

The Mosman Daily

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We were misled

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Wednesday 23 April, 2008

ERRORS in a key North Sydney Council planning document could cost ratepayers \$500,000 after a Land and Environment Court ruling last week.

Justice David Lloyd found the council had misled the public and the NSW Planning Department with its draft local environmental plan.

The ruling came after Northbridge company Castle Constructions took the council to court claiming that one of the council's most important planning documents was riddled with mistakes.

The council has since admitted the errors but claims the court action was merely an attempt to stop its draft local environment plan from going through. The new local environment plan would not permit Castle Constructions to build a 100m tower at 136-140 Walker St, North Sydney.

Justice Lloyd also ruled that the council must pay the court costs for Castle Constructions on top of its own.

The Daily understands the amount could reach \$500,000.

Justice Lloyd found embarrassing errors in the local environment plan, several of which he said were misleading.

The judge also ruled that the council had misled the public when it claimed an "independent" report, prepared by property consultants PRP, had confirmed that the draft local environment plan would provide the mandatory commercial space.

Castle Constructions testified that PRP was far from independent from the council, which the judge accepted. PRP is the council's property manager, on a contract worth at least \$350,000 a year.

Justice Lloyd also found:

* By failing to consider or include submissions on the draft local environment plan by developer lobby group Urban Task Force, a summary of submissions prepared by council staff for the councillors, was misleading;

* The council failed to comply with the Planning Act because it forwarded the "misleading" summary table of submissions to the Director-General;

* The council's assurances the draft local environment plan provided for the required commercial floor space were wrong;

* The council planned to rezone residential land despite telling the Planning Department and the public otherwise; and

* The PRP report was misleading because council directed the firm to change wording.

THE Urban Task Force has since called for the council to be stripped of its planning powers.

A Planning Department spokesman said the department was "reviewing the ruling". More reports
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