



Minutes

of a Special Meeting

7 August 2007

Note.

Minutes subject to confirmation at
a meeting of the Council to be held on
17 September 2007

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Minutes of a special meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Tuesday, 7 August 2007 commencing at 7.30pm

Councillors attendance

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Warren Barker	Cr Jan Bonde
Cr Lionel Bonde	Cr John Deacon
Cr Ken Haines	Cr Beryl Marshall
Cr Terry McKenna	Cr Tony van Rooyen

Cr David Dry attended at 7.32pm

Employees attendance

General Manager (Mrs Katherine Schaefer)
Director Assets & Engineering (Mr Bevin Eberhardt)
Director Corporate & Community Services (Ms Sandra Ayton)
Director Development Services (Mr Jeff McNamara)
Executive Services Manager (Mr Graeme Marshall)
Land Use Planning Group Leader (Mr Shane Warren)

Media attendance

The Advocate newspaper

Public attendance

Sixteen members of the public attended during the course of the meeting.

Prayer

The meeting opened in prayer.

MAYOR'S COMMUNICATIONS

283/2007 Authority for special meeting

The Mayor reported as follows:

“This special meeting of the Council has been convened at my direction. Only the items on the agenda may be discussed.”

- Cr Robertson moved and Cr Marshall seconded, “That the Mayor's report be received.”

Carried unanimously

284/2007 Pecuniary interest declarations

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Executive Services Manager reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

285/2007 Council acting as a planning authority

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute No. 286/2007, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Manager reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

■ Cr McKenna moved and Cr (L) Bonde seconded, “That the Mayor’s report be received.”

Carried unanimously

286/2007 Miscellaneous and Commercial - Two retail and 10 serviced apartments at 52 Main Road, Penguin - Application No. DEV2006.115

The Director Development Services reported as follows:

“The Land Use Planning Group Leader has prepared the following report:

‘*DEVELOPMENT APPLICATION No.:* DEV2006.115
LOCATION: 52 Main Road, Penguin

<i>ZONING:</i>	Business (BA) - Central
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	28 June 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 July 2007
<i>REPRESENTATIONS RECEIVED:</i>	67
<i>42-DAY EXPIRY DATE:</i>	7 August 2007
<i>DECISION DUE:</i>	7 August 2007

PURPOSE

This application is for two retail (shops) and ten serviced apartments (miscellaneous) to be developed and subsequently used on the subject land.

The report will consider:

- 1 the compliance of the application against the relevant provisions and development standards of the Scheme;
- 2 the specific objectives of the Scheme and their relevance to this application;
- 3 the specific intent of the Business (BA) - Central zone; and
- 4 the merits of the 67 representations received during the 14-day public scrutiny period.

BACKGROUND

The subject property is located on the southern side of Main Road and contains an existing single-storey house that was constructed in 1927. The lot size is approximately 808m² in area, rectangular in shape with a north-east to south-west axis. A right-of-way burdens the land and gives benefit of a 3.66m wide access to the adjoining office and cottage located at 54 and 54A Main Road respectively.

The immediate property in a westerly direction contains the heritage listed Uniting Church and church hall. A local real estate business operates to the east on the Main Road frontage. A railway line bounds the land to the rear.

The proposed development comprises two retail tenancies at ground level with direct pedestrian access onto Main Road. The remaining ground floor level behind the two retail tenancies includes storage areas, car parking and manoeuvring space for vehicles associated with the ten serviced apartments.

A location plan is attached as Annexure 1.

The supporting written documentation is attached as Annexure 2.

The proposed plans and elevations are attached as Annexure 3.

The representations are attached as Annexure 4.

DISCUSSION

This is the second application received for this site with a development proposed of a scale and mass that has attracted the attention of the community. With minor exception, the community members who chose to lodge a representation are opposed to this development for varying reasons.

The discussion will generally follow the sequence of the first three points mentioned previously in the introduction. The fourth point will be addressed in that part of the report dealing with consultation.

1 The compliance of the application against the relevant provisions and development standards of the Scheme.

Clause 3.9.2 of the Scheme provides the appropriate matters that the Council must take into consideration before granting or refusing a planning approval application.

As well as considering the objectives and the intent of the zone the other matters deemed relevant to this proposal include:

- (a) any relevant proposal, reports and requirements of any public authority;
- (b) whether the proposed development is satisfactory in terms of its siting, size and appearance in relation to the existing site, adjoining land, the streetscape, and any items of historic or architectural interest;
- (c) whether the proposal would adversely affect the existing and future uses on adjoining land and vice versa; and
- (d) any other matters which in the opinion of the Council should be considered.

Schedules 1, 2, 5 and 7 of the Scheme form the basis for this discussion. Although the demolition of the existing house was not

included in the description, demolition can only occur if it is for the purpose of a development which has been granted planning approval or is a “P1” - permitted-as-of-right use. This essentially ensures that a Building Permit for the demolition can’t be considered unless the redevelopment is known and has been approved.

Schedule 1 contains the definition(s) of the proposed uses. The description of the proposal has been rigorously examined and determined as “shop” for the retail component and “miscellaneous” for the serviced apartments. To further elaborate, the use class “miscellaneous” in the Scheme applies to any use of land not specifically defined elsewhere in Schedule 1.

Schedule 2 defines the status of the defined use in any particular zone as either “P1” - permitted as of right, “P” - permitted, “d” - discretionary, “x” - prohibited or “R” - development in rural zones.

Miscellaneous is “d” land use and Shop is a “P1” land use in the zone. No further assessment of the shop is required on this basis. Similarly any application for a use that is entirely “P1” is not subjected to the Clause 3.9.2 provisions.

Schedule 5 of the Scheme defines the car parking requirements for the proposed uses. An existing Council decision (Minute No. 141/94 - 28.02.1994) excludes a requirement for on-site car parking or cash in lieu associated with commercial uses in the Business (BA) - Central zone.

Schedule 7 contains the numerical standards as they relate to specific development(s) within the particular zone(s). There is no use class definition for serviced apartments in the Scheme and it has been submitted that the serviced apartments will be operated on a commercial basis for short-stay accommodation and that each apartment will have a mini bar.

The absence of a use category does not mean that there are no numerical control dimensions. In these instances the Council is to determine the minimum or maximum dimensions that are to be applied. An appropriate category in Schedule 7 of the Scheme for assessment purposes is “Commercial Buildings” on the premise that the short-stay serviced apartments are a commercial operation.

Within this category the relevant development standards are maximum height (15.5 metres), maximum rise in storeys (4) and maximum site coverage (100%). There are no Planning Scheme setback requirements from any of the boundaries in the Business (BA) - Central zone and the Building Code of Australia provisions will provide the required fire separation requirements.

An assessment of the plans indicates that the building also fits within the maximum height limit and doesn't exceed the maximum rise in number of storeys.

2 *The specific objectives of the Scheme and their relevance to this application.*

The objectives, although generally strategic in nature, do provide some guidance as an over-arching support mechanism to ensure that zones and the intent of the particular zone ensures development is appropriately located and that subsequent uses and developments can be adequately controlled by the relevant planning scheme provisions and development standards. In short, objectives provide a range of desirable outcomes.

They are not used primarily as an assessment tool but will usually provide guidance in the support of a final determination.

The Scheme has 15 objectives. Each has been examined in regard to this proposal and there are four that have some relevance for this application. They are objectives (b), (c), (h) and (n).

(b) proper use and development of land, buildings and resources.

Comments - This site is located at the western-most extremity of Penguin's Commercial Business District. This application is for the development of ten serviced apartments as a miscellaneous use and two retail tenancies. The intent of the zone is primarily for retail and commercial and it has been submitted that the use of the building is for retail and commercial purposes. The proper development of the land is to be assessed against clause 3.9.2 of the Scheme.

(c) enhancement of the environmental "quality of life" of residents and visitors by attention to aesthetics and landscape impact and general pollution effects.

The beach and coastline form is the visual focus of the town and the “quality of life” term in the objective is based upon the seaside experience.

This objective applies to all development applications and the matter for consideration is whether a four-storey building in this location will detract or enhance the environmental “quality of life” due to its height and mass.

(h) reservation and preservation of areas or sites of special significance.

The Uniting Church located on the adjoining property is permanently listed on the Tasmanian Heritage Register. Accordingly any nearby developments cannot undermine the heritage values of this site and any impacts need to be carefully considered.

(n) development and promotion of a compact, healthy, vibrant and attractive central business district with a balanced regard for the needs of people on foot or in motor vehicles.

The presence of serviced apartments that provide short-stay accommodation options in commercial districts is becoming increasingly common in business districts of regional and metropolitan Australia.

It is also important in creating these compact, healthy, vibrant and attractive central business districts that the scale of any development is compatible with the existing urban form.

Urban form is the characteristic pattern of urban open spaces and buildings in a place. The town centre of Penguin currently maintains a pedestrian scale. Buildings do not exceed two storeys, there is clear delineation between each storey which visually breaks up the height and the ground floors generally have active frontages to the street creating a retail interest. Building length is minimal and 100% site coverage is the exception rather than the rule.

3 *The specific intent of the Business (BA) - Central zone.*

The Business (BA) - Central zone is primarily intended to accommodate retail and commercial business, offices and agencies and public and private community services.

The proposal to operate a commercial venture by providing serviced apartments for short-stay accommodation meets the intent of the Business (BA) - Central zone.

CONSULTATION

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and Approvals Act 1993*. This requires advertising of the development by a notice on site and also by a notice placed once in a daily local newspaper. Correspondence to the adjoining owners inviting them to view the application was also undertaken.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. No comments were received from the Planning and Assessment Team that required inclusion in the final determination of the application.

4 *The merits of the 67 representations received during the 14-day public scrutiny period .*

Within the 14-day public advertising period 67 representations were received. These representations comprise 65 objections to the application based on varying grounds, one letter of support and one letter with some technical concerns but not objecting to the appearance of the building.

The representations are annexed.

The representations of objections have been examined and a précis of the seven highest ranked concerns, issues and a response are tabled below.

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NO. OF TIMES RAISED	ISSUE	COMMENTS
55	The proposal doesn't consider clause 3.9.2 of the Scheme in regard to bulk, scale and appearance.	<p>This issue is one of the more subjective points to consider in a town that, notwithstanding the community groundswell on the future maximum height, has no established urban design guidelines. The Scheme prescribes that a development must fit within a three-dimensional form but offers no measure of its performance. This applies to all developments, not just the one currently under consideration.</p> <p>This development fits within that 3D envelope.</p>
52	The development doesn't comply with the development standards.	These objections are based on the premiss that the use is for residential apartments similar to that previously applied for. The intended use as serviced apartments has different and limited development standards.
47	The State Coastal Policy hasn't been considered.	<p>The State Coastal Policy applies to all of Tasmania and the three principles of the Policy are well established. These are:</p> <ol style="list-style-type: none"> 1 Natural and cultural values of the coast shall be protected. 2 The coast shall be used and developed in a sustainable manner. 3 Integrated management and protection of the coastal zone is a shared responsibility. <p>The urban outcome requires development to occur within existing towns. A tourism outcome requires visitor accommodation to be directed to suitable</p>

		<p>locations based on the objectives, principles and outcomes of the Policy and subject to planning controls.</p> <p>In addition, both the Supreme Court and the Resource Management and Planning Appeal Tribunal (RMPAT) have ruled that the State Coastal Policy is not to be used as a test of individual development proposals.</p>
46	The proposal doesn't conform to the Intent of the Zone.	This issue has been previously discussed.
43	The proposal doesn't conform to the Objectives of the Scheme.	This issue has been previously discussed
20	The proposal impacts on the heritage values by its proximity to the adjoining church property.	Clause 3.9.2 of the Scheme refers to a proposed development being satisfactory in terms of its siting, size and appearance in relation to any items of historic interest. This discretionary power of the Council exists in addition to the numerical development standards. How to objectively assess the impacts, if any, on adjoining land uses by the proposal will always be subject to differing opinion. Clause 3.9.2 also requires the Council to take into account, when appropriate, the requirements of any public authority. In this instance the requirements of the Tasmanian Heritage Council should be considered.
15	The development creates some uncertainty by its construction over a right-of-way that benefits an	There are some examples of case law on the protection of rights in these circumstances but nothing conclusive was discovered. From a practical perspective some excerpts pose the question as to whether the right-of-way

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	adjoining lot.	could be exercised as conveniently as before. Interference must be substantial and a test to apply would be to ensure that cars, removalist trucks, vehicles used in demolition and subsequent rebuilding can still access the land. The 3.66 metre-wide strip of land in question is also the sole access to the car parking area at the rear of the proposed development.
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IMPACT ON RESOURCES

Any application for a significant development has a noticeable impact on Council resources. This is magnified when there is considerable public interest in the development, as is the case for this proposal. It is noted that if there is an appeal to the Council's decision, there will be additional impacts on the Council's resources.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

The difference between "use" and "development" needs to be clarified before further discussion occurs. In general terms "development" means carrying out of building on the land and "use" means the way the building is ultimately utilised.

Clause 3.9.2 of the Scheme requires the Council to consider various matters that it believes are appropriate when considering the development aspects. The layer of discretion to enable a proposed "use" to get to this level of assessment is determined at the application stage. This has been rigorously tested. A concern of many of the representations is that the proposal does not conform to the intent of the business zone specified in the Scheme. Although this was a compelling issue with a previous application the intended commercial use of this proposal conforms to the zone intent.

The empowering provisions of sub-clause (e) of clause 3.9.2 do provide some relevance with this application. This clause requires the Council to consider, if appropriate, "whether the proposed development is satisfactory in terms of its siting, size and appearance in relation to:

- (i) existing site features;
- (ii) adjoining land;
- (iii) the streetscape or landscape;

- (iv) the natural environment;
- (v) any items of historic, architectural or scientific interest; and
- (vi) isolation and separation from other lands.”

Sub-clause 3.9.2(b) also empowers the Council to consider any response from the Tasmanian Heritage Council. After due consideration the fundamental issues, notwithstanding architectural demonstration, are the affects of the building mass in regard to items (i) - (vi) but more specifically (i), (ii), (iii) and (v).

The aesthetic and design considerations were expounded by the applicant in the supporting information accompanying the application which reads as follows:

“The building is of Contemporary/Modern aesthetic and is intentionally sculptured to contrast but also to respect the Heritage Church building nearby. The glory of the Church should not be diminished but lifted up by the insertion of this contemporary building. The design of the road facade is set back and staggered in plan with the third level set even further back to reduce the bulk of the building from the road. The angled lines of the glass balconies and walls will give the building a lightness and transparency, further reducing the buildings impact.

The use of retail and accommodation is a very desirable mix that will provide more occupation of the building, and provide a desirable central setting for short stay accommodation.

The development will inject vitality to the area and to the Town of Penguin especially the retail strip opposite the beach on which this development is on the most western end.

The intention of the design is to maximise the potential of the site by being practical and efficient with space, and at the same time minimise the loss of amenity to the neighbouring properties.”

The Scheme does not provide any performance criteria in judging whether a development is too large in mass even though it may still fit within the three-dimensional aspects of the development standards of Schedule 7 of the Scheme.

The primary concern identified in the representations to this application is the bulk, scale and form of the building and most of the provisions of clause 3.9.2 only provide scope for a very subjective assessment.

With the advantage of urban and streetscape performance criteria a final recommendation would be easier to substantiate but in their absence the final

decision has to be based on the Scheme provisions and the merit of the representations.

Recommendation

It is recommended that the proposed use and development of the site at 52 Main Road, Penguin for two retail (shops) and ten serviced apartments (miscellaneous) be refused for the following reasons:

- 1 The proposal is unsatisfactory in terms of its siting, size and appearance in relation to adjoining land, streetscape, and items of historic and architectural interest; and
- 2 The proposal is not in pursuance of the following objectives of the Central Coast S.46 Planning Scheme No.1 of 1993:
 - (a) The proper use and development of land, buildings and resources;
 - (b) Enhancement of the environmental “quality of life” of residents and visitors by attention to aesthetics and landscape impact and general pollution effects; and
 - (c) Reservation and preservation of areas or sites of special significance.’

The report is supported.

However, if the Council does not agree with the above recommendation, the following conditions should be applied and the planning reasons given in terms of the Central Coast Planning S.46 Scheme No. 1 of 1993 for an alternative resolution:

The developer providing:

- 1 an adequately sized water supply connection and meter to the site;
- 2 a downstream capacity analysis of the current stormwater drainage system and an adequately sized underground stormwater connection point to the site;
- 3 undergrounding of the span of Aurora power lines opposite the site in conjunction with Aurora Energy;

- 4 upgrading and extension (where required) of water, sewer or drainage services to service the development to the satisfaction of Council's Director Assets & Engineering; and
- 5 rectification of any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction;
- B a Building Permit is required; and
- C a Plumbing Permit is required."

The Executive Services Manager reported as follows:

"The Annexures referred to in the Land Use Planning Group Leader's report have been circulated to all Councillors."

■ Cr Barker moved and Cr Robertson seconded, "That Application No. DEV2006.115 for the proposed use and development of the site at 52 Main Road, Penguin for two retail (shops) and ten serviced apartments (miscellaneous) be refused for the following reasons:

- 1 The proposal is unsatisfactory in terms of its siting, size and appearance in relation to adjoining land, streetscape, and items of historic and architectural interest; and
- 2 The proposal is not in pursuance of the following objectives of the Central Coast S.46 Planning Scheme No.1 of 1993:
 - (a) The proper use and development of land, buildings and resources;
 - (b) Enhancement of the environmental 'quality of life' of residents and visitors by attention to aesthetics and landscape impact and general pollution effects; and
 - (c) Reservation and preservation of areas or sites of special significance."

Cr Dry attended the meeting at this stage.

During debate, Cr Robertson sought leave of the Council to speak on the motion for a further period of up to three minutes. The request was declined.

Voting for the motion

(4)
 Cr Robertson
 Cr Barker
 Cr (L) Bonde
 Cr Dry

Voting against the motion

(7)
 Cr Downie
 Cr (J) Bonde
 Cr Deacon
 Cr Haines
 Cr Marshall
 Cr McKenna
 Cr van Rooyen

Motion

Lost

■ Cr McKenna moved and Cr Haines seconded, “That the application number DEV2006.115 lodged on 27 June 2007 to develop and use land situated at and known as 52 Main Road, Penguin for the purpose of demolition of an existing dwelling and garage and new building (two retail shops, ten serviced apartments and car parking) is approved for the following reasons and conditions:

Reasons:

- 1 The proposal is satisfactory and meets the intent of the Business (BA) - Central zone of the Central Coast S.46 Planning Scheme No. 1 of 1993;
- 2 The proposal meets the objectives and the relevant development standards of the Scheme; and
- 3 The only reason this proposal is not a permitted use is because the Planning Scheme has no use class definition for serviced apartments (this is why it had to be assessed as a miscellaneous use, which is discretionary under the Planning Scheme).

Conditions:

The developer providing:

- 1 an adequately sized water supply connection and meter to the site;
- 2 a downstream capacity analysis of the current stormwater drainage system and an adequately sized underground stormwater connection point to the site;
- 3 undergrounding of the span of Aurora power lines opposite the site in conjunction with Aurora Energy;

- 4 upgrading and extension (where required) of water, sewer or drainage services to service the development to the satisfaction of Council's Director Assets & Engineering; and
- 5 rectification of any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets and Engineering Department prior to construction;
- B a Building Permit is required; and
- C a Plumbing Permit is required."

Minute No. 286/2007 continued after Minute No. 287/2007...

287/2007 Adjournment of meeting

The Mayor advised as follows:

"This meeting is adjourned for approximately 10 minutes to take advice on meeting procedure."

The meeting adjourned from 8.45pm to 8.52pm..

Minute No. 286/2007 continued...

With the consent of the meeting the motion was varied to read as follows:

"That the application number DEV2006.115 lodged on 27 June 2007 to develop and use land situated at and known as 52 Main Road, Penguin for the purpose of a new building (two retail shops, ten serviced apartments and car parking) is approved for the following reasons and conditions:

Reasons:

- 1 The proposal is satisfactory and meets the intent of the Business (BA) - Central zone of the Central Coast S.46 Planning Scheme No. 1 of 1993;
- 2 The proposal meets the objectives and the relevant development standards of the Scheme; and

- 3 The only reason this proposal is not a permitted use is because the Planning Scheme has no use class definition for serviced apartments (this is why it had to be assessed as a miscellaneous use, which is discretionary under the Planning Scheme).

Conditions:

The developer providing:

- 1 an adequately sized water supply connection and meter to the site;
- 2 a downstream capacity analysis of the current stormwater drainage system and an adequately sized underground stormwater connection point to the site;
- 3 undergrounding of the span of Aurora power lines opposite the site in conjunction with Aurora Energy;
- 4 upgrading and extension (where required) of water, sewer or drainage services to service the development to the satisfaction of Council's Director Assets & Engineering; and
- 5 rectification of any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets and Engineering Department prior to construction;
- B a Building Permit is required; and
- C a Plumbing Permit is required."

Voting for the motion

(7)
 Cr Downie
 Cr (J) Bonde
 Cr Deacon
 Cr Haines
 Cr Marshall
 Cr McKenna
 Cr van Rooyen

Voting against the motion

(4)
 Cr Robertson
 Cr Barker
 Cr (L) Bonde
 Cr Dry

Motion

Carried

Closure

There being no further business, the Mayor declared the meeting closed at 9.06pm.

CONFIRMED THIS 17TH DAY OF SEPTEMBER, 2007.

Chairperson

(gjm:dil)

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Katherine Schaefer
GENERAL MANAGER