

## **Public Forum Question and Response**

**Subject: Breach of IHAP Charter by Warringah Council re Draft Dee Why Town Centre LEP and associated DAs.**

**Question From: Mr Vincent De Luca OAM**

**Meeting Date: 8 April 2008**

**Question:** Draft Dee Why Town Centre LEP, Associated DAs and IHAP

a) I note at the Public Meeting held at Council concerning the Dee Why Town Centre proposals that Mr M Ryan, Director of Planning revealed that approaches had been made to members of the IHAP regarding the proposal by Council/applicant and that this was also confirmed by Multiplex representatives to residents. Could the General Manager please advise whether such approaches are contrary to the following provisions of the Charter for the IHAP:

"To avoid any lobbying or external communication from applicants or objectors outside the forum of Panel hearings".

"Panel Members must not approach an applicant or representor, or if approached by an applicant or representor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the Panel".

b) Will the Draft Dee Why Town Centre LEP be brought before IHAP, as has been advised in letters from Warringah Council to those who have made submissions about the Draft LEP and associated DA's and is this in accordance with the IHAP Charter?

c) I note Mr Persson's comments at the last Council meeting and in the Manly Daily regarding the reasons for why he does not wish for a Public Hearing into the proposed Dee Why Town Centre LEP, particularly his comments about "politics" and that the Hearing may be used to "delay" the process - could the General Manager please advise whether such comments constitute irrelevant grounds and/or irrelevant consideration and thus maladministration pursuant to section 26 of the Ombudsman's Act 1974?

d) Will Council call upon the NSW Ombudsman and St James Ethics Centre to fully examine Council's handling of the proposals to date prior to making any decision on the proposed Dee Why Town Centre LEP and associated developments?

### **Response:**

The Director Planning and Development Services advised that he had approached some of the IHAP members for their advice on the proposals for the Dee Why Town Centre LEP and associated DAs. He sought their opinion as architects on the proposed design of developments in order to prepare his advice to the Administrator for the Dee Why Town Centre Council meeting to be held on 5 May 2008 in the Council Chambers. No other representations were made to these members of IHAP. The applicants were requested to present their proposals to these IHAP members; after the presentations they left and the members discussed the proposals. Mr Ryan requested an example of

the letters that Mr De Luca referred to in part b) of his question so that he can follow the matter up. However he confirmed that the current IHAP charter has no provision for involvement of the panel in the LEP process. The proposed charter does propose to alter this, however the IHAP panel members have deemed that involvement as the formal panel in the current process would not be appropriate due to the lack of provision in their working charter. The Administrator advised the gallery that questions directed at the General Manager are not appropriate as the Public Forum is an opportunity for the public to address the Council but not Council senior staff. He advised that his comment in the Manly Daily was that he is not interested in proposals motivated by politics, although he maintains his interest in any ideas or proposals from the community. He advised that the matter will not be put before the NSW Ombudsman or St James Ethics Centre as Council has independent probity advisors engaged already. He has sought advice on the Dee Why Town Centre LEP and associated developments and this will be included as part of the report that will be presented to the public at the special meeting of Council on 5 May 2008.