

7 July 2021

2200620

Mr Tony Reeves
Chief Executive Officer
Liverpool City Council
33 Moore Street,
Liverpool NSW 2170

Attention: Boris Santana (Architectus), George Nehme (Liverpool City Council)

Dear Boris and George

**DA-1080/2020 - Phase B/C Detailed DA – Response to request for additional information
Liverpool Civic Place – 44 Scott Street, Liverpool**

This letter has been prepared for Liverpool City Council (Council) and Architectus as the assessment authority on behalf of Built Development Group (Built). It is prepared in response to Architectus' request for additional information (RFI) dated 12 April 2021 which raised various matters for consideration as part of the assessment of DA-1080/2020, being a Detailed DA (Stage 2) DA for Phase B/C of the Liverpool Civic Place mixed use precinct at 44 Scott Street, Liverpool.

Architectus' letter was accompanied by submissions from key assessment stakeholders including the Design Excellence Panel and Transport for NSW. A detailed and itemised response to each RFI comment has been prepared by Ethos Urban with input from the design and technical consultant team (refer to **Attachment A**). This letter and the detailed response at **Attachment A** should be read in conjunction with the exhibited DA (DA-1080/2020) and the following supporting documentation:

- Traffic Impact Cover Letter prepared by PtC (**Attachment B**);
- Updated Social Impact Assessment prepared by Ethos Urban (**Attachment C**);
- Supplementary Design Report prepared by FJMT (**Attachment D**);
- Updated Architectural Plans prepared by FJMT (**Attachment E**); and
- Clause 7.1A letter issued to the Department of Planning, Industry and Environment prepared by Ethos Urban (**Attachment F**);
- Revised Clause 4.6 Variation Request prepared by Ethos Urban (**Attachment G**);
- Concept DA (DA-585/2019) Conditions Matrix prepared by Ethos Urban (**Attachment H**).

Post lodgement consultation and submission of final drawings

Following the lodgement of DA-1080/2020 on 8 January 2021, there have been a number of meetings held with Council officers and design review panels to discuss the detailed design development. Specifically, post lodgement consultation has occurred on the following occasions:

- Monday 8 March 2021 – Sydney Western City Planning Panel Briefing;
- Tuesday 23 March 2021 – Design Excellence Panel Workshop; and
- Tuesday 23 March 2021 – Public Domain Design Excellence Panel Workshop 2.

This post lodgement consultation has enabled Built to amend the design of the proposal to address comments raised in the RFI letter (a full written response explaining the proposed design changes is included in at **Attachment A**). Amended Architectural Plans illustrating these changes are also provided at **Attachment E**.

We trust the contents of this letter and its attachments address the items raised by Architectus. We also trust it will assist Architectus and Council to coordinate this response with the relevant officers and agencies. Should you have any additional queries or require any further information, please do not hesitate to contact the undersigned to discuss.

Yours sincerely,



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Attachment A - Detailed Response to Council's Request for Additional Information DA/1080/2020 - Phase B/C Liverpool Civic Place

The following table includes a response to Liverpool City Council and Architectus' Request for Further Information (dated 12 April 2021) in relation to DA-1080/2020 for Phase B/C of Liverpool Civic Place at 44 Scott Street, Liverpool. For completeness, the full text of each request is provided in the left-hand column, accompanied by the Proponent's corresponding response in the right-hand column. The Proponent's responses have been informed by input by the expert consultant team and should be read in conjunction with the covering letter and accompanying technical reports.

Item raised	Proponent's response
Architectus (12/04/2021)	
Referral comments and requests	
1A(i) Internal referrals <i>City Design Traffic</i> <ul style="list-style-type: none"> The applicant is to provide further documentation prior to the determination of this application, including: <ul style="list-style-type: none"> Updated SIDRA analysis - using the traffic generation rates in the TfNSW Guide for the Phases B & C development; 	<p>The trip generation rates adopted are consistent with the approach utilised for the Concept DA (DA-585/2019) which involves the highest level of traffic generation prediction to ensure that the trip rates adopted in the traffic assessment are robust, negating the need for an update to SIDRA modelling (see Attachment B). PtC has clarified that:</p> <p><i>'The trip generation associated with the development was established through surveys of similar land-uses specifically as the TfNSW Guide does not present trip rates for the proposed uses. The use of the Warren Serviceway car park as a reference was agreed with Council's traffic engineering team during the preparation of the Stage 1 DA and therefore is relevant to the Stage 2 application.'</i></p> <p><i>The Guide does not contain relevant trip rates and the collection of data at similar land-uses (particularly being within the same CBD) is the highest level of traffic generation prediction possible. In this regard, the trip rates adopted in the traffic assessment are robust and do not require an update to the SIDRA modelling.'</i></p> <p>Accordingly, development consent condition 23 of the Concept DA (DA-585/2019) which relates to SIDRA analysis is proposed to be deleted under modification application (DA-585/2019/A). At the time of writing, this application is under assessment, however it is anticipated that it will be determined at or prior to the Sydney Western City Planning Panel (SWCPP) determination meeting scheduled for 28 June 2021.</p>

Item raised	Proponent's response
<p>1A(ii)</p> <p>- <i>Local Area Traffic Management Plan (LATMP); and</i></p>	<p>PtC prepared a LATMP and Ethos Urban submitted this to Council on 23 March 2021.</p> <p>Whilst this was in response to the Phase A RFI, it is relevant to the entire Liverpool Civic Place site including Phase B/C. Notwithstanding this, consistent with correspondence from Architectus dated 19 May 2021, Council's Internal Traffic Branch has determined that the LATMP can be required by a condition of the relevant Detailed DA consent.</p> <p>To enable consistency of the Phase B/C DA and the Concept DA Consent, Condition 7 of the Concept DA Consent is proposed to be deleted via a Section 4.55 Modification Application (DA-585/2019A). At the time of writing, this application is under assessment, however it is anticipated that it will be determined at or prior to the Sydney Western City Planning Panel (SWCPP) determination meeting scheduled for 28 June 2021.</p> <p>For absolute clarity, the Applicant would support the requirement for the LATMP to be submitted prior to the relevant CC, via an appropriately worded condition of consent.</p>
<p>1A(iii)</p> <p>- <i>the parking provision required for the proposed boarding houses/ co-living from other comparable developments and amend the parking provision accordingly.</i></p>	<p>PtC has undertaken a review of the parking provided on other comparable developments including four boarding house and five student accommodation developments (up to 770 beds) situated throughout Greater Sydney (see Attachment B). The review reveals that the parking provision in the boarding house uses is very low, ranging from 0-8 spaces, with the actual demand for parking ranging from 0-4 spaces according to the operators of these buildings.</p> <p>Additionally, clause 7.3 of the <i>Liverpool Local Environmental Plan 2008</i> (Liverpool LEP 2008) stipulates that residential components of a development should not be included as part of a building's GFA for the purposes of calculating car parking provision. On this basis, the inclusion of no parking spaces to service the boarding house development is consistent with the intent of clause 7.3 of the Liverpool LEP 2008. Furthermore, the boarding house parking provision has been minimised as:</p> <ul style="list-style-type: none"> the proposed development is located in the vicinity of Liverpool Railway Station which provides high frequency train services; the occupants are likely to walk to their main commuting destination (education campuses), particularly given that the Western Sydney University campus and University of Wollongong campus are likely to be the predominant places of study and are within the walking catchment to the site; alternative modes of transport such as public transport, walking and cycling will be promoted through the Green Travel Plan initiatives;

Item raised	Proponent's response
	<ul style="list-style-type: none"> public transport use, walking and cycling will all be promoted, and new travel behaviours learnt; the occupants are typically less likely to own private vehicles than regular residential occupants. <p>In isolated instances where there is demand for car parking, workers and residents of the co-living facility will have access to the 156 public car spaces contained within Phase A of Liverpool Civic Place. Further detail in relation to car parking provision is provided in Attachment B.</p>
<p>1B(i) Internal referrals <i>City Economy</i></p> <p><i>The applicant is requested to address the Liverpool City Activation Strategy and Liverpool City Centre Retail Study in more detail within their application to identify ways to improve activation and given the development fronts three separate precincts identified in the Study.</i></p>	<p>The proposed development will contribute to the achievement of an 18-hour economy as:</p> <ul style="list-style-type: none"> it co-locates numerous services that will contribute to public gathering and socialising within the uses offered on site; it is located in the vicinity of Liverpool Railway Station, commercial offices, retail businesses, Liverpool Hospital and the University of Wollongong campus, with many of the workers, students and visitors potentially becoming key users of the Liverpool Civic Place development; and
<p>1B(ii) <i>It is suggested that further detail be provided relating to the current strategies for activating the space noting the City Activation Strategy advocates an 18-hour economy. Some suggestions noted in the referral are pop up bars, open air function space, outdoor light shows, rooftop BBQ and edible gardens and static retail spaces.</i></p>	<ul style="list-style-type: none"> the proposed development builds on the outstanding contribution to the urban realm of Liverpool CBD contained within Phase A of Liverpool Civic Place which included a new public library and civic plaza. it embellishes the public domain and incorporates new uses including co-living in which the residents will activate the site beyond standard office work hours. <p>Consistent with the Activation Strategy, the design has carefully considered its role in providing a public space/meeting point/key activation site and has made appropriate infrastructure and design provisions to enable this. Delivering on this principle has been fundamental to the design excellence review process. We note proposal has been subject to a rigorous design excellence process, including extensive consultation with Council's Design Excellence Panel and a site specific Public Domain and Landscape Design Excellence Panel. The Applicant and the project team has met these panels on at least 8 occasions. As such the Applicant has demonstrated a meaningful commitment to the design excellence process.</p> <p>It is important to understand that Council will retain ownership of the public domain within the entire Liverpool Civic Place site, which includes the civic plaza as a celebrated feature. This significant city shaping feature will establish a strong civic anchor at the southern portion of the City Centre. As the owner of the public domain, Council will have the ability to enable any appropriate day or night-time activation initiatives within the public domain or within their other building assets.</p>

Item raised	Proponent's response
<p>1B(iii) <i>In relation to the functionality of the site during events, Council asks for consideration of storage for event equipment, good access to power and flexibility of furniture installations be addressed in the design phase.</i></p>	<p>Events will primarily take place within the Civic Plaza which is located in the Phase A component of Liverpool Civic Place and as such the detailed design of Phase A will make provision for event equipment to be stored in the buildings contained within Phase A, with a flexibility of furniture installations, while also providing good access to power.</p>
<p>1B(iv) <i>It is recommended that an Events Plan be developed for site in conjunction with the City Economy staff at Council.</i></p>	<p>As noted above, Council will have the ability to enable any appropriate day or night-time activation initiatives within the public domain or within their other building assets. As the landowner and manager of the public domain, we are supportive of Council developing an Events Plan for the site that has been informed by the City Activation Strategy.</p>
<p>1C(i) Internal referrals <i>Community Planning</i> <i>The proposal has been reviewed by the City Community Planning Unit which has requested the following amendments be undertaken, including:</i></p> <ul style="list-style-type: none"> - <i>An updated Social Impact Assessment to include a direct community consultation and stakeholder analysis to allow for a social impact analysis that better reflects the projects large scale and urban location;</i> 	<p>An Updated Social Impact Assessment has been prepared and is included at Attachment C. Comprehensive community consultation has been undertaken from the inception of the project as referenced in Attachment C.</p>
<p>1C(ii)</p> <ul style="list-style-type: none"> - <i>The application needs to identify how many additional people will be generated through the Civic Place development – in particular, how this generation will impact local recreational areas including Bigge Park and two other nearby parks, through peak times (break times and before-after work).</i> 	<p>It is noted that this was not a requirement for the Phase A Stage 2 DA. Notwithstanding this, Ethos Urban's economic team has estimated that Phase B/C will accommodate approximately 1,300 worker/occupants within the site. This represents the total, not the net generation as existing employment floorspace surveys for the site were not available. The updated SIA at Attachment C provides an analysis of how this worker/occupant population will impact surrounding local infrastructure based on existing capacity.</p>
<p>1C(iii)</p> <ul style="list-style-type: none"> - <i>Further details on co-living arrangement proposed, including</i> <ul style="list-style-type: none"> o <i>Details on rental arrangements, including minimum and maximum resident tenure, approximate price of rent, and concession arrangements for appropriate groups and students</i> o <i>adequate cleaning arrangements during weekends, special events and on call/ demand basis (to be incorporated into the Plan of Management)</i> o <i>Details of any known market research or local housing needs assessment supporting the proposed housing mix in co-living.</i> 	<p><u>Minimum and maximum resident tenure</u> Rental agreements range from 3 months to 24 months.</p> <p><u>Approximate price of rent and concession arrangements for appropriate groups and students</u> This information is commercially sensitive and is not a relevant DA consideration. It is noted that the co-living (boarding house) use is not relying on the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>.</p> <p><u>Adequate cleaning arrangements during weekends, special events and on call/demand basis</u> Cleaning of the co-living rooms will be the sole responsibility of each tenant and will be inspected at least monthly by the on-site Manager. All common areas will be mopped, dusted and vacuumed once per week by a private contractor.</p> <p>It is the responsibility of the cleaning contractor to clean all spaces outside of studio apartments on a bi-weekly basis and after special events, as necessary. Communal spaces are cleaned more frequently due to COVID-19.</p>

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	<p>The arrangement of the private cleaning contractor is the responsibility of the on-site Manager. The on-site Manager can also arrange professional cleaning for residents at an additional fee. It is otherwise requested that residents keep their personal spaces clean and hygienic.</p> <p><u>Details of any known market research or local housing needs assessment supporting the proposed housing mix in co-living</u></p> <p>UKO is a well-renowned co-living operator with nine established facilities and eight more prospective facilities throughout Greater Sydney. UKO has identified Liverpool as its newest location as they envisage it to an auspicious opportunity given the planned transformation of Liverpool CBD into a major metropolitan centre and a key component of the Western Metropolitan Cluster. The site is well serviced and presents a unique opportunity to diversify the local housing stock.</p>
<p>1D(i) Internal referrals <i>Environmental Health</i></p> <ul style="list-style-type: none"> The proposal was reviewed by the Environmental Health team who requested further information in relation to the following matters: <ul style="list-style-type: none"> The grease trap for the development appears to be located within Basement 01. The applicant is to confirm whether the grease trap can be serviced by the necessary waste contractors and if so how. 	<p>As illustrated in the Supplementary Design Report prepared by FJMT, the grease arrestor can be accessed via the access hatch located in the loading dock (see Attachment D).</p>
<p>1D(ii)</p> <ul style="list-style-type: none"> It appears as if the groundwater level (between 4.2m and 9.6m BGL) will be impeded by the basement car parks. Should this development obstruct the groundwater table, it is suggested a referral to Water NSW be issued if one has not already been sent. The following link provides further information on their involvement with such proposals (https://www.watarnsw.com.au/customer-service/water-licensing/dewatering). 	<p>The DA has been referred to Water NSW and their referral comments have been received.</p>
<p>1D(iii)</p> <ul style="list-style-type: none"> It is assumed that each retail tenancy will be subject to a separate development application given late night trade for food premises may be proposed. If not, the acoustic assessment may be required to assess late night trade and worst-case scenario for outdoor dining patrons. 	<p>Each retail tenancy will be subject to separate development consents.</p>
<p>1E(i) External referrals <i>The proposal suggests a shared zone on Scott Street. Further details are required as all shared zones must comply with TDT 2016/001.</i></p>	<p>The shared zone has been prepared in accordance with the objectives of the technical direction and will be supported by the required signage and safety provisions. This shared way will be subject to detailed design during the construction certificate stage to ensure compliance with TDT 2016/001. Further detail in this regard is provided by PtC in Attachment B.</p>
<p>1E(ii) <i>The TIA refers to the proposed slip lane from Terminus into Scott Street which shows a right turn movement into Scott Street. As noted in TfNSW responses for DA 585/2019, this movement is not supported. It is noted plans for the aforementioned application have been updated; the TIA for this application should be updated to reflect the same.</i></p>	<p>As noted by PtC in Attachment B, the works at the Terminus Street and Scott Street intersection do not form part of this application and were included within the Traffic Impact Assessment solely to provide context regarding anticipated changes to the surrounding road network.</p>

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1E(iii)	<i>Any TIA/SIDRA modelling should be updated to reflect the existing road network, as the upgrade of Terminus Street is a long term proposal.</i>	The traffic modelling undertaken for the DA has utilised the existing road network and has not factored in the upgrade of Terminus Street. This is further elaborated upon in Attachment B .
1F	External referrals <i>Endeavour Energy</i> <i>Endeavour Energy has reviewed the application and has no objections to the proposal. Endeavour Energy has recommended that the indoor substation is to be at ground level and have direct access from a public street. Refer to Endeavour Energy response at Attachment B.</i>	The proposed location of the substation aligns with the Endeavour Energy documentation specifications.
1G	External referrals <i>Sydney Water</i> <i>Sydney Water has raised no objection to the proposal. A copy of the referral submitted by Sydney Water is attached as provided as Attachment C of this letter.</i>	Noted.
1H	External referrals <i>Bankstown Airport</i> <i>Bankstown Airport raises no objection to the application. A copy of the referral submitted by Bankstown Airport is at Attachment D to this letter.</i>	Noted.
1I(i)	External referrals <i>NSW Police</i> <ul style="list-style-type: none"> <i>NSW Police raises no objection to the application, and recommended the applicant:</i> <ul style="list-style-type: none"> <i>submit a Crime Prevention Through Environmental Design (CPTED) Report;</i> 	<p>A Crime Prevention Through Environmental Design was prepared by Ethos Urban and submitted with the Concept DA (CPTED Report dated 16 September 2019).</p> <p>Ethos Urban prepared the assessment in accordance with the methods and resources of the NSW Police Force <i>Safer by Design Course</i> and Liverpool City Council's crime and safety strategies. This assessment has been prepared and reviewed by experienced CPTED professionals, following their completion of the NSW Police Force <i>Safer by Design Course</i>. The assessment uses qualitative and quantitative measures to analyse the physical and social environment in which the proposed development is located and recommends actions to mitigate crime opportunity in accordance with the Australian and New Zealand Risk Management Standard AS/NZS 31000:2009.</p> <p>This assessment has been reviewed by FJMT and utilised to inform proposed design. Furthermore, it will continue to guide the detailed design through the delivery of the project.</p>
1I(ii)	<ul style="list-style-type: none"> <i>provide a Closed Circuit Television (CCTV) plan and register the CCTV cameras with the NSW Police CCTV register; and</i> 	Noted. This is considered an appropriate condition of any development consent.
1I(iii)	<ul style="list-style-type: none"> <i>supply the Crime Prevention Officer with 2x set keys into the building and to all public areas of the building for emergency police responses.</i> <p><i>A copy of NSW Police referral is at Attachment E.</i></p>	Noted. This is considered an appropriate condition of any development consent.

Item raised	Proponent's response
<p>1J</p> <p><i>External referrals</i></p> <p>Sydney Western City Planning Panel</p> <p><i>The SWCPP has requested more design-based justification.</i></p>	<p>Noted.</p>
<p>1J(i)</p> <ul style="list-style-type: none"> <i>The panel notes that public spaces should be further considered in order to achieve site activation and design excellence for all users, and had the following queries:</i> <ul style="list-style-type: none"> <i>How can the surrounding structures relate to laneway behind the student accommodation and the spaces affording access to Terminus Street and are those spaces in their volume, design and detail of design excellence?</i> 	<p>As the Panel is aware, this project has been subject to an extensive and rigorous design excellence process. In relation to this DA, this has included a review by Council's Design Excellence Panel (Meeting 1: 1 December 2020 and Meeting 2: 23 March 2021).</p> <p>Further to this, as required by conditions imposed by the SWCPP on the Concept DA Consent, a new site specific Public Domain and Landscaping Design Excellence Panel was established (Condition 4-6 of DA-585/2019) and two workshops were held (Workshop 1: December 2020 and Workshop 2: 23 March 2021) along with a final desktop review (28 May 2021).</p> <p>Based on the level of engagement with the abovementioned design excellence panels, this project has unequivocally been held to a higher design excellence standard than any other development within the Liverpool City Centre. In this regard, with the endorsement of each Panel, the SWCPP can be confident that the project has achieved design excellence.</p>
<p>1J(ii)</p> <ul style="list-style-type: none"> <i>How can the design of adjacent retail spaces enliven and connect with the outdoor spaces including hopefully a contribution to the nighttime economy and casual surveillance into the public spaces at ground level?</i> 	<p>As noted in item 1J(i) above, the public domain and landscaping component of Liverpool Civic Place has been subject to an extensive design review process, pursuant to conditions 4-6 of DA-585/2019 involving two workshops and a final desktop review. During this process, the total provision and configuration of retail tenancies was discussed extensively to determine the proposed retail layout.</p> <p>Given the level of scrutiny that this was subject to throughout the course of the design excellence process, the panel can be satisfied that the final configuration of the retail tenancies will facilitate the vitality, connection and surveillance of public spaces at ground level. Each individual retail tenancy is well designed and located to activate the ground plane. The specific use and fitout of each tenancy is subject to a separate development consent.</p>
<p>1J(iii)</p> <ul style="list-style-type: none"> <i>What is the form, function, use and outcomes of the central passage between Scott and Terminus Streets, taking into account vehicular movement? How do they contribute to design excellence of that space?</i> 	<p>This is a shared accessway with pedestrian priority directing vehicles to the proposed basement. PTC Traffic Engineers has noted that the anticipated traffic activity along the Scott Street access is considered to be low for a typical shared zone environment, peaking at approximately 160 vehicular movements throughout the morning peak. This equates to a vehicle every 22 seconds. However, the bunching of vehicles due to the surrounding traffic signals will effectively group vehicles and provide longer gaps. Whilst this is the case, we note it is located within the Phase A site (DA-836-2020) and is outside the scope of the subject DA.</p>

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	<p>Notwithstanding this, the shared access way has been a key design component that has evolved through the Concept and Phase A design development. Specifically, the design has been developed by FJMT in consultation with PtC Traffic Engineers, Council's Traffic Engineers and the Design Excellence Panel. The following features have been included to ensure the safety of pedestrians and minimise potential conflict with vehicles:</p> <ul style="list-style-type: none"> • The shared zone will be supported by the required signage, and safety provisions such as the high contrast edge-lines designed into the plaza landscaping design, the trees and seating to prevent errant vehicles accessing the plaza etc. This will be subject to detailed design during the CC stage of the project. • Public domain plan includes physical items that prevent a vehicle travelling from the shared zone to the plaza (maximum gap of 1,800mm to prevent vehicles pass between the physical objects). <p>The shared zone proposed has been adopted as a means of prioritising pedestrian movement across the plaza in line with the objectives of the relevant Technical Direction. Other examples that have informed the design of the shared zone include, St Marys Cathedral car park, The Crescent, Mosman, St Margarets in Surry Hills, Mount Street in North Sydney and Circular Quay (east).</p>
1J(iv)	<p>- <i>Can the applicant provide some architectural treatment or feature to emphasise that the public spaces are a focus of the development rather than sitting to the side of the main buildings?</i></p> <p>Refer to 1J(i) above. The provision of public domain has not been a secondary consideration. The spatial qualities and detailed designs have been at the forefront of the design process, as recognised by the Design Excellence Panel and the Public Domain and Landscaping Design Excellence Panel.</p>
1J(v)	<p><i>The SWCPP also noted some matters that would merit consideration by the Design Excellence Panel, such as consideration of ADG standards and possible changes to setbacks.</i></p> <p>The proposal is not subject to SEPP 65 or the <i>Apartment Design Guide</i>. We also refer to the Design Excellence Panel's letter dated 23 March 2021. Specifically:</p> <p><i>"The Panel notes that the proposed building separation (i.e. between the co-living building and the commercial tower) is inconsistent with LEP Clause 7.4. In this instance, the proposed separation distances can be supported based on the following reasons;</i></p> <ul style="list-style-type: none"> • <i>A short length of the proposed laneway;</i> • <i>Varying distances of separation towards the centre and the edges;</i> • <i>It faces a transitional space servicing a small number of co-living spaces and no habitable rooms front on to the laneway;</i> • <i>The design of the privacy screen is being detailed and will be developed further to improve visual amenity/privacy; and</i> • <i>The proposed laneway is not subject to an any adjacent development.</i>

Item raised		Proponent's response
Design Excellence Panel Meeting (23/03/2021)		
2A(i)	Built form and scale <i>The Panel:</i> <ul style="list-style-type: none"> - Requires the applicant to investigate wind conditions created due to the downward wind drafts and comfort levels being achieved within the laneway for various uses being proposed at the ground level (i.e. walking, casual seating, outdoor dining, etc.). 	<p>The latest Pedestrian Wind Environment Study prepared by Windtech was submitted to Council with the Phase B/C Stage 2 DA. This study included detailed wind tunnel testing, to enable the most accurate results.</p> <p>It is acknowledged that areas where Windtech tested compliance for short exposure activities, did not align with areas of the proposed public domain nominated for short term exposure, such as outdoor seating. For absolute clarity, the outdoor seating zones will be subject to separate retail tenant fit outs, however they will be restricted to the zones tested for short term exposure wind compliance.</p> <p>As the DEP is aware, the east west laneway was subject to detailed discussion through the Public Domain and Landscape Plan design excellence process. FJMT worked with the Panel to resolve the wind related concerns within the east west laneway, particularly at Workshop 2. On the 28 May 2021, the Panel endorsed the final Public Domain and Landscape Plan, confirming that FJMT had resolved their wind related concerns within the east west laneway.</p>
2A(ii)	<ul style="list-style-type: none"> - Requires the applicant to ensure that designated spaces for outdoor activities are assessed carefully and appropriate landscape/facade treatments for wind mitigation are adopted as part of the design to ensure safety and comfort for the users, especially in seating areas. 	
2A(iii)	<ul style="list-style-type: none"> - notes that the separation on upper levels are quite narrow and constricted. This anomaly can be supported by the Panel as long as adequate design consideration for visual amenity/privacy is ensured for both users (i.e. residents of co-living and the users of commercial tower). 	<p>A view study from the commercial office building toward the co-living building and vice versa is provided in the Supplementary Design Report prepared by FJMT (Attachment D). This illustrates that the design has carefully considered the visual amenity and privacy for both users of the commercial office building and residents of the co-living facility by including appropriate privacy treatment.</p> <p>Furthermore, the co-living building has been designed with consideration to prevent overlooking from the commercial office building to the co-living building, with no windows included on the rear façade of the co-living building.</p> <p>Specifically, to the rear co-living façade the central section (i.e at lift lobby) has a more open perforation pattern as there is less requirement for privacy here. The east and west ends of the façade have a higher percentage of solid treatment to shield apartment doors from the commercial building and vice-versa.</p>
2A(iv)	<ul style="list-style-type: none"> - recommends the applicant propose an appropriate texture/material for the screening elements on the southern wall of the co-living building (i.e. a different treatment may be appropriate for the central portion as distinct from the east/west ends). The Panel notes that this may help with daylighting to the boarding house lift lobbies. 	
2A(v)	<ul style="list-style-type: none"> - recommends alternatives to perforated metal panels are considered, such as louvres, mesh, corrugated light weight screens, etc. 	
2A(vi)	<ul style="list-style-type: none"> - raises concerns regarding wayfinding for the public lobby within the commercial tower and recommends the applicant to review the internal plan configurations of the floor plate at ground level. 	<p>The public lobby has been reconfigured to provide a direct line of sight from the laneway to the lift doors in the commercial office building and to remove the dog-leg corridor, therefore resulting in the provision of a more generous lobby space (see Attachment D).</p>
2B(i)	Landscape <i>The Panel recommends the applicant ensure that the soil volumes being proposed for the trees on site are appropriate.</i>	<p>As outlined within Attachment D, to ensure that appropriate soil volumes are proposed for the trees on the site, consideration has been made in relation to the soil specification, namely the type, depth, volume and drainage. To ensure that adequate soil volume has been provided, the proposal takes into consideration the following:</p>

Item raised		Proponent's response
		<ul style="list-style-type: none"> Liverpool City Council's requirements; Apartment Design Guide deep soil requirements; and FJMT benchmark projects. <p>Furthermore, it is noted that trees can grow over structure when there is a continuous soil volume where the roots can spread, meaning that the depth is not the critical factor. Notwithstanding this, the Sections contained within the Architectural Plans illustrate that the soil volumes proposed for the trees are appropriate (refer to Attachment E).</p>
2B(ii)	<i>The Panel notes that the trees proposed within the laneway will be under deep shade and an appropriate tree species/vegetation form needs to be considered for this location.</i>	The public domain and landscaping proposed within the laneway was extensively considered and discussed throughout the Public Domain Design Excellence process, including Workshop 1, Workshop 2 and the final desktop review. The public domain and landscaping has since been endorsed by the Chair of the Public Domain Design Panel, in accordance with condition 4 of the Concept DA (DA-585/2019).
2C(i)	Amenity <i>The Panel:</i> <ul style="list-style-type: none"> requires the applicant to clearly identify and define the seating areas within the laneway to ensure that adequate public domain is available for people to walk along the laneway. 	Refer to the response above to item 2A(i).
2C(ii)	<ul style="list-style-type: none"> raises concern regarding the quality of light within the lobby/corridors for the co-living building and requires the applicant to ensure that adequate natural light filters through the proposed screens. 	The co-living façade treatment has been carefully designed to ensure that appropriate light filters through to the development, as demonstrated in the Supplementary Design Report prepared by FJMT (see Attachment D). At the central section of the building where the lift lobby is located and therefore less privacy and more lighting is required, increased perforation is adopted. The ends of the corridors are also proposed to be open to allow for directed views, light and air to access the co-living building.
2D(i)	Aesthetics <i>The Panel:</i> <ul style="list-style-type: none"> questions the visibility of the artwork on the southern wall of the co-living building. The Panel recommends the applicant reconsider the artwork with regards to the narrowness of the space and the location of possible public viewpoints. 	As clarified within the Supplementary Design Report prepared by FJMT (see Attachment D), the original Design Report exhibited with the DA did not intend to nominate the southern wall of the co-living building as an artwork zone. Instead, it imagined that the façade itself would incorporate a perforation pattern and as such would be better described as an architectural screen with integrated patterning.
2D(ii)	<ul style="list-style-type: none"> raises concern regarding the materiality of the eastern/western wall of the co-living building. The Panel recommends the applicant consider the scale of the eastern/western walls and propose a high quality, durable materiality, designed for appreciation from a distance/close view. The Panel recommends the applicant to refer to precedents that have withstood the test of time (e.g. MLC building). 	FJMT have reviewed the eastern and western façades of the co-living building and have devised the scheme that is portrayed in the Supplementary Design Report prepared by FJMT (see Attachment D). The design intent is that the revised eastern and western walls read as solid ends to the building, utilising high-quality precast/GRC and predominantly horizontal jointing akin to stone coursing, with nosing inserts for increased texture. It includes a major horizontal break through these walls to align

Item raised		Proponent's response
		with the north façade and effectively break the wall into two parts, thereby reducing the perceived vertical dimension of the building.
2D(iii)	- requires the applicant to provide a proposed material palette for this phase of development and the detailing of the eastern/western façade of the co-living building.	A revised material palette is provided as part of Attachment D . This includes the following: <ul style="list-style-type: none"> glazing behind the metal palisade balustrade; precast/GRC walls and blades on the eastern and western façade of the co-living building with nosing inserts; and perforated bronze metal screens.
2D(iv)	- also requires the applicant to provide a high-quality 3D render for the building that accurately identifies the materiality and quality of the design outcome.	This render is provided as part of the Supplementary Design Report prepared by FJMT (Attachment D).
2D(v)	- recommends FJMT prepares a detailed design guidance for the interior works for the Commercial Tower to ensure design integrity is maintained and design excellence maintained for the site, post occupation.	Noted.
Additional information		
3A	<p>Clause 4.6A</p> <p>The applicant is requested to address Clause 6.4A of the Liverpool Local Environmental Plan 2008 which is triggered under this application due to: - The application including a boarding house, a form of residential accommodation; - The site is nominated in Area 8 on the FSR LEP Map; and - The site is not in a special contributions area. Accordingly, it is recommended that the Applicant includes a response to Clause 6.4A, as referred to below, within the Stage 2 (Phase B) application.</p> <p>6.4A Arrangements for designated State public infrastructure in intensive urban development areas</p> <p>1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</p> <p>3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which</p>	A response to this matter has been prepared and has been issued to the Department of Planning, Industry and Environment. This response is included at Attachment F . On 4 June 2021, the Department advised they are reviewing the referral with their legal team.

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<p><i>the application applies is a special contributions area (as defined by section 7.1 of the Act).</i></p> <p><i>4) In this Part— intensive urban development area means the area of land identified as 'Area 7', 'Area 8', 'Area 9', 'Area 10' or 'Area 11' on the Floor Space Ratio Map</i></p>	
<p>3B</p> <p>Clause 4.6 request to vary building setbacks</p> <p><i>The applicant has provided a Clause 4.6 variation report in support of the non-compliant setbacks. However, given clause 7.4(2)(d) and 7.4(2)(e) of the Liverpool LEP stipulate different setback requirements for varying vertical sections of the building, a visual representation of the non-compliance would assist in understanding the locations and extent of the non-compliances.</i></p> <p><i>In this regard, architectural 3D images are requested that highlight the various areas of non-compliant setbacks proposed along the building edge for both the central variation and the laneway variation.</i></p> <p><i>It also may be prudent for the Applicant to revisit their Preliminary-Draft Clause 4.6 Variation Request as lodged, to make the discussion more focused on the areas of non-compliance, and issue as a Final version.</i></p>	<p>Refer to the Supplementary Design Report at Attachment D and the revised Clause 4.6 Variation Request at Attachment G.</p>