

15 November 2016

Mr Scott Soutar  
Nine Entertainment Co  
PO Box 27  
WILLOUGHBY NSW 2068

Dear Mr Soutar,

RE: CLOSURE OF SCOTT STREET, CHANNEL 9 SITE, WILLOUGHBY

I write in response to your letter of 21 October 2016.

The Council is not currently progressing the closure of Scott Street, or any of the provisions of the Deed of Agreement, for the reasons set out below.

The Council's resolution to grant owner's consent to the inclusion of a portion of Scott Street in the development proposal for the adjoining land was based on the original Concept Approval for redevelopment of the Channel 9 site.

The original Concept Approval was achieved following consultation and negotiations throughout 2013 and 2014 and involved the Council, the local community, Planning and Assessment Commission (PAC) and the Land and Environment Court of New South Wales. The original Concept Approval was granted by the PAC on 23 December 2014 and included the Council owned portion of Scott Street.

The Council's decision to enter the Deed of Agreement on 2 June 2015 to close and sell a portion of Scott Street to TCN Channel Nine Pty Limited was based on a requirement of the Deed of Agreement that the original Concept Approval granted on 23 December 2014 be implemented.

In accordance with the requirements of the Deed, the Council commenced preparations for the closure of the relevant portion of Scott Street shortly after 2 June 2015. However, when the Council became aware of an amended proposal for the site, greatly increasing the proposed density of the development, the Council suspended further activity in pursuance of the Deed of Agreement.

The Council was formally notified by the Department of Planning and Environment that a modification request had been received on 1 August 2016. The Council reviewed the modification and made a submission to the Department objecting to the proposal raising a number of concerns which included the fact owner's consent had not been sought despite the inclusion of Scott Street in the proposal.

The Council believes Clause 8F of the Environmental Planning and Assessment Regulation 2000 applies. That clause operates to require the consent of the owners of the land on which the proposed development is to be carried out to the modification application. The owners are of course the Council and TCN Channel 9 Pty Limited.

The Council also notes it appears TCN Channel 9 Pty Limited has assigned its rights under the Deed of Agreement without first obtaining the consent of the Council, which is required by the Deed of Agreement.

The Council believes these issues must be addressed prior to the determination of the modification application and prior to any further action being taking in pursuance of the Deed of Agreement.

Yours faithfully



Peter Conroy  
PLANNING AND INFRASTRUCTURE DIRECTOR