

## **Public Forum Question and Response**

**Subject: Council handling of Draft Dee Why Town Centre LEP 2008 and Draft Standard Instrument LEP 2008**

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

**Meeting Date: 12 February 2008**

### **Question:**

- a) Is it correct that Council has until 2009 to submit any proposed LEP to the State Government, what is the exact date?
- b) Does Council believe that the public exhibition of the Draft Town Centre LEP and the Draft Standard Instrument LEP between Sunday 10 February 2008 and Friday 14 March 2008 is enough time for the community to properly consider and respond to the proposed LEPs and numerous Development Applications?
- c) Will Council request that the St James Ethics Centre and NSW Ombudsman review Council's handling of these proposals to date and particularly investigate that no decision maker at Council has fettered their discretion due to favourable comments made in the *Manly Daily* and Council columns about the proposals or due to adverse comments made by the decision maker in these publications about objectors to the proposals that could prejudice the impartiality of the decision maker in considering their concerns and deciding these proposals?

### **Response:**

The Administrator clarified several issues. The Draft Town Centre LEP 2008 and development applications only are currently on exhibition. The Draft Standard Instrument LEP 2008 was adopted by Council on 13 November 2007 for the purposes of forwarding it to the Director General of the Department of Planning for certification. Once certification is received by the Department of Planning, Council will place the draft LEP on public exhibition, which is anticipated to commence later in 2008. Furthermore, the Draft Standard Instrument LEP 2008 is required for gazettal in its final form at the latest in March 2009, rather than a call for submissions by that date. The Administrator lastly noted that two, not numerous, development applications are currently being exhibited. Two workshops were held in December 2007 to explain the two separate processes being undertaken for the Draft Town Centre LEP 2008 and the Draft Standard Instrument LEP 2008. Mr Persson advised that Council is willing to hold further workshops for any community members who missed out on the first sessions and urged interested parties to contact Council to express their interest. The Administrator believes that the exhibition period provides ample time for response by the community. The consultation follows a process that has been used often and successfully in the past and has not raised concern; the Administrator suggested that the objections be directed at the content of the proposal rather than the process. In regards to the fettering of discretion, the Administrator advised that he has sought advice on the issue from Mr Adrian Galasso, Senior Counsel of the NSW Bar Association, and will not engage the St James Ethics Centre and NSW Ombudsman on the matter. Mr Galasso believes that no discretion or responsibility has been compromised, and his advice has been accepted by Warringah Council's Corporate Lawyer, senior staff and independent Ombudsman.