

28 March 2018

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Ms Carolyn McNally
Secretary
NSW Department of Planning and Environment
320 Pitt Street, Sydney NSW 2000

Attention: James Groundwater (Senior Planner, Key Sites Assessments)

Final Response to Submissions - S75W Modification Application – MP10_0198 MOD 2 Channel Nine Site, 6-30 Artarmon Road, Willoughby

Further to your email dated 13 March 2017, we have uploaded the final S75W Modification Application No.2 to Concept Plan MP10_0198 documentation for public exhibition to the Department's Major Projects Website. The following table sets out how the documentation has been amended in response to the matters identified in your email.

Issue Raised	Summary of Proponent's Response
1. Owner's Consent The Department previously requested clarification on how proposed works which fall outside of the site within Scott Street and Artarmon Road can occur in the absence of land owners consent. Clause 8F of Schedule 4 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 requires the consent of the owner of land on which a project is to be carried out. Therefore, the Department cannot consider any part of the proposal, including the roundabout at intersection of Artarmon Road / Scott Street, located on Council owned land without their owner's consent. Please provide further consideration of this issue, including potential amendment of the proposal.	For clarification, the construction of the roundabout at Scott Street and Artarmon Road does not form part of the proposed Concept Plan Modification Application (for which land owner's consent is required). Rather, the traffic assessment has identified that this upgrade would be required to mitigate the traffic impacts of the modified site access arrangements and ensure an appropriate level of service for Scott Street/ Artarmon Road. Accordingly, the Proponent would not object to a condition requiring the Proponent to fund and undertake these upgrade works prior to the occupation of the first residential dwelling located on the site. We have amended the Response to Submissions Planning Report to clarify this at Sections 3.2 and 4.1.2 , and have also included amended recommended modifications to the Terms of Approval at RTS Attachment C.
2. Urban Design The building heights shown on the elevation and section drawings identify Building A being 5 storeys and Building B being between 5-6 storeys, which is inconsistent with the comparative analysis showing the height of buildings in storeys (page 92 of the CHROFI report). The elevations/sections and overall heights of these buildings should be amended to accurately reflect the four storey height proposed along Artarmon Road.	Refer to RTS Section 4.2.5 and amended CHROFI Urban Design Response Section 7.2.
3. Public Open space Please provide updated and accurate open space calculations and plans which provide a direct comparison to the publicly assessable and communal open space provided in the Concept Approval. Please note this should exclude hard and soft landscaping which is included in the current calculations.	Refer to additional public open space plan in CHROFI Urban Design Response (final page of document).

Issue Raised	Summary of Proponent's Response
Please clarify how public access to the publicly accessible open space and through site links will be formally maintained and managed, noting the proposed deletion of the requirement within Future Environmental Assessment Requirement (FEAR) 13 for future Development Applications for the park to incorporate an appropriate legal mechanism for creating a right of public access to the open space. If this is not to be reinstated, additional justification and/or an alternative mechanism should be provided.	Refer to amended RTS Attachment C. We have amended the recommended modifications to the Terms of Approval to ensure that the existing wording from FEAR 13 is retained to ensure that an appropriate legal mechanism to ensure public access to designated open space is provided for as part of the future relevant Development Application.
5. Public benefit offer	
Please provide further evidence to demonstrate whether the proposed public benefit offer of \$1,000,000 is either equal to or exceeds the works required by FEAR 18 (provision of an accessible bush track to Council's requirements through Walter Street Reserve, connecting the through site link with Walter Street).	Refer to RTS Section 4.4 and RTS Attachment F.
Please clarify the extent of affordable housing proposed. The RTS report refers to 4% of the approved gross floor space and 5% of any additional gross floor area above the 35,886sqm; the modified condition states 1,145.5sqm (or 3.2%) of the approved gross floor area and 5% of the gross floor area in excess of the 35,886sqm and the public benefit offer refers to 5% of the total residential floor space.	Refer to RTS Section 4.4, RTS Attachment C (Proposed Conditions) and RTS Attachment G (Final Public Benefit Offer).

We trust that the Department is now able to proceed to complete its assessment of the Modification Application and refer the application to the NSW Independent Planning Commission for determination. Once the Department has reviewed the Response to Submissions documents, we would appreciate the opportunity to meet with you if the Department believes that there are matters that have not been suitably addressed. Should you have any queries please do not hesitate to contact me via the below details.

Yours sincerely,



Michael Oliver
Principal, Planning
02 9409 4961
moliver@ethosurban.com