purchase land from the property owner of 68 and 70 Bathurst Street (development lots to the south) on numerous occasions. The owner of these lots provided correspondence that they had no interest in amalgamating with the site. This was provided to Council and the DEP. At the meeting in September 2017 the master plan context analysis/envelope plan illustrated in Figure 1 was presented to the DEP. As per the minutes, the DEP advised: <i>The panel is supportive of having zero setback to the southern boundary as suggested in its previous minutes, and further to the amended proposal presented. The length of those zero setback walls should be restricted to 8 metres at each instance.</i> Further refinements to the building envelope plan were made and agreed to by the DEP at the meeting on the 17 May 2018. This includes: » Four storey podium instead of five

Issue	No. of times the issue was raised	Our response
		» 21 storeys instead of 19 for the northern portion of the building. As detailed in the response to Item 4 the design of the southern façade has been the subject of input from the DEP, Council as well as the BCA/NCC consultant. Lastly, the proposed nil setback would enable a development of a similar nature on the adjoining southern site. This would enable the equitable sharing with the neighbouring development as demonstrated in Figure 1. Figure 1 Agreed building Envelope Plan  Mosca Pserra's Architects SP05 September 2017 -SP05 Revision D

Issue	No. of times the issue was raised	Our response
3. Considers the proposal will establish a pattern that will create elements of future character that will have a detrimental impact of the amenity of adjoining future developments.	4	See response to Item 2.
4. Considers that the proposed zero setback to the southern boundary will have a negative impact on the neighbourhood character as it will establish a context of continuous facades rather than enhancing the area.	4	The proposed zero lot line setback has enabled compliance with ADG setbacks to the northern boundary and provision of future laneway. A “party wall” or zero lot line configuration, is considered an appropriate design response in a high-density city centre environments pursuant to the ADG which states: <i>No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres”.</i> The proposed building design has incorporated all the appropriate design elements to achieve an appropriately designed zero setback long the southern boundary in consultation with the DEP at the meetings 28 September 2017 and 17 May 2018; Council input and supporting BCA and NCC Reports. As illustrated in Figure 2, this will include: » Provision of 3x3m vertical slots in the centre of the façade to maximise solar access and ventilation » Solid blank walls of no more than 8m long, which is achieved through the provision of a 1.2m – 3m setback to create a staggered effect for units » Provision of opaque glazing panels to achieve adequate daylight access and visual privacy of the residents. The above design measures will assist in breaking up the façade of the southern boundary, as well as ensuring ventilation and solar access requirements can be met.

Issue	No. of times the issue was raised	Our response
		Figure 2 Southern façade treatment  Saunders Global 18/12/2018
5. The proposal would contribute to an overall built form and density typical of infill development style proposals, due to the proposed zero setback, creating a built form and possible density that is inconsistent with the intent of SEPP 65 and the Apartment Design Guide.	4	The proposal is an infill development. Infill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. The building complies with height and floor space ratio controls and is consistent with state and local strategic planning policies and plans. The proposed development complies with the ADG except for 0 and 1.2m setback provided to the southern boundary which has been discussed in detail in Item 2.

Issue	No. of times the issue was raised	Our response
6. The proposed building is of a scale which is totally out of character with the neighbourhood, will dwarf other buildings which are all low to medium density residency.	6	The proposed built form is of a scale and density consistent with the desired future character of the area for high density mixed use. The proposal is well designed having been supported by the DEP. The following architectural features contribute to integrating the building with the surrounding area: » The proposed podium is 4-storey in scale and is consistent with the existing streetscape character and street pattern » The podium/tower setback assists in providing a transition from adjacent 3-4 storey development » The mass of the tower apartment form has been articulated in parts to help break down the appearance of the built mass and relate back to the street wall in response to discussions had with the DEP » Certain architectural elements are repeated throughout to unify the development across various scales » Street wall heights of the development have been carefully considered and relate to human scale. They also directly address the street frontage with the residential tower setback further from the street wall alignment façade » Alternating balcony treatments and material patterning will create patterns of light and shadow to enhance the facade and reduce the perceived bulk of the building mass » Scale of built form reduces along the southern and northern boundary to be consistent with future context and to contribute to the character of the area » Treatment of both the East and Western Facades are sympathetic in scale and create visual points of interest to assist in future laneway activation and enhance the amenity of the streetscape.

Issue	No. of times the issue was raised	Our response
Overshadowing and solar access		
7. Considers that the proposed zero setback to the southern boundary will have a negative impact on solar access to any adjoining or surrounding development.	4	The Shadow Diagrams (D12) demonstrate impacts of the proposed development on adjoining surrounding properties. Refer response to Item 8 below regarding solar access impacts to surrounding developments. Future developments will need to demonstrate compliance with 4A Solar and daylight access of the ADG as follows: » Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas » In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter » A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter Consideration of solar access for the neighbouring property to the south was considered as part of the DEP process. Urban design analysis demonstrates the zero-lot line setback will not inhibit the development potential of the adjoining sites. As detailed in the ADG several design solutions can be utilised to optimise solar access: » Locating living areas to the north and on habitable spaces and service areas to the south and west of apartments » Provision of lightwell/void » Incorporate the following design solutions to optimise the direct sunlight to habitable rooms and balconies: > dual aspect apartments > shallow apartment layouts > two storey and mezzanine level apartments > bay windows.

Issue	No. of times the issue was raised	Our response
8. It will overshadow and block out sunlight, especially in the cooler months from March until late August/ September, when the sun sits lower.	5	The proposed solar access impacts are considered acceptable. Adjacent properties are not considered to be unreasonably overshadowed. The Shadow Diagrams at winter solstice (21 June) submitted with the DA demonstrate that adjacent properties will be overshadowed for three hour intervals. This is not considered significant as the properties will receive three hours or more direct sunlight, achieving compliance with the Design Criteria set out in the ADG. In the case of residential flat buildings facing Bathurst Street these properties will be overshadowed between 9am until 12pm and receive sunlight for the remainder of the day.
Views		
9. Concerned about loss of views of residential unit blocks that line Bathurst Street between Moore Street and Memorial Avenue and the fact they will be confronted by the sight of this blank monolith	4	The proposed building will not disrupt views to any significant landmarks or areas. A high quality modern and contemporary design is proposed which aims to contribute positively to the surrounding context. The four-storey podium is consistent with the existing streetscape character and street pattern. The four-storey podium and tower setbacks will assist in ensuring views to the sky and maintaining a pedestrian scaled environment.
Breeze		
10. The proposed development will block out much needed breeze.	4	It is not considered that the proposed building would unreasonably restrict breezes and wind from reaching surrounding properties. Cooling summer breezes from the north-east will circulate around the building and streets of the Liverpool City Centre as well as through cross ventilated apartments to surrounding areas. High density development along Northumberland Street would already impact circulation of north-east breeze.
Land uses		
11. Serviced apartments are not appropriate development in a relatively quiet residential area especially at night.	4	The revised DA no longer includes serviced apartments.

Issue	No. of times the issue was raised	Our response
Traffic		
12. Bathurst Street is a narrow thoroughfare which will not be able to handle the traffic generated by this development.	4	There is no access to Bathurst Street from the proposed development. A Traffic and Parking Impact Assessment has been undertaken by Traffix and accompanied the DA. The report concluded that the proposed development has been assessed to generate 51 vehicle trips per hour during the AM peak and 50 vehicle trips per hour during the PM peak period. Software modelling using SIDRA Intersection 8 has demonstrated that the performance of signalised intersections on Northumberland Street (at Moore Street and Memorial Street) will operate with negligible increases in delays even based on the worst-case scenario as modelled which ignores the existing site generation. As such, the traffic impacts of the proposed development are minimal and have no adverse impacts. The site is also in proximity to public transport both rail and bus that will assist in reducing car dependence.
13. The proposed development will create traffic, safety issues along with parking and waste management problems.	4	<i>Traffic</i> See response to Item 12 in respect of traffic impacts. <i>Parking</i> The proposed development requires in the order of 70-92 parking spaces to comply with the relevant parking rates as permissible under State Environmental Planning Policy No 65 and Council's planning controls. In response, provision for 90 parking spaces is made and is compliant. It is also noted that the quantum for individual land use components are also compliant. <i>Waste</i> All waste will be managed on site in accordance with the Waste Management Plan submitted with the DA. A compactor, bulky goods storage area and separate residential and commercial garbage rooms have been provided in accordance with Council's requirements. The circulation, manoeuvring and loading/unloading of delivery and waste vehicles will be provided from the rear of the site. <i>Safety issues</i> The proposed design complies with Crime Prevention Through Environmental Design principles. Retail and pedestrian links will create active frontages and will contribute to

Issue	No. of times the issue was raised	Our response
		creating a vibrant 18-hour city. For more information about design features that will ensure the safety of the residents and visitor's in the proposed development. Refer Item 15 for details of the design features that will ensure the safety of the residents, workers and visitor of the development.
14. Considers Bathurst Street will be inundated with more cars than it can already handle. If the council has not already solved this problem now, then how will they be able to come up with a solution when hundreds more residents and workers are turning in and out of more driveways all day. It will create more people having to park on the already overloaded street, which in turn causes more traffic delays for residents.	1	All parking will be provided on site. The proposal is for a 21-storey mixed-use development with five levels of basement for parking, storage and plant. Four retail tenancies on the ground floor facing Bathurst Street, four storey podium comprising two commercial tenancies with a courtyard, a mezzanine and communal open space for residents and a 17-storey tower with 66 residential units. Refer to Response at 12 and 13 above regarding vehicle access arrangements, parking and traffic congestion.
Waste		
15. Concerned about the safety issues that will arise with the amount of rubbish and waste that will no doubt accumulate from new residents.		Waste will be managed appropriately through an Operational Waste Management Plan that will be required as a condition of consent prior to the issuing of an Occupational Certificate. The proposed design complies with CPTED principles. Retail and pedestrian links will create active frontages and will contribute to creating a vibrant 18-hour city. The following design features and considerations will ensure the safety of the residents, workers and visitors as detailed in Section 5.35 of the SEE. » All entrances are in prominent positions and well defined » Secure key-card access for residents and staff » There is access from the car parking areas to the lobby for residents and visitors to the site » Internal and external spaces are well defined. The main entrance to the development is from a prominent position off Bathurst Street, all frontages will benefit from overlooking from balconies, and from the common open space

Issue	No. of times the issue was raised	Our response
		» Communal open space has generous proportions, benefits from clear sight lines, ample sunlight and is not accessible to the general public. It will also include seating, entertainment and BBQ facilities. This area provides a safe socialising space for residents and their guests and will encourage passive surveillance of the area » The facades of the building are proposed to be well articulated in terms of modelling and variety of materials and treatments. Blank walls on the southern and northern and eastern elevation are to be treated with anti- graffiti paint, landscaping or public art. These design features will help deter people from vandalising the building » Maintenance and repairs of the built environment (e.g. remove graffiti promptly to maintain a 'cared for' image) and reporting of any damage or repair needs will be carried out promptly. It is understood that common activities and maintenance around will be administered and managed by a Strata Management Committee. Maintenance issues to be addressed after occupation should include: > Ensure light fixtures are maintained and replaced if burnt out or broken; & > If graffiti/vandalism occur, graffiti removal is to occur immediately by contracted specialist cleaners or coordinated by Building Management. » Details of security hardware are not known at this stage and will be confirmed at detailed design (Construction Certificate) stage. However, it is recommended that robust and durable hardware and fixtures are used to prevent illegitimate entry and ensure security. The following recommendations are noted: » Use sturdy, non-corrosive catches, bolts and locks (e.g. bike racks located in basement) » Use flush-mounted meter boxes or service points within a secure building/enclosure for protection » Use non-corrosive security locks and bolts » Communal / street furniture should be made of hardwearing vandal resistant materials and secured by sturdy anchor points or removed after hours » Specify appropriate heavy-duty hardware, such as dead-bolt locks for all storage areas adjacent to pedestrian routes » Use transparent, unbreakable materials in parts of doors and walls at major entry points » Provide monitored alarm systems

Issue	No. of times the issue was raised	Our response
		» Security alarms and fixtures should be installed to best practice specifications. » Lighting details are unknown at this stage. However, a range of recommendations for the selection, location and maintenance of lighting are outlined below: > All external public domain areas are required to be well lit through the installation of street lighting and/or external building lighting > Building entry points shall be lit to a higher lux level than surrounding streets > All street lighting shall preferably be pole-mounted lights, and spaced at regular intervals along key thoroughfares to encourage pedestrian activity > Adequate internal lighting (in the building entries and lobbies) as well as light-throw from street lights should ensure the pathways are well lit in the day and night > All external lighting and lighting in semi-private areas shall be compliant with Australian Standards and Design Guides for Lux Levels.
Matters outside the scope of this DA		
16. It will have a negative impact on the value of existing properties in the area	4	Property values is not a planning matter for consideration under Section 4.15 of the EP&A Act.
17. Considers that the building of this magnitude will seriously breach the privacy of all residents in lower apartments. This will cause a dramatic effect on the value of properties on Bathurst Street and the surrounding streets and will no doubt cause problems for people when they want to sell their apartments.		The proposed tower will be setback 4m from the property boundary consistent with Council's DCP controls and approximately 30m from the apartments along Bathurst Street. Existing blinds, shutters of the adjacent properties will be adequate to continue to ensure privacy residents will be protected. Property values is not a planning matter for consideration under Section 4.15 of the EP&A Act.
18. Concerned about the number of residential apartments advertised for rent and sale as well as commercial properties for rent. Questions how the construction of such an enormous private and commercial building be	1	All parking will be provided on site. The proposal is for a 21-storey mixed-use development with five levels of basement for parking, storage and plant. Four retail tenancies on the ground floor facing Bathurst Street, four storey podium comprising two commercial tenancies with a courtyard, a mezzanine and communal open space for residents and a 17-storey tower with 66 residential units. Property values not a planning matter for consideration under Section 4.15 of the EP&A Act.

Issue	No. of times the issue was raised	Our response
justified when there are so many already vacant spaces available. Considers this will cause detrimental loss of property values in the direct vicinity.		
19. Considers that the proposed development and others in the vicinity, of a similar or larger size, will add even more stress and burden to an already struggling CBD area.	1	Liverpool CBD is strategically positioned as the key regional centre of the Western Parklands City. The Liverpool CBD is an established centre that is planned to accommodate additional growth in line with both state and local strategic planning policies. The planning controls enable high density mixed use development that seek to: » enable a modern, vibrant, 18-hour economy to flourish. » encourage new businesses » provide housing for a growing population. The planning for CBD has been formed by several technical studies as part of previous planning processes and there is framework to ensure that the growth of the city will be supported by new and/or upgraded infrastructure.