



Council Ref: SC5942 / 20/236128

21 December 2019

Jim Betts
Secretary
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Attention: Laura Locke, Director Eastern Harbour City

Dear Mr Betts

Planning proposal – Woollahra LEP 2014 Interpretation of Desired Future Character

The planning proposal (attached) seeks to amend the *Woollahra Local Environmental Plan 2014* to introduce provisions clarifying the interpretation of the term desired future character.

As noted in previous discussions with the Eastern City Regional Team, this planning proposal in no way pre-empts the draft local character clause. The planning proposal seeks to re-establish the intent of the original drafting of the Woollahra LEP 2014 in response to an alternative interpretation being upheld in a recent Court appeal.

The planning proposal is submitted for a gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act). Council also requests delegation of the plan-making steps under section 3.36 of the Act, as this matter is of local significance. This delegation will be to the position of General Manager, and sub-delegated to the Director - Planning and Development as set out in the Council's resolution of 26 November 2012.

The following documents are attached:

- Information checklist (section 3.33(2)(a)-(e))
- Department's checklist titled 'Evaluation criteria for the delegation of plan making functions'
- Planning proposal
- Supplementary information (annexures removed):
 - SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112
 - Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 115
 - Woollahra Local Planning Panel agenda 19 November 2020
 - Environmental Planning Committee agenda 30 November 2020
 - Council resolution 14 December 2020.

If you require any further information please contact Kelly McKellar, Team Leader – Strategic Planning, on 02 9391 7140 or kelly.mckellar@woollahra.nsw.gov.au.

Yours sincerely

Anne White
Manager - Strategic Planning