LOCAL GOVERNMENT PECUNIARY INTEREST TRIBUNAL

PIT NO 1/2000

DIRECTOR-GENERAL, DEPARTMENT OF LOCAL GOVERNMENT

RE: COUNCILLOR CHRISTOPHER CLEMENT RINGSTAD, NORTH SYDNEY COUNCIL

STATEMENT OF DECISION

INTRODUCTION

The Tribunal received a Report from the Director-General, Department of Local Government, of an investigation into a complaint with respect to Councillor Christopher Ringstad, a Councillor of North Sydney Council. The complaint made by the Director-General was in the following terms:

> *"That contrary to Chapter 14, Part 2 of the Local Government Act 1993, Councillor Ringstad:*
>
> *1(a) at the meeting of 14 April 1998 took part in the consideration and discussion of and voted on questions relating to the draft North Sydney Local Environmental Plan 1998 which proposed changes to the zoning of properties including 82 Milson Road, Cremorne Point, of which he was then the owner, from 2(g) to 2(c), and a new building height control which would limit the development potential of properties such as 82 Milson Road, Cremorne Point; and*

1(b) failed to disclose his interests fully on 14 April 1998 pursuant with section 451 of the Act;

2 failed to disclose his interests fully and correctly in his return for the period 1997-1998 pursuant to section 449(3) of the Act by failing to disclose the purchase of 2/182 Kurraba Road, Neutral Bay, on 10 June 1998."

Councillor Ringstad denied the breaches alleged in paragraphs 1(a) and 1(b) but conceded a technical breach in relation to the allegation in paragraph 2.

After considering the Report, the Tribunal decided not to conduct a hearing into the complaint. The Tribunal determined that the investigation which had been conducted had thoroughly considered all relevant issues and the submissions provided on behalf of Councillor Ringstad were sufficient for the matter to be determined without the necessity for a hearing.

SUMMARY FACTS

Councillor Ringstad is a self-employed consulting actuary who was originally elected to North Sydney Council in 1991. He was then re-elected in September 1995 and again in September 1999. During 1995 and 1996 he held the position of Deputy Mayor and chaired the Property Development Committee between September 1994 and September 1995. Councillor Ringstad currently chairs the Library Management Committee and Management Services Committee.

At the relevant time, Councillor Ringstad was a part owner of the property known as 82 Milson Road, Cremorne Point. The property comprises a relatively modest building which was used as two separate dwellings with provision for the offstreet parking of one car. It was developed over three levels and had some potential for alteration to include additional accommodation.

The property had for some time been controlled by North Sydney Local Environmental Plan 1989 where it was included in a Residential 2(g) (Cremorne Point Residential) zone. Within that zone, controls were imposed on the height of buildings, including the wall heights, and the landscaped area accompanying a development. Provisions were

also included to control the alteration of buildings with heritage significance and within defined conservation areas.

The existing building on 82 Milson Road was included as a heritage item within the Local Environmental Plan and its redevelopment potential was accordingly constrained by the necessity to consider its heritage qualities.

The first complaint made against Councillor Ringstad relates to the events which occurred at the Council meeting of 14 April 1998. The Council's town planners had been preparing a Draft Local Environmental Plan, known as DLEP-98 since August 1997. The draft proposed changes to the controls on properties within the 2(g) zone contemplating a change in the zoning to 2(c) (Residential "C"). The draft of that plan was brought to the Council meeting of 14 April 1998 for its formal consideration. At that meeting the Council resolved to endorse the draft and forward it to the Department of Urban Affairs and Planning for the issue of a certificate pursuant to section 65 of the *Environmental Planning and Assessment Act 1979.*

The effect of the proposed change in zoning would be to impose a limit on the height of any development of 82 Milson Road to a maximum of 12 metres. The controls which existed under North Sydney LEP 1989 provided a more complex method to control height. Effectively, height was controlled by considering the height of adjoining buildings.

Councillor Ringstad was present at the meeting of 14 April and participated in the matter, voting against the adoption of the Draft Local Environmental Plan.

Apparently Councillor Ringstad had been contemplating the sale of 82 Milson Road and for this purpose had facilitated a development application which was submitted by Swalwell Schwager Architects Pty Limited which sought to alter the existing building. The application was lodged in 1997 but was returned because of insufficient information. It was formally re-lodged on 12 January 1998. It was described in the Council officer's report as a proposal which involved:

> *"...alterations and additions to the existing residential flat building. This building is currently used as two separate units and provides parking for one car. It is proposed to convert the building into three units as well as provide parking for six cars. The building will be extended towards Milson Road and modifications will be undertaken to the roof of the building so as to provide accommodation within the roof."*

The report which describes the application stated that the existing building was three storeys in height and under the proposal would become four storeys. The landscaped area was apparently inadequate in relation to the existing building. The proposal provided an increase in the proportion given to landscaping, although it would not have achieved the amount required under the proposed statutory control.

The development application was considered and reported on by Sandra Hicks and Stephen Beattie of the Council's planning staff. The recommendation which was made was for approval subject to conditions.

The Council meeting held on 14 April 1998 also considered this development application. At that meeting the Council resolved to defer a decision pending a site meeting. Councillor Ringstad declared an interest in the matter and took no part in its consideration.

The development application was further considered at the Council meeting held on 11 May 1998 and was approved subject to conditions. Again, Councillor Ringstad took no part in the consideration of the matter on that occasion.

A contract for the sale of 82 Milson Road was prepared on 22 May 1998. On 10 June 1998, Councillor Ringstad purchased the property known as 2/182 Kurraba Road, Neutral Bay, and on 23 July 1998, exchanged a contract for the sale of 82 Milson Road, Cremorne Point.

The Tribunal understands that during 1999, in the course of preliminary investigations of the matter, the position with respect to Councillor's Ringstad's return pursuant to section 449(3) of the *Local Government Act* for the year 1997-1998 was examined. It was apparent that the return did not include a reference to the property known as 2/182

Kurraba Road, Neutral Bay. The matter was brought to Councillor Ringstad's attention and he submitted an amended return on 23 July 1999.

EXPERT EVIDENCE

During the course of the investigation, advice was sought from the Valuer General in relation to the effect of the Draft Local Environmental Plan on the development potential of the property 82 Milson Road. In a preliminary advice dated 15 February 2000, the Valuer General's Office stated that it had made an assessment of the situation applying the "before and after" method of valuation. The property was said to have been valued having regard to its development potential under the North Sydney LEP 1989, the "after" valuation assuming the 1998 amendments had been made which imposed a 12 metre height limit.

The "before" valuation was approached by identifying the development potential of the site. It was found to be the same as was incorporated in the development application which had actually been lodged with the Council. The "after" valuation was based upon the assumption that the imposition of the 12 metre height limit would effectively remove any potential for further development of the property. For the purpose of this valuation the existing development was assumed to be the maximum which could be provided on the site.

In these circumstances, the preliminary view of the Valuer General was that the difference in the value of the property if the Draft Local Environmental Plan had been made would be a reduction of $400,000.

Following further investigations, the Valuer General's Office was asked to reconsider the matter. Apparently the Valuer General had not had regard to the potential for objection to the height control under State Environmental Planning Policy No.1. Having regard to the minimal breach of this control (of the order of 2 centimetres) which was involved in the development application, it is plain that any breach of the proposed new height limit would have been immaterial to the merit of the application. The Valuer General also had regard to advice of which he was aware from the Council's town planners, that the proposed Draft Local Environmental Plan was not designed to limit

the type of development which had been proposed on Councillor Ringstad's property. The Valuer General's Office formed the view that a development similar to that which had been approved by the Council would also have been approved if the Draft Local Environmental Plan had been made. In the letter signed on behalf of the Valuer General dated 24 October 2000, the following is expressed:

> *"It would appear that there would be very little risk in obtaining a variation in the height standard under SEPP 1 because by virtue of prior planning approval the existing building has a height greater than 12 metres. As there is no longer a definition of 'storey' within the DLEP there appears no impediment to using the roof space for residential use so long as the height of the pitched roof in this case does not change and the building materials remain compatible with the existing roof so that heritage concerns are addressed.*
>
> *Only when a development application is formally considered by a Council can it be known what development will be approved, with or without modification, assuming it is a permitted use. The interpretation of controls/development standards by planners implementing them carries weight. It should be noted that no development application for the subject property has been considered under the provisions of Draft Local Environmental Plan 1998 as it then was. Without the benefit of planning precedents under the Draft Plan indicating how the height controls would apply in practice, in particular, to other cases where residential development is sought in roof space, reliance must be placed on the information provided in the transcript of interview with the planners on 27 July 2000. These planning decisions are also subject to appeal to the Land and Environment Court which can override Council decisions.*
>
> *The previous valuation advice did not take into any SEPP 1 objections. Under the Draft the then existing 3 storey building was a complying development. The planning issue for resolution under the draft is whether it was intended to limit the conversion of attic spaces within the existing roof space, and the construction of an additional storey disguised as attic space. According to the transcript of the planners involved it appears it was not. The physical impact of the subject building, the compatibility with adjoining development namely, residential apartment buildings, all point to the conclusion that, on the merits, a 4 storey building within the existing building envelope with no change in building height would not be an over-development and in my opinion would be highly likely to obtain similar development approval under the draft plan as it would have achieved under North Sydney Local Environmental Plan 1989 based on the advice of the planners concerned per interview transcript of 27 July 2000.*
>
> *For the reasons stated above, in light of the new planning information provided by Council's town planners by interview transcript of 27 July 2000, and barring other independent planning advice to the contrary, I wish to advise that my original valuation advice dated 15 February 2000 would, therefore, no longer apply."*

Other advice was obtained on behalf of Councillor Ringstad. Submissions were made by Pike Pike & Fenwick, solicitors, on behalf Councillor Ringstad, who provided a report from Jim Rannard of Jim Rannard & Associates Pty Limited, planning and development consultants, a report from Richard Mackay of Godden Mackay Logan, heritage consultants, and a valuation from Mr Terry Dundas of Egan National Valuers.

The report prepared by Mr Rannard concluded that the development which had been approved by the Council was the most appropriate response to the heritage issues raised by the Council in its planning controls and policies. He concludes that the development was permissible with the consent of the Council under the controls provided by North Sydney Local Environmental Plan 1989 and that:

> "*...there was no material change proposed to the provisions of the existing 'North Sydney Local Environmental Plan 1989' which would have reasonably affected the determination of the development application for 'alterations and additions to (the existing) residential flat building'."*

He also said:

> *"It is most unlikely that the Council would refuse an identical application even if the planning controls were to be varied. It must be borne in mind that the height of the existing building was not increased."*

The opinion of Mr Mackay addressed, amongst other matters, the development potential of the site. He said:

> *"... it is our view that the key determinative factor in considering the nature and extent of any alterations, additions, or even demolition and new development permissible at 82 Milson Road would be heritage impacts - on both the property itself and the surrounding conservation area.*
>
> *Having regard to Council's existing and draft planning instruments and related policy documents, as well as to Council's own track record, we do not believe that there is any change to the development potential of the site (either positive or negative) to be achieved through rezoning from one Residential zoning to another Residential zoning. The reason for this is that the nature and extent of any changes to the existing buildings on site, the question of demolition and the allowable envelope for new development, are all related to heritage and streetscape considerations, expressed through objectives in the relevant planning instruments and specific conservation requirements. These are not altered by the rezoning."*

He concluded, indicating that:

> *"The development potential of the subject site at 82 Milson Road Cremorne was not altered by the rezoning that occurred in April 1998."*

The report from Mr Dundas expressed the following conclusion:

> *"It is my opinion the maintenance of the building as heritage Item and the preservation of its architectural merits and street appearance would be of prime consideration from a Town Planning viewpoint. It is noted the Conservation Planner required alterations to the proposed development of the subject property before being recommended for approval in 1998. This fact would not be affected by the rezoning of the site.*
>
> *As the DLEP was never certified, or progressed, in the form voted upon, no further more extensive development controls were enacted. Consequently it is not possible to positively state whether any more, or less, development could have been built on the site because of the proposed rezoning. However at the relevant date, having regard to:*
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> 1) the property being a listed Heritage Item in a Conservation Area;
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> 2) the statutory zoning applicable at the relevant time;
>
> 3) the existing Development Control Plans;
>
> 4) SEPP No.1; and
>
> 5) The existing use of the building;.
>
> I consider the chance of any more, or less, development being approved on the site because of the proposed rezoning is extremely remote.
>
> There as A) the highest and best use of the site would not have altered, and B) the chance of any more, or less, development being approved on the site is considered extremely remote, I am of the opinion the proposed rezoning would not have impacted upon the value of the subject property."

THE RELEVANT LAW

The "pecuniary interest" provisions of the *Local Government Act 1993* relevant to the present matter are the following:

Section 451 of the *Local Government Act* provides the fundamental obligation for councillors with a pecuniary interest:

> ***"Disclosure and participation in meetings***
>
> *(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.*
>
> *(2) The councillor or member must not take part in the consideration or discussion of the matter.*
>
> *(3) The councillor or member must not vote on any question relating to the matter."*

"Pecuniary interest" is described in section 442 of the Act in the following terms:

> *"(1) For the purposes of this Chapter, a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443.*
>
> *(2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448."*

Section 443 provides a comprehensive statement as to the persons who have a pecuniary interest. It provides as follows:

> *"(1) A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:*
>
> *(a) the person; or*
> *(b) another person with whom the person is associated as provided in this section.*
>
> *(2) A person is taken to have a pecuniary interest in a matter if:*
>
> *(a) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter; or*

(b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

(3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):

(a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or

(b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the crown; or

(c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body."

Section 448 makes special provision with respect to a resolution relating to an environmental planning instrument. It provides that an interest does not have to be disclosed if it is:

" . an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument (other than an instrument that effects a change of the permissible uses of:

(a) land in which the person or another person with whom the person is associated as provided in section 443 has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or

(b) land adjoining, or adjacent to, or in proximity to land referred to in paragraph (a),

if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal."

THE EVIDENCE OF COUNCIL OFFICERS

The investigators interviewed the Council's Manager of Strategic Planning. Ms Menday stated that *"It's possible that the two controls would have worked very similarly in the*

circumstances." She was, of course, referring to the controls in North Sydney Local Environmental Plan 1989 and those in the draft plan.

Ms Hicks, the Team Leader, who considered the development application, was also interviewed and asked this question:

> *"Back to the issues of rezoning. In your professional opinion, would the change - the proposed change in zoning from 2(g) under the 1989 Local Environmental Plan to 2(c) under the Draft 1998 Local Environmental Plan, have affected the development potential of this property?"*

She replied:

> *"I don't think it would have affected the development potential of the property."*

She was then asked:

> *"And what factors have you taken into consideration?"*

She answered;

> *"I've taken into account the fact that even under the Draft LEP the use still would have been permitted in its form. I have taken into account the height aspect, that although the building would have breached the applicant would have been able to vary that with a SEPP 1 objection and based on just the degree of that non compliance is relatively small plus the impacts of that non compliance I believe are to be - are acceptable. That the landscaped area was going to remain the same as a result of this development, so based on those aspects I think it would have been acceptable. I haven't - I've made the statement without considering what the conservation planner may have said under the new controls because I would have to refer to him for that aspect. So I've only done it based on the planning - based on those normal planning controls."*

She was asked:

> *"Would it have been possible in your opinion to develop the property in alternative ways which would comply with the requirements of the draft 1998 LEP as proposed on the 14th of April 1998?"*

She replied:

> *"Yes, I think it would have been possible to have developed it to comply. It would have meant that you would have had to have maintained that existing roof form and if you maintained the existing roof form, you wouldn't have been able to put in as much accommodation to that roof space but you would have been able to look at doing some sort of development that complied with that - with the controls, yes."*

The investigators also interview Mr Eden Shepherd, the heritage planner of the Council. Generally, his evidence was to the effect that in consideration of any development application, weight would be given to the heritage values of the property. However, the Tribunal is satisfied that in light of the Council's approval of the development application and of the opinion of Mr Mackay, the heritage considerations do not appear to have been an impediment to the redevelopment of the property as proposed in the approved development application.

FINDINGS AND CONCLUSIONS IN RELATION TO THE ALLEGED BREACH

Having considered the material brought forward by the investigation, including the interviews conducted with Council officers, the Valuer-General's opinion, and the reports provided on behalf of Councillor Ringstad, the Tribunal is satisfied that Councillor Ringstad did not breach the provisions of section 451(1) of the *Local Government Act 1993.* Although he took part in the discussion of and voted on matters relating to Draft North Sydney Local Environmental Plan 1998 which proposed changes to the zoning of his property 82 Milson Road, the Tribunal is satisfied that he did not have a pecuniary interest in the matter as provided by section 442(1). The section states that a pecuniary interest is:

> *".. an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated ..."*.

Furthermore, sub-section (2) provides that:

> *"A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter ..."*

The Tribunal is satisfied that there was no likelihood that Councillor Ringstad would financially gain or lose if the draft Plan was adopted.

However, some matters require further comment. Although in the present case the proposed zoning change has been found by relevant experts to have had no impact upon the value of Councillor Ringstad's interest in the relevant property, this is likely to

be an exceptional case. In most cases where a change in the zoning is proposed it would be likely that there will be an effect, adverse or favourable, on the value of the property. Accordingly, all councillors must be vigilant to ensure that a proper assessment has been made of any potential financial impact from a change in zoning which affects his or her property.

The Tribunal determined in Roberts (PIT 1/95, 3 August 1995) and confirmed in Treloar (PIT 1/99, 11 May 2000) that the legislation is focussing upon potential conflicts between public duty and private interest.

> *"It is directed to the relationship between the potential outcomes of the matter in question before the Council and the potential financial interests of the councillor.*

It was accepted that:

> "...*the concept of pecuniary interest is intended to attach to chances or possibilities as well as to probabilities of financial gain or loss. Accordingly, the test was formulated for the word 'expectation' as 'applying to cases where the prospects of financial gain or loss fell short of being a probability but consisted of a reasonable chance or possibility."* [p.20]

The Tribunal pointed out in Treloar that:

> *"It was debated in Roberts whether the legislation required an objective or subjective approach to the question of whether a pecuniary interest existed. The Tribunal accepted that an objective approach, one based on 'outward facts and indicia not coloured by personal feelings or opinions', was appropriate."*

Notwithstanding the remarks of the Tribunal in Roberts, repeated in Treloar, the submission made on behalf of Councillor Ringstad to the investigation in the present matter, continued to emphasise the fact that Councillor Ringstad when he voted at the meeting did not believe he had the relevant pecuniary interest. Although it is not plain that Councillor Ringstad failed to appreciate that the test was objective, it is clear that his solicitors in making their submission, misconstrued the effect of the legislation. The requirements of the legislation must be met irrespective of the conclusion reached by the individual councillor. Furthermore, it does not matter whether the councillor's view of his situation was reasonably held. It is possible, as was made plain in the Treloar decision that a councillor influenced by many considerations relating to the exercise of his or her public office as well as his or her perception of the value of a financial

interest, may not be able to exercise the judgment which the section requires. Accordingly, a councillor may breach the section even if he or she honestly believes the matter does not raise a relevant financial interest. Rather than rely on their own judgment, prudent councillors should obtain relevant advice in the matter before deciding to participate and vote.

THE ALLEGED BREACH OF SECTION 449(3)

Section 449 is in the following terms:

> *"(1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated persona, a return in the form in Part 1 of Schedule 3.*
>
> *(2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*
>
> *(3) A councillor designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form in Part 1 of Schedule 3.*
>
> *(4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.*
>
> *(5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.*
>
> *(6) Nothing in this section or Schedule 3 requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person."*

It is admitted by Councillor Ringstad that he failed to include details of the property known as 2/182 Kurraba Road, Neutral Bay, in his 1997/1998 return pursuant to section 449(3) of the Act. Councillor Ringstad has stated that the omission was inadvertent and had occurred because he was overseas at the time when the purchase of the property was completed. He said, during his interview:

> *"I would just like to reiterate the point in the - concerning the return. It was an oversight and as soon as it was drawn to my attention I amended the return. I*

> *would seek if possible some indulgence for the fact that the - we were technically the owners - well, just checking here, we were the owners of two properties for a very brief time and it happened to overlap the end of the financial year and I'm sorry."*

It is plain that Councillor Ringstad had a good understanding of his responsibilities in relation to his return. He acknowledged that the legislation required *"A full and frank disclosure of all interests"*.

It is also plain that the failure by Councillor Ringstad to include the property 2/182 Kurraba Road, Neutral Bay, in his return, has not been relevant to any decision which the Council has made.

There is no suggestion that Councillor Ringstad was dishonest or intended or could gain any advantage from the non-disclosure. However, it has been previously stated by the Tribunal that a failure to comply with section 449 is a serious matter. The public has a right at all times to know by inspection of the Council's Pecuniary Interest Register where a councillor's financial interests lie. A failure to lodge an accurate return denies the public of a complete understanding of the councillor's situation during the time of the breach.

In the present case, the Tribunal accepts that the omissions were occasioned by inadvertence and lack of sufficient care with respect to the compilation of the return. The appropriate response from the Tribunal is to counsel Councillor Ringstad to exercise greater care in ensuring that his returns are full and accurate. Any further breach could be expected to be met with a far more severe response from the Tribunal.

THE TRIBUNAL'S ORDER

The Tribunal's Order is as follows:

The Local Government Pecuniary Interest Tribunal FINDS that a complaint against Councillor Christopher Clement Ringstad of North Sydney Council, namely that at the meeting of 14 April 1998 he took part in the consideration and discussion of and voted on questions relating to the draft North Sydney Local Environmental Plan 1998 which

proposed changes to the zoning of properties including 82 Milson Road, Cremorne Point, of which he was then the owner, from 2(g) to 2(c), and a new building height control which would limit the development potential of properties such as 82 Milson Road, Cremorne Point; and failed to disclose his interests fully on 14 April 1998 pursuant to section 451 of the Act, is not proved.

The Local Government Pecuniary Interest Tribunal HAVING FOUND that the complaint against Councillor Christopher Clement Ringstad, namely that he failed to disclose his interests fully and correctly in his return for the period 1997-1998 contrary to section 449(3) of the Act by failing to disclose the purchase of 2/182 Kurraba Road, Neutral Bay, on 10 June 1998, has been proved, COUNSELS Councillor Ringstad to exercise greater care in ensuring that his returns are full and accurate.

The Tribunal's Order will be furnished to Councillor Ringstad, the Director-General and North Sydney Council forthwith.

Copies of the Tribunal's Statement of Decision will be provided to Councillor Ringstad and the Director-General in accordance with section 484(1). Pursuant to section 484(3), copies will also be provided to North Sydney Council and such other person as the Tribunal thinks fit.

Dated: 22 January 2001

P.D. McCLELLAN QC
PECUNIARY INTEREST TRIBUNAL