

Double Bay Residents' Association Inc

P.O. Box 1684, Double Bay NSW 1360

Tel: 0414 932 818 Email: dbrassoc@gmail.com

The General Manager,

Woollahra Municipal Council,

PO Box 61 Double Bay NSW 1360

22nd May 2020

Dear Sir,

Late correspondence for Council Meeting 25th May 2020 – Item 13.1 R4 “Section 56A Appeal to the Land & Environment Court – 28/34 Cross Street

Our some 300 resident members are of course unaware of both the legal advice that Council has received and the course that is recommended in the recommendation of the Environmental Planning Committee that is before the Council for decision on Monday evening.

This was a development which breached the LEP's Height control by approximately 50% and its FSR control by some 40%. It was twice refused overwhelmingly by the Sydney Eastern City Planning Panel and we note that all four councillors who sat on one or other of those panels voted for refusal. Staff ultimately recommended refusal. If unchallenged it will result in an unbroken six storey wall along the south side of Cross Street. The writer and numerous affected residents opposite gave evidence from their homes in the Council's case.

On 15th March following this bombshell decision we wrote the attached letter to those four councillors who had sat on the SECPP decisions setting out arguments why we believed the decision, with respect to Acting Commissioner Clay, could be challenged upon a motion under s56A for errors of law.

In particular we would highlight the two grounds that we have raised under the headings “69/71” and “94/96” in our attached letter (these being references to numbered paragraphs in the decision). The Acting Commissioner's finding of abandonment of the LEP's Height and Bulk controls leaves Council and its staff effectively with a lacuna or hole in its controls (undoing years of work and community consultation that went into the Woollahra LEP) unless reversed by a judge hearing the s56A appeal.

We very much hope that Council will pursue the appeal rights that the Land and Environment Court Act provides.

Yours sincerely,

DOUBLE BAY RESIDENTS ASSOCIATION INC

Per Malcolm Young, President

