

3 August 2015

Our ref: NER:SCE004/4002

The General Manager
Liverpool City Council
Locked Bag 7064,
Liverpool BC, NSW 1871

**Attention: Rodger Roppolo,
Senior Development Planner**

Dear Mr Roppolo

**Development Application 365/2015 (DA 365/2015) for Lot 10 DP 816556 (Site)
Advice in response to issues raised by Liverpool City Council (Council)**

We act for Scenic NSW Pty Ltd in relation to DA 365/2015.

We have been provided with a copy of Council's memoranda from Ash Chand to Rodger Roppolo dated 19 June 2015 in relation to DA 365/2015. In the memorandum, Council recommends that further explanation be sought regarding the following matters:

1. Development near zone boundaries:
 - (a) how the development of the subject site for the purposes of mixed-use development would offer a "more logical and appropriate development" of the subject site than its development for commercial purposes (pursuant to its zoning); and
 - (b) how shop top housing would not be inconsistent with the objectives for land zoned B3 Commercial Core, as the consent authority must be satisfied that development is not inconsistent with the objectives for both zones,

as required in clause 5.3 of the *Liverpool Local Environmental Plan 2008* (Liverpool LEP)
2. Whether both areas of land which comprise 203-209 Northumberland Street and 64 Bathurst Street (**Land**) should be considered for the purpose of calculating site **area** and floor space ratio.

Accordingly, we confine this letter to these two discrete matters.

Development near Zone Boundaries

The matters raised by Council are principally a question of planning justification and merit. Accordingly, the letter from Elton Consulting which encloses this letter provides a further planning justification. The Letter from Elton Consulting makes clear that the application of clause 5.3 of the Liverpool LEP to allow development permissible within the B4 Mixed Use zone on the Site would enable a more logical and appropriate development to the place than a purely commercial development on the Site.

The Elton Consulting letter also demonstrates that the proposed development is consistent with the objectives of the B3 Commercial Core zone. Compliance is demonstrated through the range of land uses proposed within the site, including commercial units on the ground floor, mixed use (live / work) units at the podium levels and residential development at the podium levels and above. Each of these land uses serves the needs of the local and wider community through both increased employment opportunities and the increase in population residing in the city centre will make use of local facilities and services. This will contribute toward to the economic development and vibrancy of the city core, strengthening its role as a regional centre.

Accordingly, applying clause 5.3 of the Liverpool LEP would enable more logical and appropriate development of the Site and be compatible with the planning objectives and land uses for the adjoining zone.

The Site area

The Council Memorandum states that *'the applicant has aggregated the site area of two sites (203-209 Northumberland Street and 64 Bathurst Street) for the purpose of the development. It is recommended further explanation be sought regarding this matter.'*

To clarify this matter, we **enclose** a title search and deposited plan for the Site, Lot 10 DP 816556. As shown in the enclosed deposited plan, although separated by the Huckstepp Serviceway, the parcels of land known as 64 Bathurst Street and 203-209 Northumberland Street comprise one Torrens Title lot.

Accordingly, we submit on behalf of our client that the two parcels of land which comprise the Site are to be treated legally as one lot and the total area of both parcels of land are to be considered for the purpose of site area in clause 4.5(3)(a) of the Liverpool LEP.

Please contact us if you have any questions in relation to the above.

Yours sincerely



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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 10/816556

SEARCH DATE	TIME	EDITION NO	DATE
29/7/2015	2:51 PM	36	19/3/2015

LAND

LOT 10 IN DEPOSITED PLAN 816556
AT LIVERPOOL
LOCAL GOVERNMENT AREA LIVERPOOL
PARISH OF ST LUKE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP816556

FIRST SCHEDULE

SCENIC NSW PTY LTD (T AJ54654)

SECOND SCHEDULE (14 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN IN THE TITLE DIAGRAM-SEE CROWN GRANT(S)
- 3 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN IN THE TITLE DIAGRAM-SEE CROWN GRANT(S)
- 4 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM CREATED BY:
 - N883690 -EASEMENT FOR ELECTRICITY PURPOSES
 - DP746345 -RIGHT OF FOOTWAY 3 WIDE
 - Y685137 -EASEMENT FOR UNDERGROUND MAINS
- 5 EASEMENT(S) APPURTENANT TO THE PART(S) SHOWN SO BENEFITED IN THE TITLE DIAGRAM CREATED BY:
 - DP584566 -EASEMENT FOR SERVICES-SEE P790600
 - DP584566 -RIGHT OF CARRIAGEWAY-SEE P790600
 - DP584566 -RIGHT OF FOOTWAY-SEE P790600
- 6 Y685138 LEASE TO THE PROSPECT COUNTY COUNCIL OF SUBSTATION PREMISES NO 17678 TOGETHER WITH & RESERVING RIGHTS. EXPIRES 30.10.2014 FOR OPTION OF RENEWAL SEE DEALING Y685138
- 7 AG732308 LEASE TO BRYDENS LEGAL SERVICES PTY LIMITED OF SUITE A, LEVEL 1, 203-209 NORTHUMBERLAND STREET, LIVERPOOL. EXPIRES: 30/6/2017. OPTION OF RENEWAL: 5 YEARS.
- 8 AG872357 LEASE TO BAPTIST COMMUNITY SERVICES NSW & ACT OF THE PART OF THE GROUND FLOOR SHOWN HATCHED IN PLAN WITH AG872357. EXPIRES: 28/2/2015. OPTION OF RENEWAL: 3 YEARS.
- 9 AH414950 LEASE TO BRYDENS LEGAL SERVICES PTY LIMITED OF GROUND FLOOR SUITE 2, 203-209 NORTHUMBERLAND STREET,

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SECOND SCHEDULE (14 NOTIFICATIONS) (CONTINUED)

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- LIVERPOOL. EXPIRES: 30/6/2017. OPTION OF RENEWAL: 5 YEARS.
- 10 AH445380 LEASE TO BRYDENS LEGAL SERVICES PTY LIMITED OF LEVEL 2, 203-209 NORTHUMBERLAND STREET, LIVERPOOL. EXPIRES: 30/6/2017. OPTION OF RENEWAL: 5 YEARS.
- 11 AI747542 LEASE TO BRYDENS LEGAL SERVICES PTY LTD OF SUITES B & C, LEVEL 1, 203-209 NORTHUMBERLAND ST, LIVERPOOL. EXPIRES: 30/6/2017.
- 12 AI747551 LEASE TO LEAN LACKENBY & HAYWARD L'POOL PTY LIMITED OF SUITE 1D, LEVEL 1, INCLUDING GROUND FLOOR STORAGE ROOM, 203-209 NORTHUMBERLAND ST, LIVERPOOL. EXPIRES: 30/6/2019.
- 13 AJ54653 LEASE TO INGHAMS ENTERPRISES PTY LIMITED OF PART BEING LEVELS 3-7 SHOWN AS "AREA 937.6" (PAGE 76) AND GROUND STORE SHOWN HATCHED (PAGE 77) IN PLAN WITH AJ54653. EXPIRES: 5/11/2020. OPTION OF RENEWAL: 6 YEARS.
- AJ153927 MORTGAGE OF LEASE AJ54653 TO WESTPAC BANKING CORPORATION
- 14 AJ54655 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 29/7/2015

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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